

# Appeals

HLC-accredited and candidate institutions may appeal adverse actions taken by HLC's Board of Trustees prior to the action becoming final. According to [HLC Policy INST.E.90.010: Appeals](#), adverse actions are those that withdraw or deny accreditation or candidacy. An institution that wishes to appeal an adverse action must file a written request to appeal with HLC and provide supporting documentation. As required by HLC policy, this document explains the materials required for filing an appeal and sets out the required timeline and procedures of an appeal.

## Grounds for Appeal

The Appeals policy indicates that the grounds for such an appeal shall be:

- a. The Board's decision was arbitrary, capricious or not supported by substantial evidence in the record on which the Board took action.
- b. The procedures used to reach the decision were contrary to HLC's policies and procedures, and the procedural error unreasonably impaired the Board's consideration.
- c. The institution has new financial information for consideration. New financial information will only form the basis for an appeal if, as determined in the discretion of the Appeal Panel: (i) the adverse action was based solely on financial grounds; (ii) the financial information was not available at the time the adverse action was made; and (iii) the financial information is significant and bears materially on the financial deficiencies that formed the basis for the adverse action.

## Appeal Process Overview and Timeline

In general, an Appeal Hearing will be held no less than 13 weeks and no more than 17 weeks after the date on which HLC issues an action letter indicating that the Board has taken an adverse action. This timeline may be adjusted to be longer or shorter, generally by mutual agreement of the institution and HLC. All final determinations as to timeline are at the discretion of HLC. Additionally, as further detailed under Fees and Other Requirements on page 5, an Appeal Hearing will not proceed until an institution has paid any required fees and satisfied all applicable HLC requirements.

Process Step	Responsible Party	Timeline
1. Adverse Action Letter Sent	HLC	Within two weeks of Board action
2. Notice of Intent to Appeal	Institution	Within two weeks of the date on which HLC issues the action letter
3. Acknowledgment of Intent to Appeal (includes information about timeline and next steps in the process [e.g., the hearing date])	HLC	Within five days of receipt of notice of intent to appeal
4. Submission of Institutional Appellate Document	Institution	Per timeline established, typically within four weeks of receipt of acknowledgement of intent to appeal
5. Submission of HLC Response	HLC	Per timeline established, typically within four weeks of receipt of appellate document
6. Submission of Institutional Rebuttal (optional)	Institution	Per timeline established, typically within two weeks of receipt of HLC response
7. Initial Establishment of the Appeal Panel	HLC and Institution	No later than 10 days prior to Appeal Hearing
8. Final Establishment of Appeal Panel	HLC and Institution	No later than five days prior to Appeal Hearing
9. Appeal Hearing	HLC and Institution	Per timeline established, typically 13–17 weeks from when HLC issues the Action Letter indicating the Board has taken an adverse action
10. Transmittal of Findings	HLC	No later than four weeks from conclusion of Appeal Hearing
11. Additional Board Action	HLC	No later than eight weeks from receipt of findings
12. Final Action Letter Sent	HLC	Within two weeks of Board action

# Pre-Hearing Process (Steps #1–8)

## 1. Adverse Action Letter Sent

Per HLC policy, HLC will issue a written notification to the institution within two weeks of the Board taking action, including an action that qualifies as an adverse action. All Actions Letters involving adverse actions will include information regarding appeals. To avoid confusion, the Action Letter will include the specific date by which a notice of intent to appeal must be received.

## 2. Notice of Intent to Appeal

If the institution intends to appeal, it must inform HLC of this intention in writing by no later than the date specified in the action letter (i.e.—two weeks from the date on which HLC issues the Action Letter). The notice of intent to appeal must be submitted electronically as a single PDF file that does not contain links to external websites or documents to <https://spaces.hightail.com/uplink/HLC-LRA>. No hard copy submissions will be accepted.

If an institution does not notify HLC of its intent to appeal by the date specified in the Action Letter, the institution forfeits its right to appeal the adverse action.

## 3. Acknowledgment of Intent to Appeal

HLC will acknowledge the notice of intent to appeal within five days. The acknowledgement of intent to appeal will provide additional information about timeline and next steps in the process (e.g., the hearing date).

## 4. Submission of Institutional Appellate Document

The institution will provide its appellate document to HLC. An appellate document is a document that (1) clearly specifies the ground(s) on which the institution is basing its appeal and (2) articulates the institution's rationale in support of its appeal.

The institution will provide the appellate document according to the timeline established, typically within four weeks of its receipt of HLC's acknowledgement of intent to appeal. The appellate document must be submitted electronically as a single PDF file that does not contain links to external websites or documents to <https://spaces.hightail.com/uplink/HLC-LRA>. No hard copy submissions will be accepted.

