

THE HIGHER LEARNING COMMISSION

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THIRD PARTY COMMENT: POLICY AND PROCEDURES

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HISTORY AND PURPOSE OF THE POLICY

The Commission has had a longstanding commitment to making the accreditation process more visible to the public and to broadening public participation in that process. The Commission designed and implemented this policy and process shortly after federal regulations began to call for recognized accrediting agencies to have a third-party comment process. These regulations required agencies recognized by the Secretary to publish the year when institutions will next be evaluated and to provide an “opportunity for third party comment, either in writing or at a public hearing, at the agency’s discretion, concerning the institution’s...qualifications for accreditation or preaccreditation.” 34 C.F.R. § 602.23(b) (1999).

In response to the new federal regulation, the Commission began to study various ways to bring public comment into the comprehensive visit process. The Commission’s goal was to design a process that would in fact reach the various public constituencies important to institutions and provide a meaningful role for those comments within the accrediting process.

COMMISSION POLICY ON THIRD PARTY COMMENT

In August of 1996 the Commission adopted the following policy:

Policy IV.A.8

Public Notification of Comprehensive Evaluation Visit

The Commission seeks comments from third parties about institutions being evaluated for accreditation or candidacy. Institutions scheduled for comprehensive evaluations publicize the forthcoming evaluation in accordance with established Commission procedures regarding content, dissemination, and timing. The Commission publishes the names of institutions scheduled for evaluation through appropriate Commission vehicles.

The policy requires a public comments process for those institutions undergoing a *comprehensive evaluation only*. The policy gives responsibility to both the institution and the Commission in getting important information about the evaluation visit to various publics and soliciting comments from those publics in response to that information. It does not require a public hearing.

THE INSTITUTION’S ROLE IN PUBLICATION

Identifying the Public

The Commission asks every institution before beginning the third party comment process to identify its public constituencies. In determining its public constituencies, an institution will typically want to consider its relationship with groups such as:

- students--prospective, current, and former students/alumni
- financial supporters--taxpayers, parents, general donors, churches, denominations
- the local community--government, civic groups, religious community, neighbors, area businesses, elementary/secondary schools, other postsecondary institutions
- the state or national community--state government, sponsoring corporations
- others--contractual partners, employers of graduates, parties to articulation agreements, etc.

Every institution should be able to demonstrate to an on-site team that it has given careful thought to identifying the constituencies to be informed about the opportunity to participate in third party comment.

Disseminating Information

Once the institution has identified its constituencies it will choose a method(s) of disseminating information about the visit to them. In many cases, a local newspaper and institutional website will be the most appropriate vehicle for reaching a broad segment of the institution's publics. A note in the alumni magazine may reach other constituencies, including alumni, donors, area employers, civic groups, parents, etc., who may not necessarily read the local newspaper or institutional website on a regular basis. The campus newspaper may be the best vehicle for reaching local businesses near campus and current students but clearly will not reach all of the institution's publics. An institution will probably need to utilize more than one publication vehicle in order to ensure that it reaches multiple constituencies. Institutions should consult Commission staff if they have any questions about the appropriateness of their choices for soliciting third party comment.

An effective public notice campaign need not be costly or elaborate. In certain cases, publications may as a community service print a press release about the visit at little or no charge to the institution. Where the institution must pay for space in publications to ensure that notice will appear at the appropriate time, the Commission encourages institutions to consider cost-effective and creative placement of notification within publications. It is not necessary that institutions take out large, expensive ads in the front section of newspapers. However, institutions should attempt to make notice as visible as possible to the public. But institutions are free to explore the availability of a larger ad in more moderately priced space in the publication or even in the classified section or of advertising on certain days when rates might be lower. The institution may also want to consider placing notice of the visit in tandem with its regular advertising in the Sunday supplement or other location.

The institution should be able to demonstrate to the on-site team that it has given careful thought to appropriate vehicles for reaching its constituencies and has selected one or more vehicles that are likely to reach a broad cross-section of the institution's publics.

Content of the Notice

The announcement is to include these elements:

- 1) the purpose(s) of the forthcoming visit;
- 2) the dates of the visit;
- 3) the institution's current accreditation status with The Higher Learning Commission;
- 4) an invitation to the public to send comments directly to the Commission that includes the Commission's address and the date by which comments must be received (no later than one month before the visit and notification that all comments must be in writing and signed).

See Appendix A for sample press release and ad formats.

