

Sanctions and Reaffirmation of Accreditation

Proposed Policy Change Approved on First Reading

The Higher Learning Commission (HLC) Board of Trustees (“the Board”) approved this policy change on first reading at its meeting on June 27, 2024.

Background

The proposed policy changes would standardize language across HLC policies with respect to several procedural aspects related to sanctions and Show-Cause Orders.

The proposal includes two key modifications related to reaffirmation of accreditation and sanctions:

1. Establishing the general rule that an institution will have its accreditation reaffirmed when it is removed from the sanction of Probation or a Show-Cause Order.
2. Establishing the general rule that an institution that undergoes a mid-cycle reaffirmation of accreditation in Year 4 of the 10-year accreditation cycle will not begin a new accreditation cycle.

These modifications would provide a consistent approach for implementation; provide clear and consistent information to the public regarding an institution’s next date for reaffirmation of accreditation; and leave flexibility for HLC not to reaffirm accreditation where circumstances warrant.

Other proposed changes include:

1. Establishing that the sanction of Notice is typically for two years with the option for a single six-month extension; although the Notice period could also be one year, with the option for a single one-year extension.
2. Establishing that the sanction of Probation is typically for two years, with the option for a single one-year extension; although the Probation period could also be one year, with the option for a single one-year extension.
3. Clarifying the standard for issuing a Show-Cause Order.
4. Standardizing language across policies with respect to various procedural aspects.

Comments Invited

HLC invites comments on this change before the Board takes final action at its meeting on October 31–November 1, 2024. Comments can be sent to policycomments@hlcommission.org. Comments are due by September 17, 2024.

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 (~~from~~).

Policy Title: Substantive Requirements for Reaffirmation of Accreditation
Number: INST.C.10.010

Each institution shall have its accreditation reaffirmed by ~~formal~~ action of HLC according to its decision-making policies. ~~The basis for~~ **Reaffirmation of accreditation** shall be evidence **signify** HLC's determination that the institution may retain its accreditation ~~and has legal authority to operate as an institution of higher education.~~

Generally, reaffirmation **of accreditation** shall occur not more than ~~ten~~ **10** years from the date of the last ~~formal~~ HLC action reaffirming accreditation.

An institution may also have its accreditation reaffirmed more frequently if required by HLC. This includes, but is not limited to, in the following circumstances:

1. For an institution that received initial accreditation ~~after its most recent comprehensive evaluation,~~ reaffirmation **of accreditation** shall occur not more than four years after ~~the~~ initial accreditation ~~action.~~
2. For an institution that was removed from Probation or Show-Cause, reaffirmation **of accreditation** shall occur **at the time that Probation or Show-Cause is removed and then reaffirmation of accreditation shall also occur** no more than four years after Probation or Show-Cause ~~is was~~ removed, ~~except that institutions that should have been reaffirmed in year ten of their cycle but were found out of compliance instead will first be reaffirmed upon removal of Probation or Show-Cause.~~

Should the reaffirmation action take place in the ~~spring or fall~~ **academic year** following the required date for reaffirmation, such action shall be considered to have met the requirements of this policy provided that the **comprehensive** evaluation visit takes place ~~no later than ten, or, where applicable, four, years from the date of the last reaffirmation action~~ **in the required academic year.**

The cycle for reaffirmation may be fewer than ~~ten~~ **10** years for institutions that are required by HLC to participate in more frequent comprehensive evaluations for reaffirmation of accreditation.

An institution may file a formal request for an extension of its reaffirmation ~~process of accreditation,~~ provided that it articulates a compelling reason for seeking such extension ~~and it is not on sanction, under a Show Cause Order with, or pending withdrawal by, HLC or any other recognized accreditor.~~

An institution must file such ~~an~~ **a request for an** extension ~~request~~ with sufficient time for a decision **regarding the request** to be made prior to the conclusion of the academic year in which the reaffirmation of accreditation was scheduled.

HLC will review the request for an extension and make a determination about whether to grant the request. When considering whether to grant a request for an extension of an institution's reaffirmation of accreditation, HLC will consider any relevant circumstances including, but not limited to, the outcomes of the institution's recent evaluations with HLC; any recent or ongoing monitoring, sanctions, or procedural orders; any significant changes at the institution that may affect compliance with HLC requirements; and any specific issues that are scheduled to be reviewed as part of the comprehensive evaluation for reaffirmation of accreditation.

~~The~~ **If an extension is granted,** it shall be no more than one year beyond the institution's ~~regular cycle as established by the terms of the reaffirmation process in which it participates~~ **scheduled reaffirmation of accreditation, bringing the maximum interval for reaffirmation of accreditation on the Open Pathway or Standard Pathway to 11 years. Ultimately,** ~~the maximum cycle time period between reaffirmations of accreditation permitted under this HLC policy is thirteen (13) years.~~

Policy Title: Process Requirements Leading to HLC Action Following Reviews of the Criteria for Accreditation

Number: INST.C.10.030

Recommendations for HLC Action Based on Reviews of the Criteria for Accreditation

The team of HLC peer reviewers conducting a review of the Criteria for Accreditation, whether in the Standard Pathway or the Open Pathway shall, in its written report, make a recommendation for HLC action, except after a mid-cycle Assurance Review in the Open Pathway wherein all Criteria for Accreditation have been satisfied without any need for monitoring.

In all other cases, the team shall recommend whether to continue the institution's accreditation and may, based on its evaluation of the evidence, indicate whether routine ~~interim~~ monitoring is warranted under HLC policy. The team may also recommend that evidence warrants the imposition of a sanction, the issuance of a Show-Cause Order, or withdrawal of accreditation.

