

## Policy on Communication of Accreditation Decisions and Negative Actions

Key to Changes: ~~Delete~~, Add, Explanation

In keeping with its responsibility as a recognized accrediting body, the ABHE Commission on Accreditation (COA) seeks to provide timely information to appropriate agencies and the public regarding its final accrediting decisions. Accordingly, it has established the following procedures:

- 1. Notification by ABHE to interested parties.** Within 30 days of a final action to (1) grant or reaffirm an institution's or program's accreditation or candidate status, (2) place an institution or program on warning or probation, (3) issue a show cause order to an institution or program, or (4) implement an adverse action (denial, withdrawal, suspension, revocation, or termination of candidate or accredited status), the COA will provide electronic written notification of its decision to the institution, the United States Department of Education, state and provincial postsecondary education offices recognized accrediting agencies, and the public. Notification to federal, state, provincial, and accrediting agencies will be at the same time as it is made to the institution. Notice to the public will be via the association website within 24 hours of notice to the institution or program. Notification of a final action of warning, probation, show cause, or adverse action will include publication of the contents of the action letter, including the reason(s) for the action.
- 2. Responsibility of ABHE to report rationale and institutional comments for adverse actions.** Within 60 days after a final decision to deny, withdraw, suspend, revoke, or terminate candidate or accredited status, the COA will make available to (1) the U.S. Department of Education, (2) state and provincial postsecondary education offices, (3) recognized accrediting agencies, and (4) the public, a summary of the reasons for any adverse action regarding an institution or program and any official comments that the institution may wish to make in response to the decision. If no comments are offered, ABHE will document that the institution was provided opportunity to make comments.
- 3. Responsibility of ABHE to report voluntary withdrawals or lapses in accreditation or candidate status.** Within 10 business days after receiving notification from the institution, the COA will provide notification of voluntary withdrawal of accredited or candidate status to (1) the U.S. Department of Education, (2) state and provincial postsecondary education offices, (3) recognized accrediting agencies, and (4) the public. Should an institution allow its accreditation or candidate status to lapse, the COA will, within 10 business days of the effective date, provide notification of termination of accreditation or candidate status to the four entities named above. Notification to the public will be via the association website.

4. **Responsibility of institutions to report actions of related agencies.** Institutions or programs seeking or holding candidate or accredited status with the COA are to advise the COA within 30 days of receipt of notice of any final action taken by another recognized accrediting body or governmental agency to deny, suspend, or revoke any candidate or accreditation status. Notification will include a copy of the rationale given to the institution by the other agency for its decision. Failure to notify the COA within 30 days of the final action by the other body will require issuance of a show cause order as to why status with ABHE should be continued.

Should an institution or program holding ABHE accreditation or candidate status receive a negative action on the part of another recognized accrediting body with which it has had standing, the COA will, within 30 days of receipt of notification by the other agency or the institution, initiate a review of the institution's or program's candidate or accreditation status to determine if it continues to comply satisfactorily with the COA's accreditation Standards. The review will consist of a one-day staff visit and a written staff report to the appropriate COA committee at the next scheduled meeting. The COA may subsequently require follow-up reporting or a focused team visit.

The COA will not reaffirm the accreditation or candidate status of an institution or program during the period that it is the subject of an interim action by another recognized institutional or programmatic accrediting body or state agency that could lead to loss of its status with the agency or loss of authorization to provide postsecondary education. The COA will also not grant initial accreditation or candidate status to an institution or program during the period that it is the subject of an interim action by another recognized institutional or programmatic accrediting body that could lead to loss of its accreditation status with the other agency, or an interim action by a state or provincial agency that could lead to loss of legal authorization to provide postsecondary education in its home state or province. Grounds for withholding initial or reaffirmation of accreditation or candidate status include the following:

- a. A pending or final action brought by a state or provincial agency to suspend, revoke, withdraw, or terminate the institution's legal authority to provide postsecondary education in its home state or province;
- b. A decision by a recognized agency to deny accreditation or preaccreditation;
- c. A pending or final action brought by a recognized accrediting agency to suspend, revoke, withdraw, or terminate the institution's accreditation or preaccreditation; or
- d. Probation or an equivalent status imposed by a recognized agency.

Should the COA, upon completion of adverse action by another agency or state, make a decision different from that of the other body, it will, within 30 days of its action, provide the USDE Secretary and other affected bodies a rationale for its decision, to include an explanation why the issue(s) that caused adverse action by the other accreditor was not sufficiently compelling to prevent the COA from coming to a different decision.

