

## **SUMMARY OF PROPOSED POLICY CHANGES**

*The Board of Trustees adopted these policies on first readings at its meeting on October 30, 2009. The Commission invites comments on these changes before the Board takes final action. The Board will act on the policies on Initial Status at its meeting on December 4, 2009. Comments are due by December 2. If approved, they will be effective immediately. The Board will act on the policies on Commission Ownership and Management of Information and Recognition of Accrediting Agencies at its meeting on February 22-23, 2010. Comments on those policies are due by January 8. Comments should be sent to: [ms\\_lists@hlcommission.org](mailto:ms_lists@hlcommission.org).*

**This document provides proposed new policies and policy amendments in three parts:**

- 1) Policies related to Initial Status;**
- 2) Policies related to Commission Ownership and Management of Information; and**
- 3) Policies related to compliance with revised federal rules for recognition of accrediting agencies.**

### **Initial Status**

Over the past year the Commission has been engaged in a comprehensive review of the Commission's decision-making processes as well as the handling of decisions on institutional Change of Control. The Commission staff made a presentation to the Board regarding decision-making, and the Board of Trustees engaged in a retreat in December 2008 regarding change of control and the increase in entrepreneurial institutions that have made use of merger and acquisition to facilitate significant institutional growth. As a result of these discussions, the Board has moved to increase its involvement in strategic decisions involving institutional membership with the Commission.

In June 2009 the Board adopted new policies that enhanced oversight by the Commission's Board of Trustees regarding Change of Control at affiliated institutions. This policy provides detailed information to the affiliated institutions about the types of transactions subject to review and the process for due diligence at the Commission prior to the Board receiving these transactions for final review and approval.

The proposed policies in this section provide for the Board to assume responsibility for additional strategic decisions of the Commission: the review and approval of institutions for initial candidacy and accreditation. Currently the Accreditation Review Council, sitting as a Review Committee, has the authority to make these decisions, provided that there is consensus between the Review Committee and the Team about the appropriateness of the decision and consent by the institution. Board members validate these decisions by mail ballot. In cases where there is a lack of consensus, such cases come to Board for final review and approval. Under the revised policies provided in this section the Review Committee will continue to conduct a hearing and provide a recommendation, but that recommendation,

together with the recommendation of the team, will come before the Board for deliberation and final action regardless of whether there is consensus among the parties.

It is important to note that the Board will have complete discretion to accept a Team or Review Committee recommendation regarding initial status. However, in order to address the possibility that the Board might adopt an action different from one recommended by any level of the process and that an institution should have an opportunity for notice and comment in such a case prior to the final action, the revised policy will provide for such notice under provisions currently existing in Commission policy that have been extended to cover this circumstance.

### **Commission Ownership and Management of Information**

The Commission lacks clear policies outlining the scope of ownership of the records it creates as well as those that are provided by institutions seeking to attain or maintain status. A culture of anecdote and myth arising in this situation has led some institutions to conclude that they have some measure of ownership in and control over Commission records. The proposed policy asserts Commission ownership of its records while outlining those specific instances in which it has the authority to release certain identified information to appropriate third parties such as the U.S. Department of Education, other accreditors, or state agencies with appropriate jurisdiction, or to the public. It also assures institutions of the confidentiality of specific institutional records in circumstances other than those defined in Commission policy as justifying release of information.

### **Mandates Arising from Revised Regulations Regarding Recognition of Accrediting Agencies**

In August 2008 the U.S. Congress adopted the Higher Education Opportunity Act. The Board adopted the revised policies in February 2009 to meet the mandates of the statute. In spring 2009 the U.S. Department of Education began a Negotiated Rulemaking process to develop new regulations to address the revisions in the statute. However, it also took the opportunity to revise other aspects of the regulations in which there had been no changes mandated by revisions in the Act, and it added its own interpretation to changes in regulations mandated by the Act. The revised Regulations were promulgated in draft form in August 2009. Because of the extensive negotiated process conducted during the formulation of these regulations, it is expected that they will become effective on July 1, 2010 with few, or no, changes in the final wording. Policies in this section address these revised regulations.

11/24/09

### Key to Policy Amendments

Policy wording to be deleted or revised is shown as strike through (~~old wording~~); new policy language, whether through addition or revision, is shown in bold (**new wording**).

#### PART A: POLICIES RELATED TO DECISIONS INVOLVING INITIAL STATUS

<p><b>Policy no.: 3.3</b></p>	<p><b>BOARD OF TRUSTEES DECISIONS</b></p> <p>The Board of Trustees will decide the official action on all team recommendations <b>for initial candidacy and initial accreditation</b>, notice, sanction (and removal of sanction), withdrawal or denial of affiliation, or moving an institution from accredited to candidate status. The Board of Trustees will validate official actions that shall be decided by the Review Committee and the Institutional Actions Council and will issue and remove all show-cause orders.</p>
	<p>Policy history: Adopted November, 1998; revised June 2004; revised June 2006; revised June 2009.</p>
<p><b>Policy no.: 2.2(d)</b></p>	<p><b>REVIEW COMMITTEE DECISIONS AND RECOMMENDATIONS</b></p> <p>The purpose of a Review Committee is to review all pertinent materials from the institution and the team and to hold a hearing to which the chief executive officer of the institution and a member of the evaluation team for that institution are invited. By majority vote, the Review Committee will either make an official decision or forward a recommendation to the Institutional Actions Council <b>or to the Board of Trustees.</b></p>
<p><b>Policy no.: 2.2(d)1</b></p>	<p><b>REVIEW COMMITTEE PROCESS</b></p> <p>When the institution, the evaluation team, and a Review Committee concur on the appropriate official action, the Review Committee process will culminate in an official decision that is forwarded to the Board of Trustees for validation. When a lack of consensus occurs between the parties as identified in this section, the team recommendation, Review Committee recommendation, and institutional responses to both will be forwarded to the Institutional Actions Council where an official decision is made. The only exceptions will occur <del>(1) when, a lack of</del> <b>regardless of consensus, there exists on a</b> <del>the</del> <b>recommendation concerning</b> <del>involves</del> <b>initial candidacy or initial accreditation or</b> <del>(2), regardless of consensus, when the recommendation(s) involves</del> <b>sanction, withdrawal or denial of affiliation, or moving an institution from accredited to candidate status.</b> In these situations, the team and Review Committee recommendations will be forwarded to the Board of Trustees where an official decision is made.</p>

