

January 26, 2023

Dr. David Johnson
President
Merritt College
12500 Campus Drive
Oakland, CA 94619

Dear Dr. Johnson:

The Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, at its meeting January 11-12, 2023, reviewed the Follow-Up Report and related evidentiary materials submitted by Merritt College. The Commission also considered the Peer Review Team Follow-Up Report prepared by the follow-up team that visited the institution on October 13-14, 2022. The Commission appreciated the spoken remarks of Dr. Jannett Jackson, Chancellor of the Peralta Community College District, as well as your participation in the meeting, and that of Dr. Angélica Garcia, President, Berkeley City College; Dr. Rudolph Besikof, President, Laney College; Dr. Nathaniel Jones III, Peralta CCD Interim Vice Chancellor of Finance & Administration; and Dr. Stephanie Droker, Peralta CCD Interim Deputy Chancellor/Chief Operating Officer. The purpose of this review was to determine whether the College has addressed the fiscal deficiencies and demonstrated compliance with the Standards cited in the Commission's January 27, 2022, Action Letter.

Upon consideration of the information noted above, the Commission acted to **reaffirm accreditation for the remainder of the cycle**. The Commission finds that Merritt College has addressed the compliance requirements, corrected deficiencies, and meets Standards III.D.5, III.D.6, III.D.7, III.D.8, III.D.10, IV.C.1, IV.C.2, and IV.C.4. Further, the Commission finds that the College has resolved remaining deficiencies identified through fiscal monitoring. The Commission requires that you disseminate the Follow-Up Report, the Peer Review Team Report, and this letter to all campus constituencies and the public by placing copies on the College website within seven business days of your receipt. A final copy of the Peer Review Team Report is attached.

The next report from the College will be the Midterm Report¹ due on March 15, 2025. The institution's next comprehensive review will begin with Team ISER Review in the fall term 2027 and conclude with a Focused Site Visit in the spring term 2028.

On behalf of the Commission, we wish to express appreciation for the diligent work and thoughtful reflection that Merritt College undertook to respond to these requirements. These efforts confirm that peer review can serve the multiple constituencies of higher education by both ensuring and encouraging institutional quality and effectiveness.

If you have any questions about this letter or the Commission's action, please feel free to contact Dr. Mac Powell or the vice president assigned as liaison to your institution.

Sincerely,



Mac Powell, MBA, Ph.D.
President



Lori Gaskin, Ph.D.
Chair

cc: Dr. Jannett Jackson, Interim Chancellor, Peralta Community College District
Dr. Denise Richardson, Accreditation Liaison Officer

¹ Institutions preparing and submitting Midterm Reports, Follow-up Reports, Special Reports, or Teach-out plans/agreements to the Commission should review *Guidelines for Preparing Institutional Reports to the Commission*, found on the ACCJC website at <https://accjc.org/guides-and-manuals/>.

January 27, 2022

Dr. David Johnson
President
Merritt College
12500 Campus Drive
Oakland, CA 94619

Dear Dr. Johnson:

The Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, at its meeting January 12-14, 2022, reviewed the Follow-Up Report, Teach-Out Plan, and related evidentiary materials submitted by Merritt College. The Commission also considered the Follow-Up Peer Review Team Report prepared by the follow-up team that visited the institution on October 18-19, 2021.

The Commission appreciated the spoken remarks of Dr. Jannett Jackson, Chancellor of the Peralta Community College District, as well as your participation in the meeting, and that of Dr. Angélica Garcia, President, Berkeley City College; Dr. Nathaniel Jones III, President, College of Alameda; Dr. Rudolph Besikof, President, Laney College; Mr. Royle Roberts, Chief of Staff to the Peralta Community College District Chancellor; and Mr. Adil Ahmed, Peralta Community College District Interim Vice Chancellor of Finance & Administration.

