



Compliance with Revised Federal Rules for Recognition of Accrediting Agencies

The Board of Trustees adopted additional policies related to the Higher Education Opportunity Act (HEOA) and to revised federal regulations for the recognition of accrediting agencies at its meeting of February 22, 2010. Those policies, as well as policies passed by the Board in February 2009, are reproduced here as a single group of policies related to HEOA and regulatory compliance. They are already in effect.

The Commission expects that additional regulations, anticipated to be released in draft form by the U.S. Department of Education in April 2010, will necessitate more policy changes in the next academic year.

In August 2008 the U.S. Congress adopted the Higher Education Opportunity Act., which was effective immediately. The Board adopted revised policies in February 2009 to meet the mandates of the statute. In spring 2009 the U.S. Department of Education (the Department) began a Negotiated Rulemaking process to develop new regulations to address the revisions in the statute. However, it also took the opportunity to revise other aspects of the regulations in which there had been no changes mandated by revisions in the Act, and it added its own interpretation to changes in regulations mandated by the Act. The revised Regulations were promulgated in draft form in August 2009 and in final form in October 2009 with an effective date of July 1, 2010.

POLICY AMENDMENTS IN RESPONSE TO REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

POLICY AMENDMENTS. SECTION A: DUE PROCESS (*Revised in 2009*)

Regulatory Requirement	The revised law and regulation requires that the accreditor provide: 1) adequate written specification of accrediting requirements; 2) adequate written specification of institutional deficiencies; 3) sufficient opportunity for written response by institutions to identified deficiencies within a specific timeframe; and 4) consideration of the response before any final or adverse action.
Comment on Amended HLC Policy	The Commission has been providing these opportunities as matter of practice for many years. However, some of the elements of the new requirements were not specified in Commission policy in the language identified in the regulations and are now included in the amendments approved by the Board of Trustees.
Policy no.: 2.2(a)	TEAM RECOMMENDATIONS Commission teams conducting a comprehensive on-site evaluation for initial or continued status will evaluate the institution and will make a recommendation regarding that status and setting a year for the next comprehensive on-site review

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	<p>for continuing or initial status. The recommendation may also include Commission monitoring. The team recommendation will be accompanied in the team report by identified deficiencies, if any, at the institution being evaluated. These Commission evaluation teams may recommend a sanction or withdrawal or denial of status.</p>
	<p>Policy history: First adopted: 02/07</p> <p>Related policies: <ul style="list-style-type: none"> • 3.3(a) Regular Monitoring • 2.4 Sanctions and Adverse Actions in the Process </p>
<p>Policy no.: 2.3(f)</p>	<p>INSTITUTIONAL RESPONSES WITHIN THE PROCESSES</p> <p>The CEO of the institution is expected to file written responses to any of the following: (1) the team’s report and recommendations; (2) a Readers Panel process if it forwards the team recommendation to a Review Committee; (3) a Review Committee recommendation forwarded to either the Institutional Actions Council or the Board of Trustees; (4) AQIP reviews, including the review that results in a recommendation for continued accreditation; (5) staff recommendations other than those initiated at the request of the institution. The CEO shall submit the written response within two weeks of receipt of the final evaluation team report. The response shall be considered in the review processes prior to the final action, including adverse action, and becomes a part of the official record of the process.</p>
	<p>Policy history: First adopted: November 1998. Amended: February 2002</p> <p>Related policies: <ul style="list-style-type: none"> • 3.3(a) Regular Monitoring • 2.4 Sanctions and Adverse Actions in the Process </p>

POLICY AMENDMENTS. SECTION B: PUBLIC INFORMATION (*Revised in 2009 and 2010*)

<p>Regulatory Requirement</p>	<p>The revised law and regulations requires that the accreditor provide to the public, state agencies and the Secretary a “summary” of initial accreditation and reaffirmation actions. The revised law also requires that the accreditor disclose the “findings” regarding actions for denial and withdrawal of status along with official comments of the affected institution. In addition, the Department included provisions in the regulations to require the Commission’s provision of certain types of information to the U.S. Department of Education, including institutional failure to meet program responsibilities, etc. The Department also required that the Commission consider the confidentiality of such information on a case-by-case basis and honor a specific request for confidentiality from the Department.</p>
<p>Comment on Amended HLC Policy</p>	<p>The Commission’s policies have collectively provided for formal notification of the Secretary, state agencies and the public of Commission actions as well as notification to the public of adverse actions through the Commission’s Public</p>

