The Advisory Committee met via Videoconference, at 10:00 a.m. EDT, Arthur E. Keiser, Chair, presiding.

ADVISORY COMMITTEE MEMBERS PRESENT
ARTHUR E. KEISER, Chair
CLAUDE PRESSNELL, Vice Chair
KATHLEEN SULLIVAN ALIOTO
JENNIFER L. BLUM, ESQ.
RONNIE BOOTH
WALLACE E. BOSTON
ROSLYN CLARK ARTIS
JILL DERBY
DAVID EUBANKS
MOLLY HALL MARTIN
D. MICHAEL LINDSAY
ROBERT MAYES
MARY ELLEN PETRISKO
ROBERT SHIREMAN
ZAKIYA SMITH ELLIS
STEVEN VAN AUSDLE
DEPARTMENT OF EDUCATION STAFF PRESENT
GEORGE ALAN SMITH, NACIQI Executive Director,
   Designated Federal Official
HERMAN BOUNDS, Director, Accreditation Group
LG CORDER
PAUL FLOREK
ANTOINETTE FLORES
NICOLE S. HARRIS
CHARITY HELTON
DONNA MANGOLD
STEPHANIE McKISSIC
KARMON SIMMS-COATES
MICHAEL STEIN

SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS,
COMMISSION ON COLLEGES (SACSCOC)
ROSALIND FUSE-HALL, Director
REBECCA MALONEY, Chair, Board of Trustees
ALEXI MATVEEV, Director
BELLE S. WHEELAN, President

THIRD PARTY COMMENTERS
ROBERT J. BOYD, ESQ., Independent Colleges and
   Universities of Florida
ANGEL CABRERA, Georgia Institute of Technology
EDWARD CONROY, New America
TESSA EMBRY
RACHEL FISHMAN, New America
BERNAARD FRYSHMAN, Association of Advanced
   Rabbinical and Talmudic Schools
DAVID HALPERIN, Attorney

JAMES HAYNES, Veterans Education Success

MARK LINDSAY, The Livingston Group

VANN R. NEWKIRK, Fisk University

KYLE SOUTHERN, The Institute for College Access
   and Success
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10:00 a.m.

CHAIR KEISER: Good morning, everyone.

This is day three of the National Advisory Committee on Institutional Quality and Integrity.

Today is probably the last day of our meeting, as we were able to move up some of the agencies.

So, I'd like to introduce -- well, George, you should be doing the introduction, not me.

G.A. SMITH: Well, I mean, I can do my typical opening statement. So, just let me do that for the record, okay?

CHAIR KEISER: Go ahead, I'm sorry.

G.A. SMITH: All right. Welcome everyone. It's our judgment, and this is the meeting of the National Advisory Committee on Institutional Quality and Integrity, also known as NACIQI.

I'm George Smith, the executive director and designated official of NACIQI, which
was established by Section 114 of the Higher Education Act of 1965, and is also governed by provisions of the Federal Advisory Committee Act, as amended, which sets forth standards for the formation and use of advisory committees.

Sections 101C and 487C-4 of HEA, and Section 8016 of the Public Health Service Act, 42 U.S.C. Section 2966, by the Secretary of Published Lists of State Approval Agencies, nationally recognized accrediting agencies, and state approval and crediting agencies for programs of nurse education that the secretary determines to be reliable authorities as to the quality of education provided by the institutions and programs they accredit.

Eligibility of the educational institutions and programs for participating in various federal programs requires accreditation by an agency listed by the Secretary.

As provided in HEA Section 114, NACIQI advises the Secretary in the discharge of these functions.
It's also authorized to provide advice regarding the process of eligibility and certification of institutions of higher education for participation in the federal student need programs, authorized under Title IV of the HEA.

In addition to these charges, NACIQI authorizes academic graduate degrees from federal agencies and institutions.

This authorization was provided by letter from the Office of Management and Budget in 1954. And the letter is available on the NACIQI website, along with all other records related to NACIQI's deliberations. So, now I'll turn it back over to you, Art. And you can start with introductions.

First thing on the agenda is to have the introduction of the members of the Committee and the members of the Staff. And if I may have -- Wally, if you would introduce yourself?

CHAIR KEISER:  Molly?

M. HALL-MARTIN:  (Native language spoken.) I'm Molly Hall Martin and I am a student member.

CHAIR KEISER:  Mary Ellen?

M.E. PETRisko:  Mary Ellen Petrisko, past president of WASC Senior College and University Commission.

CHAIR KEISER:  Kathleen.

K.S. ALIOTO:  Kathleen Sullivan Alioto, advocate for early child care certification, the first two years of life, where 80 percent of a child's brain is developed.

CHAIR KEISER:  David.

D. EUBANKS:  Good morning everyone. Dave Eubanks, I work at Furman University.

CHAIR KEISER:  Claude.

VICE CHAIR PRESSNELL:  Good morning. Claude Pressnell, president of the Tennessee Independent Colleges and Universities, and Vice-Chair of the Committee.

CHAIR KEISER:  Robert.
R. MAYES: Good morning. Robert Mayes, CEO of Columbia Southern Education Group.

CHAIR KEISER: Steven.


CHAIR KEISER: Bob.

B. SHIREMAN: Bob Shireman, Director of the Higher Education Program, and Senior Fellow at the Century Foundation.

CHAIR KEISER: Jill.

J. DERBY: Good morning. I'm Jill Derby, the senior fellow, Association of Governing Boards of Universities and Colleges.

CHAIR KEISER: Roslyn.

R. ARTIS: Good morning. Roslyn Artis, President of Benedict College in South Carolina.

CHAIR KEISER: Zakiya.

Z. SMITH ELLIS: Good morning. Zakiya Smith-Ellis, former chief policy advisor to Governor Murphy in New Jersey, and student
advocate.

CHAIR KEISER: Jennifer.

J. BLUM: Jennifer Blum with Blum Higher Education Advising.

CHAIR KEISER: George, if you would introduce your team, and then Herman?

G.A. SMITH: Sure. Part of my team, Monica Freeman, and we also have with us today three representatives with OGC, Donna Mangold, Angela Sierra, and Soren Lagaard.

H. BOUNDS: Good morning again. My name is Herman Bounds, I'm the Director of The Accreditation Group, and I'll introduce the AG staff. So, Elizabeth Daggett and Reha Mallory are out. We'll start with Nicole.

N. HARRIS: Yes, good morning. Dr. Nicole S. Harris, Analyst with The Accreditation Group. Good morning.

H. BOUNDS: Stephanie?

S. MCKISSIC: Good morning. I'm Dr. Stephanie McKissic. I'm an accreditation analyst with The Accreditation Group.
H. BOUNDS: Charity.

C. HELTON: Good morning. This is Charity Helton, Accreditation Analyst with The Accreditation Group.

H. BOUNDS: And Karmon.

K. SIMMS-COATES: Good morning. This is Karmon Simms-Coates and I'm an analyst with The Accreditation Group.

H. BOUNDS: Mike.

M. STEIN: Good morning. Mike Stein, analyst with The Accreditation Group.

H. BOUNDS: LG.

L. CORDER: LG Corder, analyst with The Accreditation Group.

H. BOUNDS: And Paul.

P. FLOREK: Paul Florek, analyst, Accreditation Group.

H. BOUNDS: All right, Art, that's us. We're all present and accounted for.

CHAIR KEISER: Thank you, Herman and George. And again, thank you to the Staff. You've done a remarkable job putting this
together, especially in the virtual environment.

For those who don't know, because we were able to complete the review of the American Dental Association's commission, yesterday we were able to compress the meeting and begin today with the policy discussion that was scheduled for tomorrow.

Those folks who had whispered that they wanted to testify have been notified, and I am told that they are going to be available to be able to talk to us.

But first, before we go to the policy discussion, which I think this is still part of the policy discussion, is we've established a committee on the accreditation dashboards and much of the data review.

And thank you very much, Wally, for the hard work that you did. And I'd welcome the report from the Committee and the discussion there.

W. BOSTON: Thank you, Art. First of all, I'd like to thank everyone who's
participated in the subcommittee activities.

And just as a refresher, at last

summer's meeting the dashboards were
reinstituted, and a discussion was held among the
full Committee of a number of items that were on
the dashboards, which had been absent for a few
years.

At our February meeting, it was
suggested that we form a subcommittee of
interested members to follow up on how NACIQI
might best utilize the accreditor dashboards, as
well as to follow up on the specific discussion
items from the July 2021 meeting.

We've had four subcommittee meetings
since our February meeting. At our first
subcommittee meeting in March we were provided
with the original whitepaper recommending the
creation of an accreditor dashboard as a pilot
project for the June 2016 NACIQI meeting.

George Alan Smith provided the
subcommittee members with a perspective on the
origination of the dashboards, the utilization of
the dashboards, the suspension of the dashboards, and the reinstitution of the dashboards. With the dashboards reinstated, the pilot is assumed to have been reactivated.

Herman Bounds provided us with a review and discussion as to how his team uses the dashboards, as well as other databases that are not accessible to NACIQI.

It was noted at that review that the department's reviewers have access to more material than we do, due to privacy rules and regulations that prevent certain data from being distributed outside of the department itself.

At our first subcommittee meeting, there was a consensus that we wanted to continue to use the four foci originally singled out by the original pilot project.

These four foci are: (1) general performance and outcomes of the institutions the agency accredits, (2) decision activities of, and data gathered by, the agency, (3) standards and practices with regard to student achievement,
(4) agency activities in improving program and institutional quality.

We also agreed that the process of gathering the dashboard data, processing it, publishing the dashboards, and utilizing them, as part of NACIQI's agency reviews, are important items for our Committee members to understand and discuss as well.

The subcommittee invited Brian Fu to our second meeting. Brian and his team at the department are responsible for the college scorecard and the NACIQI dashboards.

We asked Brian if he could provide us with his perspective about the data that's included in the dashboards, which data is excluded, and why.

We also asked Brian to inform us about the process of data gathering for the dashboards, and the feasibility of making changes that the subcommittee might recommend.

At that meeting, we asked Brian if he could provide us with a descriptive matrix of how
data related to graduate degrees could be included in the current dashboards.

We also asked if the data on the dashboards could include all completers, not just those who borrow. We were told the data for all completers could be included.

Lastly, we asked him if the dashboards could be designed to flag changes from year-to-year in certain metrics.

That change, we've been informed, is feasible. We would just need to provide Brian and the department with guidance as to which metrics would be important to flag, as well as the percentage change, up or down, that would trigger a flagged notation.

During our review and discussion of the current dashboards, it became evident that the dashboards for specialty program accreditors are not usable in its current format.

Bob Sharman volunteered to review the various databases maintained by the department, to determine if a prototype dashboard could be
built using program-specific data that is a subset of the institutional data profiled on the other dashboards.

He and his associates determined that the DAPIP -- D-A-P-I-P -- dataset had much of the data that we were seeking. One of Bob's associates built several prototype dashboards using this data.

A key finding during this process was that the DAPIP database and the Federal Student Aid -- FSA -- database are maintained separately. CIP codes are maintained in the FSA database, but not in the DAPIP database.

The contractor that maintains the DAPIP database has said that adding that feature to that database would be out of scope of the current contract.

In addition, the contractor does not want to assume responsibility for adding the CIP codes to match the degree programs if the contract was reopened to consider this.

It is the subcommittee's intention to
continue to follow up with Brian Fu regarding the addition of graduate degree data to the existing dashboards.

George Alan Smith has agreed to meet with others at the department and find out if it's feasible to transfer CIP data from the FSA database to the SAP database, to facilitate the development of a relevant dashboard for specialty accreditors.

These are not the fullest of ideas, nor have I expressed the list of hurdles that we may have to leap over if it is deemed that some of the data we would like to include on the dashboards are not within our purview from a regulatory perspective.

It is our intention to continue to meet and present a whitepaper to the full Committee at our February meeting.

If the recommendations are adopted by the Committee, we will know which changes can be added in time for the 2023 dashboard, and which changes will have to wait until further approvals
I'd like to thank everyone on the subcommittee, and thank George Alan Smith, Herman Bounds and Brian Fu for the collegial and positive interactions with our Committee.

By the way, the 2022 dashboards are now available for the Committee and the public's review, if people have not looked at them. Thank you. And I'm available for any questions.

CHAIR KEISER: Thank you, Wally. There was a lot of work done and we appreciate the efforts on behalf of NACIQI by the Committee. Comments, questions, to Wally? Wow.

VICE CHAIR PRESSNELL: Yeah, I have a question.

CHAIR KEISER: No worry. Then, Bob. Okay.

VICE CHAIR PRESSNELL: Yeah, I just have a question about the CIP codes. Bob, I know you're working with the CIP codes. Refresh my memory. Are CIP codes normally four-digit, and then there's an expanded six-digit, and which
ones are we going after? How granular are we
going to look?

W. BOSTON: I agreed in advance to
yield those responses to Bob, who spent quite a
bit of time on this. Bob?

B. SHIREMAN: Thank you. And I wish
I could call on my colleague Tiara Moultrie, who
did the actual work, because I frankly don't
remember whether the four-digit or six-digit -- I
think that the ones in FSA are four-digit.

And the four-digit means they're
broader. So, they have a broader set of programs
included. I think that's right.

And the issue is that the DAPIP, the
accreditation database, has a program name, so
that a programmatic accreditor has identified
the, let's say Massage, as a program name, and in
some cases the name of the relevant program for
the school in the FSA database isn't Massage,
it's a personal services, or something like that.
And so, there's a mismatch there.

Now, if you have the list of the
schools that are accredited by the Massage
accreditor, you can usually make a match there,
but there's some judgment call in doing that.

It would be best if the schools or the
accreditor would tell us what the correct program
names are, or instead of using the names they're
using in DAPIP, to instead use the CIP codes,
would be another way of doing it.

The other gap is to do the earnings
and debt match, you need to know the level. So,
not just Massage, but is it a certificate program
or a degree program, two-year, four-year, et
cetera? And that is currently not in the DAPIP
database, although you can still grab the data,
and you know what the level of the program is.

However, there are some programmatic
accreditors that are only a particular level, and
we had that in this session, where one of the
programmatic accreditors is only doctoral
degrees, as opposed to the dental ones that have
a bunch of different degrees.

So, issues like that make matching a
little bit difficult. Now, all of that makes it sound like this is really hard. The reality is, my colleagues picked a few programmatic accreditors to try, and was pretty much able to make the match work and provide the data, with just a few glitches here and there.

So, it is totally doable. There's a few glitches to deal with that don't exist in doing the institutional accreditors. But it can be done and it could be done better with the cooperation of accreditors and the contractors.

VICE CHAIR PRESSNELL: Yeah, I know that, you know, using the zip codes I think really ensures better accuracy than looking at names, and so yeah, if there can be a movement toward that.

So, I'm glad we got the dashboards back. I think the information is incredibly helpful. It gives us kind of a global view of how the accreditors are operating within their sphere of influence.

With this additional data, Wally, do
you have a vision on how a new dashboard, or a
more comprehensive dashboard, will inform our
work?

W. BOSTON: Sure. I mean, I know you
know this because you've been on NACIQI for a
while.

The dashboard is currently
constituted -- one of the things that first came
up, and it was actually brought up in our July
discussion as a full Committee, there were a lot
of questions about why many of the specialty
accreditor dashboards just didn't seem to line up
with the institutional accreditors' dashboards.

And a lot of it has to do with whether
they have authority, or they're the gatekeeper,
for Title IV.

So, you'll see specialty accreditor
dashboards that may have a few institutions that
they're the gatekeeper for -- as few as three or
four -- but 80 or more institutions that they
accredit, but none of the details for those
institutions are listed because their primary
gatekeeper is an institutional accreditor.

And so, it led us to believe that
given that a substantial percentage of the
agencies that we review are specialty
accreditors, that we needed to have a relevant
dashboard for them as well.

And then, even with the institutional
accreditors, initially the dashboards that we had
a year ago only reflected undergraduate data.

You can see that we've had some
graduate data added as a result of feedback
between the subcommittee and Brian Fu and his
team, but at the same time if you go back to the
four foci that the original subcommittee put
together for the dashboard pilot project, we are
still a bit away from being able to have
meaningful dashboards.

And think again about the other
comment that I mentioned. It became clear to us
these dashboards are generated once a year, based
upon data that is submitted by each agency to the
department.
So, if you have a dashboard that's now in effect because it was just issued prior to this meeting and the other dashboard disappears, even if both of them existed, you would have to manually put together a review to determine what had changed.

And so, that was why our subcommittee felt that flagging changes, which we've yet to sit down and say which changes we would like to see, but let's just take something that maybe universally we could agree upon -- graduation rates -- if graduation rates change dramatically for a group of entities that are accredited by an agency, we would like to see that. And then, we'd have to say what percentage would trigger that review.

As it is now with the every-five-year review of an agency, the dashboard comes out annually, but we typically don't have a formal discussion. And part of that process is because this has been a pilot, and the pilot was pulled for a while, and now it's reinstituted.
And so, we'd like to take this to the next step and say, if we're to have a dashboard, we'd like to have a dashboard with these pieces of data in it.

You know which pieces of data are currently feasible utilizing data from the college scorecard, and we know which pieces of data are not currently feasible, and would have to have some intervention from the department in changing their contractors and getting data imported from one database to another. But hopefully that answers your question.

VICE CHAIR PRESSNELL: Yeah. No, it does. My last comment is, I think the triggering mechanism that you're exploring to be incredibly helpful, because you know you have flow trends. We expect flow trends on most systems triggers.

But if you have some huge variations, which I think that's why accreditors try to receive their annual reports from their members as well.

They kind of do a comparative on
whether or not they've had a huge shift. They
look at enrollment, both increases and drops.
And that usually triggers a question what's going
on.

So, I think that'd be incredibly
helpful. So, thanks for all your work.

W. BOSTON: Sure. Thank you. And
thank my Committee members too.

CHAIR KEISER: I have Bob and David,
and then I'd like to ask a question.

B. SHIREMAN: Yeah, can Mr. Chairman
or Wally, or maybe George, remind me what the
process would be if we wanted to get input from
other outside experts and organizations. It
seems that what we're talking about, I can
imagine there could be some really good
suggestions for how this should be done. And
it'd be good to get those in the next few months
before we kind of finalize for what some of our
requests are.

CHAIR KEISER: I'll send that to you,
George.
G.A. SMITH: Sure. As a subcommittee, you're not governed by the restrictions, or you don't have the restrictions that the full Committee has. And other subcommittees have reached out to lots of different agencies or constituents to help them put things together.

B. SHIREMAN: So, we can just reach out, make a request that somebody meet with us? And can we make a general request? Like, could I post on Twitter that, hey, other people who have expertise, we'd love to meet with you. Something like that?

G.A. SMITH: Let's see now. Nothing like that has occurred. I'm not sure. I'd want to check in with OGC on that one. I'm likely to find out, but it just seems like a larger or more expanded request.

B. SHIREMAN: Yeah. I guess I want to be sensitive to, like, I don't necessarily want to just go to people who I know, and I'm like, hey, I know Joe, I'll ask Joe.

(Simultaneous speaking.)
B. SHIREMAN: I feel like it would be good to say, like, other people who've look at this stuff that have --

G.A. SMITH: But let me check in with my OGC colleagues on that one.

B. SHIREMAN: Okay, that's great.

Thank you.

G.A. SMITH: And reach out to other people for assistance.

CHAIR KEISER: It wouldn't hurt to reach out to the agencies themselves too.

B. SHIREMAN: Right. Yeah, good point.

CHAIR KEISER: David?

D. EUBANKS: I just wanted to emphasize something that Wally said I think is really important.

When we do institutional accreditation reports, we include histories of graduation rates and retention rates, and we've seen some of those in the exhibits.

But when we look at agencies, we're
typically looking at the snapshot. It's like
this huge landscape and we're trying to explore
the landscape.

I found it very useful to go back and
read the transcripts from five years ago. And
Wally's talking about is sort of numeric tracking
over time.

Many of these agencies talk about
processes and continual improvement. I don't
think from my recollections, seeing exhibits that
track improvement in operations over time. I
think that would be a huge advance, whether it's
in the dashboard, or just an expectation in
reporting.

And, as a bonus, I think maybe the
agencies would find that they have good things to
report. Because, for example, four-year
graduation rates have increased dramatically over
time.

So, I think there'd be a great
conversation and a good exchange of information
if we could begin focusing on that.
CHAIR KEISER: Wally, as an institutional representative, I have a couple of concerns.

Yesterday -- I think it was yesterday, with Middle States -- we were starting to talk about some of the institutional performances. And they had -- obviously they used to be the accreditor for Puerto Rico.

And Puerto Rico was devastated by some hurricanes that had a huge impact on the data as it reflected against the agency.

I just think it is really important that we take into account that there are -- it's just not data that we should be looking at. It is just one part of the process.

The pandemic in many cases has also had an impact, especially those institutions that have had a hard time making their transition from on-campus to online environments, that we're not involved in it, and then all of a sudden March 13, at least and prior to this, when we were told to shut down, we had all of our
students online, and in a couple of days we were able to do that.

But many institutions were not. So, we've got to be careful. Data is important, the dashboard are important. But we do have to look above and below where the data enters. And then, just understand the milieu that the institutions are in, as well as the agencies. That was just a comment. Not necessarily, I don't need a response. Roslyn, and then Jennifer.

R. ARTIS: Thanks, Art. I would really echo that comment. I applaud the reinstatement of the dashboard and applaud those who have worked diligently to establish and deepen and broaden the dashboard.

Very useful information that allow us to juxtapose what we're seeing with the agencies, against reality, as it relates.

However, reality is relative. The dashboard tends to report data that is consistent with first-time, full-time, freshmen, and often is dated information.
And so, I think context matters. And as long as we are consuming the data with an eye toward the context that informs that data, it is a useful tool to us.

But we should not create an unyielding dependence on data points that may not reflect the unique characteristics of institutions or the student profiles that we serve. And I think we've seen examples of that throughout the last couple of days.

And so, I'd just offer that really as both context and a cautionary note. Big fan of data. Prove it. Don't just tell me, show me.

However, we cannot rely on it to the exclusion of context and detailed information about the nature and character of the institutions we serve.

W. BOSTON: And I would like to interject. These are great points. I was not a member of NACIQI when the original whitepaper was put together for the pilot.

But the four foci that our
subcommittee members agreed to, the dashboards are not going to be able to include all the information that are in those four foci.

So, explanations of changes, like that Art illustrated, what happened in Puerto Rico, or look at -- I mean, WASC is not up, but if you were to look at WASC's dashboard, there are 100 plus community colleges in the State of California alone, and we know that community colleges typically, because of the programs they offer, are going to not have the same completion rates that other institutions have.

So, dashboards are sort of a starting point for discussions. But the discussions have to happen, the context is absolutely important.

And I would note that as far as the first-time, full-time, FSA-only, I mentioned in my report that we ask Brian Fu if we could have data on all completers. And he said we could.

So, assuming that the full Committee agrees when we put together the white paper and present it, it's our position that it's important
to show data on all completers, not just those who are the traditional first-time, full-time, which we know are in the minority now and not in the majority of college students.

CHAIR KEISER: Jennifer.

J. BLUM: Yeah, I just wanted to echo you, Art, and Roslyn's comments, and Wally, what you just said as well.

And I would like to suggest that in the next phase I would also -- I viewed this sort of in phases, because I think we first needed to get our arms around whether the data is actually usable.

And I think we actually have consensus around the fact that in some regard it's really not yet -- particularly as it relates to programmatic accreditors, and sorting through to make it more usable, I think is sort of the first goal.

In my own mind, there's a second understanding that I feel like we need as a Committee. And that's the extent to which we can
actually use this data in our world on NACIQI, with regard to the recognition criteria.

And I think in that regard it would be very helpful in future subcommittee meetings to have the general counsel, WASC, is available to understand how this data fits with our valued and processed age with the criteria recognition that we're utilizing during our meetings and with our agencies.

And get along the department staff by the way too. It's not just about us. Actually, more importantly is the extent to which department staff can use the data in a manner consistent with and appropriate with the recognition criteria that they've been given to utilize.

So, I just wanted to say that I think we have complete consensus over this first phase of getting the data to be more robust and better. And then, I do think that there's a second piece of understanding how it can be used.

CHAIR KEISER: Claude.
VICE CHAIR PRESSNELL: Yeah, kind of adding to what Jennifer said there a little bit, I think that it's really important for the Committee to make sure that you articulate what we don't know.

So, what are the data telling us and what are our limitations? What do we not know? And so, one question I had related to that, you had talked about data on all completers. Are those also non-Title IV completers?