The purpose of this review was to determine whether the College has addressed the deficiencies and demonstrated compliance with the Standards cited in the Commission's February 1, 2021 Action Letter. Upon consideration of the information noted above, the Commission acted to **Issue Warning**. In addition, per the ACCJC *Policy on Teach-Out Plans and Agreements*, the Commission reviewed the College's Teach-Out Plan and acted to Accept the Report.

The Commission found that the College has addressed the following compliance requirements, corrected deficiencies, and meets:

Standard IV.C.3 (District Compliance Requirement 6)
Standard IV.C.7 (District Compliance Requirement 8)
Standard IV.C.12 (District Compliance Requirement 9)
Standard IV.D.2 (District Compliance Requirement 10)

Additionally, the Commission found that the College has appropriately resolved the following deficiencies identified through fiscal monitoring:

- Establishing FTES Targets and Enrollment Management Plans
- Establishing a Student Success Infrastructure Plan to comply with the Student-Centered Funding Formula as announced by the California Community College Chancellor's Office
- Adopting a Board policy to adopt sustainable fund balances and reserves
- Establishing Strategies to improve the management of the OPEB debt
- Providing an executive-level staff turnover analysis and recommendations to train these staff at the district

The Commission found **continued non-compliance** with the following Standards and compliance requirements:

Standards III.D.5, III.D.6, III.D.8 (District Compliance Requirement 1)
Standard III.D.7 (District Compliance Requirement 2)
Standard III.D.10 (District Compliance Requirement 3)
Standard IV.C.1 (District Compliance Requirement 4)
Standard IV.C.2 (District Compliance Requirement 5)
Standard IV.C.4 (District Compliance Requirement 7)

Further, the Commission found that the College has not resolved the following deficiencies identified through fiscal monitoring:

- Establishing guidelines to reduce operational overspending and eliminate the structural deficit
- Adopting a restructuring plan to improve efficiencies and accountability at the District Office and the Colleges
- Addressing all audit findings

The College is **required to submit a Follow-Up Report¹ to address the remaining compliance requirements and deficiencies identified through fiscal monitoring by October 1, 2022**. The Follow-Up Report will be followed by a visit from a peer review team. The accredited status of the institution continues during the warning period.

In accordance with federal regulations and the *Policy on Commission Actions on Institutions*, compliance requirements must be addressed and the institution must demonstrate that it aligns with Standards within three years of first receiving notification of noncompliance, by January 2023 for deficiencies identified through fiscal monitoring, and by June 2024 for District Compliance Requirements. If the institution cannot document that it has come into compliance within the designated period, the Commission will take adverse action.

¹ Institutions preparing and submitting Midterm Reports, Follow-up Reports, Special Reports, or Teach-out plans/agreements to the Commission should review *Guidelines for Preparing Institutional Reports to the Commission*, found on the ACCJC website at <https://accjc.org/guides-and-manuals/>.

The Commission looks forward to receiving the College's report demonstrating that it has addressed the deficiencies, and supports your institution's efforts to come into compliance.

The Commission requires the College to disseminate this Follow-Up Report, the Follow-Up Peer Review Team Report, and this letter within the institution, including by posting them on the College's website. A final copy of the Follow-Up Peer Review Team Report is attached.

On behalf of the Commission, we wish to express appreciation for the diligent work that Merritt College has undertaken and progress it has made as it responds to these requirements. These efforts confirm that peer review can serve the multiple constituencies of higher education by both ensuring and encouraging institutional quality and effectiveness.

If you have any questions about this letter or the Commission's action, please feel free to contact Dr. Cindy Miles or the vice president assigned as liaison to your institution.

Sincerely,



Cindy Miles, Ph.D.