	<p>Policy history: Adopted November, 1998; revised June 2009.</p> <p>Related Policy(ies): Policy 2.1(a)2.</p>
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Notes	OTHER POLICY REVISIONS NECESSITATED BY THESE CHANGES
Policy no.: 2.2(j)2	<p><b>SPECIAL NOTICE TO INSTITUTIONS IN LIMITED CIRCUMSTANCES</b></p> <p>Prior to placing an institution on probation, <del>or</del> withdrawing accreditation, <b>or denying initial candidacy or initial accreditation</b>, the Board will notify an institution of the intended action. <b>The notification will include</b> <del>and</del> the reasons for the 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 when it will take final action, either at regular meeting or through any means permitted by policy. The Board will consider the institution's response, if any, filed within the thirty-day period, prior to taking final action.</p>

**PART B: POLICIES RELATED TO  
CONTROL OF THE COMMISSION'S INFORMATION**

<p><b>Policy no.: 2.3</b></p>	<p><b>DEFINING AND ESTABLISHING OWNERSHIP OF COMMISSION INFORMATION</b></p> <p>The Commission shall have ownership of the following information:</p> <ol style="list-style-type: none"> <li><b>1. Information created for the Commission by one of its consultants, evaluators, staff or other party in furtherance of a Commission process or review;</b></li> <li><b>2. Information created for the Commission by institutions or submitted to the Commission by institutions in support of an application for new or continuing status, approval of substantive change or other Commission process or request for information;</b></li> <li><b>3. Information collected or received by the Commission from other sources including peer reviewers; and</b></li> <li><b>4. Any other information known by the Commission or otherwise collected or received in support of its mission and purposes.</b></li> </ol> <p>Information referenced under this policy may exist in electronic, written or other format.</p>
<p><b>Policy no.: 2.3(a)</b></p>	<p><b>COMMISSION RETENTION AND MANAGEMENT OF INFORMATION</b></p> <p>The Commission shall have the right to retain and manage such information as appropriate to fulfill its mission and purposes. Such management will include organizing, digitizing, displaying and storing such information. The Commission shall adopt appropriate procedures governing the retention and management of information. These policies shall be applicable to the Commission and its staff as well as to any individual acting as a reviewer or decision-maker for the Commission. The Commission shall work with third-party agents or contractors to ensure that information retention and management is handled in observance of such procedures to the fullest extent possible within the terms of that relationship.</p>
<p><b>Policy no.: 2.3(b)</b></p>	<p><b>COMMISSION RELEASE OF INFORMATION</b></p> <p>The Commission shall release Commission information in compliance with the following policies:</p>
<p><b>Policy no.: 2.3(b)1</b></p>	<p><b>COMMISSION RELEASE OF INFORMATION TO AFFILIATED INSTITUTIONS</b></p> <p><b>Institutional File Information</b></p> <p>The Commission shall release information about an affiliated</p>

	<p><b>institution in response to a request by the following:</b></p> <ol style="list-style-type: none"> <li><b>1) the President or Chief Executive Officer of that institution officially designated as such in the Commission’s records;</b></li> <li><b>2) an individual designated by the President or Chief Executive Officer to receive such information; or</b></li> <li><b>3) a resolution from that institution’s governing board signed by the current Chair of that board.</b></li> </ol> <p><b>The Commission shall release information to any other individual or to a consultant or attorney representing the institution only when the Commission has received a written request from the President or CEO of the institution.</b></p> <p><b>Peer Review Information</b></p> <p><b>In preparation for Commission review the Commission may release information to institutions about peer reviewers including contact information, credentials and other information for the purpose of assuring that Commission processes are free of conflict of interest.</b></p> <p><b>The Commission may provide oral or written comments or explanation in conjunction with the release of the above information and non-particularized information about Commission precedent.</b></p>
<p><b>Policy no.: 2.3(b)2</b></p>	<p><b>COMMISSION RELEASE OF INFORMATION WITHIN COMMISSION PROCESSES OR TO EXTERNAL AGENTS OF THE COMMISSION</b></p> <p><b>The Commission may provide information as identified in Commission Policy No. 2.3, DEFINING AND ESTABLISHING THE OWNERSHIP OF COMMISSION INFORMATION, to individuals acting as reviewers and decision-makers for the Commission within its processes. The Commission also may provide such information to Commission consultants or other individuals or entities retained by the Commission to provide assistance, expertise or other function in support of Commission processes. As a condition of a relationship with the Commission, all reviewers, decision-makers, and consultants shall agree in writing to maintain the confidentiality of such information.</b></p>
<p><b>Policy no.: 2.3(b)3</b></p>	<p><b>COMMISSION RELEASE OF INFORMATION TO RESEARCHERS</b></p> <p><b>The Commission may provide its information to a researcher(s) who,</b></p>