Because so much data analysis is done around only those who receive Title IV funding. And for some institutions, that's a very small percentage of their students. And so, Wally, can you help me on that?

W. BOSTON: Sure, Claude. Based on my notes, we could get data on all completers, including non-Title IV. And the reason we can is we're not drilling down to program-specific data.

And I could have interpreted this wrong when we had the discussion with Brian, and perhaps George or Herman may want to add in.
But the reason we could get all completers is because we're not breaking it out by program or by pay type. We're just saying, these are all the completers for this degree level, undergraduate, graduate.

VICE CHAIR PRESSNELL: Okay, great. And I just want to reinforce that context does matter. I think Roslyn's comments were spot-on.

CHAIR KEISER: David, and then maybe we can wrap it up.

D. EUBANKS: Just a quick comment. There's a data dictionary in the presentations, both the spreadsheet and our appointments. The data dictionary for the spreadsheet has the unit data, as it's prior 50 percent full-time, first-time, degree-seeking graduation rates.

So, it's cohort rates, I presume, for my kids. So, that would everybody, not just Title IV.

CHAIR KEISER: Thank you. So, Wally, I think you have your marching orders. And
continue your good work, and thank you for all
the members who participated in, I think, this
worthwhile endeavor.

Okay, the second of this morning's
agenda is a policy discussion. And there will be
a couple of issues that have been queued up on
the policy discussion.

But first, the department would like
a feedback on the letter that was sent to you two
days ago, and was sent to the accrediting
commissions, regarding the concept that
accreditation is a voluntary process, and in
order to change accreditors, there is a structure
that the department recognizes.

Obviously, for my state that's kind of
teed-up this issue in the bill that was passed
this last legislature regarding the state
universities and community colleges being
required to seek a new accreditor at the end of
their current recognition period.

So, the floor's open for discussion.

I think the department would like to hear our
feedback. Jennifer?

J. BLUM: My first feedback is just a recommendation of the department to not issue it on the first day of NACIQI, because there hasn't been much opportunity to provide feedback, since we're all sort of cramming, like I said to others, I feel like I'm studying for exams with each agency.

So, to throw a policy guidance out there the day of, when we're all busy trying to do this job, was not ideal.

So, even if it were like a day or two in advance, at least even if it's to us privately or something, if you want our input, then I think issue it earlier.

So, that's the first comment. The second comment is, in some regards I wish the department had said what it said years ago. There's been a provision in the regulation for years about what should be the case in terms of form-shopping, as I have called it -- accreditation form-shopping.
And I feel like across many administrations, the department actually wasn't utilizing a tool that it had to prevent institutions from leaving agencies and going elsewhere.

So, I think to some degree it's welcome to have what's stated here, which has been, like I said, could have been within their toolbox for a long time.

But I think given what's going on with Florida and the legislature, which I think is the new law, I think it's a necessary reminder to schools that they can't just switch over, which of course in some degree conflicts with the flow of the law. But that will work itself out, hopefully.

CHAIR KEISER: Wally, then Bob.

W. BOSTON: Sure. I each what Jennifer said about receiving this at the start of the meeting, and not having much time to reflect on it in advance.

But for a short reflection, I think
part of this is maybe a bit of an overkill in the
sense that I just don't see, given the level of
effort required, that institutions, willy-nilly,
are going to form-shop or consider switching.

It kind of reminds me in a prior life
when I was a CPA, of requirements that public
companies switch their auditing firm every so
often.

I mean, it's a lot of work to do that
and no real benefit, or at least on the surface
not a lot of benefit. So, I guess I can see
where you would have -- to me, the reversal is in
the past, you would go to the accrediting body
and get a licensing in the state, and then the
accrediting body, and get those approved before
you would to the department and get their
approval.

I think they're now asking for the
approval in advance, to, I guess, thwart people
who might truly be form-shopping.

But I just don't see that. And my
concern would be that with the openness of no-
borders from our formerly regionals, that
perhaps -- to me, that's a good thing and doesn't
keep people clustered into the same mindset that
they were in the past.

So, I'm sitting here observing this
and still thinking about it, and not so sure I
agree with everything.

CHAIR KEISER: Bob, before we go, I
see we have a guest who joined us. Dr. Flores,
would you like to make a comment?

A. FLORES: Good morning everyone.
Can you hear me?

CHAIR KEISER: Yes, we can hear you.
A. FLORES: Great. Just a second.
CHAIR KEISER: Would you like to make
a comment?
(Audio interference.)
CHAIR KEISER: Actually, we are
getting feedback. So, you have your computer and
your phone on? You might want to shut one of
those down.
(Audio interference.)
CHAIR KEISER: We're getting a lot of feedback.

A. FLORES: Okay, is that better?

CHAIR KEISER: That works great.

Thank you. Or it did work.

Z. SMITH ELLIS: Now, we can't hear you at all if you're talking.

CHAIR KEISER: It's hard with the mask. We can't tell if you are talking. Now, we can't hear you. I'm sorry.

H. BOUNDS: Maybe she's on mute, Art. You've got that little mute button on.

CHAIR KEISER: I know.

Z. SMITH ELLIS: We could hear you when you unmuted. We heard sounds in the room.

A. FLORES: Thanks, everyone. Thank you for being patient with our technological challenges.

I welcome any questions you have if you have them. But otherwise, I just want to hear feedback.

CHAIR KEISER: Okay, great. Then,
Bob, you were up. I'm sorry. Go ahead, Bob.

B. SHIREMAN: Great. Thank you so much. Yeah, I wanted to elevate, I guess, to what this guidance is really all about.

A major reason that our universities in this country are, and for a long time have been, better than the rest of the world, is that they are not run by politicians.

There is a separation between the political leaders in our country and the institutions of higher education, especially in private higher education, but also in public higher education.

And that has been assisted enormously by our accrediting agencies, particularly the ones that are academically focused, and that protect academic freedom, have standards related to academic freedom.

We have seen the way that fascist leaders in other parts of the world, like Hungary, take over their institutions of higher education as one of the ways to wrest control and
prevent public debate on the issues of the day.

     We have a situation in Florida where
     a governor seems to want to have that kind of
     power over at least the public universities. But
     I would add that I fully expect that we will see
     some situations where states benefits are
     conditioned on the same kinds of requirements
     that have been attached to Florida public
     universities, to have to change their accreditors.

     So, I see this guidance as an
     extremely important pushback on an attempt to
     undermine academic freedom in Florida's colleges
     in a way that we could well see if they manage to
     get away with this in Florida, could well see
     happen in other situations.

     And so, requiring a school to go to
     the U.S. Department of Education first before
     they change accreditors, means that they will
     have to say, well, we're doing this because our
     governor doesn't like academic freedom.

     And I would hope this forces a change
     in that rethinking of that Florida law. So, I
I think this is really important. That's my understanding of really what prompted all of this.

It has broader effects around some of the predatory college issues that come up in other circumstances. But I think the academic freedom issue is certainly the most important, at least today.

And I'd welcome Ms. Flores providing, letting me know whether my understanding of the way this would work is accurate.

A. Flores: I just wanted to add one point to what Bob has said. I think under Secretary Kvaal in his opening provided background to some of the concerns and some of our hopes with how this process will work, as well as what we're trying to accomplish.

Part of the clarity that was provided around requiring institutions to seek approval from the department in advance of submitting an application to an accrediting agency, is really because there's been some confusion about our
regulations and the way that they're framed.

So, 611 says that the department
cannot recognize an institution that is in the
process of switching accrediting agencies. We've
had some confusion around that component, and
really want to make sure the process is clear,
and that institutions are not running into
Title IV issues.

CHAIR KEISER: Okay, we have a whole
bunch of people. So, it's going to go like this:
Jill, Claude, Jennifer, Zakiya and David. Okay?
Jill, you're up.

J. DERBY: Yeah, I want to follow up
on what Bob said. I was very pleased to see this
letter come out, and I agree it was right before
our meeting, and maybe there wasn't enough time.
But I'm glad we're having the opportunity to
discuss it.

My concern about what has happened is
the kind of external political intrusion into the
academic process.

And it isn't academic freedom so much
I'm focusing on in my comments, as much as every one of the regional accreditors have governance standards around independence and the importance of governing boards being independent from external intrusion, whether that's political, or maybe just large-monied interests, whatever.

And we've had recently some accreditors call out institutions. And certainly, that's what happened in Florida with the political intrusion.

It's a violation of the standards that all the regional accreditors have around governance and the importance that governing boards act independently of whatever kind of inappropriate external intrusions occur in their governing process.

And because we're seeing that in other ways across the country, I think that's really a threat to the whole higher education enterprise. And really, I want to just repeat what Bob said, in terms of around the world, where you have governments that are really deciding curricula
and putting those kind of limits on universities that haven't thrived the way American universities have.

    I think it's really almost an existential issue to see the kind of political intrusion that's going on across the country, into the governance process that was created in America.

    Unlike most countries where the government runs higher education, we have independent boards that are charged with governing the institutions, and their independence is encoded in governance standards by all the regional accreditors.

    CHAIR KEISER: Claude?

    VICE CHAIR PRESSNELL: Yeah, thanks, Jill. Because I think that's really a primary point that I was going to make as well, is that one of the fundamental criteria for accreditors is under governance and the independence of the institutions.

    I think what's happening in Florida is
largely uniformed, in terms of the accreditation
process.

Whoever's making these decisions is
really not informed about how it works, and to
making blanket policy about switching accrediting
bodies demonstrates that ignorance, and also
doesn't give any acknowledgment to the diversity
of higher education in the State of Florida.

So, these institutions are different
and they have different needs, and based on the
breaking up of the regional cartel, if that's
what you want to call it, breaking in this manner
is giving institutions the option where it
doesn't mandate that they do it.

So, you know, there were two big
things that happened under the previous
administration: one, the removal of the
geographic boundaries, and then, two, and one we
haven't seen play out completely yet, but is no
longer distinguishing between national and
regional accrediting.

Now, they seem to think that that is
a logical consequence of removing the boundaries. But having been in accreditation for nearly 30 years, I can tell you there are significant qualification differences between the former national accrediting bodies and the regional accrediting bodies.

And to ignore those differences, I think we do that at our own peril.

I was interested to see exactly what would happen when these things occurred, when we no longer distinguish between national and regional, and then when those boundaries were eliminated.

This I didn't anticipate, that a state government would put out some type of a blanket mandate. And again, it's truly politically motivated, which is the wrong motivation, and that would be condemned.

If we have to put in this extra step to make sure that there's not undue influence, then I think we have to do that.

So, I'm disappointed in what's
happening in Florida. I think it's unfortunate.

CHAIR KEISER: Jennifer, Zakiya,

Robert, David.

J. BLUM: Yeah, so just to echo off of Claude, but I want to go back to something that Wally -- so I want to echo and Bob and the others, that this isn't just, in my view, and this is what I was trying to say before, but I'm going to say it again.

In my view, some of this clarification actually is worthwhile, not just because of what's going on in Florida, but the fact is, Wally, we have seen form-shopping in accreditation. It's part of what was the problem in the last ten years, as we did see some institutions change accreditors.

And it created an accreditation problem. And we don't have to go into which agencies, but we did see institutions migrate because they felt like one agency would be more favorable to them than others.

And there was an opportunity,
honestly, for the department to have stepped up.
And now, I think it's making it more clear that
there is a regulation -- and this is my
interpretation -- that is clarifying the steps
that need to be taken, which I think is really
worthwhile.

And then, we have this overlay of the
Florida problem. I am an advocate for the
ability of institutions to be able to change
accreditors from time to time.

I think that is actually quite
important. There are lots of different reasons
why, and a very well-motivated reason to change
an accreditor for positive reasons.

And I hope that the department uses
its own guidance and its own regulations to
navigate that balance, to be able to distinguish
where it really makes sense for an institution,
for good reasons, to change to a different
agency, or a different programmatic agency, and
from one programmatic to another.

And I think that that's going to be,
to be honest with you, the most important piece,
is how the department handles deciphering what's
going on when an institution does use its own
independence to make that decision to change, and
how the department looks at each of those
situations contextually, which, to me, that's the
most important next step.

CHAIR KEISER: Okay, Zakiya?

Z. SMITH ELLIS: Thank you. Well, I
would just offer my support for the department in
putting this guidance out, given all the things
that are going on, timing notwithstanding.

And I have a lot of empathy for just
folks that work in government in these kinds of
positions.

So, I assume that if anyone in this
Committee has additional thoughts, we could send
them to you, we can share them with you after
this meeting is over.

And so, I'm sure we'll all have the
opportunity to continue to noodle on this and
look into it further. And now that it's public,
I'm sure you'll get a lot of responses from other members of the public as well, and feedback from interested parties. So, I appreciate that.

And overall, the need for clarity on these kinds of things. Because of what Claude mentioned, people in these state environments often are just not well-versed in the intricacies of the federal rules and regulations, and operating in their own environments.

So, my only feedback would be to, if you aren't already, I know there were representatives that went to the SHEEO conference, but to engage with state higher education offices, but also to engage with governors offices.

Because sometimes there's, for whatever reason, a difference between governor's office and the SHEEO, and those governors have education policy advisors.

So, they are, I'm certain, mostly not familiar with NACIQI, or the rules around accreditation, or what the consequences of some
of these actions might be.

I, like Bob, am really alarmed at the
direction of politicizing higher education in
this way, and really infringing upon what is a
really basic concept of academic freedom and the
ability to learn unfettered from political
interference in the content of what is learned.

And so, one of the biggest things that
we should be focused on -- and I think
particularly within public college. I would
express like that's probably the place where
you -- you know, sometimes you go to a college
and you expect that it's going to be tinged with
some kind of agenda because of the nature of the
private affiliations.

But within public colleges and
universities, the expectation should be that they
are free from that kind of interference.

So, where we are seeing that how we
put safeguards in place to be incredibly
important. But we never want to see any student
lose access to higher education, and certainly
not a system that has access to federal aid.

And so, the consequences here are really stark, and I don't want this to be a game of chicken between governors or state legislature and the federal government.

And I would just note there's oftentimes tension between state and the federal government, in terms of who gets to control what. And I've seen that in a democratic-led state there's sometimes tension between, hey, the federal government can't tell us what to do, etc., etc.

But sometimes it can. And a lot of times it is just ignorance about the rules. And so, as much as you can, engage with folks in state legislature.

I can't emphasize enough how -- I don't mean this to sound crass, but how little they pay attention to kind of -- like, if you're in DC, it seems like everybody's focused on NACIQI, or what's going on.

But they have completely different
things that they're working on. So, to the extent that you can be proactive in engaging with them to help them understand what the rules are, again, I applaud you so much.

And even coming up with something that they can read and review in, not just regulatory text language, but plain-English. So, really, thank you for doing this, and just encourage you to go further on the engagement.

CHAIR KEISER: Robert.

R. MAYES: Thanks, Art. You have some departments -- in part of their guidance they released the reasonable causes for switching that was not reasonable. I thought they did a pretty good job on that as well.

And of course highlighting, if a school is looking to leave because of sanctions or actions against them, that's not a good cause.

And then, they also highlighted, under the good reasons, if you're seeking, because the other accreditor may be aligned with your mission better or something, and those are valid.
So, I think overall the opening of the regional boundaries is a good thing, like others have echoed, and can be.

Because there are different cultures, there are different memberships, and those can be better fits.

Leaving for the bad reasons, of course, it would make sense that they have concern over this, and I understand that completely.

And it's good to get guidance and clarification on all of it as well. Thank you.

CHAIR KEISER: David.

D. EUBANKS: Thanks for this opportunity, first of all. And I've just got a quick comment, and then a question related to Robert's.

Anything that breaks up the status quo could be good or bad when the status quo isn't great. So, maybe there are some positive spins on changing accreditors.

I've noticed, my time on NACIQI, that
the ones that's usually the best job are the ones
that are the most specialized. And you could try
to do a whole lot of different things with a
whole lot of different types of institutions.
It's harder.

So, maybe what comes out of this is
national specialized accreditors that can treat
our research institutions, vis-a-vis colleges and
so forth, but actually end up doing a better job.
So, that's open possibility on a positive end.

The question is about the guidance
issued by FSA on reasonable cause, which Robert
touched on. I don't pretend to understand this.

It says, the carry-out's
responsibility is under 34 CFR 600.11, FSA must
make a reasonable cause determination, I assume,
to whether or not the institutions can change
into prior. Is there a way to put that in plain
English? I'm sure people would be interested.

CHAIR KEISER: Okay, Steve? I thought
David was finished. Are you finished, David?

D. EUBANKS: I asked a question, I
don't know if anybody on the call wants to add an answer.

CHAIR KEISER: Let's go to Steve and then we'll have a final discussion and get feedback from Dr. Flores.

S. VAN AUSDLE: Going back to what Bob said, it seems like this is a real threat to potential institutional quality of integrity if higher ed in the nation.

We're the Advisory Council on Institutional Quality and Integrity and should we take a more public position on raising our concerns about what this might do in terms of integrity of our institutions if we do fall into a situation where we no longer have the separation between the government and higher education.

As Jill pointed out, is it appropriate for NACIQI to come out with a very public statement with our position at this point in time as an Advisory Committee? It's a question.

K.S. ALIOTO: I think that would be a
good idea but I have a concern about our
politicizing this situation further by doing
that. And I think that it is a very dangerous
political situation that we're talking about
here.

And we're also talking about a
Governor who is seriously considering running for
president. So, I don't want to have this be part
of anyone's platform.

That would be my hesitation from the
suggestion that we do something as a group. But
I guess as a Republican and Democratic group of
people concerned about the future of American
education, perhaps we should.

CHAIR KEISER: Thank you, Kathleen.
I tend to agree that we should not be political
and be in the middle of the political debate, but
I do want to thank and would like to hear from
Dr. Flores, but it is really refreshing to hear
that you are interested in our opinions, which I
think is really good.

It's the first time that I can
remember that happening and I think that's a
great testimony to the Department wanting to hear
from the Advisory Committee.

I think they've heard a very diverse
opinions here and though all pretty much aligned
with a concern for the independence of
institutions to choose their accreditor.

I see two, three hands up again so
we'll keep going. Zakiya, you're first,
Jennifer, you're second, and then Jill, you're
third.

Z. SMITH ELLIS: Thank you, I feel
like Jill might have been before me but I'll be
just very brief in my response to what Kathleen
said.

I think regardless of whether we
decide to do anything as a group or not, it is
unavoidable that this has become political in
this group.

Because it is a bipartisan group of
people with both Republicans and democrats, if
there is a general consensus about the nature of
accreditation and what it should be I think that actually serves to maybe not de-escalate but show where there is -- this has become political because a person who has a political agenda has used it.

And if you stayed silent in that, you're allowing that narrative to continue to just have a left-leaning slant and a right-leaning slant and if there's a general consensus, I think there's great value in showing that so that you deflate some of that to say no, this is not a left-right thing, this is a here's what quality in higher education is supposed to be about.

Just my two cents there.

CHAIR KEISER: Jill, go ahead and then Jennifer.

J. DERBY: Yes, this may be political but it's not partisan and the Florida instance that has really triggered this is one instance of things happening across the country where we see this kind of legislative and political
interference in the governance process of our colleges and universities.

So, I think it rises to the occasion of our group making a statement about it, it's not a partisan issue at all.

We're all about, as Steve pointed out, quality and integrity and this is all about integrity in higher education and allowing for the independent governance that has always been for several hundred years a characteristic of American higher education and part of what has made it great.

As opposed to so many countries where there's the political interference that decides curriculum and the other issues around higher education.

I think this is one of the most important, if not the most important issue that we're dealing with in higher education across the country, not just Florida but other places.

And I think it's terribly important that there is pushback from the Department of
Education from our group that says, no, there's a reason that all the accrediting agencies have standards that require independent governance. And specifically to keep the political hands out of running colleges and universities.

CHAIR KEISER: Jennifer?

J. BLUM: Yes, I would second what Zakiya and Jill just said too. I would support the concept of a letter. You almost don't even have to reference the particular state if you don't want to, it's really more around the principles that we all I think collectively have consensus around in terms of the value of institutional independence and governance and Bob, to your point, having myself done some global work, it heightens my appreciation for the way we operate with all the faults here too.

And so I think we could write a non-political letter, if you get what I'm saying, that is consensus-driven. I did want to also go back to something that David said and I do hope,
Dr. Flores, that you'll maybe not on the fly but
give it some thought.

This issue, and I raised it too, I do
want to be really careful that there are
situations where institutions may sometimes have
dual institutional accreditation and I actually
applaud that often.

There are some agencies that are
highly specialized in a particular way and yet
they still want to be, quote, unquote, regionally
accredited and so they do both for a period of
time.

And I applaud that, actually it takes
a lot of resources to do that and I actually
applaud the thoughtfulness of institutions that
choose to do that, that's an example. And then
eventually they migrate to one or the other.

I think as the government laying off,
if you will, there needs to be a lot of respect
and deference to those institutional types of
decisions while protecting, of course, Title IV.

And I haven't really paid close
attention to the simple clause, the language that
David mentioned, and I do think understanding
what your intentions, not yours personally, the
Department's intentions are in that regard would
be extremely helpful.

Just to protect the ability of
institutions to make good choices with regards to
accreditation. So, I would welcome any reaction
you have recognizing this on the fly.

J. DERBY: I would suggest that a race
to the bottom only matters if the bottom is bad
and our job is to prevent that from happening.
So, if the worst accreditor out there is actually
really good, they can shop around all they want.

And I see the role of this group, the
people on this call, is preventing that from
happening, which solves the whole problem,
doesn't it?

CHAIR KEISER: Dr. Flores, do you
have any comments? It looks like you have a
suggestion for us.

A. FLORES: I want to respond to a
couple of points. First, to yours, Art, on thanking the Administration for wanting to hear from the Advisory Committee.

You've heard from various Members of the Administration at every NACIQI meeting to date and I think everyone has consistently encouraged sharing your opinion.

We very intentionally included time for a policy discussion. I will reiterate that we want to hear from you and your recommendations and want to continue to encourage these discussions.

The second point I want to address I believe is yours, David, in regard to reasonable cause.

We have outlined the broad factors that we will take into consideration and have left it broad intentionally because multiple have alluded to this but it's going to vary for each institution their motivations for changing the consistent in which they have engaged with their accrediting agency and where they stand.
So, each of these factors will have to be considered on a case-by-case basis in consideration of all facts and circumstances. Are there other questions that I am missing?

R. MAYES: That would be great. How that first section reads that you're talking about, it states that the Secretary does not recognize the accreditation or pre-accreditation of an otherwise eligible institution if an institution is in the process of changing its accrediting agency unless it provides the following.

So, it kind of sounds like -- I guess can you explain that? What does that mean by does not recognize the accreditation?

A. FLORES: That is part of the reason we're issuing this guidance. It's not very clear to institutions and want to be sure that the process does not lead institutions to be in violation.

The requirements under here for Secretarial approval are long-standing, as is
reasonable cause as included in the Higher Education Act.

And so wanted to provide some further examples and considerations that we will be evaluating when institutions submit applications for changes.

R. MAYES: So, is it more talking about the Department may not recognize their change, not so much recognize where they're currently at?

A. FLORES: That's right, it's really about the change.

CHAIR KEISER: Any further comments?

J. DERBY: Yes, I do.

CHAIR KEISER: Go ahead, Jill.

J. DERBY: I just wanted to clarify that we're really talking on two different levels and about two different issues. So, we're talking about the guidance that's being issued about institutions changing accreditors.

The larger issue that Bob initially pointed to I think is a very critical one about
the political interference that really threatens
the governance independence.

And I don't want to lose sight of that
because I think on the one level we're responding
to the guidance that's being issued and I think
that's really important and appropriate.

And that's why the short notice is
maybe a little challenging for us. But the other
larger issue I don't want to lose sight of and
with the suggestion Bob made about this group
issuing a statement for the larger issue of the
political interference of independent governance
and the violation that represents of our whole
principle.

CHAIR KEISER: I'm not sure where you
want to go with this, Jill.

One of the concerns I have is for us
to make a judgment, I'm not sure we could do that
without more information but I think Bob's
suggestion of a very broad concept that we
believe there should not be political
interference, I would accept that.
I think that's an appropriate thing but to get into the individual issues, that was debated in Florida.

I personally don't agree with what happened but I don't think we have enough information to make any particular statement about that. Bob, you had your hand up and then Jill, go ahead.

J. DERBY: I was referring to the broad statement, exactly what you said, and not to the particular issues.

CHAIR KEISER: Bob?