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	<p>Disclosure Notice. While it seems likely at this time that our information practices will continue to be acceptable in substance, these policies have been updated to reference the specific requirements. The amended policy also addresses the information and confidentiality requirements mandated by the Department.</p>
Policy no.: 10.1(a)	<p>NOTIFICATION OF ACTIONS AND OTHER INSTITUTIONAL INFORMATION</p> <p>Within thirty days after any institutional action is formally adopted or validated by the Board of Trustees the Commission will file with the U.S. Department a summary of actions it has taken on an institution. If the Board of Trustees takes an adverse action of denial or withdrawal of status or if it issues a sanction or show-cause order, it will simultaneously notify the institution and the U.S. Department of Education and place information about the action on its public Web site within 24 hours of notifying the institution. With regard to adverse actions of denial or withdrawal of status, the Commission will include in its Public Disclosure Notice the findings associated with the action as well as any official comments provided to the Commission by the affected institution, if any, or evidence that the institution has been given an opportunity to comment. In addition, the Commission supplies, at the U.S. Department of Education’s request, electronic membership information.</p>
Policy no.: 10.1(b)	<p>OTHER COMMUNICATION</p> <p>The Commission shall maintain regular communications with the U.S. Department of Education and other federal agencies. It will respond to U.S. Department of Education inquiries regarding institutional eligibility for Title IV; on receipt, it will forward to the institution for comment claims from students, the public and others of Title IV fraud and abuse and other allegations related to Title IV; and it will share with the U.S. Department of Education clear evidence received from Commission evaluation teams, Commission staff or other sources of possible Title IV fraud and abuse or failure to meet Title IV, HEA program responsibilities, along with a summary of the Commission’s reasons for concern. With the exception of information about possible Title IV fraud and abuse or a specific request for confidentiality of contact with the U.S. Department of Education, the Commission will typically notify an institution when the Commission provides information about it to the U.S. Department of Education but will consider each situation on a case-by-case basis to determine whether confidentiality is appropriate.</p>
	<p>Policy history: Adopted February 1996, revised February 1998, revised June 2008, revised February 2009. Related policies: 2.4(a) Notice, 2.4(b) Probation, 2.4(c) Show-Cause, 2.4(d) Commission Withdrawal of Affiliation, 2.4(e) Commission Denial of Affiliation</p>
Policy no.: 12.7(a)	<p>PUBLIC DISCLOSURE NOTICES IN ADVERSE ACTIONS, SANCTIONS, WITHDRAWAL AND DENIAL</p> <p>The Board of Trustees will issue a Public Disclosure Notice regarding these</p>

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	<p>actions taken on an affiliated organization: an adverse action, placing a sanction, or issuing a show-cause order. The Notice shall include information about the action and the availability of appeal. With regard to adverse actions of denial or withdrawal of status, the Public Disclosure Notice shall contain the findings of the Board associated with the action together with any official comments of the affected institution. The Notice shall also be attached to lists of official actions submitted to federal and state agencies.</p>
	<p>Policy history: First adopted June 1989; Amended February 2000, June 2004, June 2006</p>
Policy no.: 10.2	<p>RELATIONS WITH STATES, COORDINATING BOARDS, AND HIGHER BOARDS</p> <p>Replace the word “notification” with “summary” of actions in policy body.</p>
	<p>Policy history: First adopted February 1986; Amended February 1998</p>
Policy no.: 12.3	<p>COMMISSION OBLIGATIONS FOR PUBLIC DISCLOSURE</p> <p>Replace the word “notification” with “summary” of actions in policy body.</p>
	<p>Policy history: First adopted June 2004</p>
Policy no.: 12.3(b)	<p>DISCLOSURE TO FEDERAL AND STATE AGENCIES</p> <p>Replace the word “notification” with “summary” of actions in policy body.</p>
	<p>Policy history: First adopted June 2004</p>

POLICY AMENDMENTS. SECTION C: TEACH-OUT (*Revised in 2009 and 2010*)

Recognition Requirement	<p>In February 2009 the Commission revised its policies to address modifications in the statute and regulations that required that the accreditor extend its teach-out provisions to the following circumstances: 1) the Department notifies the accreditor of certain actions against the institution; 2) the accreditor acts to withdraw, terminate or suspend the accreditation of an institution; or 3) the institution notifies the accreditor that the institution intends to suspend operations. The Negotiated Rulemaking established additional requirements in this area, in particular that the accreditor’s teach-out policy reference a teach-out <i>plan</i> rather than a teach-out <i>agreement</i> and that a plan be required when an institution closes an additional location (previously called a degree site by HLC) offering at least one complete</p>
--------------------------------	---