	<p><b>in the sole discretion of the Commission, has appropriate academic credentials and who outlines an appropriate research project related to the work of the Commission. As a condition of any relationship with the Commission, all researchers must agree in writing to maintain the confidentiality of the information and to other terms as outlined in an appropriate agreement or contract.</b></p>
<p><b>Policy no.: 2.3(b)4</b></p>	<p><b>COMMISSION RELEASE OF INFORMATION TO THIRD PARTIES</b></p> <p><b>The Commission shall release information about an institution or peer reviewer(s) or about Commission policies, procedures or activities in furtherance of its processes to, or in response to a written request from, the following entities:</b></p> <ol style="list-style-type: none"> <li><b>1. the U.S. Department of Education or other federal agency with appropriate jurisdiction to request the information;</b></li> <li><b>2. a validly-issued subpoena from a court of law with appropriate jurisdiction; and</b></li> <li><b>3. another recognized accrediting agency with which the institution(s) may have an affiliation or status or be seeking such affiliation or status;</b></li> </ol> <p><b>The Commission may, at its sole discretion, release information to a state higher education or other governmental agency with appropriate jurisdiction.</b></p> <p><b>The Commission may provide oral or written comments or explanation to such entities in conjunction with, or separate from, the release of such information.</b></p>
<p><b>Policy no.: 2.3(b)5</b></p>	<p><b>COMMISSION RELEASE OF INFORMATION TO THE PUBLIC</b></p> <p><b>The Commission shall release the following information to the public and any other interested parties by means of its Web site, fax or other disclosure:</b></p> <ol style="list-style-type: none"> <li><b>1. the name and contact information for any institution that holds, or has held, status with the Commission along with information about its campuses, sites and educational programs as well as any other data it regularly collects through its Institutional Annual Data Update process;</b></li> <li><b>2. the name and contact information of any institution scheduled for</b></li> </ol>

	<p><b>an evaluation for initial status;</b></p> <ol style="list-style-type: none"> <li><b>3. the Statement of Affiliation Status and Organizational Profile for affiliated institutions;</b></li> <li><b>4. Public Disclosure Notices and, when appropriate, certain other public statements made by the Commission;</b></li> <li><b>5. summary of all Commission actions posted within 30 days of taking such action, including voluntary withdrawals and other information within 30 days of the Commission receiving such information;</b></li> <li><b>6. the list of institutions being evaluated by the Commission in the upcoming academic year and the invitation for third-party comment about appropriate institutions;</b></li> <li><b>7. the policies and procedures of the Commission and related information;</b></li> <li><b>8. the results of aggregate data analyses and other information the Commission staff determine to be appropriate for public release;</b></li> <li><b>9. the names of all active peer reviewers and other information including title and contact information in their organization; and</b></li> <li><b>10. the names, internal contact and areas of responsibility for all staff members.</b></li> </ol> <p><b>The Commission may provide oral or written comments or explanation of such information to the public.</b></p>
<p><b>Policy no.:</b> <b>2.3(b)6</b></p>	<p><b>MAILING OR ADDRESS LISTS FOR MARKETING PURPOSES</b></p> <p>The Commission shall not <del> routinely</del> give or sell mailing lists of institutions or peer reviewers or similar information to any company, organization, institution, or individual for use in marketing or solicitation. <b>However, the Commission may provide information about individuals who attend a conference or workshop to appropriate business partners. All such business partners must agree to provide appropriate mechanisms by which a recipient may decline to receive additional promotional material.</b></p>

<p><b>Policy no.: 2.3(b)7</b></p>	<p><b>OTHER COMMISSION RELEASE OF INFORMATION</b></p> <p>The Commission may include Commission information in any submission it shall make on behalf of the Commission. Such submissions shall include, but are not limited to, Commission petitions for continued recognition from the U.S. Department of Education or the Council on Higher Education Accreditation, or Commission petition or response in any lawsuit or action it initiates or which has been initiated by another party.</p> <p>The Commission may release the team report or other documents to third parties or the public if the institution or one of its agents has released information or excerpts from documents created by or for the Commission in such a way that information from those documents, or information with regard to Commission status or findings, has been misrepresented.</p> <p>The Commission may, at its sole discretion, release information about an institution publicly or to another entity if requested by that institution.</p>
<p><b>Policy no.: 2.3(c)</b></p>	<p><b>COMMISSION PUBLIC NOTICES AND STATEMENTS</b></p> <p>The Commission shall have the authority to make specific disclosures to the public regarding affiliated or applying institutions as outlined below. The Commission shall provide notification to the affected institution about the disclosure at or before, as determined by the Commission, it releases the information to the public.</p>
<p><b>Policy no.: 2.3(c)1</b></p>	<p><b>PUBLIC DISCLOSURE NOTICES IN ADVERSE ACTIONS, SANCTIONS, AND RELATED ACTIONS</b></p> <p>The Commission will issue a Public Disclosure Notice (PDN) regarding the following actions:</p> <ol style="list-style-type: none"> <li>1. adverse action including denial or withdrawal of affiliation;</li> <li>2. sanction;</li> <li>3. show-cause;</li> <li>4. denial of change of control application.</li> </ol> <p>The PDN shall contain information about the action, the findings of the Board associated with the action, and the availability of appeal. In the case of adverse actions of denial or withdrawal of affiliation <b>or moving an institution from accredited to candidate status</b>, the PDN also shall</p>

	<p>contain official comments of the affected institution, if any, <b>or evidence that the affected institution was given an opportunity to provide official comment.*</b></p> <p>(*Note that this last amendment is in response to a requirement in revised regulations requiring such information.)</p>
<p><b>Policy no.: 2.3(c)2</b></p>	<p><b>PUBLIC DISCLOSURE NOTICES IN OTHER SITUATIONS</b></p> <p>The Commission may issue a Public Disclosure Notice (PDN) in other circumstances <b>including but not limited to the following:</b></p> <ol style="list-style-type: none"> <li><b>1. high-profile controversy(ies) at affiliated or applying institution;</b></li> <li><b>2. lawsuit against, or other investigation by another entity of, an affiliated institution;</b></li> <li><b>3. scheduled Commission advisory visit to an affiliated institution;</b></li> <li><b>4. other situation at or concerning an institution that is related to the Commission’s accrediting role.</b></li> </ol> <p><b>The PDN shall contain information about the institution’s history and relationship with the Commission and other appropriate information.</b></p>
<p><b>Policy no.: 2.3(c)3</b></p>	<p><b>COMMISSION PUBLIC STATEMENTS</b></p> <p><b>The Commission may issue a public statement in writing or orally to correct or confirm a media report, to respond to frequent inquiries from the public, or to address other matters.</b></p>
<p><b>Policy no.: 2.3(d)</b></p>	<p><b>CONFIDENTIALITY OF INFORMATION</b></p> <p><b>Except as defined under COMMISSION RELEASE OF INFORMATION in this policy and COMMISSION NOTICES AND STATEMENTS also in this policy, the Commission will maintain the confidentiality of specific information provided to the Commission from institutions, peer reviewers and other entities. Such data include but are not limited to:</b></p> <ol style="list-style-type: none"> <li>1. Information about an affiliated or applying institution not available to the public through the institution’s own program to share information and its reporting to the Federal Government (IPEDS);</li> <li>2. Information the institution identifies as “proprietary” such as</li> </ol>

