



## PUBLIC NOTICES AND STATEMENTS

### Policy Change Adopted on Second Reading

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The Higher Learning Commission (HLC) Board of Trustees (“the Board”) adopted this policy on second reading at its meeting on February 25–26, 2021

#### Background

The proposed revisions clarify and consolidate information about when HLC will notify the federal government, state agencies, and other accreditors about specific accreditation actions. Additionally, the revisions clarify when HLC will issue a public disclosure notice (PDN) and when HLC may otherwise, in its discretion, elect to make a public statement in various other circumstances.

HLC circulated these policy changes to the membership and other interested parties after the Board’s November meeting. One comment was received regarding the short time frame between HLC providing a PDN to the institution and posting it publicly on HLC’s website. As this time frame is dictated by federal regulations, no change to this requirement is possible. Institutions are strongly encouraged to begin developing internal communication plans as soon as a recommendation is made that, if adopted by the HLC Board of Trustees, would result in HLC issuing a PDN.

#### Implementation

This policy is effective immediately.

#### 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](https://hlcommission.org/policies).

## Policy Title: **Notice of Accreditation Actions, HLC Public Notices and Public Statements**

Number: COMM.A.10.010

### ~~Public Information About Regional Accreditation~~

~~The Commission will provide on its web site and in print publications information about the purposes of regional institutional accreditation, the processes used in it, and the appropriate interpretation and use of it by institutions, students, and the public.~~

### ~~Commission Public Notices and Statements~~

~~The Commission~~ HLC shall have the authority to make specific disclosures to the public, **state higher education agencies, the U.S. Department of Education and recognized accrediting agencies** regarding **affiliated member institutions** or applying institutions as outlined below. ~~The Commission~~ HLC shall provide notification to the affected institution about the disclosure ~~at or before~~ **prior to, or simultaneous to, the time the disclosure is made**, as determined by ~~HLC the Commission~~, it releases the information to the public.

Notification of Accrediting Actions. ~~The Commission~~ HLC shall ensure that it properly notifies the public, state higher education agencies, the U.S. Department of Education, and **recognized** accrediting agencies ~~recognized by the U.S. Department of Education~~ regarding the ~~Commission's~~ HLC's accrediting actions according to the following timetable:

~~1. All HLC actions will be provided to state higher education agencies, the U.S. Department of Education and recognized accrediting agencies within thirty (30) days of the action. This includes actions with regard to an action to reaffirm accreditation, or grant or deny accreditation or initial candidacy, or approve or deny a substantive change, or approve the results of monitoring, the Commission will provide notification of the action to all constituencies identified above within thirty days of the action;~~

- ~~2.~~ 1. with regard to an action to place an institution on ~~a~~ Notice or ~~p~~ Probation, **to extend Notice or Probation, to remove an institution from Notice or Probation, or to issue a Show-Cause Order** to an institution, **or to remove a Show-Cause Order**, ~~the Commission~~ HLC will provide notification of the action to **applicable** state higher education agencies, the U.S. Department of Education, and **applicable** recognized accrediting agencies simultaneously with the action being communicated to the institution, **and** not later than thirty (30) days after the action, and **will**

**provide** notification to the public within ~~24 hours~~ **one (1) business day** of notice being provided to the institution;