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	<p>degree program/degree completion program or when a state agency removes program authorization. The accreditor may still require a teach-out agreement in certain circumstances such as when an institution closes. There were other minor changes in the policy necessitated by additional language developed by the U.S. Department of Education as it interpreted the statute and added language to reflect its own concerns.</p>
<p>Comment on Amended HLC Policy</p>	<p>Although the Commission’s previous teach-out policy was generally silent on the circumstances under which a teach-out plan was required from institutions, the Commission had a practice of asking for such a plan in the circumstances identified in the revised law. The Commission has revised its teach-out policy to identify these specific circumstances as ones in which the institution will need to submit teach-out arrangements. The amended policy also incorporates the concept of a teach-out plan in addition to a teach-out agreement as well as other minor modifications now required by the regulations. Finally, the Commission will require a teach-out plan when an additional location offering at least one complete degree program is closed.</p>
<p>Policy no.: 3.9</p>	<p>COMMISSION APPROVAL OF INSTITUTIONAL TEACH-OUT ARRANGEMENTS</p> <p>Commission approval shall be required when an institution must teach-out one or more students.</p>
<p>Policy no.: 3.9(a)</p>	<p>INSTITUTIONAL SITUATIONS REQUIRING SUBMISSION OF TEACH-OUT ARRANGEMENTS</p> <p>The institution shall be required to submit a written teach-out plan in any of the following circumstances: (a) the U.S. Department of Education notifies the Commission of an emergency action, or a limitation, suspension or termination or similar action against the institution; (b) the Commission acts to withdraw, terminate or suspend the status of an institution; (c) the institution notifies the Commission that it intends to cease or suspend operations or permanently close an additional location where it offers at least 100% of either a Certificate or degree program before all students have completed their program of study; or (d) a state licensing or authorizing agency notifies the Commission that an institution’s license or legal authorization to provide an educational program in that state has been or will be revoked.</p>
<p>Policy no.: 3.9(b)</p>	<p>COMMISSION APPROVAL OF TEACH-OUT PLANS</p> <p>The institution shall submit the teach-out plan to the Commission; the Commission will provide its approval if the following are met:</p> <ol style="list-style-type: none"> 1. The teach-out plan provides for equitable treatment of students by ensuring that they are able to complete the educational program in which they were enrolled immediately prior to the notification in 3.9(a) within a reasonable period of time; and

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	<p>2. The teach-out plan provides for prompt notification of additional charges to students, if any.</p> <p>If the Commission approves a teach-out plan that includes a program accredited by a specialized or professional accreditor, the Commission shall notify that accreditor.</p>
<p>Policy no.: 3.9(c)</p>	<p>COMMISSION REQUIREMENT FOR TEACH-OUT AGREEMENT</p> <p>The Commission may require that an institution in the situations identified in 3.9(a) submit a teach-out agreement in conjunction with its teach-out plan. The institution shall submit the agreement to the Commission for review and approval; the Commission will provide its approval if the following are met:</p> <ol style="list-style-type: none"> 1. The teach-out agreement is with another institution that is accredited by or holding candidacy with an agency recognized by the U.S. Department of Education and, where appropriate, that it is an eligible institution for Title IV financial aid; 2. The teach-out agreement is consistent with all applicable state and federal regulations; 3. The teach-out institution has the necessary experience, resources, and support services to provide an educational program that is of acceptable quality and reasonably similar in content, structure and scheduling to that provided by the institution closing or ceasing operations; demonstrates that it can provide students access to such programs and services without requiring them to move or travel substantial distances; and is stable, carrying out its mission and meeting all obligations to existing students; and 4. The teach-out agreement provides students with reasonable opportunities to complete their education without additional charges and includes a notification provision to ensure that students have complete information about the tuition and fees of the institution conducting the teach-out.
<p>Policy no.: 3.9(d)</p>	<p>INSTITUTIONAL CLOSURE WITHOUT APPROVED TEACH-OUT PLAN</p> <p>The Commission shall work with the U.S. Department of Education and the appropriate state agency, if any, in the event an institution the Commission accredits or has awarded candidacy for accreditation status closes without a teach-out plan, to assist students in finding reasonable opportunities to complete their education without additional charges.</p>
	<p>Policy history: Adopted June 2008, revised February 2009.</p> <p>Related Policy(ies): None.</p>

POLICY AMENDMENTS. SECTION D: TRANSFER OF CREDIT *(Revised in 2009)*

<p>Regulatory</p>	<p>The revised law and regulation requires that the accreditor confirm at the time of</p>
--------------------------	---

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

Requirement	accreditation or reaffirmation that the institution has transfer policies that are publicly disclosed and that include a statement of criteria established by the institution regarding the transfer of credit earned at another institution of higher education.
Comment on Amended HLC Policy	The Commission’s previous policy on transfer did not meet the mandates of the Act. The Commission’s amended policy on Transfer of Credit simply reflects the requirement in the Act and the regulations that “at the time of initial accreditation or reaffirmation of accreditation, the Commission will confirm that an institution has transfer policies that are publicly disclosed and that such policies include a statement of the criteria established by the institution regarding transfer of credit earned at another institution of higher education.”
Policy no.: 3.8	<p>TRANSFER OF CREDIT</p> <p>Each institution shall determine its own policies and procedures for accepting transfer credits, including credits from accredited and non-accredited institutions, from foreign institutions, and from institutions which grant credit for experiential learning and for non-traditional adult learner programs. An institution’s periodic review of its transfer policies and procedures should include evaluation of their clarity to those who administer them, to the students who follow them, and to employers and other stakeholders. It should also include the consistency of their interpretation and application throughout the institution, as well as their responsiveness to new types of learning opportunities outside institutions of higher education.</p> <p>At the time of initial accreditation or reaffirmation of accreditation, the Commission will confirm that an institution has transfer policies that are publicly disclosed and that such policies include a statement of criteria established by the institution regarding transfer of credit earned at another institution.</p> <hr/> <p>Policy history: First adopted October 1988; Amended February 2001</p>