B. SHIREMAN: Thanks, I actually think it was somebody else who suggested that we issue some kind of a statement and I think the question of timing was not totally clear in that suggestion.

I agree that given how we struggle to adjust jointly and it's a motion, I really don't want to spend the time trying to figure out a statement that we can all agree to today.

It just would not be good and I think
that we would want to spend more time gathering
information when the reality is there may well be
a discussion about this during the SACs
discussion since the controversy involves SACs.

So, I think more information will
come. I could imagine us putting together a
Subcommittee on institutional independence and
academic freedom.

Maybe they're not really thinking this
through, maybe there are other actions that could
be taken.

And I think that feels to me like
something like that, like a more valuable longer-
term way to think about this issue.

CHAIR KEISER: Claude and then
Kathleen?

VICE CHAIR PRESSNELL: I would agree
with Bob's assessment on trying to get something
in in appropriate time. It's probably not going
to happen but I think the transcript of this
discussion actually makes a very good point.

The next thing I'm going to talk about
or just want to mention, this is neither good nor bad, but this is the way policy seems to happen at the state level. There is rarely one state that figures out everything they want to do, they do it independently.

Other states are watching what's happening in Florida and there are a lot of Governors that are watching DeSantis and looking at his policies to see if they're policies they want to replicate in their own state.

So, that's just how state policy works. You'll have legislators go to these national meetings, they'll talk about policy and they'll come back with a policy, a boilerplate policy, and many of them forget to really edit the boilerplate well enough and you see the wrong state's name is in it.

But those things happen and so I think that this could happen with this issue, I hope it doesn't. But I just thought I would throw that out there.

CHAIR KEISER: Kathleen and then I'll
make one final statement from me. You're muted, Kathleen.

K.S. ALIOTO: In terms of what do we look like?

CHAIR KEISER: What's that?

K.S. ALIOTO: What Claude was just saying, that's my concern about having a little better gain, it would just become something that other Governors would do, other states would do. I agree that we need to have some kind of letter to go out but once again, I think that should be focused around quality and integrity and not get involved in the politics of this.

VICE CHAIR PRESSNELL: Let me just add one thing to that, one observation. I think that the Department's guidance letter actually steps in the breach on this and slows it down, so, yes, it may happen and I get that, and typically these things do happen this way.

But I would say that what the Department is doing here I think is helpful to mitigate that.
So, even if it does happen, if they follow the Department's guidance, it still goes back to institution by institution evaluation or moving from one accrediting body to the other. And again, I'm not opposed to that type of mobility for institutions if they want to do it, but let me tell you, it's not nearly as easy. The accreditation officers on the campus will tell you oh, my goodness, you've got to be kidding me, you want me to now align the institution with everything over here versus over here.

And although they're close, they're not close enough and so I think what's happening here with the Department, I give them credit, I think it slows this down a bit.

K.S. ALIOTO: Okay, thank you.

CHAIR KEISER: If I may make a comment and then Zakiya and then I saw somebody else's hand up. Dr. Flores, you're first, go ahead.

A. FLORES: I just wanted to make one point of clarification in regard to David's
comment about reasonable cause.

The way the regulation is written, the Secretary does not approve the Title IV recognition of an institution that is in the process of changing accrediting agencies without that approval.

Our concern there and the motivation for issuing that guidance is that it potentially can lead to the loss of Title IV.

And so we want to avoid that but also felt like we had to clarify some of the reasoning for what would be considered reasonable. So, I just wanted to clarify that one point, thanks.

CHAIR KEISER: Thank you, and if I may just say, again I do believe in Florida's very interesting way of approaching a problem.

I do understand that the Governor and the legislature's own state universities that control the budgets, and unfortunately, whether it be Florida, North Carolina and other states, you've seen the involvement of the legislatures in their own institutions, which is there and
real. But I would agree with Bob that the overarching issue is the independence of the institution, which is the critical part, even though they really are not independent because again, the budgets are controlled by the legislature and the Governors.

So, it's an interesting problem and I think there's some really good discussions that have occurred. Zakiya, I might give you the final word.

Z. SMITH ELLIS: Thank you, I appreciate this discussion and at my first meeting I didn't think -- this actual issue I feel like I want to provide some context to the Department just given that my last role was in the Governor's office and we dealt with the legislature and we did the budgets for the policies.

And that's why I am very adamant that I agree with what Claude said about they're being just a level of ignorance and I mean that in the best way about what the federal ramifications of
their actions are. And applauding this
communication or this clarification and just
really encouraging that outreach.

Because to Kathleen's point about what
do we do about this, we're concerned about it,
making sure that this doesn't begin to
proliferate in other places.

I could see a Governor that was on the
left saying I'm going to tell everybody that they
have to teach X, Y, and Z.

And it's like no, that's not what we
do, so just being very clear that there is
academic freedom and independence in terms of
what is taught at the higher education level as a
core principle of academic integrity being the
thing that needs to be communicated and being
taught really.

You need to teach people about this as
a core principle. Again, it's ignorance in the
best instance of the word and thinking, yes,
sometimes and it's different in K-12.

In K-12 you very much say we're a
state, you decide this is what you're going to
learn, these are the standards, you're going to
teach X, Y, and Z, you're going to teach New
Jersey state history, you're going to teach it in
this way.

I was a teacher in Tennessee, you're
going to teach that Andrew Jackson was the
greatest president that ever lived, et cetera.
That's not what you do in higher education and
there are rules around that and it's very
important they understand the distinctions there.

So, I again just am encouraging that
hearing that with my fellow Committee Members
that this communication from the Department can
be a way to mitigate this proliferating further
and anything that we want to do I defer to the
expertise of others' knowledge of how this
Committee has operated in the past about whether
a further statement from the CP as a whole would
be valuable in addition.

CHAIR KEISER: Roslyn, we'll end with
you because you had your hand up earlier.
R. ARTIS: I did but my colleagues are so able to read my mind and say exactly what I'm thinking, and Zakiya has just done a phenomenal job of doing that. I would simply echo it is not easy to transition to a new accrediting body.

I do not believe institutions willy-nilly are going to be jumping ship accreditation-shopping. I think that's the least of our concerns.

I do think, however, there is a likelihood that other Governors might follow the example of Florida, given whatever political climate. It could be, again, non-partisan but political, per Jill.

I do think just as we have seen with Roe V. Wade, now states have the ability to do something very, very different.

I think we or the Department needs to make a very clear, coherent statement that it does retain control ultimately of the ability to access Title IV and a whole host of other benefits.
And that institutions seeking to
comply with mandates from government is an
encroachment. I think we need to be very clear
and very coherent about that and I think very
much to Zakiya's point, simplicity is the order
of the day.

Short, clear, declarative statements
that make plain that we support our institutions,
and I think if there are additional requirements,
i.e., seeking the permission of the Department of
Education prior to migrating to another
accrediting body, it adds a burden to our
institution that will then create a groundswell
of support or not from our institution to push on
Governors or other people who would seek to
encroach on the rights of institutions and the
academic freedoms typically enjoyed by higher
education institutions.

So, I think we will unwittingly make
the institutions our greatest ally in this
because it becomes a burden for the institutions
that are often underresourced, understaffed, and
quite frankly, busy with the core work of educating students, particularly as we're at the tail end of COVID-19.

So, I do think a subsequent communication is in order, very carefully crafted, very simply stated that asserts, quite frankly, the control, if you will, and I mean that in a good way, of the Department of Education over these matters, and reinstating the control in our institutions, trusting in good faith in our institutions, that they're not shopping for accreditation.

Rather, they're seeking affirmation of the quality of the education they provide and to the earlier points, they abide my colleagues from South Carolina, I think our goal as NACIQI is to ensure that each of our accreditors adheres to a certain minimum level, minimum standard and that we're holding our institutions accountable.

We all believe deeply in the peer review process, let's trust the process and protect that which is sacred to higher education
and that is academic freedom.

CHAIR KEISER: Beautifully stated. Is there anything else you want from us, Dr. Flores?

A. FLORES: Thank you for the feedback, I really appreciate it.

CHAIR KEISER: Thank you for listening to us.

Another issue that was brought up, Jennifer, she was just asking about feedback on some of the actions we've taken in the past. Do you want to bring that up, Jennifer?

J. BLUM: I have to say, I don't know what you're referencing, apologies.

CHAIR KEISER: George?

G.A. SMITH: Jennifer, yes, ACICS are there and then another agency. Can you hear me?

J. BLUM: Are you talking about migration? Are you talking about accreditation migration, George? I wasn't sure where you were going with that.

CHAIR KEISER: No, we're just talking about the recognition.
J. BLUM: Sorry, apologies. Do you want me to tee it up? Apologies. So, before this meeting when George asked for topics, I asked for an update on the status.

Because one thing I do feel is really important to institutions and the agencies is that we do these, they go through a lengthy recognition petition process. They come then before us, it then goes to the SDO, there's an appeal process, lots of processes.

And with regards to those two agencies, we have not heard, I don't think the public has, we haven't heard from the SDO a final determination.

I know there's been appeal processes but there are two agencies, one is 18 months now outstanding, I could be wrong exactly about the number of months.

I think that would be ACICS and the other is I think would be one year out now from when we made the recommendation. And so I did ask the Department if there was a way, the answer
may be no, to receive an update on timeframes.

    And I did but this into the policy
conversations because to the extent that NACIQI
makes recommendations about future regulation or
registration, it does strike me that
understanding the timeframes by which an SDO must
make a final determination after an appeal might
be something worth conversations, since it has
been a long time for those two agencies.

    That was my inquiry.

    G.A. SMITH: So, this is the most
simplistic update I can give you. The process
remains ongoing and the Department is doing a
thorough review before any decisions are made.

    J. BLUM: Thanks, George, I figured
that might be the answer and that's fine.

    Like I said, part of the reason I was
raising it is in the context of a policy
conversation, to the extent that part of our
allowable role is to think about recommendations
in the future.

    This would be one where I feel like
there does probably need to be an end timeframe for the benefit of the students and institutions and agencies.

And so I suppose it's up to you whether we have a conversation on that, but it does feel like a lengthy amount of time to make a final decision.

CHAIR KEISER: Jennifer, I'm not sure that's our role and I think George just said it, they're still in the process. When they want to make an announcement I'm sure they will.

Bob, you had a couple of other discussion items, do you want to bring them up now?

B. SHIREMAN: I'm trying to remember what they were.

I think one was about making public -- yes, maybe one was about motions and I feel like we've made a lot of progress on that and we're getting better and feeling more --

CHAIR KEISER: Thank you for your advice.
B. SHIREMAN: Thank you for that. I wanted to thank the Department for the progress they're making in terms of making more information public sooner.

The availability of the full redacted staff analyses I think has been useful to folks who follow accreditation and follow NACIQI and will be useful in the discussion of SACs coming up since there was so many items, so much complexity.

I really appreciate that and I think as the Agencies gets better at redacting material I am hopeful that the Department will consider the requests to make additional material available and also make things available earlier so that people in addition to us can analyze the information, write about what's happening in accreditation and on NACIQI.

Again, I want to thank the Department for responding to those requests and encourage more.

CHAIR KEISER: I think you covered
your topic.

Any other topics that want to be brought up before the policy discussion? Okay, we are 25 minutes before our scheduled lunch break but I want to make a couple comments.

G.A. SMITH: I want to say, Art, at some point when you said there are third-party commenters after the policy.

CHAIR KEISER: Correct, we do have them. Bernie, are you there? Dr. Fishman?

M. FREEMAN: He's on the phone, I just moved him over to the last meeting so he should pick up shortly.

CHAIR KEISER: Bernie, are you there?

M. FREEMAN: If not, we can move to the second person, Edward Convoy, and then when Bernie comes in then take it.

CHAIR KEISER: Edward Convoy from the New American Foundation, are you with us? Our technology is not working today.

M. FREEMAN: He said he's joined.

CHAIR KEISER: Edward Convoy, are you
there? I don't see you on the screen.

E. CONVOY: I am here, yes.

CHAIR KEISER: You are? There you are, great, you have three minutes to make whatever comments you'd like.

E. CONVOY: Good morning, my name is Edward Convoy, and I serve as a senior policy advisor for Higher Education of New America. Thank you for the opportunity to comment today.

As you all well know, NACIQI plays a vital role in ensuring quality in higher education, particularly in protecting students from attending poorly performing institutions and helping ensure that the Government's investment in federal financial aid is well spent.

Advice from NACIQI can determine whether accreditors keep or lose the power to decide if a college can receive federal financial aid.

Therefore, it's disappointing that the NACIQI review process failed to provide NACIQI Members the opportunity to properly evaluate
whether accreditors are doing enough to protect
students from poorly performing institutions.

In particular, the Department is
failing to provide transparency into the
accreditation process by limiting the amount of
time NACIQI Members and the public have to review
the materials before the NACIQI meeting.

This was just raised by one of your
Members. Staff reports on accreditor compliance
need to be made available to the public and
NACIQI Members ahead of the Federal Register
notice inviting public comment.

These are complex reports that touch
on issues requiring more than a cursory review.
For the public comment process to be meaningful
and for NACIQI Members to fulfill their roles
properly, there must be adequate time for
thoughtful reviews so commentators can provide
useful input.

In addition, NACIQI must conduct
stricter reviews of accreditor actions related to
institutions engaged in fraud against their
students.

The Sweet v. Cardona case that the Department has recently agreed to a settlement for includes more than 150 institutions that systematically defrauded their students.

These institutions were or are in violation of the accreditor standards but troublingly very few of those institutions received any form of disciplinary action from their accreditor.

It seems as if the gatekeepers of higher education quality and of the taxpayer dollars that fund federal financial aid are asleep at the wheel in some cases.

Finally, as NACIQI Members raised this morning, it has been more than a year since NACIQI recommended the termination of ACICS, an accreditor, and the Department made the initiate decision to follow that recommendation.

ACICS has appealed that decision and the Department appears content to let the appeal languish rather than taking strong action. The
Department must make timely decisions unless it wishes to turn NACIQI into more than a rubber-stamp body.

It is really shocking that after more than a year the Department has still made no final decision on the appeal of an accreditor that is repeatedly being found out of compliance and unable to hold the institutions or the accreditor accountable.

Every month that passes without a final decision, students continue enrolling at ACICS-accredited schools, not knowing that their institution's accreditation status is in jeopardy.

Thank you very much for your work and for the opportunity to comment today.

CHAIR KEISER: Thank you, Mr. Convoy.

Bernie, are you there yet? The third person would be Dr. Embry, are you available?

B. FRYSHMAN: Hello, Arthur?

(Simultaneous speaking.)

CHAIR KEISER: Bernie, you have three
B. FRYSHMAN: Thank you very much.

I have three brief comments which I would like to share. I'd like first of all to express my appreciation to the Department of education for the elements of flexibility which I found in the accreditation handbook.

On Page 3 in the revised 2020 handbook we read an Agency can provide additional files it believes offer a more relevant example of its work.

This refreshing openness and flexibility also characterizes the Department's guidance with respect to COVID-19 on Page 11 of the handbook. This brings me to my second comment.

I would respectfully suggest that the Department review all of its regulations with an eye to encouraging accrediting bodies to address compliance in the manner which they attest, even if it happens different from the Department's prescription.
In a universe as complex and varied as
the world of accreditation, we can't expect that
regulations can be addressed in the same way to
all accrediting bodies. My third comment is
addressed to the Members of NACIQI and to Members
of the Department as well.

The realities of higher education
changed under COVID-19 and continue to change.
The challenges facing accreditors similarly
change.

I believe it's extremely important for
there to be informal, friendly, and cooperative
conversations between NACIQI Members, the
Department's rules, and the Agency leaders.

Of this in the past and I simply want
to reiterate that the recognition conversation
between the Department and NACIQI is usually
stilted.

Both NACIQI and other agencies would
benefit immensely from that kind of friendly and
informal interaction I am suggesting.

Just in passing, today's conversation
that NACIQI had on the various policy issues is very, very interesting and I suspect that Members of the accreditation world could benefit immensely from that kind of conversation.

There isn't that opportunity for the easy interaction, the exchange of ideas, the proposal of changes and so forth that is so useful to give an element of reality to immediacy, I should say reality as well, to Members of NACIQI and to the community at large.

It's just a suggestion and I thank you very much for the opportunity to comment.

CHAIR KEISER: Our third presenter is Dr. Embry. You have three minutes.

T. EMBRY: Thank you very much. Good morning, fellow educators. It is wonderful to be with you all. My name is Dr. Tessa Embry. I co-founded Santa Monica Embry University.

I will briefly talk about the necessity to urgently support alternative higher education reform.

Let me begin by congratulating the
Department of Education on serving the billions and millions of educators, students, and families in the United States of America.

Your contributions are making a difference in society and I am grateful for this. During the pandemic, there was a major transition in education where most education companies and businesses were switching to remote learning.

The innovation of virtual inventions prospered which altered the way that we learn, interact, exchange, communicate, and serve one another. We all have received a better way of learning.

Loving one another as you love yourself, love makes us come together to support and utilize alternative accelerated higher education which I am a product of.

A little about my story, I and my brother were homeschooled by my mom, a retired military single mom officer who supported and loved higher education and learning.

I was enrolled in college at 11 years
old, got a bachelor's degree at 14 years old, a
master's degree in psychology at 16, and a
doctorate degree in business at 19.

I have been through most education
courses and careers in colleges so I have been
blessed to have the opportunity to experience
education in a wonderful way. I was very eager
and excited to learn fast.

Having the ability to increase in
learning was a blessing because it instructed me
to help others who are willing to learn as well.

There were many subtle changes that occurred
during the pandemic that made education more
unaffordable, unattainable, and unachievable.

Families became discouraged and
disconnected, educators were being exhausted with
long hours of teaching, and students were not
achieving their educational goals because of the
new academic rigor and retention barriers that
were allowed to slow them down.

The results were catastrophic. There
have been higher drop-outs, economic crash, lower
jobs and productivity and divided families were forced to find a better education.

To be quite honest, most families and student all over the United States and abroad want to be able to achieve their educational goals to become better citizens and contribute to their family and society in a good way.

So, we started work together with the Department of Defense and Department of Education to establish Santa Monica A Embry University that will make education affordable, achievable, and accessible with military and civilian students.

Our goal is to make 100 percent graduation rates, 100 percent job satisfaction, and 100 percent family satisfaction as well so people can have their accredited degrees and certificates in college.

So, my biggest request is that the accreditation panel considers to support these efforts and contain to say yes to leading alternative higher education and reduce the academic rigor and start to put education back in
the hands of the students where they can be able
to attend their education courses without that
additional layer of extra games and smoke and
mirrors.

CHAIR KEISER: Thank you.

T. EMBRY: I encourage them to keep
trusting and alerting. God bless all of you.
Thank you.

CHAIR KEISER: Thank you for your
comments.

That brings us to the end of our
policy discussion and one other thing I want to
bring up and a number of you have mentioned that
we really do need to meet in person.

It's an important part of what we do
as a Committee and get to communicate directly.
And I just want to make sure that we're all in
agreement that hopefully February we will
recommend to the SDO that we do meet in person
for the winter meeting.

Does anybody disagree with that?

George, if you would communicate that we have
agreement that we would like to meet in person?

G.A. SMITH: I most certainly will.

Are you still open, just for clarification, to
the hybrid model which is what we were looking
into?

CHAIR KEISER: The problem is the
Committee is together. We can certainly
broadcast. Again, the technology may be
expensive, I don't know, that would be the SDO's
decision.

G.A. SMITH: We can't do anything
counter to departmental policy but I'll certainly
make a very strong note included with the SDO
with other recommendations.

CHAIR KEISER: This would be the end
of my participation in the meeting. I wish you
the best for the rest of the day, I look forward
to seeing you all in February.

We're going to break now until 1:00
p.m., at which point you are going to review the
Southern Association of Colleges and Schools.
Please if you are not recusing yourself, please
be there because we will need the quorum.

VICE CHAIR PRESSNELL: Art, have they
determined who is going to chair that session?

CHAIR KEISER: According to George,
Jill has put her name forward but you guys will
be able to elect a Chairman for that particular
meeting as Claude and I are both recused from
this discussion.

B. SHIREMAN: I wanted to ask about
the time. You said 1:00 p.m., the agenda had
lunch from 12:00 p.m. to 12:30 p.m. and I'm
wondering whether we should start at 12:30 p.m.
just given the volume.

CHAIR KEISER: I have the updated
agenda, it doesn't have it.

B. SHIREMAN: Maybe I'm wrong.

CHAIR KEISER: No problem, originally
it was scheduled for 1:00 p.m. George, what's
your pleasure?

G.A. SMITH: That's the thing, it's
really your pleasure. We took the time off
because I think you all were not necessarily
pleased with the 30 minutes lunchtime. We can do
that, it looks like we can have 45 minutes if we
start it at 12:30 p.m.

It's really up to you, we just need to
know before we break so people know. So, just
make a decision, do you want to come back at
12:30 p.m. or 1:00 p.m. so we can leave around
4:30 p.m.?

M. FREEMAN: 12:45 p.m. and give us an
hour.

G.A. SMITH: Is that okay with
everyone?

(Simultaneous speaking.)

K.S. ALIOTO: 12:30 p.m., let's get
out of here as soon as possible.

CHAIR KEISER: I'm going to make an
executive decision to go with Zakiya. We'll go
with 12:45 p.m. and that puts us between the 1:00
p.m. and the 12:30 p.m. That will be my last
executive decision before the end of the meeting.

Have a great meeting and good luck and
it should be interesting.
K.S. ALIOTO: Thanks to you and Claude for your leadership of the meeting, and Wally.

CHAIR KEISER: Thank you, Kathleen, I appreciate everybody, I have to say you folks really worked. I thought the questioning, your mastery of the information that was presented was exceptional. Again, congratulations to the whole Committee.

K.S. ALIOTO: I vote for Jim.

J. DERBY: I'm not wedded to this, it looks like there was a vacuum and no leadership, I'm willing to do it but if there's anybody else that wants to step up, I'm just fine with that.

G.A. SMITH: We'll come back at 12:45 p.m.

(Whereupon, the above-entitled matter went off the record at 11:49 a.m. and resumed at 12:45 p.m.)

G.A. SMITH: Okay, welcome back to today's NACIQI meeting. Before we begin, we need to elect a temporary chairperson, so can I -- at this time, I'd like to open the floor for
nominations.

W. BOSTON: I nominate Jill Derby.

B. SHIREMAN: I will second that.

G.A. SMITH: Very good. It's been moved and seconded for Jill Derby to serve as the chair. Are there any other nominations? If not, we'll take a vote. How do you vote, Wally Boston?

W. BOSTON: I vote in favor of that.

G.A. SMITH: Mary Ellen, how do you vote?

M. E. PETRISKO: Yes.

G.A. SMITH: Hall-Martin?

M. HALL-MARTIN: Yes.

G.A. SMITH: Jennifer Blum?

J. BLUM: Yes.

G.A. SMITH: Bob Shireman?

B. SHIREMAN: Yes.

G.A. SMITH: Steven?

S. VAN AUSDLE: Yes.

G.A. SMITH: Ronnie?

R. BOOTH: Yes.
G.A. SMITH: Kathleen?

K.S. ALIOTO: With pleasure.

G.A. SMITH: Yes, and Zakiya?

Z. SMITH ELLIS: Yes.

G.A. SMITH: All right, excellent, and Jill, I suspect you would vote yes as well. I'm going to turn the meeting now over to you.

J. DERBY: Okay, thank you, and thanks to my colleagues. I'm happy to serve in this temporary capacity. Let me begin by welcoming everybody here and we are going to be reviewing the Southern Association of Colleges and Schools Commission on Colleges this afternoon.

Let me begin by reading and reviewing our standard review procedures. We begin with the primary readers introducing the agency and their application. Then we go to the department staff which provides a briefing for the committee.

Then the agency representatives provide their comments. That's followed by questions by NACIQI, followed by response and
comment from the agency. Following that, we have
third-party comments, followed by the agency's
response to third-party comments.

Then we have the department staff
responds to agency and third-party comments as
needed, and finally, the discussion and the vote.

With that, we have as primary readers
Wally Boston and Mary Ellen Petrisko, and
department staff is Dr. Nicole S. Harris. So,
let's begin then with Dr. Harris?

N. HARRIS: Okay, did the readers want
to introduce --

J. DERBY: I'm sorry.

N. HARRIS: Okay.

J. DERBY: No, I'm sorry.

M. E. PETRISKO: I will introduce the
agency.

N. HARRIS: Okay.

M. E. PETRISKO: Thank you very much.

Okay, and good afternoon. So, the Southern
Association of Colleges and Schools Commission on
Colleges or SACSCOC is an institutional
accreditor and Title IV gatekeeper, accrediting
approximately 800 degree-granting institutions in
11 southern states in the United States, as well
as institutions in Latin America and some
additional international locations.

