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OFFICE OF POSTSECONDARY EDUCATION

NATIONAL ADVISORY COMMITTEE ON  
INSTITUTIONAL QUALITY AND INTEGRITY

(NACIQI)

JUNE 22, 2017

8:30 A.M. - 12:00 P.M.

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1	<b>TABLE OF CONTENTS</b>	
2	<b>WELCOMING REMARKS</b>	<b>3</b>
3	<b>ACCREDITOR DASHBOARDS</b>	<b>7</b>
4	<b>BRIGHT LINES</b>	<b>45</b>
5	<b>SUB-REGULATORY DIRECTIVES</b>	<b>72</b>
6	<b>FINAL AUTHORITY</b>	<b>89</b>
7	<b>MILITARY APPROVAL PROCESS</b>	<b>94</b>
8	<b>MAKING RECOMMENDATIONS TO</b>	<b>96</b>
9	<b>THE SECRETARY</b>	
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		

1 CHAIRMAN KEISER: Good morning, welcome to Day 3 of the  
2 National Advisory Committee on Institutional Quality and  
3 Integrity. Not everybody is here yet but we are going to get started  
4 on schedule. And since we do not have “official business” -- I  
5 think we actually have a quorum anyways.

6 If we could introduce ourselves, Claude for the third  
7 time would you start it off?

8 MR. PRESSNESS: Absolutely Mr. Chairman,  
9 Claude Pressnell, I serve as the President of the Tennessee  
10 Independent Colleges and Universities.

11 MR. FRENCH: Good morning, George French,  
12 President of Miles College.

13 MS. ALIOTO: Kathleen Sullivan Alioto,  
14 Fundraiser for Children Zero to 22.

15 MR. BOEHME: Simon Boehme, Student Member.

16 MR. ZARAGOZA: Federico Zaragoza, Alamo  
17 Colleges.

18 MR. BOUNDS: Herman Bounds, Director of the  
19 Accreditation Group in the Department of Education.

20 MS. HONG: Good morning, Jennifer Hong,  
21 Executive Director and Designated Federal Official.

22 MR. KEISER: Art Keiser, Chancellor Keiser

1 University.

2 MR. WU: Frank Wu, Faculty University of  
3 California, Hastings College of Law.

4 MR. LEBLANC: Paul LeBlanc, President of  
5 Southern New Hampshire University.

6 MS. PHILLIPS: Susan Phillips, University of  
7 Albany State, University of New York.

8 MR. WOLFF: Ralph Wolff, the Quality Assurance  
9 Commons.

10 MR. VAN AUSDLE: Steve Van Ausdle, President  
11 Emeritus, Walla Walla Community College.

12 MS. SCHULTZ: Rachael Shultz, Ed. Staff.

13 MS. LEFOR: Valerie Lefor, Department Staff.

14 MS. ABRAMS: Corrine Abrams, Ed. Intern.

15 MS. DAGGETT: Elizabeth Daggett, Department  
16 staff.

17 MS. MCKISSIC: Stephanie McKissic, Department  
18 Staff.

19 MR. MULA: Chuck Mula, Department staff.

20 MS. HARRIS: Doctor Nicole S. Harris,  
21 Department staff.

22 CHAIRMAN KEISER: Well thank you all for our

1 third day. I especially want to thank you staff because you can  
2 now sit back and relax the decisions that we are required to make  
3 are made and today is a day for discussion on policy, on issues that  
4 we confronted over the last two days.

5 I think we want to make it lively and make it  
6 interesting and more importantly, hopefully helpful as we move  
7 forward you know in working with accreditation.

8 Today what the schedule is going to be, I know we  
9 will get finished before 12. We may get finished before that, that's  
10 my goal. We are going to try not to limit the conversation but try  
11 to keep it within an arena and once we start repeating ourselves I  
12 am going to try to get us to move on.

13 And I'll go over the topics that we are going to  
14 discuss today and I think that again, based upon the input of the  
15 members of the Committee, the first part of the discussion will be  
16 on data and the issue of the student unit record and the issue of the  
17 dashboard and we have a guest speaker to deal with that.

18 The second part well what do we do with all of this  
19 data, what are the bright lines? What bright lines should be or  
20 shouldn't be.

21 The third one is how do we deal with sub-regulatory  
22 directives and that was a big issue yesterday and the day before

1 and talking about how, what is the difference between best  
2 practices versus required practices.

3                   The fourth would be Arthur asked that we talk  
4 about and continue the discussion on NACIQI being the final  
5 authority rather than being just strictly a Board that makes  
6 recommendations.

7                   The fifth will be Jennifer and Herman and Chuck  
8 talking about the military approval process. So I think yesterday  
9 was a little confusing to some, especially some of the newer  
10 members and how that works.

11                   And then finally talking about some of the ways we  
12 make recommendations to the Secretary, can they be a little  
13 different? Do we have to stay with a 12 month review or can and I  
14 think the specific thing, can we just have approval based upon the  
15 receipt of materials and I think that was one of the big discussions.

16                   So those are the six areas that we are going to try to  
17 discuss this morning.

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1                                   **ACCREDITOR DASHBOARDS**

2       But first we want to start and we have a guest. Oliver Schak from  
3       the Office of Planning Evaluation and Policy Development to  
4       continue our discussion on the dashboard that we have been  
5       receiving and using in terms of helping us understand the nature of  
6       the accrediting agencies that we look at and the institutions that are  
7       part of them, Mr. Schak?

8                                   MR. SCHAK: Alright thank you. Jenn do you  
9       have any initial words?

10                                  MS. HONG: I guess just to remind the Committee  
11       that you all probably remember Oliver from the last meeting and  
12       you were so enthusiastic about his presentation that you requested  
13       that he come to every meeting so in between he takes all of your  
14       feedback and we meet about it.

15                                  And he tries to make improvements and it is very  
16       forward thinking on what else we can do with the data to make it  
17       more presentable and meaningful for you all in your review, so  
18       thanks Oliver.

19                                  MR. SCHAK: Alright I'll get going then. Well  
20       thank you Chairman and Committee members. I'm Oliver Schak.  
21       I work for the Office of Planning Evaluation and Policy  
22       Development within the Department of Education.

1                   And as Jenn said I've been working on these  
2 dashboards since they were first released back in June, 2016.  
3 Today I think I'll just go over the dashboards real quickly then I  
4 will go over some changes that were made from the last meeting  
5 and then I'll talk a little bit more about next steps and how we can  
6 continue to improve the information that we present to the  
7 Committee.

8                   I didn't realize it had that -- okay, alright, great. So  
9 I just want to say that as I said at the last meeting there are sort of  
10 three over-arching principles that we have in developing this  
11 information. One is sort of ensuring that the data are as accurate  
12 and consistent across institutions and accreditors as possible and  
13 that's one of the reasons that we really rely on federal educational  
14 data because we feel pretty good that those data are maintained  
15 pretty well and pretty consistent.

16                  We also wanted that to be sort of relevant and  
17 applicable as much as possible to different accreditors and  
18 institutions and as you know that can be somewhat challenging  
19 because of some of the measures don't capture all students and  
20 there is other limitations.

21                  But we do present multiple measures on the  
22 dashboards for that reason to help address that. And then we also

1 want our methods and the process to be as transparent as possible  
2 and we try to release as much documentation as well as the  
3 underlying data so that things are fairly clear to the public.

4           There's really two major components as you can see  
5 to the dashboards. There's the data file and that provides all the  
6 underlying institutional data and that's intended for sort of  
7 researchers in general but also the accreditors, specifically to help  
8 as a tool for them to look at various schools.

9           And I would say that I'm really encouraged by sort  
10 of what I have seen over the last few days that some agencies it  
11 seems like they dug into the data file so one agency is the 90/10  
12 percentage which is in the file, not in the PDF version of the  
13 dashboards.

14           Other agencies were looking at sort of specific  
15 institutions and seeing how that relates to their work. The other  
16 component is the component used mainly by the Committee which  
17 is the PDF versions of the dashboards and that's also to sort of  
18 shed light on student success and outcomes for the general public.

19           I would say you know, the purpose is to show broad  
20 trends and sort of provide context to what's before the Committee.  
21 One thing that I have noticed a little bit and I just feel a little  
22 cautious about is sort of highlighting individual institutions that

1 can be sort of more sensitive to the limitations of the data.

2 I think the purpose is just to highlight broad trends,  
3 especially for the accreditors that have quite a bit of data. One  
4 major limitation I would just point out which I think the  
5 Committee is aware of at this point is that the information for  
6 programmatic and specialized accreditors can be fairly limited  
7 because we really focus on the Title IV gatekeeping role of  
8 institutional accreditation.

9 Next I will cover changes since the February  
10 meeting. I would emphasize that the underlying data have not  
11 changed at all since the last meeting and there are a few reasons  
12 why we did it that way.

13 One is just that there was a fairly quick turnaround  
14 but we also wanted sort of the same data to be out there for a good  
15 period of time so that the accreditation agencies could have some  
16 time to look at it and address it.

17 One significant change we did make was that we  
18 added a one page cheat sheet in the PDF version. What that  
19 provides is sort of a conceptual description of the universe or  
20 cohort that is captured within each measure.

21 So for instance the limitation of first-time, full-time  
22 for completion but also provides some information about the

1 number of institutions or the number of students that are captured  
2 in each measure and that is just to show, give you some sense of  
3 how much information is kind of being displayed overall on a  
4 national level.

5                   And then we also made some small, sort of  
6 formatting and word changes based on feedback from the last  
7 meeting.

8                   In terms of next steps moving forward I think we  
9 will have a more significant revision to the dashboards for the next  
10 meeting that will be our goal. So we will try to get new data in  
11 there so basically another year's worth of data out there but also  
12 we kind of identified three main comments from the Committee  
13 from last time.

14                   One was the limitation on completion that it is  
15 limited to first-time, full-time. It also looks at 100% normal  
16 completion time which can be difficult for some institutions and  
17 also it doesn't transfer in sort of a positive way.

18                   So we agree those are pretty significant limitations  
19 and we are looking at the outcomes measure in IPEDS which  
20 actually does -- will include all students. It's a little bit different  
21 measure than the traditional graduation rate measure. It will  
22 measure out 4 years, 6 years and 8 years after enrollment.

1                   One note on that is there hasn't been a public  
2 release of those data yet from NCES. It's a new component so  
3 they are working out some data quality concerns with institutions  
4 and there is also a pretty significant change in the methodology for  
5 that collection in the 2017-18 cycle. So we do think for those  
6 reasons that it may be a year or two before we can look into  
7 including that data element but I want to point out that it is  
8 something we are considering.

9                   Secondly, adding more context and more  
10 information about how to interpret the measures was another piece  
11 of feedback. I just want to note something about first-time, full-  
12 time. There was some feedback about presenting the percentage of  
13 students who are first-time, full-time to basically contextualize the  
14 relevance of the graduation rate measure.

15                   We did look at that. It turns out what's published  
16 on the scorecard and also in our data file has missing data for quite  
17 a few institutions but we think that we can address that through  
18 some changes to the scorecard methodology.

19                   So we think we might be able to address that by the  
20 next meeting but I just want to point out that because of those  
21 limitations we weren't able to include that on the dashboard at this  
22 time.

1                   And then the third comment from the Committee  
2 was about disaggregating the data by sectors. So I think the  
3 Committee was particularly interested in disaggregating the  
4 information by the level of institution so like 2 year, 4 year.

5                   We are also considering disaggregating by the  
6 control of the institution so public, private, for-profit. One thing I  
7 would put out there is we are thinking about what is the easiest  
8 way to sort of present this information in a way that's easy for  
9 folks to understand and to not make it too complicated.

10                  And one thing we are thinking about and we  
11 welcome comments on this is possibly having interactive tools or  
12 something that folks can sort of customize to whatever cut of the  
13 data they really want to see, so we welcome comments on that.

14                  And then just a final point I would make beyond  
15 next steps is it sounds like there is some discussion on student unit  
16 record and I just want to quickly say that there is no formal  
17 position I don't think from the Department and I'm certainly not  
18 going to comment on the position but I just want to address that up  
19 front.

20                  I would say that, you know, I think the discussion  
21 from yesterday highlighted that there are really trade-offs between  
22 sort of consistency of data, consistency of definitions across

1 institutions nationally versus sort of having data that serves sort of  
2 specific sectors or data that has enough depth or granularity and  
3 those are tough problems to address.

4 I would also point out that, you know, we generally  
5 deal with aggregate data. That's generally what the higher Ed data  
6 landscape looks like right now and there are some trade-offs in  
7 terms of the granularity of the aggregate data you publish and  
8 privacy concerns because if the cell sizes are too small for  
9 aggregate data, that can essentially become like publishing  
10 individual level data.

11 So I want to point out that there are still constraints  
12 with aggregate data and I would finally just note to assure people  
13 that I think there are quite a few protections in place within the  
14 Department for assuring privacy for the individual data that we  
15 currently have.

16 And there is also, as you may know, there is a  
17 number of laws assuring this and they also include criminal and  
18 civil penalties for disclosing data for reasons that are not a  
19 legitimate purpose. So with those comments I think I will open it  
20 up to questions and comments.

21 CHAIRMAN KEISER: First of all let's just say  
22 thank you for joining us and Frank?

1                   VICE CHAIRMAN WU: Sure just thank you. One  
2 very quick question -- I think having data is great. All decisions  
3 should be based on data. I'm mindful though and I'll always try to  
4 think about the cost of data.

5                   So how many person hours does it take to put  
6 together the dashboard? Is it just you, is it 10 people, is it 100  
7 people, is this 100% of your time? Just so that we can assess to get  
8 the data how much taxpayer money do we have to spend to  
9 compile this?

10                  MR. SCHAK: I think it is a typical answer  
11 precisely and the reason why is I think the actual aggregation of  
12 data into the dashboards is not a huge lift, I think it is a significant  
13 lift.

14                  You know it does take up some fraction of my time  
15 as well as other's time but I think where there really is a lot of  
16 effort is in the data elements themselves. So I know College  
17 Scorecard which is where much of the data comes from, does take  
18 up a significant level of effort in generating those data.

19                  VICE CHAIRMAN WU: Could I repeat back what  
20 I heard you say which is that the incremental work to do what  
21 NACIQI wants isn't that much but the underlying work that you  
22 have to do for the scorecard is substantial, do I have that right?

1 MR. SCHAK: The scorecard and the other data that  
2 we provide.

3 CHAIRMAN KEISER: Ralph?

4 MR. WOLFF: Thank you I have a few questions if I  
5 could to understand better. You said that you are going to be able  
6 to do more comprehensive reporting and I'm not quite clear  
7 without a unit data record system how would you be able to have  
8 information on all students not just full-time, first-time?