Sonya Christian, Ed.D.

cc: Dr. Jannett Jackson, Interim Chancellor, Peralta Community College District
Dr. Denise Richardson, Accreditation Liaison Officer

June 28, 2021

Dr. David Johnson
President
Merritt College
12500 Campus Drive
Oakland, CA 94619

Dear Dr. Johnson:

The Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, at its meeting June 9-11, 2021, reviewed the Institutional Self Evaluation Report (ISER) and evidentiary materials submitted by Merritt College. The Commission also considered the Peer Review Team Report (Team Report) prepared by the peer review team that conducted its site visit to the College March 1-4, 2021. The Commission appreciated your spoken testimony, as well as the testimony of Dr. Jannett Jackson, Interim Chancellor for the Peralta Community College District, and Mr. Adil Ahmed, Interim Vice Chancellor of Finance and Administration for the Peralta Community College District. The Commission found these additional perspectives to be helpful.

The purpose of this review was to determine whether the College continues to meet ACCJC's Eligibility Requirements, Commission Policies, and Accreditation Standards (hereinafter, the Standards). In addition, the purpose of the review was to determine whether the College has resolved the deficiencies identified by the Commission in its Action Letter of January 27, 2020, as the Commission deferred action on this decision at its meeting in January 2021.¹ Upon consideration of the written and oral information noted above, the Commission acted to continue to **Impose Probation** and **require a Follow-Up Report, due no later than October 1, 2021**, followed by a visit from a peer review team. Per the ACCJC *Policy on Teach-Out Plans and Agreements*, the Commission also requires the College to submit a Teach-Out Plan with its Follow-Up Report.² The accredited status of the institution continues during the probation period.

¹ See the Commission's Action Letter to the College dated February 1, 2021.

² Institutions preparing and submitting Midterm Reports, Follow-up Reports, Special Reports, or Teach-out Plans/Agreements to the Commission should review *Guidelines for Preparing Institutional Reports to the Commission*, found on the ACCJC website at <https://accjc.org/guides-and-manuals/>.

Compliance Requirements

The Commission also determined that the College must demonstrate compliance with the following Standards, as identified in the requirements below. This demonstration must be addressed in the required Follow-Up Report.

Standards III.D.5, III.D.6, III.D.8 (District Requirement 1): In order to meet the Standards, the Commission requires the District have appropriate internal control mechanisms and regularly evaluate its financial management practices, and use the results for improvement to ensure financial documents have a high degree of credibility.

Standard III.D.7 (District Requirement 2): In order to meet the Standard, the Commission requires the District respond to all external audit findings, and such responses are comprehensive, timely, and communicated properly.

Standard III.D.10 (District Requirement 3): In order to meet the Standard, the Commission requires the District must practice effective oversight of its financial aid programs.

Standard IV.C.1 (District Requirement 4): In order to meet the Standard, the Commission requires that the Board of Trustees assures the academic quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution.

Standard IV.C.2 (District Requirement 5): In order to meet the Standard, the Commission requires that once the Board of Trustees reaches a decision, all board members act in support of board decisions.

Standard IV.C.3 (District Requirement 6): In order to meet the Standard, the Commission requires the Board adhere to their clearly defined policy for evaluating the CEO of the District.

Standard IV.C.4 (District Requirement 7): In order to meet the Standard, the Commission requires the governing board functions as an independent, policy-making body that reflects the public interest in the institution's educational quality.

Standard IV.C.7 (District Requirement 8): In order to meet the Standard, the Commission requires that the Board establish a formal process for regularly assessing its policies for effectiveness in fulfilling the District's mission and revise them as necessary.

Standard IV.C.12 (District Requirement 9): In order to meet the Standard, the Commission requires the Board delegate full responsibility and authority to the Chancellor to implement and administer board policies without Board interference.

Standard IV.D.2 (District Requirement 10): In order to meet the Standard, the Commission requires the District clearly delineate, document, and communicate the operational responsibilities and functions of the District from those of the Colleges and consistently adhere to this delineation in practice.

In accordance with federal regulations and the *Policy on Commission Actions on Institutions*, compliance requirements must be addressed and the institution must demonstrate that it aligns with Standards within three years, by June 2024. If the institution cannot document that it has come into compliance within this designated period, the Commission will take adverse action.