	<p>recruitment strategies including pricing policies, new strategic initiatives being considered or planned for, impending but not public changes in personnel, legal activities not yet part of the public record, planned acquisitions or mergers, courseware and software created by the institution for its own use;</p> <p>3. Information provided in the institutional self study report and institutional information made available to the Commission including such things as personnel files, minutes of meetings, transcripts of grievances and hearings, management letters from external auditors, reports from internal and external quality assurance activities (i.e., reports from specialized accrediting agencies or program reviews);</p> <p><del>4. Information identified explicitly by the institution as “Confidential”;</del></p> <p>5. In clinical settings, patient identity, history, and all other information related to the patient’s involvement with the clinic;</p> <p>6. Information shared orally during the on-site visit and any face-to-face hearings that might be part of the Commission’s review processes.</p> <p><b>In addition, any institution or peer reviewer may request confidentiality of information, and the Commission will consider that request where possible in keeping with the requirements of its policies.</b></p> <p>Maintenance of confidentiality survives any particular evaluation visit or Commission review process or inquiry.</p>
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Notes	<b>OTHER POLICY REVISIONS NECESSITATED BY THESE CHANGES</b>
<b>Policy no.: 5.4</b>	<p><b>AVAILABILITY OF PEER REVIEWER PROFESSIONAL DATA TO OTHERS</b></p> <p>Delete this policy; it will be replaced by proposed policy 2.3. It will be supplemented by a new policy regarding Commission relationship with peer reviewers.</p>
<b>Policy no.: 12.3</b>	<p><b>COMMISSION OBLIGATIONS FOR PUBLIC DISCLOSURE</b></p> <p>Delete this policy; it will be replaced by the proposed policy 2.3.</p>
<b>Policy no.: 12.4</b>	<p><b>PUBLIC DISCLOSURE OF THE TEAM REPORT</b></p> <p>Delete second paragraph of the policy: “The Commission will share the team report and institutional response only with participants in its decision-making processes. It will not release the report to others unless given permission by the organization or required by legal processes. It will not make the report public unless the organization clearly</p>

	misrepresents it.” The language has been moved to proposed policy 2.3
<b>Policy no.:12.7</b>	<b>PUBLIC DISCLOSURE NOTICE</b> Delete this policy; it will be replaced by the proposed policy 2.3.
<b>Policy no.:12.8</b>	<b>PUBLIC NOTIFICATION OF COMPREHENSIVE EVALUATION VISIT</b> Delete the last sentence of this policy: “The Commission shall publish on its Web site the names of institutions scheduled for evaluation.” The language has been moved to proposed policy 2.3.
<b>Policy no.:12.9</b>	<b>DISTRIBUTION OF COMMISSION MAILING LISTS TO OTHERS</b> Delete this policy; it will be replaced by the proposed policy 2.3.

**PART C: POLICY AMENDMENTS IN RESPONSE TO  
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES  
PROMULGATED ON AUGUST 6, 2009**

**TEACH-OUT PLANS AND AGREEMENTS**

<b>Recognition Requirement</b>	In February 2009 the Commission revised its policies to address modifications in the statute with respect to teach-out provisions. The Negotiated Rulemaking established additional requirements in this area, in particular that the accreditor's teach-out policy reference a teach-out <i>plan</i> rather than a teach-out <i>agreement</i> and that a plan be required when an institution closes a degree site or when a state agency removes program authorization. The accreditor may still require a teach-out agreement in certain circumstances such as when an institution closes. There were other minor changes in the policy necessitated by additional language developed by the U.S. Department of Education as it interpreted the statute and added language to reflect its own concerns.
<b>Proposed HLC Revision</b>	The proposed policy incorporates the concept of a teach-out plan in addition to a teach-out agreement. The Commission will require a teach-out plan when a degree site is closed. The proposed revisions reflect other minor amendments in the regulation.
<b>Policy no.: 3.9</b>	<b>COMMISSION APPROVAL OF INSTITUTIONAL TEACH-OUT ARRANGEMENTS</b>  Commission approval shall be required when an institution <del>enters into a</del> <b>must</b> teach-out <del>one or more students</del> <b>agreement</b> .
<b>Policy no.: 3.9(a)</b>	<b>INSTITUTIONAL SITUATIONS REQUIRING SUBMISSION OF TEACH-OUT ARRANGEMENTS</b>  The institution shall be required to submit a <b>written</b> teach-out plan in any of the following circumstances: (a) the U.S. Department of Education notifies the Commission of <b>an emergency action, or a limitation, suspension or</b> termination or similar action against the institution; (b) the Commission acts to withdraw, terminate or suspend the <del>accreditation status</del> of an institution; (c) the institution notifies the Commission that it intends to cease or suspend operations <b>or permanently close a site where it offers at least 100% of either a Certificate or degree program before all students have completed their program of study; or (d) a state licensing or authorizing agency notifies the Commission that an institution's license or legal authorization to provide an educational program in that state has been or will be revoked.</b>
<b>Policy no.: 3.9(b)</b>	<b>COMMISSION APPROVAL OF TEACH-OUT PLANS</b>  The institution shall submit the <del>agreement</del> <b>teach-out plan</b> to the