9 MR. SCHAK: So I think you are referring to the  
10 completion measures specifically?

11 MR. WOLFF: Right.

12 MR. SCHAK: So NCS has been having institutions  
13 report completion outcomes for all students for -- they added a new  
14 component to IPEDS.

15 MR. WOLFF: Assuming they have it accurately.

16 MR. SCHAK: Yeah I mean the institutions still  
17 have to find a way to report that, yeah.

18 MR. WOLFF: So they would be able -- so the  
19 reporting metrics or data definitions would include transfer  
20 students, those who start in spring semester, in and out students  
21 and the likes. There are definitions that would enable that to be  
22 reported?

1                   MR. SCHAK: Yes so it includes basically four  
2 cohorts: first-time, full-time, first-time, part-time, transfer full-  
3 time, transfer part-time.

4                   MR. WOLFF: Great. I also want to say that I  
5 really appreciate that it is the percentage of IPEDS, what  
6 percentage the full-time, first-time represents I think will be a real  
7 advantage, certainly for us in looking at the data.

8                   One of the questions or issues raised yesterday or  
9 two days ago I guess by one of the agencies was the significant  
10 difference between different metrics that are used on the  
11 Department's website. So I went to the College Navigator and the  
12 Scorecard for an institution that is a few miles from my home and  
13 on the Scorecard the graduation rate for this university is listed at  
14 43% and on the College Navigator it is listed at 88%.

15                   Hello? I mean I don't understand -- how would  
16 anyone understand if they even are aware that there is a Scorecard  
17 and the Navigator and there may be other public data sets. I know  
18 that there are non-profits that have them. But I am trying to  
19 understand how do we make sense of that?

20                   I'm not sure I know how to make sense of the  
21 disparity of the data. The same is true on tuition data. The net  
22 price, the tuition between the Scorecard and the Navigator are

1 substantially different.

2                   So I am just wondering is there any correlation or  
3 are these completely different data sets?

4                   MR. SCHAK: Yeah I mean that's something I can  
5 definitely take back with me. I think that's a pretty large  
6 discrepancy between the two. My experience has been looking at  
7 the data is generally there are some small differences that relate to  
8 basically differences in the -- not the underlying data, but the  
9 methodology.

10                   So Scorecard -- one thing Scorecard does and I  
11 don't think we do this in the dashboard but one thing it does is it  
12 pulls together multiple years of data for the graduation rate so it  
13 pulls two years together.

14                   So if it is a small institution where it fluctuates that  
15 can make a difference. There can also be just differences in timing  
16 because the Scorecard is released sort of annually at a someone  
17 different cadence than IPEDS and therefore College Navigator.

18                   MR. WOLFF: There's a random sample of one.

19                   CHAIRMAN KEISER: It's not random.

20                   MR. WOLFF: Okay well I'm just -- I think it is  
21 something for the public which one do you want them to use and  
22 they both represent very different approaches to what data is

1 collected and how it is represented. So I am in the same quandary  
2 that I think the Agency was about -- our data is based only on the  
3 Scorecard if I understand that correctly that we get from NACIQI.

4 So that would be the most accurate or the most  
5 comprehensive set or it will be -- so I'm just -- if the Navigator has  
6 substantially different information should we be getting that, or say  
7 that there are different ways at getting that this information.

8 MR. SCHAK: Yeah I would say there are tradeoffs  
9 between different sources you use. I think College Scorecard, one  
10 strength of that is it kind of pulls together lots of different pieces of  
11 information together including the earnings information, some of  
12 the other data.

13 Alums, that aren't necessarily IPEDS but I think  
14 that there is also trade-offs in terms of having the most recent data  
15 possible so like IPEDS is a primary data source so that's like the  
16 most recent information and I'd welcome sort of comments on how  
17 we should weigh those priorities.

18 MR. FRENCH: Good morning just to follow-up.

19 CHAIRMAN KEISER: Okay do you want to do  
20 this or do you want to go into our general conversation?

21 MR. FRENCH: There was just a follow-up on  
22 Frank's question I thought it was a good question. What is the

1 actual human resource that's working on the data sets, the College  
2 Scorecard as well as the Navigator -- that's what Frank was  
3 asking?

4 Is it one person, is it 10, what are we looking at?

5 MR. SCHAK: I couldn't -- I honestly don't know.

6 I could precise estimate but I would say on both projects it is  
7 several people and its significant and I would again repeat that, you  
8 know, generally aggregating data is a little bit of a lower lift but  
9 creating data is a little bit more of a lift.

10 CHAIRMAN KEISER: Okay well thank you and  
11 you are certainly welcome to stay and be part of the -- oh Kathleen,  
12 I don't know you blend into that wall there, I miss you all the time,  
13 I'm so sorry and then Steve, okay, let Kathleen go first.

14 MS. ALIOTO: I'm wondering this is the Scorecard  
15 rather than you but with communities colleges and the community  
16 colleges educate almost half of the people in America -- but the  
17 enrollment data is only on full-time so that it looks like the  
18 community college has far fewer students than they actually  
19 educate.

20 So can't there be a full-time students and part-time  
21 students? And since so many community college students are part-  
22 time students that there could be a total analysis of them as well in

1 terms of their success.

2 I mean I took Italian for years at a community  
3 college in San Francisco and probably my success rate wasn't that  
4 great but I think the students who are in programs that perhaps  
5 benefit the community and jobs and so forth should also be  
6 isolated out because they are a big part of our population.

7 MR. SCHAK: Yeah I mean that's definitely  
8 concern about first-time, full-time for measures that are limited to  
9 that yeah.

10 CHAIRMAN KEISER: Steve?

11 MR. VANAUSDLE: Yesterday we had  
12 presentations from WICHE and the Clearinghouse and it seemed  
13 like there is a lot of research work being done on continuing to  
14 develop data sets there that are pretty darn comprehensive. Can  
15 some of that data be integrated into your system to give us more  
16 complete information on enrolled students?

17 MR. SCHAK: So I think the challenge is that we  
18 want information that is sort of consistent and includes all  
19 institutions across the country. So they are working on that and I  
20 think I would say -- one thing I was going to say in my remarks is I  
21 think they did a pretty good job along with the National Student  
22 Clearinghouse sort of explaining the limitations to their universe as

1 well as the challenges in sort of accurately mapping together  
2 different data sets.

3                   The other thing I think we really want to be sure is  
4 sort of having transparency over their methodology and that  
5 includes insuring that they are following sort of our standards in  
6 terms of not only data quality but student privacy and things like  
7 that.

8                   CHAIRMAN KEISER: Ralph?

9                   MR. WOLFF: This is a data question. When I look  
10 at the disaggregation there are wild differences between program  
11 completions within institutions. So as you move toward a more  
12 comprehensive data set for all students will the disaggregation be  
13 able to go down to the program level?

14                   Will it also be able to say what are the -- maybe it  
15 already does, but what are the completion rates for PELL or for  
16 different racial or ethnic groups. A lot of this is for understanding  
17 the data more but I'm thinking also in our role of the range of  
18 graduation rates that can be very low and stem very high in some  
19 other areas.

20                   Also for PELL recipients it could be very different  
21 for PELL recipients and others. So could you say a little bit more  
22 about what disaggregation will expect to get?

1                   MR. SCHAK: Yeah so the current graduation rate  
2    which will continue to exist it's omitted for some full-time but it  
3    disaggregates as you probably know by race ethnicity as well as  
4    gender.

5                   The outcomes measure component -- the way they  
6    are currently collecting it, it is a little bit different. To my  
7    knowledge it doesn't disaggregate by race ethnicity or gender.  
8    However, it does in the future it will disaggregate by PELL status.

9                   So that's one thing that we will be gaining in the  
10   future is being able to see the differences of PELL students versus  
11   non-PELL students. And if you are just wondering, you know,  
12   why some things are disaggregating one way versus the other I  
13   think some of it is sort of the balance of, you know, what's the  
14   reporting burden for institutions.

15                  And that's something that I think NCI is  
16    considering.

17                  CHAIRMAN KEISER: Federico?

18                  MR. ZARAGOZA: Certainly one of the areas we  
19    were focusing on is outcomes and we are beginning to get more  
20    and more data on job placement and wages. On the other hand it is  
21    mostly self-reported and I'm not really sure how we can improve  
22    our job placement indicators, any thoughts on your end on what's

1 being done to address that issue?

2 MR. SCHAK: So I think in terms of federal data,  
3 you know the ten year median earnings ten years out. There are  
4 some limitations in terms of being able to see -- so with other data  
5 sets like let's say what some states have in their unemployment  
6 insurance data they can see other things like employment on a  
7 quarterly basis.

8 You know I think pretty much what we have  
9 published is kind of the best you can do with the data set we are  
10 working with which is what IRS has from W-2 as well as what  
11 self-employed individuals report.

12 But I think last time there was a comment about  
13 well can you measure further out? And that is something we are  
14 looking at a little bit so it turns out NSLDS has enrollment  
15 information going back to the late '90's so we maybe have an  
16 ability to go a little bit further back.

17 That's something we can look into. It is a question  
18 of level of effort and it is another agency so working with that  
19 agency as well.

20 CHAIRMAN KEISER: Well thank you. This is  
21 the beginning of a conversation. Obviously we have heard about  
22 multiple data collection processes. It doesn't seem like most of

1    them speak to each other so that creates kind of a problem. It  
2    provides us the problem of how do we try to create a system of  
3    accountability when we are not sure that the data is where we need  
4    it to be.

5                   And one of the proposals is to credit the student unit  
6    record. Is there someone on the Committee that would like to  
7    speak -- because I know one person would speak against it, right  
8    Claude?

9                   But if we can have someone to speak for it and why  
10   that's so important I think that would begin the debate and the  
11   discussion.

12                   VICE CHAIRMAN WU: Do you mean right now  
13   at this minute?

14                   CHAIRMAN KEISER: Right now, right this  
15   second yeah. Help us understand.

16                   MR. PRESSNELL: Mr. Chairman could we  
17   preface something here though. First of all to say that I'm against  
18   it is I think a slight misrepresentation. I think there's a way to get  
19   at it --

20                   CHAIRMAN KEISER: Colleges and universities at  
21   least at this point are opposed to it.

22                   MR. PRESSNELL: Right but in Tennessee the

1 majority of my campuses are working in an environment with the  
2 Tennessee Longitudinal Data System. I guess what I would like to  
3 do though is just have a brief reminder of who we are and what we  
4 are doing here.

5 I think that that's important because we are talking  
6 about getting down to the student level. NACIQI's role as I  
7 understand it and I'm a newbie here so you could correct me on  
8 this -- is to recognize accrediting agencies that accredit institutions  
9 and the institutions are about primarily delivering its successful  
10 educational programs so that the students can persist to graduation  
11 on time in the program of choice.

12 We are a long way removed from that student. I  
13 don't doubt that we need data but our role is to make sure that  
14 accreditors are doing what they need to be doing and so I just think  
15 -- I think we need to make sure that we differentiate our personal  
16 desire and what we want to know versus what we need to know as  
17 an organization in order to do our work.

18 CHAIRMAN KEISER: I fully agree with you in  
19 that's what we should be doing however over the last couple of  
20 meetings we have gotten down to a level whether it be student  
21 complaints, whether it be placement rates, whether -- and in one of  
22 the agencies validation of the placement rates was an absolutely

1 critical concern of this Committee against an agency.

2                   So we have gotten down to the granular level in  
3 holding agencies accountable. So this is where a lot of this at least  
4 in my mind, and I may be wrong, but from a perspective of, you  
5 know, if placement -- and Federico just brought it up. This is  
6 considered to be a critical outcome certainly in the vocational,  
7 technical areas -- how do we hold an institution, an agency,  
8 accountable if in fact we really don't have accurate data?

9                   And certainly the Department has made an effort in  
10 terms of certain regulations that is holding institutions which  
11 would then hold agencies accountable for graduation placement,  
12 graduation salaries, salaries that are expected of students who  
13 graduate from a program as it relates to their student loan.

14                   So unfortunately I would agree with you  
15 philosophically that we shouldn't be down at that granule level but  
16 we have been forced into maybe you call it the gutter. I don't  
17 know but certainly into an area that is why we are talking about it.

18                   So I'm going to ask Susan and then Frank and then  
19 we can start this debate.

20                   MS. PHILLIPS: Thank you. I want to just make a  
21 case for information proceeding debate. I'm interested in learning  
22 a bit more about student unit records. I'm not convinced that they

1 are critical to our task but they might be.

2 I'd be particularly interested in learning from the

3 accreditors that we recognize how they deal with their data

4 problems, both at the level and the incompleteness of them.

5 Actually I don't quite feel like I have a grasp on what level of data

6 the accreditors work with. I get what we work with but what

7 accreditors work with and I would be interested in learning some

8 more about that.

9 And you know at present I was very interested in

10 hearing about the Clearinghouse information on the WICHE

11 projects. Those are helpful perspectives but they are not the

12 national perspective and I would be interested in some presentation

13 on that.

14 I'm not entirely sure what if that was intended to be

15 a complete presentation yesterday of the full range of issues about

16 student records but I expect that there's more information to be had

17 that might benefit -- might necessarily precede the discussion or

18 debate on our part.

19 CHAIRMAN KEISER: Frank?

20 VICE CHAIRMAN WU: So I'm going to attempt

21 to do what the Chair has asked and then do a little more. I'm going

22 to make three points. The first is why we, NACIQI, should be

1 talking about the issue.

2                   Second is the argument as I understand it for a  
3 student unit record system. I'm going to do what lawyer's do and  
4 third I am going to present what I understand to be the arguments  
5 against a student unit record system. So I am going to try to  
6 explain both sides in as neutral and intelligible manner as possible.

7                   First why should we talk about this? I would offer  
8 two reasons, A -- because we are an advisory body not strictly  
9 limited to just looking at the agencies. Since we were reconstituted  
10 in 2009 we have often looked at policy issues.

11                   We have issued white papers, we have been doing  
12 this for some time and those white papers have been received by  
13 the Department, by Congress, they have been commented on and  
14 nobody has objected that it is beyond our purview.

15                   So my own view is so long as it is tied to  
16 accreditation in some way. So if we just did a white paper on the  
17 NCAA for example, and it had nothing to do with how higher  
18 education is accredited -- Claude I would take very seriously your  
19 concern that we have just wondered off and done something that  
20 we shouldn't be doing.

21                   But if we did something about athletics in so far as  
22 it is related to accreditation I would see that as entirely appropriate

1 because college athletics are a big part of what institutions are  
2 concerned about and it is a big part of what the agencies that come  
3 before us have to look at.

4           And it has been suggested, and I am not judging any  
5 particular case, that some accrediting authorities have not been as  
6 diligent as they should be as accreditors about athletics. So I am  
7 not saying we should delve into athletics. I'm saying we should  
8 delve into accreditors and how they oversee athletics in so far as it  
9 is related.

