

SUMMARY OF POLICIES RELATED TO THE HIGHER EDUCATION OPPORTUNITY ACT

This document provides the Commission's response to the Higher Education Opportunity Act. It is presented in two parts: 1. Provisional Amendments to Commission Policies and 2. Commission Comments on Other HEA Requirements.

PART 1: PROVISIONAL AMENDMENTS TO COMMISSION POLICIES **Provisionally approved by the HLC Board of Trustees on October 31, 2008**

Introduction

The following policy changes have been provisionally approved by the Commission to begin its "good faith" effort to comply with the Higher Education Opportunity Act of 2008. The Commission anticipates that these policies may need to be modified further as the Department completes Negotiated Rulemaking and publishes draft and final regulations in 2009.

Implementation of the Commission's Provisional Policies

The Commission will phase in its implementation of these provisional policies over the next several months. Between now and the Commission's Annual Meeting, the Commission will be embarking on a process of informing institutions and peer reviewers about these provisional policies. Institutions, in turn, should begin to make reasonable efforts to comply with these provisional policies as soon as possible. Beginning January 1, 2009 peer reviewers conducting Commission evaluations will begin to ask institutions about their plans for meeting the expectations of the provisional policies. The Commission's Annual Update to be released in February 2009 will have questions related to the new provisional policies on verification of student identity and enrollment.

The Commission's Board of Trustees will review these policies in February and any comments institutions may want to make about them. The Commission may make minor changes in the policies at that time. No institution will be held formally accountable for meeting these policy expectations until after the Board completes its final review and adoption of the policies in February. After February 2009 the Commission will be looking for a good faith effort at institutions to meet the expectations of the provisional policies. Subsequent to the U.S. Department of Education's release of draft or final regulations, the Commission may make changes to the Provisional Policies or may adopt them permanently. The Commission will keep institutions informed as the regulatory process proceeds. The Commission anticipates that the rulemaking process at the Department of Education will occur in 2009 with final regulations becoming effective in 2010.

Key to Provisional 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**).

Comments Invited

The Commission welcomes comments on these provisional policies. Comments should be sent to ms_lists@hlcommission.org by December 31, 2008.

PROVISIONAL AMENDMENTS. SECTION A: DUE PROCESS

<p>HEA Requirement</p>	<p>The revised law requires that the accreditor provide: 1) adequate written specification of accrediting requirements; 2) adequate written specification of institutional deficiencies; 3) sufficient opportunity for written response by institutions to identified deficiencies within a specific timeframe; and 4) consideration of the response before any final or adverse action.</p>
<p>Comment on HLC Provisional Policy</p>	<p>The Commission has been providing these opportunities as matter of practice for many years. However, some of the elements of the new requirements are not specified in Commission policy in the language identified in the Act and are now included in the Provisional Policy Amendments approved by the Board of Trustees.</p>
<p>Policy no.: 2.2(a)</p>	<p>TEAM RECOMMENDATIONS</p> <p>Commission teams conducting a comprehensive on-site evaluation for initial or continued status will evaluate the institution and will make a recommendation regarding that status and setting a year for the next comprehensive on-site review for continuing or initial status. The recommendation may also include Commission monitoring. The team recommendation will be accompanied in the team report by identified deficiencies, if any, at the institution being evaluated. These Commission evaluation teams may recommend a sanction or withdrawal or denial of status.</p> <hr/> <p>Policy history: First adopted: 02/07</p> <p>Related policies: • 3.3(a) Regular Monitoring • 2.4 Sanctions and Adverse Actions in the Process</p>
<p>Policy no.: 2.3(f)</p>	<p>INSTITUTIONAL RESPONSES WITHIN THE PROCESSES</p> <p>The CEO of the institution is expected to file written responses to any of the following: (1) the team’s report and recommendations; (2) a Readers Panel process if it forwards the team recommendation to a Review Committee; (3) a Review Committee recommendation forwarded to either the Institutional Actions Council or the Board of Trustees; (4) AQIP reviews, including the review that results in a recommendation for continued accreditation; (5) staff recommendations other than those initiated at the request of the institution. Those responses are used in the review processes and become a part of the official record of the process. The CEO shall submit the written response within two weeks of receipt of the final evaluation team report. The response shall be considered in the review processes prior to the final action, including adverse action, and becomes a part of the official record of the process.</p> <hr/> <p>Policy history: First adopted: November 1998. Amended: February 2002</p> <p>Related policies: • 3.3(a) Regular Monitoring • 2.4 Sanctions and Adverse Actions in the Process</p>