POLICY AMENDMENTS. SECTION E: INSTITUTIONAL APPEAL OF ADVERSE ACTIONS. APPEALS PROCESS (*Revised in 2009 and 2010*)

Recognition Requirement	The Commission revised its policy in February 2009 to incorporate elements specified in the statute with regard to appeals including the following elements: 1) an appeal panel that has no individual who was a decision-maker in the adverse action and that is subject to the agency’s conflict of interest policy; and 2) the right of the institution to representation and participation by counsel in the appeal.. Through Negotiated Rulemaking the U.S. Department of Education added other concepts. In particular the revised regulations require that the Appeals Panel be able to render a decision. The agency may provide for the Appeals Panel itself to implement the decision or may require the current Board to implement it, in which case the regulations require that the Board must act to implement the Appeals
--------------------------------	--

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	<p>Panel decision. As a decision-making body the Appeals Panel must now have a public member.</p>
<p>Comment on Amended HLC Policy</p>	<p>The Commission was already following most of the practices mandated by the law in its previous appeals policy and procedures but revised its policy in 2009 and 2010 to reflect those practices more explicitly. However, previous Commission policy allowed for the Appeals Panel to make a recommendation to the Board that the Trustees could take under advisement, but were not bound by, in the final decision. The amended policy incorporates the revised regulatory requirement that the Board accept and implement a decision of the Appeals Panel.</p>
<p>Policy no.: 2.5(d)</p>	<p>APPEALS BODY AND PANEL</p> <p>An institution may appeal an action of the Board of Trustees, prior to the action becoming a final decision, that denies or withdraws accreditation or candidacy or moves the institution from accredited to candidate status upon the institution filing a written request.</p>
<p>Policy no.: 2.5(d)2</p>	<p>APPEALS BODY AND APPEALS PANEL</p> <p>The Appeals Body will consist of ten persons selected by the Institutional Actions Council, following the Board's commitments to diversity and public involvement. From the Appeals Body, the President will establish an Appeals Panel of five persons to hear an institutional appeal. Members of the Panel will include no current members of the Board of Trustees nor members of the Board at the time the adverse action was taken; Panel members shall have no apparent conflict of interest as defined in Commission policies that will prevent their fair and objective consideration of the appeal. One member of the Appeals Panel will be a public member, in keeping with Commission requirements for public members on decision-making bodies. Members of the Appeals Panel will receive training prior to the Appeals Panel hearing.</p> <p>The Panel shall convene on a date no later than 16 weeks from the Board decision under appeal. At least one representative of the public shall serve on each Panel. Where necessary to avoid conflict of interest or in other exceptional circumstances, the President may select individuals outside the Appeals Body as Panel members. One member of the Panel will be designated as the chair. The President shall notify the institution of the individuals selected for the Panel and shall afford the institution the opportunity to present objections regarding conflict of interest; the President reserves final responsibility and authority for setting all Appeals Panels.</p> <p>The Board of Trustees shall approve an APPEALS PROCEDURE that identifies the materials for, and sets out the required timetables and procedures of, an appeal. This document will be available on the Commission Web site. Throughout the appeals process, the institution shall have the right to representation of, and participation by, counsel at its own expense.</p> <p>The Appeals Panel has the authority to make a decision to affirm, amend or reverse the adverse action. The Appeals Panel then remands that decision to the</p>

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	Board of Trustees, which must implement the Appeals Panel’s decision regarding the status of the institution in a manner consistent with the decision. The Commission will notify the institution of the result of the appeal and of the final action by the Board of Trustees and the reason for that result.
	Policy history: First adopted February 2001; revised June 2006; revised February 2009.

