

PROPOSED CHANGES

Key: Deleted, Added

Policy and Procedures for Reviews and Appeals

In the interest of providing appropriate and fair procedures for the review or appeal of decisions to deny or terminate an accreditation status, the Commission on Accreditation establishes the following policies and procedures.

Introduction

An institution/program ~~shall possess~~ has the right to request a review or to appeal the decisions of the Commission on Accreditation and receive an impartial response in a timely fashion. Normally this process begins with a request for an ABHE Commission review of a decision. Alternatively, an institution or program may petition directly to an appeal ~~board~~ panel. In either case, documentation must meet the requirements of this policy including filing deadlines. Pending the outcome of all reviews and appeals, the institution ~~shall~~ will continue in the accreditation status enjoyed prior to the appeal action.

A “review” is a re-examination of the decision by the Commission on Accreditation. An “appeal” is a review of the Commission’s decision by a panel of prior Commissioners and/or experienced evaluators who were not involved in the original Commission decision.

Actions That May be Reviewed or Appealed

1. Denial or termination of candidate status,
2. Placement on probation,
3. Issuance of an order to show cause why status should be continued, or
4. Denial or termination of accredited status.

Grounds

A request for review or appeal of a Commission on Accreditation decision must be based upon at least one of the following grounds:

That the action of the Commission is believed to be

1. Based upon a misunderstanding or misinterpretation of the documentation submitted or testimony presented.
2. A failure of the Commission to follow its own policies and procedures.
3. A flawed or inconsistent interpretation or application of ABHE Standards or policy.
4. Influenced by (a) person(s) with a significant conflict of interest not known prior to the Commission action.
5. No longer warranted because new financial Information is available that may influence the decision.

With the exception of finances (see ground #5), an institution may not base requests for reviews or appeals on developments that occur following the meeting of the Commission in which adverse action is taken. In certain cases, the Commission's decision may have been based solely upon the failure of an institution or program to meet a standard or criterion pertaining to finances. In such instances, before a final adverse action is taken, an institution will be permitted an opportunity to provide the Commission current financial information where the previously unavailable financial information may have had a material bearing on the institution's capacity to comply with the financial standard or criterion. An institution may not, however, file a separate appeal on the grounds that the Commission failed to give adequate weight to the newly introduced financial information.

Commission Review: Finances

The institution requesting a review will include a non-refundable ~~\$250.00~~ \$500.00 filing fee. The institution will pay the following fees plus any additional expenses incurred by the process.

<i>Description</i>	<i>Non-refundable Fee</i>
Filing fee	\$250.00 \$500.00
Review requiring a face-to-face hearing	\$1,500.00 \$3,000.00
Review requiring a focused team visit	\$2,250.00 \$2,500.00

Note: The fees are cumulative. If a hearing is required, the total is \$1,750 ~~\$3,500~~: the \$250 ~~\$500~~ filing fee plus the \$1,500 ~~\$3,000~~ hearing fee. If the Commission requires a focused team visit as part of resolving the request, the ~~fee~~ total will be ~~\$4,000: the \$1,750 plus the \$2,250 for the focused team visit~~ ~~\$6,000~~ (\$500 filing fee + \$3,000 hearing fee + \$2,500 focused visit fee). **The institution will pay the travel and hosting costs for a face-to-face hearing and/or a visiting team in addition to the fees above.**

Commission Review: Procedures

1. A written request for a review of an action taken by the Commission on Accreditation must be made by the institution's chief executive officer or board chair and be postmarked or filed electronically within ~~thirty (30)~~ ten (10) calendar days of the date of the official letter conveying the Commission's action. The written ~~request must include (1) a request for reconsideration of the action with an indication as to whether the institution desires a review or a full hearing, (2) the grounds upon which the request is being made, (3) documentation to support the review, and (4) the filing fee~~ notice of intent must include (1) a request for the Commission to reconsider the action (2) indication as to whether the institution desires a teleconference review or a face-to-face review, (3) if a teleconference review is requested, indication as to whether the institution desires to make oral presentation or waives participation in the teleconference, (4) the grounds upon which the request is being made, and (5) a check for the appropriate fee(s), postmarked within 24 hours of submission of the request for a review.
2. Documentation to support the review must be received in the ABHE office within twenty (20) calendar days of the notification of intent to initiate a review.
- ~~2~~ 3. The Director, Commission on Accreditation ~~or Director's representative~~ will confirm receipt of the request and inform the Commission on Accreditation of the request, ~~typically within ten business days (not to exceed 30 business days)~~ within fifteen (15) calendar days of the receipt of the

written request. The Director or Director's representative will poll Commissioners for available dates, allowing thirty (30) days lead time for document submission and review.

