

1 U.S. DEPARTMENT OF EDUCATION  
2 OFFICE OF POSTSECONDARY EDUCATION  
3 NATIONAL ADVISORY COMMITTEE ON  
4 INSTITUTIONAL QUALITY AND INTEGRITY (NACIQI)  
5 TUESDAY  
6 FEBRUARY 28, 2023  
7 The Advisory Committee met at 9:00 a.m., at Potomac Center  
8 Plaza  
9 550 12<sup>th</sup> Street, S.W.  
10 10<sup>th</sup> Floor Auditorium  
11 Washington DC, 20024, Claude Pressnell Jr., Chair, presiding.  
12 ADVISORY COMMITTEE MEMBERS PRESENT  
13 CLAUDE PRESSNELL JR., CHAIR  
14 ZAKIYA SMITH ELLIS, Vice Chair  
15 KATHLEEN SULLIVAN ALIOTO  
16 ARTHUR KEISER  
17 JENNIFER BLUM, ESQ.  
18 WALLACE E. BOSTON  
19 ROSLYN CLARK ARTIS  
20 DAVID EUBANKS  
21 MOLLY HALL-MARTIN  
22 D. MICHAEL LINDSAY  
23

- 1 MARY ELLEN PETRISKO
- 2 MICHAEL POLIAKOFF
- 3 ROBERT SHIREMAN
- 4 KEITH CURRY
- 5 JOSE LUIS CRUZ RIVERA
- 6 DEBORAH COCHRANE
- 7 ROBERT MAYES
- 8
- 9
- 10 DEPARTMENT OF EDUCATION STAFF PRESENT
- 11 GEORGE ALAN SMITH, NACIQI Executive Director,
- 12 Designated Federal Official
- 13 HERMAN BOUNDS, Director, Accreditation Group
- 14 NICOLE S. HARRIS
- 15 ELIZABETH DAGGETT
- 16 PAUL FLOREK
- 17 CHARITY HELTON
- 18 STEPHANIE MCKISSIC
- 19 KARMON SIMMS-COATES
- 20 REHA MALLORY
- 21 L.G. CORDER
- 22 MICHAEL STEIN
- 23 ANGELA SIERRA

- 1 DONNA MANGOLD
- 2 CHIRISTLE SHEPPARD SOUTHALL
- 3 CONSENT AGENDA/COMLIANCE REPORTS:
- 4 NEW YORK STATE BOARD OF REGENTS, STATE
- 5 EDUCATION DEPARTMENT,
- 6 OFFICE OF PROFESSIONS, NURSING EDUCATION
- 7 (NYSED)
- 8
- 9
- 10
- 11 NACIQI Primary Readers:
- 12 MOLLY HALL-MARTIN
- 13 ARTHUR KEISER
- 14 STAFF-CHARITY HELTON
- 15 MARYLAND BOARD OF NURSING (MDBN)
- 16 NACIQI Primary Readers:
- 17 Mary ELLEN PETRISKO
- 18 MICHAEL POLIAKOFF,
- 19 DEPARTMENT STAFF:
- 20 Dr. NICOLE S. HARRIS
- 21
- 22 RENEWAL OF RECOGNITION:
- 23 HIGHER LEARNING COMMISSION (HLC)

- 1 NACIQI PRIMARY READERS:
- 2 JENNIFER BLUM
- 3 MARY ELLEN PETRISKO
- 4 STAFF-ELIZABETH DAGGETT
- 5 BARBARA GELLMAN-DANLEY, President
- 6 JO ALICE BLONDIN, Chair, HLC Board of Trustees, President,
- 7 Clark State College
- 8 RICHARD DUNSWORTH, Vice-Chair, HLC Board of Trustees,
- 9 President, University of the Ozarks
- 10
- 11 ERIC V. MARTIN, Executive Vice President
- 12 KAREN J. SOLOMON, Vice President and Chief Transformation
- 13 Officer
- 14 MARLA MORGEN, General Counsel for HLC
- 15
- 16 THIRD-PARTY COMMENTERS:
- 17 ELLA AZOULAY, Student Borrowers Protection Agency
- 18 DR. LORI SUNBERG, Kirkwood Community College
- 19 DAVID HALPERIN, Attorney
- 20 DR. SYLVIA JENKINS, Moraine Valley Community College
- 21 DR. JON BAUER, East Central College
- 22 DR. E. GORDON GEE, West Virginia University
- 23 ALLISON MURTH, Veterans Education Success