POLICY AMENDMENTS. SECTION F: INSTITUTIONAL APPEAL OF ADVERSE ACTIONS. SUBMISSION OF FINANCIAL INFORMATION SUBSEQUENT TO ADVERSE ACTION (*Revised in 2009 and 2010*)

Recognition Requirement	The revised statute requires that the accreditor provide an opportunity for the institution under adverse action to submit financial information that is material on one occasion subsequent to the adverse action if the action was based solely on finances and if the information was not available at the time of the decision. In February 2009 the Commission developed new policy language to allow for this option. Through Negotiated Rulemaking the U.S. Department of Education added some additional concepts. In particular the revised rules require that the Commission provide this opportunity essentially in any appeal where financial considerations form one of the grounds because of the possibility that the Appeals Panel might overturn the adverse action on all non-financial grounds.
Comment on Amended HLC Policy	The amended policy provides for the opportunity for an institution to submit new financial information as stipulated in the Act in the regulations subsequent to adverse accreditation by the Commission.
Policy no.: 2.6(d)3	<p>SUBMISSION OF FINANCIAL INFORMATION SUBSEQUENT TO ADVERSE ACTION</p> <p>When the Board of Trustees takes an adverse action based solely on or involving financial grounds, the institution shall have an opportunity to submit financial information to the Board of Trustees to be considered prior to the action becoming final. The financial information must be: 1) significant and material to the financial deficiencies cited in the grounds for the adverse action; 2) not available at the time of the adverse action. The institution may submit this material on one occasion only prior to the formal consideration of any appeal filed by the institution. The Board of Trustees will determine at its sole discretion whether the information is significant and material, and, if it is material, whether this information would cause it to take a different action. The Board’s decision whether the information is significant and material and whether to continue with its action subsequent to reviewing this material is final and not appealable.</p> <p>An institution may submit financial information under this policy in addition to filing an appeal or it may submit financial information instead of, or in lieu of, filing an appeal. Should it submit financial information and forego requesting an appeal by the deadline stated in the APPEALS PROCEDURE, it shall also submit</p>

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	<p>a formal waiver in writing of its right to appeal in conjunction with the adverse action.</p> <p>The APPEALS PROCEDURE identifies the materials for, and sets out the required timetables and procedures of, submission of financial information. This document shall be available on the Commission's Web site.</p>
	<p>Policy history: Adopted February 2009.</p>

**POLICY AMENDMENTS. SECTION G: TRAINING OF PEER REVIEWERS
REGARDING EVALUATION OF DISTANCE/CORRESPONDENCE EDUCATION
(Revised in 2010)**

Recognition Requirement	The revised regulations require that peer reviewers be trained regarding the policies and procedures of the agency, the conduct of evaluations, and the making of decisions regarding status, including their responsibilities regarding distance and correspondence education.
Comment on Amended HLC Policy	The Commission has a robust training program for peer reviewers that has included a module on evaluating institutions offering distance education. However, the Commission revised its policy to reflect the language in the revised regulations mandating training of peer reviewers in distance and correspondence education.
Policy no.: 6.3	<p>REQUIRED PROFESSIONAL DEVELOPMENT</p> <p>Within two years of the appointment, a consultant-evaluator (C-E) must attend a C-E Professional Development Program that educates the C-E in Commission policies, accreditation requirements, and the specific processes integral to the evaluation process. Such training may be customized for the specific role the C-E undertakes in the Commission's evaluation process. Professional development for Peer Reviewers will regularly include a segment on the evaluation of distance and correspondence education. Typically this will be in a personal, synchronous environment, but may be supplemented by training provided in an electronic or asynchronous environment.</p>
	<p>Policy history: Adopted February 1994, edited October 2003, revised February 2004.</p> <p>Related Policy(ies): None.</p>
Policy No.: 7.3	<p>REQUIRED TRAINING [AQIP REVIEWERS]</p> <p>Within two years of the appointment, a C-E must attend a C-E Professional Development Program that educates the C-E in Commission policies, accreditation requirements, and the specific processes integral to the evaluation process. Such training may be customized for the specific role the C-E undertakes in the Commission's evaluation process. Professional development for Peer Reviewers</p>

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	will regularly include a segment on the evaluation of distance and correspondence education. Typically this will be in a personal, synchronous environment, but may be supplemented by training provided in an electronic or asynchronous environment.
	Policy history: Adopted February 2002, edited October 2003. Related Policy(ies): None.

POLICY AMENDMENTS. SECTION H: VERIFICATION OF STUDENT IDENTITY IN DISTANCE OR CORRESPONDENCE EDUCATION
(New policy in 2009 and revised in 2010)

Recognition Requirement	The revised law and regulations mandate that the accreditor require institutions offering distance education or correspondence education to have processes through which the institution establishes that the student who registers in the distance education or correspondence education course or program is the same student who participates in and completes and receives the academic credit. The Commission revised its policy in February 2009 to incorporate the elements specified in the statute with regard to verification of student identity. Through Negotiated Rulemaking the U.S. Department of Education added some additional concepts regarding student privacy and notifications to students regarding additional charges that may result from verification.
Comment on Amended HLC Policy	The Commission has adopted a new policy, 3.12 VERIFICATION OF STUDENT IDENTITY, in 2009 to address these requirements. In February 2010 it adopted an additional subsection for the new policy that would incorporate the additional requirements outlined by the Department in the regulation regarding respect for student privacy and notification to students of additional charges such as any fee, not covered by tuition or other fees, that may be required at the time of the administration of an exam for proctoring services.
Policy no.: 3.12	VERIFICATION OF THE IDENTITY OF STUDENTS IN DISTANCE OR CORRESPONDENCE EDUCATION Institutions offering distance education or correspondence education, as specified in the federal definitions reproduced herein solely for reference, shall have processes through which the institution establishes that the student who registers in the distance education or correspondence education courses or programs is the same student who participates in and completes and receives the academic credit. Definitions: Distance education means education that uses one or more of the {following} technologies (i) to deliver instruction to students who are separated from the instructor; and (ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously. The