In exceptional circumstances, a team may extend the mid-cycle Assurance Review in Year 4 to require a visit to explore uncertainties in the evidence that cannot be resolved ~~at a distance~~ **without a visit**. If the Year 4 review team calls for such a visit, the team conveys to the institution the reasons for the required visit, including any additional evidence required, and identifies any individuals or groups with which the team will meet during the visit. The resulting recommendations, along with ~~each~~ **the** team's written report and the institution's responses, shall be forwarded to an HLC decision-making body for review and action.

Recommendations for HLC Action for Reaffirmation of Accreditation

~~Similarly, the team conducting a comprehensive evaluation for reaffirmation of accreditation shall, in its written report, make a recommendation for HLC action. The team shall recommend whether to reaffirm the institution's accreditation and, based on its evaluation of the evidence, may indicate whether routine interim monitoring is warranted under HLC policy. The team may also determine that, while the institution's accreditation should be reaffirmed based on a determination that the institution should retain its accreditation and will have legal authority to operate as an institution of higher education, routine monitoring or the imposition of a the sanction of Notice or issuance of a Show-Cause Order is warranted. Finally, the team may recommend that an institution's accreditation not be reaffirmed but rather, that the sanction of p~~Probation be imposed, a Show-Cause Order be issued, or ~~that~~ accreditation be withdrawn.

Policy Title: Notice

Number: INST.E.10.010

Notice is a public sanction that attaches to an institution's accreditation status. The sanction of Notice ~~is imposed based on~~ **indicates** an overall judgment that the institution is at risk of being out of compliance with the Criteria for Accreditation. ~~It~~ **Notice** will be supported by ~~at least one~~ **a** finding that an institution meets with concerns one or more Criteria for Accreditation **and, overall, the institution is at risk of being out of compliance with the Criteria for Accreditation.** ~~The determination is not based on any minimum number of such findings.~~

The institution remains accredited while it is on Notice. An action to impose Notice is a final action and is not subject to appeal.

Imposition of Notice

Only the Board of Trustees, acting on the recommendation of any evaluation team, the Institutional Actions Council, or the President, shall take action placing an institution on Notice.

A ~~team~~ recommendation from a team of HLC peer reviewers to place an institution on Notice, 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 Institutional Actions Council Hearing Committee recommendations in its deliberations.

The ~~President of HLC~~ president makes a recommendation for Notice resulting from an advisory visit process directly to the Board.

In all cases, the Board of Trustees will act on a recommendation for to impose Notice only if the institution's chief executive officer has been given an opportunity of at least 14 days to place before the Board of Trustees submit a written response to the recommendation.

The Board of Trustees may impose Notice at the end of Probation or Show-Cause if the institution has demonstrated compliance with the areas previously identified as noncompliant but remains at risk related to those areas of noncompliance or other deficiencies areas.

Length of Notice

The initial Notice period shall not exceed two years, commencing on the date of the Board's action placing the institution on Notice until the date and concluding with the Board's determines determination whether the deficiencies that led to the institution being placed on Notice have been ameliorated that Notice should be removed or other action taken.

The initial Notice period shall typically be two years. The initial Notice period may be one year instead of two years if the Board so determines at its discretion.

Review Process While Notice

In placing an institution on Notice, the Board of Trustees will identify in the letter notifying notify the institution of the action the deficiencies at the institution specific issues that led to Notice and the next steps as part of Notice. The letter will also specify a date for submission of a written report on the corrective measures taken by the institution during the Notice period and for a subsequent Notice evaluation. The written report must provide clear evidence that the institution has ameliorated the deficiencies that led to the

~~Notice action and is no longer at risk for compliance issues. The Notice evaluation will determine whether claims made in the report are verifiable and demonstrate significant improvement in the deficient areas.~~

~~The Notice period shall not exceed two years, commencing on the date of the Board's action placing the institution on Notice until the date the Board determines whether the deficiencies that led to the institution being placed on Notice have been ameliorated. The filing of the report and the subsequent Notice evaluation will take place within this time period as established by the Board. The Board of Trustees may impose Notice at the end of Probation or Show Cause if the institution has demonstrated compliance with the areas previously identified as non-compliant but remains at risk related to those areas of non-compliance or other deficiencies.~~

An institution on Notice will submit a Notice Report demonstrating why it is no longer at risk of being out of compliance with the Criteria for Accreditation.

The institution will then host a Notice Visit to validate the Notice Report.

The Notice evaluation at the end of Report and Notice Visit during the Notice period will be conducted following HLC policies and procedures for routine monitoring. (See INST.F.10.010, Routine Monitoring and Data Collection.) At the Board's discretion, the Notice Report and Notice Visit may be embedded into an institution's comprehensive evaluation in accordance with HLC policies and procedures.

The team shall recommend whether to remove Notice, specifying any routine monitoring that should be attached to the removal; in the event of ongoing risk of noncompliance, whether to extend Notice; or, in the event the institution is out of compliance, whether to impose Probation, issue a Show-Cause Order or withdraw accreditation.

An institution shall have the opportunity to provide a written response to the written report of a Notice Visit following HLC policies for the provision of institutional responses. An institution shall have at least 14 days to prepare and submit an institutional response to the team report prior to review and action through HLC's decision-making processes.

Process for Removal of Notice, Including Extension of Notice

Only the Board shall take action to remove Notice.

At the end of an initial Notice period, the Board of Trustees will review the recommendation of any evaluation team and of an Institutional Actions Council Meeting Committee or Hearing Committee, as well as any responses filed by the institution.

If the Board finds that the institution is no longer at risk of being out of compliance with the Criteria for Accreditation, the Board will remove Notice.