As is noted on their website, the
Commission now also accepts applications for
membership from domestic institutions in the 39
states outside of the southern region.

The agency's accrediting activities
include the pre-accreditation and accreditation
of institutions offering associates,
baccalaureates, masters, and doctoral programs.
SACSCOC was first recognized in 1952. The last
full review of the agency was conducted at the
NACIQI meeting held in June 2017.

The agency completed a compliance
report required at the time of that review, and
department staff and NACIQI recommended at its
June 2019 meeting that the agency's recognition
be renewed for three years. It was at that time
recognized for three years. Thank you.
N. HARRIS: Good afternoon, Madam Chair and members of the committee. For the record, my name is Dr. Nicole S. Harris and I am providing a summary of the renewal petition for the Southern Association of Colleges and Schools Commission on Colleges, also referred to as SACSCOC or the agency, a Title IV institution or accreditor currently recognized by the department.

The department staff's recommendation to the senior department official is to renew the agency's recognition as a nationally recognized accrediting agency at this time, subject to the submission of a compliance report due in 12 months and a review and decision on the compliance report.

In the event that the recognition is continued following a decision on the compliance report, the period of recognition will not exceed five years from the date of the decision of the renewal of accreditation issued by the senior department official.
In addition, department staff recommends the senior department official to also require a monitoring report from the agency with documented evidence for the substantially compliant sections of the petition within 12 months of an SDO decision.

Department staff would initiate a mid-cycle review in accordance with 34 CFR 602.33 if the monitoring report does not demonstrate the agency's compliance.

The staff recommendation is based upon my review of the agency's renewal petition, supporting documentation, and observations of the board of trustee and annual meeting virtually in 2021 and in person in June 2022, board of trustee training in April 2022, and evaluation site visits consisting of the reaffirmation committee virtual follow-up and special committee visits in April 2021 and February through April of 2022, along with a file review conducted from March through June of 2022.

Based upon the review of the response
to the draft staff analysis, supporting
documentation, observations, and follow-up
communications with the agency, department staff
has identified issues that remain in the final
staff analysis pertaining to organizational and
administrative requirements, required application
of standards, and required operating policies and
procedures of the petition.

It should also be noted that the
agency has provided a request to the department
to extend recognition to the agency's executive
council and an expansion of scope to include
direct assessment within the agency's scope of
recognition.

Although not reflected in the
requested scope of recognition in the final staff
analysis, this request is reflected in
602.15(a)(5) and 602.16(d) in the petition.

Thus, the agency's scope of
recognition would read, the accreditation and
pre-accreditation candidate for accreditation of
degree-granting institutions of higher education
in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, including the accreditation of educational programs offered via distance and correspondence education and direct assessment of these within these institutions.

The accreditation status of these institutions and their recognition extends to the SACS board of trustees, executive council, and the appeal committee of the collegiate college delegate assembly on cases of initial candidacy or initial accreditation, and for continued accreditation of candidacy upon the SDO's decision.

This concludes my presentation. There are agency representatives present today and they will be happy to respond to the committee's questions. Thank you.

B. WHEELAN: Shall I begin?
W. BOSTON: Sure.
B. WHEELAN: Thank you. Greetings to
you all, to you, Madam Chair, members of NACIQI, and members of the department staff. My name is Belle Wheelan, and for 17 years, I have served as the president of the Southern Association of Colleges and Schools Commission on Colleges.

With us today is Dr. Rebecca Maloney, who is the academic dean at Notre Dame Seminary in New Orleans, Louisiana, who chairs the SACSCOC board of trustees.

There's Rosalind Fuse-Hall, who is the director of our legal and governmental affairs and commission support area. She's been with the commission five years as a lawyer and a former college president with more than 30 years' experience in higher education.

And at some point hopefully joining us is Dr. Alexi Matveev, who is our director of research and training. He has been with the commission for ten years and has more than 20 years working in the areas of assessment.

He is caught in one of those plane travel delay things that half the universe is
experiencing lately, so hopefully he will be able
to come on and more thoroughly answer any
questions you have about assessment that either
Roz or I can't answer.

I would ask that our chairman make her
opening remarks.

R. MALONEY: Thank you, Dr. Wheelan.
I am Dr. Rebecca Maloney and I serve as the chair
of the SACSCOC board of trustees.

Prior to serving as chair, I served as
the vice chair of the board and I've been a
member of the board since 2018. I've also
participated as a peer evaluator since 2012,
serving on 16 review committees.

Our board structure is very inclusive,
beginning with the college delegate assembly
comprised of the CEOs of each member institution.
The assembly approves the principles of
accreditation, the fees, and elects the 77-member
board of trustees.

The board reviews the accreditation-related cases and renders decisions about pre-
accreditation, initial, and continued accreditation, as well as monitors institutions for noncompliance and/or places institutions on sanctions when there is significant noncompliance.

Our 13-member executive council meets three times a year to manage the operational business of the organization. That council reviews and recommends policies to the board for their approval.

The council approves the annual budget, evaluates the president, coordinates the nomination process for board vacancies in their respective states, as well as approves selected types of substantive changes.

As you can see, SACSCOC is an organization that is heavily driven by the membership. We collaborate with the president and her staff.

Recommendations related to accreditation activities is a two-way street with board members suggesting areas for further study.
based on feedback that we receive from colleagues in our respective states, and we review the recommendations for policy revisions or new policies that the staff generates. This reciprocal relationship creates a solid foundation for the overall work of SACSCOC.

As the academic dean of curriculum and instruction and director of institutional effectiveness at a small seminary with a mission to prepare men for the priesthood in the Roman Catholic Church, our institutional voice is heard and valued in the accreditation-related activities of the commission.

Even though our institution does not participate in Title IV programs, I appreciate the continuous improvement process at the root of their accreditation-related activities.

I've been a peer evaluator and worked with institutions that are similar to mine, evaluators receiving training to ensure consistency in the rigor that we apply in our reviews, and our work is shepherded by the
assigned vice president that provides institutional memories of how similar matters have been treated in other cases, as well as ensuring consistency with our work at that moment. This is an incredibly unique element among all of the formal regional accreditors.

As a peer not from my same state, avoiding conflicts of interest, but with other institutions with similar enrollments and missions, I understand the challenges and opportunities that these campuses have to remain compliant with the principles of accreditation, our review function as a conversation starter with institutions that have not achieved compliance.

Further, evaluators respect the confidentiality of the information that is shared among other evaluators and the members' institutions throughout the review process, and the learning doesn't stop there. As an evaluator, sometimes I learn how good it is I have it at my institution.
In conclusion, I am grateful for the support provided by SACSCOC staff during these reviews, but I truly value the interaction with my colleagues, the peers that I interact with during committee reviews of various institutions, as well as those that volunteer to serve as board members.

I'm happy to answer any questions related to the peer review process or the governing structure of the SACSCOC board of trustees. I would now ask Dr. Wheelan to offer her comments.

(Audio interference.)

B. WHEELAN: -- department for 70 years as a regional accreditor and now as an institutional accreditor with over 779 member institutions, 753 of which participate in Title IV programs.

We take our role as quality assurance very seriously. We ensure the quality -- I'm sorry. Ensuring the quality means having clear standards that guide the work of the commission,
as well as aligns with the expectations and
requirements of applicable federal regulations.

Per our bylaws and standing rules, we
maintain the principles of accreditation that
serve as our standards. More importantly, these
standards are regularly reviewed and updated.

We did a comprehensive review between
2015 and 2017, so the current edition of our
principles went into effect January '18. They
were developed to ensure that member institutions
were aware of the changes that we had, and so we
held town hall meetings in each state on campuses
and in other meeting locations with member
institutions to explain the changes that had been
made.

We had reference materials on our
website and made hard copies available to each
institution. We held web-based workshops on
substantive change, which saw significant changes
during this process. We held web-based workshops
on sub change also.

We had a transitional plan or what we
called crosswalks for those institutions that submitted their self-study under the previous versions of the principles, but were reviewed under the latest version of the principles, giving institutions plenty of notice and opportunity to adjust to the transition.

The new organization of the principles reduced the redundancy of requests as well as clarified expectations of demonstrating compliance based on the data and feedback that we received from evaluators, staff, and other constituents since the previous review.

During that review, we also added two new standards, one, a Standard 4.2(g) which required boards to do an annual, I'm sorry, a regular self-evaluation, and the second was Standard 12.6 which was related to student debt that says the institution provides information and guidance to help student borrowers understand how to manage their debt and repay their loans. This standard applies to all institutions, whether or not they participate in federal loan
programs.

We recognize that for many of our students, this was the first time they had large amounts of money and did not always know what to do with it or recognize that they had to pay it back at some point.

Types of documentation submitted by institutions in self-study during spring '19 and '21 included mandatory loan counseling and advising, prescreening and counseling customization, freshman seminars, student supplemental emergency aid programs, and policy statements that were submitted.

The major change of the principles was better organization of the core requirements and standards based on feedback from the institutional accreditation liaisons and peer evaluators who worked with the standards and their review of accreditation-related matters.

Moreover, we redesigned our website in late 28 to facilitate the ease for users to find information related to our process and
procedures.

SACSCOC is also data driven and we
have reviewed the IPEDS data as well as the
dashboard produced for NACIQI. We also regularly
review the college scorecards, National Student
Clearinghouse information, as well as our own
collected data.

Annually, member and candidate
institutions must submit an enrollment profile
and a financial profile. The information is
available to our staff through our data
management system. Further, each institutional
record on the SACSCOC website links to the
student achievement data for each institution.

Following each board meeting, our
Office of Research and Training reviews the most
cited standards and presents this information at
a staff meeting. The staff and I discuss the
results and provide additional information to
address any difficulties that we may notice from
the trends revealed in this review.

From the dashboard data that you
provided, we note three significant findings for
the 20 institutions with the lowest IPEDS
graduation rates.

More than half the schools have
relatively small shares of first-time full-time
college students, which is the basis for the
traditional IPEDS graduation rates. Thus, this
data is likely to be of limited validity and
might be misleading as an indicator of overall
institutional performance.

Secondly, a number of schools on the
list have relatively high proportions of low
socioeconomic students and/or minority students,
and it's a well-established fact that such
student populations have completion challenges.

And finally, most of the schools on
the list have open admission or are classified as
inclusive versus selective by the Carnegie
Foundation. Once again, it's well-established
that higher selectivity is correlated with higher
graduation rates.

However, SACSCOC reviews this data as
well as our own, and what this information
signals for us is the need to have conversations
with the institutions about what we're seeing.

   Further, we note that many of these
same institutions, during the decennial or fifth-
year review process, are flagged for significant
noncompliance matters during our initial or
offsite reviews. We used this opportunity to
talk with institutions, especially in the areas
of student achievement and/or institutional
effectiveness.

   Further, their assigned vice president
from our staff worked diligent with them to
understand what data they need to present to the
peer evaluators in order to demonstrate
compliance.

   We view our work as an accredditor not
as one of a gotcha, but rather we actively work
with member institutions to ensure continuous
improvement in the quality of the academic
offerings at their institutions.

   By continuous, we use the information
that we glean from working with our institutions at the annual meetings, through information shared during training of peer evaluators, chairs, and new members of the board of trustees, and at a special meeting we have called the Small College Initiative to which we invite institutions with fewer than 2,000 FTEs, as well as all of our HBCUs.

Next, I'd like to comment on our comprehensive and systemic approach to improving completion rates across our member institutions based on student achievement data.

Completion rates and institutional effectiveness has been a top strategic focus of SACSCOC since the '90s. From then until now, improving completion rates based on student achievement data has been goal number one in our own organizational strategic plan.

In the plan, which runs from 2018 to 2023, our first goal is to maintain focus on student learning and achievement, and we have two objectives under that goal.
One is to continue developing and fine-tuning expectations regarding the completion and other measures of student success based on the data, and second, to provide data reports and relevant professional development opportunities to stimulate the sharing of best practices for enhancing student learning and achievement.

In the 2016 to 2018 time frame for that strategic plan, one of the objectives was to provide institutions with their respective completion data using four different metrics.

They were able to choose either the traditional IPEDS data, what was then the new and improved outcomes IPEDS data which included part-time and transfer students, our own graduation metrics with data they reported directly to us, or data from the National Student Clearinghouse.

They were asked to identify one of those four metrics as a key student completion indicator for tracking and monitoring purposes.

Then in '17 and '18, we revised the student achievement core requirement, which for
us is core requirement 8.1, explicitly requiring
institutions to identify, justify, evaluate, and
publish goals and outcomes from multiple measures
of student achievement appropriate to their
mission, student demographics, and program
offerings.

For the purposes of this standard,
multiple measures refers to several distinct
outcomes, not multiple ways of measuring the same
one.

And in 2017-2018, we expanded the
focus of our quality enhancement plan to include
success and completion in addition to just
identifying student learning outcomes.

This stimulated sustained
institutional efforts to develop, implement, and
report on the impact of institutional strategies
to facilitate student achievement.

And in 2018-19, we clarified the
guideline that we have called interpretation of -
- core requirement 8.1, which is student
achievement, to require member institutions to
identify a graduation rate metric.

They may not indicate or designate a new indicator until their subsequent reaffirmation cycle, but they also had to prepare a compliance certification that included information using that chosen indicator when providing a narrative and supporting documentation for the standard.

Institutions whose graduation rates fall below appropriate and acceptable institutional targets had to discuss ongoing institutional strategies on ways to improve those numbers.

Institutions which only serve graduate and professional students were not asked to select an indicator, but they were expected to address graduation rates as part of their discussions on student achievement.

Explicitly requiring setting and justifying thresholds of acceptability or minimum performance standards in addition to those target goals for identified measures of student
achievement was a requirement for the institutions. Additionally, they had to identify improvement plans if their performance fell below their own identified thresholds.

We also required that they disaggregate graduation data on a selected key student completion indicator by appropriate relevant student subpopulations like gender, ethnicity, and socioeconomic level.

They were then asked to analyze that disaggregated completion data and identify concrete focused improvement plans if the analysis revealed that the gaps in performance by student population existed.

In reviewing the data of the 25 lowest performing institutions, I'd like to point out the progress that has been made by them and the IPEDS graduation rate is trending upward for all populations of our member institutions that participate in IPEDS, especially for baccalaureate institutions and institutions with graduation rates of 25 percent or lower as
identified in 2016 when we first started using these numbers, and they've also trended upward for associate degree granting institutions with graduation rates of 20 percent or lower identified in 2016.

For example, the graduation rate overall has increased from 39 percent in 2016 to 43 percent in 2020, which is a ten percent increase of steady improvement over the last five years.

The IPEDS graduation rates for baccalaureate institutions and institutions with graduation rates of 25 percent or lower identified in 2016 has gone from 18 percent to 24 percent, which is a 33 percent improvement over the last five years.

And the graduation rates for associate institutions with graduation rates of 20 percent or lower in 2016 went from 15 percent to 25 percent, which is a 66 percent improvement.

Now, we do understand that there is certainly room for improvement in all of those
levels, but our sustained focus on completion and student achievement has led to steady and sustained trends in the right direction.

Next, I'd like to discuss our work in the area of substantive change. In reviewing our petition, the substantive change policy was revised to indicate all specific types of substantive changes noticed in the latest Federal Register.

This change was made commensurate with the effective date of the new federal regs, but the procedure section was still in progress given the areas being defined by the department.

The other challenge was that the information was outlined in the December 2020 Federal Register, but we submitted our report in September of 2020, so we were behind and had to catch up.

Once the information was provided, then the procedure section of our policy was updated and improved for members. It included an at-glance chart for each type of substantive
change, and note that we have 50 types of substantive changes but the department has only identified a handful.

The update also indicates whether there's a fee required, whether there's notification, or approval, or both required, whether a committee visit is required, and whether the type of change is subject to substantive change restrictions.

Well over 10,000 sub changes were submitted during this recognition cycle and they were reviewed either by our executive council or by the board of trustees, and so you can imagine trying to send the file to Dr. Harris was a challenge to say the least, so we're looking at trying to find a different way to send that to her.

There's been an explosion of reviews also related to the initial approvals of off-campus instructional sites by extensive reviews, which is a new requirement of the policy.

Extensive reviews are now required if,
at the time a site prospectus is submitted, an
institution has fewer than two sites approved
under the extensive review criteria, or if an
institution has not successfully completed or at
least one reaffirmation of accreditation, or if
an institution is on sub change restriction.
That's means they're on probation or heightened
cash management.

So, all of these exceptions to the
rules are complex, and so we're trying to find a
way to lay it out so that we can get it to her.

I mentioned this because some of the
challenges that Mr. Bounds mentioned on the first
day regarding technology were indeed our
challenges. We were excited when the process was
changing so that Dr. Harris could have come and
done her file review onsite, and then COVID hit,
and so we were back to sending pages.

And those of you who were on NACIQI
last time we were here might remember that we
sent in over 800,000 pages of paper, which is
cumbersome, and information gets lost, and so we
were back to that this time, so we did have some
technological challenges.

When we sent in the compliance
certification initially, somehow a copy of our
principles didn't get submitted, and so 85
percent of our, of the items, we were found out
of compliance because the principles weren't
there.

So, we have had those kinds of
challenges, but Dr. Harris has been a trouper and
worked with us through all of them. I can't
imagine what the other institutions are going
through, but we are truly thankful for her time,
and energy, and guidance through this particular
process.

And to Mr. Bounds, we appreciate all
of the responses to our phone calls and emails as
we tried to work this out. We even had to get
Dr. Harris to call her IT person to talk with my
IT person so people who both spoke IT could get
this up and running.

This was also, for us, a challenge
with the handbook coming out after we had already submitted our application because we had to go back and redo tons of stuff.

There were also some things that we weren't clear about because this was Roz's first time working with a compliance certification, and so when we got the report back, our stomachs fell and hearts went into hyperdrive, but I feel very good that the items that are missing seem to be more administrative than they are policy or procedure.

So, I assure you that we will get this information in long before the 12 months that are being recommended and we'll be glad to try to answer any questions that you all have right now.

W. BOSTON: Thank you, and thank you for such a thorough presentation. You may have answered some of my questions in advance.

So, specifically looking at the documents that are not yet provided, I think that there's 104 criteria and that you all need to provide documentation on 28 of them, and you're
associating this primarily with the changes in
guidance in the handbook in December of 2020
after you had submitted your initial application
in September?

B. WHEELAN: Some of them had to do
with that, Mr. Boston. One of the problems, for
example, was asking for information about
substantive changes and providing documentation
for five years of substantive changes.

We thought that we needed
documentation for five years for all 50 of our
sub changes and we were not able to get that in
in time, and then after the fact, we found out,
no, it was only for the ones that were for the
feds, so that's the biggest piece of the sub
change one.

One of the requests had to do with a
document that we no longer have. It was related
to an institution that was in a position to read
the disclosure statement that was going to be put
up before it was posted, and once they approved
it, then we deleted it, you know, from the email
account. It was not a part of any formal application.

We had one question for which we had no response because we didn't have -- we weren't in the situation to -- so it's things like that that were there, but I'm just saying that a lot of the challenges we had were in getting the information to Dr. Harris.

She was kind enough to give us an extension at the end of the process, but then we still had problems with her finding where the documentation was, so it was just a comedy of errors on the one hand.

W. BOSTON: Okay.

J. DERBY: Wally, before you go on, I want to make a comment. I apologize for our network failure at that inappropriate time, but I realize that one of the pieces we skipped is there were no questions for the analysts.

So, I wanted to invite you and Mary Ellen, who are the primary readers here, to address any questions to Dr. Nicole during this
time as well as to the agency. Thank you.

W. BOSTON: Sure, I just have one question for Dr. Nicole which relates and for the agency can respond. It relates to the 602.14 category of agency and there's quite an elaborate discussion between the two entities, SACSCOC and Cognia. I'm just going to probably butcher that pronunciation.

B. WHEELAN: Cognia.

W. BOSTON: Okay, and at the -- as I looked at the stream of documentation, which evidence and documentation is always great, I'm glad I didn't have to look at 800,000 pages.

But it appears that there's some missing documentation on recusal from committee and board actions with, you know, specific board members. I guess the documentation has not yet been submitted or is it these things really happen verbally and the minutes for the recusals happening aren't available?

R. FUSE-HALL: Dr. Whelan, I'm happy to address that question. No, we always -- each
of our board members are required to submit a signed recusal form, and so we have subsequently submitted many of those missing recusal forms in the file review, so that has been addressed.

We work every board meeting to ensure that we have the signed recusal forms from each one of our board members. I keep a running count of that information always, and we keep those in a separate file, electronic file.

So, we believe that we've addressed that, but we're happy to go back and look and ensure that that is present for each and every one of the meetings that we've submitted information for.

N. HARRIS: Can I speak to that, please? I'm sorry.

W. BOSTON: Yes, I'd like to hear it.

Yes, thank you.

N. HARRIS: Yes, so let me be clear that the information in the petition and the information in the file review are separate from what is presented.
The information in the petition and what's cited in the petition and the recusal forms, in the narrative, it states specifically that the recusal forms that were not included in the petition, they were not included in the actual file review.

That's the reason why it was cited as a compliance issue here. The file review documentation was still not completed, so there are some issues that are still there.

An email was sent to the agency on June, I'm sorry, June 1, instructing them of what is still outstanding in the file review documentation, as well as the information that is in the petition, which again, I have explained to the agency that that was separate.

I just want to double back to the submission of information. This agency has had a lot of documentation, which is true, but I do want to clarify that the system issues that they're explaining, there were no errors sent to me except for one that was sent on a Saturday to
another analyst.

But the errors that they were receiving in the system, that is something that wasn't documented, but we tried to do our best to assist them, and we've had several meetings with our IT as well as our technician analysts to assist them. So, we have worked long hours to try and get that fixed, but the fix wasn't on our end as the department.

W. BOSTON: Okay, and then as far as the separate entity Cognia or Cognia, I'm not sure how to pronounce it --

B. WHEELAN: Cognia.

W. BOSTON: Cognia. You're comfortable that the documentation is there so that there's clearly differentiation between the two legal entities and which bodies we're approving?

N. HARRIS: Right, well, with the information that they provided in the narrative, as well as the documentation outlining the different, the evolution of Cognia, it satisfied
the explanation that they provided in the
narrative and as well as evidenced the separation
that they also cited in their years in existence.

W. BOSTON: Okay, thank you.

J. DERBY: Mary Ellen, do you have any
questions of Nicole and then we can move on?

M. E. PETRISKO: I do not. Thank you.

J. DERBY: Okay, good enough. Wally,
go ahead.

N. HARRIS: I think Herman had a
response to something I said earlier.

J. DERBY: Herman?

N. HARRIS: You're on mute.

H. BOUNDS: You answered the question,
so I don't have any.

N. HARRIS: Okay.

J. DERBY: Okay, good. Wally, go
ahead.

W. BOSTON: Okay, so --

B. SHIREMAN: Can I ask, just
procedurally, are we continuing with our, with
NACIQI members' questions of Dr. Harris or are we
going to agency and Dr. Harris combined?

J. DERBY: Well, let's -- I was going
to try to do this combined, but I don't know if
that works as well, and what we might want to do
is go back to questions for Dr. Harris. Again, I
apologize for the interruption.

I think let's allow Wally and Mary
Ellen any questions of Dr. Harris and then other
members of NACIQI asking Dr. Harris, and then
we'll move back to the agency. I think that's
the best way to proceed.

W. BOSTON: Thanks. I am finished
with my questions of Dr. Harris.

J. DERBY: Then, Bob, did you have a
question? Go ahead.

B. SHIREMAN: Yes, thank you, and
thank you, Dr. Harris, for the gargantuan project
that you took on here.

N. HARRIS: No problem.

B. SHIREMAN: I wanted to ask about
one of the items that was a problem. It was
notifying other agencies, 602.24(c)(4), and it
said -- and this was something that you did a
file, the file review on.

And I'm imagining, you know, I picture
a file review as you sitting in a room with no
windows and a bunch of file cabinets, and I don't
know if that's the case, but what you said in the
document was the documentation of notifications
during the recommendation period were not
readable. What did you mean they were not
readable?

N. HARRIS: Oh, sure, so the
information was provided in a box.com. It's a
network for sharing documents. The shared file
that was provided, when I clicked on it, it
wasn't a readable document.