	<p>Commission; the Commission will provide its approval if the following are met:</p> <ol style="list-style-type: none"> <li><b>1. The teach-out plan provides for equitable treatment of students by ensuring that they are able to complete the educational program in which they were enrolled immediately prior to the notification in 3.9(a) within a reasonable period of time; and</b></li> <li><b>2. The teach-out plan provides for prompt notification of additional charges to students, if any.</b></li> </ol> <p>If the Commission approves a teach-out plan that includes a program accredited by a specialized or professional accreditor, the Commission shall notify that accreditor.</p>
<p><b>Policy no.: 3.9(c)</b></p>	<p><b>COMMISSION REQUIREMENT FOR TEACH-OUT AGREEMENT</b></p> <p><b>The Commission may require that an institution in the situations identified in 3.9(a) submit a teach-out agreement in conjunction with its teach-out plan.</b> The institution shall submit the agreement to the Commission <b>for review and approval</b>; the Commission will provide its approval if the following are met:</p> <ol style="list-style-type: none"> <li>1. The teach-out agreement is with another institution that is accredited by or holding candidacy with an agency recognized by the U.S. Department of Education <b>and, where appropriate, that it is an eligible institution for Title IV financial aid;</b></li> <li>2. The teach-out agreement is consistent with all applicable state and federal regulations;</li> <li>3. <del>The teach-out agreement provides for the equitable treatment of students by ensuring that the teach-out institution has the necessary experience, resources, and support services to provide an educational program that is of acceptable quality and reasonably similar in content, structure and scheduling to that provided by the closing institution</del> <b>closing or ceasing operations; and the teach-out institution demonstrates that it can provide students access to such programs and services without requiring them to move or travel substantial distances; and is stable, carrying out its mission and meeting all obligations to existing students; and</b></li> <li>4. The teach-out agreement provides students with reasonable opportunities to complete their education without <del>significant</del> additional charges <b>and a notification provision to ensure that students have complete information about the tuition and fees of the institution conducting the teach-out.</b></li> </ol>
<p><b>Policy no.: 3.9(d)</b></p>	<p><b>INSTITUTIONAL CLOSURE WITHOUT APPROVED TEACH-OUT PLAN</b></p> <p>The Commission shall work with the U.S. Department of Education and the appropriate state agency, if any, <del>to ensure a successful transition of students</del> in the event an institution the Commission accredits <b>or has</b></p>

	<b>awarded candidacy for accreditation status closes without a teach-out plan, to assist students in finding reasonable opportunities to complete their education without additional charges.</b>
	Policy history: Adopted June 2008, revised February 2009. Related Policy(ies): None.

### **TRAINING OF PEER REVIEWERS REGARDING EVALUATION OF DISTANCE/CORRESPONDENCE EDUCATION**

<b>Recognition Requirement</b>	The revised regulations require that peer reviewers be trained regarding the policies and procedures of the agency, the conducting of evaluations, and the making of decisions regarding status, including their responsibilities regarding distance and correspondence education.
<b>Proposed HLC Revision</b>	The Commission's proposed policy amendment reflects the language in the revised regulations regarding training of peer reviewers in distance and correspondence education.
<b>Policy no.: 6.3</b>	<b>REQUIRED PROFESSIONAL DEVELOPMENT</b> Within two years of the appointment, a consultant-evaluator (C-E) must attend a C-E Professional Development Program that educates the C-E in Commission policies, accreditation requirements, and the specific processes integral to the evaluation process. <b>Professional development for Peer Reviewers will regularly include a segment on the evaluation of distance and correspondence education.</b> Typically this will be in a personal, synchronous environment, but may be supplemented by training provided in an electronic or asynchronous environment.
	Policy history: Adopted February 1994, edited October 2003, revised February 2004. Related Policy(ies): None.
<b>Policy No.: 7.3</b>	<b>REQUIRED TRAINING [AQIP REVIEWERS]</b> Add same sentence as noted for Policy no. 6.3.

	Policy history:       Adopted February 2002, edited October 2003.
	Related Policy(ies): None.

### **VERIFICATION OF STUDENT IDENTITY IN DISTANCE OR CORRESPONDENCE EDUCATION**

<b>Recognition Requirement</b>	The Commission revised its policy in February 2009 to incorporate the elements specified in the statute with regard to verification of student identity. Through Negotiated Rulemaking the U.S. Department of Education added some additional concepts regarding student privacy and notifications to students regarding additional charges that may result from verification.
<b>Proposed HLC Revision</b>	The proposed policy amendment incorporates the additional concepts in a new subsection, 3.12(a). It also includes a revised definition for correspondence education as developed by the U.S. Department of Education.
<b>Policy no.: 3.12</b>	<p><b>VERIFICATION OF THE IDENTITY OF STUDENTS IN DISTANCE OR CORRESPONDENCE EDUCATION</b></p> <p>Institutions offering distance education or correspondence education, as specified in the federal definitions reproduced herein solely for reference, shall have processes through which the institution establishes that the student who registers in the distance education or correspondence education courses or programs is the same student who participates in and completes and receives the academic credit.</p> <p>Definitions:</p> <p style="padding-left: 40px;">Distance education means education that uses one or more of the {following} technologies (i) to deliver instruction to students who are separated from the instructor: and (ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously. The technologies used may include: (i) the internet; (ii) one way and two way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices; (iii) audioconferencing; or (iv) videocassettes, DVDs, and CD-Roms, if the videocassettes, DVDs or CD-Roms are used in conjunction with any of the technologies listed in clauses (i) through (iii). (See PL 110-315 §103.)</p> <p>Correspondence education/course means: (1) Education provided through one or more courses by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor. (2) Interaction between the instructor and the student is not regular and substantive, and is</p>

	<p>primarily initiated by the student. (3) Correspondence courses are typically self-paced. (4) Correspondence education is not distance education.</p>
<b>Policy no.: 3.12(a)</b>	<p><b>INSTITUTIONAL PRACTICES REGARDING VERIFICATION OF STUDENT IDENTITY</b></p> <p><b>In verifying the identify of students who participate in class or coursework the institution may make use of a variety of methods, including but not limited to: (1) secure login and pass code; (2) proctored examinations; and (3) new or other technologies and practices that are effective in verifying the identity of students. Such methods must have reasonable and appropriate safeguards to protect student privacy. Institutions must notify students at the time of registration or enrollment of any projected additional student charges associated with the verification of student identity such as separate fees charged by proctoring services, etc.</b></p>
<b>Policy no.: 3.12(ab)</b>	<p><b>COMMISSION REVIEW OF VERIFICATION OF STUDENT IDENTITY</b></p> <p>The Commission will review an institution’s student identity verification protocols when an institution requests permission to add programs in distance delivery and prior to reaffirmation of accreditation. The Commission also will require that institutions submit information about student identity verification protocols on the Commission’s Annual Institutional Data Update.</p>
	<p>Policy history:           Adopted February 2009.</p> <p>Related policies:       • 2.2(d)2. Changes in Educational Offerings                                            • 1.2. Annual Data Reporting From Affiliated Institutions</p>