10           So student unit records -- so B -- student unit record  
11 in particular seem especially apt because without the data the  
12 accreditors can't do anything. This whole process runs on reams  
13 and reams of data.

14           Every one of us seated at this table has been  
15 involved in site visits. And I remember back in the day before  
16 everything was on a flash drive you would get two or three boxes  
17 just overwhelming amounts of data filled with binders and reports  
18 and whatnot.

19           Now you get a drive and you open it up and you  
20 look and you see wow, there are 25,000 pages of documents on  
21 this drive. I can't look at all of them but it is all data. So student  
22 unit records in particular seem to me because it is about data to

1 really get to the heart of what NACIQI's work is about and what  
2 the agency's work is about which is assessing what's actually  
3 happening.

4           So second -- what's the argument? Hereto I would  
5 say an A and a B. A -- Without the data you can't figure out  
6 what's going on. The accreditors can't figure it out, we can't  
7 figure it out, the public can't figure it out and data in particular  
8 there's an emerging non-partisan or bi-partisan consensus and  
9 there is a an issue under the Higher Education Act to the extent  
10 that NACIQI can get into this.

11           But there is a consensus that somebody somewhere  
12 ought to be paying attention to actual student learning outcomes.  
13 What do students get as a return on investment and what do the  
14 taxpayers get with the public money flowing billions into the  
15 system for that money?

16           And the only way to assess that is -- either we sit  
17 around and speculate and guess and offer anecdotes, well this is  
18 what I know from my campus or we undertake some objective  
19 systematic effort to get data.

20           So A -- the data is useful for a very specific  
21 purpose. You know I don't believe in just data gathered for, you  
22 know, the sake of having art you know and just poking around in it

1 for theoretical purposes.

2                   The data here is about specifically student learning  
3 outcomes. B -- why a student unit record system? Because the  
4 existing data has all of these problems in particular because it  
5 tracks only the first-time student and as I understand it, a majority  
6 of college students today are not first-time, first-institution, zero-  
7 transfer and out in four years.

8                   So that traditional picture that we have of an 18 year  
9 old going in and exiting four maybe five years later now  
10 constitutes a minority of people in the system and a distinct  
11 minority.

12                   So the data that we have is only capturing this little  
13 incomplete distorted weird picture that leaves out way too much  
14 community college students, not traditional age students, transfers  
15 so unless someone builds something that has that, what we are  
16 looking at is just not right.

17                   You know data is only useful if it is accurate. If it  
18 is not true it is not a fact and if we have only part of it we are not  
19 getting it.

20                   So three -- what are the arguments against? And  
21 my sense is three primary arguments against which I take very  
22 seriously. Maybe at the end of the day we conclude that these

1 arguments will carry the day.

2           A -- Cost. Cost of data. Data is not free. People  
3 say data wants to be free but it is not free to generate compile to  
4 publicize. So maybe we conclude that trying to get this data  
5 requires such a vast bureaucracy we just don't want it, so that's A.

6           B -- There is a concern about federal government  
7 authority and intrusiveness of the appropriate role. The federal  
8 government versus state government versus private actors and  
9 maybe that we or legislators decide it is not appropriate because of  
10 our notion of federalism.

11           And C -- There are significant concerns about abuse  
12 primarily related to privacy but other forms of abuse that this data  
13 will be taken and used by someone for purposes that are not noble  
14 and good and that once it is out there in the wild weird things will  
15 happen.

16           So I've tried to explain in my view why it is  
17 appropriate for us to talk about this, the argument in a summary  
18 form for some type of student unit record system as well as the  
19 argument against. I hope that is useful.

20           CHAIRMAN KEISER: Frank I am going to enroll  
21 in your class. Comments -- I thought that was a real way to tee it  
22 up, go ahead Kathleen?

1 MS. ALIOTO: Oh that was brilliant, God. Thank  
2 you. Could you -- I'm concerned about data that will improve  
3 student learning outcomes and what kind of data is there on the  
4 Scorecard -- on the dashboard?

5 Is there data that will sort of alert other institutions,  
6 alert institutions about what to do to improve student outcomes? I  
7 mean we have gurus in this room who are doing that at their  
8 institutions. Our retired Emeritus President here but that's not  
9 common knowledge.

10 And I think if that could be somehow included in  
11 the data it would be very helpful.

12 CHAIRMAN KEISER: At least from my  
13 perspective Kathleen, I think the data and correct me Frank, one of  
14 the challenges with not having a student unit record and I am very  
15 ambivalent so I am not going to say one way or the other but a  
16 student who starts at my school may move to San Francisco and  
17 then go to your school and then go from San Francisco and go to  
18 Washington and your school Steve.

19 And that student is counted really three times, you  
20 know, depending on where the data is rather than we don't know,  
21 you know, it may be counted against me because he was not a  
22 completer but he transferred to you and it maybe it counts against

1 you because he wasn't a completer with you.

2                   And then he went to Steve, Steve gets the credit and  
3 I don't like that Steve. So it's really a challenge. When we use  
4 this data to make decisions of quality which is what our job is to  
5 provide quality assurance, the data is not as accurate as it could be,  
6 is that a fair statement?

7                   VICE CHAIRMAN WU: Right, from everything  
8 that we have heard so far as I understand, nobody has said whether  
9 they like the idea or not that the existing system is accurate  
10 completely. Everyone says the existing system is not accurate in  
11 some significant way.

12                   CHAIRMAN KEISER: Steve and then Paul?

13                   MR. VAN AUDDLE: I'm wondering if the  
14 question isn't and maybe we don't need as much data as we think  
15 we do for our role but we are very interested to see that the  
16 agencies are having the institutions develop the data systems that  
17 inform planning decisions and outcome decisions.

18                   So we have said in our paper that student  
19 achievement is really important and accreditation has a role in  
20 enhancing student achievement in this nation.

21                   So what we need to do is -- I mean we heard  
22 examples of WICHE and the Clearinghouse, there are sources of

1 data out there. What we need to be darn sure is that the agencies  
2 that we are accrediting are requiring this of the institutions  
3 throughout the nation.

4                   That we are moving the arrow forward to get the  
5 information that shows what all the institutions are producing. I  
6 think the benefits -- my own assumption is the benefit of the higher  
7 Ed system is significantly understated. We don't do the value  
8 added as we talked about, but there is a lot of emphasis on this and  
9 I think our statement should be you know, we expect much higher  
10 levels of student achievement in this nation going forward  
11 considering the federal investment and the state investments.

12                   And we expect the accrediting agencies to work  
13 with their members to develop data systems that give us the  
14 information so that it gives us confidence when these agencies  
15 come before us that they are moving this need for accurate and  
16 timely information for decision-making forward.

17                   It really makes a difference if you inform at the  
18 local level in terms of what the occupational needs are of your area  
19 so you can align programs. We didn't even talk about that. But if  
20 you are not going in the right direction then it doesn't matter --  
21 your graduation rate.

22                   And then we need to know how the students are

1 getting to those certification levels, those milestones indicate that  
2 they have achieved a level and that they can be productive citizens  
3 in our society.

4           That's a little different look at it is that our role to  
5 develop a big federal comprehensive data system or is it our role to  
6 ask the accrediting agencies and everyone that has an investment in  
7 the higher education game to work together to get the best data we  
8 can so that we have evidence to show that the federal government  
9 should be making a larger investment in education let alone trying  
10 to justify what we are doing now.

11           We are not moving ahead on educational  
12 attainment, we are falling behind. At a macro level we know that.  
13 So that's a little different take on it.

14           CHAIRMAN KEISER: Paul, Kathleen, Ralph?

15           MR. LEBLANC: I think generally speaking when  
16 you look at the good work that WICHE's doing or that Claude is  
17 helping lead in Tennessee you see us moving more and more  
18 towards an acceptance of collecting more student data to get better  
19 insights and optics into how we are doing.

20           Right -- how we are doing as a society that pours  
21 billions of dollars into higher Ed. However if I look at the college  
22 Scorecard for as much as I applaud the direction it moves us in, I

1 don't recognize my institution.

2                   And a student who is trying to assess my institution  
3 would not have a very accurate view of it if they would look at the  
4 Scorecard. There is no programmatic data, so that varies widely  
5 the degree to which your earnings will sort of -- you know, the  
6 ratio of your earnings to the moderate debt you take on will be  
7 influenced greatly by the decision to be an early childhood  
8 educator versus a finance major going to work on Wall Street.

9                   So these are -- when I look at the way that our  
10 numbers have been aggregated and the way that full-time, part-  
11 time students are treated, it doesn't give you an accurate sense of  
12 how big we are so we can't even get an accurate sense of the size  
13 of the institution in any meaningful way for someone trying to  
14 understand who we are.

15                   If you use California Kathleen, as an example, the  
16 California Community College system it's only about 22 to 25% of  
17 those students who take PELL grants and about 3% of them take  
18 loans. It is not because they aren't poor in many instances it is  
19 because the cost of the community college is so low.

20                   So as a result 75% of the students in the largest  
21 community college system in the country are not captured very  
22 well in the data. So you have unavailable to us and to the



1 there was confusion on dates for one of the speakers -- Kathleen,  
2 Ralph then Claude.

3 MS. ALIOTO: Steve responded with occupational  
4 information. I remember at City College trying to get that  
5 occupational information to inform what we were doing but there  
6 was a certain amount of pushback on that and I'm going down the  
7 wrong way -- what else besides occupational information should  
8 be included -- should a college be looking at?

9 And Paul with you, what are the pieces of  
10 information that you use in order to inform what happens for  
11 students?

12 MR. LEBLANC: Yes so we want to look at things  
13 -- first of all we want to look at it at the programmatic level  
14 because they rate changes and so on.

15 From an institutional lens we want to look at the  
16 data from programmatic level. We want to take a look at what  
17 happens after students graduate. We want to take a look at their  
18 ability to pay back any debt that they have taken on and the ratio to  
19 their earnings.

20 So there are a whole set of those things which are  
21 well-established data points. I think from a consumer perspective I  
22 think to over simplify, people need to be able to ask the question

1 how does a student like me, however you define like me -- how is  
2 a student like me supported at this institution which I am  
3 considering?

4                   So that gets you into economics, it gets you into  
5 academic preparedness and performance, socio-economic  
6 questions et cetera. And I think again, good researchers are trying  
7 to get a handle on that. Is this an institution that serves well  
8 students of color, marginalized student populations, students who  
9 come from low incomes -- those are the kinds of question from a  
10 student perspective I am always interested in.

11                   CHAIRMAN KEISER: Ralph?

12                   MR. WOLFF: Yeah I -- despite the good efforts  
13 with the Scorecard and to provide us all of this information my  
14 concern is that the incompleteness has led us in very troubling  
15 directions in inquiring of agency representatives.

16                   I think a case in point is the conversation about  
17 bright lines relying on data that is provided when we heard from an  
18 agency representative that the institution in question had an IPEDS  
19 first-time, full-time cohort of 4 students and with a zero graduate  
20 rate in four years.

21                   But we could be totally misled because we are  
22 looking at data here that is so -- in some cases, grossly incomplete

1 and my concern is that there are many institutions that I think are  
2 seriously underperforming but we are not getting access to the  
3 complete picture.

4 And we are having conversations on only the small  
5 portions of data that are under the lamppost if you will. For many  
6 of the institutions that would be characterized as seriously  
7 underperforming IPEDS does not include the vast majority of the  
8 students.

9 So in 2012 this Committee made recommendations  
10 around the need to improve data. I appreciate the efforts that were  
11 made to use this Scorecard data to give us information. I think a  
12 really helpful element will be if as soon as possible we can get the  
13 information but what percentage the IPEDS data, the first-time,  
14 full-time is represented in the information that we get!

15 So are we talking if it is 100%, 90% or 2% of the  
16 student population to be able to make judgment but that's at an  
17 institutional level, we are getting an aggregate level per agency and  
18 so I am deeply concerned that as much as this information is  
19 helpful it can steer us in the wrong direction around the  
20 underperforming where there might be underperformance by  
21 institutions.

22 With respect to the national system I think there is a

1 difference between a national and a federal system. And there is  
2 legislation being proposed for a federal system and I think  
3 Congress will need to debate out whether or not there should be a  
4 federal system and the issues there.

5 I, for one, believe there definitely needs to be a  
6 more comprehensive system and I am encouraged if it is possible  
7 that some of the efforts we heard yesterday, whether it is WICHE  
8 or the National Clearinghouse could provide information.

9 We heard yesterday that several of the regionals are  
10 working with the National Clearinghouse to get information. So I  
11 guess in terms of what we as a Committee might do, there are two  
12 things. One -- I would like to go on record as saying we need  
13 better data and as quickly as possible to inform our judgment along  
14 with the data sets we are getting.

15 And I don't know how quickly we will get some of  
16 the improvements that we heard this morning on the Scorecard  
17 data. But with respect -- if there are several regionals that are  
18 working with the National Clearinghouse I would ask or  
19 recommend that we invite those regionals to provide us, when they  
20 come before us a data set that the National Clearinghouse provided  
21 them which is 97% of the students presumably or at least that in  
22 their region so that we have an alternative set of data in addition to

1 the one that the Department is providing us that is more complete  
2 and that can give us more information about -- total information.

3                   And in talking with Dr. Shapiro yesterday indicated  
4 three regions are, let's start with those and at least get more  
5 information. I don't want it brought to us in advance. It is not the  
6 information that is required under the recognition regulations but I  
7 would invite that we ask for that data as we did with the pilot and  
8 ask if it could be provided to us in advance of the meeting so that  
9 we can compare those data sets with the ones that we are getting  
10 with the scorecard.

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1 idealistic but I'm thinking that if we could again provide -- if  
2 institutions can gather the data, have it analyzed in a comparative  
3 fashion for them to be successful and to continue to improve then  
4 actually our job gets easier because then there are less bad players  
5 out there and we are having institutions be far more successful.

6 I think a way to do this is again to keep the data as  
7 close to home as possible, especially from a governance  
8 standpoint. The reason why over half of my 34 member  
9 institutions are involved in the Tennessee Longitudinal Data  
10 System is because they are part of the governing makeup of how  
11 the data are submitted and how the data are used.

12 But they are in there -- and by the way let me just in  
13 a parenthetical -- when we sit down with all the stakeholders  
14 providing data into the system the education community was  
15 probably the most encouraging about providing data. It was the  
16 Department of Labor that we nearly couldn't get them to do  
17 anything.

18 You think we are protective? Wait until you start  
19 working with some of these other government agencies and they  
20 go, "There's no way we are putting our individual data into that  
21 system." And it took us a long time to get it -- it took us three  
22 years to get some of the partners.

1                   But the structure that we have is where the  
2 institutions -- it's a complex governance structure where people  
3 have control over what's happening to their information. Even I  
4 would say with the student -- the Clearinghouse data, the data are  
5 put in there but they still have some control over how the data are  
6 used.