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	<p>technologies used may include: (i) the internet; (ii) one way and two way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices; (iii) audioconferencing; or (iv) videocassettes, DVDs, and CD-Roms, if the videocassettes, DVDs or CD-Roms are used in conjunction with any of the technologies listed in clauses (i) through (iii). (See PL 110-315 §103.)</p> <p>Correspondence education/course means: (1) Education provided through one or more courses by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor. (2) Interaction between the instructor and the student is not regular and substantive, and is primarily initiated by the student. (3) Correspondence courses are typically self-paced. (4) Correspondence education is not distance education.</p>
Policy no.: 3.12(a)	<p>INSTITUTIONAL PRACTICES REGARDING VERIFICATION OF STUDENT IDENTITY</p> <p>In verifying the identify of students who participate in class or coursework the institution may make use of a variety of methods, including but not limited to: (1) secure login and pass code; (2) proctored examinations; and (3) new or other technologies and practices that are effective in verifying the identity of students. Such methods must have reasonable and appropriate safeguards to protect student privacy. Institutions must notify students at the time of registration or enrollment of any projected additional student charges associated with the verification of student identity such as separate fees charged by proctoring services, etc.</p>
Policy no.: 3.12(b)	<p>COMMISSION REVIEW OF VERIFICATION OF STUDENT IDENTITY</p> <p>The Commission will review an institution’s student identity verification protocols when an institution requests permission to add programs in distance delivery and prior to reaffirmation of accreditation. The Commission also will require that institutions submit information about student identity verification protocols on the Commission’s Annual Institutional Data Update.</p>
	<p>Policy history: Adopted February 2009.</p> <p>Related policies: • 2.2(d)2. Changes in Educational Offerings • 1.2. Annual Data Reporting From Affiliated Institutions</p>

POLICY AMENDMENTS. SECTION I: MONITORING OF STUDENT ENROLLMENT GROWTH AND REEVALUATION OF ACCREDITED INSTITUTIONS (*Revised in 2009 and 2010*)

Recognition Requirement	The revised law requires that the accreditor monitor the growth of programs at institutions that are experiencing significant enrollment growth. In response to other federal regulations adopted prior to 2008 the Commission already collected
--------------------------------	--

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	<p>and monitored enrollment and other data through the Annual Institutional Data Update process. The Commission revised its policy in February 2009 to incorporate the elements specified in the statute with regard to monitoring of student growth. Through Negotiated Rulemaking the U.S. Department of Education expanded on the statutory mandate, requiring agency assessment of ongoing institutional compliance with accrediting standards as well as institutional strength and stability. As a result, the Commission is required to include in its policy periodic reports, collection and analysis of key data and indicators including but not limited to fiscal information and measures of student achievement such as course completion rates, licensure exams, etc.</p>
<p>Comment on Amended HLC Policy</p>	<p>The Commission’s amended policies related to this requirement proceed with the assumption that the Commission will be able to extend existing protocols to meet these requirements. The Commission will expand the data required of institutions through the Annual Institutional Data Update and enhance its follow-up protocols to assure that it is identifying high-growth institutions and monitoring those institutions to assure the quality of its programs and services.</p>
<p>Policy no.: 1.2</p>	<p>DATA REPORTING FROM AFFILIATED INSTITUTIONS</p> <p>All affiliated institutions will complete data reports for the Commission; such reporting will occur annually as well as periodically. The Commission, with oversight as appropriate from the Board of Trustees, will determine the contents of this reporting to assure that it addresses potential or developing problems with an institution’s compliance with accrediting requirements and institutional stability, as well as solicits updated information on the scope of activities of each affiliated institution. Data required from each institution will include, at minimum, annual financial information, headcount and enrollment, measures of student achievement, and other indicators. The data reporting will provide the Commission with sufficient information to understand and respond to significant shifts in an institution’s capacity and/or scope of educational activities.</p>
	<p>Policy history: First adopted February 2003, effective January 2005, revised February 2009.</p>
<p>Policy no.: 1.2(b)</p>	<p>COMMISSION FOLLOW-UP TO INSTITUTIONAL DATA</p> <p>In reviewing and analyzing institutional data, the Commission will look at relationships among a variety of indicators and other information in any given year or over several years. If those relationships suggest that the organization may be experiencing problems or very rapid change, the Commission will ask the organization to submit an explanation of the data. The Commission staff may forward financial data, and any explanation or other information provided by the institution, to the Financial Panel for further review. If non-financial data, particularly enrollment information, and any other information submitted by the institution, are indicative of problems, rapid change, significant growth or require validation, the Commission staff may call for an on-site evaluation as soon as possible; require that an institution address concerns arising from these data in the next evaluation process; or recommend to the Institutional Actions Council</p>