**MONITORING OF INSTITUTIONAL GROWTH  
AND REEVALUATION OF ACCREDITED INSTITUTIONS**

<b>Recognition Requirement</b>	<p>The Commission revised its policy in February 2009 to incorporate the elements specified in the statute with regard to monitoring of student growth. Through Negotiated Rulemaking the U.S. Department of Education added some concepts regarding agency assessment of ongoing institutional compliance with accrediting standards as well as institutional strength and stability. As a result, the Commission will be required to include in its policy periodic reports, collection and analysis of key data and indicators including but not limited to fiscal information and measures of student achievement such as course completion rates, licensure exams, which the U.S. Department of Education and Congress believe provide appropriate data in this regard.</p>
<b>Proposed HLC</b>	<p>The proposed policy amendment incorporates these additional</p>

<p><b>Revision</b></p>	<p>concepts. It also lays some groundwork for the Evidence File (working title) that will be an electronic file of institutional data developed in the new Pathways Program and will constitute another form of data reporting expected periodically of institutions.</p>
<p><b>Policy no.: 1.2</b></p>	<p><b>ANNUAL DATA REPORTING FROM AFFILIATED INSTITUTIONS</b></p> <p>All affiliated institutions will complete <del>the Commission's annual</del> data reports <b>for the Commission; such reporting will occur annually as well as periodically.</b> The Commission, with oversight as appropriate from the Board of Trustees, will determine the contents of this reporting to assure that it addresses <del>(1)</del> <b>potential or developing problems with an institution's accrediting requirement compliance and institutional stability, as well as solicits</b> updated information on the scope of activities of each affiliated institution. <b>Data required from each institution will include, at minimum, data annually on finances and including enrollment information, measures of student achievement, and other indicators.</b> <del>(2)</del> <b>The data reporting will</b> provides the Commission with sufficient information to understand and respond to significant shifts in an institution's capacity and/or scope of educational activities.</p>
	<p>Policy history: First adopted February 2003, effective January 2005, revised February 2009.</p>
<p><b>Policy no.: 1.2(b)</b></p>	<p><b>COMMISSION FOLLOW-UP TO INSTITUTIONAL DATA</b></p> <p>In reviewing <b>and analyzing</b> <del>the annual</del> institutional data <del>report</del>, the Commission will look at relationships among a variety of indicators <b>and other information</b> in any given year or over several years. If those relationships suggest that the organization may be experiencing problems or very rapid change, the Commission will ask the organization to submit an explanation of the data. The Commission staff may forward financial data, and any explanation or other information provided by the institution, to the Financial Panel for further review. If non-financial data, particularly enrollment information, and any other information submitted by the institution, are indicative of problems, rapid change, <del>or</del> <b>significant growth or require validation</b>, the Commission staff may <b>call for an on-site evaluation as soon as possible</b>; require that an institution address concerns arising from these data in the next <del>Self-Study and visit</del> <b>evaluation</b> process; or <del>The Commission staff</del> recommend to the Institutional Actions Council additional institutional monitoring through any process provided for in Commission policy and procedure.</p>
	<p>Policy history: First adopted February 2003, effective January 2005, revised February 2009.</p>
<p><b>Policy no.: 1.2(c)</b></p>	<p><b>MONITORING OF STUDENT GROWTH</b></p>

	<p><b>The Commission will monitor enrollment growth through institutional annual data reporting and will monitor the growth of programs at those institutions that have significant enrollment growth as defined in Commission procedures. The Commission make take follow-up action in keeping with Policy no. 1.2(b).</b></p>
	<p>Policy history:       None (new policy).</p>

**STREAMLINED REVIEW OF INSTITUTIONS INITIATING NEW SITES**

<p><b>Recognition Requirement</b></p>	<p>Existing regulations require that agencies approve each new site at which an institution offers 50 percent or more of a degree program (i.e., additional location). The revised regulations provide for the opportunity for an agency to allow an institution to open and close certain sites without prior Commission approval provided that the institution meet very explicit criteria laid out in the regulations.</p>
<p><b>Proposed HLC Revision</b></p>	<p>The Commission has allowed a group of institutions to receive streamlined approval to offer new sites. Such institutions may receive an expedited review and approval process for a proposed new site after demonstrating capacity to open and close sites with minimal oversight. This program is fundamentally similar to what the U.S. Department of Education is proposing. However the Commission’s relevant policy must be updated to align more closely with what regulations will allow.</p>
<p><b>Policy no.: 3.2(c)3a</b></p>	<p><del><b>STREAMLINED SITE APPROVAL PROCESS</b></del>  <b>ELIGIBILITY FOR STREAMLINED SITE APPROVAL</b></p> <p>Institutions may seek and the Commission may grant, following an on-site visit <b>that documents its findings in a written report</b>, access to a streamlined site approval <del>status</del> <b>process</b> for off-campus sites offering 50 percent or more of a degree program. <del>The status</del> <b>Access to this approval process</b> reflects the Commission’s determination that the institution has a proven record of educational and administrative oversight of such sites and has the capacity to extend that oversight to other new sites. <del>The status</del> Access to the streamlined process will be granted only to institutions that <b>meet the following criteria:</b></p> <ol style="list-style-type: none"> <li><b>1. Have been accredited, prior to seeking access to the streamlined process, for at least 10 consecutive years by the Commission with no record of any action during that period for sanction, show-cause or monitoring of quality issues at existing sites or campuses;</b></li> <li><b>2. Have already demonstrated success in overseeing more than three sites; <del>that are in good status with the Commission, and that</del></b></li> <li><b>3. Have no other Commission or other legal restrictions on sites and/or programs offered off campus;</b></li> </ol>