7                   Now I don't have any problem with saying that  
8 there ought to be -- if you are going to put your information in you  
9 need to agree to be a part of certain dashboard. We do that in  
10 Tennessee.

11                  But I think that the reason that we were able to do  
12 and so it goes into the Tennessee system, the Tennessee system is  
13 starting to talk to other states so we are trying to get the  
14 conversation up a little bit more. But the reason it is successful is  
15 because the institutions feel as if they have got some control over  
16 what's happening to information related to the students under their  
17 care and they want to be good stewards of the information under  
18 their care but they also want to be able to improve.

19                  So you know, to me the primary purpose is for  
20 institutional success which is ultimately student success. And then  
21 secondarily for accountability -- if we can get good data in the  
22 system it will provide sufficient information for us to be good

1 stewards of our accountability function.

2                   But I think the primary role of student success is  
3 incredibly important. The other thing that I want to say just real  
4 quickly, a lot of things that we keep talking about student learning  
5 outcomes, but then we talk about wages.

6                   Wages are not student learning outcomes okay.  
7 Student learning outcomes deals with knowledge acquisition and  
8 manipulation of that knowledge to be able to apply it to complex  
9 world situations faculty are able to evaluate.

10                   Graduation rates are an outcome -- a student  
11 learning outcome. But I want us to just really be careful on this  
12 proxy on wages and not only that but let us please be careful and  
13 not equate a high-quality degree to high-quality wages.

14                   If we do we will eliminate our educators, our law  
15 enforcement officers, we will totally disenfranchise rural  
16 communities so let's be careful. So we are going to have to still,  
17 once we get it all in there we are still going to have to cut it various  
18 ways to determine -- which leads us to the bright line discussion.  
19 It is so difficult to just say well we have bright lines as well.

20                   And especially like on graduation rates. I'll tell you  
21 the best way to always be above the bright line, only admit people  
22 with higher qualifications as they come in -- forget about those

1 who are underqualified which then creates huge disparity but I will  
2 let you, Mr. Chairman, carry that discussion.

3 CHAIRMAN KEISER: Jennifer, before we start  
4 the bright lines go ahead.

5 MS. HONG: Yes before we move on I just wanted  
6 to comment on NACIQI's role. When we prioritize NACIQI's  
7 work we are looking at NACIQI's role as a compliance and  
8 enforcement entity so we really are prioritizing the review of  
9 agencies and having a deliberative discussion so that we can  
10 forward those recommendations on to the senior Department  
11 official for decision.

12 So that is really the bulk and the primary focus of  
13 NACIQI's work. And where the data comes in is NACIQI's  
14 assessment of the appropriateness of accreditation standards,  
15 particularly with regard to student achievement.

16 So under student achievement, NACIQI makes an  
17 assessment as does the staff regarding the appropriateness of how  
18 the accreditors assess student achievement of its institutions and  
19 that includes as appropriate: state licensure exam pass rate,  
20 placement data and as appropriate NACIQI has in the past years  
21 asked for data to inform their analysis of these issues.

22 So that's the big compliance bucket that NACIQI's

1 work falls into. There's also I guess another bucket, a policy  
2 bucket, where NACIQI does have the authority to forward  
3 recommendations to the Secretary regarding the eligibility and  
4 certification process of institutions and the relationship of the  
5 eligibility and certification process of institutions of state licensing  
6 responsibilities.

7                   So in trying to move that discussion forward  
8 naturally you know, data, big data -- I know the conversation that  
9 NACIQI has requested information that's how the dashboards  
10 came to be and we recognize the limitations of those data.

11                   Nonetheless, it has been an explorative process and  
12 inquiring from the agencies what kind of information data they  
13 receive from institutions, trying to get a better handle and grasp of  
14 that as well as using the dashboards and the information about  
15 institutional performance to -- in light of the limitations, to inform  
16 the work that NACIQI does, both in the compliance realm as well  
17 as in the policy realm.

18                   CHAIRMAN KEISER: Thank you Jennifer. Now  
19 we would like to move from the collection of the data -- so what do  
20 we do with it. And in fact Ralph if you remember many, many  
21 years ago you and I had this big argument over bright lines. I  
22 don't know if you remember but I certainly remember it.

1                   And it was two administrations ago and our role  
2 with that has evolved as have many of the agencies evolved in  
3 establishing bright lines. And you know, the question is should we  
4 require it, should we encourage or require agencies to make a  
5 determination of when have they made an evaluation of institutions  
6 that are performing versus those that are not performing and what  
7 is it that they want to measure?

8                   Is it the outcomes or is it the learning outcomes  
9 which you know, as I think Claude just said, very different in terms  
10 of, you know, what are the questions that should be asked. So  
11 even I find myself yesterday questioning one of the either the  
12 biblical or the pastoral -- I don't remember, the 25% and in my  
13 mind if you have a 25% graduation rate you therefore have a 75%  
14 failure rate which just doesn't play well with me.

15                   But that is not the role I should play and it is an  
16 interesting problem that we need to have. And what do we do  
17 about bright lines? We have held agencies accountable for them  
18 although not all agencies have them. And is it fair to hold an  
19 agency accountable for them when we don't require them even to  
20 do that?

21                   So I'll throw those questions out to you. Now come  
22 on Ralph I can't believe you didn't raise your hand -- well then

1 Susan and then Frank.

2 MS. PHILLIPS: I'm going to just start with the  
3 reminder that there is a current prohibition against bright line  
4 holding -- bright line assertions on our part. But the larger  
5 question that has come up in the last couple of days is sort of a  
6 newer concept, not so much a bright line but a fuzzy line.

7 A foggy line, a -- there's a line around here  
8 somewhere line that folks are curious about, asking about and that  
9 captures I think what is one of the problems with bright lines in  
10 that there has to be more nuance than one set of graduation rates or  
11 one set of licensure rates.

12 There has to be a bigger understanding and that has  
13 to make that whatever line is considered fuzzier in all directions. I  
14 think in our discussions over the last couple of days there's been a  
15 fair amount of understanding about the importance of nuance and  
16 even though there is a great appeal to having a single metric I think  
17 all of us understand the number of different variables that go into a  
18 particular equation for an institution and that it is in fact all of  
19 those variables that have to be taken into consideration. So  
20 whatever line there is has to be fuzzy.

21 CHAIRMAN KEISER: Frank?

22 VICE CHAIRMAN WU: Two quick comments.

1 The first is everyone likes bright lines until they are on the wrong  
2 side of the line.

3 CHAIRMAN KEISER: Agreed, absolutely.

4 VICE CHAIRMAN WU: So you know, we should  
5 just bear that in mind. In advance it is easy to talk about oh let's  
6 have standards, let's be rigorous, let's be serious but then  
7 somebody is going to come along with a compelling story. This  
8 always happens. This is what happens in the law.

9 Second, my own view is we should talk about this  
10 issue with concrete examples. Talking about it in the abstract is  
11 just too difficult because until you see what the consequences are  
12 of applying the bright line, it doesn't make sense right?

13 We can talk all we want bright lines versus no  
14 bright lines versus fuzzy lines versus standards. But until you  
15 actually see what does it do to accrediting agencies, what does it  
16 do to institutions and most importantly what does it do to students?

17 It's meaningless. It's just abstraction. So I would  
18 prefer that when we talk about this we think about specific  
19 examples such as -- and bear in mind the two levels. So there's us  
20 -- should NACIQI have bright lines with respect to accrediting  
21 agencies?

22 Then there is the level below us -- should the

1 accrediting agencies have bright lines with respect to the  
2 institutions? So we could have bright lines with or without  
3 requiring that the next level down have bright lines.

4           But I will just give you an example of a bright line  
5 rule. We could say if we were permitted to do so, and I am not  
6 sure if we are, but we could say that any accrediting agency that  
7 has more than 5% of institutions that have a graduation rate of  
8 lower than let's say 25% is in trouble with us, right?

9           So that's two levels of bright lines. So that's the  
10 other complication with everything we do that we have to be  
11 mindful that we are talking to the accrediting agencies, we are  
12 talking to the institutions who are then talking to the students.

13           So we are just inherently several levels removed  
14 from where the students actually are. But the point is I would  
15 prefer that we talk about it in real terms with examples than in the  
16 abstract. I just think that's useful for how we have a conversation.

17           **CHAIRMAN KEISER:** Jennifer then Ralph then  
18 Claude.

19           **MS. HONG:** I agree that we cannot compel an  
20 accrediting agency to have bright lines under student achievement  
21 under the current statute. What we have done is to encourage them  
22 to articulate and to defend how they assess institutions under

1 student achievement and if appropriate how they look at state  
2 licensure exam pass rates, completion, and job placement -- that is  
3 spelled out in the statute.

4 Where agencies do rely on bright lines like trigger  
5 points is in their approaches to monitoring. So for example they  
6 might have identified points at which they will investigate further  
7 or inquire further of an institution why it has fallen below a  
8 specific bright line or trigger point.

9 So, you know, those are things that we have  
10 inquired about and encouraged with accrediting agencies in trying  
11 to understand more about and get to the nuance that Susan has  
12 talked about earlier.

13 CHAIRMAN KEISER: Ralph, Claude, Kathleen,  
14 Simon and Federico?

15 MR. WOLFF: A little piece of history. I was  
16 involved in negotiated rule-making -- I believe it was 2006 and  
17 Secretary Spellings as very interested in bright lines and proposed  
18 a regulatory provision that required each institution for each  
19 program that it offered to establish a bright line for achievement  
20 and failing to do so would require the accrediting agency to  
21 establish that bright line.

22 That led to other issues -- I believe there were 17

1 Senators writing a letter challenging that. And to the introduction  
2 in the Higher Education Act the following language that I continue  
3 to find confusing but intent it clear, “Nothing in paragraph 602.16  
4 which is the student achievement, restricts an accrediting agency  
5 with the involvement of its members from applying standards to  
6 institutions or programs that seek review.”

7                   So accrediting agencies can set one type of standard  
8 -- “But restricts an institution from developing and using  
9 institutional” and I’ll add its own standards “To show its success  
10 with respect to student achievement, which achievement may be  
11 considered as part of any accreditation review,” and that this was a  
12 very specific effort to limit the establishment to legislate bright  
13 lines.

14                   Secondly, 602.16 and it makes it a little more  
15 challenging itself is, “Written success with respect to student  
16 achievement in relation to the institution’s mission.”

17                   And there are -- so a bright line therefore has to take  
18 -- so I want to withdraw the term bright line. “Any effort to  
19 address student achievement needs to take into account the  
20 institution’s mission,” -- which accrediting agency also means not  
21 only mission but who its student population is and you would have  
22 a very different approach to a highly selective to an open

1 admissions institution.

2                   Yesterday we tried to differentiate the language  
3 between retroactive accreditation and setting the date of  
4 accreditation. I think bright line is the wrong term. I think the  
5 issue is -- are there appropriate benchmarks for addressing issues  
6 of completion, pretention, persistence and completion?

7                   And I think when we start using bright lines we get  
8 into a slippery slope of a single number being used so I would just  
9 highlight that I think we have seen progress, not fast enough in my  
10 opinion, not substantial enough in my opinion -- but we have seen  
11 progress by institutional agencies to address setting benchmarks,  
12 whether it is one standard deviation or two in some agencies or just  
13 we are learning about it in other agencies.

14                   I think we need to push forward about how are these  
15 benchmarks being set? I raised earlier and I think another critical  
16 question is one cannot move the needle on retention for certain  
17 student populations in a two year monitoring period or even in five  
18 years in some cases.

19                   And I have known institutions that have struggled  
20 with this issue with considerable investment of resources for over a  
21 decade and have only been able to move completion rates by 5%.  
22 And so I think the challenge is that in the legal context at what

1 point is a determination made that an institution -- let alone an  
2 accrediting agency is non-compliant?

3                   At the institutional level at what point is it non-  
4 compliant with a standard and if a bright line were set -- I mean it  
5 is being done by professional agencies with licensure exams, but  
6 with an institution with 50 or 100 degree programs at the  
7 Bachelor's level, a single bright line is not to characterize non-  
8 compliance with the accrediting agency standard should be done  
9 very carefully and cautiously I would say.

10                   It is not to say it shouldn't be done. But I do think  
11 then to say when that determination is made the institution only  
12 has -- or for a Baccalaureate program two years for an Association  
13 program one year to make a change, to demonstrate a change or  
14 even an extension for a good cause. It can only go for a very  
15 narrow period of time.

16                   This is a major cultural issue, higher Ed culture and  
17 societal culture issue. I think we should continue to press for  
18 benchmarks based on better data and I agree with you there are  
19 some levels that on their face look too low, but I don't think it is  
20 our role to set the standard or to require that we have the right  
21 answer for any particular agency but to require that the agency  
22 really exercise due diligence in how they set the benchmarks, how

1 they set standards, how their teams evaluate how they are getting  
2 the right kind of data to make informed judgments and how they  
3 are making decisions around these issues and how they are  
4 following up those decisions.

5                   So I just think we can do a lot more but I don't  
6 think bright lines is the right approach to take.

7                   CHAIRMAN KEISER: Claude?

8                   MR. PRESSNELL: Yeah I would want to affirm  
9 everything Ralph just said. I mean a lot of it was what I was going  
10 to comment on about institutional mission differentiation,  
11 complexity of overall programs. And I do believe that there should  
12 be benchmarking and I think if anything, holding institutions  
13 accountable for benchmarking against peers for institutional  
14 improvement and best practices is a really, really good way to go.

15                   And obviously there are going to be some academic  
16 programs that are given over licensure programs -- I want to be  
17 careful here but there is this difference between training and  
18 educating that we need to understand and a lot of those majors that  
19 give over toward -- we are always really super impressed with  
20 nursing programs completion rates, occupational therapy -- those  
21 are very narrow intense programs which leads me to my other  
22 point on student self-selection into those programs.

1                   So there is a self-selection that takes place as well.  
2   And one thing we don't talk about and I don't know how we  
3   control for unless we just try to take a look at larger comparative  
4   analysis is just life happens with students and so students are going  
5   to choose to come in and out for which institutions have absolutely  
6   no control over.

7                   We can put together early warning systems,  
8   intervention systems and so forth to help mitigate that but still you  
9   know, some of that is going to happen.

10                  The other thing that -- and I mentioned this I think it  
11   was yesterday, that I think is somewhat problematic and if we --  
12   we need to differentiate between full-time, part-time but also are  
13   they truly degree-seeking?

14                  I think institutions are in the habit, because of Title  
15   IV issues, check the box that you are degree-seeking when they  
16   have no intention whatsoever in seeking a degree. And we have  
17   got to -- if we can work with that, actually it would help the  
18   community colleges in a very significant way because a good  
19   number of the students who go to the community colleges have  
20   really no intention of getting a degree.

