

Accreditation Actions Procedures

Effective Date: October 1, 2022

Contents

- I. Purpose
- II. Application and Candidacy Actions
- III. Reaffirmation Actions
- IV. Non-Compliance Actions
- V. Adverse Actions
- VI. Appeal Actions
- VII. Mid-Point Peer Review Actions
- VIII. Substantive Change Actions
- IX. Teach Out Actions
- X. Procedural Actions
- XI. Administrative Actions
- XII. Definitions

I. Purpose

The Mid-Atlantic Commission on Higher Education (MARCHE), doing business as the Middle States Commission on Higher Education (MSCHE or Commission), seeks to ensure fair, equitable, and consistent actions on accreditation. The purpose of these procedures is to implement the Commission's *Accreditation Actions Policy* which establishes the types of actions available to the Commission. Additional information about reviews, reports, and visits related to the application process can be found in *Accreditation Activities Guidelines*.

II. Application and Candidacy Actions

A. Determination of Eligibility to Apply (Pre-Application)

1. To acknowledge receipt of the pre-applicant minimum requirements report. To allow the institution to submit an application for candidate for accreditation status because the pre-applicant institution appears to meet the minimum requirements, appears to demonstrate the readiness to continue in the accreditation process, has provided sufficient evidence, and the institution is not otherwise disqualified from proceeding with the pre-application process based on report and evidence submitted, including the areas addressed in the *Required Disclosures and Certification Statement*.
2. To acknowledge receipt of the pre-applicant minimum requirements report. To decline to review an application because the pre-applicant institution does not appear to meet one or more of the following: (1) the institution meets the minimum eligibility requirements, (2) the institution demonstrates the readiness to continue in the accreditation process, (3) the institution has provided sufficient information, and/or (4) the institution is not otherwise disqualified from proceeding with the pre-application process based on any of the areas addressed in the *Required Disclosures and Certification Statement*.
 - a. This is not an adverse action and therefore, not subject to appeal.
 - b. After taking at least one year to review its readiness and make necessary

changes and improvements, the institution may choose to submit a new Pre-Applicant Minimum Requirements Report and Pre-Applicant Inquiry Fee after participation in the mandatory Pre-Applicant Information Session.

B. Review of Application for Candidate for Accreditation Status

1. The Commission may acknowledge receipt of the Accreditation Readiness Report (ARR) and request an updated ARR because the Commission needs further evidence that the institution can demonstrate compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements and/or the Commission needs further evidence that the institution can demonstrate the readiness to continue the accreditation process.
2. The Commission may acknowledge receipt of the Accreditation Readiness Report (ARR), invite the institution to submit a Candidate Assessment Report, and direct a Candidate Assessment Team Visit because the institution appears to demonstrate compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements and the institution appears to demonstrate the readiness to continue in the accreditation process.
 - a. The Commission staff will set a deadline by which the application must be submitted.
 - b. The Commission will request that the institution complete and submit for approval a contingency teach-out plan.
 - c. The Commission will direct a Commission liaison guidance visit to discuss the Commission's expectations.
3. To reject the ARR because the institution does not appear to demonstrate compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements and/or the institution does not appear to demonstrate the readiness to continue the accreditation process.
 - a. This is not an adverse action and therefore, not subject to appeal.
 - b. After taking at least one year to review its readiness and make necessary changes and improvements, the institution may choose to submit a new Pre-Applicant Minimum Requirements Report and Pre-Applicant Inquiry Fee after completing the mandatory Pre-Applicant Information Session.

C. Candidate Assessment

1. The Commission may Grant Candidate for Accreditation Status and invite the applicant institution to initiate its first self-study evaluation because the institution appears to meet all of the standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements.
2. The action will note that the Candidate Assessment Team Visit has occurred.
3. The action will remind the institution of its obligation to demonstrate its record of compliance with applicable federal regulatory requirements, including its program responsibilities under title IV.
4. The action will document the institution's baseline scope of candidate for accreditation status (i.e. credential levels, locations, alternative delivery methods).
5. The action may stipulate that the institution emphasize specific areas in the self-

- study report.
6. The institution will conduct the self-study evaluation in accordance with the Commission's *Accreditation Review Cycle and Monitoring Policy and Procedures*.
 7. The Commission will set a deadline by which the self-study evaluation and on-site evaluation visit must occur so that the decision to grant or deny accreditation is made within the five-year period of candidacy established under federal regulation 34 CFR § 602.16(a)(2).
 8. The action will note that the institution may not be in candidacy for more than five years before the grant of accreditation in accordance with federal regulation 34 CFR § 602.16(a)(2).
 9. The Commission will take a separate action on the contingency teach-out plan which was submitted by the candidate institution in accordance with Commission policy and procedures and federal regulation 34 CFR § 602.23(f)(1)(ii).