PROVISIONAL AMENDMENTS. SECTION B: PUBLIC INFORMATION

<p>HEA Requirement</p>	<p>The revised law requires that the accreditor provide to the public, state agencies and the Secretary a “summary” of initial accreditation and reaffirmation actions. The revised law also requires that the accreditor disclose the “ findings” regarding actions for denial and withdrawal of status along with official comments of the affected institution.</p>
<p>Comment on HLC Provisional Policy</p>	<p>The Commission’s policies collectively provide for formal notification of the Secretary, state agencies and the public but do not provide for a “summary” of actions. While it seems likely at this time that our actions information will continue to be acceptable in substance, these policies have been updated to reference the specific requirement for a summary. With reference to adverse actions of withdrawal and denial of status, the Commission regularly issues a Public Disclosure Notice that includes the Board’s reasons for the adverse action; while it is likely that this document will satisfy the need to disclose “findings”, the related policies have been updated to indicate that the Commission’s Public Disclosure Notice will include “findings” related to the action and the institution’s comments.</p>
<p>Policy no.: 10.1(a)</p>	<p>NOTIFICATION OF ACTIONS AND OTHER INSTITUTIONAL INFORMATION</p> <p>Within thirty days the Commission files with the Department notification of actions it has taken on institutions. However, 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 simultaneously notifies the institution and the U.S. Department of Education and places information about the action on its public website within 24 hours of notifying the institution. Within thirty days after any institutional action is formally adopted or validated by the Board of Trustees the Commission will file with the Department a summary of actions it has taken on institutions. 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 places information about the action on its public website within 24 hours of notifying the institution. With regard to adverse 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.</p> <p>In addition, the Commission supplies, at the Department’s request, electronic membership information.</p> <hr/> <p>Policy history: First adopted February 1996, effective February 1996; Amended February 1998, June 2008</p> <p>Related policies: • 2.4(a) Notice • 2.4(b) Probation • 2.4(c) Show-Cause Order • 2.4(d) Commission Withdrawal of Affiliation • 2.4(e) Commission Denial of Affiliation</p>

<p>Policy no.: 12.7(a)</p>	<p>PUBLIC DISCLOSURE NOTICES IN ADVERSE ACTIONS, SANCTIONS, WITHDRAWAL AND DENIAL</p> <p>The Board of Trustees will issue a Public Disclosure Notice regarding these actions taken on an affiliated organization: an adverse action, placing a sanction, or issuing a show-cause order. The Notice shall include information about the action and the availability of appeal. To comply with federal regulations, a notice related to an adverse action also shall include any statement the institution wishes to make about the action taken by the Board. With regard to adverse actions of denial or withdrawal of status, the Public Disclosure Notice shall contain the findings of the Board associated with the action together with any official comments of the affected institution. The Notice shall also be attached to lists of official actions submitted to federal and state agencies.</p> <p>Policy history: First adopted June 1989; Amended February 2000, June 2004, June 2006</p>
<p>Policy no.: 10.2</p>	<p>RELATIONS WITH STATES, COORDINATING BOARDS, AND HIGHER BOARDS</p> <p>Replace the word “notification” with “summary” of actions in policy body.</p> <p>Policy history: First adopted February 1986; Amended February 1998</p>
<p>Policy no.: 12.3</p>	<p>COMMISSION OBLIGATIONS FOR PUBLIC DISCLOSURE</p> <p>Replace the word “notification” with “summary” of actions in policy body.</p> <p>Policy history: First adopted June 2004</p>
<p>Policy no.: 12.3(b)</p>	<p>DISCLOSURE TO FEDERAL AND STATE AGENCIES</p> <p>Replace the word “notification” with “summary” of actions in policy body.</p> <p>Policy history: First adopted June 2004</p>