So, those decisions at that time were
not readable for me to make a declaration as to
the actual outlined timelines within the criteria
were met.

B. SHIREMAN: Thank you so much. That
clarifies my picture of what was going on here.
I pictured like a blurred document, anyway, okay,
smeared with coffee or something, anyway.

    N. HARRIS: Right.

    B. SHIREMAN: So, this lengthy staff review report has a number of circumstances where it feels like there's some frustration where it will say the word still comes up. It's like I asked for something. It wasn't provided. It still hasn't been provided. Again, it still hasn't been provided.

    In fact, I did a count and it was 75 times the word still was used in that way, which just sounds really frustrating. And you identified as one item 602. The question of competency of the people at SACS is identified, but it's really just described as just the, I think it was naming the people on the appeals panel or something like that.

    This raises -- you know, there was mention of technological issues, but the extent of the problems raises questions about the qualitative adequacy of staffing at the department, as well as the administrative
staffing, 602.15(a)(1), which you did not identify.

Is your review of both the competency and the, as well as the administrative staffing just quantitative? Basically, like are the items there? Am I right in assuming that you don't do a qualitative review of whether the people are actually doing the job that they're supposed to do?

N. HARRIS: I would disagree with that because I do do the qualitative pieces through my observations. When I do go onsite, the vice presidents are there with the site visit teams when I'm onsite, and I also was in person at a board meeting, as well as I did a virtual one.

So, the roles that they list and the staff that they have that they list in their petitions, they are definitely working on their behalf.

I just think in this instance, as I cited in the petition, that for this instance and the review of the petition information and the
secretary's criteria, I think that the persons who were involved in that piece were just unfamiliar.

B. SHIREMAN: Okay, great. Well, that does raise an adequacy question for me, but I really appreciate that you feel like they're capable people.

N. HARRIS: Oh, the agency is very capable of --

B. SHIREMAN: Right.

N. HARRIS: -- correcting the issues that are listed in the petition and accrediting the institutions that they have on file. The issues that I raised are documentation wise because, for the record.

And I think Jennifer mentioned earlier during the policy discussion, you know, when you're studying for a test, you want to have everything that you need, and if someone refers, I think it was Eubanks had mentioned that he went back to petitions in the past to review.

And with this incomplete, you don't
have a closure of information or I don't have
documentation to pass to the SDO. If they're
reading the petition and want to refer to
documentation, that is not available.

B. SHIREMAN: Got it, thank you.

N. HARRIS: No problem.

J. DERBY: Is that it, Bob? Herman,
I wanted to go to you. Do you have some legal
clarification before I go onto Jennifer who is
next in sequence?

H. BOUNDS: No, I don't have a legal
clarification. I just wanted to go back. We
were, excuse me, we were discussing at one point
602.14(a). I believe it was category of agency.
I just wanted to make sure that everybody is
clear.

In the final staff report, we have
them as met in category of agency. I just didn't
want that to leave off like there was some, you
know, some remaining issue there, so I just
wanted to point that out.

J. DERBY: Okay, thank you. Jennifer,
you're next.

J. BLUM: Yeah, I mean, Bob covered a lot of my ground, so I appreciate that. And, you know, to me, my issue here, and I've been sort of consistent this week, at the very start of the week, you know, and sort of in my mind, and Belle, you sort of spoke, Dr. Wheelan, you sort of spoke to it, like administrative deficits in your, you know, in what we're looking at versus sort of what I view as substantive.

My issue is though when there's so many administrative noncompliance, and I'm using that term loosely, but, you know, not finishing the task before today, it does raise a level of concern to me about, you know, administrative capability in effect, or competency, I think, is the probably more accurate term.

And so, this question is actually for Nicole, for Dr. Harris. The level of -- because what's also important to me is like the collaborative process, the best efforts piece.

I mean, we've been through a week
where we, you know, admittedly every agency has had some of the same complexities and faced the same challenges, albeit SACS is large, but even in their small worlds, you know, they don't have the same level of resources as SACS either, and yet, you know, they meet the task.

And so, that's my struggle here and I want to hear about sort of your perspective on sort of best efforts at compliance, and recognizing, of course, that they'll be back in a year, but I do -- I kind of want to hear a little bit about, you know, your comfort level with the engagement over the last couple of years, because they did have a couple of years here of process to get everything together and that's my pause here.

N. HARRIS: Well, to speak to that --

and thank you for your question. To speak to that, I started communication with the agency in March and July of 2020. We had communicated about what to include in the petition.

I provided the dates and recognition
periods, you know, and what not to include such as web links are not accepted in our system and so forth, and also what information to include for the department selected institution as well. And upon receiving the petition, it was more of a data dump as opposed to it really being clarified in which area it should be put in, and in some places, some things were incomplete and so forth.

And after that point, we ended up having subsequent meetings. I have met with the agency at least seven times through the process. I have provided subsequent clarifications.

I've provided individuals on the calls to assist them with, as I stated earlier, the e-recognition system, as well as the IT people here at the department, provided them correspondence also with the file review.

I listed each criterion and what was missing and what was still needed, and as I was explaining to Mr. Shireman, what was not readable, and, I mean, I tried to be as explicit
as possible and went back to my professor days,  
but I'm not sure if -- you know, I think time  
might have run out of, timing on their end ran  
out. We did have issues with multiple people  
putting information in the system, which is not  
the way the system works. One password is for  
one person, and when you're uploading multiple  
things at multiple times by different people, you  
know, it kind of washes out some other things  
that were in the system, so we had issues of that  
sort.

I received questions. I received 13  
questions in the month of April, I mean, I'm  
sorry, in the month of March. So, I was very  
responsive. I pride myself on customer service  
as a public servant.

So, I tried to be responsive, but I'm  
not sure what the disconnect was, but I have no  
problem continuing to be patient and working with  
the agency, but at some point, we had to have a  
cutoff and --

J. BLUM: Got it.
N. HARRIS: -- the cutoff was our final analysis submission deadline, so --

(Simultaneous speaking.)

J. BLUM: Thank you for that thorough answer. I mean, I'll just say again on the one hand, I'm sympathetic to, you know, the volume of necessary documents, you know, and I appreciate what Dr. Wheelan was saying about volume.

On the other hand, to be a large agency by choice comes with the obligation of being able to meet that demand for the recognition process, and so, you know, therein lies, I think, you know, more of the questions for today overall, so thanks. Those are my questions for now.

J. DERBY: Okay, Ronnie, you're next.

R. BOOTH: All right, thanks. Dr. Wheelan, if I heard correctly, you earlier said, you mentioned the number 800,000 pages, and based on what Dr. Harris said and evidently what you said, evidently some of those were not necessary, so what if it was 400,000 pages?
My simple math tells me that, you know, 400,000 pages, reading 40 pages an hour would take Nicole five years of work to read that, and we haven't even talked about what it takes to identify, collect, collate, send, for Dr. Harris to read and send back, you to read and send back.

So, when I do my simple math, I'm thinking it's not possible humanly, given the resources we have, to actually do a thorough review if everybody needs that kind of documentation. It's just not physically possible on the part of SACS on the part of the Department of ED.

To get back to, you know, Jennifer's question earlier, quality/quantity, it's quite overwhelming to me, so I just have those questions. Evidently, there are a number of issues that need to be addressed. You're going to address those in a motion. I mean, the staff findings, I think, are reasonable.

But Dr. Wheelan, just from your
perspective, how in the world do we appropriately improve confidence in what we're doing as an agency and do it in such a way that makes it humanly possible to actually review and come to a serious conclusion?

Because I'm just feeling like our system right now sets us up so that we cannot do that, and I'm just curious, Dr. Wheelan, on your thoughts.

J. DERBY: Ronnie, just before, and Dr. Wheelan, before you answer that, I want to keep us focused here. Right now, we've gone back to questions of Dr. Harris.

R. BOOTH: Okay.

J. DERBY: And then we'll -- so if we can put that question on hold for now, Ronnie, and ask it -- because we're going to --

(Simultaneous speaking.)

J. DERBY: We're going to give Wally and Mary Ellen the first opportunity to ask their questions of the agency, so.

R. BOOTH: Well, I think that's a
legitimate question for Dr. Harris then --

(Simultaneous speaking.)

N. HARRIS: I can definitely respond.

Trust me, the hours are truly -- no hour was left undone. I'll put it that way.

The only -- the biggest issue I had was the fact that a lot of the documentation -- mind you, it was more than 800,000 documents this time because a lot of the documentation, as I noted in the petition, were not relevant to the criteria that it was submitted to.

I've cited that on numerous occasions. I don't know if Bob did a word search on that too, but I noted in the petition that a lot of the information wasn't relevant.

And it should also be noted that when they submitted the petition in September of 2020, their policies and procedures, 11 of them hadn't been changed to adhere to the criteria that came out July 1 of 2020.

Well, they were posted in November of 2019, but they went into effect July 1 of 2020.
So, 11 policies and procedures were revised and
two new policies were revised.

So, there was no way I could possibly
make a compliance determination in the draft
staff analysis if the policies had not been
provided and not been adjusted to meet the new
criteria.

So, the new policies were approved by
the executive council in March of 2022 in time
for the submission of the final staff analysis
and approved at the June board meeting I attended
in June of 2022.

So, again, you have to understand they
gave me an abundance of documentation, but some
were not relevant and the policies had not been
updated to reflect the new criteria.

R. BOOTH: And I get that. I remember
you saying that, Dr. Harris, but again, I think
if it was even half or a quarter, there's still
not enough time humanly for us to do, so I guess
that's --

There are issues to address, but
again, I ask the question. I think, I mean, it's a regulatory or legislative question. Can we actually do what it is we're trying to do given the human limitations? And that doesn't make an excuse for anybody. That's just saying --

N. HARRIS: Oh, no, I understand.

R. BOOTH: Yeah.

N. HARRIS: I understand.

J. DERBY: Good point.

N. HARRIS: Thank you.

J. DERBY: Good point. Kathleen, do you have a question for Nicole?

K.S. ALIOTO: In my seven years on the committee, I have been very impressed with Nicole's work, and I always felt that when she was in charge of an agency, we would really know what was going on, so thank you, Nicole.

N. HARRIS: Thank you.

K.S. ALIOTO: My question is with all of this brouhaha, why are you still suggesting that we accredit this agency? I mean, we haven't even gotten to some of the problems with the
agency or the student debt and the --

I mean, I think it's very admirable
that the agency is trying to work with changing
the nature and the results of some of their
institutions, but I'm wondering how you came up
with the decision that you have presented to us
to vote on?

N. HARRIS: Thank you, Kathleen. It's always nice to see you. I wanted to speak to that.

Again, this is documentation, and their policy -- because of my observation of the way they execute the policies, the new policies that they've put in place to adhere to the July 1, 2020 regulations and the observations of the policies that they have updated, but some that haven't been included, I think that the agency is still able to do the work of the secretary's criteria and they've been doing the work.

I think their policies now reflect and they've adjusted to make sure that the work that's being done is adhering to the regulations
at this time, but the work of the agency has --
it's still going on regardless of the
documentation that they didn't provide. It is
available.

That's why I'm confident in my
decision for renew of recognition because the
documentation, once I have it and I'm able to
review it, I will be more comfortable in my
recommendation.

However, we do have the caveat that
they would have to come back for a 602.33
procedural review with you all if the information
is not satisfactory once I do review it.

I mean, some of it, I've seen and
heard it discussed at the meetings I observed,
but I need the documentation and the evidence to
look at it and analyze it thoroughly. Thank you.

J. DERBY: Thank you, Nicole. That's
helpful. Well, Wally, let's go back, and if
there are no further -- oh, Herman, it looks like
you have -- yeah, go ahead, please.

H. BOUNDS: Yeah, I just wanted to
reiterate something that Nicole said. You know, we don't expect that we're going to see anything from SACS that would indicate, you know, gross negligence or that they are not a reliable authority. We just don't think we're going to see that.

Our problem is just that we need the additional documentation to be able to make a determination of, you know, of compliance in all of the areas that we say they are noncompliant. We need those documents that we didn't get just to be able to review those.

And believe me, Nicole and I spent many, many, many, many days, you know, before we published the draft to discuss those things and, you know, what we thought about each one of the criteria that they didn't provide the documentation for.

So, I think, you know, Nicole would agree with me. We think that they now have an idea based off our conversations of what they need to provide, and I personally do not think
they will have any problem providing this additional information.

It's just we could not have made another recommendation more severe than what we made because we just think that we just need that additional documentation so that we can close the loop on everything, and we couldn't do that without that additional information.

But again, we don't have any reason to believe that we're going to uncover some form of gross negligence or something that would indicate that the agency should not be recognized. We just don't think that's going to happen.

J. DERBY: Thank you, Herman. I think we're ready then to get us back on track, and let's go back, Wally, to you, and then Mary Ellen, with your questions of the agency.

W. BOSTON: Thank you, and Mary Ellen and I are probably going to alternate questions just to break them up, but we did coordinate a few questions.

So, Dr. Wheelan, I was impressed with
your presentation, particularly when you said
that you all not only reviewed data from IPEDS,
but the scorecard and even our dashboard, what we
have in our revised dashboard that was just
issued.

You talked about your initiatives to
have institutions set goals to maintain a focus
on student learning and achievement, and allow
them to use one of four different identified
metrics or even their own metric, and so I look
at --

You talked about the 25 lowest
performing institutions, but I look at the 226
schools that are in the lowest quintile on our
dashboard for graduation rates, and does the same
focus that you have for the 25 lowest apply to a
number that's ten times that with the 226 and do
you happen to have any metrics for that group or
is it just when you gave us the metrics it was
just those 25 lowest?

B. WHEELAN: I don't in front of me
have specific percentage increases, as I did for
those, because we focused on those since they had been the focus of the previous NACIQI meetings.

I can say that with each of our institutions we go through the same rigorous review as we do for those with the lower ones. We even get complaints from our institutions that are doing well that, you know, why are you picking on me, because we are already doing well?

But we still want to make sure that all of the subgroups, you know, that are included now in the disaggregated data are addressed as far as moving them forward as well.

We do have an opportunity for each of the institutions to explain what it is that they are doing to move themselves forward. So, it's not just the minimum ones that -- I mean, the ones at the lowest, but for all of them we just recognize that many of our institutions are minority-serving institutions and that research has shown us that poor students and minority students graduate at lower rates or slower rates.

And so, some of that has to do with
the fact that the population of the institution
is challenged, you know, to meet the goals. We
still hold them responsible. We still ask them
all to come up with a plan on how they are going
to do things. And we review that plan with them
to make sure that they are making progress.

So, I hope that answers your question.

W. BOSTON: It does. And then I just
want to follow it up with another question. It's
not outlined in our dashboard but it certainly is
influential for ultimate graduation rate and
completion rate. Which is do you all have a goal
related to transfer credits and the institutions'
recognition of transfer credits to facilitate a
quicker time to graduation, as well as a more
affordable?

B. WHEELAN: We don't have a goal.

But we find that many of those institutions about
which you just asked me, if you combine their
transfer rate with their graduation rate, it's a
lot higher than just the graduation rate. And
that's especially true of our community colleges
where they may have a 20 percent graduation rate,
but when you look at their transfer rate it moves
it closer to a 50 percent success rate, for lack
of a better phrase.

W. BOSTON: Well, you did a good job
of reading the dashboard because the lowest
quintile actually goes from 33 percent to 54
percent when you include the transfer rate, so.

B. WHEELAN: Yes.

W. BOSTON: Okay. Mary Ellen.

M.E. PETRisko: Thank you.

First let me say that my technology
has also been a little quirky today. And my
videos going in and out. And I feel that it
won't go out now. I think my sound will stay
even if my video is out. But if my video goes
out, it's not because I'm not interested in
what's going on. Thank you.

Dr. Wheelan, I'd like to continue a
little bit with the, with the issue of data and
what you know. I was very impressed with your
presentation. Thank you. You gave us a lot of
concrete information and data that I think is very valuable in setting a current picture of the agency.

I want to talk a little bit about the HBCUs in particular. Looking at the HBCUs in the country, I believe there are 119 or 120. And I think we have about 100 of them. We certainly have the lion's share of those institutions.

I'm wondering with regards to those institutions -- and I realize that this is our discussion as well, who they are, what their history is, and success, student success, et cetera. Still, we talk about them as a sector. So, I'm wondering how SACSCOC looks at the sector of the HBCUs with regard to success and these metrics.

Have you disaggregated your own kind of dashboard for the HBCUs? What have you learned?

And I ask the question because it's an important question. But I also want to give you the opportunity to tell us a little bit more
about how SACSCOC is working with the HBCUs in
light of licensed educational press on that, in
that area.

So, tell us what you can. Thank you.

B. WHEELAN: Thank you for that
question, Dr. Petrisko. I appreciate it.

When I first arrived at the Commission
17 years ago we had just put in a new set of
standards at that time. We had revised our
standards and had gone from over 400 compliance
issues down to about 89 standards. And we did an
analysis to see which of those standards were
creating havoc for which of our institutions.

And we found that it was our small
institutions, some of our private institutions,
and our HBCUs. And so, we implemented what we
called the Small College Initiative which -- to
which that was what I alluded to earlier when I
said we invite institutions with 2,000 FTE or
fewer, and the HBCUs, to participate there.

And those meetings focused on our
standards, the ones that have the biggest
problems. We've done them on institutional
effectiveness. We've done them on financial
management. We've done them on government. You
know, we've done them on just about everything
that you have, except for faculty qualifications.
That's one that's intended for all of our
institutions.

And what we have found is that our
HBCUs are less often in trouble with us than they
have been before. That's the best way I can say
that. They've had fewer noncompliance issues
going forward than they had when I first got
here.

Part of that is also because we have
been able to recruit more folks from HBCU into
our peer evaluator registry. Many of those
institutions historically didn't have anybody at
the college who understood our regulations and
standards. And so, they didn't know, you know,
how to respond when a self-study or a compliance
certification came along.

They weren't on peer review
committees. And we always tell them that, you know, that's probably the best learning tool is to go out on a committee to learn what goes on at another institution and how the Commission evaluates things.

So, we've been able to increase the number of participants from HBCUs in our peer registry. We have more HBCU representation on our governing board than we've ever had before. And so, there has been a marked improvement in the participation of those institutions.

And as I said, while they still may have some noncompliance issues, they don't have nearly as many as they have had in the past, I think because of the greater participation, and our focus at our annual meeting and summer institutions that are germane to them.

M.E. PETRISKO: I'm going to ask a follow-up on that.

You mentioned, I think a couple times, and I think we all know this, that success rates among lower socioeconomic status and minority
groups, success rates are lower. And I think recognizing that should not -- and I know this is not the case in this case, but to this point -- recognizing that should not be an excuse for lower achievement. It's not -- you know, we don't want to stand by lower expectations.

B. WHEELAN: No.

M.E. PETRISKO: Having said that, and understanding that there are lots of factors in these achievement questions, many of which are outside of the possibility of an institutional and accreditor to deal with, what more do you think can be done? Is it more quantitatively of what is already being done? Are there other initiatives that could be helpful if there were funding, if we had a magic wand to make a difference there? What would you say?

B. WHEELAN: I think institutions are beginning to focus more on student success programs and to provide additional tutoring and, you know, instructional management for those students than they have before.
But graduation rates at HBCUs tend to look better once you get to an 8-year graduation rate, and a 4- or even 6-year graduation rate. Their students drop out and come back.

Ms. Fuse-Hall was president of an HBCU and can certainly contribute more than I can from a firsthand standpoint. But, you know, they tend to be life reasons that slow down participation. You know, I ran out of money; I have to go take care of a family; whatever.

Ros, do you want to add something?

R. FUSE-HALL: The only thing I would echo on that is the notion that, you know, most of these students work 35 to 40 hours week. They give half of their financial aid to their families.

Those are, those are things that they normally do. And when they talk to their peers, their peers are doing the same thing. So, they feel like this is what they should do.

And so, those are some of the challenges. Like you said, sure, money can
always help, but from an accrediting standpoint, what I think has been helpful, looking at how we are working with not only HBCUs but smaller institutions in general, is the dedicated work that we do with that Small College Initiative, looking specifically at particular topics that are presenting challenges, and then how they continue to work with their students.

M.E. PETRISKO: One last follow-up on that.

Can you track your graduation rate? I'm just curious. I mean, that's not a regular thing, it can be 150 percent. But if you look at it would you have specifics on that?

B. WHEELAN: Alexi's plane has just landed. And he's trying to log in. And he'll be the one to answer that question for you.

M.E. PETRISKO: Okay, thank you.

B. WHEELAN: I don't know officially if we do or not. We do specifically track the productivity at the HBCUs, so I don't know if it's an official thing or just something he keeps
because we know it's useful.

M.E. PETRISKO: It can be useful.

B. WHEELAN: Yeah.

M.E. PETRISKO: Would be interesting to see.

B. WHEELAN: Yes.

M.E. PETRISKO: I'm going to move on to another question. And that's another kind of broad question.

And that is, looking at especially the region that you serve and the recent, well, not so recent, the last couple years of the pandemic, I think those states, some of those states have been particularly hard hit by the pandemic.

And so, I'm wondering how you're seeing the ongoing effects of that on your institutions on the faculty, the staff, the students, and yourself as an accreditor, as an agency, how are you dealing with this and dealing with them. What have the challenges been?

B. WHEELAN: Wow, that's a multifaceted question. Let me see if I can break
it down.

From our institutions, their student enrollments have declined, just like they have all over the country. I don't think they declined at a more alarming rate than anyplace else. But they have declined.

There have been very -- all across the region they have been very attentive to the mental health needs of students and to the food insecurity that many of them have. I've seen a great number of food pantries being put in at institutions of all degree types.

And I'm hearing now that the mental health challenges, a lot of the COVID money that came down is being used for mental health services and to increase the staff, the counseling staff at various institutions.

They -- we only have 75 of our almost 800 institutions that were not already approved to offer distance learning. And so they were very quick, those 75 were very quick to get approved.
The Department gave emergency approval for a semester. And because we didn't know if they were going to continue to grant that, we said, if you want to continue to do that then you need to go on and apply, you know, for official approval. And they all did.

Some of those, those 75 that had not, were able to partner with other institutions and say, you know, not only can our students, you know, plug into your courses and transfer them back to us, but can we also, now that we're up and running, use some of your training materials so that we can train our faculty on how to do that and things like that.

So, there was a lot of collaboration and collegiality across institutions so that, you know, the students did not miss a beat, as it were, going forward.

We were able to do virtual visits for reaffirmation and for substantive changes, even though we had to follow up on those because there is a requirement for the follow-up. We had about
180 virtual visits we did. And we have followed up with all but 39. We feel very good about that.

It's put a big stress and strain on my staff because the vice president traveled to every visit. With these follow-ups we have had the peer reviewers who have gone to do the follow-up rather than staff. But staff has also done them, in addition to advisory visits, and sub change visits, and everything else that they've done.

So, you know, staff is tired. There's no doubt about it. We have adjusted our workday such that we started out working two days a week in the office: half the staff Monday/Wednesday, and the other staff Tuesday/Thursday. Then I brought everybody back for four days.

And then the gas crunch hit, so I sent everybody back home. And so, we're in the office only Tuesday, Wednesday, Thursday, working from home Monday and Friday. And so, you know, we're hanging in there.
But it has been stressful, there's no
doubt about it.

M.E. PETRisko: So, sounds like you've
adapted. And as far as quality is concerned with
offerings and the work that you've done, you've
done it differently but the quality has been
maintained.

B. WHEELAN: Yes. We haven't missed
a beat.

We had our annual meeting virtually
twice. We had a summer institute virtually once.

We just had an in-person virtual
meeting this week as a matter of fact. I was
there listening to you all and trying to
participate there.

So, no. And our institutions, Dr.
Maloney might want to address that, but the
quality of the reports that have come in and the
actions by the board, you know, are, as Dr.
Harris even mentioned, you know, we haven't lost
a beat.

M.E. PETRisko: Thank you.
R. MALONEY: Yes, if I may join in.

Dr. Wheelan was incredibly aware of the challenges that we had, and really worked with us getting approval for online. I was one of the institutions that my institution was not approved for online.

Online work was the farthest thing from our mind. And Dr. Wheelan has helped us get onboard and get our application approved. So, I really thank her for that. She was ahead of the game, keeping us ready for that.

And we have benefitted from it so much.

Our board, the way that we work with reports, the work that we work with visits, I have been so impressed with the virtual visits, the depth of conversations that we've had. I don't think we have missed a beat.

And I think we may adopt some of that online discussion in the future because it has been so fruitful.

