



## RELATIONS WITH GOVERNMENTAL ENTITIES

### Proposed 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 November 5–6, 2020.

#### Background

The proposed policy revision would consolidate and clarify policies regarding other interactions with governmental entities, including notification of accreditation actions, information sharing, and concurrent visits.

#### Comments Invited

HLC invites comments on this change before the Board takes final action at its meeting on February 25–26, 2021. Comments can be sent to [policycomments@hlcommission.org](mailto:policycomments@hlcommission.org). Comments are due by January 18, 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**). Wording that was moved is shown with a double underline in its new location (moved to) and a double strikethrough in its previous location (~~~~moved from~~~~).

Policy Title: Relations With the U.S. Government, **State Higher Education Agencies, and Other State Offices**

Number: COMM.C.10.030

**Federal Recognition.** ~~The Commission~~ HLC shall participate in the recognition program mandated by federal law and conducted by the U.S. Department of Education, and it shall seek periodic continuance of its federal recognition. ~~The Commission~~ **As required by law,** HLC will notify the Department of any changes in the scope of its activities.

Notification of Actions and Other Institutional Information. HLC will notify the U.S. Department of Education and state higher education agencies of accreditation actions taken by HLC's Board of Trustees in accordance with the requirements set forth in the Notice of Accreditation Actions, Public Notices, and Public Statements policy. ~~Within thirty days after any institutional action is formally adopted or validated by the Board of Trustees the Commission will file with the Department a summary of actions it has taken on an institution. If the Board of Trustees takes an adverse action of denial or withdrawal of status or if it issues a sanction or show cause order, it will simultaneously notify the institution and the U.S. Department of Education and place information about the action on its public website within 24 hours of notifying the institution. If the action was denial or withdrawal of accredited or candidate for accreditation status that Public Disclosure will within sixty (60) days after the action becomes final include comments from the affected institution or information to indicate that the institution was provided an opportunity to comment but did not do so. In addition, the Commission supplies, at the Department's request, electronic membership information.~~

**Other Communications With the Federal Government.** ~~The Commission~~ HLC shall maintain regular communications and discussions with the U.S. Department of Education and other federal agencies about matters such as policies and procedures and concerns with respect to member institutions. HLC will respond to U.S. Department of Education inquiries regarding institutional eligibility for Title IV; on receipt, it will forward to the institution for comment claims from students, the public and others of Title IV fraud and abuse and other allegations related to Title IV; and it will share with the U.S. Department of Education clear evidence received from ~~Commission~~ HLC evaluation teams, ~~Commission~~ staff or other sources of possible Title IV fraud and abuse or failure to meet Title IV, HEA program responsibilities, along with a summary of the ~~Commission's~~ HLC's reasons for concern. With the exception of information about possible Title IV fraud and abuse or a specific request for confidentiality of contact with ~~from~~ the U.S. Department of Education, ~~the Commission~~ HLC will typically notify an institution when ~~the Commission~~ it provides information about it to the U.S. Department of Education, but will consider each situation on a case-by-case basis to determine whether confidentiality is appropriate.

**Other Communications with State Entities.** HLC shall maintain regular communications and discussions with state higher education agencies and other state offices about matters such as policies and procedures and concerns with respect to member institutions. If a state higher education agency or other state agency seeks written or other information about a current or previous member institution, or that has previously sought status with HLC, HLC may, in its discretion, forward that information to the state after receiving a

written request. HLC may, but is not required to, consult with the member institution regarding the request.

Consideration for the Decisions of and Information Provided by State Higher Education Agencies. HLC will base its accreditation decisions on its own requirements, policies and procedures. However, in determining whether an institution meets the Commission's Eligibility Requirements, Criteria for Accreditation and other HLC requirements, the Commission will HLC may consider actions of the state in which the institution has its main campus or in which it meets the legal requirements to seek authorization for its educational activities applicable state higher education agencies, with specific attention to issued or pending decisions by states to deny, suspend, revoke, withdraw or terminate legal authority to provide education in that state. The Commission will HLC also expect requires that institutions will disclose such information in the Eligibility Process and place it in its Assurance File when seeking candidate or accredited status or when undergoing regular review by the Commission through any pathway to HLC as required by the Obligations of Membership. The Commission HLC may request information directly from the a state higher education office agency and place it in the Assurance File include such information for review by an evaluation team and for consideration in the considering an accrediting action.

In considering a substantive change the Commission HLC shall request information from an institution regarding its authorization from the state related to the substantive change for which the institution is seeking Commission approval or may request it directly from the state and shall take it into account in the accrediting action.