D. Initial Accreditation

1. The Commission may Grant Accreditation because the candidate institution has completed an initial self-study evaluation and appears to meet all of the standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements.
2. The action will document the institution's baseline scope of accreditation (i.e. credential levels, locations, alternative delivery methods).
3. The action may stipulate that the institution emphasize specific areas in the next self-study report.
4. The Commission may request that the institution provide brief narrative responses on the recommendations identified in the Commission action when the institution is in compliance but the Commission determines that some additional oversight is needed to ensure that the institution is attentive to Commission recommendations. The institution will submit recommendations responses in conjunction with the Annual Institutional Update (AIU) each year.
5. The institution will conduct its next Self-Study Evaluation in accordance with the *Accreditation Review Cycle and Monitoring Policy and Procedures*.
6. Upon the grant of accreditation, the Commission will apply a retroactive date of accreditation back to the date of candidacy in accordance with federal regulation 34 CFR § 602.18(b)(6) and for the benefit of students to facilitate transfer, eligibility for licensure, and to serve other purposes. The retroactive date of accreditation is only available to institutions granted accreditation after July 1, 2020.
7. The Commission action will direct a Commission liaison guidance visit. Other staff and/or Commission representatives may accompany the Commission staff liaison or conduct the visit.

III. Reaffirmation Actions

- A. The Commission may Reaffirm Accreditation when the institution appears to meet all of the Commission standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements.
 1. The institution will conduct its next Self-Study Evaluation in accordance with its assigned accreditation review cycle as defined in *Accreditation Review Cycle and Monitoring Policy and Procedures*.

2. The action may stipulate that the institution address specific recommendations in the next self-study report. The Commission may request that the institution provide brief narrative responses on the recommendations identified in the Commission action when the institution is in compliance but the Commission determines that some additional oversight is needed to ensure that the institution is attentive to Commission recommendations. The institution will submit recommendations responses in conjunction with the Annual Institutional Update (AIU) each year.
 3. The action may reaffirm accreditation with no follow-up reporting; or
 4. The Commission may request a supplemental information report (SIR) and evidence when the institution is in compliance but the Commission determines that some additional oversight is needed and there is a need for the institution to provide evidence in addition to narrative.
 - a. The reaffirmed institution may be asked to prepare one or more written follow-up reports with evidence on a schedule set by the Commission.
 - b. The action will specify the due date and which Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements must be addressed.
 - c. The Commission may or may not direct a follow-up team visit following submission of the report.
 - d. The Commission may direct a Commission liaison guidance visit. Other staff and/or Commission representatives may accompany the Commission staff liaison or conduct the visit.
- B. The Commission may Reaffirm Accreditation following a non-compliance action when the institution has provided evidence that demonstrates that it appears to meet all of the Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements within 36 months as allowed under federal regulation *34 CFR § 602.20(a)(2)*.
1. A monitoring report is required for an affirming action that follows a non-compliance action.
 - a. The monitoring report will be followed by a follow-up team visit for reaffirmation after probation or show cause actions.
 - b. The monitoring report may or may not be followed by a follow-up team visit for reaffirmation after warning actions.
 2. The Commission may request that the institution provide brief narrative responses on the recommendations identified in the Commission action, when the institution is in compliance but the Commission determines that some additional oversight is needed to ensure that the institution is attentive to Commission recommendations. The institution will submit recommendations responses in conjunction with the AIU each year.
 3. The Commission may stipulate that the institution address specific recommendations in the next self-study report.
 4. The institution will undergo its next Self-Study Evaluation in accordance with the accreditation review cycle as defined in *Accreditation Review Cycle and Monitoring Policy and Procedures*.

IV. Non-Compliance Actions

- A. The Commission may issue a warning or continue to warn an institution that its accreditation may be in jeopardy when, in the Commission's judgment, the institution does not appear to be in compliance with one or more Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements but:
 - 1. The institution appears to demonstrate the capacity to make appropriate improvements and return to compliance within 36 months as allowed under federal regulation *34 CFR § 602.20(a)(2)*; and
 - 2. The institution appears to demonstrate the capacity to sustain itself in the long term.
- B. The Commission may place an institution on probation or may continue probation and note that the institution's accreditation is in jeopardy when, in the Commission's judgment, the institution does not appear to be in compliance with one or more Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements, and there is evidence that the non-compliance is sufficiently serious, extensive or substantial that it raises concern about one or more of the following:
 - 1. The quality of the student learning experience provided by the institution;
 - 2. The institution's capacity to make appropriate improvements within a short period of time;
 - 3. The institution's capacity to sustain itself in the long term such that a teach-out plan is required; or
 - 4. Information collected through the Commission's monitoring activities suggests that there are serious concerns related to student achievement, viability and capacity, or financial health.
- C. The following procedures apply to both warning and probation.
 - 1. While the initial non-compliance period is 36 months, the Commission retains the authority to take any action at any point during this period of time. A sequence of action is not required (e.g., warning need not precede probation; the next action following warning may be show cause).
 - 2. An institution placed on warning or probation will prepare one or more monitoring reports on a schedule set by the Commission. The schedule of reporting will be determined by the Commission and will be based on the nature and complexity of the areas of non-compliance, and the stated mission and educational objectives of the institution in accordance with federal regulation *34 CFR 602.20(a)(2)*.
 - 3. The monitoring report must provide evidence demonstrating that the institution appears to be in compliance with the identified standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements.
 - 4. A follow-up team visit always will follow submission of the monitoring report for a non-compliance action.
 - 5. The Commission action also will direct a Commission liaison guidance visit. Other staff and/or Commission representatives may accompany the Commission staff liaison or conduct the visit.
 - 6. The Commission may, at its discretion, direct site visit(s) to specific location(s).
 - 7. The Commission may, at its discretion, request a contingency teach-out plan for warning actions in accordance with the Commission's *Teach-Out Plans and Agreements Policy and Procedures*.

