



OBLIGATIONS OF AFFILIATION

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 June 25–26, 2020.

Background

The proposed policy change would add a few obligations that clarify HLC expectations related to the Accreditation Liaison Officer, sanctions, and transparency in a teach-out context. In addition, the proposed revisions highlight the fact that the Obligations of Membership are an integral part of HLC requirements, the violation of which could, under certain circumstances, lead to withdrawal of accreditation.

The proposed revisions also would change the title of the policy from Obligations of Affiliation to Obligations of Membership to align with a [proposed change to HLC Bylaws](#) that the Board approved on first reading at its June meeting.

Comments Invited

HLC invites comments on this change before the Board takes final action at its meeting on November 5–6, 2020. Comments can be sent to policycomments@hlcommission.org. Comments are due by September 14, 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: Obligations of ~~Affiliation~~ **Membership**

Number: INST.B.30.020

While seeking and holding ~~affiliation~~ **membership** 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 regularly reviews current Commission policies and procedures. It adheres to such policies and procedures in good faith.**
3. **The institution designates an Accreditation Liaison Officer in accordance with Commission requirements.**
- ~~2.~~ 4. The institution is candid, transparent, and forthcoming in its dealings with the Commission, including ~~in its responses to any special inquiries or cooperating with all~~ 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.~~ 5. 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, **potential institutional closure** or serious legal investigation. ~~(A fuller list of such including, but not limited to, conditions or situations is included in the Commission's policy on special monitoring-).~~
- ~~4.~~ 6. **As further defined and explained in Commission policy,** ~~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.~~ 7. The institution describes itself in identical terms to the Commission and to any other ~~institutional accrediting~~ **accreditor or regulatory** body with which it holds or seeks ~~affiliation~~ **membership** with regard to purpose, **operating authority**, governance, programs, locations, degrees, diplomas, certificates, personnel, finances, and constituents.
- ~~6.~~ 8. The institution notifies the Commission **and its constituents** 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.~~
9. **The institution notifies applicable constituents whenever HLC has required it to submit a Provisional Plan for approval, and provides an accurate explanation as to the rationale for that Provisional Plan.**
- ~~8.~~ 10. **The institution accepts that the Commission will, in the interest of transparency to the public, publish outcomes from its accreditation process in accordance with HLC policy.**
- ~~9.~~ 11. **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 prominent place on its Web website, linking users directly to the institution's status on the Commission's Web website.**
- ~~10.~~ 12. **The institution communicates to provides its constituencies constituents and applicants with any Public Disclosure Notice or Public Statement it receives from the Higher Learning Commission and accurately communicates the significance of, and underlying reasons for, such Public Disclosure Notice or Public Statement as required by the Commission.**
- ~~11.~~ 13. **The institution maintains prominently on its Web website a telephone number that includes an option for both current students and the public to speak with a representative of the institution.**
- ~~12.~~ 14. **The institution ensures that any information submitted to the Commission generally 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.***
- ~~13.~~ 15. **The institution submits timely payment of dues and fees in accordance with the published Dues and Fees Schedule and accepts the fact of surcharges for late payment.**
- ~~14.~~ 16. **The institution agrees to accept binding arbitration in the event of an regarding actions by the Commission's Board of Trustees, including adverse actions, 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 decisions made by the Commission or its agents in the**

* This language was adopted by the Board in June 2019 and will take effect September 1, 2020.

course of its work of accrediting institutions provided that ~~it~~ **the Commission** was acting in good faith and within the scope of its responsibilities.

~~15.~~ 17. 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,~~ **or makes any legal inquiries of the Commission related to the institution, the institution shall,** to the extent allowed by ~~state and tribal law, the institution shall~~ be responsible for all expenses, including but not limited to attorneys' fees, expert witness, and related fees, incurred by the Commission in **responding to such legal inquiries and/or** defending the action.

Meeting Obligations of Affiliation Membership

Institutions must remain in compliance with the Obligations of ~~Affiliation Membership~~ at all times. The Commission ~~President shall determine when~~ **make a final determination as to whether** an institution is in violation of the Obligations of ~~Affiliation Membership~~ **such that Administrative Probation should be imposed.** ~~Commission staff, may at its discretion,~~ **The Commission may** make use of any **reasonable** means to determine whether the institution has violated an Obligation of ~~Affiliation Membership~~ including, but not limited to, seeking written information from the institution or scheduling **a one or more** peer reviewers or staff members 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.~~ **Commission staff or peer reviewer(s) may recommend an institution for Administrative Probation.** Such recommendation shall be made to the President in writing and information about such recommendation shall be provided to the institution for an institutional response. The institution shall have a minimum of two weeks to respond in writing to the recommendation. The Commission President shall then review the recommendation and the institution's response and make the decision whether to impose Administrative Probation. If the institution's response is unsatisfactory, the Commission President shall place the institution on Administrative Probation for a period not to exceed ninety days. The Commission President will notify the institution of the imposition of the Administrative Probation and the **conditions for its removal in writing.** During ~~this time~~ **the ninety-day time period**, 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. At the end of the ninety-day period, the institution shall provide evidence that it has remedied the conditions leading to Administrative Probation to the President. Such evidence may be reviewed directly by Commission Staff, or peer reviewers as necessary to confirm the institution's compliance. Upon such validation, the President shall remove Administrative Probation.~~

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~~ a decision-making body. Depending on the nature and the severity of the circumstances, ~~That~~ such recommendation may be for involve a change in the institution's Pathway for Reaffirmation of Accreditation at the time of its next comprehensive evaluation, removal from the Notification Program for Additional Locations, interim monitoring on the underlying issue that led to Administrative Probation, the application of a sanction, the issuance of a Show-Cause Order 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 **until its removal**.

Policy Number Key

Section INST: Institutional Processes

Chapter B: Requirements for Achieving and Maintaining Affiliation

Part 30: Obligations of Membership and Affiliation

Last Revised: February 2017

First Adopted: January 1983

Revision History: Renumbered February 2010, February 2012, June 2013, February 2017

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