
Policy Regarding Matters Under Litigation

June 2022

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 basis for Commission decision making are detailed in the Commission *Policy on Rights, Responsibilities, and Good Practice in Relations with Member Institutions*.

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 Commission not to become involved in litigation 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 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 Peer Review Team Chair.

Instructions for Visiting Teams

Peer review teams are 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 cautioned that anything they say or write concerning active litigation could be misinterpreted as the Commission's official position and result in attempts to compel Commission testimony in the case. 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; Revised June 2022

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