- ~~3.~~ **2.** with regard to an action to deny or withdraw accreditation or candidacy, ~~the Commission~~ HLC will provide notification of the action to **applicable** state higher education agencies, the U.S. Department of Education, and **applicable** recognized accrediting agencies simultaneously with the action being communicated to the institution, **and** not later than thirty **(30)** days after the action, and **will provide** notification to the public within ~~24 hours~~ **one (1) business day** of notice being provided to the institution;
- ~~4.~~ **3.** with regard to a decision by an institution to **voluntarily** resign ~~voluntarily from~~ accreditation or candidacy, ~~the Commission~~ HLC will provide notification of the action ~~all constituencies identified above within thirty days of notice of the resignation being provided to the Commission through a formal letter from the president of the institution conveyed to the Commission with the approval of the institution's governing board, as required by Commission policy on Termination of the Accreditation Relationship;~~ and to state higher education agencies, the U.S. Department of Education, and recognized accrediting agencies within ten **(10)** days of receipt of notice of voluntary resignation as required by policy, and will provide notification to the public within **one (1) business day** of notifying the institution that the voluntary resignation has been accepted, but **not more than thirty (30) days**.
- ~~5.~~ **4.** with regard to an action to approve a ~~teach-out~~ **Provisional pPlan**, ~~the Commission~~ HLC will provide notification to ~~appropriate specialized and professional~~ **recognized** accrediting agencies of approval of the plan not later than thirty **(30)** days after the action if the teach-out includes a program accredited by such agency.

Such notification shall take place for the public through a **Public Disclosure Notice (PDN)** ~~on the Commission's HLC's website,~~ and for ~~the U.S. Department of Education,~~ state higher education agencies, **the U.S. Department of Education** and **recognized** accrediting agencies ~~recognized by the U.S. Department of Education~~ through electronic or other communication.

~~Adverse Actions, Sanctions, and Related Actions~~ **Public Disclosure Notices (PDNs)**. The ~~Commission~~ HLC will issue a Public Disclosure Notice (PDN) regarding the following actions:

1. Adverse action ~~including~~ (denial or withdrawal of ~~affiliation~~ **accreditation or candidacy**);
2. Sanction (**placing an institution on sanction, extending a sanction or removing an institution from a sanction**);

3. Show-Cause Order (issuing or removing a Show-Cause Order);
4. Denial of an application for Change of Control, Structure or Organization application; and
5. Institutional Designations (imposing an Institutional Designation). ~~as In Financial Distress or Under Governmental Investigation. In such cases the PDN may be about an institution or group of institutions.~~

The PDN shall contain information about the action, the findings of the Board associated with the action, or, for an institutional designation pursuant to the Special Monitoring policy, the findings of the Commission's HLC's President when the designation was imposed, and the availability of appeal, if any. ~~In the case of adverse actions of denial or withdrawal of affiliation, the PDN also shall contain within sixty days of the action official comments of the affected institution, if any, or evidence that the affected institution was given an opportunity to provide official comment.~~

~~Other Situations. The Commission may issue a Public Disclosure Notice (PDN) in other circumstances including but not limited to the following:~~

- ~~1. High profile controversy(ies) at affiliated or applying institution;~~
- ~~2. Lawsuit against, or other investigation by another entity of, an affiliated institution;~~
- ~~3. Scheduled Commission advisory visit to an affiliated institution;~~
- ~~4. Other situation at or concerning an institution that is related to the Commission's accrediting role.~~

~~The PDN shall contain information about the institution's history and relationship with the Commission and other appropriate information.~~

**Public Statements.** ~~The Commission~~ HLC may, in its discretion, issue a public statement in writing or orally regarding an institution. This could include, for example, to correct or confirm a media report, to respond to frequent inquiries from the public, to inform the public about a lawsuit, investigation or advisory visit, to inform the public of an application for Change of Control, Structure or Organization that has been approved, or to address other matters as determined appropriate by HLC. HLC may, but is not required to, provide prior notice to an institution regarding any such public statement.

## Policy Number Key

*Section COMM: HLC Obligations*

*Chapter A: HLC Obligations to Institutions and the Public*

*Part 10: General*

*Last Revised: February 2021*

*First Adopted: August 1996, February 1996, June 2004*

*Revision History: February 1998, May 2002, October 2002, June 2008, February 2010, June 2012, November 2012, April 2013, August 2016, November 2019, February 2021*

*Notes: Policies combined in November 2012 – 12.4, 2.3(c), 2.3(c)1, 2.3(c)2, 2.3(c)3*

*Related Policies:*