Modifications to Team Recommendations

In taking its action, the Commission modified the wording of **District Requirement 7** as follows:

Original District Requirement 7 (Compliance): In order to meet the Standard, the team recommends the governing board is an independent, policy-making body that reflects the public interest in the institution's educational quality.

Revised District Requirement 7 (Compliance): In order to meet the Standard, the Commission requires the governing board functions as an independent, policy making-body that reflects the public interest in the institution's educational quality.

Recommendations for Improving Institutional Effectiveness

The Peer Review Team Report noted District Recommendations 11 and 12 for improving institutional effectiveness. These recommendations do not identify current areas of deficiency in institutional practice, but consistent with its mission to foster continuous improvement through the peer review process, the Commission encourages institutions to give serious consideration to these recommendations and the advice contained in the Peer Review Team Report. In the Midterm Report, the College will include actions taken in response to the improvement recommendations.

Deficiencies Identified through Fiscal Monitoring

The Commission recognized that the College has made progress on the deficiencies identified through fiscal monitoring and first documented in its Action Letter of January 27, 2020. However, the Commission determined that these deficiencies have not yet been resolved. The Commission requires the College to address these deficiencies in the required Follow-Up Report along with the Compliance Requirements identified above:

- Establishing FTES Targets and Enrollment Management Plans
- Establishing a Student Success Infrastructure Plan to comply with the Student-Centered Funding Formula as announced by the California Community College Chancellor's Office
- Establishing guidelines to reduce operational overspending and eliminate the structural deficit
- Adopting a Board policy to adopt sustainable fund balances and reserves
- Adopting a restructuring plan to improve efficiencies and accountability at the District Office and the Colleges
- Addressing all audit findings
- Establishing strategies to improve the management of the OPEB debt
- Providing an executive-level staff turnover analysis and recommendations to retain these staff at the district

In accordance with federal regulations and the *Policy on Commission Actions on Institutions*, compliance requirements must be addressed and the institution must demonstrate that it has resolved deficiencies and aligned with Standards within three years of first receiving notification of noncompliance, by January 2023. If the institution cannot document that it has come into compliance within this designated period, the Commission will take adverse action.

Next Steps

The Peer Review Team Report provides details of the peer review team's findings. The guidance and recommendations contained in the Peer Review Team Report represent the best advice of the team at the time of the visit but may not describe all that is necessary for the college to improve or to come into compliance. A final copy of the Peer Review Team Report is attached. For your records, we have also included a final copy of the Peer Review Team Report from the Special Visit conducted in December 2020, as the Commission has now taken action based on these findings.

The Commission requires that you disseminate the ISER, the Peer Review Team Reports, and this letter to those who were signatories of the ISER, and that you make these documents available to all campus constituencies and the public by placing copies on the College website within seven business days of the receipt of this letter.³ Please note that in response to public interest in accreditation, the Commission requires institutions to post current accreditation information on a Web page no more than one click from the institution's home page. In keeping with ACCJC policy, the Commission action will also be posted on the ACCJC website within 30 days of the date of the Commission's action.

On behalf of the Commission, we wish to express appreciation for the diligent work and thoughtful reflection that Merritt College undertook to prepare for this review. These efforts confirm that peer review can serve well the multiple constituencies of higher education by both ensuring and encouraging institutional quality and effectiveness.

If you have any questions about this letter or the Commission's action, please feel free to contact Dr. Stephanie Droker or the vice president that has been assigned as liaison to your institution.

Sincerely,



Stephanie Droker, Ed.D.



Sonya Christian, Ed.D.

cc: Dr. Denise Richardson, Accreditation Liaison Officer
Dr. Jannett Jackson, Interim Chancellor, Peralta Community College District

Attachments

³ See *Policy on Public Disclosure and Confidentiality*, Part B, Section II.