8. The Commission will request a contingency teach-out plan and teach-out agreements for probation actions in accordance with the Commission's *Teach-Out Plans and Agreements Policy and Procedures*.
 9. An action to continue to warn the institution or to continue probation will specify any areas of non-compliance that have been remedied, continued areas of non-compliance, and any new areas of non-compliance that are identified.
 10. If new areas of non-compliance are identified, the Commission will require a subsequent monitoring report and will direct a follow-up team visit to determine compliance.
 11. Review of the report(s) and visit(s) required under any warning or probation action must be completed and accreditation reaffirmed in accordance with the schedule set by the Commission and within 36 months as allowed under federal regulation 34 CFR § 602.20(a)(2) unless extended for good cause as defined in section IV.G.
 12. The Commission will reaffirm accreditation after a non-compliance action only when the institution has provided evidence that the institution is in compliance with all Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements within 36 months as allowed under federal regulation 34 CFR § 602.20(a)(2).
- D. The Commission will require an applicant institution to Show Cause to demonstrate why its candidate for accreditation status should not be denied if, upon completion of a candidate assessment team visit, the institution does not appear to meet the Commission's standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements and does not appear to demonstrate readiness to continue the accreditation process.
1. The institution may present its case to the Commission when the Commission meets to consider the institution's Show Cause in accordance with the Commission's procedures *Show Cause Appearance Before the Commission Prior to Withdrawal of Accreditation*.
 2. These procedures apply to all adverse actions.
- E. The Commission may require a candidate or accredited institution to Show Cause or Continue to Show Cause and note that the institution's candidate for accreditation status or accreditation is in jeopardy when, in the Commission's judgment, the institution does not appear to demonstrate compliance with one or more Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements, and there is evidence that the non-compliance is sufficiently egregious that it raises concern about one or more of the following:
1. The institution has not made sufficient progress toward achieving compliance;
 2. The institution does not appear to demonstrate the capacity to comply with one or more Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements within 36 months as allowed under federal regulation under 34 CFR §602.20(a)(2);
 3. The institution is in imminent danger of closing;
 4. The institution has demonstrated a lack of integrity, truthfulness, or responsibility and the Commission believes that students may be harmed; or
 5. Information collected by the Commission under monitoring activities suggests serious concerns related to student achievement, viability and capacity, or

financial health.

- F. In considering a show cause action, the Commission reserves the right to review the show cause record on file or any segment of the institutional record that it deems appropriate.
1. The action will require a show cause report and a show cause visit and will specify the due date and which Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements must be addressed.
 2. The show cause action will direct a Commission liaison guidance visit. Other staff and/or Commission representatives may accompany the Commission staff liaison or conduct the visit.
 3. A show cause action requires the institution to present its case as to why its candidate for accreditation status or accreditation should not be denied or withdrawn by means of a show cause report. In order for the institution to be reaffirmed, the show cause report must provide evidence that the institution has made all necessary improvements and meets fully the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements.
 4. An on-site show cause visit will follow submission of the show cause report. The purpose of the show cause visit is to verify the information provided in the show cause report and verify the institution's ongoing and sustainable compliance.
 5. The Commission may, at its discretion, direct site visit(s) to specific location(s).
 6. The action will require the submission of a comprehensive and implementable teach-out plan and teach-out agreement(s) with appropriate teach-out partner institutions in accordance with the Commission's *Teach-Out Plans and Agreements Policy and Procedures*.
- G. The institution may present its case to the Commission when the Commission meets to consider the institution's show cause in accordance with the Commission's procedures *Show Cause Appearance Before the Commission Prior to Withdrawal of Accreditation*. These procedures apply to all adverse actions.
- H. The Commission may continue an accredited institution's noncompliance status and Extend for Good Cause beyond the original 36 months as allowed under federal regulation *34 CFR § 602.18(d)* and *§ 602.20(a)(2)*. Such extension is a form of exceptional relief and not an institutional right. A decision to grant an extension for good cause is made at the sole discretion of the Commission and is not subject to appeal. Extension for good cause is not available to candidate institutions.
1. The Commission may continue an accredited institution's warning, probation, or show cause status and extend for good cause beyond the original 36-month time period as allowed under federal regulation *34 CFR § 602.20(a)(3)*.
 2. The Commission will set the length of the extension for good cause not to exceed one year.
 3. The Commission will consider quality written and compelling evidence of one or more of the following in making its decision to grant or deny an extension for good cause:
 - a. Evidence that the quality of the student learning experience is not compromised at the institution.