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	additional institutional monitoring through any process provided for in Commission policy and procedure.
	Policy history: First adopted February 2003, effective January 2005, revised February 2009.
Policy no.: 1.2(c)	<p>MONITORING OF STUDENT ENROLLMENT GROWTH</p> <p>The Commission will monitor enrollment growth through institutional annual data reporting and will monitor on an ongoing basis growth in enrollment and programs at those institutions that have significant enrollment growth as defined in Commission procedures. The Commission may take follow-up action in keeping with Policy no. 1.2(b).</p>
	Policy history: None (new policy).

POLICY AMENDMENTS. SECTION J: STREAMLINED REVIEW OF INSTITUTIONS INITIATING NEW SITES (*New in 2010*)

Recognition Requirement	Existing regulations require that agencies approve each new additional location at which an institution offers 50 percent or more of a degree program. The revised regulations provide for the opportunity for an agency to allow an institution to open and close certain sites without prior Commission approval provided that the institution meet very explicit criteria laid out in the regulations.
Comment on Amended HLC Policy	The Commission has allowed a group of institutions to receive streamlined approval to offer new additional locations. Such institutions may receive an expedited review and approval process for a proposed new site after demonstrating capacity to open and close sites with minimal oversight. This program is fundamentally similar to what the U.S. Department of Education is proposing. However the Commission’s relevant policy must be updated to align more closely with what regulations will allow.
	(Note: Policy revisions incorporated in revised Commission policy 3.2, COMMISSION KNOWLEDGE AND APPROVAL OF CHANGE AT AN INSTITUTION.)
Policy no.: 3.2(d)1.4	<p>STREAMLINED APPROVAL OF ADDITIONAL LOCATIONS</p> <p>Institutions that have previously received approval from the Commission to initiate at least three additional locations may seek access to the streamlined program for approval of future additional locations. The status shall reflect the Commission’s determination that the institution has a proven record of educational and administrative oversight of such locations and has the capacity</p>

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	<p>to extend that oversight to new additional locations. The status will allow the institution with access to the streamlined program to open new additional locations after notifying the Commission prior to initiating new sites.</p> <p>The institution’s request for access to the streamlined program must be reviewed by a Change Visit that visits the institution and prepares a written report documenting the institution’s compliance with appropriate requirements as outlined in this policy.</p>
<p>Policy no.: 3.2(d)1.4a</p>	<p>REQUIREMENTS FOR ACCESS TO STREAMLINED APPROVAL OF ADDITIONAL LOCATIONS</p> <p>Access to the streamlined approval process for additional locations will be granted only to institutions that meet the following criteria:</p> <ol style="list-style-type: none"> 1. Have been accredited by the Commission, prior to seeking access to the streamlined process, for at least 10 consecutive years with no record of any action during that period for sanction, show-cause or monitoring of issues related to the quality of instruction or oversight of existing additional locations or campuses; 2. Have already demonstrated success in overseeing more than three additional locations; 3. Have no other Commission or other legal restrictions on additional locations and/or programs offered off campus; 4. Have appropriate systems at the institution to ensure quality control of additional locations that include clearly identified academic controls; regular evaluation by the institution of its sites; a pattern of adequate faculty, facilities, resources, and academic/support systems; financial stability; and long-range planning for future expansion.
<p>Policy no.: 3.2(d)1.4b</p>	<p>REQUIREMENTS FOR CONTINUED ACCESS TO STREAMLINED APPROVAL OF ADDITIONAL LOCATIONS</p> <p>Continued institutional eligibility for access to streamlined approval of additional locations will be reviewed at least every five years, typically at the time of the comprehensive evaluation and the multi-site visit.</p> <p>An institution with access to the streamlined program that undergoes a Change of Control as defined in Commission policy 3.3 will no longer be eligible for streamlined review until such time as it demonstrates through an on-site evaluation that it meets the criteria in 3.2(c)3a.</p>
	<p>Policy history: None. (This new policy replaces Policy 3.2(d)3a, STREAMLINED SITE APPROVAL PROCESS.)</p>

POLICY AMENDMENTS. SECTION K: COMPLAINTS (*New in 2010*)