M.E. PETRISKO: Right. Thank you very
That's my questions. I'll shift back to Wally for some additional questions on his side.

W. BOSTON: Sure. Thank you.

So, during our review we noticed that you had a new principal and student debt, 12.6. And you actually mentioned that in your opening dialog.

You answered one of my questions, which is how it was being applied. I think you said it applies to every institution, regardless of whether they participate in federal student aid.

Can you tell us, though, what effect that new principal and student debt is having overall, and if you've noticed any changes?

B. WHEELAN: If you can give me 30 seconds so I can find my numbers so I can give you an exact number.

The student debt has decreased. And while I'm sure we're not totally the reason for
it, there is, I think, that new standard we put
in about educating students on debt has indeed
had a significant impact on it.
Ros, do you have that?
R. FUSE-HALL: Yes, ma'am. It's on
the section of trends. And the student debt --
excuse me -- for the class of 2019, for that
cohort it was about 13 percent for noncompliance.
For the class of 2020, those
institutions that were under the decennial
review, it went down to 7 percent.
And for the class of 2021 it was up
slightly to 8 percent.
So, that's what we're seeing overall.
So, it looks as though it is having an impact, a
positive impact when it's noncompliant since we
adopted this.
W. BOSTON: So that that, are those
percentage you just quoted your default, default
rate?
R. FUSE-HALL: Yes.
B. WHEELAN: Yes.
W. BOSTON: Okay. But I think, Dr. Wheelan, you said that overall levels of debt have decreased?

B. WHEELAN: Yes.

W. BOSTON: Okay. Any, were you able to find any of your statistics on that?

B. WHEELAN: Oh, Alexi's trying to log in.

W. BOSTON: Okay. I did notice that in the dashboard it says that 38 percent of all of these students use FSA. And there is also a 38 percent tell rate.

I happen to live in Texas. And we have a Texas 60x30TX initiative. And one of the goals there is to keep student debt under 50 percent. And I think -- or to keep students who have to borrow at all at 50 percent or greater. And they're currently at 56 percent.

So, the fact that you're at 62 percent for not borrowing, or at least not using federal aid but may use private ones, that's pretty good.

B. WHEELAN: Thank you.
W. BOSTON: Mary Ellen, I'll pass it back to you.

M.E. PETRISKO: Okay. Thank you.

I want to ask a question about the QEP, the Quality Enhancement Plan, that the institutions have done. This has been a feature at SACSCOC for a while. And I know it's been a point of pride for the institutions that engage in this.

But I notice that it's no longer a core requirement for you. And I've been looking at your Executive Council minutes of 2017, December 2017 there was notes about concerns about the QEP.

So, I'm just wondering what if means that it's no longer core requirement. It's still required, I believe, but it's not a core requirement. And what's the difference there?

And what were the concerns about that?

And how is it evolving? What are you doing with it now?

B. WHEELAN: Some of our institutions
that are very large had interpreted the direction we have of involving everybody in the institution, meaning literally everybody in the institution. And they thought that was absolutely ridiculous, and they wanted to get rid of the QEP because there was no way that they could pull that off.

That was never the intent. It was, the intent was such that the president and his or her cabinet weren't the ones making this decision, or a handful of people wasn't making this decision, and so that it would be an inclusive group of folks from across the institution.

Once we clarified that, they felt better about it. Once we also clarified that they didn't have to create a whole new project, that they could use something out of their strategic plan, then those same institutions felt a lot better about it.

And so, that conversation came up during the principals' review. And that's why it
was in the 2017 time frame when it was approved to go back in.

It was taken out as a core requirement because the membership felt that it was something they could do. And we tied it into our standard on student achievement, which is a core requirement. And so, we didn't feel the need to make them both core requirements, as it was, since it was subsumed under 8.1.

I mention, if you might remember, that part of what we did was to restructure them so that we didn't have so much duplication and stuff. And that was one of those issues.

           But, yes, it is still required. It is still believed, even by those institutions that didn't want it in the first place, to be a valuable process for institutions to demonstrate how they're helping students improve.

                 M.E. PETRISKO: Those plans have to be approved; right? Taking something and you're feeling this is really not legitimate as a project that's worthy of the name, and you don't
approve it.

B. WHEELAN: Yes, they do. They have to be approved.

M.E. PETRISKO: Okay.

B. WHEELAN: And we've given them an opportunity now to submit a description of what they want to do, along with their compliance certification such that the Offsite Committee reviews it even before they start working on it.

It had been that only, it was only approved once the Onsite Committee came. But now we're giving them an early start.

M.E. PETRISKO: Okay. Makes sense.

Okay. I have one last question. And that is one probably you anticipated our asking, something we talked about earlier in the policy needs.

Florida has just made -- just decided that public institutions will be required to change accreditors between, you know, once an accreditation period they're going to have to go to a different accredits.
So, big question about how are the institutions looking at this. How are you looking at this? How are you possibly handling this?

And you're laughing.

B. WHEELAN: It's either that or cry.

This, this was -- I don't know of one Florida institution that's in favor of this, to start out with. This was not driven by the institutions.

During the legislative process, the Senate Finance Committee had a hearing, and one of the faculty members got up and said, you know, we've had two years when this -- since this process has been in place, and not one institution has bothered to apply. Nobody wants this.

There is, reportedly, a directive to the presidents not to say anything during this process or their funding would have been impacted. And so, you didn't get to hear from any of the presidents at any of the institutions.
I was told if I went down there it would be setting off a lightning rod. And so, one of my staff went down to suggest to them that, you know, this is an institutional issue, not a, you know, legislative issue. And that we were concerned that it was taking away the autonomy of the institutions. But it fell on deaf ears.

I have told the Florida institutions that they are still our institutions until they are no longer our institutions. And we expect them to continue to participate, you know, as a member just as they always have.

I have nothing else to say about it. They have to -- I mean, this is on them now. I, this is my 48th year in higher education. And I have worked as a state secretary of education and I have never seen a bill go forward that did not have a financial impact statement to it. But this one didn't because they didn't care how much it cost. They wanted this to happen.

So, I, you know, by me, my crystal
ball's told me we've got a brainstorm going on here. So, I don't know what to tell you. It's unfortunate. It's expensive. It's going to mean institutions are going to be in the middle of two processes at the same time because they're still going to have to be compliant to our standards, as well as trying to learn somebody else's.

M.E. PETRISKO: Well, with that, thank you, that was my questions, Madam Chair. I'll turn it back over to you.

J. DERBY: And, Wally, did you have any further questions?

W. BOSTON: Not for now. I'm going to just defer to other questions from members of the committee that they may have, and comment accordingly. Thank you.

J. DERBY: Then let's open it up to members of NACIQI for their questions.

Jennifer, you're first.

J. BLUM: Thanks. So, I have a question about your board. Am I right that I read that it's 77 members? And, if so, can you
just -- and there may be other agencies that have boards that big.

And I'm certainly, you know, I'm raising this really as an issue, I'm just raising the question of how did it get to be 77 members?

And I have a follow-up question after that.

B. WHEELAN: I do believe we have the largest of the boards of any accrediting body. And it has -- it's historic.

Our members wanted to make sure that every state had equal representation. And so, when you look at the board, every state in a region has a minimum of four board members: one person who represents undergraduate institutions, two people who represent graduate institutions, and a public member. That's 44 members right there because we have 11 states.

We have one position for our international institutions, so that they're kind of in their own state, if you will, and they rotate among themselves who serves on the board.
That's 45.

And then the other 23 we call at-large members. And we use them to ensure that there's adequate representation of public and private and for-profit institutions, and males and females, and majority and minority members.

J. BLUM: Okay, thanks.

I mean, I do, and again I, you know, that just seems too unwieldy to me. But I do think from a government standpoint, I understand that it sounds like you have other area factors, executive council, and other mechanisms in terms of governance that help manage that.

So, but I, I mean it does seem, and to your point, historic. And especially as, you know, as you open up to additional geographic, you know, schools being able to apply from other regions, it does seem like something that's maybe, you know, worth a review.

And, I know Bob might have a question on this, but I, I share this interest with regard to public members and with regard to membership
in general on, on governing boards of agencies.

And so, I think I saw that you are compliant with
the one-seventh rule.

But I would say there's something to
me about if you have a board of 77, so it feels
very diluted to just meet the one-seventh ratio.
And, I mean, to your point about, you know, the
representation of your institutions, while I'm a
huge fan and supporter of peer review as the
process piece under accreditation, I mean, I, you
know, can't emphasize enough how supportive I am
of peer review.

At the governing level, you know, at
that senior level of the board governance it
gives me a little bit of pause to just meet the
seventh. And it's only my comment, because it's
compliant with the standard, but, you know, I
guess, you know, and maybe it's not a question,
maybe that's just a comment on my part. The one-
seventh, meeting, you know, just meeting it seems
quite lean to me. Although I understand that
that's a, you know, a compliance issue, and
you've met it.

I do have one other questions.

So, as I mentioned when I was talking to Dr. Harris in my questions about, you know, for documentation, transfer of credit is another area that I've for years cared a lot about. I know Wally sort of touched on transfer of credit that relates to outcomes.

I also think it's really important as it relates to making sure that schools have policies in play to both allow transfer out, allow transfer in.

And I noted when I was looking at the criteria that you didn't meet, I believe that transfer of credit policy is still one of the ones that's outstanding, but that you didn't provide any records of how you review your institutions' compliance with transfer of credit policy.

And I don't know if that's an example of just sort of an administrative oversight in the process of your petition review, or if
there's another reason that you were unable to provide the appropriate documentation for that criteria. But I am interested in it because I've long been focused on transfer of credit as something that needs more transparency.

B. WHEELAN: That's news to me that the documentation is not there on that particular item. Because we, we do have a standard on transfer of credit. And you should note that policy on, you know, how they evaluate that transfer of credit incoming.

And it is reviewed, you know, at the Offsite and Onsite Committees.

Dr. Harris, do you want to say something?

N. HARRIS: Yes. I wanted to speak up on that.

So, the agency does have a policy. They have not provided evidence. If you look at the --

J. BLUM: Right. That's what I was saying.
N. HARRIS: Yeah, they have it. The agency does have a policy. They were requested in the file review to provide evidence over the recognition period of the execution of the policy, which had not been done.

J. BLUM: That, and that's what I was alluding to.

N. HARRIS: Correct.

J. BLUM: For that clarification.

N. HARRIS: Correct.

J. BLUM: I wasn't ever questioning whether, you know, the facts and policies.

N. HARRIS: No, they have a policy. It's just, again, my review is based on evidence.

J. BLUM: Right. Well, evidence. And for us as the CCN, and for you as NACIQI, I believe our role is to not just sort of check the box on whether a policy exists, but also whether the agency is actually evaluate -- using its policies and standards --

N. HARRIS: Correct.

J. BLUM: -- in an evaluative process.
And that, that's why I'm asking Dr. Wheelan is there a reason that that document. And it may just be part of the administrative complexity. And that's fine. But that, just for me I'm previewing that that will be something that I'll see now in the next go-around.

You know, I'm particularly interested because I feel I'm pretty passionate about the subject of transfer of credit.

R. FUSE-HALL: One of the things I do want to add, Dr. Wheelan, if you will let me speak for a minute, is that while there was a substantial list submitted on June the 1st, what Dr. Harris did not add was that we did respond to that on June the 3rd, as requested.

And so, I believe that information was provided in that, in that presentation. Because I agree with you, Jennifer, we have that information. And so, I'm not sure why that's still missing.

N. HARRIS: Okay. Just to speak to that -- I'm sorry, my hand is still raised --
just to speak to that, Ros is correct that she did send information in. Again, as I stated earlier, to I think it was Mr. Booth, the information that's cited in the petition is information that was not included.

The agency also notified us during that time frame and their submission that they had not completed all the information that was provided from 602.22 to 602.28.

Transfer of credit policies is 602.24(e), which in their email back to me, which I gave them their cutoff date, they explained to me that they included everything in the file review documentation that was requested, except those from 602.22 to 602.28.

So, that's the reason that's cited here. That information was not provided. And their email correspondence reflects it.

Thank you.

B. WHEELAN: As I indicated, we have no problem submitting that information. We have it.
N. HARRIS: Correct.

B. WHEELAN: And appreciate your interest in transfer.

I have told our Executive Council two years ago, they would know I was ready to retire when I brought forth the recommendation for a policy that all SACSCOC accredited institutions should accept all credits from all other SACSCOC accredited institutions because faculty will go ballistic. Because that's an institutional issue and not a -- a determination and not an accrediting one.

But it makes no sense to me as a lifelong educator that institutions that are accredited by the same organization would not accept credits from other institutions accredited by the same accrediting body.

So, I have gotten closer to retirement. But I'm still not bringing that policy forward.

J. DERBY: Zakiya, you're next.

Z. SMITH ELLIS: Thank you.
And thank you for both being here.

And with all the information that we have to go through, I'll try to be brief.

There was previously a question about -- because I have two questions -- but there was previously a question about HBCUs. And I just want to double back to that because I know that you do accredit the vast majority of HBCUs in the nation.

And there are so many issues related to their difficulties that they've had in operating over the past not just several years, but many years at this point, as well as kind of balancing how to ensure good student outcomes.

And they are doing this in the face of not just financial pressure, but I think constraints that are structural, including institutional racism and, you know, state-sanctioned racism in some cases to institutions that have been dealing with that in a public sense.

So, I'm wondering how do you kind of
balance those issues, those structural issues that some of the institutions face, as well as ensure that you're able to maintain the quality, you know, in support of those institutions' students?

So, kind of what is, how do you balance those, those kind of aggregate issues at those institutions that are HBCUs, as well as kind of support them, as you've mentioned, from the small schools and HBCU group.

B. WHEELAN: I'm going to put my chairman on notice that I'm going to ask her to respond from a board perspective and how the board, you know, evaluates their compliance with decisions that come through.

One of the things that we do -- thank you for your question -- is that we make sure that there is someone from an HBCU on every HBCU review committee. Because I think some of the conversation before I got here was that you send us committees and nobody understands our mission and what it is that we do.
And we try very hard because the evaluating institutions comply against their mission, to make sure that there is someone from an HBCU generally chairing the committee but, if not, at least serving on the committee so that they can help the rest of the committee understand, you know, how they are able to do what they do with their limited resources, with the, you know, institutional history and everything else that goes along with it.

One of the reasons we put in the Small College Initiative was because the HBCUs were having significant challenges. And as I mentioned earlier, the number of noncompliance issues by HBCUs has decreased significantly.

Dr. Matveev has finally gotten off his plane and is on this call and can talk about it. Alexi, they asked me earlier about the performance of HBCUs. And that was one of the statements I just made was that they have gotten better in complying.

We also, you know, work with them with
how to write responses to the compliance certification. Because, again, if you have not ever served on a committee and had to read one of those reports, you don't necessarily know what to put in it. Much like we don't know what to put in our report back to NACIQI. You know, Ros had never did one before. That kind of thing.

Alexi, do you want to talk a bit about the performance of HBCUs?

A. MATVEEV: Thank you, Dr. Wheelan. Good afternoon, colleagues. And thank you for the question about HBCUs.

I worked for 12 years with HBCUs, and I really appreciate your attention to these parts of higher education.

As Dr. Wheelan indicated, when you look at the term data from HBCUs regarding the noncompliance statistics, there is an improvement trend in terms of the decreased noncompliance issues.

Obviously, yes, they have continued having, as you mentioned, structural challenges.
They have challenges related to historic underfunding. But we introduced a systematic approach to support these institutions.

And the two main elements, as Dr. Wheelan mentioned, are the Small College Initiative, the annual gathering that we facilitate to help HBCUs and other small institutions to address their challenges.

And the second thing is I would call it the single best way for an institution to prepare for the review is to serve on the committee. And we do bring in peer evaluators from HBCUs to become -- or to serve on the committee.

For example, just two days ago we had the training for academic evaluators for the chief academic officer post. And we had several representatives from HBCUs.

In a week we will have a training for our committee chair, the new committee chair, since we have three or four representatives from HBCUs.
So, training and support is an important component in our program.

Z. SMITH ELLIS: Thank you. I have one other question unrelated to that. And that's about institutions that may be under investigation for, for fraud.

I know it's been the case, unfortunately, with some of them. And I'm just curious. And I will apologize. I am new to NACIQI, and also just the volume of things. So, if this is already in the materials, if you could just point me to it.

I'm curious what steps you may take to work with or determine if an institution has been under investigation by either state or federal authorities, what steps you take to follow up on those inquiries, if any.

And to determine if any of your stats, you know, standards have been in fact violated or, if they haven't, to determine if there needs to be kind of any amendments to your own standards to align with, you know, any gaps in
oversight that you may, that you may identify?

B. WHEELAN: So, this is one of the reasons that Florida is upset with -- that's not the word I was thinking of, but I'll use that word -- with us is because we have what we call an unsolicited information policy. If a complaint comes in, and our complaints must be signed by the complainant so that we can make sure it's right, I mean it's an honest complaint.

If the institution self-reports, or if during the field review or fifth year report we find out that an institution is out of compliance, you know, we can investigate that.

When the media has something that comes forward, then the vice president assigned to the institution will write a letter saying the Houston Post, or whatever newspaper, the Washington Post -- wouldn't be Washington Post because that's not our region -- but, you know, it has said this, and it appears that if this is true you might be out of compliance with our standard 6.2, or whatever it is. Please send me
that documentation within 45 days to show that
you are still in compliance with our standards.

They send in the documentation. We
analyze it to see if they, we feel that they have
done what they can reasonably back in compliance.
And we'll say, okay, good to go.

If not, then we send a committee to
the institution to interview with the folks who
are there, find out what's going on. And they
come back and make a recommendation to our board
as to whether the institution is in compliance or
not.

This is what happened with the
University of Florida. The media was big on the
fact that the faculty members at the university
were told they could not testify against a state
agency because they were state employees.

And we have a standard on academic
freedom and that, you know, faculties can indeed
do that. And so, we sent a letter saying that
you might be out of compliance. Please document
that you are still in compliance.
The institution sent back a, I think it was 98 pages, 5 pages of response and then 93 pages of addenda, to show that they were in compliance.

Well, in between their sending it back there was a lawsuit that was filed by faculty, or a couple of lawsuits. So, you know, we decided that maybe we need to send a team down there to find out what's really going on because there's just still a lot of stuff.

So, we did. We sent a team down to visit. They interviewed faculty. They interviewed the administration. And made a recommendation to the board that the college was indeed -- or university was indeed in compliance. And so, the issue was dropped at that particular point.

So, that's the process we would follow with any institution.

If there is a lawsuit going on, we tend to wait until the lawsuit is over, because we don't know what it's going to do, before we
will complete our investigation of what's going on. But we try to stay on top of, you know, all of it.

Z. SMITH ELLIS: Thank you.

J. DERBY: Bob?

B. SHIREMAN: Thank you. I have a number of questions.

Your application mentioned that you have returned a number of complaints to people because the complaint was not signed. And you just mentioned that you require complaints to be signed.

Document GG-3, for example, told a complainant -- it's a copy of a letter to the complainant rejecting the complaint because it was not signed. You mailed the letter to the person who provided the complaint.

So, what do you mean that it was not signed?

B. WHEELAN: We have a form, a complaint form that asks them to tie whatever their complaint is directly to an accreditation
standard. And we ask them to sign the form.

Because otherwise we don't know whether this is a
legitimate complaint or somebody's just trying
to, you know, create problems for an institution
or not. And then this way we are able to track
it better.

B. SHIREMAN: So, they can sign the
form and take a picture of it and send it to you
by email?

B. WHEELAN: No. Got to be an
original signature, much like the wet signatures
that you all require recusals.

B. SHIREMAN: Okay. So, so a
complainant -- so, if you see something in the
news, like about University of Florida, you'll
follow up. You'll follow up with the
institution.

But if you get a complaint from a
person raising what seems like a valid issue but
it's in an email, that you know who the person
is, you, you will not follow-up? You'll --

B. WHEELAN: No. I'm not saying, I'm
It won't go through the official complaint process, however. I have been known to pick up the phone and call a president and say, we've gotten this information. Just want to alert you to it and ask, if there is an issue, please, you know, let me know what you're doing about it. But it would not go through the, you know, the formal complaint process where it would end up all the way to the board.

B. SHIREMAN: Okay.

R. FUSE-HALL: And also, if we find, if we have an email from someone like that, we have a person designated in my office who works with complaints.

Usually, what she will do is either send an email back and give them the website for filing a complete complaint and/or she will call the person, set a time to talk with the person and walk them through the process of how to file a complaint.

B. SHIREMAN: Okay. So, document GG-2
is another example of a complaint. It's a letter from SACS informing the complainant that you're rejecting their complaint because it could not be processed because we only received one copy of the complaint and one copy of the documentation.

So, what is that about?

R. FUSE-HALL: It means that they have not followed the process. Because the process says I think they have to submit two copies so that we can keep a hard copy in our office, and then there's a copy that we send over to the vice president for them to review and document.

B. SHIREMAN: So, you send it by mail, you don't, you don't scan it and send it by email to the vice president?

R. FUSE-HALL: No. No.

I mean, we -- the vice presidents are in the same office, so we literally walk across the hall.

B. WHEELAN: In the same building, yes.

B. SHIREMAN: And you hand the
document. Okay.

So, in that letter you also told the complainant that you must tie your complaint to a specific accreditation standard number. So, does that mean if they name the standard but they don't put the number, you reject the complaint?

B. WHEELAN: No.

R. FUSE-HALL: No. More likely they are not, they have not identified a specific standard by which we would know what the basis of the review is. So, we contact the institution to ask them to respond.

B. WHEELAN: The point of that one, Mr. Shireman, is just to make sure that the complaint has to do with accreditation, and is not just some something about which they are unhappy with the institution about which we have no input or control.

B. SHIREMAN: All right. I think you can see what I'm getting at here. You've got a very, very clumsy complaint process that seems to be stuck in the 20th Century.
One of the other agencies that we talked to in this session had a dropdown menu. Makes it easy to identify what the, what the items were.

It's pretty clumsy.

Let me cite another document. GG-5, another response to a complaint.

This complainant alleged that a college was, "graduating students who have not completed the required education, clinical hours, and grades in the nursing program."

The complaint apparently was signed appropriately and made reference to specific elements of the SACS's principles of accreditation.

Also, it included grade center reports with annotations from the complainant, and a syllabus with particular items highlighted.

You rejected one part of the complaint, not on the basis that you found the school was actually in compliance with the standards, but because, as you state in your
letter, because the complainant "provided no
narration that the institution is noncompliant
with."

What does that mean?

R. FUSE-HALL: So, on the form they
have an opportunity to at least give a brief
overview of what it is the concern is about. And
if they don't provide that narrative, then we
don't have a basis upon which to be able to ask
the institution to document compliance.

B. SHIREMAN: Then you rejected
another part of that complaint by explaining that
-- and this is a quote from your letter -- "while
your allegations are serious, they are not
documented."

It looks to me like they did provide
documentation. I don't see what it is. Did you
tell them what documentation was lacking? Did
you seek more documentation?

R. FUSE-HALL: What we usually do is
we inform them of the process. We also provide
them references to the standards and to our
resource manual which then specifically talks about each component of a standard and what type of documentation there is that needs to be placed there.

So, I mean, I don't have the document in front of me. But more likely than not, that is evidence of the fact that we do notify our complainants of the status of their application which is required by our policies.

B. WHEELAN: And oftentimes there is a follow-up phone call by the complainant to find out what else that I need to do. So, you only have one letter there. It is not unusual for us to have two and three letters communicating with the person who has filed a complaint.

B. SHIREMAN: Well, in this case there's no evidence of a phone call. It looks like you read the complaint. You do in your letter say it raised serious issues. And did not even send it to the school to ask them to respond to this serious issue. Is that right?

B. WHEELAN: I don't know. Because I
R. Fuse-Hall: That's not necessarily follows. Once again, that's just a document evidencing that we did get back with the complainant about the status of their complaint. That doesn't mean that we didn't do the full process of looking at what the complaint talked about, giving it to the vice president to ensure that that vice president contacted the institution to get some information back.

And based on what you're reading, it sounds like we did contact the institution about some of the other pieces that were there. We just didn't contact the institution about that specific allegation.

B. Shireman: I'm not seeing any evidence of that. I agree with you it is possible. But I'm not seeing any evidence of that in that particular letter.

I wanted to turn to some of the issues raised in the third party comments. And I very appreciate your detailed responses to this.
document that you labeled Response to David Halpern's Third Party Comments.

   In the, in that document's discussion about the conflict of interest at Keiser and Everglades University, I did not see any acknowledgment of the findings of the IRS audit of Keiser Everglades.