~~If, at the end of the Notice period, the Board finds that the deficiencies leading to the Notice action have not been ameliorated~~ the institution is now out of compliance with the Criteria for Accreditation or other HLC requirements, the Board may ~~continue accreditation~~ impose Probation, assign a Show-Cause Order, or withdraw accreditation ~~or take other action as provided for in these policies.~~

If, at the end of the initial Notice period, the Board finds that the institution remains at risk of being out of compliance with the Criteria for Accreditation, ~~the Board may also extend Notice.~~ Extension of Notice signifies that if the institution is making progress but ~~has not completely ameliorated the conditions that led to the Notice~~ is still at risk of being out of compliance with the Criteria for Accreditation.

This extension of Notice will be ~~available for an additional~~ one year if the institution was initially placed on Notice for one year or for ~~an additional~~ six months if the institution was initially placed on Notice for two years.

At the time that it extends the Notice period, the Board will specify the process by which the institution will be required to provide evidence ~~so~~ that it is no longer at risk of being out of compliance with HLC requirements, ~~(i.e., either by providing a Notice Report or hosting a Notice Visit).~~

The panel of HLC peer reviewers that evaluates the Notice Report or the team that conducts the Notice Visit shall recommend whether to remove Notice, specifying any routine monitoring that should be attached to the removal; or, in the event the institution is out of compliance, whether to impose Probation, issue a Show-Cause Order or withdraw accreditation.

~~At the end of an extension to a Notice period, the Board of Trustees will review the recommendation of any the evaluation panel or team, as well as any response filed by the institution.~~

~~The Board will act on any extension of Notice at the next regularly scheduled Board meeting after the extension of the Notice period has concluded.~~ At that the time the Board reviews the extension of Notice, the Board has the same options for action it had at the end of the initial Notice period, except that no further extension of Notice shall be available.

~~Process for Imposing or Removing Notice~~

~~Only the Board of Trustees, acting on the recommendation of any evaluation team, the Institutional Actions Council, or the President, shall take action placing an institution on Notice. A team recommendation to place an institution on Notice, 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 Institutional Actions Council Hearing Committee recommendations in its deliberations. The President of HLC makes a recommendation for Notice resulting from an advisory visit process directly to the Board. In all cases, the Board of Trustees will act on a recommendation for Notice only if the institution's chief executive officer has been given an opportunity of at least 14 days to place before the Board of Trustees a written response to the recommendation.~~

~~At the end of an initial Notice period, the Board of Trustees will review the recommendation of any evaluation team and of an Institutional Actions Council Meeting Committee or Hearing Committee, as well as any responses filed by the institution. At the end of an extension to a Notice period, the Board of Trustees will review the recommendation of any evaluation panel or team, as well as any response filed by the institution. In taking action, the Board of Trustees may choose to accept, reject, or modify these recommendations.~~

Pathways Assignment

~~The Board shall reassign an institution to the Standard Pathway as may be necessary in the action that places the institution on Notice. An institution placed on Notice remains on a reaffirmation Pathway while on Notice. If an institution was on the Open Pathway when placed on Notice, the institution will be placed on the Standard Pathway at the time that it is placed on Notice.~~

~~Following the removal of Notice, the institution shall remain on the Standard Pathway until such time as it has reestablished its eligibility for a different pathway as determined by a comprehensive evaluation for reaffirmation of accreditation it completes its full 10-year cycle. If at that time the institution's accreditation is reaffirmed without further sanction, it may be recommended as eligible to choose the Open Pathway if otherwise eligible.~~

Substantive Change During the **While on** Notice Period

~~An institution on Notice may file one or more applications for substantive change during the Notice period.~~

~~However, any application related to deficiencies identified in the Notice action will be subject to strict scrutiny and may be **denied** deferred by staff or by the Institutional Actions Council for consideration by HLC until after the Board has removed Notice, or the application may be denied for any reason as provided in HLC policies, including if the requested change relates to issues identified in the Notice action.~~

~~An approval of a substantive change for an institution on Notice is not indicative of a determination by HLC that an institution has corrected the identified areas of deficiency concern related to Notice.~~

Under federal regulations, additional requirements for seeking prior approval for certain substantive changes apply specifically to institutions placed on Notice after July 1, 2020, as well as for three academic years following removal of such Notice. Such additional requirements may be found in HLC’s policies on substantive change (see INST.G.10.010 Substantive Change).

An institution on Notice is not eligible for the Notification Program for Additional Locations and shall be suspended from that program by staff after being placed on Notice and for a period of three years thereafter. If the institution has been placed on Notice for issues related to the quality of the institution’s off-campus instruction or related issues, the institution shall be removed from that program by staff after being placed on Notice and for a period of three years thereafter. Additional information may be found in HLC’s policies on substantive change (see INST.G.10.020 Review of Substantive Change).

Public Disclosure of Notice Actions

A Public Disclosure Notice for an institution on Notice will be available on HLC’s website shortly after, but not more than one (4) business day after, HLC notifies the institution of the action imposing Notice. An institution on Notice 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 seven (7) business days after receiving the action letter from HLC; the notification must include information on how to contact HLC for further information; the institution must also disclose this status whenever it refers to its HLC accreditation.