	<p><b>4. Have appropriate systems at the institution to ensure quality control of sites that include clearly identified academic controls; regular evaluation by the institution of its sites; a pattern of adequate faculty, facilities, resources, and academic/support systems; financial stability; and long-range planning for future expansion.</b></p> <p><b>Continued institutional eligibility for access to streamlined approval will be reviewed at least every five years, typically at the time of the comprehensive evaluation and the multi-site visit.</b></p>
<p><b>Policy no.: 3.2(c)3b</b></p>	<p><b>SITE REPORTING AND APPROVAL PROCESS FOR INSTITUTIONS WITH ACCESS TO STREAMLINED REVIEW</b></p> <p>An institution with <b>access to</b> streamlined site approval <del>status</del> must seek Commission approval of each new site at which it offers 50 percent or more of an instructional program leading to a degree. The Commission’s streamlined site approval process allows staff to grant approval for the new site when the institution’s request provides evidence that the new site (a) fits the institution’s mission; (b) is an extension of existing program offerings; and (c) can be effectively supported by the administrative systems identified by the Commission as critical to the institution’s success in overseeing off-campus sites.</p>
	<p>Policy history: Adopted June 2008.</p>
<p><b>Policy no.: 3.2(c)3c</b></p>	<p><b>SPECIAL PROVISIONS FOR INSTITUTIONS UNDERGOING CHANGE OF CONTROL</b></p> <p><b>An institution with access to streamlined site approval that undergoes a Change of Control as defined in Commission policy 3.3 will no longer be eligible for streamlined review until such time as it demonstrates through an on-site evaluation that it meets the criteria in 3.2(c)3a.</b></p>
	<p>Policy history: None (new policy).</p>

**COMPLAINTS**

<p><b>Recognition Requirement</b></p>	<p>Existing regulations require that agencies review and process complaints that relate to the compliance of institutions with the agency’s standards or procedures. The revised regulations require that agencies provide a sufficient opportunity for institutions identified in the complaint to submit a written response before dismissing it or taking further action.</p>
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<p><b>Proposed HLC Revision</b></p>	<p>The Commission typically allows an institution at least 30 days to provide a written response to any complaint that the Commission determines has implications for its accreditation. The proposed amendment memorializes that practice in policy.</p>
<p><b>Policy no.: 13.1</b></p>	<p><b>COMMISSION POLICY ON COMPLAINTS AND OTHER INFORMATION REGARDING AFFILIATED INSTITUTIONS</b></p>
<p><b>Policy no.: 13.1(a)</b></p>	<p><b>SCOPE OF COMPLAINTS CONSIDERED</b></p> <p>The Commission, aware of the value of information from the public, shall receive complaints against its affiliated institutions but pursue only those complaints that bear upon the institution’s meeting of the Criteria for Accreditation. Because the complaint process is intended to pursue only those matters that suggest substantive non-compliance by institutions, the Commission <b>shall</b> expects individuals who have a personal dispute with an institution to use other internal and external grievance mechanisms, particularly the internal grievance procedures of the institution, to resolve the dispute. In no case will the Commission use the complaint process to seek redress or to fashion an individual remedy with an institution on behalf of a complainant.</p>
<p><b>Policy no.: 13.1(b)</b></p>	<p><b>CONTENTS, PRESENTATION, AND PROCESSING OF COMPLAINTS</b></p> <p>The Commission will consider no complaint that concerns facts or circumstances that took place more than five years prior to the date the complaint was received by the Commission. All complaints must be in writing and signed by the complainant although the Commission may at its discretion consider other complaints where warranted subject to the requirements in 13.1(c). The Commission will acknowledge a complaint promptly and within thirty working days of receipt <b>will</b> advises the complainant whether or not the complaint warrants consideration by the Commission. If the Commission determines a complaint warrants further consideration, the Commission will give the institution named in the complaint an opportunity <b>of 30 days</b> to respond to the complaint, or to a summary of the complaint if the complainant requests confidentiality of identity or documents, <b>before the Commission completes its review and makes a decision regarding the complaint.</b> The Commission reserves the right to reject any complaint that contains defamatory statements. When the Commission receives a complaint(s) about an institution <del>before its</del> <b>that has an impending on-site visit</b>, it may forward the complaint(s), or a summary thereof, to the attention of the chair of the on-site team for consideration instead of, or in addition to, any regular review the</p>

	Commission might undertake regarding a complaint. The team will notify the Commission staff of its findings, either in the team report or in a separate memo.
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**INSTITUTIONAL APPEAL OF ADVERSE ACTIONS AND APPEALS PROCESS**

<b>Recognition Requirement</b>	The Commission revised its policy in February 2009 to incorporate the elements specified in the statute with regard to appeals. Through Negotiated Rulemaking the U.S. Department of Education added some concepts. In particular the revised regulations require that the Appeals Panel be able to render a decision. The agency may provide for the Appeals Panel itself to implement the decision or may require the current Board to implement it, in which case the regulations require that the Board must act to implement the Appeals Panel decision.
<b>Proposed HLC Revision</b>	Previously Commission policy allowed for the Appeals Panel to make a recommendation to the Board that the Trustees could take under advisement, but were not bound by, in the final decision. The amended policy incorporates the revised regulatory requirement that the Board accept and implement a decision of the Appeals Panel.
<b>Policy no.: 2.5(d)</b>	<b>APPEALS BODY AND PANEL</b> An institution may appeal <b>an action of the Board of Trustees decision</b> , prior to the <del>decision</del> action becoming a final <b>decision</b> , that denies or withdraws accreditation or candidacy or moves the institution from accredited to candidate status <b>upon the institution filing a written request.</b>
<b>Policy no.: 2.5(d)2</b>	<b>APPEALS BODY AND APPEALS PANEL</b> The Appeals Body will consist of ten persons selected by the Institutional Actions Council, following the Board's commitments to diversity and public involvement. From the Appeals Body, the President will establish an Appeals Panel of five persons to hear an institutional appeal. Members of the Panel will include no current members of the Board of Trustees nor members of the Board at the time the adverse action was taken; Panel members shall have no apparent conflict of interest as defined in Commission policies that will prevent their fair and objective consideration of the appeal.  The Panel shall convene on a date no later than 16 weeks from the Board decision under appeal. At least one representative of the public shall serve on each Panel. Where necessary to avoid conflict of interest or in other exceptional circumstances, the President may select individuals outside the Appeals Body as Panel members. One member of the Panel will be designated as the chair. The President shall notify the institution of the individuals selected for the Panel and shall afford