- 3 4. Commission Review. To review its decision, a quorum (half or more) of the Commission on Accreditation members is required. The Commission on Accreditation will meet within thirty (30) days (or as quickly thereafter that a quorum can be established) of ~~having received notice from the Director, Commission on Accreditation~~ receipt of documentation from the Commission office. This meeting will ~~normally~~ be via telecommunications, unless the institution requests a ~~personal hearing~~ face-to-face review. The Commission will consider the grounds for review and the documentation in support of the institution's request. It will then take one of the following actions:
- Uphold the original decision,
 - Request a focused team visit and consider the resultant ~~team~~ focused visit report no later than its next regularly scheduled meeting, or
 - Make a new decision based upon the evidence submitted.

In the case of a ~~hearing~~ face-to-face review, the institution may be advised and represented by whomsoever it may choose. ~~Normally,~~ The Commission's Chair will preside and may limit the testimony of witnesses. ~~If the Commission Chair is unavailable, the Vice Chair or next senior Commissioner will preside.~~ Unless otherwise ordered by the Commission, a ~~hearing will last not more than one day~~ review will last not more than two hours.

- 4 5. The Commission will provide written notification to the institution of its decision, including the rationale for the decision, within thirty (30) days of the review meeting.
- 5 6. If the institution is not satisfied with the decision of the Commission review, it has the option to file a request for an Appeal ~~Board~~ Panel to evaluate the decision. ~~Such request must be received within ten (10) calendar days of notification of the Commission's review decision.~~

Appeal: Finances

The institution requesting an appeal will include a non-refundable ~~\$250.00~~ \$500.00 filing fee. The institution will pay the following fees plus any additional expenses incurred by the process.

Description	Non-refundable Fee
Filing fee	\$250.00 \$500.00
Appeal requiring a face-to-face hearing	\$1,500.00 \$3,000.00
Appeal requiring a focused team visit	\$2,250.00 \$2,500.00

Note: The fees are cumulative. If a ~~face-to-face~~ hearing is required, the total is ~~-\$1,750~~ \$3,500: the ~~\$250~~ \$500 filing fee plus the ~~\$1,500~~ \$3,000 hearing fee. If the Commission requires a focused team visit as part of resolving the ~~request~~ appeal, the fee total will be ~~\$4,000: the \$1,750 plus the \$2,250 for the focused team visit~~ \$6,000 (\$500 filing fee + \$3,000 hearing fee + \$2,500 focused visit fee). ~~The institution will pay the travel and hosting costs for a face-to-face hearing and/or a visiting team focused team visit in addition to the fees above.~~

Appeal: Procedures

1. If an institution elects to appeal the Commission's original and/or review decision, a written request for reconsideration of the decision must be made by the institution's chief executive officer or board chair and be postmarked or filed electronically within ~~thirty (30)~~ ten (10) calendar days of the date of the official letter conveying the Commission's action or the subsequent notification of the Commission's decision following a review. The written notice of intent must include (1) a request to appeal the Commission's most recent decision (2) indication as to whether the institution desires a teleconference appeal or a face-to-face appeal, (3) if a teleconference appeal is requested, indication as to whether the institution desires to make oral presentation or waives participation in the teleconference, (4) the grounds upon which the appeal is being made, and (5) a check for the appropriate fee(s), postmarked within 24 hours of submission of the request for an appeal.
2. Documentation to support the appeal must be received in the ABHE office within twenty (20) calendar days of the notification of intent to appeal a decision.
3. The Director, Commission on Accreditation or Director's representative will confirm receipt of the request and inform the Commission Chair of the request within fifteen (15) calendar days of the receipt of the written request. The Director or Director's representative will poll members of the appeal panel pool for available dates, allowing thirty (30) days lead time for document submission and review.
- ~~2~~ 4. The Director, Commission on Accreditation, in cooperation with the Commission Chair, will select an Appeal ~~Board~~ Panel of ~~7~~ five (5) persons to consider the appeal, and appoint an Appeal Panel Chair from among the selected members. (See "Appeal ~~Board~~ Panel" below concerning the pool of potential members of this ~~board~~ body.)
- ~~3~~ 5. The Appeal ~~Board~~ Panel will meet within thirty (30) days (or as quickly thereafter that Appeal Panel scheduling permits) of having received documentation and its charge from the Director, Commission on Accreditation. This meeting will normally be via telecommunications, unless the institution requests a face-to-face hearing. ~~The Director, Commission on Accreditation will open the meeting by leading the Appeal Board to select a chair to lead the review. After selecting the Appeal Board chair,~~ The Director, Commission on Accreditation will serve the Appeal Panel in a non-voting, advisory role.
- ~~4~~ 6. The appealing institution has the right to appear before the Appeal ~~Board~~ Panel to present its case. Its appearance can be via telecommunications or, in the case of a face-to-face meeting, in person. The institution has the right to be represented by whomsoever it wishes, including legal counsel.
- ~~5~~ 7. The ~~board~~ Appeal Panel will consider the grounds for the appeal, the documentation in support of the institution's allegations, the procedures followed by the Commission on Accreditation, the team report(s), the consultant reports, and/or the action of the Commission. In its consideration of this information, the Director, Commission on Accreditation, will direct the Appeal ~~Board~~ Panel not to consider any institutional efforts to comply with Standards that were subsequent to the Commission's original action. The Appeal ~~Board shall~~ Panel will have the authority necessary to