Following each regular meeting, the COA provides written information regarding its final decisions relating to an institution's or program's accreditation/candidate status to the U.S. Department of Education, the Council for Higher Education Accreditation, all recognized institutional accrediting bodies, and all states or provinces. It is sometimes the case that the COA will make a final decision regarding an institution or program outside of its regular meeting cycle. In such cases, the COA routinely provides written information regarding its final decision to the U.S. Department of Education, the Council for Higher Education Accreditation, recognized accrediting bodies, and state or provincial postsecondary education offices. The COA will share information regarding its decisions related to an institution's or program's accreditation or candidate status, whether positive or negative, with other recognized accrediting bodies and state/provincial approval agencies upon request.

**Section previously located below (pp. 4-5) moved under this heading for clarity since language relates to responsibility of institutions to report actions of related agencies.**

- 5. Responsibility of institutions to notify students and the public of negative accreditation decisions.** Within 7 days after receiving notification from the COA of a decision to place the institution on warning or probation, show cause why the institution's accreditation should be continued, or denial, withdrawal, suspension, revocation, or termination of candidate or accredited status, the institution will publish notice of the action as stated below to its website.

Notification concerning warning:

"The ABHE Commission on Accreditation has placed [institution's name] on warning for weaknesses in satisfying the following accreditation standard(s).

[Statement of Standards and weaknesses as noted in the COA action letter]

"The institution retains [accredited / candidate] status with ABHE during this period of warning and will be subject to periodic monitoring, which may include progress reports and/or focused visits by Commission on Accreditation staff or evaluation teams. If weaknesses are not resolved within the time specified (usually one year), the Commission on Accreditation may (1) extend the warning for a second year, (2) place the institution on probation, (3) order the institution to show cause why its [accreditation / candidate status] should be continued, or (4) withdraw [accreditation / candidate status]. Warning is rarely extended beyond two years."

Notification concerning probation:

"The ABHE Commission on Accreditation has placed [institution's name] on probation for failure to comply with the following accreditation standard(s).

[Statement of Standards and weaknesses as noted in the COA action letter]

“The institution retains [accredited / candidate] status with ABHE during this period of probation and will be subject to periodic monitoring, which may include progress reports and/or focused visits by Commission on Accreditation staff or evaluation teams. Should the institution fail to correct the identified deficiencies within two years, the Commission on Accreditation must take adverse action against the institution and remove its [accreditation / candidate status]. Where there is sufficient progress, the Commission on Accreditation may grant a one-year extension of [accreditation / candidate status] for “good cause” to allow the institution to demonstrate substantial compliance with the Standards for Accreditation.

Notification concerning show cause:

“The ABHE Commission on Accreditation has issued [institutional name] an order to show cause why its [accreditation/candidate status] should be continued. An institution retains its [accreditation or candidate status] with the Commission on Accreditation while under show cause order. The maximum time permitted for a show cause order is one year. Failure to comply with the following specific accreditation standard(s) by the deadline imposed by the Commission on Accreditation will result in removal of the institution’s status with the Commission on Accreditation.”

[Statement of Standards and deficiencies as noted in the COA action letter]

**When an institution is issued a show cause order, it must inform its students and the public of the COA’s final decision.**

~~Should an institution or program holding ABHE accreditation or candidate status receive a negative action on the part of another recognized accrediting body with which it has had standing, the COA will, within 30 days of receipt of notification by the other agency or the institution, initiate a review of the institution’s or program’s candidate or accreditation status to determine if it continues to comply satisfactorily with the COA’s accreditation Standards. The review will consist of a one-day staff visit and a written staff report to the appropriate COA committee at the next scheduled meeting. The COA may subsequently require follow-up reporting or a focused team visit.~~

~~The COA will not reaffirm the accreditation or candidate status of an institution or program during the period that it is the subject of an interim action by another recognized institutional or programmatic accrediting body or state agency that could lead to loss of its status with the agency or loss of its state authorization to provide postsecondary education. The COA will also not grant initial accreditation or candidate status to an institution or program during the period that it is the subject of an interim action by another recognized institutional or programmatic accrediting body or state agency that could lead to loss of its accreditation status with the other~~

~~agency or loss of its state authorization to provide postsecondary education. Grounds for withholding initial or reaffirmation of accreditation or candidate status include the following:~~

- ~~e. A pending or final action brought by a State agency to suspend, revoke, withdraw, or terminate the institution's legal authority to provide postsecondary education in the State;~~
- ~~f. A decision by a recognized agency to deny accreditation or preaccreditation;~~
- ~~g. A pending or final action brought by a recognized accrediting agency to suspend, revoke, withdraw, or terminate the institution's accreditation or preaccreditation; or~~
- ~~h. Probation or an equivalent status imposed by a recognized agency.~~

