

Accreditation Actions Policy

Effective Date: July 1, 2020

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I. Purpose

The Middle States Commission on Higher Education (MSCHE or Commission) seeks to ensure fair, consistent, and equitable actions on accreditation. The purpose of this policy is to establish the authority to take action and types of actions available to the Commission.

II. Statement of Policy

The Commission, an accrediting agency recognized by the United States Department of Education and by the Council for Higher Education Accreditation, is organized “to provide educational, accrediting, quality assurance and other services to its member institutions as a voluntary, non-governmental membership association serving higher education institutions” (MARCHE Bylaws Article I, Section 2.02). The Commission shall be authorized to take any action on applicant, candidate and accredited institutions to determine the institution’s accreditation status or change the institution’s scope of accreditation in accordance with Commission policy and procedures. Such actions include any procedural actions which reflect procedure of the accreditation process or may alter the timing or schedule of the accreditation review cycle. The Commission shall also be authorized to take actions to initiate or continue on-going monitoring activities in accordance with the Commission’s *Accreditation Review Cycle and Monitoring Policy and Procedures*. The Commission and the Commission staff are authorized to take administrative actions to facilitate the work of the Commission.

The Executive Committee of the MSCHE shall be authorized to act on behalf of the Commission as necessary (MARCHE Bylaws Article VI, Section 6.02(b)).

In accordance with its *Appeals from Adverse Accrediting Actions*, the Commission shall establish an Appeal Hearing Panel to review the appeal of an adverse action. The Appeal Hearing Panel shall have limited authority to affirm, amend or remand adverse actions of the Commission under federal regulation 34 CFR § 602.25(f)(1)(iii).

If the institution contends that the decision of the Appeal Hearing Panel was arbitrary, capricious, an abuse of discretion, unsupported by substantial evidence and/or otherwise not in accordance with law, based solely upon the record on file that existed when the Appeal Hearing Panel rendered its decision, the institution may commence an arbitration pursuant to the Commission’s procedures for arbitration. Pursuant to federal law, 20 U.S.C. 1099b(e), 34 CFR § 600.4, 602.20, the institution must proceed to arbitration before initiating any other legal action.

III. Procedures

The Commission staff will develop procedures as are necessary to ensure the consistent implementation of policy. See the Commission's *Accreditation Actions Procedures*.

IV. Definitions

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

- A. Accreditation activity.** All activities (including but not limited to reviews, reports, 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 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.
- C. 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.
- D. Final adverse action.** A final determination by the Commission regarding an adverse action taken 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 a federal definition *34 CFR § 602.3*)
- E. 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.
- F. 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.
- G. 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.

- H. Scope of accreditation.** The 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, other instructional sites) which have been reviewed by the Commission during accreditation activities. Any substantive changes in the scope of accreditation made by a member institution 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.
- I. 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.
- J. 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. (*federal definition found in 34 CFR § 600.2, slightly modified to remove the word "program"*)
- M. 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 found in 34 CFR § 600.2*)
- N. 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 found in 34 CFR § 600.2*)

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