Coordinated Concurrent Visits with State Higher Education Agencies. The Commission If initiated by a member institution, HLC may conduct a visit concurrently with a state higher education agency. schedule an evaluation visit to an institution when representatives of such boards are on campus if (1) the institution wishes this schedule and (2) the President of the Commission and the chair of the visiting team approve arrangements which ensure the autonomy of the Commission team. Whether the representatives are present as observers of the Commission team or for other purposes, the Commission team may meet with them to share information. However While the teams of the participating entities may coordinate their activities on campus, including information gathering, such representatives of a state higher education agency shall not participate in Commission HLC team deliberations leading directly to the team's recommendations to the Commission and any production of a team report will be done separately by each entity.

## Policy Number Key

*Section COMM: Commission Obligations*

*Chapter C: Relationships with External Agencies*

*Part 10: General*

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*Last Revised: February 2010*

*First Adopted: February 1996*

*Revision History: Adopted February 1996, effective February 1996, revised February 1998, revised June 2008, revised February 2009, revised February 2010*

*Notes: Former policy number: 10.1, 10.1(a), 10.1(b).*

*Related Policies: INST.E.10.010 Notice, INST.E.20.010 Probation, INST.E.30.010 Show-Cause, and INST.E.60.010 Denial or Withdrawal of Status*

**Policy Title: Relations With State Higher Education Agencies and Other State Offices**  
**Number: ~~COMM.C.10.040~~**

~~The Commission shall maintain communications and discussions with officers of states, higher education agencies and other state offices to clarify the functions and concerns of the Commission with respect to its affiliated institutions.~~

~~**Consideration for the Decisions of State Higher Education Agencies.** In determining whether an institution meets the Commission's Eligibility Requirements, Criteria for Accreditation and other requirements, the Commission will consider actions of the state in which the institution has its main campus or in which it meets the legal requirements to seek authorization for its educational activities with specific attention to issued or pending decisions by states to deny, suspend, revoke, withdraw or terminate legal authority to provide education in that state. The Commission will also expect that institutions will disclose such information in the Eligibility Process and place it in its Assurance File when seeking candidate or accredited status or when undergoing regular review by the Commission through any pathway. The Commission may request information directly from the state higher education office and place it in the Assurance File for review by an evaluation team and for consideration in the accrediting action.~~

~~In considering a substantive change the Commission shall request information from an institution regarding its authorization from the state related to the substantive change for which the institution is seeking Commission approval or may request it directly from the state and shall take it into account in the accrediting action.~~

~~If a state has denied, suspended, revoked, terminated or withdrawn an institution's authority to provide education in that state, the Commission, through its decision making processes and subject to the limitations in the Eligibility Requirements, will carefully weigh these matters in reaching its own decision to grant accredited or candidate for accreditation status. If the Commission chooses to grant status to an institution in these circumstances, it will provide the Secretary of Education a written explanation of why that action is appropriate within thirty (30) days of taking the action.~~

~~Information Provided to States. If the Commission takes action to place an institution on notice or probation, notice, or withdraw or deny accreditation or candidate for accreditation status, or if the Commission places an institution on show cause, the Commission will notify state higher education agencies at the same time that it notifies the institution and the U.S. Department of Education but not later than thirty (30) days after the action, and will include a Public Disclosure Notice that provides reasons for the Commission's decision. If the action was denial or withdrawal of accredited or candidate for accreditation status, that Public Disclosure will within sixty (60) days after the action becomes final include comments from the affected institution or information to indicate that the institution was provided an opportunity to comment but did not do so. The Commission will notify state higher education agencies of an action to reaffirm or grant accreditation or initial candidacy or approve a substantive change or the results of monitoring within thirty (30) days of the action; it will notify the state higher education agency of a voluntary resignation by an institution of its accredited or candidate status within thirty (30) days of receiving notification from the institution or the resignation.~~

~~If a state higher education agency seeks written or other information about an institution that has accredited or candidate status with the Commission, or that has previously sought such status with the Commission, the Commission will forward that information to the state after receiving a written request.~~

~~Coordinated Visits with State Higher Education Agencies. The Commission may schedule an evaluation visit to an institution when representatives of such boards are on campus if (1) the institution wishes this schedule and (2) the President of the Commission and the chair of the visiting team approve arrangements which ensure the autonomy of the Commission team. Whether the representatives are present as observers of the Commission team or for other purposes, the Commission team may meet with them to share information. However, such representatives shall not participate in Commission team deliberations leading directly to the team's recommendations to the Commission.~~

~~At the request of an institution and state agency, the Commission may send a peer reviewer to the institution or one or more of its campuses or additional locations to confirm that an institution remains in compliance~~

with Commission policy. The peer reviewer will prepare a written report of findings from the evaluation following instructions provided by the Commission.

### *Policy Number Key*

*Section COMM: Commission Obligations*

*Chapter C: Relationships with External Agencies*

*Part 10: General*

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*Last Revised: November 2012*

*First Adopted: January 1983, February 1986, June 2000*

*Revision History: February 1996, February 1998, June 2001, February 2008, June 2008, February 2009, June 2012*

*Notes: Policies combined in November 2012—10.2*

*Related Policies:*