~~Should the COA, upon completion of adverse action by another agency or state, make a decision different from that of the other body, it will, within 30 days of its action, provide the USDE Secretary and other affected bodies a rationale for its decision, to include an explanation why the issue(s) that caused adverse action by the other accreditor was not sufficiently compelling to prevent the COA from coming to a different decision.~~

~~Following each regular meeting, the COA provides written information regarding its final decisions relating to an institution's or program's accreditation/candidate status to the U.S. Department of Education, the Council for Higher Education Accreditation, all recognized institutional accrediting bodies, and all states or provinces. It is sometimes the case that the COA will make a final decision regarding an institution or program outside of its regular meeting cycle. In such cases, the COA routinely provides written information regarding its final decision to the U.S. Department of Education, the Council for Higher Education Accreditation, recognized accrediting bodies, and state or provincial postsecondary education offices. The COA will share information regarding its decisions related to an institution's or program's accreditation or candidate status, whether positive or negative, with other recognized accrediting bodies and state/provincial approval agencies upon request.~~

## **Public Actions Regarding Accredited and Candidate Status**

### **Grant Accredited Status**

Granting accredited status is an affirming, public action based on the COA's judgment that the institution or program substantially complies with all ABHE's Standards, including documentation of the appropriateness, rigor, and achievement of the institution's stated student learning outcomes. For institutional accreditation, the grant of accredited status also indicates the COA's judgment that the institution substantially complies with all Title IV eligibility requirements. The initial grant of accreditation is for up to five years with a subsequent comprehensive review; subsequent reaffirmation of accreditation is for up to ten years.

## **Grant Candidate Status**

Granting candidate status is an affirming, public action based on the COA's judgment that the institution is making satisfactory progress toward accreditation and shows promise of achieving accreditation within a maximum of five years.

## **Reaffirm Accredited Status**

Reaffirmation of accreditation is an affirming, public action indicating an extended renewal of accreditation status for an institution currently holding ABHE accreditation. Reaffirmation is based on the COA's judgment that the institution or program substantially complies with all ABHE's Standards, including documentation of the appropriateness, rigor, and achievement of the institution's stated student learning outcomes. For institutional accreditation, reaffirmation also indicates the COA's judgment that the institution substantially complies with all Title IV eligibility requirements. Reaffirmation is granted for an extended period of time (up to ten years) as designated by the COA.

## **Continue Accreditation**

Continue accreditation is a neutral, public action for an institution that was reviewed for reaffirmation but did not have reaffirmation granted for the customary extended period of time. Instead, the institution's accreditation was continued for a shorter period of time (usually one year) due to interim or temporary circumstances that warrant a subsequent appearance before the COA. Continued accreditation may be linked to a negative action as noted below. Reasons for continued accreditation include the following:

- a. The institution is subject to an interim negative action by another recognized accrediting agency. ABHE will not reaffirm the accreditation of an institution until a negative action by another recognized accrediting agency has been resolved. During the period of interim action by another agency, the institution's ABHE accreditation remains intact, and the institution is not considered to be under negative action by the COA.
- b. The COA has asked the institution for a follow-up report before making a decision on reaffirmation. In such circumstances, accreditation may be continued for up to two years, if deemed necessary by the COA.
- c. The COA has placed the institution on warning, probation, or show cause. ABHE will not reaffirm the accreditation of an institution until negative action by the COA has been resolved. During the period of warning, probation, or show cause, the institution's accreditation remains intact.
- d. The institution has been removed from warning, probation, or show cause, and has been found by the COA to be in substantial compliance with ABHE Standards but is subject to a monitoring report to verify that reaffirmation of accreditation is warranted before action is taken to reaffirm the institution's accreditation. In such circumstances, accreditation may be continued for up to two years, if deemed necessary by the COA.

## **Warning**

Warning is a negative, public action indicating that the COA has determined that an institution is in substantial compliance with ABHE standards, but meets one or more standards with sufficient weakness that, if the current trend is not altered, the institution is in jeopardy of being found out of compliance with a standard in the near future and placed on probation. The institution retains accredited or candidate status with ABHE during a period of warning, and will be subject to periodic monitoring, which may include progress reports and/or focused visits by COA staff or evaluation teams. If weaknesses are not resolved within the time specified (usually one year), the COA may (1) extend the warning for a second year, (2) place the institution on probation, (3) order the institution to show cause why its accreditation or candidate status should be continued, or (4) withdraw accreditation or candidate status. Warning is rarely extended beyond two years. Rather, an institution that fails to strengthen specified weaknesses by a stated COA deadline is placed on probation.

Warning is not an appealable action.