Timing of the Notice

The notice(s) should appear approximately two-four months before the comprehensive visit. The institution also sends a photocopy of the printed notice(s) to the Commission office at least one month before the visit. The institution should keep copies of the notice(s), and the publications in which they appeared, in their files and place these materials in the resource room provided for the team during the visit.

THE COMMISSION'S ROLE IN PUBLICATION

Distribution of Notification

The Commission will publish on its website the names of those institutions scheduled for a comprehensive evaluation in the upcoming academic year. The Commission may also use other means of publication as well. The Commission may disseminate the list of institutions with letters or announcements sent to specific groups such as state agencies.

See Appendix A for sample of Commission notification.

The Role of the Commission Office

The Commission office receives all third party comments. Comments that are not in writing will not be considered. Unsigned or anonymous comments will not be considered. The Commission office will forward the written, signed comments it receives to the institution. However, the Commission will not forward comments that may be defamatory, in restraint of trade, or addressed to matters not relevant to the accreditation or preaccreditation status of the institution. In addition, if the Commission receives third party comments concerning unresolved matters pending in other forums, such as federal or state court or administrative agencies, it will forward those comments to the team only if they address matters relevant to the accreditation or preaccreditation status of the institution. The parties should understand, however, that neither the Commission nor the team will resolve or comment upon any factual or legal issues pending in that case specifically.

The Commission typically forwards the written, signed comments to the team without explanation. However, in some special circumstances, staff may provide explanatory comments to assist the team.

The Role of the Evaluation Team

A few days before the visit the team chair will receive from the Commission office copies of the written, signed comments that meet the screening criteria noted in the previous section. The Chief Executive Officer of the institution will receive copies of all comments sent to the team.

Typically the team will want to take some time during the course of the visit to discuss the third party comment process with the institution and review the copies of the notice(s). The team will first determine whether the institution has made a good faith effort to identify its constituencies and selected appropriate places for notice addressing those constituencies about third party comment. Next the team will want to review the comments with the institution and determine what consideration it plans to give to those comments as it works in the future with its various constituencies. Finally, the team will want to determine whether any of the issues raised in the comments are relevant to the institution's ability to meet the Criteria for Accreditation or are suggestive of a need for further monitoring by the Commission. Typically the comments will form only a basis for further inquiry of appropriate issues by the team. Any decisions made by the team should rest on evidence gained from the visit itself.

Within the appropriate section of the team report the team will provide an analysis of the appropriateness and effectiveness of the institution's methods in reaching its publics. Teams need only provide a few sentences within the team report commenting on this process. In most cases this information is all the team need provide in the report concerning third party comment. If the institution has indicated a willingness to consider the comments as it works with its constituencies in the future, and the visit raised no other issues of concern relative to those comments, the team's inquiry should be satisfied.

If the team identified serious areas of concern in the third party comment relevant to the institution's ability to meet the Criteria for Accreditation or that suggested a need for further monitoring, the team will want to address those comments and its follow-up inquiry in more detail. The team should be able to identify the evidence in the Self-Study or from the visit process that confirmed these areas as indeed suggestive of concern. No team should rest a requirement for monitoring or a decision on status on third party comment.

The team's conclusions about third party comment will be part of the team report, which is part of the institution's permanent file and is sent to the next evaluation team. The third party comments themselves will not become a part of the permanent file of the official relationship of the institution with the Commission. They will be stored and microfilmed with the self-study and other important documents that are used in the evaluation process.

The institution may, if it wishes, respond to the third party comment process at the time it responds the institutional team report. The institution's response to the team report also becomes a part of the permanent file and is sent to the next evaluation team.

ADDITIONAL INFORMATION ABOUT THE THIRD PARTY COMMENT PROCESS

If you have additional questions about the process, you may contact your staff person or you may contact Karen Solinski, Assistant Director for Legal and Governmental Affairs, who is administering the third party comment process. You may reach her at ext. 111 or through e-mail at ksolinski@hlcommission.org.

INSTITUTIONAL CHECKLIST:

PREPARING FOR THIRD PARTY COMMENT

- ➔ Identify public constituencies;
- ➔ Select appropriate vehicle(s) for placement of notice;
- ➔ Put together public disclosure notice(s);
- ➔ Publish notice(s);
(two-four months before the visit)
- ➔ Forward copies of the notice(s) to Karen Solinski, Assistant Director for Legal and Governmental Affairs, who is coordinating the third party comment process, as soon as the notices are published;
(no later than one month before the visit)
- ➔ Place copies of the publications in which notice appeared in the team resource room;
- ➔ Review written comments forwarded to the institution and the team;
(typically one week before the visit)
- ➔ Be prepared to discuss the third party comment process with the on-site team.