   That seems like a pretty important new part of the story. Why was that not included?

   B. WHEELAN: If I'm not mistaken, was it within the time frame? The conflict of interest --

   B. SHIREMAN: Yes. The Everglades Keiser 990 Form, which was filed 10 months before your response, includes the admission about the IRS audit.

   B. WHEELAN: I'm not -- this, it came up before the time for this particular recognition. We followed our processes, whatever, and, you know, were found to be in compliance.

   So, I'm not quite sure what the time
line is that you're asking me about right now.

R. FUSE-HALL: It had to do -- was about a personnel matter. The conflict of interest was about a personnel matter that was outside the scope of our accreditation processes. That's what I have in my notes.

B. SHIREMAN: Well, the issues in, in the comments are, are about the relationships among individuals, and individuals and its decision in the Everglades Keiser Colleges group.

The IRS information came from -- comes from the Everglades Keiser 990 Form. I assume that you all do review those. And indicated that the school had to pay financial penalties to the IRS, and adjust its payment for property leases because it was caught engaging in what is known as an excess benefits transaction where they just qualify individuals, which would be the kind of conflict of interest that you are mentioning.

Do you know what a disqualified individual is in the context of these IRS tax exempt organizations?
R. FUSE-HALL: I'm sorry, I don't.

B. WHEELAN: Not a clue.

B. SHIREMAN: I will read it to you.

It's the IRS says, "A disqualified person is any person who is in a position to exercise substantial influence over the affairs of a tax exempt entity."

And this is now my words. These are people who are in a position to potentially unfairly steer money to themselves. Tax exempt entities are advised to stay as far away as possible from any business transactions outside of normal salary compensation. If they do have such business relationships, they need to be extra careful that the arrangements are at arms-length rate or less.

But Keiser Everglades is saying, in checking, checking these boxes on the tax form, Part 4, Question 25, is that they violated this. In the days before IRS' intermediate sanctions -- we discussed this a little bit yesterday -- this type of feathering of the nest
by an insider at a non-profit would lead to the revocation of the tax exempt status of the organization. It's a serious black mark for any non-profit organization.

And SACS is a non-profit organization.

Dr. Wheelan, you sign the SACS 990 tax return every year. Has your auditor or the IRS ever told you that you have to say "yes" to the question about excess benefits transactions?

B. WHEELAN: Not that I'm aware of.

B. SHIREMAN: Okay. Well, I looked at the last 11 years of your returns, and not once did you have that, that indication. In fact, you said "no" to all of the questions about any kind of business relationships with disqualified individuals. You're insiders. You know, you're not, you're not renting property from your vice presidents.

So, clearly, you know how to keep the non-profit clean.

Do you know how uncommon it is for a non-profit to have to say "yes" to Question 25?
B. WHEELAN: I do not. I'm not an accountant or IRS.

B. SHIREMAN: All right. Well, it is extremely rare.

I asked a tax law expert. And they said out of the 343,000 charities that are large enough to have to file the full 990 last year, fewer than 100 reported an excess benefits transaction. That's one-fourtieth of 1 percent.

Why do you think that SACS did not catch this problem at Keiser Everglades, this conflict of interest, even with journalists, and people like me, and David Halpern raising questions about it over the past 10 years? Why did it only come out in this IRS review in the last year or two?

B. WHEELAN: Again, I'm not the IRS. And so, our concerns would be accreditation issues, not IRS issues.

B. SHIREMAN: Well, it certainly is an accreditation issue if an insider to a college is steering money away from students and into their
own pockets, which is what this appears to, to have been.

I'm going to ask about some of the different points where it seems like it should have come up. And I recognize that for some of the earlier ones of these, well, you may say, well, that was an earlier period.

But the implications of these millions of dollars continues to this day. And so it's whether, whether it should have been caught in 2011, or 2019, or 2022, it remains an issue.

So, when this transaction occurred in 2011, this transaction being the purchase of Keiser -- of the for-profit Keiser University by the non-profit Everglades College and University. When that occurred in 2011, did you have any concerns about the president of a non-profit institution that you had just accredited the prior year, arranging for that non-profit to purchase his own for-profit college for $300 million?

B. WHEELEN: No.
B. SHIREMAN: Did it concern you that he was selling only the intangible assets, that he would keep the real property and commit the tiny $20 million non-profit to non-cancelable leases requiring rental payments of more than $25 million per year?

B. WHEELAN: No.

B. SHIREMAN: Do you know of any other non-profit school that rents out buildings owned by its president?

B. WHEELAN: I don't know of any non-profit or for-profit ones that do.

B. SHIREMAN: Did your experts analyze the audit and appraisal documents that they indicated in a 2015 New York Times story, they said there were two independent appraisals that they were on.

Did you review any of these audit or appraisal documents when you reviewed the transaction in 2011?

R. FUSE-HALL: This did come up during their, their reaffirmation review. And so, and
they were found to be compliant, if I am not mistaken.

But we were advised by the staff that we didn't have to address any questions that were outside of the current review process. So, that's why we made the statement that if it was outside review of the current review process, then we didn't address that in this particular petition.

I think in the overall complaint that was sent forward by Mr. Mazell, not Mr. Halpern, but Mr. Mazell, we did go back for the full review of each and every one of those, and documented what the review was, whether they have financial noncompliance, and what the subsequent reviews were for those noncompliance issues.

B. SHIREMAN: The transaction happened in 2011. It's still not clear to me whether -- I mean, you had one of your schools taking on -- a $20 million-a-year school taking on $300 million in debt plus noncancellable leases. You had another institution that was changing its
ownership. It seems to me those should have triggered pretty serious reviews. And it's not clear to me what actually happened there still.

In 2012, there was a major report from the U.S. Senate Health Committee that cited the Everglades/Keiser deal as a suspicious transaction. Did that Senate report in 2012 prompt a review by SACS?

R. FUSE-HALL: We did review them in 2011, and not only did staff review them to look at the documentation, but the peer-review process was used to it and our Board approved it. So it got reviewed as our policies and procedures indicated that it would.

It was found that we had done our due diligence. And at the time in 2012, there was a lot of concern by the Senate and the House on all for-profit movements from for-profit to not-for-profit. That just happened to be the one that we had at that particular point. But we, with our review and the last recognition, were still found to be compliant in the review process that we
used.

B. SHIREMAN: So I think your response to David Halperin has some quotes that must have been from that -- perhaps from the 2011 review, maybe 2015 review. And it notes that your standards do require that a governing board be free from undue influence and protects the institution from such influence.

But the visiting Committee and then your Board seemed to be unaware of the issue of the Chancellor's business ties. Instead, they -- and then even in your response -- make a strange reference to Keiser University and Everglades University and Everglades College Incorporated being different entities. What are you talking about there?

It seemed like what you had been worried about was, oh, is Keiser University trustees different from Everglades University trustees -- but ignoring the conflict with the Chancellor's business arrangements.

R. FUSE-HALL: Again, Mr. Shireman, I
am not going to be able to answer those questions
because that is not something for which I'm
prepared for this particular meeting today since
that happened back in the last recognition.

B. SHIREMAN: Right. But it is in
your response to David Halperin where you do say
in there that you do not accredit Everglades
College Incorporated, which is an odd statement
because the tax return for Everglades College
Incorporated says, doing business as Keiser
University and Everglades University. They are
one and the same.

Keiser University's catalog says,
Keiser University is a not-for-profit 501(c)(3)
corporation incorporated in the state of Florida.
Keiser University is managed and controlled by
the Everglades College Incorporated Board of
Trustees, which is the legal entity responsible
for policy and procedure, promulgation, review,
and amendments.

So the information you provided in
your response to David Halperin creates a fiction
of there being these different entities and that
that was somehow the issue they said was okay,
but has no mention of the Chancellor's business
relationships. So it appears that -- I didn't
see any evidence there that your review even
addressed the issue that has now emerged as a
problem in the IRS report.

Let me get a few other items into the
record here. The financial statements that --
filed by the schools eventually did identify and
provide some information that indicated some of
the evaluations did not reveal who supposedly did
the audits or assessed the values. But to
justify the $535 million value of Keiser
University, including the $300 million purchase
price, they included $50 million value for the
name Keiser University.

Did you review and approve that
concept, that it was worth $50 million to
Everglades University to be able to own the name
Keiser University?

R. FUSE-HALL: We reviewed whatever
documentation they submitted.

   B. SHIREMAN: But what documentation
did you ask for? Did you ask for the appraisals?

   R. FUSE-HALL: Again, Mr. Shireman,
that happened in the last recognition, and I'm
not prepared to respond to that today.

   B. SHIREMAN: All right. Well, I am
-- I'm concerned that -- both with the complaints
that we identified earlier and with the
information that was raised by Mr. Halperin, by
the New York Times, by the Senate Health
Committee, by me and others, that this issue of
the conflicts of interest at Keiser University
and Everglades University an issue that has now
been identified at least by the IRS as a real
problem -- somehow SACS did not see despite
numerous points where it seems like it should
have come up.

   Given the way that it seems like you
try to avoid handling complaints, I'm concerned
that this was purposeful. And I'm hoping this
will become a part of the compliance review.
Thank you. That's the end of my questions for now, but sure, you can respond.

R. FUSE-HALL: Mr. Shireman, I assure you we do not shy away from complaints. We get more complaints than Carter has liver pills, which is one of the reasons that we asked people to sign them, so that we know that they are legitimate complaints. And I can give you any number of institutions that have gotten letters regarding complaints that have follow-ups that we have done.

In this particular issue, I would have to go back and look at our records to see exactly what happened in 2011. I put my reputation on it that we followed the appropriate procedures and policies that we had in place. If there have been questions about ownership and owner/president somehow trying to pull the wool over somebody's eyes, we would have interrogated that person and looked at all the process and everything else.

We don't always like what our
institutions do. As far as putting in new
programs or merging with other institutions, we
sometimes think that it's shortsighted, but we
have to follow our policies and procedures in
allowing these things to move forward.

J. DERBY: Let me just interject here,
Bob. I understand that you were asking questions
that were outside this current review process
because you're concerned about their treatment of
complaints. But I think it's important going
forward here to keep the questioning inside the
current --

B. SHIREMAN: I'm not sure that -- so
I did clarify that these are ongoing financial
issues at this institution that began with the
transaction in 2011 but are ongoing issues. And
frequently, it is the case that information about
things that happened in the past does not emerge
until later, and certainly, that's type of
information that we want to take into
consideration. And the IRS action is quite
recent and within the period that SACS should
have known about it, in any case.

J. DERBY: I appreciate that, but I
think it's a problem for an agency such as Dr.
Wheelan's not anticipating the kind of questions
that'll be asked and therefore not coming with
the kind of --

B. SHIREMAN: They did discuss it in
their response to David Halperin. So I didn't
raise anything that wasn't in the context of
that, of their response to the third-party
comments. So I appreciate what you're saying,
but it was all within that realm.

J. DERBY: Okay. Thank you. Do you
have any other questions?

B. SHIREMAN: Not for now. Thank you.

J. DERBY: Okay. Great.

Kathleen, you're up.

K.S. ALIOTO: There we go. Thank you
for your work for so many years on behalf of the
students under your service. Now, one of the
things that you talked about and that was
repeated by your colleague who took the plane
ride in order to testify today was the challenge
with first-generation, low socioeconomic, open
admissions, and all the kinds of working parents
and all of the profile of the many students who
are not able to graduate but can graduate in
eight years and so forth.

But I'm looking at -- for one thing,
I wonder if -- you said you had started in 1990,
and I certainly sympathize because I've spent my
entire career working with low-income people, and
as most of our colleagues who are here today, we
understand the challenges.

I wondered in terms of your strategies
if there has been any goals and -- like any
particular institutions that you have assisted
that there has been a breakthrough in terms of
what has happened to a group of students because
when I look at the scorecards, it's quite dismal
what has happened.

For example, with Alabama
Agricultural, you have almost 6,000 students with
$66 million in volume and only a 29 percent
graduation rate, and students who are graduating have 39,748 in debt. So -- the median debt. So, well, my question is, where is the bright light? Is there a bright light? You've obviously dedicated your life to trying to bring light in the midst of poverty and challenges. Have there been any strategies -- and you went through, both of you went through, quite clearly what strategies you've taken. But has anything worked with groups of students?

B. WHEELAN: Alexi, do you want to identify any particular -- specifically HBCUs, since that's what we've been talking about, or small college that has made a gigantic leap?

A. MATVEEV: At this point, I cannot provide a specific name of the institution. But in 2016, we engaged in a project that looked at institutions with the lowest graduation rates, from both the baccalaureate level and the community college level.

And many of those schools, or I would say overwhelming majority of those schools,
enrolled high proportion of low-income students or Pell Grant recipients. And if we look at the progress that was made by those schools in the last five years, it's quite substantial.

For example, baccalaureate institutions with the lowest graduation rates since 2016, they improved 33 percent between 2016 and 2020. But associate-granting institutions that were on the threshold in 2016 -- we have hundred institutions -- they made improvement of 66 percent.

B. WHEELAN: We also had -- one of our community colleges here in Georgia merged with Georgia State University. Georgia State University had, like, an 80 percent graduation rate. Georgia Perimeter College was in the single digits. They merged together, which was a strange arrangement, you would think, in the first place.

But now the overall graduation rate is still in the 80 percent, which means that those community college numbers have come up. And it's
because they put in a very successful student
success program. I alluded to that one earlier --
whether they've got early intervention, whether
they have counselors who are going in. And so
that's probably the poster child for
demonstrating a major increase in graduation
rates.

Other rates are much smaller, but they
are moving in a more positive direction. The
other challenge is many of these students are
part-time students, and it takes them longer.
They're taking fewer hours every semester, so it
takes them longer. So it's going to be a few
more years before we see a significant increase
in those numbers, but they all seem to be going
in the right direction. They're all seeming to
increase. We only had one or two that fell below
the rate that they had had back in 2016.

K.S. ALIOTO: That is an interesting
model if you have -- I worked at City College of
San Francisco for 15 years, and so I certainly
understand the challenges, although the
statistics at that point were that 48 percent of the students in BA programs had attended community colleges first. So community colleges, to my mind, are the unsung heroes or heroines of the system.

So I was going to come in with all of these dreary statistics about the Agency, but I really feel that we're all trying to do the same thing, which is to benefit students and humanity. And so I'm thinking -- after some chastising by some of my colleagues, I'm thinking that I need to be more respectful of other human beings and what we're all trying to accomplish. So thank you for your work.

B. WHEELAN: One of the things that had helped some of those numbers, if you will, is the fact that (audio interference) now includes the transfer rates because -- especially in the community colleges, because many students never intend to graduate when they go to a community college, but they do plan to transfer. And so, now, having the ability to add that transfer
number on there does indeed contribute positively
to the completion rate of those institutions.

K.S. ALIOTO: Okay. I just have one
more question, which is not really -- but my
interest is zero to three. Are there any
programs that you can highlight that are working
with parents and children from birth to three
when brain development is so critical?

B. WHEELAN: I'm sure some of our
institutions do. I'm not personally familiar
with which ones they are. I can certainly find
out and send you a note if you want me to.

K.S. ALIOTO: That would be great.

Thank you.

A. MATVEEV: And if I may make a brief
comment, Dr. Wheelan mentioned that the
Department of Education spoke about introducing
the completion-plus-transfer-out rate. And I
believe Alabama and Miami University was
mentioned. And if we look at the combined
transfer and completion rate, it's 65 percent,
which is significant. And as I mentioned, based
on my experience at HBCUs, many students come to
HBCUs just to experience that warm and nice
family-like culture.

K.S. ALIOTO: Okay. Thank you.

J. DERBY: Okay. Steve?

S. VAN AUSDLE: Thank you. And let me
start by saying when I read your petition, I was
kind of taken aback. I had to shut it down and
come back to it a couple times, saying, how are
we going to address this situation where about
one-third of the criteria weren't completely
mapped?

But you have done a very good job of
kind of explaining how you've made a lot of
progress on the 90-plus criteria we have. And
what I want to focus on is adverse actions. I
was thinking about the scope of your
organization, and it all -- I assume you've had
situations where you've had to make decisions
regarding an institution's future that makes
everyone pause. How many adverse actions might
you undertake in a year?
B. WHEELAN: Well, I have a sheet of paper here that can show actions on removal from accreditation. That's the most severe. We've had four during this review cycle. We've imposed or continued probation for good cause for 42 institutions. We've continued probation for 20. We've imposed/continued warning for 85.

But we've also removed 75 institutions from sanctions during that same time. So they're getting better. We've gone from nine in one year down to none the next year. We have not dropped an institution from membership in the last three years. Does that answer your question?

S. VAN AUSDLE: Have you any appeals in the process or --

B. WHEELAN: No.

(Simultaneous speaking.)

B. WHEELAN: Nope.

S. VAN AUSDLE: Really?

B. WHEELAN: Not for the last three years.

S. VAN AUSDLE: Well, you're going to
keep my questions pretty brief, then. This one thing in here is your appeals process might not be as up to date as you want it to be or as Dr. Harris wants it to be. And it appeared that there wasn't documented evidence of the competence of your Appeals Committee members. Maybe that's an irrelevant question until you have an appeal. So I'm just going to assume you're going to work with Dr. Harris and get those things squared away.

B. WHEELAN: We will indeed work with Dr. Harris.

S. VAN AUSDLE: Thank you. That concludes my questions.

B. WHEELAN: Thank you.

J. DERBY: Thanks. Jennifer?

J. BLUM: Hi. So, first of all, based just on what Steve said, I will say I've always had a lot of respect for SACS's proactivity with regard to adverse action. So some of them have always been complex and difficult. So, from an enforcement standpoint, I have respected that
over the years.

    I will say I want to bifurcate with respect to Bob. I want to bifurcate his lines of questions because I do want to lend some support and maybe probe a little bit further on your complaint procedures. And I was looking as he was talking -- and I had already looked at this in advance, but I looked again while he was talking at the Department's criteria 602.23(c). And while I understand by the literal reading that you might be in compliance, I would, I guess, urge the Agency to take another look at how to comply with that standard because the first sentence is, review in a timely, fair, and equitable manner any complaint received against an accredited institution or program that is related to the Agency's standards or procedures.

    Now, I understand. I do understand that you want it to be related to an accreditation standard. I respect that. The question, I think, on the table is who's going to make the judgment call. And I can't leave it to
the student to figure out what accreditation
standard their complaint might be toward an
institution.

And I also get that -- and having been
in this world a long time, I also understand that
there are many superfluous -- I think one Agency
yesterday talked about people filing complaints
about grades and things like that. So I totally
understand that there are also superfluous
complaints.

And yet I feel really strongly -- and
I guess I'm saying this to both the Department
and the Agency. I feel really strongly that in
interpreting what is compliance with regard to
602.23 -- my eyes are so bad -- C or E, whichever
it is -- that first sentence -- that it not be
left to the Complainant to determine whether
their complaint neatly fits one of the
accreditation standards or accreditor's
standards, and that rather the Agency take on
that task.

And I think over the course of the
week, there's been a couple of examples where
that does occur. And so we know it is possible
to be done. And so I lend support because I
think that's really -- on that first line of
questions by Bob, I think that's really where he
was heading, in part, at least. And I fully
support that.

And I would almost say that because of
the way you were turning down some complaints, at
least for me, there's great pause about
compliance with that section. And yet I
understand that the literal interpretation of
that standard might be that that's left for the
Complainant to do. I just would hope that an
Agency would be sympathetic to the
consumer/student side of that --

B. WHEELAN: May I respond, Jenny?

J. BLUM: Of course.

B. WHEELAN: About 60 percent of the
complaints come in, start with a telephone call
by somebody who says, I want to file a complaint.
And whoever answers the phone graciously listens.
If it's too involved, we immediately send them to the person in Rosalind's office who handles complaints.

I have seen her listen for an hour to somebody. I have personally listened an hour to people. And we have often told them, this sounds like it's an accreditation complaint, and here is the standard that it would respond to. You need to go to our website, pull down the form that you need to fill out, document that -- your concerns against the standard. Read the standard so you can see what it's asking for, and show that.

Most of the complaints that come in are handled that way. Seldom do we just get somebody who has sent in a complaint. It is always preceded by a telephone call saying, is this the right thing? Many times, the documentation just isn't sufficient. Like you said, the great thing -- we get people -- they changed my grade, and this says that they have to have a policy on grade changes, and I don't see this policy.
So they just really are -- they run the gambit from the sublime to the ridiculous. But I assure you that no complaint is just ignored. We walk them through how to fill it out. We've told them how to mail them to us. Because we do want to make sure that it is a legitimate complaint, we do ask for original signatures.

We have gone back and forth about having folks be able to send in an electronic complaint. Our attorney had suggested to us that we still don't know whether it's a legitimate complaint because it could come from any email, and you put our staff and the institution through a bunch of research unnecessarily if we can't document that. So, this way, we can at least -- we feel comfortable doing that. But I promise you we don't ignore any formal complaint that comes in.

J. BLUM: Well, no -- Dr. Wheelan, I appreciate that. But none of that is actually transparent in the form of your policy and
practices. I totally understand that it's accurate, and I'm not questioning your process at all. I believe that you probably do take every complaint into account. My point is that from a -- and again, I'm almost saying this equally to the Department in terms of how you interpret your own criteria -- that I think in this day and age, we ought to not assume that the student or other Complainant knows the standards well enough to be able to say, my complaint refers to this issue.

And I appreciate that you tell them that and sort of help feed them, but I think one way of really handling this is to have a policy that expresses that the Agency will do that probing and not require a student to do that probing or require them to re-file a complaint. And I think -- Bob mentioned the 20th century. I happen to agree that I think we could go to the electronic age as a general policy.

I do want to make one last comment about -- like I said, I was bifurcating Bob. On the second issue, I would just say, without going
back over it, I do really want to -- I reflect a lot on the triad and the roles of the triad and, in this case, also the IRS. And I would say that there are many stopgaps or places where -- other than facts, where if there were questions, those questions were not appropriately -- and I'm saying if there were questions, but there were -- the Department, the state, the IRS.

And so I am uncomfortable in the context of any conversation with regard to a particular situation, a situation in a review process of an Agency. I'm uncomfortable sort of putting it at the feet of an Agency when one could have a long conversation about the other Agencies in the triad, the other legs in the stool, if you will, and their processes for approving.

So I don't want a comment back. I just wanted to express that point of view for the record.

J. DERBY: Ronnie, you're next.

R. BOOTH: Thanks. Just a comment.
One of the common themes that's come up throughout all of our -- I think every accrediting conversation I've been engaged in since I've been on this Board is student loan default. We asked those questions of Dr. Wheelan. Certainly, that's an issue for, firstly, every organization we've accredited. That conversation has come up one way or another in the terms of motions or pieces of motions or just strong suggestions to our accrediting bodies.

But I guess I'll have to express some frustration. And, George, I know we can't lobby. But from a -- it appears that though we've pushed those issues with our accrediting bodies, that many times their and our hands are tied because of federal regs and what we can and cannot do.

As a former college President who once made a phone call to Department of ED and said, no, you can't say no to a student unless there's fraud involved -- basically, had to give money away that we didn't feel like was needed. But
virtually every accrediting agency now is dealing
with the fallout of that. Every college is
dealing with the fallout of some other loose
rules, particularly in the last decade.

And the same thing to some of Bob's
comments and some of his passion, if you will,
regarding proprietary. The federal regs are what
they are, and sometimes we don't like them, but
they allow a lot of things to happen that we may
or may not agree with. But we can't change those
because of the federal regs are what they are.

So I guess I would say on walls, on
proprietary, on other -- I have very strong
opinions, but we have a very narrow window, if
you will, in terms of what we can do about what's
happening in the street. And since we can't
lobby, we just have to work with the rules we
have.

So I think not just with SACS, but I
think this is the first regional accrediting body
that I've been engaged with since I've been on
NACIQI if my memory is correct. May be wrong,
but I think it's the first -- I think we're going
to -- maybe not to the degree, but I think we're
going to run into some of the same issues across
the country as we talk with other accrediting
bodies because of loan issues and because of
proprietary issues, many of which are outside of
our control, federal rules and routes and things.

We're going to have to live with the
outcome until we get some more direction at the
federal level, I think. So I think, George, what
I'm saying is sometimes we're sort of fighting
with one hand tied behind our back, if you will,
given that we can only control what we can
control. And Department regs and what Congress
does is very outside of our ability to control.