amend, reverse, or remand the Commission's adverse decision with respect to an institution or program. Upon the completion of its deliberations, it ~~shall~~ will take one of the following actions:

- a. Uphold the Commission's decision,
 - b. Direct that a focused visit be granted and a report be submitted for consideration by the Appeal ~~Board~~ Panel, or
 - c. Make a new decision, citing one or more of the five grounds for appeal noted above, based upon the evidence submitted.
- 6 8. In the case of a ~~hearing~~ face-to-face appeal, the ~~Appeal Board~~ Director, Commission on Accreditation or Director's representative will inform all parties concerned of the time, date, and place of the meeting at least thirty (30) days in advance. This communication will be in writing to the institution's president and board chair ~~through the Director, Commission on Accreditation~~. The institution may be advised and represented by whomever it may choose. The ~~Appeal Panel~~ Chair, ~~elected when the Appeal Board first convenes~~, will preside and may limit the testimony of witnesses. Unless otherwise ordered by the Appeal ~~Board~~ Panel, a hearing will last no more than one day.
- 7 9. The Appeal ~~Board~~ Panel, through the Director, Commission on Accreditation, will notify the institution of its decision, including the rationale for the decision, in writing within thirty (30) days of the special meeting. A report will be provided to the Commission Chair and will detail the final judgment and the rationale for the decision. The decision of the Appeal ~~Board~~ Panel will be final. All final decisions will be disseminated as required by the ABHE Policy on Communication of Accreditation Decisions.

Appeal ~~Board~~ Panel

This special-purpose panel ~~board~~ will consist of ~~six~~ four persons selected from a pool of qualified personnel from accredited institutions or former Commissioners who are not current members of either the Association's Board of Directors or the Commission on Accreditation and who were not members of the evaluation team that visited the institution in question. The Appeal ~~Board~~ Panel will include representation from qualified administrators and qualified academicians. In addition to the personnel from accredited institutions, a ~~seventh~~ fifth, public member will be included on the panel who clearly meets the requirements of ABHE's Policy on Public Representation. To establish ~~a board of appeal~~ an Appeal Panel with sufficient expertise to address the issues being appealed while, at the same time, avoiding conflicts of interest, a pool of ~~20 to 30~~ ten (10) to twenty (20) potential panelists will be maintained. The Director, Commission on Accreditation, in cooperation with the Commission Chair, will nominate a potential pool of members for appointment by the Commission on Accreditation. The Commission will review the membership of the pool on an annual basis: adding, deleting, or reappointing members as it sees fit to maintain the level of competence desired.

The qualifications of an Appeal ~~Board~~ Panel member will include 1) prior experience as a Commissioner, ~~2) or~~ extensive service as a team evaluator, ~~and/or 3) and 2)~~ completion of ~~[or having completed]~~ a specific program of training regarding ABHE Standards, policies, and procedures. Administrative representatives must be currently or recently engaged in a significant manner in program or institutional administration at the postsecondary level; academic representatives must be currently or recently engaged in a significant manner in postsecondary teaching and/or research (including learning resource and research support, and/or curriculum development). The public representative must not be affiliated with an ABHE institution as specified in the Policy on Public Representatives. Members of the ABHE

staff ~~shall~~ will not be eligible for service on an Appeal Panel. ABHE will provide regular training regarding its Standards, policies, and procedures through written materials, workshops, seminars, and online educational opportunities.

Conflicts of Interest

A pool of potential ~~board-of-appeals~~ Appeal Panel members has been determined to ensure the availability of panel members who are free of conflicts of interest. Conflicts of interest are described in the ABHE Policy ~~Relating to~~ on Conflict of Interest. Persons serving on the Appeal ~~Board~~ Panel for a given case will be required to sign the Appeal Panel Member Conflict of Interest Form that will be provided by the ABHE staff at the time of their appointment to consider the appeal of a specific institution or program. In the unlikely event that it is impossible to develop a panel free of bias within the established pool, the Director, Commission on Accreditation ~~shall~~ will work with the Commission officers to identify additional suitable panelist(s) for the situation under appeal.

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