~~Notice Evaluation at the End of the Notice Period~~

~~The Notice evaluation at the end of the Notice period will be conducted following HLC policies and procedures for routine monitoring. (See INST.F.10.010, Routine Monitoring and Data Collection.)~~

Policy Title: Probation
Number: INST.E.20.010

Probation is a public sanction that attaches to an institution’s accreditation status. ~~This status~~ **The sanction of Probation** indicates that an accredited institution is no longer in compliance with one or more Criteria for Accreditation and/or is not in compliance with other HLC requirements, which may include the Assumed Practices or the Federal Compliance Requirements, such that Probation is warranted. **Probation will be supported by a finding that an institution does not meet one or more Criteria for Accreditation or that the**

institution does not meet other HLC requirements, such that Probation is warranted as a period for the institution to remediate the areas of noncompliance.

The institution remains accredited while it is on Probation. An action to impose Probation is a final action and is not subject to appeal.

Process for Imposing Probation

Only the Board of Trustees, acting on the recommendation of any evaluation team, an Institutional Actions Council Committee, or the President, shall take action placing to place an institution on Probation.

A ~~team~~ recommendation from a team of HLC peer reviewers to place an institution on Probation or extend Probation, 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.

The ~~President of HLC~~ president makes a recommendation for Probation resulting from an advisory visit process directly to the Board.

In all cases, the Board of Trustees will act on a recommendation for Probation only if the institution's chief executive officer has been given an opportunity of at least 14 days to place before the Board of Trustees submit a written response to the recommendation.

The Board is not required to have placed an institution on Notice prior to the imposition of Probation nor is the Board required to provide a period of Probation prior to issuing a Show-Cause Order or withdrawing accreditation. In making the judgment about whether to provide a period of Probation or an extension of Probation, the Board will weigh the capacity of the institution to resolve the areas of noncompliance within the probationary period while on Probation, any harm that might result to students and the public from allowing the institution time to resolve areas of noncompliance while remaining accredited, and other factors.

Length of Probation

The initial Probation period for Probation shall generally be not exceed two (2) years, commencing with on the date of the Board's action placing the institution on Probation and concluding with the Board's determination that Probation should be removed or other action should be taken.

The initial Probation period shall typically be for two years. The initial period for Probation may be less than one year instead of two (2) years if the Board so determines at its discretion.

An institution that receives Probation for less than two (2) years is not entitled to the remainder of the two (2) years if, at the end of the probationary period Probation, separate from the good cause extension detailed below, it has not been able to demonstrate compliance with the Criteria for Accreditation and any cited HLC requirements.

Review Process While on Probation

In placing an institution on Probation, the Board of Trustees will ~~identify in the letter notifying~~ **notify** the institution of ~~the action~~ the specific areas of noncompliance that led to ~~the Probation and the date for the institution's next comprehensive evaluation~~ **next steps as part of Probation.**

The Board's action will require that an institution initially placed on Probation:

1. Submit in a timeframe defined by the Board a Provisional Plan comporting with HLC's Teach-Out Requirements as articulated in applicable policies ~~for such plans to the Institutional Actions Council for review and approval during the probation period;~~
2. Submit an Assurance Filing that provides ~~clear~~ evidence that the institution has ameliorated the areas of noncompliance and that it is otherwise in compliance with all the Criteria for Accreditation, the Federal Compliance Requirements and any applicable Assumed Practices specifically cited in the Board's action; ~~and~~.
3. Host an on-site evaluation team to validate the report.

The comprehensive evaluation conducted during the probationary period for Probation generally will be conducted in accordance with established HLC procedures for comprehensive evaluations but with the following modifications.

The ~~President of HLC~~ **president** shall determine whether the institutional liaison or other HLC staff member will accompany ~~evaluation visits related to~~ **the team conducting a comprehensive evaluation visit for Probation.**

HLC shall retain discretion to determine the length of the ~~on-site~~ **comprehensive evaluation visit for Probation** or to require that team members conduct additional on-site visits to the institution's facilities ~~as a part of a particular Comprehensive Evaluation~~ to examine specific issues.

The team shall recommend whether to remove Probation, specifying any ~~interim~~ **routine** monitoring that should be attached to the removal; **whether to recommend Notice, if the institution is at risk of noncompliance;** or, in the event of ongoing noncompliance, whether to extend Probation, issue a Show-Cause Order or withdraw accreditation.

An institution shall have the opportunity to provide a written response to the written report of a comprehensive evaluation conducted during the probationary period for Probation following HLC policies for the provision of institutional responses. An institution shall have at least 14 days to prepare and submit an institutional response to the team report prior to review and action through HLC's decision-making processes.

Process for Removal of Probation; Including Extension of Probation

Only the Board shall take action to remove Probation.

At the end of an initial Probation period, the Board of Trustees will review the recommendations from of the comprehensive evaluation team that evaluated the institution and from of the Institutional Actions Council Hearing Committee, as well as any responses filed by the institution.

If the Board finds that the institution is no longer out of compliance with HLC requirements, the Board will remove Probation and either reaffirm accreditation or, if the institution is at risk of being out of compliance with HLC requirements, impose Notice.

If the Board finds that the institution continues to be out of compliance with the Criteria for Accreditation or other HLC requirements, regardless of whether the areas of noncompliance are the same or different from those originally identified, the Board may issue a Show-Cause Order, withdraw accreditation or extend Probation, as detailed below.

~~The initial period for Probation shall generally be two (2) years commencing with the date of the Board's action placing the institution on Probation and concluding with the Board's determination that Probation should be removed or other action should be taken. The initial period for Probation may be less than two (2) years if the Board so determines at its discretion.~~

Regardless of the initial period of Probation, under rare circumstances an institution may be eligible for one extension to its initial period of Probation as explained below and subject to the maximum timeframe for noncompliance articulated in INST.E.60.010 Denial or Withdrawal of Status.

