



ADDITIONAL BOARD PROCEDURES

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 24, 2021.

Background

As part of its commitment to affording member institutions due process with respect to institutional actions, HLC provides institutions with additional procedures designed to further due process in certain circumstances. These procedures include, for example, a Board Committee Hearing and additional opportunities for institutional response prior to intended action.

The proposed policy change would clarify when these additional procedures are available to member institutions. Specifically, the changes:

1. Identify when institutions will receive prior notice of certain intended Board actions;
2. Identify when institutions will have the opportunity to participate in a Board Committee Hearing;
and
3. Remove outdated language about additional Board review of staff decisions in the early phases of the Eligibility Process.

If the Board adopts the proposed policy change at its November 2021 meeting, conforming changes will also be made to related HLC policies, including INST.E.60.010, Denial or Withdrawal of Status.

Comments Invited

HLC invites comments on this change before the Board takes final action at its meeting on November 4–5, 2021. Comments can be sent to policycomments@hlcommission.org. Comments are due by September 13, 2021.

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: Special Protocols Related to Sanctions and Adverse Actions **Additional Board Procedures**

Number: INST.E.70.010

~~Special Prior Notice to Member Institutions in Limited Circumstances of Certain Intended Actions~~

~~Prior to placing an institution on probation, withdrawing accreditation, or denying initial candidacy or initial accreditation, the Board HLC will notify an institution of the following intended actions by the Board, prior to the Board taking action:-~~

1. **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.**
2. **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.**
3. **Withdrawing accreditation, 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.**
4. **Withdrawing candidacy, in situations where the process leading to the Board's intended action has not included a recommendation for withdrawal of candidacy.**
5. **Denying initial accreditation to an institution that has candidacy status, 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 ~~reasons~~ **rationale** for the **intended** action ~~if such action has not previously been recommended by a team or Review Committee or the President, and the institution has not had an opportunity to respond. The institution will have thirty days to respond to the notice of the Board's intended action.~~ The Board also will ~~determine~~ **notify the institution** when it will take ~~final~~ **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, ~~filed within the thirty day period,~~ prior to taking ~~final~~ any action.

Board Committee Hearings

HLC shall make ~~available~~ a Board Committee Hearing **available to a member institution,** ~~provided the institution requests such hearing,~~ prior to a ~~final~~ 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 four-year term of candidacy with a possible extension for a fifth year for good cause;
- **withdraw candidacy;** or
- withdraw accreditation.

HLC shall ~~require~~ **make** a Board Committee Hearing **available to an institution** prior to a ~~final~~ decision by the Board concluding a ~~Show-Cause Order~~ process, ~~unless such hearing is waived by the institution.~~

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

An institution may **only** have ~~no more than~~ one Board Committee Hearing related to a single institutional decision.

Board Committee Hearing Process

A Board Committee Hearing will be conducted according to a timeframe **and procedures** established by the Board. A Board Committee will consist of three to five **Board** members, ~~a majority of which will consist of members of the Board of Trustees,~~ and be selected by a vote of the Board members.

~~A written record~~ **transcript** shall be made of a Board Committee Hearing. **This transcript will be provided to the institution, and the institution will be given an opportunity to provide a response to the transcript. The transcript and the institutional response, if any, will be, and a transcript made available to all members of the Board prior to their taking ~~final~~ action. Moreover, ~~Committee~~ **members of the Board Committee** will make an oral report to the full Board of the contents of the hearing prior to ~~the vote of the Board of Trustees regarding the institution taking action.~~**

~~The fee for a Board Committee Hearing will be set by the Board and will be posted in HLC's schedule of fees. The institution seeking such a hearing will submit the fee with its written request for a hearing.~~

Policy Number Key

Section INST: Institutional Processes

Chapter E: Sanctions, Adverse Actions, and Appeals

Part 70: Special Protocols Related to Adverse Actions

Last Revised: November 2019

First Adopted: June 2006

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

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:

Policy Title: Eligibility Process

Number: INST.B.20.010

Institutions participating in the Eligibility Process will establish eligibility for an HLC on-site evaluation for candidate status by completing HLC’s Eligibility Process and by receiving a determination at the conclusion of that process that the institution is ready to schedule and prepare for a visit. An institution seeking an HLC on-site evaluation for candidate status shall provide sufficient evidence in writing that it meets the Eligibility Requirements. The determination that an institution meets the Eligibility Requirements will take place during the comprehensive evaluation for Candidacy.

An institution participating in the Eligibility Process may claim no official status with HLC prior to being granted candidate status.

The Eligibility Process provides for HLC staff consultation and for review by Eligibility Reviewers to determine the institution’s readiness for a comprehensive evaluation for Candidacy. Eligibility Reviewers review the written evidence put forward by an institution that it meets the Eligibility Requirements and determine whether the institution has provided sufficient evidence to proceed with a comprehensive evaluation for Candidacy.

~~An organization that does not receive a recommendation to proceed with a comprehensive evaluation for Candidacy following the Eligibility Process can petition the Board of Trustees for a review if it can provide~~

~~evidence that the decision of the Eligibility Reviewers was arbitrary or capricious or was not supported by substantial evidence in the record on which the Reviewers made their decision or that HLC staff or Eligibility Reviewers departed from established procedures during the review.~~

~~Fees will be charged and published in a schedule of fees for the Eligibility Process.~~

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