

Policy Regarding Matters Under Litigation

(Adopted January 1989; Revised June 1996, January 2001; Edited August 2012)

The Commission's concerns are to determine whether an institution is in compliance with Commission Standards and policies and to assist institutions, through established procedures, in the improvement of quality.

To this end, the Commission takes appropriate action on credible evidence received from any reliable source, including the courts, that calls into question the ability of an institution to meet Commission Standards and policies. It is the policy of the Accrediting Commission not to become involved in litigation within an institution. The Commission is not an adjudicatory agency, and it is not the role or function of the Commission to arrive at any determination regarding the merits of any aspect of pending litigation.

Because of the sensitivities created when litigation is pending during a site visit by an evaluation team, the Commission has developed the following guidelines.

Responsibility of the Institution

It is the responsibility of the institution to inform the Commission staff, prior to a visit, of any pending litigation against the institution. The staff will consult with the liaison officer to determine if any special advice will need to be provided to the evaluation team chair.

Responsibility of Visiting Teams

Visiting teams should not comment on pending litigation in such a way as to express an opinion about the merits of the lawsuit or its outcome. Team members are not precluded from meeting with individuals involved in litigation and hearing from them regarding the litigation. If such a meeting is held or if the subject of the litigation arises during the course of interviews, the institution will be informed. Team members are cautioned against saying or writing anything which may be used by either party in support of their positions in the lawsuit.

If questions arise prior to, during, or after a visit, Commission staff should be consulted.