1 DR. MICHAEL CROW, Arizona State University  
2  
3 RENEWAL OF RECOGNITION:  
4 AMERICAN PHYSICAL THERAPY ASSOCIATION,  
5 COMMISSION OF  
6 ACCREDITATION IN PHYSICAL THERAPY EDUCATION  
7 (CAPTE)  
8  
9  
10  
11 NACIQI Primary Readers:  
12 WALLACE BOSTON  
13 MICHAEL POLIAKOFF  
14 DEPARTMENT STAFF:  
15 PAUL FLOREK  
16  
17 AGENCY REPRESENTATIVES:  
18 PEGGY BLAKE GLEESON, PT, PhD, Chair, Commission on  
19 Accreditation in Physical Therapy Education  
20 MARY L. ROMANELLO, PT, PhD, Director, Accreditation  
21  
22  
23  
24

1   **Table of Contents**

2   Consent Agenda/Compliance Reports: ..... 17

3   Maryland Board of Nursing (MDBN) ..... 21

4   Higher Learning Commission (HLC) ..... 79

5   American Physical Therapy Association, Commission on  
6   Accreditation in Physical Therapy Education (CAPTE) ..... 278

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

1

2

## P R O C E E D I N G S

3

9:05 a.m.

4

G.A. SMITH: Good morning and welcome

5

everyone. This is the meeting of the National Advisory Committee

6

on Institutional Quality and Integrity, also known as NACIQI. I'm

7

George Alan Smith, the Executive Director, and Designated

8

Federal Official of NACIQI.

9

NACIQI was established by Section 114 of the

10

Higher Education Act of 1965 as amended, or HEA, and is also

11

governed by provisions of the Federal Advisory Committee Act as

12

amended, or FACA, which set forth standards for the formation

13

and use of advisory committees.

14

Sections 101(c) and 487C-4 of the HEA and Section

15

8016 of the Public Health Service Act, 42 U.S.C. Section 2966,

16

require the Secretary to publish a list of state approval agencies,

17

and nationally recognized accrediting agencies, and state approval

18

and accrediting agencies for programs of nurse education that the

19

Secretary determines to be reliable authorities as to the quality of

20

education provided by the institutions and programs they accredit.

21

Eligibility of the educational institutions and

22

programs for participating in various federal programs requires

1 accreditation by an agency listed by the Secretary.

2 As provided in HEA Section 114, NACIQI advises  
3 the Secretary on the discharge of these functions, and is also  
4 authorized to provide advice regarding the process of eligibility  
5 and certification of institutions of higher education for  
6 participation in the federal student aid program, authorized under  
7 Title IV of the HEA.

8 In addition to these charges, NACIQI authorizes  
9 academic graduate degrees from federal agencies and institutions.  
10 This authorization was provided by letter from the Office of  
11 Management and Budget in 1954, and this letter is available on the  
12 NACIQI website, along with all other records related to NACIQI's  
13 deliberations.

14 Thank you for joining us today for this hybrid  
15 meeting. We are delighted that Committee members are meeting  
16 in person for the first time in nearly three years. Usually at this  
17 moment I turn the meeting over to the Committee Chairperson, and  
18 given that the Committee's Chair and Vice Chair terms ended just a  
19 few days ago, I'll take this opportunity thank both Art Keiser and  
20 Claude Pressnell for their great service in their respective roles.

21 The Department is most appreciative. The  
22 Department is most appreciative of your work and commitment to



1 working to ensure quality education in the United States. After our  
2 standard introductions in a moment, I will take nominations for  
3 these vacancies from the floor, and votes will be cast using a roll  
4 call model, much like the process we use when we're voting on  
5 agency petition motions.

6 We will conduct the nomination process and  
7 election for the Chairperson first, then move to the nomination  
8 process and election for the Vice Chairperson. Electees will serve  
9 three year terms, which will conclude on February 28, 2026. After  
10 both elections are concluded, the newly elected Chairperson will  
11 preside for the remainder of this meeting.