~~The comprehensive evaluation process to consider removal of probation will take place within the time period for the sanction established by the Board. If the institution has been on Notice prior to the imposition of Probation, the Board may take that history into account in determining the length of Probation. An institution that receives Probation for less than two (2) years is not entitled to the remainder of the two (2) years if, at the end of the probationary period, separate from the good cause extension, it has not been able to demonstrate compliance with the Criteria for Accreditation and any cited HLC requirements.~~

The Board may ~~at its sole discretion~~ grant one extension of Probation at the end of the initial period of Probation if the institution is not able to demonstrate to the Board's satisfaction that it has ameliorated the areas of noncompliance that led to the sanction or is otherwise in compliance with HLC requirements, but is able to demonstrate all of the following to show that it is eligible for the extension:

1. ~~e~~**C**lear evidence of substantial progress towards meeting the Criteria for Accreditation (or Federal Compliance Requirements or cited Assumed Practices as applicable), including evidence of substantial implementation of necessary improvements, in the majority of areas in which the institution has been previously found to be noncompliant;
2. ~~v~~**V**erifiable plans to cure the remaining areas of noncompliance or any other areas of noncompliance identified in the action granting the extension by the end of the extension period;
3. ~~s~~**S**ufficient capacity and resources in place to cure the identified areas of noncompliance during the extension; and
4. ~~L~~**L**ikelihood that the institution will be able to demonstrate compliance with all the Criteria for Accreditation and any cited HLC requirements by the end of the extension.

The extension shall be for one year beyond the initial period of Probation **and** subject to **the** maximum timeframe for noncompliance articulated in INST.E.60.010 Denial or Withdrawal of Status.

The institution shall **submit a report and** host a focused ~~evaluation visit as soon as possible~~ during the one-year extension **of Probation** to determine whether ~~the improvements anticipated in the action granting the extension are in place and functioning to cure any areas of non-compliance identified in that action and whether~~ HLC requirements are met such that Probation may be removed ~~following the requirements for removal of Probation stipulated in this policy~~ or whether **a Show-Cause Order shall be issued** or accreditation shall be withdrawn ~~or other action taken following HLC policy~~.

The team shall recommend whether to remove Probation, specifying any routine monitoring that should be attached to the removal; whether to recommend Notice, if the institution is at risk of noncompliance; or, in the event the institution is out of compliance, whether to issue a Show-Cause Order or withdraw accreditation.

The Board will review the recommendation report of the ~~focused evaluation~~ team, **and as well as** any response ~~to that report~~ filed by the institution, ~~shall be considered by the Board of Trustees in determining its action at end the of extension period.~~

At the time that the Board reviews the extension of Probation, the Board has the same options for action it had at the end of the initial Probation period, except that no further extension of Probation shall be available, and subject to the maximum timeframe for noncompliance articulated in INST.E.60.010 Denial or Withdrawal of Status.

~~The Board is not required to have placed an institution on Notice prior to the imposition of Probation nor is the Board required to provide a period of Probation prior to issuing a Show Cause Order or withdrawing accreditation. In making the judgment about whether to provide a period of Probation or an extension of Probation the Board will weigh the capacity of the institution to resolve the areas of non-compliance within the probationary period, any harm that might result to students and the public from allowing the institution time to resolve areas of non-compliance while remaining accredited, and other factors.~~

~~The Board also has the discretion at any time during the probationary period to reevaluate its decision to allow for a period of Probation if it receives evidence of additional non-compliance with HLC requirements or deteriorating conditions at the institution that have the capacity to affect the teaching and learning experience at the institution. In such cases the Board may issue a Show Cause Order or take other action provided for in these policies.~~

~~At the end of the period of Probation or following the extension of Probation or at any time during Probation as specifically outlined in this policy, if the institution cannot provide evidence of ameliorating the areas of non-compliance within the timeframe specified by the Board for the Probation, or if further evidence surfaces that suggests the institution is found not to be in compliance with HLC requirements, whether or not the areas of non-compliance are the same or different from those originally identified, the Board shall withdraw the institution's accreditation or take other action as provided for in these policies.~~

~~Process for Imposing or Removing Probation~~

~~Only the Board of Trustees, acting on the recommendation of any evaluation team, an Institutional Actions Council Committee, or the President, shall take action placing an institution on Probation. A team recommendation to place an institution on Probation or extend Probation, 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. The Board may also act of its own accord to grant an extension of Probation at the time it considers removing Probation without a prior recommendation by an evaluation team or Institutional Actions Council. The President of HLC makes a recommendation for Probation resulting from an advisory visit process directly to the Board. In all cases, the Board of Trustees will act on a recommendation for Probation only if the institution's chief executive officer has been given an~~

~~opportunity of at least 14 days to place before the Board of Trustees a written response to the recommendation.~~

~~At the end of Probation the Board of Trustees will review recommendations from the comprehensive evaluation team that evaluated the institution and from the Institutional Actions Council Hearing Committee. In taking action, the Board of Trustees may choose to accept, reject, or modify these recommendations. The Board of Trustees may continue accreditation, withdraw accreditation or take other action as provided for in these policies.~~

Pathways Assignment **and Reaffirmation**

An institution placed on Probation is also removed from any reaffirmation ~~Pathway~~ until it is removed from Probation. ~~An institution removed from Probation will be placed on the Standard Pathway for its next reaffirmation cycle.~~

If the Board of Trustees removes the institution from Probation, **including following any extension**, and does not withdraw accreditation or issue a Show-Cause Order, the Board shall reaffirm the institution's accreditation and assign it to the Standard Pathway. The institution will have ~~an~~ **a comprehensive** evaluation to reaffirm accreditation no later than four (4) years after the Board acts to remove Probation ~~although the Board may set the reaffirmation date earlier, and the institution will be placed in the Standard Pathway accordingly. The Board may also require interim monitoring as a part of its action.~~ The institution will remain on the Standard Pathway until it completes the full ~~ten (10)~~ **10-year** cycle. If at that time accreditation is reaffirmed without further sanction, it may be ~~considered to be~~ **recommended as eligible for to choose** the Open Pathway **if otherwise eligible**.