## **Probation**

Probation is a negative, public action indicating that the COA has determined that the institution no longer complies with one or more of the Standards for Accreditation. The institution retains accredited or candidate status with ABHE during a period of probation, and will be subject to periodic monitoring, which may include progress reports and/or focused visits by COA staff or evaluation teams. Should the institution fail to correct the identified deficiencies within two years, the COA must take adverse action against the institution and remove its accreditation or candidate status. Where there is sufficient progress, the COA may grant a one-year extension of accreditation or candidate status for “good cause” to allow the institution to demonstrate substantial compliance with the Standards for Accreditation. An institution on probation and/or show cause for two years cannot be returned to warning.

A teach-out plan, approved by the COA Substantive Change Officer or the appropriate COA committee, is required for institutions placed on probation. The institution will be required to submit a teach-out plan in accord with specifications in the Policy on Teach-Out Plans and Teach-Out Agreements within 60 days of the notice informing it of the probationary status. If the institution already has an approved teach-out plan on file, a new plan is not required unless changes are necessary.

Placement on probation may be appealed in accordance with the ABHE Policy on Reviews and Appeals. Notification of an appealable action will not be released until appeal options have been exhausted and the action is final.

## **Show Cause**

A show cause order is a negative, public action indicating that an institution's accredited or candidate status will be withdrawn unless it can provide persuasive evidence that such action should not be taken. The time allowed to provide this persuasive evidence is not to exceed one year. A teach-out plan, approved by the COA Substantive Change Officer or the appropriate COA committee, is required for institutions placed on show cause. The institution will be required to submit a teach-out plan in accord with specifications in the Policy on Teach-Out Plans and Teach-Out Agreements within 60 days of the notice informing it of the show cause order. If the institution already has an approved teach-out plan on file, a new plan is not required unless changes are necessary.

In cases where an institution has been on probation for two years, but has failed to correct its deficiencies, a show cause order can only be issued for good cause. In the absence of good cause, the COA is required by federal regulations to remove an institution's status with the COA. The rationale for good cause must be substantive and defensible. A show cause order may be appealed in accordance with the ABHE Policy on Reviews and Appeals. Notification of an appealable action will not be released until appeal options have been exhausted and the action is final.

## **Termination of Accredited/Candidate Status**

Termination of Accredited or Candidate Status is a negative, public action indicating that an institution's or program's accredited or candidate status has been withdrawn.

Termination of accredited or candidate status may be appealed in accordance with the ABHE Policy on Reviews and Appeals. Notification of an appealable action will not be released until appeal options have been exhausted and the action is final.

## **Denial of Initial Accreditation/Candidate Status**

Denial of initial accreditation or candidate status is a negative, public action indicating that a candidate institution or program seeking accreditation has been denied accreditation status or an applicant institution or program has been denied candidate status. Denial of initial accreditation is most often the result of a candidate institution not achieving substantial compliance with the ABHE Standards for Accreditation within the maximum five years from the granting of candidate status and the maximum deadline for achieving initial accreditation. Denial of candidate status is most often the result of an applicant institution not achieving substantial progress toward accreditation within the maximum five years from the granting of applicant status and the maximum deadline for achieving candidate status.

Denial of initial accreditation or candidate status may be appealed in accordance with the ABHE Policy on Reviews and Appeals. Notification of an appealable action will not be released until appeal options have been exhausted and the action is final.

The COA's negative actions may be imposed in an incremental fashion. This does not mean, however, that the COA may not immediately impose a sanction of probation or show cause where the severity of circumstances warrants. Likewise, the COA may take immediate action to withdraw accreditation, candidate status, or applicant status without prior sanction where the severity of circumstances warrants.

## **Appeals**

In the interest of fairness and effective communication, the COA's appeal process provides a 10-day interval to file a written intention to appeal following written notification of a decision to impose a sanction, and an additional 20-day interval to document the appeal in accordance with the procedures outlined in the ABHE Policy and Procedures on Reviews and Appeals. ~~During this period, the affected institution may present mitigating information regarding the evidence upon which the COA's sanctions were based. With the exception of finances, institutions may not provide new information, but they may clarify information that has already submitted. Institutions are permitted an opportunity to provide updated financial information at the time of appeal.~~ The COA Executive Director will not notify the public of the imposition of a sanction until a decision is final. In the event of an appeal, the decision is not final until all steps of the appeals process have been completed. Once a decision is final, the COA Executive Director will immediately inform the institution and other affected entities, including the public, of the decision as required by law and by COA policy.

### **Proposed changes align with proposed changes in *Policy and Procedures on Reviews and Appeals*.**

Adopted October 1991; Revised February 1994, February 1995, February 1997, February 2000, February 2010, February 2011, April 2012, June 2016, July 2020, **PROPOSED January 2023**