- b. Evidence that the institution has complied with all Commission policies and procedure.
 - c. Evidence of a comprehensive, implementable teach-out plan with signed teach-out agreements, if previously requested by the Commission.
 - d. Evidence that the institution has demonstrated improvement and therefore the potential to remedy non-compliance issues identified by the Commission within the period of extension.
 - e. Evidence describing reasonable plans to meet the Commission's expectations for reaffirmation within the period of extension and evidence of actions taken to implement the changes that are expected to result in compliance.
 - f. Evidence of support from any related entity that will contribute to ongoing institutional compliance.
 - g. Evidence that the institution has made freely available to the Commission accurate, fair, and complete information on all aspects of the institution and its operations and in response to Commission requests for information.
 - h. Evidence that the institution has complied with all state and federal requirements.
 - i. Evidence that the institution is in good standing with other accreditors.
 - j. Evidence that the institution has been impacted by a natural disaster, catastrophe or other circumstances outside of the institution's control.
4. The Commission shall act to reaffirm accreditation at the conclusion of the extension, take the adverse action, or consider a final, second extension for good cause not to exceed one year.
5. In considering whether to grant a final, second extension for good cause, in addition to the considerations in (paragraph section IV.G.3), the Commission will consider quality written and compelling evidence including but not limited to the following:
 - a. Evidence that the institution has made continued and further progress in implementing changes toward achieving compliance with all Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements.
 - b. Evidence that the institution will come into compliance during this extended timeframe.
 - c. Evidence that, since the first extension for good cause, the institution has made continued and further progress in one or more of the following areas, if applicable:
 - i. stabilizing its financial condition;
 - ii. stabilizing enrollments; or
 - iii. establishing or maintaining sufficient levels of qualified staffing.
6. The institution remains accredited during any extension for good cause granted by the Commission.
7. The rationale for the Commission granting or denying an extension for good cause will appear in the Commission action.
8. The Commission's action to deny any extension for good cause is not an adverse action and therefore not appealable.
9. The Commission will act to reaffirm accreditation at the conclusion of the final,

second extension or take the adverse action to withdraw accreditation.

V. Adverse Actions

The Commission will take an adverse action when an institution has not demonstrated compliance, has had the opportunity to show cause, and/or the 36-month allowable time period for non-compliance has expired. An institution has the right to appeal any adverse action pursuant to the *Appeals from Adverse Actions Procedures*.

- A. Prior to any adverse action, including denial or withdrawal of candidate for accreditation status, the institution is provided the opportunity to show cause in accordance with the Commission's *Accreditation Actions Policy and Procedures* and *Show Cause Appearance Prior to Withdrawal of Accreditation*, which applies to all adverse actions.
- B. The Commission may Deny Candidate for Accreditation Status (subject to appeal) if the Commission determines that the institution was not able to demonstrate why its candidate for accreditation status should not be denied and the institution does not appear to demonstrate compliance with Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements within the five-year period of candidacy established under federal regulation *34 CFR § 602.16(a)(2)(ii)*. The institution must wait two years to reapply.
- C. The Commission may Withdraw Candidate for Accreditation Status (subject to appeal) if the Commission determines that the institution was not able to demonstrate why its candidate for accreditation status should not be withdrawn and does not appear to demonstrate compliance with one or more Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements within the five-year period of candidacy allowed under federal regulation *34 CFR § 602.16(a)(2)*.
- D. The Commission may Deny Accreditation (subject to appeal) if the candidate institution does not appear to demonstrate compliance with Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements within the five-year period of candidacy established under federal regulation *34 CFR § 602.16(a)(2)*.
- E. The Commission may Withdraw Accreditation (subject to appeal) if the Commission determines that the institution no longer meets one or more Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements, fails to show cause why its accreditation status should not be withdrawn, and:
 1. The institution has failed to demonstrate that it can provide a quality student learning experience;
 2. The institution has failed to demonstrate the capacity to make required improvements;
 3. The institution has failed to demonstrate that it can sustain itself in the short or long term; or
 4. The institution has failed to demonstrate compliance within the 36-month time period established by Commission policy and procedures and federal regulation under *34 CFR §602.20(a)(2)*.

- F. If the institution chooses not to present its case by means of a show cause report and show cause visit, or the institution does not comply with the Commission's procedures, requests for a written reports, teach-out plan, or other information, the Commission may take an immediate adverse action in accordance with federal regulation 34 CFR § 602.20(b). An adverse action becomes final when any appeals process available to the institution is concluded under the Commission's *Appeals from Adverse Actions Procedures*.
- G. The institution remains a candidate or accredited institution until the completion of any appeal or the effective date of withdrawal or denial, whichever is first, so long as the conditions specified in the *Appeals from Adverse Actions Procedures* are met. The effective date of an adverse action is not an appealable decision.
- H. When an adverse action becomes final, the Commission, in its sole discretion, shall fix the effective date that accreditation will cease.