	<p>the institution the opportunity to present objections regarding conflict of interest; the President reserves final responsibility and authority for setting all Appeals Panels.</p> <p>The Board of Trustees shall approve an APPEALS PROCEDURE that identifies the materials for, and sets out the required timetables and procedures of, an appeal. This document will be available on the Commission Web site. Throughout the appeals process, the institution shall have the right to representation of, and participation by, counsel at its own expense.</p> <p><b>The Appeals Panel may affirm, amend or reverse the adverse action. The Appeals Panel then forwards that decision to the Board of Trustees, which must implement the Appeals Panel's decision regarding the status of the institution in a manner consistent with the decision. The Commission will notify the institution of the result of the appeal and of the final action by the Board of Trustees and the reason for that result.</b></p>
	<p>Policy history: First adopted February 2001; revised June 2006; revised February 2009.</p>

#### **INSTITUTIONAL APPEAL OF ADVERSE ACTIONS AND SUBMISSION OF FINANCIAL INFORMATION SUBSEQUENT TO ADVERSE ACTION**

<p><b>Recognition Requirement</b></p>	<p>The revised statute requires that the accreditor provide an opportunity for the institution under adverse action to submit financial information that is material on one occasion subsequent to the adverse action if the action was based solely on finances and if the information was not available at the time of the decision. In February 2009 the Commission developed new policy language to allow for this option. Through Negotiated Rulemaking the U.S. Department of Education added some additional concepts. In particular the revised rules require that the Commission provide this opportunity essentially in any appeal where financial considerations form one of the grounds because of the possibility that the Appeals Panel might overturn the adverse action on all non-financial grounds.</p>
<p><b>Proposed HLC Revision</b></p>	<p>The proposed amended policy addresses the additional concepts raised in the revised regulation.</p>
<p><b>Policy no.: 2.5(d)3</b></p>	<p><b>SUBMISSION OF FINANCIAL INFORMATION SUBSEQUENT TO ADVERSE ACTION</b></p> <p>When the Board of Trustees takes an adverse action based solely on <b>or involving</b> financial grounds, the institution shall have an opportunity to submit financial information to the Board of Trustees to be considered prior to the action becoming final. The financial information must be: 1) <b>significant and material to the financial deficiencies cited in</b> the grounds for the adverse action; 2) not available at the time of the adverse action. The institution may submit</p>

	<p>this material on one occasion only prior to the formal consideration of any appeal filed by the institution. The Board of Trustees will determine at its sole discretion whether the information is <b>significant and material</b>, and, if it is material, whether this information would cause it to take a different action. The Board’s decision whether <b>the information is significant and material and whether</b> to continue its action subsequent to reviewing this material is final and not appealable.</p> <p>An institution may submit financial information under this policy in addition to filing an appeal or it may submit financial information instead of, or in lieu of, filing an appeal. Should it submit financial information and forego requesting an appeal by the deadline stated in the APPEALS PROCEDURE, it shall also submit a formal waiver in writing of its right to appeal in conjunction with the adverse action.</p> <p>The APPEALS PROCEDURE identifies the materials for, and sets out the required timetables and procedures of, submission of financial information. This document shall be available on the Commission’s Web site.</p>
	<p>Policy history:      Adopted February 2009.</p>

**OTHER INFORMATION**

<b>Recognition Requirement</b>	<p>The revised regulations require the Commission’s provision of certain types of information to the U.S. Department of Education, including institutional failure to meet program responsibilities, etc. In addition, the revised regulations require that the Commission consider the confidentiality of such information on a case-by-case basis and honor a specific request for confidentiality from the Department.</p>
<b>Proposed HLC Revision</b>	<p>The proposed amended policy addresses the additional concepts raised in the revised regulation.</p>
<b>Policy no.: 10.1(a)</b>	<p><b>NOTIFICATION OF ACTIONS AND OTHER INSTITUTIONAL INFORMATION</b></p> <p>Within thirty days after any institutional action is formally adopted or validated by the Board of Trustees the Commission will file with the U.S. 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 Web site within 24 hours of notifying the institution. With regard to adverse</p>

	<p>actions of denial or withdrawal of status, the Commission will include in its Public Disclosure Notice the findings associated with the action as well as any official comments provided to the Commission by the affected institution, <b>if any, or evidence that the institution has been given an opportunity to comment.</b> In addition, the Commission supplies, at the U.S. Department of Education’s request, electronic membership information.</p>
<p><b>Policy no.: 10.1(b)</b></p>	<p><b>OTHER COMMUNICATION</b></p> <p>The Commission shall maintain regular communications with the U.S. Department of Education and other federal agencies. It 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 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 of possible Title IV fraud and abuse <b>or failure to meet Title IV, HEA program responsibilities, along with a summary of the Commission’s reasons for concern.</b> With the exception of information about possible Title IV fraud and abuse <b>or a specific request for confidentiality of contact with the U.S. Department of Education,</b> the Commission will <b>typically</b> notify an institution when the Commission provides information about it to the U.S. Department of Education <b>but will consider each situation on a case-by-case basis to determine whether confidentiality is appropriate.</b></p>
	<p>Policy history: Adopted February 1996, revised February 1998, revised June 2008, revised February 2009.                  Related policies: 2.4(a) Notice, 2.4(b) Probation, 2.4(c) Show-Cause, 2.4(d) Commission Withdrawal of Affiliation, 2.4(e) Commission Denial of Affiliation</p>