PROVISIONAL AMENDMENTS. SECTION C: TEACH-OUT

<p>HEA Requirement</p>	<p>The revised law requires that the accreditor extend its teach-out provisions to the following circumstances: 1) the Department notifies the accreditor certain actions against the institution; 2) the accreditor acts to withdraw, terminate or suspend the accreditation of an institution; or 3) the institution notifies the accreditor that the institution intends to suspend operations.</p>
<p>Comment on HLC Provisional Policy</p>	<p>Although the Commission’s current teach-out policy was generally silent on the circumstances under which a teach-out plan was required from institutions, the Commission had a practice of asking for such a plan in the circumstances identified</p>

	<p>in the revised law. The Commission has revised its teach-out policy to identify these specific circumstances as ones in which the institution will need to submit a teach-out plan.</p>
<p>Policy no.: 3.7</p>	<p>COMMISSION APPROVAL OF INSTITUTIONAL TEACH-OUT ARRANGEMENTS</p> <p>Commission approval shall be required when an institution enters into a teach-out agreement with another institution. The institution shall be required to submit a teach-out plan in any of the following circumstances: (a) the Department notifies the Commission of a termination or similar action against the institution; (b) the Commission acts to withdraw, terminate or suspend the accreditation of an institution; or (c) the institution notifies the Commission that the institution intends to suspend operations. The institution shall submit the agreement to the Commission; the Commission will provide its approval if the following are met:</p> <ol style="list-style-type: none"> 1. The teach-out agreement is with another institution accredited by or holding candidacy with an agency recognized by the U.S. Department of Education; 2. The teach-out agreement is consistent with all applicable state and federal regulations; 3. 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, 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 4. The teach-out agreement provides students with reasonable opportunities to complete their education without significant additional charge. <p>The Commission shall work with the U.S. Department of Education and the appropriate state agency, if any, to ensure a successful transition of students in the event an institution the Commission accredits closes.</p>
	<p>Policy history: First adopted June 2008</p>

PROVISIONAL AMENDMENTS. SECTION D: TRANSFER OF CREDIT

<p>HEA Requirement</p>	<p>The revised law requires that the accreditor confirm at the time of accreditation or reaffirmation that the institution has transfer policies that are publicly disclosed and that include a statement of criteria established by the institution regarding the transfer of credit earned at another institution of higher education.</p>
<p>Comment on HLC Provisional Policy</p>	<p>At this time the Commission has a policy on transfer, but it did not meet the mandates of the Act. The Commission’s Provisional Policy Amendment on Transfer of Credit requires that “at the time of initial accreditation or reaffirmation of accreditation, the Commission will confirm that an institution has transfer policies that are publicly disclosed and that such policies include a statement of the criteria established by the institution regarding transfer of credit earned at another institution of higher education.”</p>

<p>Policy no.: 3.8</p>	<p>TRANSFER OF CREDIT</p> <p>Each institution shall determine its own policies and procedures for accepting transfer credits, including credits from accredited and non-accredited institutions, from foreign institutions, and from institutions which grant credit for experiential learning and for non-traditional adult learner programs. An institution’s periodic review of its transfer policies and procedures should include evaluation of their clarity to those who administer them, to the students who follow them, and to employers and other stakeholders. It should also include the consistency of their interpretation and application throughout the institution, as well as their responsiveness to new types of learning opportunities outside institutions of higher education.</p> <p>At the time of initial accreditation or reaffirmation of accreditation, the Commission will confirm that an institution has transfer policies that are publicly disclosed and that such policies include a statement of criteria established by the institution regarding transfer of credit earned at another institution.</p>
	<p>Policy history: First adopted October 1988; Amended February 2001</p>

