



DENIAL OR WITHDRAWAL OF STATUS

Policy Change Adopted on Second Reading

The Higher Learning Commission (HLC) Board of Trustees (“the Board”) adopted this policy on second reading at its meeting on June 25–26, 2020.

Background

The adopted policy change brings HLC policy into compliance with [federal regulations](#) effective July 1, 2020. When the Board acts to withdraw or deny an institution’s accreditation or candidacy status, HLC is required to disclose the action on its website within one business day of notifying the institution. The institution is required to notify its constituents, including prospective students, of the action within seven business days. The policy change establishes HLC’s maximum timeframe for noncompliance with HLC requirements as three years, inclusive of a one-year extension issued solely for good cause, prior to the Board taking adverse action by denying or withdrawing status. Finally, the change clarifies that when an institution’s accreditation or candidacy is withdrawn or denied, the final effective date of the withdrawal or denial will not be prior to the conclusion of the current academic term inclusive of the institution’s issuance of degrees immediately following such term. Under the revised policy, the Board also has the discretion to set an effective date of denial or withdrawal of status that takes into account a reasonable teach-out period.

HLC circulated these policy changes to the membership and other interested parties after the Board’s February 2020 meeting. No comments were received.

Implementation

This policy is effective immediately. A separate policy proposing the repeal of HLC’s Reconsideration of Affiliation policy will eliminate all related references in this policy, if adopted on second reading in November 2020.

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**). These revisions have been made on HLC's website at hlcommission.org/policies.

Policy Title: Denial or Withdrawal of Status

Number: INST.E.60.010

Withdrawal of Accreditation

The Board of Trustees shall ~~take action~~ **consider** withdrawing the accreditation of an institution **only when that institution has been determined to be out of compliance with one or more HLC requirements**. The **specific** grounds for withdrawal of accreditation shall be that the institution does not meet one or more of the Criteria for Accreditation or Federal Compliance Requirements or fails to demonstrate conformity with the Assumed Practices, **the Eligibility Requirements** or ~~has not demonstrated a pattern of meeting~~ the Obligations of Affiliation during the accreditation period.

This determination may be made by the Board after any of the following:

1. a focused or comprehensive evaluation;
2. a period of Notice or Probation;
3. a Show-Cause process;
4. a reconsideration process; ~~or~~
5. upon recommendation of the President, if an on-site visit has occurred within the year preceding; **or**
6. **upon recommendation of the President, if the institution fails to comply with the Obligations of Affiliation within a reasonable period after receiving notice of noncompliance and regardless of whether an on-site visit has occurred within the year preceding.**

A Other than a team recommendation to withdraw accreditation, ~~other than one~~ arising from an advisory visit process, **which is referred to the President, any team recommendation to withdraw accreditation** will automatically be referred to an Institutional Actions Council Hearing Committee. The Board will consider both the team recommendation and the Institutional Actions Council Hearing Committee recommendations in its deliberations. A recommendation for withdrawal of accreditation by the President is made directly to the Board, and there is no Institutional Actions Council Hearing in this case. **The institution has the opportunity to appear before a Board Committee Hearing prior to a withdrawal of accreditation action in keeping with INST.E.70.010 Special Protocols Related to Sanctions and Adverse Actions.**

In all cases, the Board of Trustees will act on a recommendation for withdrawal only if the institution's chief executive officer has been given opportunity of at least two (2) weeks to place before the Board of Trustees a written response to the recommendation.

~~In addition, an institution may also lose its accreditation if it fails to meet institutional Obligations of Affiliation within a designated time after being warned of non-compliance, if it ceases to operate as an educational institution, or if its legal authorization to operate and grant degrees is terminated. The President shall take a recommendation to the Board calling for withdrawal in such cases; the institution need not have had an on-site visit within the previous year.~~

An institution that is out of compliance with HLC requirements need not have been placed on Probation or Show Cause prior to a withdrawal action. The Board shall immediately act to withdraw the accreditation of any institution it determines has been out of compliance with HLC requirements for more than two years, unless it grants such institution an extension for good cause not exceeding one year based on all of the following factors:

1. Clear evidence of substantial progress towards meeting HLC requirements, and in particular, the Criteria for Accreditation and Core Components, including evidence of substantial implementation of necessary improvements, in the majority of areas in which the institution has been previously found to be non-compliant;
2. Verifiable plans to cure the remaining areas of non-compliance or any other areas of non-compliance identified in the action granting the extension by the end of the extension period;
3. Sufficient capacity and resources in place to cure the identified areas of non-compliance during the extension; and
4. Likelihood that the institution will be able to demonstrate compliance with HLC requirements by the end of the extension period.

Withdrawal of accreditation is an adverse action and thus is not a final action and is subject to appeal.

In no event shall the final effective date of withdrawal be prior to the conclusion of the current academic term inclusive of the institution's issuance of degrees immediately following such term. The Board in its sole discretion may also consider an effective date that takes into account a reasonable period for the institution to conduct a Teach Out in accordance with other relevant HLC policies and procedures.

Public Disclosure After Withdrawal of Accreditation

A Public Disclosure Notice for an institution that has had its accreditation withdrawn 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. Since an institution may appeal this decision by the Commission, the public notice shall also include clear reference to the appeal options available to the institution and official comments that the institution provides to be included in the notice. An institution under withdrawal 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 status.

