



AMENDING OR MODIFYING INSTITUTIONAL BOARD ACTIONS

Policy Change Approved on First Reading

The Higher Learning Commission (HLC) Board of Trustees (“the Board”) approved this policy on first reading at its meeting on November 1–2, 2018.

Background

The proposed policy change would expand the Board’s decision-making authority to include acting to amend or modify a prior Board decision related to an individual institution. This change would give the Board needed flexibility to avoid unintended errors in implementation that are beyond the current authority of the HLC president or staff members to correct. Amendments or modifications would be initiated by the Board only upon the HLC President’s recommendation and will be justified with a clear rationale that reaffirms the integrity of applicable HLC policy.

Comments Invited

HLC invites comments on this change before the Board takes final action at its meeting on February 28–March 1, 2019. Comments can be sent to policycomments@hlcommission.org. Comments are due by January 28, 2019.

Proposed Change

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**).

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 subject to additional expectations outlined herein.

Decision-Making Authority

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;
7. approve moving an institution from accredited to candidate status; and
8. 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.E.90.010 Appeals.

For all other accreditation decisions the Board authorizes the Institutional Actions Council, as constituted 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.

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: April 2013

First Adopted: June 2011

Revision History: February 2012, April 2013

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.