21                  And that's okay. That's okay. They are going in to  
22   get a particular in depth view on a particular area of study or

1 something but they don't want to get a degree. They just want to  
2 go get retooled up or something.

3 And we need to consider that a success but we are  
4 going to have to as a hiring culture, allow for that to be possible  
5 and right now we don't do that well.

6 CHAIRMAN KEISER: Kathleen, Simon, Paul,  
7 Brian, Frank. I was going to take a break my goodness. Go ahead  
8 -- no, I want to kill this topic.

9 MS. ALIOTO: To me this is kind of a semantic  
10 discussion because we do have benchmarks or bright lines. The  
11 regulations are that. That's what the regs said -- that's what 602,  
12 that's what all of these things are.

13 And our response we have been appointed because  
14 of our leadership in education and our expertise. So -- and we are  
15 passionate about wanting to improve American education. It is not  
16 in good shape. So if we come in and say whether we call it a  
17 bright line, but if we are saying that we would like to see data that  
18 leads to student achievement and we would like to have agencies  
19 provide us with accreditors let us know how they are helping their  
20 institutions to improve student achievement.

21 And I think our time here is well spent. And  
22 whether we call it a bright line or a benchmark or a regulation, to

1 me it is semantic. We are creating by our request that an agency  
2 provide us with certain things -- provide NACIQI with certain  
3 things, we are creating standards for people.

4 We are helping people to look at how to improve  
5 the situation. I mean I just keep thinking though when you have  
6 these gurus who are really doing a great job, I'm so impressed with  
7 what you have to say. If that could be put into what we send out to  
8 accrediting agencies I think it could be very helpful for America.

9 CHAIRMAN KEISER: Simon?

10 MR. BOEHME: Well thank you and I didn't chime  
11 into the first part of the conversation because I agree with and  
12 Ralph said it well, we need better data and I think I have been  
13 fairly consistent in most of my remarks and my positions here on  
14 NACIQI and I am eager to see how the federal and national  
15 systems come about.

16 But in terms of the bright lines and I don't want  
17 Susan's point to get lost about these fuzzy lines or foggy lines or  
18 you know, if we are going to have these bright, bright lines or  
19 bright lines. I think that's a really insightful point and I agree with  
20 Susan.

21 And I wanted to just focus about student  
22 achievement at the regional level and what accreditors are doing

1 and I know with CRAC starting to look at with their press release I  
2 believe it was last year starting to look at graduation rates.

3 But agencies are not necessarily focused on whether  
4 completion at the college is good or bad relative to other colleges  
5 at the regional level. Just that it is measured and used for  
6 improvement.

7 And following Frank's recommendation to use  
8 specific examples, HCL and of course WASC is the one exception  
9 which collects its own data on completion, using its own  
10 graduation rate to overcome deficiencies in the IPEDS graduation  
11 rate.

12 But if we look at HCL institution has defined goals  
13 for collects and analyzes information and makes improvements  
14 using information on student retention, persistence, and completion  
15 that are ambitious but attainable.

16 NEAC's institution goals for retention and  
17 graduation rate reflect institutional purposes. And I believe in  
18 bright lines and I understand although given our narrow constraints  
19 within NACIQI and our ability to encourage accreditors to move in  
20 a certain direction or encourage us to set our own bright lines with  
21 accreditation -- I think we should maybe expand the conversation  
22 and kind of where Kathleen was going is the specific benchmarks.

1                   And the standards vary so much on how we treat  
2 these student outcomes but how can we start to again, throughout  
3 many of our NACIQI policy conversations have these common  
4 definitions but I would believe how can we be more aggressive at  
5 the NACIQI levels with the accreditors and really pushing them to  
6 create these fuzzy or foggy lines.

7                   CHAIRMAN KEISER: Federico were you next?

8                   MR. ZARAGOZA: Yes. To me the discussions  
9 yesterday or the day before were very trenched in terms of some of  
10 the organizations that came before us with bright lines that were  
11 clearly defined at 70% standard for example.

12                   And the purpose was to send messages and to  
13 critical peer performance so I think there is a place for bright lines  
14 yet we also heard the 25% on the other side of the extreme. But to  
15 me a consideration is it is a proven mindset how is it framed and  
16 what really is the story that the bright line is telling us?

17                   CHAIRMAN KEISER: Paul?

18                   MR. LEBLANC: I think bright lines make our life  
19 easier. I think they rarely lead us to the most interesting insights  
20 about institutions and thus the agencies that accredit them. So we  
21 could have a bright line for example in Boston that tries to apply  
22 both the Harvard and Roxbury Community College which are

1 about four miles apart.

2                   But I don't know what bright line would allow us to  
3 sort of look incisively at those very different missions, student  
4 populations they serve, particular programs they offer. You would  
5 have to get it at the next level down and as Susan said look at the  
6 more complicated context.

7                   But I think there are ways to get at that. So again, if  
8 we have a student unit record that allowed us to drill down to the  
9 programmatic level we could at least say at the programmatic level  
10 this is how your program is performing against all other like  
11 programs in the nation, in the region, in your area.

12                   And then it would get more interesting when we  
13 could then say and for these particular students how these  
14 programs perform and how you are performing. And if you are at  
15 least below the national average, that's an interesting question the  
16 accreditor can have and say why, what's going on here and how do  
17 we improve it?

18                   But I think in some ways so much of this discussion  
19 feels to me like we are arguing about the right data system for a  
20 20<sup>th</sup> Century model of education. And to Claude's point you have  
21 a lot of people coming through the system now who are not  
22 degree-seekers.

1                   We are having outside of this room -- energetic  
2   conversations about micro-credentials, Nano degrees. We have  
3   built a system that really is designed with the idea that people will  
4   take a 2% -- as we think about lifespans approaching 100 years  
5   which it is for digital natives under the age of 21, why would we  
6   think that a 2% slice of their life at age 17 for Associate's Degree  
7   or a 4% slice would be adequate?

8                   We know they are going to go in and out of the  
9   higher education system all of their life. A financial aid system  
10   isn't built for it, now we are getting into stuff we can't handle I  
11   know, but nor are we arguing for a data system.

12                  Even in the current arguments around student unit  
13   records that that is adequate to describe the reality of what is  
14   happening already. Not what is going to happen in 10 years, in 20  
15   years, what's happening already -- I would hope we will continue  
16   this discussion but also bring some of the best thinkers at the  
17   national level who are thinking about not only how do we better  
18   serve the system we have, but how do we serve and understand and  
19   have optics into the system that is rapidly emerging?

20                  CHAIRMAN KEISER: Frank and then we will --

21                  VICE CHAIRMAN KEISER: Briefly I say  
22   something as an enthusiast for data which is we also just have to be

1 mindful of how clever people will game the system. And I'll give  
2 you a concrete case study in this.

3                   When people start to publish and assess and track  
4 airlines and whether they were on time -- and this isn't just my  
5 sense I actually did some quick research to confirm this has  
6 happened.

7                   What airlines did -- they just increased the length of  
8 their flights. So if you have been flying the same route you may  
9 have noticed that your flight went from 59 minutes to 1 hour 15  
10 minutes. The reason it went up to 1 hour 15 minutes the flight  
11 didn't change at all but if it is listed at 1:15 the likelihood that the  
12 airline is going to make it on time just shoots up.

13                   So it is not a reason not to get data, it is just every  
14 time we talk about data we have to be mindful that the more  
15 pressure we put on people and I'm not talking about cheating --  
16 I'm talking about legitimate interpretations where they start to  
17 fiddle with this or fiddle with that in order to present just better  
18 looking metrics when the underlying performance has not changed  
19 one bit.

20                   So as an enthusiast for data I also want to caution us  
21 not to have a fetish for data because sometimes the data has been  
22 gamed in a very clever but ethical way to make things look a

1 whole heck of a lot better because people understand that  
2 consequences will flow, good and bad, from whether this data  
3 presents a pretty picture.

4 CHAIRMAN KEISER: Brian and then we will end  
5 with Steve and I think everybody has spoken.

6 MR. JONES: Alright well Paul stole my thunder  
7 but I want to endorse everything that he just said. I also agree with  
8 Claude and Ralph here that I do fear that the bright line discussion  
9 really is a discussion for a higher Ed system that was built for a  
10 different era.

11 And I think the concern I have about bright lines is  
12 that it -- I think risks us burdening accrediting agencies in a way  
13 that I think does not reflect where higher Ed is heading and in part  
14 where our economy is heading.

15 I do think that there is one stakeholder in all of this  
16 discussion that I haven't heard mentioned once and that is can the  
17 employers? And the fact of the matter is what we do know is that,  
18 at least according to the recent UCLA survey, 85% of freshmen  
19 say that the reason they go to college is to get a better job. And we  
20 know that employers match our higher education spend dollar for  
21 dollar -- there's about 500 billion dollars spent annually on  
22 employer training.

1                   And I think what that suggests is that there  
2 continues to be a disconnect between higher Ed and employers.  
3 And I think Paul is right that the future really is I think in part  
4 around micro credentials, skills training -- we are seeing more and  
5 more students who are not looking to earn a degree.

6                   And so I think what that requires is for accreditors  
7 to be much more open to innovation, to new models and to  
8 thinking about outcomes in more diverse ways than we may be  
9 prepared to embrace today.

10                  So for that reason while I, too, totally support better  
11 and more data like Paul I look at the Scorecard and don't recognize  
12 my institution. I still think that we also have to use that data,  
13 collect that data in a way that allows the higher Ed system to  
14 evolve.

15                  CHAIRMAN KEISER: Steve?

16                  MR. VAN AUSDLE: The thought I had was  
17 maybe a better way of thinking about it would be raising the bar on  
18 student achievement -- that we are not satisfied with where we are,  
19 we want to look at strategies in our role as defined could help  
20 others do that. So how could we work with the accrediting  
21 agencies to make this a priority and get the discussion going as  
22 what can you do?

1                   If you look back I think there's been progress. We  
2 have got a lot more institutional researchers today on staffs of  
3 colleges and universities we had in the past. There is much more  
4 of an orientation to a data-driven system.

5                   It is the experiences that I have had. The whole  
6 community and technical college system had a major planning  
7 effort here just two years ago and they are talking about raising the  
8 bar, more than doubling the graduation rate with specific strategies  
9 to do that.

10                  So we are feeling a need to do that. We can't  
11 legislate that I don't think but I think we could create a culture  
12 where this becomes a very high priority in the education  
13 community -- that we have expectations, we have aspirations of a  
14 much higher level of educational attainment and ask each  
15 accrediting agency how they can do that for the people they are  
16 serving.

17                  We might be surprised by the results if we raise our  
18 expectations.

19                  CHAIRMAN KEISER: Thank you. Just a couple  
20 of comments and observation over the years I have seen that the  
21 agencies have become much more attuned to creating bright lines.  
22 I think this particular time we have seen three or four of the

1 agencies we have reviewed.

2                   Although we do not require it, we seem to have sent  
3 a message to the agencies that a bright line is preferable than not  
4 having, you know, more and more kinds of accountability  
5 measures.

6                   So we have to be careful because I think at least  
7 most of you felt that bright lines were not the answer, that  
8 benchmarks were certainly a method of improving, attaining a  
9 higher performance in the institution is and that bright lines are not  
10 necessarily the answer.

11                   But we are at least, and I caution staff that we don't  
12 send the message that that's what we require and that's I think at  
13 least my take on it.

14                   We are going to take a 10 minute break if that's  
15 okay with you because if it is not I have to leave for a few minutes  
16 and then we will come back and we have four more topics, but I  
17 think they will all be shorter and certainly less interesting.

18                   (Break 10:16 a.m. - 10:27 a.m.)

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1                   **SUB-REGULATORY DIRECTIVES**

2                   CHAIRMAN KEISER: Members of the Committee  
3 could you please sit down, we'll do the rest of the topics. Okay we  
4 don't need a quorum I don't think do we, to have our discussions  
5 because we are not making decisions?

6                   MS. HONG: No decisions.

7                   CHAIRMAN KEISER: Right one of the things that  
8 popped up at this last meeting was questioning the staff on sub-  
9 regulatory directives that Commissions take as at least certainly if  
10 they come to our meetings and they listen to some of the things we  
11 ask and some of the things that the staff asked for.

12                   I'm not sure they are driven by the regulations or  
13 we use some of the regulations and we kind of shoe horn in a  
14 directive and we want to come and have that discussion. I think a  
15 couple of those yesterday we had obviously the issue with CCNE  
16 and we had it earlier in the day on Tuesday.

17                   So anybody like to discuss that and tee it up?

18 Herman -- go ahead.

19                   MR. BOUNDS: Yeah thanks and I know this is the  
20 Committee's day but just a couple of things on the guidance. You  
21 know we in the Department there are a lot of sub-regulatory  
22 guidelines that come out.

1                   You know we have had -- one of the big issues was  
2 the regulation and substantive interaction, a guidance letter that  
3 came out a couple of years back where the regulation didn't really  
4 say what that was so the Department had to go in and define it.

5                   You know even our focused review was done  
6 through a policy letter out to the agencies. There's nothing that  
7 says, you know, the regulation says you review agencies based on  
8 all 95 criteria, you know, based on the folks in charge at the time.  
9 They said well we want to focus on some certain things.

10                   So there are examples of these things that happen  
11 all the time. A couple of other things that just we do internally just  
12 so you know when we get to a staff decision that's you know, that  
13 we think is -- yeah I think it could fit here, a lot of times we look at  
14 past NACIQI decisions and we say, "Well we've made that  
15 decision in the past and that decision has gone through so we will  
16 make that call again if it is applicable."

17                   So I just wanted to let you know there are tons of  
18 things that were not done but there is a lot of guidance that comes  
19 out because sometimes the regulations, you know, the regulations  
20 aren't specific.

21                   And we had to get another guidance letter come out  
22 it talked about the requirement to submit decision letters. The reg

1 just says they have to put a brief summary on their website. So  
2 those things happen quite a bit based on, you know, how to get,  
3 you know, maybe better information or how to better track what  
4 accreditors are doing, but again that stuff happens all the time.

5 For me it happens when there's a decision that's  
6 kind of bigger than I think I need to make it and I will bring it up.  
7 And then sometimes those decisions come from top down. So I  
8 just wanted to kind of explain how it works for us.

9 CHAIRMAN KEISER: Thank you Herman and  
10 please do not take this as a message from us that we are not happy  
11 with the work that you are doing because you are doing  
12 phenomenal work and it is just that it makes it difficult for us and I  
13 think the other question that was really a big one was whether a  
14 member of the Commission who would go on a visiting team  
15 would have to recuse himself during the meeting of the decision-  
16 making when he serves on both the decision-making and the  
17 visiting team.