VI. Appeal Actions

An institution subject to an adverse action is entitled to a review of the Commission's decision by an Appeal Panel prior to the adverse action becoming final in accordance with the *Appeals from Adverse Actions Procedures*. The Appeal Panel has the authority to make decisions to affirm, amend, or remand adverse actions taken by the Commission in accordance with Commission policy and procedures and federal regulation 34 CFR § 602.25(f)(1)(iii). Subsequent action will be taken by the Commission to implement the decision of the Appeal Panel.

- A. The Commission staff will Acknowledge Receipt of the institution's option to exercise the right to an appeal or the institution's waiver of the right to appeal.
 1. If the institution waives its right to an appeal and no appeal is filed, the adverse action is considered final.
 2. The effective date of an adverse action is not an appealable decision.
- B. The Commission will take an action on any dismissal of the appeal in accordance with the *Appeals from Adverse Actions Procedures*.
- C. The Appeal Panel will make a decision on all appeals of adverse actions and make a recommendation to the Commission.
 1. Affirm the Commission's decision
 2. Amend the Commission's decision
 3. Remand the matter to the Commission
- D. The Commission will take an action to recognize the appeal hearing panel's decision and place it on the record.
 1. The Commission will acknowledge receipt of the Appeal Panel's decision to affirm the adverse action and the action is considered a final adverse action.
 2. The Commission will acknowledge receipt of the Appeal Panel's decision to amend the adverse action and the action is considered final adverse action.
 3. The Commission will acknowledge receipt of the Appeal Panel's decision to remand the appeal decision to the Commission. The Commission will take subsequent action to implement the decision of the Appeal Panel in accordance with these procedures and the instructions provided by the Appeal Panel as

- required in *Appeals from Adverse Actions Procedures*.
- E. An adverse action under appeal will become final only when the Appeal Panel affirms the Commission's action, or the Commission takes further action in accordance with the dismissal of an appeal or an Appeal Panel's decision to amend the Commission's action.
 - F. When an adverse action becomes final at the conclusion of an appeals process, the Commission, in its sole discretion, shall fix the effective date that accreditation will cease.
 - 1. If a candidate institution is denied accreditation and that action becomes final, the Commission will maintain the institution's candidate for accreditation status for currently enrolled students until the institution has had a reasonable time to complete the activities in its teach-out plan to assist students in transferring or completing their programs, but for no more than 120 days unless approved by the agency for good cause in accordance with Commission policy and procedures and federal regulation § 602.23(f)(1)(iii).
 - 2. Membership in the Middle States Commission on Higher Education ceases on the effective date.
 - 3. An administrative action will be taken on the record to reflect that accreditation has ceased.
 - G. All adverse actions are subject to the arbitration requirements in the Commission's *Arbitration of Disputes Concerning Final Adverse Actions Procedures* and federal regulation 34 CFR § 602.20(e).

VII. Mid-Point Peer Review Actions

- A. The Commission will act to note that the Mid-Point Peer Review has been conducted.
 - 1. The action may note that no further evidence is required at this time.
 - 2. The action may request that the institution provide brief narrative responses on the recommendations identified in the Commission action when the institution is in compliance but the Commission determines that some additional oversight is needed to ensure that the institution is attentive to Commission recommendations. The institution will submit recommendations responses in conjunction with the Annual Institutional Update (AIU) each year.
 - 3. The action may request a focused report and direct a focused team visit when a serious concern about compliance arises from the Mid-Point Peer Review. The action will specify the due date and which Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements that must be addressed.
 - 4. The Commission may stipulate specific areas to be emphasized in the next self-study report.

VIII. Substantive Change Actions

- A. The Commission will act on all requests for substantive change submitted in accordance with its *Substantive Change Policy and Procedures*.
- B. The Commission may require an institution to submit a substantive change request if the

Commission learns that the institution is planning a change that is considered substantive or it learns that any offerings, locations, or modes of delivery are not currently included within the scope of accreditation or if any designations diverge from federal definitions in accordance with 34 CFR § 602.24(f)(3).