Denial of Accreditation

The Board of Trustees shall ~~take action~~ **consider** denying accreditation to an institution **only when that institution has been determined to be out of compliance with HLC requirements to become accredited.** The **specific** grounds for denial of accreditation shall be that the institution does not meet one or more of the Eligibility Requirements, the Assumed Practices, ~~or~~ the Criteria for Accreditation, **or the Federal Compliance Requirements**, or ~~has not demonstrated a pattern of meeting~~ **fails to demonstrate conformity with the Obligations of Affiliation during the candidacy period.**

This determination may be made by the Board after any of the following:

1. a comprehensive evaluation; or
2. a reconsideration process of the accreditation of an institution awarded within the preceding one (1) year.

A team recommendation to deny accreditation will automatically be referred to an Institutional Actions Council Hearing Committee. The Board will consider both the team recommendation and the Institutional Actions Council Hearing Committee recommendations in its deliberations. **The institution has the opportunity to appear before a Board Committee Hearing prior to a denial of accreditation action in keeping with INST.E.70.010 Special Protocols Related to Sanctions and Adverse Actions.**

In all cases, the Board of Trustees will act on a recommendation for denial only if the institution's chief executive officer has been given opportunity **of at least two (2) weeks** to place before the Board of Trustees a written response to the recommendation.

Denial of accreditation is an adverse action and thus is not a final action and is subject to appeal except in cases where the Board, in taking such action, denies an institution's early application for accreditation prior to the end of the candidacy period and thereby continues the institution's ~~candidate for accreditation~~ candidacy status or extends that status to a fifth year, as provided for in Commission policy.

In no event shall the effective date of the denial of accreditation be prior to the conclusion of the current academic term inclusive of the institution's issuance of degrees immediately following such term. The Board in its sole discretion may also consider an effective date that takes into account a reasonable period not exceeding 120 days (unless HLC grants a good cause extension) for the institution to conduct a Teach Out in accordance with federal regulations and other relevant HLC policies and procedures.

Denial or Withdrawal of ~~Candidate for Accreditation~~ **Candidacy** Status

The Board of Trustees shall take actions denying or withdrawing the ~~candidate for accreditation~~ candidacy status of an institution **that fails to meet the requirements of Candidacy**. The **specific** grounds for denial or withdrawal of candidacy shall be that the institution does not meet one or more of the Eligibility Requirements, the Assumed Practices, ~~and or the~~ Federal Compliance Requirements or that there is not sufficient evidence to support the judgment that all of the Criteria for Accreditation can reasonably be met within the period of candidacy, or the remainder of the candidacy period if withdrawal of candidacy is being considered, **or the institution fails to demonstrate conformity with the Obligations of Affiliation during the candidacy period.**

This determination may be made by the Board after any of the following:

1. in the case of denial of candidacy, a comprehensive evaluation;
2. in the case of withdrawal of candidacy, a comprehensive, focused or other evaluation during candidacy;
3. a reconsideration process; ~~or~~
4. upon recommendation of the President, if an on-site visit has occurred within the year preceding; **or**
5. **upon recommendation of the President, if the institution fails to comply with the Obligations of Affiliation within a reasonable period after receiving notice of noncompliance, ceases to operate as an education institution or has its legal authorization to operate and grant degrees terminated and regardless of whether an on-site visit has occurred within the year preceding.**

A team recommendation to deny or withdraw candidacy, 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 the Institutional Actions Council Hearing Committee recommendations in its deliberations. A recommendation for **denial or withdrawal of accreditation candidacy** by the President is made directly to the Board, and there is no Institutional Actions Council Hearing in this case.

In all cases, the Board of Trustees will act on a recommendation for denial or withdrawal of candidacy only if the institution's chief executive officer has been given opportunity of **at least two (2) weeks** to place before the Board of Trustees a written response to the recommendation.

~~In addition, an institution may also lose its candidate for accreditation status if it fails to meet institutional Obligations of Affiliation within a designated time after being warned of non-compliance, if it ceases to operate as an educational institution, or if its legal authorization to operate and grant degrees is terminated. The President shall take a recommendation to the Board calling for withdrawal in such cases; the institution need not have had an on-site visit within the previous year.~~

Denial or withdrawal of ~~candidate for accreditation~~ **candidacy** status is an adverse action and thus is not a final action and is subject to appeal.

In no event shall the final effective date of withdrawal of candidacy status be prior to the conclusion of the current academic term inclusive of the institution's issuance of degrees immediately following such term. The Board in its sole discretion may also consider an effective date that takes into account a reasonable period for the institution to conduct a Teach Out in accordance with other relevant HLC policies and procedures.

Public Disclosure After Denial of Accreditation or Denial or Withdrawal of ~~Candidate for Accreditation~~ **Candidacy Status**

A Public Disclosure Notice for an institution that has had accreditation denied or candidacy withdrawn, or had candidacy denied, 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. Since an institution may appeal this decision by the Commission (except in cases where the Commission has extended an existing candidacy), the public notice shall also include clear reference to the appeal options available to the institution and official comments that the institution provides to be included in the notice. An institution under withdrawal or denial 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 status.

Policy Number Key

Section INST: Institutional Processes

Chapter E: Sanctions, Adverse Actions, and Appeals

Part 60: Denial or Withdrawal of Status

Last Revised: June 2020

First Adopted: January 1983

Revision History: revised November 1994, May 2002, June 2006, February 2011, February 2012, February 2014, June 2020

Notes: Policies combined November 2012 - 2.5(f), 2.5(f)1, 2.5(f)2, 2.5(f)3, 2.5(f)4

Related Policies: INST.B.20.020 Candidacy, INSTE.70.010 Special Protocols Related to Sanctions and Adverse Actions