Substantive Change ~~During the Probationary Period~~ **While on Probation**

An institution on Probation may file one or more applications for substantive change ~~during the probationary period. However, the institution must address in its application the question of why the change is immediately necessary~~ **while on Probation** and how the institution will manage the change while continuing to work to remedy the areas of noncompliance; ~~the application will be subject to strict scrutiny by HLC.~~

~~The institution should anticipate that the~~ **Any** application is likely to ~~may~~ be denied or deferred by staff or by the Institutional Actions Council Committee ~~for consideration by HLC until~~ after the Board has removed Probation **for any reason as provided in HLC policy, including if the institution has not demonstrated why the change is immediately necessary while on Probation and how the institution will manage the change while continuing to work to remedy the areas of noncompliance.**

An approval of a substantive change for an institution on Probation is not indicative of a determination by HLC that an institution has corrected identified areas of noncompliance related to Probation.

Under federal regulations, additional requirements for seeking prior approval for certain substantive changes apply specifically to institutions placed on Probation after July 1, 2020, as well as for three academic years following removal of such Probation. Such additional requirements may be found in HLC's policies on substantive change (see INST.G.10.010 Substantive Change). ~~An approval of a substantive change for an institution on Probation is not indicative of a determination by HLC that an institution has corrected identified areas of non-compliance.~~

An institution on Probation is not eligible for the Notification Program for Additional Locations and shall be removed from that program by staff after being placed on Probation and for a period of three years thereafter. Additional information may be found in HLC's policies on substantive change (see INST.G.10.020 Review of Substantive Change).

Public Disclosure of Probation Actions

A Public Disclosure Notice for an institution on Probation will be available on HLC's website shortly after, but not more than one (4) business day after, HLC notifies the institution of the action imposing Probation. An institution on Probation 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 seven (7) business days after receiving the action letter from HLC; the notification must include information on how to contact HLC for further information; the institution must also disclose this status whenever it refers to its HLC accreditation.

~~Comprehensive Evaluation Visit During Probation~~

~~The comprehensive evaluation conducted during the probationary period will be conducted in accordance with established HLC procedures for comprehensive evaluations but with the following modifications. Timing of the evaluation will be according to a schedule set by HLC's Board of Trustees in placing the institution on Probation. While the evaluation will review the institution's compliance with all the Criteria for Accreditation and Federal Compliance Requirements, it will also examine the institution's conformity with the Assumed Practices specifically cited by the Board. HLC may also determine, if the institution has had a recent comprehensive evaluation within the previous three (3) years prior to the imposition of Probation, that the visit will focus primarily on those areas in which the institution has been found to be non-compliant; therefore HLC may attenuate some aspects of the visit unrelated to the issues involved in Probation.~~

~~The President of HLC shall determine whether the institutional liaison or other HLC staff member will accompany evaluation visits related to Probation.~~

~~Documentation Evaluated: The Assurance Filing assembled by the institution through a self-evaluative or self-study process should include evidence of remediation of the areas of non-compliance identified in the letter notifying the institution of Probation.~~

~~On-Site Visit: A team of Peer Reviewers appointed by HLC staff in accordance with HLC procedures shall conduct a visit to the institution's main campus and other institutional locations as shall be determined by HLC based on its policies and procedures; for institutions that offer only distance or correspondence education, the team shall conduct its on-site visit to the institution's administrative offices but may include other institutional locations.~~

~~HLC shall retain discretion to determine the length of the on-site visit or to require that team members conduct additional on-site visits to the institution's facilities as a part of a particular Comprehensive Evaluation to examine specific issues.~~

~~Recommendations Arising From Comprehensive Evaluations During Probation: The team of HLC Peer Reviewers conducting a comprehensive evaluation during Probation shall in its written report make a recommendation to HLC's Board of Trustees for HLC action.~~

~~The team shall recommend whether to remove Probation, specifying any interim monitoring that should be attached to the removal, or in the event of ongoing non-compliance, whether to extend Probation, issue a Show Cause Order or withdraw accreditation. In recommending withdrawal of accreditation, the team may also recommend for the Board's consideration an effective date for the withdrawal action.~~

~~These recommendations, along with the team's written report, shall be forwarded to an Institutional Actions Council Hearing Committee and from there to HLC's Board of Trustees.~~

~~Institutional Responses to Recommendations Arising From Comprehensive Evaluations During Probation: An institution shall have the opportunity to provide a written response to the written report of a comprehensive evaluation conducted during the probationary period following HLC policies for the provision of institutional responses. An institution shall have at least 14 days to prepare and submit an institutional response to the team report prior to review and action through HLC's decision-making processes.~~

Policy Title: Show-Cause (Procedural Order)
Number: INST.E.30.010

Show-Cause is a public procedural order that attaches to an institution's accreditation status. A Show-Cause Order is not a sanction.