- C. The Commission staff may request additional information if a substantive change request is materially incomplete and establish a due date.
- D. Prior to the assignment of peer evaluators, the Commission staff may reject the substantive change request when it is materially incomplete and requested additional information is not provided by the due date set by Commission staff.
- E. The Executive Committee will make a determination if a substantive change request may proceed or it may decline to review a request made by an institution that is currently in a non-compliance status (including but not limited to institutions that are subject to warning, probation, show cause or withdrawal of accreditation or candidacy, or are subject to some limitation by the Commission on its accredited or candidate for accreditation status)
 - 1. The Executive Committee may allow the request to proceed through the substantive change review process.
 - 2. The Executive Committee may decline to review the request until accreditation has been reaffirmed or other conditions have been met.
- F. The Commission may act to include the change within the institution's scope of accreditation because the institution has demonstrated that it has the capacity to implement that change and the change does not adversely affect the institution's ongoing compliance with Commission standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements.
 - 1. The accreditation action will specify the effective date of the change as well as the impact on the institution's existing scope of accreditation, which will also be publicly displayed on the Statement of Accreditation Status (SAS). The effective date of the change is determined by the Commission.
 - 2. The accreditation action may require the institution to report certain data to the Commission in the secure MSCHE portal, such as the date a location opened or closed as soon as it is confirmed.
 - 3. The accreditation action may require the institution to provide written evidence of any outstanding approvals from all necessary licensing, regulatory, or other legal entities to the Commission as soon as it obtains them.
 - 4. The accreditation action may request a supplemental information report and possibly a follow-up team visit if the Commission determines that additional evidence demonstrating the successful implementation of a substantive change is needed.
 - 5. The accreditation action may direct a substantive change site visit if a visit is required in accordance with the *Substantive Change Policy and Procedures*.
 - 6. The Commission may set other conditions that must be satisfied by the institution based on the Commission's *Substantive Change Policy and Procedures*, and/or federal regulation.

- G. The Commission staff may take a subsequent action to remove a location from the institution's scope of accreditation once the institution notifies the Commission through the secure MSCHE portal that instruction has ceased at the location.
- H. For all complex substantive changes, the Commission will, at the time of the substantive change action, direct the institution to conduct a new comprehensive evaluation in accordance with Commission policy and procedure and federal regulation 34 CFR § 602.22((h)).
- I. The Commission may deny a substantive change request if the institution does not appear to demonstrate the capacity to implement the change or the change appears to adversely affect the institution's ongoing compliance.
 - 1. Unless otherwise defined by the Commission action, the institution may submit a new request for substantive change at a later date.
 - 2. A denial of a substantive change request is not an adverse action and therefore not subject to appeal.
- J. The Commission staff may rescind a substantive change action when appropriate and substantiated information comes to light that would have affected the Commission's decision or conditions identified in the Commission's action have not been met in accordance with *Substantive Change Policy and Procedures*.
- K. The Commission may withdraw the institution's substantive change upon request by the institution. Once the Commission acts on a substantive change, the opportunity to withdraw the request is no longer available.
- L. The Commission staff may waive a substantive change visit to an international location under extraordinary conditions as defined in X.B.1 or if there are concerns about the welfare and safety of Commission representatives in accordance with *Travel Policy and Procedures*.
 - 1. This decision is at the discretion of the Commission staff.
 - 2. The Commission staff may substitute a virtual visit if appropriate.
 - 3. The Commission action will note that the site visit to an international location was waived and the reason the visit could not take place in-person.

IX. Teach-Out Actions

- A. The Commission will require a teach-out plan and teach-out agreements if applicable in accordance with *Teach-Out Plans and Agreements Policy and Procedures*.
- B. The Commission may act to approve a teach-out plan and/or teach-out agreement(s) if the teach-out plan and/or agreement(s) meet the criteria as delineated in the *Teach-Out Plans and Agreements Policy and Procedures*.
- C. The Commission may request an updated teach-out plan for more information or to ensure that the institution has provided evidence that the teach-out plan is being implemented.
- D. The Commission may act to reject and require resubmission of the teach-out plan and/or agreement(s) if the teach-out plan and/or agreement(s) do not meet criteria as delineated in the *Teach-Out Plans and Agreements Policy and Procedures*.

X. Procedural Actions

The Commission may take any other actions that reflect procedure of the accreditation process and may alter the timing or schedule of the accreditation review cycle. Procedural actions are not appealable actions.

- A. The Commission may act to postpone a decision on any action (including substantive change) when it has determined that additional information is needed.
 - 1. The Commission will postpone a decision and request a supplemental information report, with or without a follow-up team visit.
 - 2. A decision can be postponed only if an accreditation decision will be made within established timeframes for candidate institutions under federal regulation 34 CFR § 602.16(a)(2), for accredited institutions under 34 CFR § 602.20(a)(2), or under Commission policies and procedures.
- B. The Commission may, in extraordinary circumstances, act to delay the due date of a required accreditation activity within the accreditation review cycle and continue accreditation.
 - 1. Extraordinary circumstances include but are not limited to situations beyond the institution's control (e.g. natural disaster or other catastrophic event, significant and documented local or national economic changes) or any situation which may put Commission representatives at risk (e.g. civil or political unrest in the institution's geographic location). A change in leadership at the institution is not considered an extraordinary event.
 - 2. The Commission may grant a delay if the institution demonstrates that extraordinary circumstances exist. The action will specify the revised due date not to exceed one year from the original date.
 - 3. The Commission may reject the request for a delay if the institution has not demonstrated that extraordinary circumstances exist.
 - 4. If it is still not possible to conduct an appropriate review at the conclusion of the one-year delay, the Commission may, at its discretion, grant another one-year delay.
 - 5. The action does not alter the institution's assigned accreditation review cycle pursuant to the *Accreditation Review Cycle and Monitoring Policy and Procedures*.
- C. The Commission may, in extraordinary circumstances as defined in X.B.1., temporarily or permanently waive a specific requirement in Commission policy or procedures for a member institution or all member institutions as a whole.
 - 1. The Commission may waive a specific requirement and offer an institution alternative means of satisfying the Commission's requirements such as the option of a virtual visit in lieu of an in-person visit.
 - 2. If the member institution makes a request for the Commission to waive a specific requirement, it must demonstrate the need for such a waiver, and provide evidence demonstrating that academic quality will not be compromised and students will not be harmed.
 - 3. Waivers must be approved by the Commission or the Executive Committee on its behalf.
- D. The Commission may Rescind an action previously taken, at any time, for good cause shown and solely in the exercise of its discretion.
 - 1. The receipt of appropriate and substantiated information from another member