PROVISIONAL AMENDMENTS. SECTION E: INSTITUTIONAL APPEAL OF ADVERSE ACTIONS. APPEALS PROCESS

<p>HEA Requirement</p>	<p>The revised law requires that the accreditor provide: 1) an opportunity for appeal after an adverse action; 2) an appeal panel that has no individual who was a decision-maker in the adverse action and that is subject to the agency’s conflict of interest policy; and 3) the right of the institution to representation and participation by counsel in the appeal.</p>
<p>Comment on HLC Provisional Policy</p>	<p>The Commission is already following most of these practices in its current appeals procedures. However, some of the elements of the new law are not in the policy itself and will need to be included. The Commission’s Provisional Policy Amendment on Appeals stipulates that “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.” It also stipulates that “throughout the appeals process, the institution shall have the right at its own expense to representation of, and participation by, counsel.”</p>
<p>Policy no.: 2.5(d)2</p>	<p>APPEALS BODY AND APPEALS PANEL</p> <p>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 shall have no apparent conflict of interest that will prevent their fair and objective consideration of the 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</p>

	<p>necessary to avoid conflict of interest or in other exceptional circumstances, the President may in consultation with the institution 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 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. Throughout the appeals process, the institution shall have the right at its own expense to representation of, and participation by, counsel. This document shall be available on the Commission’s website.</p>
	<p>Policy history: First adopted February 2001; Amended June 2006</p>

PROVISIONAL AMENDMENTS. SECTION F: INSTITUTIONAL APPEAL OF ADVERSE ACTIONS. SUBMISSION OF FINANCIAL INFORMATION SUBSEQUENT TO ADVERSE ACTION

<p>HEA Requirement</p>	<p>The revised law 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. This consideration must be provided at some time prior to the action becoming final, which in Commission processes occurs when the Appeals Panel sustains the Board’s action, the Board affirms its action subsequent to a remand by the Appeals Panel, or the institution fails to file an appeal by the stated deadline. This is a new requirement in the law and not a practice common to accreditors.</p>
<p>Comment on HLC Provisional Policy</p>	<p>The Commission’s Provisional Policy provides that “when the Board of Trustees takes an adverse action based solely on 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) material to the grounds for the adverse action; 2) not available at the time of the adverse action. The institution may submit this material on one occasion only prior to the formal consideration of any appeal filed by the institution.”</p>
<p>Policy no.: 2.5(d)3</p>	<p>SUBMISSION OF FINANCIAL INFORMATION SUBSEQUENT TO ADVERSE ACTION</p> <p>When the Board of Trustees takes an adverse action based solely on 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) material to the grounds for the adverse action; 2) not available at the time of the adverse action. The institution may submit 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 material, and, if it is material, whether this information would cause it to take a different action. The Board’s decision whether 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: (None. New policy.)</p>

PROVISIONAL AMENDMENTS. SECTION G: VERIFICATION OF STUDENT IDENTITY

<p>HEA Requirement</p>	<p>The revised law requires that the accreditor require institutions offering distance education or correspondence education to have processes through which the institution establishes that the student who registers in the distance education or correspondence education course or program is the same student who participates in and completes and receives the academic credit. This is a new provision in the law. The revised law also provides a definition of distance education as follows:</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).</p>
<p>Comment on HLC Provisional Policy</p>	<p>The Commission’s Provisional Policy on Verification of the Identity of Students in Distance and Correspondence Education requires that “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>The Joint Conference Committee of Congress and the U.S. Department of Education have confirmed that initially institutions may use simple efforts already in use at most institutions to verify the identity of their students. Such efforts may include the use of IDs and passwords. This provisional policy reflects this current understanding; however, as time progresses, better processes for verifying the identify of students come into existence, and final regulations develop, this policy may need to be updated. The Commission hopes that the Department will follow closely to the language of the statute in its final regulation thus presumably allowing agencies and institutions some latitude in determining what method of verification best suits an institution’s mission and purposes. In the meantime, institutions should be examining more sophisticated approaches to verifying the identity of their students and making</p>

