

## NOTICE

### Policy Change Adopted on Second Reading

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The Higher Learning Commission's (HLC's) Board of Trustees adopted this policy on second reading at its meeting on June 29–30, 2017.

#### Background

Based on feedback from members of HLC's Peer Corps and Institutional Actions Council, this adopted change clarifies that a recommendation for Notice is appropriate only when a peer review team makes a holistic finding that, as an overall matter, an institution is at risk of non-compliance with the Criteria for Accreditation, Assumed Practices or Federal Compliance Requirements. This determination of "at-risk" should not be based on any minimum number of findings with regard to the Criteria for Accreditation, Assumed Practices or Federal Compliance Requirements, but rather on the overall judgment indicated in policy. The policy change also clarifies that when there has been an extension of Notice, the Board of Trustees will act at its next regularly scheduled meeting after the extension has concluded.

The policy change was circulated to the membership and other interested parties after the Board's February meeting. HLC did not receive any comments.

#### 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/](http://hlcommission.org/).

Policy Title: Notice  
Number: INST.E.10.010

Notice is a public sanction that attaches to an institution's accreditation status. ~~This status indicates that an institution is at risk of being out of compliance with one or more Criteria for Accreditation, or Federal Compliance Requirements or out of conformity with the Assumed Practices but nevertheless is currently in compliance with these requirements.~~ 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, an Institutional Actions Council Committee, 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 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.

The Board of Trustees, acting on the recommendation of the Commission President based on the focused evaluation 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 on the Open Pathway to the Standard Pathway 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 the Open or AQIP Pathway as determined by a comprehensive evaluation. An institution on the AQIP Pathway if placed on Notice may remain on that Pathway or may be reassigned to the Standard Pathway as determined by the Board in the action placing the institution on Notice.

## **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 Committee for consideration by the Commission 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 conducted at the end of the Notice period will be conducted following Commission policies and procedures for focused evaluations conducted as routine monitoring. (See INST.F.10.010, Routine Monitoring.)

### **Policy Number Key**

*Section INST: Institutional Policies*

*Chapter E: Sanctions, Adverse Actions, and Appeals*

*Part 10: Notice*

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*Last Revised: June 2017*

*First Adopted: June 2000*

*Revision History: February 2011, June 2012, February 2014, June 2017*

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

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