



OBLIGATIONS OF AFFILIATION

Policy Change Adopted on Second Reading

The Higher Learning Commission (HLC) Board of Trustees (“the Board”) adopted this policy on second reading at its meeting on June 27, 2019.

Background

The adopted policy change establishes institutional obligations related to submission of personally-identifiable information (PII). Generally, PII is information about an individual that allows the individual to be specifically identified. PII includes, but is not limited to: name, address, telephone number, birthday, email, social security number, bank information, etc.

Institutions sometimes submit documents or other forms to HLC that contain PII. Examples of PII in this context could include individual student financial receivables (which could include social security numbers or banking information), student health information, faculty pay information, and other types of information that allow individuals to be identified.

In most instances, HLC is not expecting to receive the PII and does not need it. The adopted change requires institutions to ensure, to the furthest extent possible, that materials they submit to HLC do not include unredacted PII. If materials do include unredacted PII, institutions are required to clearly identify the information as such.

HLC circulated these policy changes to the membership and other interested parties after the Board’s February 2019 meeting. A number of comments were received. Based on this feedback, the proposed policy was modified to allow for greater nuance and flexibility through procedures with respect to the submission of certain PII that is routinely collected for evaluative purposes and not sensitive (i.e., employee names and work contact information).

Along with this policy change, HLC has provided a definition of PII in the [HLC Glossary](#) and a [guidelines document](#) for institutions and peer reviewers. Training for peer reviewers will also be provided.

Implementation

This policy is effective September 1, 2020. This period of delayed implementation will allow for institutions to take the new requirements into account when planning for evaluative activity.

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 will be made on HLC's website at hlcommission.org/policies when the policy goes into effect.

Policy Title: Obligations of Affiliation

Number: INST.B.30.020

While seeking and holding affiliation with the Commission, an institution voluntarily agrees to meet obligations set forth by the Commission as follows:

1. The institution participates in periodic evaluation through the structures and mechanisms set forth in Commission policies, submission of reports as requested by the Commission, filing of the Institutional Update, and any other requirements set forth in its policies.
2. The institution is candid, transparent, and forthcoming in its dealings with the Commission, including in its responses to any special inquiries or requests for information from the Commission. The institution agrees not to enter into any agreement that limits the nature or scope of its communications with the Commission or requires that a third party review and approve those communications prior to their transmission to the Commission.
3. The institution notifies the Commission of any condition or situation that has the potential to affect the institution's status with the Commission, such as a significant unanticipated reduction in program offerings or serious legal investigation. (A fuller list of such conditions or situations is included in the Commission's policy on special monitoring.)
4. The institution informs the Commission of its relationship with any related entity wherein institutional decision-making is controlled by that entity and of any changes in that relationship that may affect the institution's compliance with Commission accreditation requirements. (Definitions and process requirements are contained in the Commission's policy on institutions with related entities.)

5. The institution describes itself in identical terms to the Commission and to any other institutional accrediting body with which it holds or seeks affiliation with regard to purpose, governance, programs, locations, degrees, diplomas, certificates, personnel, finances, and constituents.
6. The institution notifies the Commission when it receives an adverse action from or has been placed on sanction by any other accrediting agency or if a state has issued a pending or final action that affects the institution's legal status or authority to grant degrees.
7. The institution assures its employees and students that it will consider fairly all complaints and third-party comments and not engage in retaliatory action against any who have submitted such information.
8. The institution accepts that the Commission will, in the interest of transparency to the public, publish outcomes from its accreditation process.
9. The institution portrays its accreditation status with the Commission clearly to the public, including the status of its branch campuses and related entities. The institution posts the electronic version of the Commission's Mark of Affiliation in at least one place on its Web site, linking users directly to the institution's status on the Commission's Web site.
10. The institution communicates to its constituencies and applicants any Public Disclosure Notice it receives from the Higher Learning Commission.
11. The institution maintains prominently on its Web site a telephone number that includes an option for both current students and the public to speak with a representative of the institution.
12. ~~To the extent possible,~~ **The institution ensures that any information submitted to the Commission generally for evaluative purposes or otherwise (for example, institutional documents or information on forms) will not include unredacted personally identifiable information (PII). If the institution submits information with unredacted PII because it is necessary for evaluative purposes or otherwise, it will clearly identify the information as such, if applicable.**
- ~~12.~~ 13. The institution submits timely payment of dues and fees and accepts the fact of surcharges for late payment.
- ~~13.~~ 14. The institution agrees to accept binding arbitration in the event of an action by the Commission's Board of Trustees that the institution disputes and is not able to resolve

through the Commission's processes. This agreement follows procedures developed and published by the Commission. The institution also agrees to grant immunity to the Commission from claims of civil liability related to judgments made by the Commission or its agents in the course of its work of accrediting institutions provided that it was acting in good faith and within the scope of its responsibilities.

- ~~14.~~ 15. The institution agrees that in the event it, or any third party with which the institution has a current or former contractual relationship, takes legal action against the Higher Learning Commission related to any accreditation action, and the institution or third party withdraws from that action or loses its case, to the extent allowed by state and tribal law the institution shall be responsible for all expenses, including but not limited to attorney, expert witness, and related fees, incurred by the Commission in defending the action.

Meeting Obligations of Affiliation

Institutions must remain in compliance with the Obligations of Affiliation at all times. The Commission shall determine when an institution is in violation of the Obligations of Affiliation. Commission staff, may at its discretion, make use of any means to determine whether the institution has violated an Obligation of Affiliation including, but not limited to, seeking written information from the institution or scheduling a peer reviewer or staff member to meet with one or more institutional representatives either on-campus or through other appropriate method.

Administrative Probation

An institution that is determined by Commission staff or peer reviewers to have not met the Obligations of Affiliation shall be placed on Administrative Probation by the Commission's President for a period not to exceed ninety days. During this time the institution will be expected to remedy the situation that led to the imposition of Administrative Probation. The Commission President will notify the institution of the imposition of the Administrative Probation and the conditions for its removal.

If an institution fails to remedy the situation that led to Administrative Probation by the end of the ninety-day period, the Commission President shall take a recommendation concerning the institution to the Commission's Board of Trustees. That recommendation may be for the application of a sanction or the withdrawal of accreditation, in accordance with Commission policies and procedures.

Disclosure of Administrative Probation

Administrative probation is noted on an institution's Statement of Accreditation Status along with the reason for the Administrative Probation.

Policy History

Last Revised: June 2019

First Adopted: January 1983

Revision History: Renumbered February 2010; February 2012; June 2013; February 2017; June 2019, effective September 2020

Notes: Policies combined November 2012 – 1.6, 2013 – 1.6(a), 1.6(b), 1.6(b)1. The Revised Criteria for Accreditation, Assumed Practices, and other new and revised related policies adopted February 2012 are effective for all accredited institutions on January 1, 2013.

Related Policies: INST.B.30.050 Commission Right to Reconsider Affiliation