As stated in the Appeals policy, other than as related to new financial information in particular circumstances (see Grounds for Appeal on page 1), "the Appeal Panel will only consider such evidence as was provided to the Board at the time it made its decision." As such, other than for the limited purpose related to new financial information in particular circumstances, the appellate document may not contain any new evidence.

## 5. Submission of HLC Response

HLC will provide its response to the rationale in the institutional appellate document according to the timeline established, typically within four weeks of its receipt of the appellate document.

As with the appellate document, other than for the limited purpose related to new financial information in particular circumstances (see Grounds for Appeal on page 1), the HLC response may not contain new evidence.

## 6. Submission of Institutional Rebuttal (optional)

The institution may choose to provide a rebuttal to HLC. The institution should inform HLC whether or not it intends to submit an institutional rebuttal as soon as possible. Any rebuttal must be submitted to HLC according to the timeline established, typically within two weeks of the institution's receipt of HLC's response. Any rebuttal must be submitted electronically as a single PDF file that does not contain links to external websites or documents to <https://spaces.hightail.com/uplink/HLC-LRA>. No hard copy submissions will be accepted.

The rebuttal is the institution's last opportunity to provide written information regarding the rationale for its appeal. As with the appellate document, other than for the limited purpose related to new financial information in particular circumstances (see Grounds for Appeal on page 1), the rebuttal may not contain new evidence.

## 7. Initial Establishment of the Appeal Panel

No later than 10 days prior to the Appeal Hearing, the HLC president will notify the institution of the five persons selected to serve on the Appeal Panel, including the individual who has been selected to serve as the chair. Members of the Appeal Panel will be selected according to the guidelines and requirements in the Appeals policy.

As noted in the Appeals policy, the institution will have the opportunity to raise a concern that any individual selected to serve on the Appeal Panel has a conflict of interest that will prevent their fair and objective consideration of the appeal. HLC will provide details as to how concerns regarding objectivity must be raised and the timeline for raising such concerns.

## 8. Final Establishment of the Appeal Panel

HLC will consider all concerns raised by the institution and will make a final determination as to the composition of the Appeal Panel. If new individuals are added to the Appeal Panel, HLC will repeat the process described above regarding institutional review.

All final determinations regarding the composition of the Appeal Panel will be made by HLC. The final Appeal Panel will be set no later than five days prior to the Appeal Hearing.

## Appeal Hearing Procedures (Step #9)

The Appeal Hearing will be held at a time and location determined by the HLC president.

HLC will provide the Appeal Panel with all the materials submitted by the institution and HLC. The institution does not provide the panel with any documents directly. The Appeal Hearing does not include any additional presentation of documents. Both the institution and HLC may only present information orally at the hearing. The institution is not permitted to communicate with the panel other than at the hearing.

The hearing is not public. Attendees will include designated institutional representatives, HLC staff, any legal counsel for the institution or HLC, and a court reporter who will transcribe the hearing. The institution's role in the hearing may be filled by any institutional representative as designated by the institution or legal counsel for the institution (as further described under Legal Counsel on page 5). HLC's role in the Appeal Hearing will be filled by the Chair of the Board of Trustees, another Trustee as designated by the Chair, or legal counsel for HLC (as further described below).

The Appeal Hearing will proceed as follows. The chair has primary responsibility for conducting the hearing.

1. The institution and HLC will each have the opportunity to make a short opening statement.

2. The Appeal Panel will direct questions to the institution and to HLC. There is no opportunity for HLC or the institution to pose questions directly to each other.
3. The institution and HLC will each have the opportunity to make a short final statement.

The Appeal Panel will deliberate in private following the Appeal Hearing. The Appeal Panel may request that HLC staff and/or legal counsel for HLC who are serving solely as process advisors be present for some or all of its deliberations.

A transcript of the hearing, arranged by HLC, will be prepared and sent to the institution as soon as practicable following the hearing.

## Appeal Panel Determination and Further Board Action (Steps #10-12)

### 10. Transmittal of Findings

The Appeal Panel will inform the institution and the Board of its findings and decision in writing within four weeks of the conclusion of the Appeal Hearing. The panel will take one of three actions:

- **Affirm:** The panel may affirm the Board's determination. This means that the panel concurred with the Board as to its determination.
- **Amend:** The panel may amend the Board's determination. This means that the panel concurred with the Board as to its determination, but is amending the basis for the determination.
- **Remand:** The panel may remand the adverse action to the Board for additional consideration. This means that it is returning the matter to the Board for further consideration. The panel provides the Board and the institution with a written explanation of its decision to remand.

