

Policy Regarding Matters Under Litigation

*Approved Revision
January 2001 1st-2nd Read
January 2022*

~~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.~~

The Accrediting Commission for Community and Junior Colleges supports its member institutions to advance educational quality and student learning and achievement. This collaboration fosters institutional excellence and continuous improvement through innovation, self-analysis, peer review, and application of standards.- The bases for Commission decision making are detailed in the Commission Policy on Rights, Responsibilities, and Good Practice in Relations with Member Institutions.

~~To this end, t~~The Commission also takes appropriate action on credible evidence received from any reliable source, including local and federal agencies, as well as the courts, that calls into question the ability of an institution to meet Commission Standards and policies. However, it is the policy of the ~~Accrediting~~ Commission not to become involved in litigation within-between an institution and a third-party. 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~~ an accreditation review, 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, chief executive officer, or governing board which may impact the ability of the institution to meet Standards, or may impact the integrity of the review process itself. The staff will consult with the liaison officer to determine if any special advice will need to be provided to the ~~evaluation-Peer Review T~~eam ~~e~~Chair.

Responsibility Instructions for of Visiting Teams

Visiting-Peer review teams ~~are should-not to~~ 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 that~~ anything which they say or write concerning active litigation may could be misinterpreted as the Commission's official position and result in attempts to compel

Commission testimony in the case, ~~be used by either party in support of their positions in the lawsuit.~~

Prior to a scheduled team visit, team members will be advised regarding any relevant litigation.

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

Adopted January 1989; Revised June 1996, Approved Revision January 2001; Edited August 2012; Second Read January 2022

--- end ---