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

Recognition Requirement	Existing regulations require that agencies review and process complaints that relate to the compliance of institutions with the agency’s standards or procedures. The revised regulations require that agencies provide a sufficient opportunity for institutions identified in the complaint to submit a written response before dismissing it or taking further action.
Proposed HLC Revision	The Commission typically allows an institution at least 30 days to provide a written response to any complaint that the Commission determines has implications for its accreditation. The proposed amendment memorializes that practice in policy.
Policy no.: 13.1	COMMISSION POLICY ON COMPLAINTS AND OTHER INFORMATION REGARDING AFFILIATED INSTITUTIONS
Policy no.: 13.1(a)	<p>SCOPE OF COMPLAINTS CONSIDERED</p> <p>The Commission, aware of the value of information from the public, shall receive complaints against its affiliated institutions but pursue only those complaints that bear upon the institution’s meeting of the Criteria for Accreditation. Because the complaint process is intended to pursue only those matters that suggest substantive non-compliance by institutions, the Commission shall expect individuals who have a personal dispute with an institution to use other internal and external grievance mechanisms, particularly the internal grievance procedures of the institution, to resolve the dispute. In no case will the Commission use the complaint process to seek redress or to fashion an individual remedy with an institution on behalf of a complainant.</p>
Policy no.: 13.1(b)	<p>CONTENTS, PRESENTATION, AND PROCESSING OF COMPLAINTS</p> <p>The Commission will consider no complaint that concerns facts or circumstances that took place more than five years prior to the date the complaint was received by the Commission. All complaints must be in writing and signed by the complainant although the Commission may at its discretion consider other complaints where warranted subject to the requirements in 13.1(c). The Commission will acknowledge a complaint promptly and within thirty working days of receipt will advise the complainant whether or not the complaint warrants consideration by the Commission. If the Commission determines a complaint warrants further consideration, the Commission will give the institution named in the complaint an opportunity of 30 days to respond to the complaint, or to a summary of the complaint if the complainant requests confidentiality of identity or documents, before the Commission completes its review and makes a decision regarding the complaint. The Commission reserves the right to reject any complaint that contains defamatory statements. When the Commission receives a complaint(s) about an institution that has an impending site visit, it may forward the complaint(s), or a summary thereof, to the attention of the chair of the on-site team for consideration instead of, or in addition to, any regular review the Commission might undertake regarding a complaint. The team will notify the Commission staff of its</p>

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

	findings, either in the team report or in a separate memo.
--	--

POLICY AMENDMENTS. SECTION L: SUBSTANTIVE CHANGE (Proposed for revision in 2010)

Recognition Requirement	Federal recognition requirements, revised as a result of the Negotiated Rulemaking process, mandate changes in the Commission’s policies with regard to Commission review and approval of Substantive Change. These provisions require that the Commission approve contractual relationships and distance education using revised protocols. The recognition requirements also mandate that the Commission develop policies and procedures for identifying and calling for a comprehensive evaluation when an institution undertakes significant, rapid or ongoing change that transforms the nature and character of the institution.
Proposed HLC Revision	These policies have been reviewed and approved by the Higher Learning Commission’s Board of Trustees on first reading at its meeting on February 23, 2010 and are expected to be approved on second reading in June 2010. These documents are outlined in a separate document available on the Commission’s Web site.

AMENDMENTS AND COMMENTS IN RESPONSE TO
REVISED FEDERAL RULES FOR RECOGNITION OF ACCREDITING AGENCIES

PART 2: COMMISSION COMMENTS ON OTHER HEA REQUIREMENTS

OTHER HEA REQUIREMENTS. SECTION A: STUDENT ACHIEVEMENT

Comment on HEA Requirement	<p>The Commission's view is that The Higher Education Opportunity Act (HEAO) puts into law an understanding the Commission has long had with institutions regarding their own important role in setting the standards for measuring student learning at their own institution. Institutions establish their own mission and educational goals and outcomes as well as determine the tools by which they will measure student learning. Institutions determine in what way and to what effect they will incorporate information about student learning into academic improvement. While HEOA recognizes an institution's significant role in setting standards by which to evaluate its assessment of student learning, HEOA also acknowledges the need for accreditors to continue to have standards related to assessment of student learning. Thus, the Commission anticipates continuing to use Criterion Three as well as other relevant Criteria to assess institutions with respect to student learning. The Commission will consider institutions' voluntary efforts to disclose accountability data as one of the many pieces of information it will consider with respect to assessment. As the Secretary of Education is prohibited by HEOA from regulating in this area, the Commission does not anticipate that new federal regulations will require changes in its policies or procedures related to assessment.</p>
-----------------------------------	---

OTHER HEA REQUIREMENTS. SECTION B: RELIGIOUS MISSION

Comment on HEA Requirement	<p>The Commission respects the importance of institutional mission, including religious mission. Criterion One outlines the significant role of mission in the evaluation process. At this time the Commission anticipates no changes in Criterion One as a result of revisions in the law but will continue to monitor the regulatory process to determine if the Department will add regulatory provisions to which the Commission will need to respond.</p>
-----------------------------------	--