18 And that was again -- I don't know if we have clear  
19 cut written --

20 MR. BOUNDS: We don't and when we follow suit  
21 with that I think Jenn sent around -- the Committee has made that  
22 call in the past so when this came up again we made the same

1 determination of the Commissioner serving on site teams. That's  
2 one that has been through the process before and we have seen  
3 some complaints come in with that same issue. So when it came  
4 up this time we made the same call.

5                   And we could have judged whether it was under the  
6 conflict of interest or the composition of the site team but the basic  
7 subject of that discussion had come up before in several meetings,  
8 not just one meeting so that's why we made that call again.

9                   CHAIRMAN KEISER: I guess we are more kind  
10 and gentler. Frank?

11                   VICE CHAIRMAN WU: So let me recap to refresh  
12 our memories in case people weren't here or missed it yesterday.  
13 The two and a half hour conversation we had in 30 seconds. But  
14 let me preface it with an echo of what the Chair just said. This is  
15 no disparagement of staff.

16                   Indeed I want to make sure that we maintain the  
17 wonderful collegiality we have enjoyed on NACIQI and between  
18 NACIQI members on the one hand and staff on the other hand, but  
19 there were -- it was a robust discussion and ultimately what passed  
20 was a recommendation from NACIQI that differed from the  
21 recommendation that staff made in a very significant way with  
22 considerably more language than usually goes up to the senior



1 recruiting students into the program because students said, “Well  
2 you are not an accredited program, why would we come -- there is  
3 some risk you won’t get accredited? So they were credited with an  
4 effective date or retroactive to a year earlier. That means the  
5 people who went through that cohort can sit for the licensing exam.

6           If that hadn’t happened they would be gambling that  
7 the whole process would be completed on time. Now in some  
8 instances it might be completed on time but in other instances just  
9 because of the normal amount of time it takes for these decisions,  
10 these things can take 18 months, 2 years -- you might finish the  
11 program, come out of an accredited program and have a problem.

12           So thousands of students are affected and any  
13 institution creating new programs as Brian pointed out is also  
14 affected. So a lengthy discussion and a practice had been engaged  
15 in by many agencies, staff sent a “Dear Colleague” letter, NACIQI  
16 took issue with this and sent a recommendation that -- both the  
17 nurses and the general policy issue that was at odds with staff,  
18 sorry that was more than 30 seconds.

19           CHAIRMAN KEISER: I was counting.

20           VICE CHAIRMAN WU: Alright so now let me  
21 make three quick points about this issue of how staff offers  
22 guidance that isn’t the statute or the regulation because neither

1 NACIQI nor the staff can change the statute. The Higher  
2 Education Act is what it is -- Congress would have to change that  
3 and if it is regulatory there's a whole process.

4           So what we are talking about now is sub-regulatory.  
5 In other words it is potentially changeable without Congress  
6 changing it and without the whole negotiated rule-making.

7           So the three issues I see here are number one --  
8 notice. Should there be some notice to agencies so they can  
9 prepare and so that they can have some discussion? So number  
10 one, what type of notice ought to be provided to agencies and other  
11 stakeholders when something like this changes along the same  
12 practice.

13           Number two -- who decides? Is this staff? Is it  
14 NACIQI? Is it both staff and NACIQI? Does NACIQI have any  
15 role? What if staff does this and as in this instance NACIQI  
16 members say, "Whoa, we think this is a really bad idea." And I am  
17 characterizing based on the vote. NACIQI said it's a bad idea and  
18 that's the first time since NACIQI was re-constituted that I can  
19 remember NACIQI saying something like that about something  
20 staff did.

21           So it is not about a specific agency, it's about the  
22 whole thing of effective date. Staff said something and a majority

1 of NACIQI -- I don't think it was unanimous but it was pretty  
2 overwhelming majority, said this is a real concern to NACIQI  
3 members. We do not think you should have done this.

4                   So the second issue is who decides this? Does  
5 NACIQI have any role? Maybe the answer is no, maybe it is yes  
6 but it is worth discussing.

7                   And the third is how do we ensure consistency on  
8 this stuff? Because with 75 to 80 agencies and with rotating  
9 membership, you know, we come on, we roll off and without case  
10 law, without some formal mechanism how do we ensure that when  
11 one agency is allowed to go through, you know, we do the same  
12 thing so it is fair and appropriate?

13                   Because if we are doing different things with  
14 different agencies that's just not right. We shouldn't be doing that.  
15 So to sum up -- one, what type of notice ought to be given about  
16 the sub-regulatory changes; two, who makes these decisions and  
17 does NACIQI as distinguished from staff, have any role; and three  
18 -- how do we ensure consistency of this including when something  
19 hasn't been articulated.

20                   In other words it's just a practice but no one has  
21 written it down and said this is our practice.

22                   Alright, last as a side but related to all of this the

1 request to staff. I noticed that today in the Federal Register there is  
2 a request for suggestions from the world about Department of Ed  
3 regulations that might be amended or killed.

4 I wonder if staff could alert NACIQI to other stuff  
5 going on at the Department that potentially affects our work  
6 because there is lots and lots of stuff swirling around accreditation  
7 all the time that isn't directly formally on our agenda but it might  
8 be good if somehow we got alerted to this, so I hope that's useful.

9 CHAIRMAN KEISER: I'll let Jennifer respond.

10 MS. HONG: So real quickly to your question about  
11 being alerted about those issues. A Federal Register notice went  
12 out and we want the alert that the Federal Register notice went out  
13 for example. Okay I can do that.

14 CHAIRMAN KEISER: Claude?

15 MR. PRESSNELL: Frank, thanks, that was a great  
16 summary I believe of where we are. So a couple of things, one you  
17 know we are an advisory Committee and what we were advising  
18 on was guidance that was given and we are basically -- our advice  
19 is and our subsequent action was that we believe that it should  
20 have been thought through a little bit differently.

21 And that again is not a disparaging remark about  
22 staff. I think staff is doing just yeoman's work, phenomenal work

1 on all of this and I think it is pretty remarkable that since the  
2 reconstitution this is probably one of the first times that we thought  
3 well you know, we don't think so and here's why and I think we  
4 did a good job on that Motion.

5                   And I think it's our role to do that you know,  
6 because as in the advisory capacity. So here is now my question. I  
7 mean obviously the senior Department official will make a  
8 decision on this, what will then happen to the email or the letter  
9 that went out, the memorandum that went out to all agencies?

10                   Because we need to address that because it is not  
11 just this one agency it went out to all the agencies and so what do  
12 you think might happen with that letter? Because our thinking is  
13 based on our decision was that you know, if the preponderance of  
14 the accreditation decision is made through the site visit and if they  
15 were in compliance at the point of the site visit therefore the  
16 agency should have the right to say the effective date was when  
17 you were compliant you were compliant at that point.

18                   So anyway, I'm going to leave it at that.

19                   CHAIRMAN KEISER: Jennifer go ahead.

20                   MS. HONG: So or Herman I was going to respond  
21 to him about the letter, go ahead.

22                   MR. BOUNDS: So a couple of things and not to

1 drag this out too long but I really do want to reiterate. We had  
2 discussions with other agencies. So I want to make it clear there is  
3 nothing here saying that the preponderance or a more than average  
4 amount of agencies were doing this, were you know practicing this  
5 retroactive accreditation.

6 We talked to some -- I know we discussed this  
7 yesterday but I just have to make sure I get this on the record. We  
8 talked to some agencies and they about fell on the floor that some  
9 folks were doing it.

10 So it was a -- so I just want to make sure that  
11 everybody knows that not everybody was against the practice.  
12 And secondly, I can't speak for Sally, but this was really not a --  
13 that decision was not sub-regulatory guidance that was a legal  
14 interpretation of the definition of accreditation.

15 So that was not sub-regulatory guidance. That was  
16 us looking at a situation, me saying that Herman Bounds cannot --  
17 I cannot defend that to anyone who would question the Department  
18 because of the way the definition of accreditation is written.

19 So that was not sub-regulatory guidance. So that's  
20 why I went to our legal folks to get that interpretation and then to  
21 protect the Department I said this needs to be looked at by other  
22 people.

1                   So I just want to make clear that was not sub-  
2 regulatory guidance -- that was a legal interpretation of the  
3 definition of accreditation.

4                   Now to answer the other question depending on  
5 how the SDO rules if the SDO finds in favor everything rolls as it  
6 is. If the SDO does not find in favor of the NACIQI decision then  
7 of course that decision letter will go out and of course I would get  
8 with leadership and try to figure out how we then send out another  
9 letter.

10                  But again, I don't want to re-talk this yesterday but  
11 I want to make sure everybody is clear for the record that that was  
12 not sub-regulatory guidance, that was a legal interpretation of  
13 accreditation and we had talked to other agencies. I just want to  
14 make that clear.

15                  CHAIRMAN KEISER: Paul?

16                  MR. LEBLANC: Herman that is a legal  
17 interpretation and there is certainly room to read that language  
18 differently.

19                  MR. BOUNDS: And that's why I agree. I didn't  
20 want to get railroaded, not railroaded -- I just didn't want to get  
21 fenced in saying that that was a --

22                  MR. LEBLANC: I don't think anyone was

1 suggesting that you all came to that conclusion in a capricious way.  
2 There have been tons of good consultations I think you made that  
3 abundantly clear. You guys did everything you needed to do. I  
4 just think and if I could channel John who is not here, I think you  
5 could read that language differently.

6 I sort of went to battle with the OAG on regular and  
7 substantive and they would argue that they have a legal  
8 interpretation. I said no it is a legal interpretation.

9 MR. BOUNDS: I mean we won some and lost  
10 some, I mean they have some stuff in there too.

11 MR. JONES: And the Department's organic statute  
12 is the General Counsel's Office that owns those legal  
13 interpretations not us.

14 MR. LEBLANC: I think we are still open to  
15 making the case against the interpretation, we could do that.

16 VICE CHAIRMAN WU: And should they have  
17 consulted with us? So I get that maybe they could have asked us  
18 our views on the effect of it in advance because that might have  
19 shaped how they have interpreted it.

20 CHAIRMAN KEISER: Jennifer?

21 MS. HONG: I just wanted to address Frank's  
22 question about this Committee setting policy. This Committee is

1 an advisory Committee. I think Brian elucidated it very clearly for  
2 us what this Committee's role is and absolutely disagree with an  
3 interpretation but it is the Department's interpretation and to your  
4 question about consultation with this Committee -- I don't know  
5 that it is practicable for this, for the Department -- nor is it required  
6 for the Department to consult with this Committee before it makes  
7 a policy decision.

8                   So yes, so you all make recommendations on -- you  
9 advise the Secretary, there's a very formal mechanism by which  
10 that occurs that takes months in advance to prepare for. So it is not  
11 that we can you know, call you guys -- there's a formal mechanism  
12 in place to make sure that the public gets their input heard, that the  
13 advisory Committee gets their input heard, that the agency gets  
14 their input heard.

15                   There's due process built into this system and it is  
16 not this Committee's role to be setting Department policy.

17                   CHAIRMAN KEISER: We understand but it is to  
18 advise the Department and then the second part and again this is a  
19 problem I have is -- if they just wanted lawyers' interpretation we  
20 would all be lawyers.

21                   And when lawyers look at something as -- and in  
22 this particular case as you put it the definition of accreditation

1 which I am not sure this is the definition of accreditation they are  
2 establishing that in a vacuum without understanding institutional  
3 practice and policy.

4 And the purpose of our group is that we have  
5 institutions represented, we have public members represented, we  
6 have community colleges, you know, for-profit, non-profit, public  
7 -- we are a really represented group.

8 So if the Department and the lawyers decide to  
9 ignore us that's their choice certainly. I think it is not smart but  
10 that's an ever -- my definition, go ahead Claude?

11 MR. PRESSNELL: Yeah just real quick. I hope  
12 you don't view it as us trying to set your policy -- we are not trying  
13 to do that at all. As a matter of fact I love this. I mean I think we  
14 are doing exactly what we wanted you guys have done this now we  
15 are giving you our advice based on our actions. It is going to go to  
16 the Department and whatever decision is made.

17 There was a comment yesterday I think or maybe  
18 the day before that said you know, the Department needs to see our  
19 decisions. Our decisions need to be final. No, they are not we are  
20 an advisory Committee and I am fine with that. But as a result you  
21 are going to get this rich discussion about very important issues  
22 that should be considered deeply by the Department so.

1                   VICE CHAIRMAN WU: So may I try the softest  
2 version and the friendliest version of this statement? And, I am  
3 just speaking for myself but I'll bet that this captures the sentiment  
4 of many NACIQI members which is -- since we were picked  
5 because somebody believes we have some expertise and we do  
6 have a formal role to advise it would be welcomed if our advice  
7 were solicited from time to time before things happened rather than  
8 after.

9                   So that's -- I know we don't set policy, we can't  
10 force it, we are not trying to grab power it is just if you fly all of  
11 these people to Washington, D.C. who do a lot of work on  
12 accreditation and think about this stuff and are immersed in it and  
13 something changes that will affect significant numbers of  
14 accreditors and this is totally friendly, maybe somebody could ask  
15 us -- bearing in mind the practical problems, maybe we would like  
16 to offer input before the decision is made.

17                  CHAIRMAN KEISER: Jennifer -- the next issue  
18 which is probably right along the line we are talking about.

19                  MS. HONG: I think your point is really well taken.  
20 And I think all the deliberations you had yesterday was captured  
21 on transcript. I know the senior Department official will  
22 thoroughly review those materials and come to a decision.

1                   Again, I can't understate the value that we have in  
2 this Committee and its advisory role to the Secretary. That being  
3 said I just want to be very direct that it is not practice for you  
4 know, if the Department takes on a policy decision we have a  
5 process set up for the Committee to solicit comment so it -- I can't  
6 promise you that we can, you know, consult with you in the  
7 interim.

8                   Anything that we provide to this Committee we also  
9 provide to the public. So all of these deliberations as governed by  
10 the Federal Advisory Committee Act compels us to share the  
11 deliberations, the information, everything is open and transparent  
12 to the public.

13                   So we would not be able to consult back and forth  
14 with this Committee behind closed doors. However your point is  
15 very well taken. I think it is captured, I think it has been  
16 underscored and highlighted and bolded and I do think that the  
17 folks in the Department are listening, thank you.

18                   CHAIRMAN KEISER: We will make that the last  
19 work on that topic.

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1                                   **NACICQI - FINAL AUTHORITY**

2                                   CHAIRMAN KEISER: Let's go to the next topic  
3                                   which has probably the impact that Arthur would have liked --  
4                                   Arthur Rothkopf. And that is that we had made in two different  
5                                   presentations to the Secretary in terms of our position regarding the  
6                                   Re-authorization of the Higher Education Act that NACIQI instead  
7                                   of being purely an advisory Committee it would change and  
8                                   become more like the Advisory Committee on Foreign Medical  
9                                   Schools which would be a final authority on our actions.