~~Upon recommendation by a peer review team, the Institutional Actions Council, the President, or at its discretion, the Board of Trustees may issue an order requiring an accredited institution to show cause, typically within one (1) year (the Show-Cause period), as to why its accreditation should not be removed. A Show-Cause Order shifts the burden to the institution to promptly provide evidence, without a period of remediation, indicating that its accreditation should not be withdrawn. The basis for the issuance of a Show-Cause Order will be the Board's determination by the Board of Trustees that there is probable cause that the institution does not meet one or more 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. A Show-Cause Order is appropriate where review of an institution's compliance with HLC requirements through a comprehensive evaluation for Show-Cause, rather than a remediation period on Probation, or withdrawal of accreditation, is warranted.~~

~~The Board of Trustees may consider shortening the Show-Cause period based on factors including but not limited to the following:~~

- ~~1. the institution has spent a period of time immediately preceding the issuance of the Show-Cause Order on Probation;~~
- ~~2. findings of noncompliance pose a serious risk of imminent harm or danger to students.~~

~~The Show-Cause Order is public. The institution remains accredited while it is on Show-Cause. The issuance of a Show-Cause Order is a final action and is not subject to appeal.~~

Process for Imposing Show-Cause

Only the Board shall take action to place an institution on Show-Cause.

A recommendation by a team of HLC peer reviewers to place an institution on Show-Cause, 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.

The HLC president makes a recommendation for Show-Cause resulting from an advisory visit process directly to the Board.

In all cases, the Board will act on a recommendation to impose Show-Cause only if the institution has been given at least 14 days to submit a written response to the recommendation.

The Board is not required to have placed an institution on Probation prior to issuing a Show-Cause Order.

Length of Show-Cause

The period for a Show-Cause Order shall not exceed one year. The Board of Trustees may consider shortening the Show-Cause period to less than one year based on factors including, but not limited to, the following:

1. The institution has spent a period of time immediately preceding the issuance of the Show-Cause Order on Probation;
2. Findings of noncompliance pose a serious risk of imminent harm or danger to students.

Review Processes While on Show-Cause

In placing an institution on Show-Cause, ~~the Board of Trustees will explain the reasons for its decision and notify the institution of the specific areas of probable noncompliance in the Show-Cause Order and in the letter provided to the institution after that led to the action to impose Show-Cause and the next steps as part of the Show-Cause process.~~

~~The Show-Cause Order~~ **Board's action** will require that an institution placed on Show-Cause:

- ~~s~~**Submit** in a timeframe defined by the ~~Show-Cause order~~ **Board** a Provisional Plan comporting with HLC's Teach Out requirements ~~for such plans to the Institutional Actions Council for review and approval during the Show-Cause period, as articulated in applicable policies.~~
- ~~present its case for continued accreditation by means of a report, known as a Show-Cause Report,~~ **Submit an Assurance Filing** that provides substantive evidence that the institution continues to meet ~~each of the Criteria for Accreditation, all the Assumed Practices, and the Federal Compliance Requirements and has resolved the issues that led to the findings of probable noncompliance identified in the Show-Cause Order, and.~~
- ~~h~~**Host** an on-site evaluation team to validate the report.

The comprehensive evaluation for Show-Cause generally will be conducted in accordance with established HLC procedures for comprehensive evaluations.

~~The President of HLC~~ **president** shall determine whether the institutional liaison or other HLC staff member will accompany the ~~Show-Cause Evaluation Visit~~ **the team conducting a comprehensive evaluation visit for Show Cause.**

HLC shall retain discretion to determine the length of the ~~on-site~~ **comprehensive evaluation** visit for Show-Cause or to require that team members conduct additional on-site visits to the institution's facilities to examine specific issues.

The team shall recommend whether to remove Show-Cause, specifying any routine monitoring that should be attached to the removal; whether to recommend Notice, if the institution is at risk of noncompliance; or, in the event of ongoing noncompliance, whether to assign Probation, subject to the maximum timeframe for noncompliance articulated in INST.E.60.010 Denial or Withdrawal of Status, or withdraw accreditation.

~~The on-site team will produce a report that includes its findings regarding the institution's compliance with the Criteria for Accreditation and the Federal Compliance Requirements and conformity with the Assumed Practices for consideration by the Board of Trustees. Only the Board of Trustees may ultimately determine that a Show-Cause Order has been satisfactorily addressed, and that the institution has demonstrated compliance with HLC requirements.~~

An institution shall have the opportunity to provide a written response to the written report of a **comprehensive evaluation for Show-Cause** ~~evaluation~~ following HLC policies for the provision of institutional responses. An institution shall have at least 14 days to prepare and submit an institutional response to the team report prior to review and action through HLC's decision-making processes.

Board Committee Hearing in Show-Cause

HLC shall make a Board Committee Hearing available to the institution prior to a decision by the Board concluding the Show-Cause Order process, in keeping with INST.E.70.010 Additional Board Procedures.

Process for Imposing or Removing **Removal of** a Show-Cause Order

~~The Board of Trustees shall take action at the end of the Show-Cause period. Only the Board may take action to remove a Show-Cause Order.~~

At the end of the Show-Cause period, the Board will review the recommendation of the team, as well as any response filed by the institution.

If the Board finds that the institution has demonstrated to the sole satisfaction of the Board that it has ameliorated each the findings of ~~probable~~ noncompliance identified by the Board detailed in the Show-Cause Order and that it **otherwise meets each of the Criteria for Accreditation, all the Assumed Practices and all the Federal Compliance Requirements, the Board may remove the Show-Cause Order; ~~the Board may also reaffirm accreditation as required by the institution's reaffirmation cycle with HLC.~~**

The Board may remove the institution from Show-Cause subject to a period of Notice if the institution has demonstrated compliance with HLC requirements, but remains at risk ~~related to those areas of~~ noncompliance ~~or other deficiencies~~ **with the Criteria for Accreditation.**

If the institution has not demonstrated ~~to the sole satisfaction of the Board~~ (1) that it has ameliorated each area of noncompliance identified by the Board detailed in the Show-Cause Order and (2) that it meets all HLC requirements, the Board ~~shall~~ **may** withdraw accreditation or ~~take any other action provided for in HLC policy including~~ **impose** Probation, as appropriate, subject to ~~the requirements of those policies and provided that~~ the maximum time period of noncompliance as stated in INST.E.60.010 Denial or Withdrawal of Status is not exceeded.

