

Date: May 19, 2022

To: Commission and Other Interested Parties

From: Barbara Dunsheath, Policy Committee Chair
Gohar Momjian, ACCJC Vice President

Subject: Policy Changes for Consideration - June 2022 Commission Meeting

The Policy Committee oversees the development of new policies and changes to existing policies. The Policy Committee's work is guided by the *Policy on Commission Practices on Policy Review*.

Commission procedures generally provide that proposed institutional policy revisions and/or new policies be considered by the Commission in a two-meeting process. At the first meeting, new policies/policy changes are discussed, and modifications are made as appropriate (first reading). These policies are then circulated to ACCJC's member institutions and other interested parties for review and comment before presentation at the next scheduled Commission meeting for second reading and adoption.

When revisions are needed in order to align with federal regulations, or for other extenuating circumstances, policy changes can be made by the Commission outside the normal two-meeting process. If these revisions are made by Commission action between regularly scheduled meetings, the changes are communicated to the field, including the reason for immediate action by the Commission.

In addition, the Policy Committee may make edits to policies intended to clarify issues or correct technical issues of language and grammar. The Policy Committee shall notify the Commission of such edits by including a summary of them in its public Policy Memo to the Commission during its regular meeting.

Items for Second Reading

The Policy Committee moved to forward the following policy to the Commission for its Second Read. No public comments were received during the public comment period.

- i. **Revision: *Policy Regarding Matters on Litigation***
Proposed revisions clarify that colleges should only report pending litigation to ACCJC when such litigation may potentially impact the institution's ability to meet Standards or impact the integrity of the review process. Language strengthens the advisement to teams to not comment on pending litigation. Since the Commission's First Read, language is being added to make clearer that pending litigation against the institution includes the chief executive officer or governing board.

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Items for First Reading

The Policy Committee moved to forward the following policies to the Commission for its First Read.

i. Revision: Policy on Principles of Good Practice in Overseas International Education Programs for Non-U.S. Nationals

The proposed changes include renaming the policy to *Policy on Principles of Good Practice in Overseas International Education Programs* and provides background context clarifying the applicability of the policy for reviewing overseas instructional locations, including branch campuses of member institutions, at which credit-bearing programs are offered to non-U.S. nationals. The policy also adds implementation language instructing institutions to notify the Commission about its intention to establish an overseas program before it becomes operational to ensure compliance with relevant policies such as the *Policy on Substantive Change* and *Policy on Contractual Relationships with Non-Accredited Institutions*.

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ii. Revision: Policy on Substantive Change

The proposed change removes a restriction which currently does not allow colleges to submit a substantive change proposal six months prior to a focused site visit. Removing this barrier will enable colleges to meet their goals consistent with their timeline of implementation and does not impede ACCJC's evaluation of quality when making substantive change decisions. Per federal regulations, policy language defines when an additional location is considered a branch campus; that the Commission will review long-range planning when an institution proposes a new or additional location, or branch campus; and clarifies circumstance for mandated visits for additional locations.

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Items for First Reading and Adoption

Per ACCJC Policy on Commission Practices on Policy the Commission can make institutional policy changes outside the normal two-meeting process under exceptional or time sensitive circumstances, when changes are needed in order to align with federal regulations, or for other extenuating circumstances. With the impending submission of ACCJC's recognition report to the Department of Education this summer, the policy committee moved to forward the following policies to the Commission for its First Read and Adoption.

i. Revision: Policy on Institutional Appeals

ACCJC is currently preparing its petition for recognition from the US Department of Education and identified that the Policy on Institutional Appeals needs to more explicitly align with the federal regulations pertaining to due process §602.25(f)(1)(i), (f)(2), and (g)(2). The proposed added language specifies Hearing Panelists may not include

current members of the Commission that took the initial adverse action; that the institution may employ counsel to represent the institution during its appeal and that the institution is permitted to make presentations during the appeal; and that an institution may seek the review of new financial information only once and any determination by the Hearing Panel made with respect to that review does not provide a basis for an appeal.

The Policy Committee also identified mechanisms to reduce bias in the appeals process and consequently proposes adding language to specify that the Executive Committee selects the Administrator of the Appeal, and that the Nominating Committee appoints members to the Appeals Hearing Panel Pool.

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ii. Revision: Policy on Commission Actions on Institutions

ACCJC is currently preparing its petition for recognition from the US Department of Education and identified that the policy needs to align with the federal regulation §602.20(b). The proposed language states that the Commission has the authority to take immediate adverse action in extraordinary circumstances if an institution is egregiously out of compliance due to unlawful or unethical action. In addition, to align with federal regulation §602.18(d)(4), the policy adds language indicating that a Good Cause Extension will be not be granted if the period of noncompliance contributes to the cost of the program to the student without the student's consent or creates any undue hardship on, or harm to, students.

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Notification on Edits Approved by the Policy Committee (not action items)

Per the *Policy on Commission Practices on Policy Review*, the Policy Committee reviewed and approved the following edits to make corrections, improve readability and clarity of Commission polices, and to align policy language with the Commission's mission and values. The following policy edits will go into effect immediately after the Commission meeting.

a. Edit: Policy on Institutional Integrity and Ethics

The proposed edits reflect ACCJC's current approach to comprehensive review and updates the policy reference citations.

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b. Edit: Policy on Evaluation of Institutions in Multi-College & Multi-Unit Districts or Systems

The proposed edit adds reference to Accreditation Standard IV.D which sets the expectations for the review of Multi-College Districts or Systems, and clarifies that an institution's chief executive officer will be copied when district/system officers are contacted regarding an institution.

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c. Edit: Policy on Closing an Institution

Proposed edits add reference to the recently adopted Commission *Policy on Teach-Out Plans and Agreements*, and specifies the reason why an institution ordered on Show Cause may be required to complete a Closure Plan, that is, if closure is impending.

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d. Edit: Policy on Complaints Against the Accrediting Commission for Community and Junior Colleges

The proposed edits update language on the mechanism for submitting complaints via the ACCJC website, and updates a reference to a policy footnote.

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e. Edit: Policy on Public Disclosure and Confidentiality in the Accreditation Process

The proposed edit makes clear that it is within 10 business days, rather than calendar days, that the Commission will notify the U.S. Secretary of Education, appropriate state licensing or authorizing agencies and accrediting bodies of receiving notice from the institution of the date that it is withdrawing voluntarily or of the date on which accreditation or preaccreditation lapses.

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