	plans to incorporate such approaches in their distance and correspondence education.
<p>Policy no.: 3.9</p>	<p>VERIFICATION OF THE IDENTITY OF STUDENTS IN DISTANCE OR CORRESPONDENCE EDUCATION</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>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 course: (1) A “home study” course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution. When students complete a portion of the instructional materials, the students take the examinations that relate to that portion of the materials, and return the examinations to the institution for grading. (2) A home study course that provides instruction in whole or in part through the use of video cassettes or video discs in an award year is a correspondence course unless the institution also delivers the instruction on the cassette or disc to students physically attending classes at the institution during the same award year. (See 34 CFR §600.2.)</p> <p>Policy history: (None. New policy.)</p>
<p>Policy no.: 3.9(a)</p>	<p>COMMISSION REVIEW OF STUDENT VERIFICATION</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 will also require that institutions submit information about student identity verification protocols on the Commission’s Annual Institutional Data Update. (Note: The Commission expects that as federal regulations develop and verification technology improves, the Commission’s policy expectations with regard to verification of student identity may develop increasing specificity.)</p> <p>Policy history: (None. New policy.)</p> <p>Related policies:</p> <ul style="list-style-type: none"> • 2.2(d)2. Changes in Educational Offerings • 1.2. Annual Data Reporting From Affiliated Institutions

PROVISIONAL AMENDMENTS. SECTION H: MONITORING OF GROWTH

HEA Requirement	The revised law requires that the accreditor monitor the growth of programs at institutions that are experiencing significant enrollment growth. This is a new provision in the law. In response to other federal regulations the Commission already collects enrollment and other data through the Annual Institutional Data Update and monitors institutions through review of this information. The Commission hopes that Departmental regulations on this provision in the law will allow agencies to build off existing data collection and monitoring systems.
Comment on HLC Provisional Policy	The Commission’s Provisional Policy Amendments related to this requirement proceed with the assumption that the Commission will be able to extend existing protocols to meet this requirement. The Provisional Amendment to the policy on Annual Data Reporting (Commission Policy 1.2) provides that “if non-financial data, particularly enrollment information, and any interpretation of the data submitted by the institution, are indicative of problems, rapid change, or significant growth, the Commission staff may require that an institution address concerns arising from these data in the next Self-Study and visit process. The Commission staff may also recommend to the Institutional Actions Council additional institutional monitoring through any process provided for in Commission policy and procedure.”
Policy no.: 1.2	<p>ANNUAL DATA REPORTING FROM AFFILIATED INSTITUTIONS</p> <p>All affiliated organizations will complete annually the Commission’s data report. The Commission staff, with oversight as appropriate from the Board of Trustees, will determine the contents of this report to assure that it (1) provides the Commission with up-to-date information on the scope of activities of each affiliated organization, including enrollment information, and (2) provides the Commission with sufficient information to understand and respond to significant shifts in an organization’s capacity and/or scope of educational activities.</p> <p>Policy history: First adopted February 2003, effective January 2005</p>
Policy no.: 1.2(b)	<p>COMMISSION FOLLOW-UP TO INSTITUTIONAL DATA</p> <p>In reviewing the annual institutional data report, the Commission will look at relationships among a variety of indicators 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 invite ask the organization to submit an interpretation of the data. An organization may in some situations invite the Commission to conduct an on-site visit or the Commission itself may require such a visit. At its discretion, the Commission staff may forward financial data, and any interpretation of the data submitted by the institution, to the Financial Panel for further review. If non-financial data, particularly enrollment information, and any interpretation of the data submitted by the institution, are indicative of problems, rapid change, or significant growth, the Commission staff may require that an institution address concerns arising from these data in the next Self-Study and visit process. The Commission staff may also 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</p>

PROVISIONAL AMENDMENTS. SECTION I: EDUCATIONAL OFFERINGS

HEA Requirement	Federal regulations governing accrediting agencies require that the agency approve new courses or programs that are a significant departure in content or delivery from those courses or programs the institution offered when the Commission last evaluated the institution. Changes to HEA in 1995 made more certificate programs Title IV eligible. The Department has made it clear over the past few months that it expects the Commission to be evaluating and approving new certificate programs that are not composed of a subset of courses already offered by the institution in an existing degree program. As the Commission's substantive change policy, and implementation of that policy, will be under review in December when the Commission submits its interim report to the Department, it is important for the Commission's substantive change policy to address the approval of certificate programs.
Comment on HLC Provisional Policy	The provisional policy amendment adds certain Certificate programs to the list of Educational Offerings the Commission must approve. The Commission intends to receive and review electronically requests for approval of these programs.
Policy no.: 3.2(d)2	<p>CHANGES IN EDUCATIONAL OFFERINGS</p> <p>Commission approval shall be required to extend accreditation to include:</p> <ol style="list-style-type: none"> 1. Program offerings at a new degree level; 2. Significant new academic program or major that requires substantial financial investment or substantial reallocation of financial resources; 3. A new academic program that shifts the mission of the institution; 4. Degree programs offered through distance delivery methods; 5. Title IV-eligible Certificate programs that are not related to existing degree programs or other Certificate programs previously approved by the Commission. 6. Offering courses regularly that are not currently included within the institution's affiliated status. Commission staff may give approval after receipt and evaluation of documentation that the institution's offerings are appropriate to the institution's mission, have all necessary approvals, and will be effectively developed and supported. <p>Policy history: First adopted November 1999</p>

