



## GROUNDS FOR CERTAIN ADVERSE ACTIONS

### Policy Change Approved on First Reading

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The Higher Learning Commission (HLC) Board of Trustees (“the Board”) approved this policy on first reading at its meeting on February 25, 2022.

#### Background

The proposed policy changes would standardize the grounds for denial or withdrawal of candidacy and withdrawal of accreditation. (The grounds for denial of accreditation are different and remain unchanged.)

The changes also would establish that certain additional Board procedures are not applicable in situations where the Board withdraws candidacy or withdraws accreditation because an institution has ceased to operate as an institution of higher education or has lost its legal authorization to operate as an institution of higher education and grant degrees in HLC’s jurisdiction.

#### Comments Invited

HLC invites comments on this change before the Board takes final action at its meeting on June 23–24, 2022. Comments can be sent to [policycomments@hlcommission.org](mailto:policycomments@hlcommission.org). Comments are due by May 20, 2022.

#### 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: Denial or Withdrawal of Status

Number: INST.E.60.010

#### Withdrawal of Accreditation

The Board of Trustees shall ~~consider withdrawing~~ **only take action to withdraw** 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 and/or is not in compliance with other HLC requirements, which may include the Federal Compliance Requirements, the Assumed Practices, the Eligibility Requirements or the Obligations of Membership during the accreditation period.

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

1. a focused visit, advisory visit, ~~or~~ comprehensive evaluation, **or other peer review evaluation;**
2. a period of Notice or Probation;
3. a Show-Cause process;
4. upon recommendation of the President, if an on-site visit has occurred within the year preceding **the recommendation;** ~~or~~
5. upon recommendation of the President, **regardless of whether an on-site visit has occurred within the year preceding the recommendation,** if the institution fails to comply with the Obligations of Membership within a reasonable period after receiving notice of noncompliance ~~and regardless of whether an on-site visit has occurred within the year preceding;~~
6. **upon recommendation of the President, regardless of whether an on-site visit has occurred within the year preceding the recommendation, if the institution ceases to operate as an institution of higher education; or**
7. **upon recommendation of the President, regardless of whether an on-site visit has occurred within the year preceding the recommendation, if the institution fails to maintain authorization to operate as an institution of higher education and grant degrees in HLC's jurisdiction.**

Other than a team recommendation to withdraw accreditation 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. HLC shall, **in keeping with INST.E.70.010 Additional Board Procedures,** make a Board Committee Hearing available to the institution prior to a decision by the Board, ~~in keeping with INST.E.70.010 Additional Board Procedures.~~

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## Denial or Withdrawal of Candidacy Status

The Board of Trustees shall **only** take ~~actions denying or withdrawing action to deny or withdraw~~ the candidacy status of an institution that fails to meet the requirements for achieving and maintaining Candidacy, as detailed in HLC’s policy on Candidacy and Initial Accreditation (INST.B.20.020). ~~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, or the Federal Compliance Requirements, or~~ **Obligations of Membership**; 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 (for denial of candidacy status), or that there is not sufficient evidence to support the judgment that all of the Criteria for Accreditation can reasonably be met within~~ the remainder of the institution’s candidacy period if (for withdrawal of candidacy) is being considered,<sup>1</sup> ~~or that the institution fails to demonstrate conformity with the Obligations of Membership during its candidacy period.~~

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

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

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<sup>1</sup> At the same meeting, the Board deleted this language on second reading in a separate resolution (See “[Decision-Making Options](#)”), and this language will not appear in the updated HLC Policy Book.

to operate as an institution of higher education and grant degrees in HLC's jurisdiction ~~terminated and regardless of whether an on-site visit has occurred within the year preceding.~~

~~A Other than a team recommendation to deny or withdraw candidacy, other than one arising from an advisory visit process, which is referred to the President, any team recommendation to deny or withdraw candidacy 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 candidacy by the President is made directly to the Board, and there is no Institutional Actions Council Hearing in this case. In cases involving a recommendation to withdraw candidacy, HLC shall, in keeping with INST.E.70.010 Additional Board Procedures, make a Board Committee Hearing available to the institution prior to a decision by the Board, in keeping with INST.E.70.010 Additional Board Procedures.~~

Denial or withdrawal of 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.