~~In all cases, the Board of Trustees will act at the conclusion of a Show-Cause process only if the institution's chief executive officer has been given opportunity of at least 14 days to place before the Board of Trustees a written response to the Show-Cause Report and any other information arising in the Show-Cause process.~~

~~Board Committee Hearing in Show-Cause~~

~~HLC shall make a Board Committee Hearing available to the institution prior to a decision by the Board concluding the Show-Cause Order process, in keeping with INST.E.70.010 Additional Board Procedures.~~

Pathways Assignment

An institution placed ~~under~~ **on** a Show-Cause Order is removed from any reaffirmation ~~p~~**Pathway** until the Show-Cause Order has been removed.

~~If, at the conclusion of the Show-Cause period, the Board of Trustees removes the institution from Show-Cause and does not withdraw accreditation or place the institution on Probation or take other action related to a finding of non-compliance, the Board shall reaffirm the institution's accreditation and shall assign the institution to the Standard Pathway. The institution will have an a comprehensive evaluation to reaffirm accreditation no later than four (4) years after the Board acts to remove Show-Cause and depending on the previous date of reaffirmation although the Board may set the reaffirmation date earlier, and the institution will be set in the Standard Pathway accordingly. The Board may also require interim routine monitoring as a part of its action. The institution will remain on the Standard Pathway until it completes a full ten (10) 10-year cycle. and is then~~ **If at that time the institution's accreditation is** reaffirmed without further sanction, ~~at which time it the institution may be considered for another pathway recommended as eligible to choose the~~ **Open Pathway if otherwise eligible.**

Substantive Change ~~During the~~ **While on** Show-Cause Period

In general, HLC will not consider for approval any substantive change **applications** during the Show-Cause period, other than a Provisional Plan as required under this policy and any accompanying Teach-Out Agreements, unless the institution can demonstrate that the change is required by law or by the requirements of ~~a specialized~~ **another recognized** accreditor or is essential for the institution to demonstrate compliance with ~~the Criteria for Accreditation or Federal Compliance Requirements or to remain fiscally viable~~ **HLC requirements**.

~~Even if HLC accepts the application after this showing of necessity, the application will be subject to strict scrutiny by HLC and~~ **Any application** may be denied or deferred by staff or by the Institutional Actions Council Committee ~~for consideration by HLC until~~ after the Board has removed Show-Cause **for any reason as provided in HLC policy, including if the institution has not demonstrated that the change is required by law or by the requirements of another recognized accreditor or is essential for the institution to demonstrate compliance with HLC requirements.**

An approval of a substantive change for an institution on Show-Cause is not indicative of a determination by HLC that an institution has corrected identified areas of ~~probable noncompliance~~ related to the Show-Cause Order.

Under the federal regulations, additional requirements for prior approval for certain substantive changes apply specifically to institutions placed under a Show-Cause Order after July 1, 2020, as well as for three academic years following removal of such Show-Cause Order, and may be found in HLC's policies on substantive change (see INST.G.10.010 Substantive Change). ~~An approval of a substantive change for an institution on Show-Cause is not indicative of a determination by HLC that an institution has corrected identified areas of probable non-compliance.~~

An institution on Show-Cause is not eligible for the Notification Program for Additional Locations and shall be removed from that program by staff after being placed on Show-Cause and for a period of three years thereafter. Additional information may be found in HLC's policies on substantive change (see INST.F.20.50 Review of Substantive Change).

Public Disclosure of Show-Cause

A Public Disclosure Notice for an institution on Show-Cause will be available on HLC's website after, but not more than one ~~(1)~~ business day after, HLC notifies the institution of the action issuing the Show-Cause Order. An institution on Show-Cause 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 seven ~~(7)~~ business days after receiving the action letter from HLC; the notification must include information on

how to contact HLC for further information; the institution must also disclose this status whenever it refers to its HLC accreditation.

~~Show Cause Evaluation Visit~~

~~An institution under a Show Cause Order shall undergo a Show Cause Evaluation Visit by HLC according to a schedule set by HLC's Board of Trustees in placing the institution on Show Cause. The evaluation will review the institution's compliance with all the Criteria for Accreditation and Federal Compliance Requirements and conformity with the Assumed Practices. The visit will be narrowly tailored at HLC's discretion to make this key determination.~~

~~A team of peer reviewers appointed by HLC staff in accordance with HLC procedures shall conduct a visit to the institution's main campus and other institutional locations as determined by HLC based on its policies and procedures; for institutions that offer only distance or correspondence education, the team shall conduct its on-site visit to the institution's administrative offices but may include other institutional locations.~~

~~HLC shall retain discretion to determine the length of the on-site visit or to require that team members conduct additional on-site visits to the institution's facilities to examine specific issues.~~

~~The President of HLC shall determine whether the institutional liaison or other HLC staff member will accompany evaluation visits related to Show Cause.~~

~~Institutional Responses to the Show Cause Evaluation Visit Report~~

~~An institution shall have the opportunity to provide a written response to the written report of a Show Cause evaluation following HLC policies for the provision of institutional responses. An institution shall have at least 14 days to prepare and submit an institutional response to the team report prior to review and action through HLC's decision-making processes.~~