

Policy on Review of Commission Actions

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Institutions that are denied candidacy or initial accreditation, or whose candidacy or accredited status is terminated by the Accrediting Commission for Community and Junior Colleges may request a review of the Commission's decisions. These actions are identified as the adverse actions which may be taken by the Commission.¹ Other Commission actions on accredited status are not subject to review.

A review must be requested prior to the filing of an appeal by the institution. The following procedures will govern the conduct of the Commission's review:

1. If the Accrediting Commission for Community and Junior Colleges decides to take an adverse action the President will notify the institution concerned of the decision by certified mail, return receipt requested, within 30 calendar days of the Commission's decision. Said notification shall contain a succinct statement of the reasons for the Commission's decision.
2. If the institution wishes a review by the Commission, it shall file with the Commission President a request for such a review under the policies and procedures of the Commission. This request should be submitted by the chief executive officer of the institution and co-signed by the Chairperson of the governing board. Requests for review by an institution in a multi-college system shall be co-signed by the chief executive officer of the system. This request must be received by certified mail, return receipt requested, within 28 calendar days of the date of the mailing of the Commission's notification of its decision to the institution. The fee for review shall accompany the request.
3. Within 21 calendar days after the date of its request for a review, the institution, through its chief executive officer, must submit a written statement of the reasons why, in the institution's opinion, a review of the Commission's decision is warranted. As a general rule, this written statement should respond only to the reasons cited by the Commission in its decision and to the evidence that was before the Commission at the time of its decision. In so doing, the institution shall identify the basis for its request for review in one or more of the following areas: (1) there were errors or omissions in carrying out prescribed procedures on the part of the evaluation team and/or the Commission which materially affected the Commission's decision; (2) there was demonstrable bias or prejudice on the part of one or more members of the evaluation team or Commission which materially affected the Commission's decision; (3) the evidence before the Commission prior to and on the date when it made the

¹ Adverse actions are defined, by 34 C.F.R. §602.3 as "the denial, withdrawal, suspension, revocation, or termination of accreditation or preaccreditation, or any comparable accrediting action an agency may take against an institution or program." The due process described in this Policy addresses the regulatory requirements of 34 C.F.R. §602.25 as to adverse actions.

decision which is being appealed was materially in error; or (4) the decision of the Commission was not supported by substantial evidence.

It is the responsibility of the institution to identify in its statement of reasons any specific information that was not considered, or was improperly considered, by the visiting team.

The institution must accompany its statement of reasons with all written documents that the institution requests the Commission consider.

The statement of reasons will be reviewed by Commission staff for compliance with this provision. The staff review will normally be completed within 30 days from receipt of the statement of reasons.

4. If, in the judgment of Commission staff, the statement of reasons is deficient, it will be forwarded to the Commission Chairperson. If the Commission Chair concurs with the judgment of Commission staff that the statement of reasons is deficient, a notice of return and the statement of reasons will be returned to the institution and no review committee will be appointed.

When an institution's statement of reasons is returned, the institution will be provided the opportunity to revise the statement within 21 days from the date the notice of return and statement of reasons are sent to the institution. Should the institution resubmit its statement of reasons within the prescribed time period, the revised statement will be reviewed by Commission staff. If the revised statement is still found deficient, it will be forwarded to the Commission Chair. Should the Commission Chair concur that the revised statement is deficient, the matter will be considered closed and no review committee will be appointed. This action is final and is not subject to the appeals process.

5. If, on review, the statement of reasons is found to comply with the requirements set forth in item 3, above, the matter will be accepted for review and the institution so notified. On acceptance of the institution's written statement of reasons, the Commission staff will select a review committee of three or more persons. A roster of the review committee will be sent to the institution normally within 21 calendar days of acceptance of the institution's statement of reasons. No person who has served as a member of the visiting team whose report is subject to review shall be eligible to serve on the review committee. The institution will be provided the opportunity to object for cause to any of the proposed review committee members. After giving the institution notice of this opportunity, the Commission staff will finalize the membership of the review committee and the committee chair appointment.
6. Within a reasonable period of time after the review committee has been selected, the Commission President will schedule a meeting of the review committee at a location separate from the institution and Commission offices. No assurance can be made that the review committee process will take place so that action on the request for review will be able to be scheduled on the agenda of the next Commission meeting.
 - a. Prior to the meeting of the review committee, the review committee will review available information. If additional information is needed at any time during the review by the review committee, the Chairperson of the review committee may

- request such information from the chief executive officer of the institution, Commission staff, or the prior team.
- b. The chief executive officer or other institutional representatives will be invited to answer questions and address issues raised in the statement of reasons.
 - c. The review will be investigative and designed to determine if the grounds for review, cited by the institution, have been met.
 - d. The review committee may consider only evidence that was available to or known by the Commission at the time of its taking action. New evidence or information relating to actions or events subsequent to the date of the Commission action shall not be presented or considered by the review committee.
7. The committee will prepare a report that states the reasons for the Commission action, identifies each reason advanced by the institution in its request for review, and, for each reason, evaluates the evidence which the institution has presented in support of its request for review. The report may include an evaluation of additional evidence that, in opinion of the review committee, is relevant to its recommendation to the Commission and was before the Commission at the time it rendered its decision. The report shall state only findings of fact, and not consider or cite any evidence relating to facts or events occurring after the date of the Commission's decision.
- a. The Chairperson of the review committee will submit a copy of the review committee's report to the chief executive officer of the institution, the Chairperson of the institution's governing board, and the President of the Commission, normally within 21 calendar days of the end of the review committee's deliberations, via certified mail or other means that provide a receipt of delivery.
 - b. Within 14 calendar days of the institution's receipt of the review committee's report, via certified mail or other means that provide a receipt of delivery, the chief executive officer may submit a written response to the President of the Commission, with a copy to the Chairperson of the review committee. Failure of the institution to submit a response shall constitute an acceptance by the institution of the review committee's report.
 - c. After considering the written response, the review committee may make revisions to the review committee report to correct errors of fact or omissions. The revised review committee report will be sent to the chief executive officer of the institution, the Chairperson of the institution's governing board, and the President of the Commission.
8. In a confidential letter to the Commission, the review committee shall recommend whether the decision of the Commission under review should be affirmed, reversed, or modified. The recommendation of the review committee to the Commission will not be disclosed to the institution being reviewed. The recommendation is not binding on the Commission.
9. The matter will be scheduled for Commission consideration at its next regular Commission meeting.

- a. In making its decision on the institution's status, the Commission will consider the evidence available to it and then reach a final decision to (a) reaffirm its original decision; (b) modify it; or (c) reverse it.
 - b. As soon after the meeting as practicable, but not later than 30 days after the Commission decision, the Commission President will notify the chief executive officer of the institution by certified mail or other means that provide a receipt of delivery, of the Commission's decision.
 - c. The decision of the Commission shall be the final decision of the Accrediting Commission for Community and Junior Colleges on the action concerning the institution which was under review.
 - d. If the decision has affirmed the denial or termination of candidacy or accreditation, the institution may file an appeal with the President of the Commission in accordance with the provisions of Bylaws of the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, and the Appeal and Hearing Procedures.
10. An institution retains its accredited or candidate status until the review process of the Commission is completed. If the institution files an appeal, its status remains unchanged until the appeal process is completed.
 11. The cost of the review will be borne by the institution. The request for a review must be accompanied by a deposit set by the Commission. If the actual cost is less than this amount, the excess will be refunded. If it is greater, the institution will be billed for the difference.