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#### Policy Number Key

*Section INST: Institutional Processes*

*Chapter E: Sanctions, Adverse Actions, and Appeals*

*Part 60: Denial or Withdrawal of Status*

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*Last Revised: February 2022*

*First Adopted: January 1983*

*Revision History: revised November 1994, May 2002, June 2006, February 2011, February 2012, February 2014, June 2020, November 2020, June 2021, November 2021, February 2022*

*Notes: Policies combined November 2012 - 2.5(f), 2.5(f)1, 2.5(f)2, 2.5(f)3, 2.5(f)4. In February 2021, references to the Higher Learning Commission as "the Commission" were replaced with the term "HLC."*

## Policy Title: Additional Board Procedures

Number: INST.E.70.010

### Prior Notice to Member Institutions of Certain Intended Actions

HLC will notify an institution of the following intended actions by the Board, prior to the Board taking action:

6. Placing an institution on Probation, in situations where the process leading to the Board's intended action has not included a recommendation for Probation, a Show-Cause Order, or withdrawal of accreditation.
7. Issuing a Show-Cause Order to an institution, in situations where the process leading to the Board's intended action has not included a recommendation for Probation, a Show-Cause Order, or withdrawal of accreditation.
8. Withdrawing accreditation, in situations where the process leading to the Board's intended action has not included a recommendation for withdrawal of accreditation.
9. Withdrawing candidacy, in situations where the process leading to the Board's intended action has not included a recommendation for withdrawal of candidacy.
10. Denying initial accreditation to an institution that has candidacy status, **except where HLC is denying an application for early initial accreditation prior to the end of the institution's four-year term of candidacy with a possible extension for a fifth year for good cause**, in situations where the process leading to the Board's intended action has not included a recommendation for denial of initial accreditation.

The notification from the Board will include the rationale for the intended action. The Board also will notify the institution when it will take the intended action, either at a regular meeting or through any means permitted by policy. The institution will have thirty days to provide an institutional response to the notice of the Board's intended action. The Board will consider the institution's response, if any, prior to taking any action.

## Board Committee Hearings

HLC shall make a Board Committee Hearing available to a member institution, prior to a decision by the Board to:

- deny initial accreditation to an institution that has candidacy status, except where HLC is denying an application for early initial accreditation prior to the end of the institution's four-year term of candidacy with a possible extension for a fifth year for good cause;
- withdraw candidacy, **except where the withdrawal decision is related to a recommendation of the President regarding the Obligations of Membership, the institution ceasing to operate as an institution of higher education, or failing to maintain authorization to operate as an institution of higher education and grant degrees in HLC's jurisdiction; or**
- withdraw accreditation, **except where except where the withdrawal decision is related to a recommendation of the President regarding the Obligations of Membership, the institution ceasing to operate as an institution of higher education, or failing to maintain authorization to operate as an institution of higher education and grant degrees in HLC's jurisdiction.**

HLC shall make a Board Committee Hearing available to an institution prior to a decision by the Board concluding a Show-Cause Order process.

An institution may waive a Board Committee Hearing in writing according to a timeline provided by HLC.

An institution may only have one Board Committee Hearing related to a single institutional decision.

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## Policy Number Key

*Section INST: Institutional Processes*

*Chapter E: Sanctions, Adverse Actions, and Appeals*

*Part 70: Additional Board Procedures*

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*Last Revised: November 2021*

*First Adopted: June 2006*

*Revision History: revised June 2008, December 2009, February 2011, November 2019, June 2021, November 2021*

*Notes: Policies combined November 2012 – 2.2(i), 2.2(j), 2.2(j)1. In February 2021, references to the Higher*

*Learning Commission as “the Commission” were replaced with the term “HLC.”*

*Related Policies:*