PROVISIONAL AMENDMENTS. SECTION J: CHANGES TO COMMISSION POLICY

<p>Comment on HLC Provisional Policy</p>	<p>This provisional policy change makes it possible for the Board to respond in a more timely manner to changes in Commission policy demanded by such entities as the U.S. Department of Education or by Congress through changes in the Higher Education Act. The current policy requires two reviews of any provisional policy by the Board that must take place at two separate Board meetings, which results in almost any policy change requiring approximately four to five months to adopt. The provisional policy retains a first and second review for each new policy and the opportunity for input by constituents but also allows the Commission to adopt certain policies on a provisional basis more expeditiously and to respond more swiftly to governmental mandates. This approach would shorten the time period during which both institutions and the Commission could potentially be out of compliance with the law. Finally, it is important to note that changing this policy would not in any way affect the provisions for approving changes to the Criteria for Accreditation and Eligibility Requirements.</p>
<p>Policy no.: none</p>	<p>The Board of Trustees may amend, delete, or add to the policies, with the exception of policies related to the Eligibility Requirements and Criteria for Accreditation as noted in the following subsections, at any time. Adoption of policies shall be taken at a Board of Trustees meeting subsequent to the first meeting when the policy was presented. Policies affecting affiliated and member organizations shall be made available to them for comment through the Commission’s website and other regular Commission communications during the period between the first and second reading of the provisional policy. In response to external mandates from the U.S. Department of Education or another legal or governmental body, the Commission may approve a new policy provisionally at a Board meeting at which the policy is first presented but will consider any comments submitted before the next Board meeting, at which meeting the Board will adopt and enact the provisionally-approved policy.</p> <p>Policy history: First adopted: 08/92; Amended: 02/07</p> <p>Related policies: • Commission Bylaws, Article XII, §2.</p>

PART 2: COMMISSION COMMENTS ON OTHER HEA REQUIREMENTS

OTHER HEA REQUIREMENTS. SECTION A: STUDENT ACHIEVEMENT

<p>Comment on HEA Requirement</p>	<p>The Commission’s view is that The Higher Education Opportunity Act (HEAO) puts into law an understanding the Commission has long had with institutions regarding their own important role in setting the standards for measuring student learning at their own institution. Institutions establish their own mission and educational goals and outcomes as well as determine the tools by which they will measure student learning. Institutions determine in what way and to what effect they will incorporate information about student learning into academic improvement. While HEOA recognizes an institution’s significant role in setting standards by which to evaluate its assessment of student learning, HEOA also acknowledges the need for accreditors to continue to have standards related to assessment of student learning. Thus, the Commission anticipates continuing to use Criterion Three as well as other relevant Criteria to assess institutions with respect to student learning. The Commission will consider institutions’ voluntary efforts to disclose accountability data as one of the</p>
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	many pieces of information it will consider with respect to assessment. As the Secretary of Education is prohibited by HEOA from regulating in this area, the Commission does not anticipate that new federal regulations will require changes in its policies or procedures related to assessment.
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OTHER HEA REQUIREMENTS. SECTION B: RELIGIOUS MISSION

Comment on HEA Requirement	The Commission respects the importance of institutional mission, including religious mission. Criterion One outlines the significant role of mission in the evaluation process. At this time the Commission anticipates no changes in Criterion One as a result of revisions in the law but will continue to monitor the regulatory process to determine if the Department will add regulatory provisions to which the Commission will need to respond.
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11/06/08