10                                  So certainly open -- Arthur wanted to bring that up  
11                                  and put it on the agenda for discussion. It really ties in the last  
12                                  point which is what is our role, what leverage do we have to  
13                                  impact the process?

14                                  I think the accreditors right now outside are very  
15                                  confused about us because we have evolved over the years and I'm  
16                                  not sure they would be happy with us being the ultimate authority,  
17                                  I'm not sure they would be unhappy but it's an interesting  
18                                  question.

19                                  Does anybody want to comment on that for Arthur's  
20                                  purpose?

21                                  MR. BOEHME: I'll comment not because he asked  
22                                  me to but I do believe in this. It is actually while I do believe

1 NACIQI should be the final decision-maker it actually I believe  
2 Frank mentioned something that has always stood out to me and  
3 most things that Frank say stand out to me.

4 But we had a prolonged conversation about how  
5 and to Jenn's point, how we can go beyond making NACIQI's  
6 recommendations and these policy discussions go beyond the  
7 transcript.

8 And Frank I think it was during one of the  
9 chiropractor discussions or something that said how can we -- you  
10 know there are so many lessons to be learned from this and maybe  
11 this is a question to the Chair as well.

12 We have had such a rich conversation I would be  
13 disappointment if, you know, having a white paper from this  
14 conversation is probably unrealistic and I know publishing within  
15 the Federal Register we have put the pilot questions in which I  
16 think is a great addition but maybe on top of that -- and Jennifer  
17 you have indicated when Frank brought up this point is that the  
18 Federal Register is really our primary mechanism of  
19 communicating to the broader public in addition to the transcript  
20 which I would argue, aside from the senior Department official,  
21 not many people go through and read the transcript which I was  
22 corrected on before that the senior Department official does go

1 through and look at that particularly to the decision, which I  
2 comment them for that.

3                   But maybe in terms of building on what we can add  
4 to the Federal Register maybe from today's discussion we can pass  
5 a series of Resolutions in lieu of a white paper that says you  
6 know, we had this conversation or we voted on NACIQI members  
7 -- there was a quorum and we said these are some things we would  
8 like to look at and maybe we don't have a quorum anymore.

9                   But NACIQI is so rich with different perspectives --  
10 I know recently we have been accused of being political which you  
11 know, people are paying attention to accreditation and  
12 accreditation is rightly being scrutinized.

13                   And so I think we are in such a unique position  
14 where we have camaraderie respect for one another with diverse  
15 political opinions and a rich knowledge and perspectives which  
16 puts us in this position and I would encourage Jennifer and the  
17 staff and everything that you do is terrific and well-received and  
18 maybe we could have a conversation of how we could expand and  
19 share this information to other people.

20                   And I know we are very limited in that but given  
21 the Federal Register and our white papers should we try to have  
22 shorter iterations of the white paper or build on what can be said in

1 the Federal Register?

2 VICE CHAIRMAN WU: The whole point of  
3 having an advisory body it would seem is to take the advice that is  
4 offered, especially when there's a real consensus where we are not  
5 split. Every now and then we are split but I will say generally that  
6 the Department has -- the track record here other than on a few  
7 outlying cases when we have advised something the Department  
8 more or less has followed what we have advised.

9 And I just want to say quickly it is not partisan  
10 either because as I look back and think about it and who appointed  
11 us is in the public record for all of us but the appointing authority  
12 that put me on this panel made some decisions that I would look at  
13 and say that was not a good decision.

14 And I'm sure that that's true of every one of us so it  
15 has I think, nothing to do with partisan politics. There have been  
16 some recommendations -- I'm thinking of one in particular, made a  
17 few years ago where this body was clear. If it wasn't unanimous it  
18 was absolutely overwhelming and our advice was not taken and  
19 that's too bad.

20 But usually it is and that's good. So we should bear  
21 that in mind that by and large our advice has been taken but we are  
22 not just here to talk to ourselves in a conference room and for a

1 few dozen observers, we are here to actually do something useful  
2 in the world which means it has to be disseminated beyond the  
3 hotel conference room.

4                   CHAIRMAN KEISER: Okay I think we covered  
5 that with what Arthur wanted.

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1                                   **MILITARY APPROVAL PROCESS**

2                                   CHAIRMAN KEISER: The number five issue is to  
3 give Jennifer a couple of minutes to talk about the military  
4 approval process. I think some of the folks were a little confused  
5 yesterday on that process and why we do what we have to do.  
6 Jennifer the floor is yours.

7                                   MS. HONG: Okay great. Just real quickly -- I  
8 think someone referred to, you know, was confused about this  
9 Committee playing a role in accrediting these military degree  
10 programs or programs of other federal agencies.

11                                  We are in the position to recommend authorization.  
12 So and this is stipulated again in 1954 by letter so this pre-dates  
13 NACIQI's Constitutions so it doesn't even name NACIQI, it  
14 names a group of advisors to the Commissioner of Education to  
15 recommend degree appropriable for degrees offered by federal  
16 agencies.

17                                  And on top of that it requires accreditation. So the  
18 accreditor is required, the degree authorization is required, and so  
19 in many ways it is like playing the role of a state-wide plan  
20 authorizing a degree -- it's even more limited than that because it  
21 stipulates four areas by which this Committee needs to look at  
22 these degrees.

1                   And a couple of them overlap but in general it is to  
2 assess the uniqueness of the degree. They want to make sure it is  
3 not something -- a degree that could be offered at another higher  
4 education institution. So you are really looking at the uniqueness  
5 of the degree, the need for the degree for the Agency to fulfill its  
6 mission as well as the protection of academic freedom which  
7 somewhat overlaps with things that the accrediting agency looks  
8 at.

9                   And that's it. So I don't want to, you know, we are  
10 not going into these agencies and their degree programs and doing  
11 a full on review. The site visit is really just to get an idea on the  
12 ground what the program looks like but it is for criteria and that's  
13 it, thanks.

14                   CHAIRMAN KEISER: Any questions for  
15 Jennifer?

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1       **MAKING RECOMMENDATIONS TO THE SECRETARY**

2                               CHAIRMAN KEISER: The final issue was  
3 brought up based on a couple of the actions that we took in where  
4 much of what was de minimis but certainly issues such as turning  
5 in CV's or things that might have been just paperwork that were  
6 not included in the final review or the final draft by the staff to  
7 force an agency to come back after 12 months and then have it  
8 reviewed again, most of the documentation because of a few  
9 missing documents seemed at least to one of the members,  
10 excessive and felt that we could do and maybe -- I don't know if it  
11 is our role to create processes, but a process that I certainly have  
12 used when I was on the State Licensing Board, license upon receipt  
13 of the materials.

14                              So you know a similar process. Ralph would you  
15 like to speak on this please?

16                              MR. WOLFF: Yes I'm the one that made the  
17 recommendation. As I understand we can renew but if there is a  
18 finding of non-compliance than the agency is required to  
19 successfully address that area of non-compliance within 12 months  
20 and it is a limitation on the agency's recognition.

21                              It requires a finding of non-compliance. There are  
22 some areas where documents are not supplied or missing or there

1 is confusion that if led to a recommendation of non-compliance for  
2 failure to submit the document such as a resume or a CV of Board  
3 member which is simply not a non-compliant issue and can be  
4 resolved readily.

5                   And therefore, it seems to be using the wrong  
6 remedy because to characterize the failure to submit certain kinds  
7 of documents does not rise in my view to be an area of non-  
8 compliance.

9                   In a sense we were a bit inconsistent -- I don't know  
10 if you can be a bit inconsistent, we were inconsistent in that with  
11 SACS our action was to say just submit those resumes and those  
12 documents and do that right away and grant it recognition without  
13 a limitation.

14                   And I can't recall which other agency -- Middle  
15 States, the secondary school Commission where they did also have  
16 documents but did have the required data -- the 12 months and we  
17 made no distinction between substantive documentation and if you  
18 will, non-substantive or administrative.

19                   So what I am asking for is -- is there not some way  
20 short of requiring a finding of non-compliance when in the  
21 interchange between the staff and the agency. The documents  
22 have not been fully provided but where they could easily be

1 provided and assured that they address the concern and for me  
2 such areas would be like missing resumes because it takes several  
3 months before the senior Department official actually rules on the  
4 final decision and so there is that interim period.

5           And it requires the agency to come back and were  
6 the only issue that submitting documents they would need to go  
7 through a process, maybe it would be a consent agenda but it just  
8 seems to be extra work and an inappropriate use of the limitation  
9 on an agency's recommendation.

10           So I am inviting consideration -- is there some way  
11 of granting or recommending the granting of recognition with the  
12 submission of the necessary documentation that has been found by  
13 the staff to be lacking within 30 days or less following the  
14 Committee meeting that is not a limitation on the Agency's  
15 recommendation and could that be developed is what my request  
16 is.

17           CHAIRMAN KEISER: Herman?

18           MR. BOUNDS: Yeah you know our rules are  
19 pretty clear. If you look back in the part of the regulation there's  
20 not like from 602.10 to 602.28. If you look back in the 30's you  
21 know it says the agency must submit the documentation that  
22 demonstrates the application.

1                   I mean that's pretty clear to us. Now we work with  
2 agencies, sometimes we upload stuff the day before the meeting if  
3 we can get it. I have certainly no objection to the Committee  
4 recommending that they turn it in the 10 days or shortening the  
5 period. I mean that's great and I mean you all can do that.

6                   We are somewhat limited in, you know, limited in  
7 what we do and it prevents us from having to determine okay well  
8 what's more important, do I get these resumes or do I get  
9 application demonstrated over sub-change which we didn't get  
10 which we know they probably have done.

11                  So it just prevents us from having the general apples  
12 and oranges but I have no objection and I think it was maybe a  
13 good idea in some instances where you guys can recommend that.  
14 The 12 months was originally given because we didn't want to cut  
15 an agency short.

16                  If they needed to do a policy change or something  
17 like that to get it through their processes but, you know, I have no -

18                  MR. WOLFF: Let me make sure I understand there  
19 are two things you are saying and I want to make sure I clarify  
20 them because I'm not sure agencies operate under this assumption.  
21 The first thing I am hearing you say is that after the staff issues its  
22 final report --

1 MR. BOUNDS: After the final we can't do  
2 anything.

3 MR. WOLFF: Okay what you were saying that you  
4 could upload documents until the last day, what does the last day  
5 mean -- before this meeting?

6 MR. BOUNDS: Yeah it depends upon -- the last  
7 day before we send out the final but it also depends on the  
8 workload of my guys. If they are struggling with two or three  
9 agencies we just may not have time to get to it.

10 So we like to have that stuff -- you know we like to  
11 have it in the draft. With SACS for instance, we had so much  
12 documentation to get loaded up, we couldn't -- you know they  
13 identified that they missed putting in some information -- we just  
14 did not have time to go back and get that information in because  
15 we have to get you all the report on the 7 day.

16 And you know, I have sent them out from my house  
17 sometimes, you know 9 o'clock at night but that's not really  
18 preferable.

19 MR. WOLFF: Let me clarify because I appreciate  
20 you have the legal requirement of 7 days in advance.

21 MR. BOUNDS: That's right.

22 MR. WOLFF: After the 7 days is the Department --

1 is the staff open to receiving any documentation in response to the  
2 final staff report?

3 MR. BOUNDS: No, there is a 10 days provision  
4 where you can submit but I have to read it again and it is very, very  
5 specific of what we can receive or what the agency can submit  
6 after the 10 day period. And during that 10 day period what falls  
7 under that purview of that window.

8 MR. WOLFF: And then it would be helpful if you  
9 could let us know next time. And then the second thing you are  
10 saying is you would have no problem if it was just a ministerial  
11 admission of documentation or what the right term is, that we  
12 could recommend re-recognition with the follow-up that they  
13 would submit the documentation in a limited period of time.

14 MR. BOUNDS: So for me I don't have any  
15 objection to you all doing that it's just for me, we couldn't do that  
16 because I don't think that's what our regulations allow for us to say  
17 you meet the requirements but you still have documentation.

18 So for us if we don't get the documentation and if  
19 we don't see demonstration of application for our rules the agency  
20 is really -- they are non-compliant because they didn't get the  
21 information in and they haven't demonstrated the application of  
22 that policy.

1                   So they really are non-compliant. Some things we  
2 will do if say for instance, if it is under sub-change and if an AG  
3 has never had a sub-change they just need to be real clear in their  
4 policy and say we haven't had one and then we can say they  
5 haven't had the opportunity to demonstrate that.

6                   But you know those things, you know agencies  
7 have to step up and make sure they tell us that when we get -- you  
8 know, before we get the analysis because we don't expect you to  
9 demonstrate application on something that may not ever occur. So  
10 those are some of the differences.

11                  MR. WOLFF: I would just if I understand that you  
12 can't, as a staff, recommend that but we as a Committee could, it  
13 would be --

14                  MR. BOUNDS: I mean yeah -- I don't think,  
15 Jennifer could probably answer that question.

16                  MR. WOLFF: So let me just say if we were able to  
17 do that it would be helpful to know what the language would be for  
18 resolution that we could make to be somewhat consistent in the  
19 language and what kind of determinations we might make to be  
20 consistent.

21                  But I do think it's hard -- there is a line between  
22 compliance and non-compliance when it is just around certain

1 kinds of documentation, particularly that which can be readily  
2 provided. There is a big difference between that and the need for a  
3 new policy or you know -- some demonstration of implementation  
4 of the policy.

5                   So for the next meeting it would be helpful if we  
6 could do it to know how we would go about doing it.

7                   MR. BOUNDS: Well I think Jennifer can explain  
8 it.

9                   CHAIRMAN KEISER: Jennifer, go ahead.

10                  MS. HONG: I want to take that back because I am  
11 hesitant to answer that right now. This seems like the same  
12 problem. It is a disagreement with what compliance means. So  
13 the staff has indicated that -- not having a complete documentation  
14 of the evidence that they stipulated is a finding of non-compliance  
15 when that hasn't been received.

16                  And you are disagreeing that that constitutes non-  
17 compliance so I think it's the same issue that we have previously  
18 so let me get back to you.

19                  MR. PRESSNELL: Mr. Chairman on that -- and  
20 here's I guess my question because I serve on the SACS Board and  
21 so I wasn't here for this but you know when we make reviews of  
22 institutional compliance our decisions have to be made based on

1 the material given on a date certain which is what you are saying

2 Herman right?

3 And so in reality -- and I guess you know the  
4 recommendation would have been to continue the Agency's  
5 current recognition and require the Agency to come into  
6 compliance within 12 months and submit a compliance report 30  
7 days after the 12 month period.

8 Is that your only option on language? For instance  
9 is there a -- continue the Agency's current recognition that requires  
10 the Agency to come into compliance within 3 months period and  
11 leave it at that because it is such a small thing.

