



NOTICE

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 February 27–28, 2020.

Background

The proposed policy change would bring HLC policy into compliance with [federal regulations](#) effective July 1, 2020. When the Board places an institution on Notice, HLC would be required to disclose the action on its website within one business day of notifying the institution. The institution would be required to notify its constituents, including prospective students, of the action within seven business days. The proposed change also references additional requirements in federal regulations for certain new substantive change approvals that would apply to any institution that the Board places on Notice after July 1, 2020. Such new substantive change approvals would also apply to an institution for three academic years following the Board's removal of Notice after July 1, 2020. See [proposed policy changes related to substantive change](#) for details.

Beyond revisions related to federal regulations, the proposed policy change also would clarify the duration of the Notice period and the option for the Board to extend, rather than “renew,” Notice if they find that the deficiencies leading to the Notice action have not been resolved by the end of the original Notice period.

Comments Invited

HLC invites comments on this change before the Board takes final action at its meeting on June 25–26, 2020. Comments can be sent to policycomments@hlcommission.org. Comments are due by May 26, 2020.

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: 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 **an institution meets with concerns** one or more Criteria for Accreditation or **that an institution requires monitoring related to one or more Federal Compliance Requirements** ~~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 may continue accreditation, withdraw accreditation or take other action as provided for in these policies.** ~~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~~ **extend** 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~~ **extension** 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 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 recommendation 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.~~

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. **Under federal regulations, additional requirements for seeking prior approval for certain substantive changes apply specifically to institutions placed on Notice after July 1, 2020 as well as for**

three academic years following removal of such Notice. Such additional requirements may be found in HLC's policies on substantive change (see INST.F.20.040 Substantive Change).

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~~ **one (1) business day** 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~~ **seven (7) business 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 Number Key

Section INST: Institutional Processes

Chapter E: Sanctions, Adverse Actions, and Appeals

Part 10: Notice

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