- of the regulatory triad is considered good cause.
2. The action to rescind an action other than substantive change must be made by the Commission after review and consideration of any new and substantiated information.
 3. An action to rescind is not an adverse action and is therefore not subject to appeal.
- E. The Commission may Direct a Visit by the Commission staff liaison, other staff member, or any other Commission representative(s) at any time.
- F. The Commission may request or require that the institution submit a follow-up report or provide other information.
1. The Commission may require evidence of all necessary approvals for a substantive change.
 2. The Commission may request a written report with or without a visit. The request will specify the type of report, the due date, and which Commission standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements must be addressed.
 3. The Commission may make any other request for information.
- G. The Commission will acknowledge receipt of an applicant institution's intent to voluntarily withdraw its application and note the date that the application was withdrawn. The institution must wait at least one year from the date of withdraw to initiate a new pre-application and must reapply and submit a new Pre-Applicant Minimum Requirements Report and Pre-Applicant Inquiry Fee after completing the mandatory Pre-Applicant Information Session.
- H. The Commission will take action when an institution makes a request to voluntarily surrender its accreditation or candidate for accreditation status (preaccreditation) and terminate its membership in the Middle States Commission on Higher Education. The institution must obtain the appropriate and necessary approvals from the Commission to do so and meet certain other conditions, including the payment of any outstanding dues and fees, in accordance with the Commission's *Accreditation Review Cycle and Monitoring Policy and Procedures*.
1. The Commission staff will acknowledge receipt of the institution's intention to voluntarily surrender.
 2. The Commission staff will request a supplemental information report (SIR) consisting of any information needed by the Commission to terminate membership based on the individual circumstances of each institution, including but not limited to whether the institution remains in compliance with the standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements.
 3. If applicable, the Commission will request a comprehensive and implementable teach-out plan and teach-out agreements submitted in accordance with the *Teach-Out Plans and Agreements Policy and Procedures* and the *Teach-out Plans and Agreements Form*.
 4. The Commission or Executive Committee will accept or reject the institution's request to voluntarily surrender and establish the date that accreditation will cease.

- I. The Commission will take action to cease accreditation to finalize an institutional closure, voluntary surrender, or withdrawal of candidacy or accreditation on the effective date. This is not an adverse action, therefore, it is not subject to appeal.

XI. Administrative Actions

The Commission and the Commission staff are authorized to take administrative actions pursuant to this section. Administrative actions are not appealable actions.

- A. The Commission or Commission staff may acknowledge receipt of any report, notification, notice of intent, or documentation submitted by an institution.
- B. The Commission or Commission staff may reject a report and request resubmission when the report's quality or substance are insufficient to respond appropriately to the Commission's needs or concerns including but not limited to when the report is poorly written, evasive, lacks transparency, or accreditation materials are not provided in English.
 1. The Commission will require the institution to resubmit the report in a short time frame and may, at its discretion, request a visit.
 2. If an institution is in a non-compliance status, a report can be resubmitted only if the period of non-compliance would not exceed the 36-month non-compliance time period allowed under federal regulation 34 CFR §602.20(a)(2).
- C. The Commission may make a notation in the action language for the institutional record or to provide additional context for an action taken.
- D. The Commission may note that any type of visit has occurred.
- E. The Commission may amend an action that has been taken to make technical modifications or typographical corrections as necessary provided the modification or correction does not alter the substance of the Commission's original action.