So, even though I think today I've
heard a lot of frustration on some of those
issues, I believe we're not going to see the end
of the issue just with this accrediting body. I
think they're going to play out with our other
regional because they're going to be the same
kind of institutions and the same kind of issues.
So thank you, Madam Chair.

J. DERBY: Okay. Thank you.

We go now to third-party comments.

And I don't have the list, George. Can you help me with this? There's probably a list of third-party commenters, and they'll come on sequentially. Is that correct?

G.A. SMITH: It's on the bottom of the agenda, Jill. It's on the agenda right under it.

J. DERBY: I'm not finding that, George. Can you call them out?

George, are you there? Are you hearing me?

G.A. SMITH: Yes.

J. DERBY: Okay. George, I'm not hearing you. I just printed out a copy of my agenda. So I may not have the names you're referring to. Could somebody call them out, and then we'll take them sequentially?

R. BOOTH: The first is Dr. Kyle Southern.

J. DERBY: Thank you. All right. We
look forward to your comment. Are you connected?

R. BOOTH: The next is Robert Boyd.

J. DERBY: Okay.

(Simultaneous speaking.)

J. DERBY: Thank you. That's my request.

George, do you have that?

G.A. SMITH: The first is Dr. Kyle Southern.


G.A. SMITH: Jill, can you hear me now?

J. DERBY: Now I can hear you. Thank you.

G.A. SMITH: Okay. Terrific. I'm sorry. Our speakerphone that we're using in the room just dropped. So what we're going to do -- our apologies. Monica is going to call out the names of the people for you. And so first up is David Halperin, and he'll have three minutes to make his comments. Okay?

J. DERBY: Okay. And when I see his
picture on the -- here he is. So please go ahead --

(Simultaneous speaking.)

J. DERBY: David, you have three minutes. Go ahead, please.

D. HALPERIN: Thank you all for the work you're doing. I appreciate SACS's job is challenging. Accreditors are caught between demands of schools, the Department, advocates, and now for SACS Florida politicians. But accreditors must take seriously their obligations as gatekeepers for federal aid because the students' futures are in their hands.

When schools offer poor quality or low integrity, accreditors must act, ensuring compliance with their standards and the law. And when it comes to Keiser University and related schools, it appears SACS has allowed abuses to go on with impunity.

SACS claims most of the allegations I've raised in my written comment concerned the distant past. Not true. Keiser settlements with
the Justice Department and Florida Attorney
General over deceptive practices were in the last
cycle but remained important context. There were
no apparent consequences from SACS. A central
abuse, the improper conversion to nonprofit that
greatly enriches the Keisers, is ongoing.

Just as SACS was wrong to accept the
conversion in the first place, they were wrong to
not address it effectively in this cycle. That
the conversion deal is improper was reaffirmed in
the past year when a Keiser IRS filing and House
Education Committee letter collectively revealed
that the IRS found some leases between Keiser and
companies and the nonprofit school were above
market value, and the IRS imposed penalties.

Other conduct I've described has been
publicly reported in this cycle. This includes
the overlap of personnel and resources between
nonprofit Keiser University and Southeastern
College, a for-profit school owned by the
Keisers; deceptive recruiting at Keiser
University as reported to me by numerous staff;
personal misconduct by Keiser executives; the 
allegation that Keiser staff deceived a SACS 
delegation visiting the school's Shanghai campus; 
the naming of Arthur Keiser's son just after 
obtaining his doctorate from a for-profit school 
as Executive VP for Keiser's graduate school -- 
he may well be an outstanding administrator and a 
scholar, but such a hire is more suited to a 
family-owned business than a nonprofit college 
with an independent Board -- and finally, the 
replacement of the Webber St. Andrews Board 
mostly with people connected to Arthur Keiser; 
the naming of a Kaiser employee as a St. Andrews 
President; and the co-location of St. Andrews new 
satellite campuses with locations of the Keiser's 
own for-profit, Southeastern.

Senior members of Congress this year 
have called on the Department to investigate 
Keiser University. What has SACS done? If the 
answer is not much, and if NACIQI and the 
Department don't do much, then the system is 
failing taxpayers and students. I appreciate
your time. Thank you.

        J. DERBY: Thank you very much.

And to go to the next one, George,

    I'll need help with the timing here.


    (Simultaneous speaking.)

        G.A. SMITH: Thanks, Jill. We're doing that for you.

        J. DERBY: Thank you very much.

        M. FREEMAN: The next commenter is Robert Boyd.

        R. BOYD: Yes. Good afternoon, everybody. Can you hear me?

        J. DERBY: Yes.

        R. BOYD: Okay. Thank you for having me. I'm Bob Boyd. I'm the President of ICOF,

which is the Independent Colleges and Universities of Florida. I'm here to speak in

strong support of SACS.

We are 30 independent, not-for-profit charters in Florida -- institutions in Florida.

All of us are SACS accredited. We range in size
Keiser is actually one of our members that's the largest institution in Florida from an undergraduate point of view all the way down to little Beacon College in Leesburg, which specializes in educating students with learning disabilities.

So we have a very diverse group of students. As I said, we are all SACS accredited. We recognize that for over 100 years, SACS has accredited many preeminent institutions in the U.S., including in Florida. A lot of our members are in that category, like Rollins College and Stetson and Eckerd and University of Miami.

SACS has been a measure of quality for the academic institutions. They play a vital role in our ability to provide quality education. We know their core values and their core mission is integrity, peer review, voluntary membership, transparency, and accountability. So I wanted to say today that we support their goals. Two of my member institutions' Presidents are on their Board. It's Dave Armstrong of St. Thomas
University and Keith Wade of Webber International University.

The ICOF Schools in Florida -- just to give you a very quick background, we have three HBCUs. I know we were talking about HBCUs earlier. We have six HSIs. We produce 20 percent of all the BA degrees of Florida, 45 percent of all the professional degrees, and in the workforce crisis I think we're all facing, we produce 25 percent of the nurses and 25 percent of the teachers in Florida.

So, for us, SACS is a valuable resource for our members. We meet on a quarterly basis with Dr. Wheelan. We do a Zoom call with her and the other sister organizations. Claude is the Chair of the Tennessee TICUA organization. We have a robust conversation every quarter with SACS. Regarding the Florida law that was passed, that specifically does not affect the ICOF schools. All of the ICOF schools support SACS. No ICOF school that I've talked to is planning on leaving SACS or has any criticism of SACS.
G.A. SMITH: Thirty seconds left.

R. BOYD: And I just wanted to say on behalf of the comments regarding Kaiser, they're one of our key members. They're, as I said, one of the largest producers of nurses in Florida and a key contributor to the independent sector in Florida. So I appreciate the time you've given me and giving me the opportunity to make these comments about SACS. Thank you.

M. FREEMAN: Mr. James Haynes is next.

J. HAYNES: Good afternoon. My name is James Haynes, and I'm the Federal Policy Director with the nonprofit organization Veterans Education Success. We work on a bipartisan basis to advance higher education success for veterans, service members, and military families and to protect the integrity and promise of the GI Bill to have their federal education programs.

I would like to provide a brief comment about the Southern Association of Colleges and Schools Commission on Colleges, or SACS. Many observers in higher education are
justifiably concerned about potential political
ingtrusion into matters under SACS's purview.
SACS's expertise in all areas related to academic
matters, such as curriculum and assessment,
should be given deference.

We wholeheartedly believe in academic
and accreditor autonomy. The ability of SACS and
all accreditors to fulfill their mandate without
political interference is essential. We thank
the Department of Education for releasing
guidance earlier this week to help prevent a race
to the bottom in accreditations.

Having said this, SACS has fallen
short by submitting incomplete materials to the
Department for recognition review. The
Department staff's report shows SACS did not meet
the requirements for more than 20 sections in the
staff review. This is concerning, given how
Student Veterans and other federal agencies like
the Department of Veterans Affairs rely on the
quality assurance and program integrity oversight
SACS provides.
If these shortcomings are the result of lack of staffing reinforces the need for SACS to have an adequate number of employees and an appropriate administrative structure in place so that they are capable of fulfilling their vital function.

While compliance with the Department's requirements of recognition is important, the ultimate goal is to ensure that institutions accredited by SACS provide worthwhile education to their students and do not engage in predatory practices. I want to highlight a recent Third Way blog that examines student outcomes at SACS-accredited colleges.

Third Way found that four out of ten SACS-accredited institutions leave the average low-income student earning only about 5,000 more compared to a high school graduate with no college experience. Overall, close to one billion in taxpayer dollars goes to SACS-accredited institutions where low-income students earn even less than a high school graduate.
These findings are troubling, especially for student veterans who may be using their hard-earned GI Bill benefits at institutions that potentially leave them worse off. Dozens of student veterans and others testified this past year during the Department's multiple negotiating rulemaking sessions, detailing predatory practices occurring in higher education.

SACS and other accreditors should give serious consideration to student complaints as indicators of potentially predatory practices. Further, under 34 CFR, Section 602.20, regulatory and law enforcement actions against an institution should trigger accreditor oversight. We want to highlight this provision and reinforce the importance of accreditor oversight in order to ensure proper gatekeeping --

G.A. SMITH: Thirty seconds left.

J. HAYNES: -- of the Title IV program. Thank you very much for the opportunity to comment.
J. DERBY: Thank you.

M. FREEMAN: Dr. Jonathan Alger? I think he may have had to leave.

R. FUSE-HALL: He did.

M. FREEMAN: He did? Okay.

R. FUSE-HALL: He did.

M. FREEMAN: And I know Dr. Cabrera had to leave. So Dr. Vann Newkirk is next.

V. NEWKIRK: My name is Vann Newkirk. Thank you. I'm here to speak on behalf of SACS, and I'm so glad to be here. I'm the 17th President of Fisk University, which is the oldest institution of higher education in Nashville, Tennessee.

And what's so important about our institution? We've had so many famous graduates, and I won't name all of them, W.E.B. Du Bois and Nikki Giovanni among others. But one thing about our institution, it's an HBCU, but the integration -- many HBCUs lower standards. We never lowered the standards, and what we did over the years is that we got into a situation of
(audio interference) our students that had a high
discount rate in the institution.

And one of the things that SACS was
able to help us do at this institution was to
help us to fix the institution and make it a
stronger place, an institution that's viable.

Peer review helped us through the whole process.
We got new process of doing strategic planning.
We got new process of looking at the stability of
the institution. We got new process to look at
strengthening student profiles.

And what we can say is that because of
this process, this institution which was founded
in 1866, one year after the Civil War, an
institution that was an agenda item on the way
out of being accredited. And on the way it
closed a strong institution now and an
institution that we believe has a long future.

We have the strongest enrollment that we've had
in many years.

We believe that peer accreditation by
the Southern Association of Schools and Colleges
is an important aspect and something that we
value. So, with that, I'll say thank you so much
for allowing us to talk and have these few
minutes. Thanks again.

J. DERBY: Thank you.

M. FREEMAN: And last, Mr. Mark

Lindsay.

MARK LINDSAY: Hello. My name is Mark
Lindsay. I've had the privilege of serving as
the Assistant President for President Clinton and
serving in the Obama Administration and, very
significantly, working for Congressman Louis
Stokes, one of the founding members of the
Congressional Black Caucus. That experience has
informed me and educated me on the importance of
supporting educational opportunities for all
Americans.

I believe that Keiser University
represents one of those institutions that does
that and does it very well. You've heard today
some comments that attacked Keiser, its
practices, its leadership. But I want to
underline the fact that many of those allegations
are centered around allegations that were made,
frankly, against the Department of Education and
Keiser University and the IRS over 11 years ago.

Let me tell you a little bit about
what's really going on in Keiser University
today. I've had the opportunity to walk on the
campus and see the over 21 institutions that it
has, including international institutions. In
that time, Keiser University's commitment to
diverse education and a wide, diverse student
body and focus on providing positive outcomes for
its graduates is reflected in its ranking of 29th
best Hispanic-serving institution and first in
Florida and fifth in the nation for social
mobility, allowing individuals to improve their
life, improving outcomes for students.

Keiser University is dedicated to
increasing access to those educational
opportunities for people of color, serving 35
percent Hispanic students, 23 percent African
American, and 73 percent women. Those
significant student services, they have been able
to provide the kinds of additional supports for
students which allow them to achieve those kinds
of successes and achieve their dreams.

We believe that the predominantly
campus-based Keiser University has early-adopted
online education. And during the COVID epidemic,
when the nation needed nurses and healthcare
providers, they answered the call, producing
those people and serving Americans in need,
disproportionately representing people of color
in those areas.

This is the kind of commitment that we
believe that Keiser University represents, the
kind of commitment to service and the kind of
commitment --

G.A. SMITH: Thirty seconds left.

MARK LINDSAY: -- toward getting the
job done for people of color. I want to
congratulate Dr. Wheelan, Dr. Bounds, and Dr.
Harris for the work that they're doing on
addressing these issues. And we appreciate their
support and all the staff at the Department of
Education and this Committee for hearing this
testimony. We very much appreciate your work and
look forward to working with you in the future.
Thank you very much.

J. DERBY: Thank you.

Ronnie, I see your hand is up. I
wanted to give the Agency a chance to respond to
third-party comments, which is next. But do you
want to make a comment that -- I see your hand is
down. Okay.

Let's go back to SACS and give the
Agency a chance to respond to third-party
comments.

B. WHEELAN: Thank you, Madam Chair.

I want to say thank you to those
speakers who were in support of our efforts to
ensure quality at our institutions. President
Newkirk at Fisk -- I don't think I heard him say
they were the first HBCU to gain accreditation
with the Commission, and it was painful when they
got in trouble. So we were very pleased that we
were able to work with them and help them develop
the skills and tools that they needed to get back
on track.

Regarding Mr. Halperin's comments,
again, Keiser, I believe, is about to do their
fifth year review. And the financial issues and
personnel issues that you identified would be a
part of that review, so we'll go back and see if
there's anything there. I still say that we were
found in compliance with our process 11 years ago
when this came to be an issue. But we will do
our due diligence this time in reviewing them
again.

The shortcoming on our documents,
again, when you're putting in as much paper as
we're putting in and you have a new staff member
who's never done a compliance certification
before, there are going to be snafus. And that
happened to us. We got caught in it. We take
ownership of it. But I assure you that we will
have no problems submitting the correct documents
in the correct order with the appropriate
documentation as a follow-up to this meeting.

J. DERBY: Thank you. Now we give the
Department staff a chance to respond to the
Agency and third-party comments.

Dr. Harris or --

N. HARRIS: Yes. Thank you. I just
wanted to reiterate that I'm happy to work with
the Agency to continue to get the documentation
that is relevant to the petition and staff
determination sections, and also just remind the
Agency as well as everyone listening that we are
taking their concerns under advisement, and we're
moving forward with reviewing them in response to
the criteria requirements. Thank you.

J. DERBY: Thank you.

Any other staff with comments?

H. BOUNDS: I just have one comment.
I just wanted to reiterate something that we said
earlier. I think that SACS, again, will be able
to provide the documentation that we need on our
reviews of their site visits, their self-study
process. Again, we didn't see anything that
would indicate any significant issues with how
the Agency operates.

So we will work with them, and again,
I don't foresee any problems getting the rest of
the information and documentation that we need.

J. DERBY: All right. Thank you.

Then we've come to the point for the
discussion and vote of the Committee. And at
this point, I'd like to ask Wally or Mary Ellen
to put forward a motion so that discussion can
take place inside of that motion.

Wally?

W. BOSTON: All right. It's our
recommendation to concur with the Department's
recommendation. I know that the currently worded
recommendation -- there was a modification
suggested by Bob Shireman yesterday that aligns
nicely with the series of code sections and
criteria that match with monitoring reports and
compliance reports.

I don't have a specific wording for
that, but I'm certainly in concurrence that if we
can simplify the wording to match what he
suggested and Counsel suggested yesterday, Mary
Ellen and I are okay with that.

Do you have any comments, Mary Ellen?

M.E. PETRISKO: No. I think it's just
simplifying but not changing anything, just
bringing --

W. BOSTON: Right.

(Simultaneous speaking.)

M.E. PETRISKO: -- that Bob suggested,
but not changing any of the content.

J. DERBY: All right. Now, discussion
around the motion? You'll have to -- let's see.
I'm not seeing hands.

B. SHIREMAN: Just a second. Sorry.
Just checking.

J. DERBY: Okay. All right. It looks
like we have Ronnie.

R. BOOTH: Just very much in favor of
the motion. There is work to be done for sure,
and that's why we've given them a need for a
monitoring report, which we'll have, and we'll
find out in short order if everything's taken
care of. So very much in favor of the motion.

J. DERBY: And we have Bob?

B. SHIREMAN: Yeah. I might as well
insert my comments here. I will vote in favor of
the motion. My comment is to encourage the
senior Department official to include or add a
review of -- compliance review or a monitoring
report as appropriate regarding the complaint
procedures, 602.23(c).

And regarding two of the items that
are already having a compliance report, Agency
analysis of information, 602.17(e), and
monitoring, 609.19(b), that the issues there be
expanded to take into consideration the
discussion today regarding complaints, including
the Keiser/Everglades issues. Thank you.

J. DERBY: And Jennifer?

J. BLUM: I would support Bob on the
complaint provision, the complaint procedures. I
was going to actually make the same separate
suggestion.
And then I kind of ask a question of Dr. Harris. I support the motion. I support the motion, but one of the things that I think, and we're just in a new world over it, is the amount of issues that are going to be under a monitoring report versus substantial compliance. And there is overlap with regard to -- I think it was in subchange. There's some subchange issues that are subject to monitoring report, and I think some subchanges that were subject to the compliance report.

And I mean, honestly, that piece of parsing -- because -- and the reason I'm bringing this up is monitoring reports don't come back to the Commission, but if I get this correctly, the compliance report does come back to us --

(Simultaneous speaking.)

J. BLUM: And so I'm struggling -- I mean, to be honest with you, I'm struggling with that a little bit because it's hard for me to parse in terms of how I look at things. And so on, for example, subchange, I would just as soon
have anything relating to noncompliance or substantial compliance with regard to subchange all be in a compliance report so we can review it all at once rather than in pieces.

But I'd love to hear, Nicole, your thoughts on if you understand --

N. HARRIS: Sure.

J. BLUM: I don't know if I'm making any sense, but --

N. HARRIS: Oh, no. I understand the slight confusion with that. Some of the requests for a compliance report were more policy -- it was a policy or something that spoke directly to the criteria that was either not provided or did not meet the requirement of the criteria at that time. That was considered a compliance report.

And based on the substantially compliant definition, some things that fit the definition in the new regulations could come under a monitoring report as well as the file-review documentation that is cited in the substantially compliant sections because that
file-review information was not provided -- the file review was separate from the petition. So the information was asked in a monitoring report for that reason, because it will be reviewed and complete by file review.

So the substantive change issues, some of them were policy-related or related to the actual criteria to complete the petition requirements. Either it was something referenced in the narrative by the Agency that they didn't provide, so they can provide it in the compliance report that comes back to the Committee for review, in reference to being on the record, or it was documentation that I had part of it and didn't have all of it.

So it was a judgment call. But I think Herman can speak more to that.

H. BOUNDS: No, I think you explained it well. So I'm going to take my hand down.

N. HARRIS: Oh. Okay. That was all.

Was that helpful? Was that helpful, Jennifer?

J. BLUM: Yes. Like I said, I think
we're in a little bit of a -- you know, this is
just a transition for everybody. So --

N. HARRIS: Yes. The new definition
-- here, I tried to apply it where it fit instead
of just everything being noncompliant.

J. BLUM: Yeah. No, and I understand
it. And that piece I'm very sympathetic to.
Anyway, it's like, gosh, I kind of would love to
be honest with you on things like the subchange.
I would love for the Commission -- I mean for the
Committee -- to have that topic back before us
entirely. But I'm not going to belabor that. I
defer to the SDO on that.

It's just we're in a new world, and it
makes it a little bit more complex. But I
appreciate this. That was helpful. And again, I
want to reiterate I don't know what the process
is, but I would support Bob and wanted to do
anything with regard to the complaint procedures
and a revisit of that interpretation and their
compliance there. I would support that if we go
there.
J. DERBY: Kathleen? You're muted.

K.S. ALIOTO: I would just like to thank the Department and Nicole and Herman and George and all the work that you've put in for us, and to say to Dr. Wheelan I really had thought I was going to vote no, but you and your team present a caring and thoughtful picture of what you're trying to do. And so I'm going to vote yes like most of my colleagues, maybe all of my colleagues. Thank you.

B. WHEELAN: Thank you, Ms. Alioto.

J. DERBY: Are there any further comments? Seeing none, I would just like -- I won't be voting, but I'd like to enter some comments into the record. And first of all, as somebody who works in the world of board governance, I want to compliment you on raising your governance standards and requiring board self-assessment in the standards.

It's a time of public skepticism about higher education, and governing boards of trustees, regents, whoever they are, are feeling
the pressure of that. And I think that support
for their process is very important, and I wanted
to compliment you on that and at the same time,
in terms of, I thought, an excellent report
today, to applaud your considerable efforts to
support and encourage continuous improvement in
the area of student achievement. I'm impressed
by the good work you're doing on that.

B. WHEELAN: Thank you very much.

J. DERBY: I think it's been an
excellent discussion, and you certainly see the
areas that there are to work on. With that,
let's go to the vote.

Kathleen?

K.S. ALIOTO: Yes.

J. DERBY: Rosalind?

G.A. SMITH: She's been recused.

J. DERBY: Oh. Of course. Sorry.

Jennifer?

J. BLUM: Yes.

J. DERBY: Ronnie?

R. BOOTH: Yes.
J. DERBY: Wally?

W. BOSTON: Yes.

J. DERBY: David?


J. DERBY: Molly?

M. HALL-MARTIN: Yes, with support of previous comments related to revisiting the complaint process.

J. DERBY: And Robert?

G.A. SMITH: Recused.

J. DERBY: Mary Ellen?

M.E. PETRISKO: Yes.

G.A. SMITH: He's recused.

J. DERBY: Of course.

And Bob?

B. SHIREMAN: Yes.

J. DERBY: And Zakiya?

Z. SMITH ELLIS: Yes, with a suggestion that you consider electronic signature like a DocuSign or something like that for the complaint to make it easier for individuals.
J. DERBY: And Steve?

S. VAN AUSDLE: Yes.

J. DERBY: Well, so the motion carries. And I want to thank everybody for being here. Particularly, congratulations to the Agency. But we needed nine of us, and nine of us are here. So thank you for everybody persisting and being part of it, and thanks for putting up with a bumpy process with me presiding temporarily. I'm sorry for the interruptions and so forth.

But I think it's been a good day, and the discussion was rich this morning. I think a lot will come from it. And I just want to commend NACIQI. I'm going to also add a comment that I may not be staying on NACIQI. My term is coming to an end, and I've been on for ten years. And I just want to say that I think this is among the best committees that I've served on, and I mean NACIQI committees.

Over ten years, there's been a lot of changes about composition. We have an excellent
Committee, and I'm so pleased that this administration is encouraging our comments and our advice because we have often complained over ten years that we are a smart bunch of experienced people in higher ed, and we don't get a chance to do more than rubber-stamp our staff, not that we've always done that.

But I see the encouraging trend with the Subcommittees and the kind of comments that are coming on, the policy, Bob's suggestion about how to work motions so that they can have a little bit more nuance to them. All that's very good.

So, in case you don't see me, the final comment I need to make is we need to meet back in person because seven hours on Zoom is punishing. All the research says nobody should be subjected to that. And we do better in person. So I just want to add my vote to that. But I want to say we really have one of the best NACIQIs I've ever been part of in terms of our composition -- smart people stepping up, making
their comments, offering advice.

    And I'm pleased that the Department is

so open to the advice that we're offering beyond

our recommendations around the Agency. So, with

that, thanks, everybody, for being here.

(Simultaneous speaking.)

G.A. SMITH: Motion to adjourn.

K.S. ALIOTO: You are a wonderful

(Simultaneous speaking.)

J. DERBY: Motion to adjourn -- I

second.

M.E. PETRISKO: Second.

J. DERBY: All those in favor of

adjourning?

(Chorus of aye.)

J. DERBY: That's unanimous. Let's

adjourn, and thanks, everybody.

(Whereupon, the above-entitled matter

went off the record at 4:00 p.m.)
states 75:17
statement 4:13 61:20
states 30:5 45:6 70:7
statistics 30:5 45:6 70:7

[The text continues with various other words and phrases, but without a clear structure or coherent context.]
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: National Advisory Committee on Institutional Quality and Integrity

Before: US DED

Date: 07-21-22

Place: telconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.

[Signature]
Court Reporter