12 Because for instance we debate on an institutional  
13 issue whether or not they should come into compliance within 6  
14 months or 12 months and when you really think about it the 6  
15 months is really only 2 months because they have to submit a  
16 report ahead of time, blah, blah, blah, blah, blah.

17 So do you have options in your language that would  
18 make it look soft? And let me ask one more question -- is that --  
19 what is the implication of that recommendation on that Agency?  
20 Because we try to be really careful on institutions back at the  
21 SACS level and if we are sending out a public sanction that has  
22 very negative impact, potentially on the institution to raise funds,

1 to attract students and so on and so forth. So can you help me  
2 understand that as well?

3 MS. HONG: This was a deliberate attempt at the  
4 last rule-making to be very clear on what constitutes compliance.  
5 So I don't know if any of you -- maybe you remember Art,  
6 previous to that we would give the grant of recognition and require  
7 what we called an interim report for those issues, but they were not  
8 -- we didn't call them non-compliance issues, and that was  
9 problematic from a regulatory perspective.

10 So in order to address that problem and to assure  
11 that we purport with the statutory requirement that if there is a non-  
12 compliance issue, agencies must come in compliance within 12  
13 months.

14 And the only way that we could assure that, because  
15 we couldn't assure that in the previous regulatory scheme, the only  
16 way we could assure that is to be very firm on what compliance  
17 means.

18 And so to answer your question no there is not a  
19 process for that, so agencies are either in compliance --

20 MR. PRESSNELL: No I am not arguing that  
21 because my point is they were not in compliance. I'm not arguing  
22 that point.

1 MS. HONG: Is there any option for us --

2 MR. PRESSNELL: So can you say can you come  
3 into compliance within 3 months? Can you adjust that date or also  
4 when they -- let's say they come into compliance within 3 days  
5 because they gave you all you needed, do you issue a public  
6 statement saying SACS is now in full compliance?

7 MS. HONG: No, so that's what I mean. We don't  
8 have a process. So when we require a compliance report, we  
9 require all compliance reports to be reviewed by this Committee is  
10 the thing. So that will come back, so everything has to come back  
11 to this Committee and then up to the senior Department official for  
12 a decision.

13 Because that process has to be in place you notice  
14 that we don't go -- we don't have short terms for agencies to come  
15 in. Like three months probably would not be possible, I think we  
16 have done 6 months before because they have to submit their  
17 information, staff has to review it, gets teed up to this Committee,  
18 this Committee has to look at it.

19 MR. PRESSNELL: Okay but for instance on SACS  
20 you could have easily done 6 months and not required them to  
21 submit a compliance report 30 days after the 12 month period.  
22 You could have easily shortened that time to get us to the

1 December meeting and been done with it.

2 MR. BOUNDS: Sure and it would have still been,  
3 you know, they always get the 30 days numbers in there after the 6  
4 month period so they can do that.

5 The issue is and we may not have been able to get  
6 them back in December, it just depends on -- it kinds of depends  
7 on our scheduling and who is in the pot so we just give that, you  
8 know, that 12 months as Jennifer said is the maximum, you know  
9 is the maximum time.

10 And then sometimes the agencies will call us and  
11 say hey we got this done can you get us in and if we can you know  
12 we will.

13 MS. HONG: And sometimes we give the shorter  
14 timeframe as a punitive measure.

15 MR. BOUNDS: Right.

16 MS. HONG: Right because sometimes yeah, so we  
17 will say 6 months we really need this, you know. But if agencies  
18 call us and say hey I'm ready to come up at the next meeting and if  
19 there is room on the agenda for them we will honor that request.

20 CHAIRMAN KEISER: Susan?

21 MS. PHILLIPS: Could NACIQI in its  
22 recommendation recommend that it not come back to the

1 Committee, the compliance report not come back to the  
2 Committee?

3 MS. HONG: No.

4 MS. PHILLIPS: Why not?

5 MS. HONG: Because it is spelled out under sub-  
6 part C you know, what the procedures are.

7 MS. PHILLIPS: That the compliance report has to  
8 come back.

9 MS. HONG: Yeah what review --

10 MS. PHILLIPS: So NACIQI can't decline to  
11 receive and review a compliance report?

12 MS. HONG: No but again we have the consent  
13 agenda right, for compliance reports so that would kind of expedite  
14 that review.

15 MS. PHILLIPS: Yes.

16 CHAIRMAN KEISER: I think that's the type of  
17 rules that we may want to comment on if the Secretary asks for our  
18 comment today and the Federal Register.

19 MS. PHILLIPS: I'm mindful in this process that it  
20 creates for the want of two resumes, it creates a staffing issue for  
21 the accreditation group, it creates a time issue for this group  
22 without adding value.

1                   CHAIRMAN KEISER: Value.

2                   MS. PHILLIPS: Substantive value and if there  
3 were some way to function in an expedited way within the  
4 regulation that would be really useful to find, I think all around.  
5 Then you wouldn't have the staff who had too many things that  
6 they were juggling to be able to respond to somebody else.

7                   CHAIRMAN KEISER: Claude?

8                   MR. PRESSNELL: Yeah just the question -- my  
9 other question was not answered. In terms of the implication of  
10 this 12 month piece on an Agency, like you said we are very  
11 cognizant of what it means to an institution when we do it to them.

12                   What would that have meant to SACS?

13                   MS. HONG: So those regulations were effective in  
14 2010 so I think initially the community had to get used to it  
15 because everybody was getting compliance reports in 12 months  
16 you have to come back.

17                   I think they are used to it, they recognize that so if  
18 you have an issue, even if it is one issue, you have to come back in  
19 12 months. I don't know that's necessarily perceived as punitive  
20 so much as inconvenience -- it is inconvenient.

21                   And I do agree that this is a consequence of us  
22 trying to address, you know, trying to come into compliance with a

1 statutory requirement that agencies come in compliance with  
2 within 12 months.

3 MR. BOEHME: Are we preparing another -- is  
4 this, what is this conversation ultimately leading to Mr. Chair?

5 CHAIRMAN KEISER: I think it was to answer  
6 questions which I think the questions have been answered and the  
7 limitations that we have in terms of the things that we can do or  
8 how we respond to agencies. So I think that was pretty clear from  
9 the staff.

10 That is written it is not just --

11 MR. BOEHME: Sorry I meant for the series of six  
12 questions, is this going to evolve into a white paper, are we going  
13 to take a vote at the end of this in you know, 20 minutes to make a  
14 position?

15 CHAIRMAN KEISER: That's your decision. As I  
16 said the Secretary today issued an announcement that asked the  
17 public to present rules that they felt were wrong or were  
18 burdensome or certainly not productive, that could be something  
19 we do. I don't know if that is what you to do?

20 MR. BOEHME: So would the Chair potentially  
21 later entertain a Motion for us to kick-start the process of forming a  
22 Committee to write a 2017 white paper -- potentially?

1                   CHAIRMAN KEISER: We have 10 people so we  
2 have a quorum and therefore I would entertain any Motion on  
3 anything that you would like to say.

4                   MR. BOEHME: I would like to make a Motion if  
5 the Chairperson views it to be appropriate given the announcement  
6 from the Secretary that NACIQI forms a Committee or begins a  
7 process and I'll let the Chair pick the language which we will vote  
8 on to commence a white paper writing process.

9                   CHAIRMAN KEISER: Is there a second? Okay  
10 now we can discuss it.

11                  MR. PRESSNELL: So now we can discuss it, a  
12 white paper for what? For de-regulation for what, what are we  
13 writing a white paper on?

14                  MR. BOEHME: Right so I think given today's  
15 conversation we have come away with a lot of things, not  
16 necessarily conclusions but certainly jumpstarted a conversation  
17 where in previous white paper conversations we have been able to  
18 have conference calls in between different NACIQI meetings  
19 where we are able to wordsmith and formulate language that we  
20 could ultimately vote on recommendations if we do have a  
21 December meeting.

22                  And maybe it would take more time but we could

1 maybe use these six questions that Art has asked and we can start  
2 to formulate questions in terms of the specific, in terms of if we  
3 take a position on should there be a federal -- a student unit record  
4 system, we would discuss that within the Committees on  
5 conference calls between the NACIQI meetings which there is a  
6 precedent for that.

7 I'm not saying we make these decisions now but I  
8 think we start to work together on these issues because I think we  
9 would regret not turning this substantive conversation into  
10 something.

11 And ultimately we may not agree on the student  
12 unit recommendation and that won't be in the white paper -- but  
13 maybe there is a recommendation for us to be the final decision-  
14 maker and again maybe not.

15 CHAIRMAN KEISER: Frank?

16 VICE CHAIRMAN KEISER: I would ask Simon  
17 and my colleagues if we could break the student unit record piece  
18 off because I think that's too big and ask if Simon would accept  
19 the following revision to the proposal which is that:

20 NACIQI write a white paper, specifically  
21 responsive to the Secretary's request published today in the  
22 Federal Register for ways to be more efficient and for potential

1 changes that would do that.

2                   So it is very targeted, very responsive, just that --  
3 not the more controversial stuff.

4                   CHAIRMAN KEISER: Would you accept that?

5                   MR. BOEHME: I consider that friendly.

6                   VICE CHAIRMAN WU: I would bet that across  
7 the board without respect to partisan politics, there will be 3,4,5,6  
8 of these little finicky administrative things that all of us will say it  
9 is silly to have people come back after a year for two resumes.

10                   So I'll bet we would identify a handful of small  
11 victories and even maybe some big ones.

12                   CHAIRMAN KEISER: Paul?

13                   MR. LEBLANC: I worry about taking the SUR off.  
14 We may not finally be able to come to agreement or consensus on  
15 it but cleaning up and streamlining is sure we can do a white paper  
16 but why squander the opportunity to weigh in on the most  
17 meaningful thing we talked about in my view today.

18                   My question for you Simon was the process you  
19 described. I mean I still think we need to hear from people that are  
20 doing work on this on the topic of national level SUR's to inform  
21 our thinking.

22                   I don't know how your timeline accounts for that

1 but I would urge that we keep it in and if we decide we can't come  
2 to a conclusion then we can't come to a consensus or a conclusion  
3 about it.

4 MR. BOEHME: And well two things -- so for one  
5 white paper there was a minority report. Art you were there and  
6 you can discuss that, but there is so if we do come to an agreement  
7 or a disagreement we could write potentially two white papers.

8 But I think in order -- I agree with you, the most  
9 interesting and substantive and given the College Transparency  
10 Act which is my understanding is being discussed we should  
11 contribute to that.

12 But I also hear that we should hear from federal  
13 experts in this area. So maybe my Motion still stands that we  
14 focus on the current call but then in December which hopefully it  
15 wouldn't be too late, we could then make another Motion to write  
16 a white paper on the student unit record.

17 But I am not sure, Paul --

18 MR. LEBLANC: So if I may there is no restriction  
19 on how many white papers we do. We could do one on all of the  
20 sort of streamlining that I think we probably would get to quick  
21 agreement on to Frank's point and then reserve second focus on  
22 this to see if we come to consensus on this.

1 MR. BOEHME: I agree.

2 CHAIRMAN KEISER: And Paul I will work with  
3 Jennifer to tee up that discussion at the next meeting. I think that's  
4 a very good suggestion because it is a critical issue. I'm not sure  
5 we have the resolution but it is a critical issue, Ralph?

6 MR. WOLFF: Could I just ask timeline? Is it to be  
7 done in preparation for discussion at the December meeting? If so  
8 I would like to -- I mean if that's the case then I would like to  
9 include that in the resolution if you would be willing in the sense  
10 that we say that there is a specific timeline for it.

11 MS. HONG: I just want to address real quick.  
12 There is no -- in planning for the Student Unit Record Panel that  
13 was something that was brought quickly at the last meeting. There  
14 was no intention to exclude anybody from the discussion.

15 It could be the first of many panel discussions but  
16 the intention was to bring people that have been working on this  
17 stuff in the states and see what we can learn from them -- best  
18 practices. See what, you know, these interchanges are like and the  
19 exchange of information. There's certainly -- I assume that you all  
20 would take the discussion to the federal level, but yeah.

21 CHAIRMAN KEISER: I have a Motion and the  
22 Motion is to set up a Committee to provide a response to the

1 request for simplification or un-burdensome regulations which  
2 could help us streamline our meetings. And then of course I think  
3 it was taken in agreement that we will continue the discussion with  
4 the student unit record at the next meeting by inviting some  
5 presenters but that is not part of the Motion but that is an  
6 agreement separate from the Motion, any further discussion on the  
7 Motion, Frank?

8 VICE CHAIRMAN WU: Just a question. What is  
9 the deadline for the Secretary's request because I'm just worried  
10 for practice purposes because if she set like a 60 day deadline or  
11 something before we vote, what is the time pressure here?

12 CHAIRMAN KEISER: I don't know -- we would  
13 take that into consideration.

14 VICE CHAIRMAN WU: Okay fine.

15 CHAIRMAN KEISER: Obviously it doesn't make  
16 any sense if the timeline is before December. We would have to  
17 have the Committee meet -- do we have to publish in the Federal  
18 Register a task force meeting to discuss this?

19 MS. HONG: I think so I would have to go back.

20 CHAIRMAN KEISER: Okay so we would  
21 probably get that up pretty quickly. All in favor of the Motion  
22 raise your hand? All opposed -- Motion carries. Is there anybody

1 that would like to volunteer to serve on that?

2 MR. BOEHME: I made the Motion so I will.

3 CHAIRMAN KEISER: Okay we have Simon and  
4 we have Kathleen, yeah Streamline Committee and Paul and  
5 Claude. Okay great. We are finished with my agenda.

6 **NACIQI RECOMMENDATION**

7 **To set up a Committee to provide a response to the**  
8 **request for simplification or un-burdensome regulations which**  
9 **could help us streamline our meetings.**

10 CHAIRMAN KEISER: Is there anything for the  
11 good of the order from members of the Committee? Yes?

12 MS. ALIOTO: Arthur I would like to thank you for  
13 your leadership of the Committee and Frank the two of you  
14 moving us along in a great way so thank you very much. And  
15 Jennifer, and Herman -- it's a great meeting, thank you.

16 CHAIRMAN KEISER: And just on the side I  
17 thought we, as a Committee, came together very nicely. I thought  
18 there were a lot of meaningful discussions.

19 VICE CHAIRMAN WU: And we like staff.

20 MR. BOUNDS: I would just like to say we enjoy  
21 this, this is great for us and this is the way the process is supposed  
22 to work. We are all passionate about what we do and there are

1 definitely no issues with staff, and you know, with the Committee.

2 CHAIRMAN KEISER: Sensing no more business

3 for the Committee I would recognize a Motion to Adjourn by

4 Claude, all in favor? Aye we don't need to vote for that.

5 (Concluded at 11:29 a.m.)

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