XII. Definitions

The following definitions are used in this policy and/or procedures:

- A. Accreditation activity.** All activities (including but not limited to reviews, reports, and visits) conducted by Commission representatives related to the institution's accreditation phase, accreditation status, or scope of accreditation occurring throughout the accreditation review cycle and during monitoring activities for a member (accredited or candidate) or applicant institution.
- B. Accreditation materials.** All documentation related to accreditation activities including but not limited to the institution's written reports to the Commission, submitted evidence, team reports, institutional responses, confidential briefs, third-party comments, action notifications, substantive change requests, transcripts of proceedings, team rosters, and any correspondence of record. Accreditation materials are treated as confidential by Commission representatives, become part of the institutional record, and are retained in accordance with the Commission's Maintenance and Retention of Commission Records

Policy and Procedures

- C. Accreditation status.** The member institution's standing with the Commission based on the most recent grant of candidate for accreditation status, grant of accreditation, reaffirmation, non-compliance, or adverse action taken by the Commission. Accreditation status is posted on the institution's directory listing on the MSCHE website.
- D. Adverse Action.** An accreditation action taken by the Commission to:
 1. deny the candidate for accreditation status of an institution;
 2. withdraw candidate for accreditation status of an institution;
 3. deny accreditation; or
 4. withdraw accreditation.
- E. Appeal.** A timely request by an institution filed in accordance with these procedures for a review by an Appeal Panel of an adverse action of the Commission.
- F. Arbitration.** A post-Appeal proceeding in which certain defined disputes are resolved by an Arbitrator out of court, without a judge or jury, pursuant to the appropriate rules established by the Arbitration Administrator and the Commission's procedures for arbitration.
- G. Final adverse action.** A final determination by the Commission regarding an adverse action against an accredited or candidate institution at the conclusion of any appeals process available to the institution under the Commission's policies and procedures. (based on the federal definition in 34 CFR § 602.3)
- H. Institutional record.** The compilation of all materials and data the Commission has on file related to the applicant, candidate, or accredited institution, including but not limited to the all accreditation materials related to any accreditation activity, the record on file and transcripts for any proceeding, complaints, and any information or documents related to the institution collected by the Commission or received from external sources such as the government or other quality assurance agencies as part of ongoing monitoring activities.
- I. Member institution.** All institutions that are accredited by MSCHE and all institutions that have been granted candidate for accreditation status by MSCHE, that are in good standing with respect to payment of dues and fees, shall be institutional members of MSCHE. Accreditation and candidacy shall be established according to the standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements adopted by the Commission.
- J. Record on file.** A segment of the institutional record used in a Commission proceeding such as show cause appearance or appeals. It includes but is not limited to the accreditation materials for accreditation activities for the period of non-compliance (since the first non-compliance action), any information received as part of ongoing monitoring activities, transcripts from other proceedings, and correspondence of record.
- K. Scope of accreditation.** The candidate or accredited institution's accreditation status covers a defined scope of educational offerings, including but not limited to credential levels,

delivery methods, and locations (branch campuses, additional locations, and other instructional sites) which have been reviewed by the Commission during accreditation activities. Any changes proposed by a member institution that are considered substantive must be reviewed through the substantive change review process prior to implementation in order to be included within the institution's scope of accreditation by the Commission.

- L. Statement of Accreditation Status (SAS).** The Commission's official public statement about each institution's current accreditation status. The SAS is a downloadable, printable statement with information about the institution, including but not limited to the institution's accreditation phase, accreditation status, scope of accreditation, and a history of the accreditation actions taken by Commission.
- M. Teach-out.** A process during which an institution or institutional location that provides 100 percent of at least one program engages in an orderly closure or when, following the closure of an institution or location, another institution provides an opportunity for the students of the closed school to complete their program, regardless of their academic progress at the time of closure. (*based on the federal definition in 34 CFR § 600.2, slightly modified to remove the word "program"*)
- N. Teach-out agreement.** A written agreement between two or more institutions that provides for the equitable treatment of students and a reasonable opportunity for students to complete their program of study if an institution, or an institutional location that provides 100 percent of at least one program offered, ceases to operate before all enrolled students have completed their program of study. (*federal definition in 34 CFR § 600.2*)
- O. Teach-out plan.** A written plan developed by the institution that provides for the equitable treatment of students to complete their education, including any teach-out agreements that the institution has entered into or intends to enter into with another institution. (*federal definition in 34 CFR § 600.2*)

Number: P.2.3

Version: 2022-10-01 EFFECTIVE

Effective Date: October 1, 2022

Approved: Approved by Executive Leadership Team, September 26, 2022

Initial Approval: June 25, 2020 (Cabinet)

Previously issued: 1921, February 1984, January 1990, February 1991, and 1993.

Revisions: February 1997; February 2002; October 2002; November 2003; March 2004; January 2005; February 2007; November 2007; March 2008; January 2010 (changed Progress Letter to Progress Report); September 16, 2011; October 30, 2012; June 26, 2014; November 19, 2015; March 1, 2016; September 1, 2018 (technical amendment); October 11, 2018 (editorial); July 1, 2020 (substantive revision);

Relevant Documents: *Accreditation Actions Policy; Accreditation Review Cycle and Monitoring Policy and Procedures; Accreditation Activities Guidelines; Follow-up Reports Guidelines; Follow-Up Report and Visits Procedures; Communication in the Accreditation Process Policy and Procedures; Show Cause Appearance before the Commission Prior to Withdrawal of Accreditation; Appeals from Adverse Accrediting Actions; Substantive Change Policy; Substantive Change Procedures; C-RAC Common Framework (Apr 9, 2014);*