February 1, 2021

Dr. David Johnson
President
Merritt College
12500 Campus Drive
Oakland, CA 94619

Dear Dr. Johnson:

The Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, at its meeting January 13-15, 2021, reviewed the Fiscal Monitoring Special Report and related evidentiary materials submitted by Merritt College. The Commission also considered the Fiscal Monitoring Peer Review Team Report prepared by the fiscal monitoring team that visited the institution December 16 - 17, 2020. The Commission considered the spoken testimony of Dr. David M. Johnson, President, and Dr. Carla Walter, Interim Chancellor. The Commission found these additional perspectives to be helpful. The purpose of this review was to determine whether the College has appropriately responded to the fiscal issues identified by the Commission in its Action Letter of January 27, 2020, and whether the College has demonstrated compliance with the related policies and Standards.

Upon consideration of the information noted above, the Commission acted to **Defer Action. The accredited status of the institution remains unchanged and continues during the Probation period.** The college is currently undergoing comprehensive review with a team visit scheduled in Spring 2021. A decision on the college's accredited status will take place during the Commission's meeting scheduled June 9 – 11, 2021.

If you have any questions about this letter or the Commission's action, please feel free to contact Dr. Stephanie Droker or the vice president that has been assigned as liaison to your institution.

Sincerely,

Stephanie Droker, Ed.D.

Sonya Christian, Ed.D.

cc: Dr. Carla Walter, Interim Chancellor, Peralta Community College District
Ms. Denise Richardson, Accreditation Liaison Officer

January 27, 2020

Dr. Marie-Elaine Burns, President
Merritt College
12500 Campus Drive
Oakland, CA 94619

Dear Dr. Burns:

The Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, at its meeting January 15-17, 2020, reviewed the Special Report and related evidentiary materials, including the Fiscal Crisis and Management Assistance Team (FCMAT) report and findings, submitted by Merritt College and the Peralta Community College District. The purpose of this review was to determine whether the College has appropriately responded to the issues first identified in November 2018, and again in June 2019, by the Commission through its fiscal monitoring process, per the Commission's Policy on Monitoring Institutional Performance. The Special Report was to take the form of a Five-Year Integrated Financial Plan and was to inform actions on:

- Establishing FTES Targets and Enrollment Management Plans
- Establishing a Student Success Infrastructure Plan to comply with the Student-Centered Funding Formula as announced by the California Community College Chancellor's Office
- Establishing guidelines to reduce operational overspending and eliminate the structural deficit
- Adopting a Board policy to adopt sustainable fund balances and reserves
- Adopting a restructuring plan to improve efficiencies and accountability at the District office and the Colleges
- Addressing all audit findings
- Establishing strategies to improve the management of the OPEB debt
- Providing an executive-level staff turnover analysis and recommendations to retain these staff at the district

Upon consideration of the report and evidentiary materials, the Commission acted to find continued non-compliance and **Impose Probation**. The College/District is required to **submit a subsequent Special Report, due no later than November 1, 2020** addressing the deficiencies, which will be followed by a **fiscal monitoring site visit**. The accredited status of the institution continues during the probation period.

The Commission found the College/District's Special Report provided insufficient information to verify the degree to which the deficiencies have been resolved, addressed, or corrected. Specifically, the Commission's findings are:

- It is not evident from the special report that the College/District has addressed foundational issues which have bearing on its fiscal health; this includes:
 - a continued structural deficit
 - lack of adherence to Board policies and administrative procedures
 - deficiency in reconciliation and financial control issues
 - key staffing issues
 - its OPEB obligations
 - ongoing unaddressed audit findings
- In several areas of the special report, the College/District has responded with corrective intent, but no evidence was provided that corrective actions are being implemented to address the noted deficiencies.
- The special report lacks the organizational structure, clarity and specificity of content.

The Commission requires the College to disseminate the Special Report and this letter within the institution, including by posting them on the College's website.

If you have any questions about this letter or the Commission's action, please feel free to contact me or the vice president that has been assigned as liaison to your institution.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Richard Winn', with a long horizontal flourish extending to the right.

Richard Winn, Ed.D.
President

RW/tl

cc: Dr. Regina Stanback Stroud, Chancellor, Peralta Community College District
Dr. David Johnson, Accreditation Liaison Officer