### 11. Additional Board Action

If the Appeal Panel has made a final decision (affirm or amend), the Board will review and act to implement the panel's decision no later than 8 weeks from the transmission of the panel's findings to the Board.

If the panel has remanded the action to the Board for additional consideration, the Board will, after taking

into account the panel's explanation of its reasons for remanding the action, act to affirm, amend, or reverse its original adverse action no later than 8 weeks from the transmission of the panel's findings to the Board.

The Board may consider the Appeal Panel's decision at its next regularly scheduled meeting or make use of any process for considering institutional actions provided for in HLC Bylaws and policies.

The Board has the discretion to define the terms and conditions (e.g., date of next evaluation, monitoring, sanction, etc.) of the institution's accredited or candidate status in conjunction with its implementation of the Appeal Panel's decision.

The institution makes no appearance before the Board in conjunction with any implementation or further review by the Board.

The decision of the Appeal Panel and the decision of the Board following an appeal are final. As stated in the Appeal policy:

“An institution may only file a single appeal related to an adverse action, including regarding new financial information.”

## 12. Final Action Letter Sent

HLC will issue a written notification to the institution of its decision within two weeks of the Board taking final action following an appeal.

# Other Information Regarding Appeals

## Fees and Other Requirements

The fees for appeals are outlined in [HLC's Dues and Fees Schedule](#). HLC will not move forward with an appeal if an institution has any past due dues or fees or any other outstanding HLC requirements to be fulfilled (for example, approval of a Provisional Plan for teaching out students as the result of a withdrawal decision by the Board). Any deposit that exceeds actual expenses and other dues and fees owed to HLC may be applied to other amounts due to HLC and will ultimately be refunded to the institution following the conclusion of the appeal.

## Personally Identifiable Information

When submitting documents, the institution should carefully consider whether documents containing personally identifiable information (PII) must be included. If the documents must be included for evaluative purposes, please redact the PII where possible. If redaction of the PII will interfere with the evaluative value of the document, please clearly identify the document as containing PII (for example, through a cover page or prominent notation on the document). Institutions are not expected to redact or identify information or documents where the only PII included is employee or Board member names and work contact information.

PII is any information about an individual that allows the individual to be specifically identified. This includes, but is not limited to: name, address, telephone number, birthday, email, social security number, bank information, etc. A document does not include PII if personal information is de-identified (for example, student financial receivables without student names or bank routing information) or is provided in the aggregate (for example, data on faculty qualifications). See [HLC's PII Guidelines](#) for more information.

## Legal Counsel

The Appeals policy provides that:

“Throughout the appeals process, the institution shall have the right to representation of, and participation by, legal counsel at its own expense. HLC may also be represented by legal counsel, both as process advisors and in an advocacy role.”

The institution must notify HLC of its intent to be represented by legal counsel as soon as possible. Other than during the Appeal Hearing, institutional legal counsel are expected to communicate solely with legal counsel for HLC. At the Appeal Hearing, institutional legal counsel will be permitted to make any presentation that the institution is permitted to make.

HLC may also be represented by legal counsel. As determined appropriate in the discretion of HLC, HLC may utilize some legal counsel as process advisors to the Appeal Panel and some legal counsel in an advocacy role. At the Appeal Hearing, HLC legal counsel who are serving in an advocacy role will be permitted to make any presentation that HLC is permitted to make.

HLC legal counsel who are serving as process advisors may be present for the Appeal Panel's deliberations, if requested by the panel.

Despite any role of legal counsel, HLC's appeal process is not a legal process. The parties are not permitted to conduct discovery, nor present or cross-examine witnesses. The rules of evidence and other legal rules do not apply.

## Public Disclosure Notices

Per HLC policy, HLC will issue a Public Disclosure Notice (PDN) on its website when the Board takes an adverse action. This PDN will describe the availability of an appeal. HLC will update the PDN as applicable (for example: if the institution appeals, if the time for an appeal passes, if the Board takes final action following an appeal, etc.).

## Appeals Body and Appeal Panel

Members of an Appeal Panel will be drawn from members of the Appeals Body or others in accordance with HLC policy. Members of the Appeals Body will serve renewable four-year terms.

As stated in the Appeals policy, "Appeal Panel members shall have no conflict of interest that will prevent their fair and objective consideration of the appeal."

Prior to being assigned to an Appeal Panel, members of the Appeals Body, or others who are being considered for service on an Appeal Panel, will be required to confirm that there are no circumstances, including conflicts of interest, that would prevent their fair and objective consideration of the appeal. In addition, as detailed in Step 7 on page 4, the institution will also have the opportunity to raise concerns regarding objectivity.



### Questions?

Contact [legallaffairs@hlcommission.org](mailto:legallaffairs@hlcommission.org).