THIRD PARTY COMMENT: POLICIES AND PROCEDURES

APPENDIX A

The following statements are offered as sample language that could be used in an announcement of a forthcoming visit. The institution is not required to use these templates but may choose to write its own announcements as long as it includes all the information listed on page 2.

☐ Sample #1

SAMPLE PRESS RELEASE

John Dewey College will undergo a comprehensive evaluation visit May 3-5, 2006, by a team representing The Higher Learning Commission of the North Central Association of Colleges and Schools. John Dewey College has been accredited by the Commission since 1967. Its accreditation is at the Master's degree level and includes degree sites at various other locations within the state.

The Higher Learning Commission is one of six accrediting agencies in the United States that provide institutional accreditation on a regional basis. Institutional accreditation evaluates an entire institution and accredits it as a whole. Other agencies provide accreditation for specific programs. Accreditation is voluntary. The Commission accredits approximately 1100 institutions of higher education in a nineteen-state region. The Commission is recognized by the U.S. Department of Education.

For the past year and half, John Dewey College has been engaged in a process of self-study, addressing the Commission's requirements and criteria for accreditation. The evaluation team will visit the institution to gather evidence that the self-study is thorough and accurate. The team will recommend to the Commission a continuing status for the college; following a review process, the Commission itself will take the final action.

The public is invited to submit comments regarding the college:

Public Comment on (insert name of college)
The Higher Learning Commission
30 North LaSalle Street, Suite 2400
Chicago, IL 60602

Comments must address substantive matters related to the quality of the institution or its academic programs. Written, signed comments must be received by April 3, 2006. The Commission cannot guarantee that comments received after the due date will be considered. Comments should include the name, address, and telephone number of the person providing the comments. Comments will not be treated as confidential.

Note: Individuals with a specific dispute or grievance with an institution should request the separate Policy on Complaints document from the Commission office. The Higher Learning Commission cannot settle disputes between institutions and individuals. Complaints will not be considered third party comment.

**THIRD PARTY COMMENT: POLICIES AND PROCEDURES
APPENDIX A CONTINUED...**

☐ **Sample #2**

SAMPLE ADVERTISEMENT

John Dewey College is seeking comments from the public about the College in preparation for its periodic evaluation by its regional accrediting agency. The College will undergo a comprehensive evaluation visit May 3-5, 2006, by a team representing The Higher Learning Commission of the North Central Association of Colleges and Schools. John Dewey College has been accredited by the Commission since 1967. The team will review the institution's ongoing ability to meet the Commission's Criteria for Accreditation.

The public is invited to submit comments regarding the college:

Public Comment on (insert name of college)
The Higher Learning Commission
30 North LaSalle Street, Suite 2400
Chicago, IL 60602

Comments must address substantive matters related to the quality of the institution or its academic programs. Comments must be in writing and signed; comments cannot be treated as confidential.

All comments must be received by April 3, 2006

☐ **Sample Commission Notification**

COMMISSION INVITES THIRD-PARTY COMMENT
(on the Commission's Website)

Federal regulations regarding higher education require that accrediting agencies allow for public comment on the qualifications of those institutions under consideration for preaccreditation or accreditation. The Commission invites interested parties to submit written, signed comments on those institutions listed below that are scheduled for team visits in August-December, 2005-2006. The list is accurate as of the date of this mailing.

Public Comment on (insert name of college)

The Higher Learning Commission
30 North LaSalle Street, Suite 2400
Chicago, IL 60602

Comments on these institutions are due in the Commission office no later than one month before the date the visit is scheduled to begin. The Commission cannot guarantee that comments received after the due date will be considered. Comments should include the name and address of the person(s) providing the comments. Only signed comments are forwarded to the institution.

Evaluations for (TYPE OF EVALUATION) visit begins
(state) (name of institution)..... date

Note: Individuals with a specific dispute or grievance with an institution should request the separate Policy on Complaints document from the Commission office. The Higher Learning Commission cannot settle disputes

between institutions and individuals, whether those individuals are faculty, students, or others. Complaints will not be considered third party comment.