12 At this time I'd like to begin introductions. We'll  
13 start with Committee members, and move to department staff. So  
14 Kathleen, do you mind kicking us off?

15 K. SULLIVAN ALIOTO: Hi. I'm Kathleen  
16 Sullivan Alioto, and my focus these days is on babies first, which  
17 is legislation which will equalize the playground for infants,  
18 children and families of America. And I want to apologize my  
19 voice is a little -- even more off than usual. I had some -- a  
20 procedure in January, and I'm just doing my physical therapy to get  
21 my voice back, or even better to help me sound like Katharine  
22 Hepburn.

1 G. A. SMITH: Thank you Kathleen, Wally?

2 W. BOSTON: Wally Boston, President Emeritus of  
3 American Public University System.

4 M. E. PETRISKO: Mary Ellen Petrisko,  
5 Educational Consultant and Past President of the WASC Senior  
6 College and University Commission.

7 D. EUBANKS: Good morning. I'm David  
8 Eubanks. I work at Furman University.

9 Z. S. ELLIS: Good morning all. I'm Zakiya Smith  
10 Ellis. I'm a Principal with Education Council. I used to work for  
11 the State of New Jersey.

12 C. PRESSNELL: Good morning Claude Pressnell.  
13 I serve as the President of the Tennessee Independent Colleges and  
14 Universities.

15 M. HALL-MARTIN: (Spoke in Native Language)  
16 I'm Molly Hall Martin, and I serve as the Student Member on the  
17 Committee.

18 D. COCHRANE: Hi. Good morning. Debbie  
19 Cochrane with California's Bureau for Private Postsecondary  
20 Education.

21 J. L. CRUZ RIVERA: Good morning. Jose Luis  
22 Cruz Rivera, President of Northern Arizona University.

1 J. BLUM: Jennifer Blum, Higher Education policy  
2 lawyer and consultant. Good morning.

3 R. SHIREMAN: Bob Shireman, Senior Fellow at  
4 the Century Foundation.

5 R. C. ARTIS: Roslyn Artis, President of Benedict  
6 College in Columbia, South Carolina.

7 A. KEISER: Art Keiser, Chancellor, Keiser  
8 University in Fort Lauderdale, Florida.

9 G. A. SMITH: Keith Curry, can you hear me? If  
10 so, can you introduce yourself?

11 K. CURRY: Keith Curry, President, CEO,  
12 Compton College, and this is my first meeting.

13 G. A. SMITH: Michael Lindsay?

14 M. LINDSAY: I'm Michael Lindsay. I serve as the  
15 President of Taylor University in Indiana.

16 G.A. SMITH: And Robert Mayes?

17 R. MAYES: Hey good morning. I'm Robert  
18 Mayes, CEO of the parent company of Columbia Southern  
19 University.

20 G. A. SMITH: Thank you. Those are all  
21 Committee Members here today, and a special welcome to our new  
22 members, Debbie, J. L. and Keith, welcome aboard. We'll turn

1 now to the Staff Members. Herman, can you introduce yourself  
2 please?

3 H. BOUNDS: Good morning. My name is Herman  
4 Bounds, and I'm the Director of the Accreditation Group.

5 G. A. SMITH: Nicole?

6 N. HARRIS: Good morning. My name is Dr.  
7 Nicole S. Harris. I'm an Analyst with the Accreditation Group.

8 E. DAGGETT: Good morning. I'm Elizabeth  
9 Daggett. I'm Analyst with the Accreditation Group.

10 C. HELTON: Good morning. I'm Charity Helton,  
11 and I'm also an Analyst with the Accreditation Group.

12 P. FLOREK: Good morning. Paul Florek,  
13 Analyst, Accreditation Group.

14 S. MCKISSACK: Good morning. Dr. Stephanie  
15 McKissic, Analyst with the Accreditation Group.

16 M. STEIN: Good morning Mike Stein, Analyst  
17 with the Accreditation Group.

18 G. A. SMITH: Thank you. And Monica, would  
19 you like to introduce yourself?

20 M. FREEMAN: Monica Freeman. I work with  
21 George with the Advisory Committee.

22 G. A. SMITH: Thank you. Angela?

1                   A. SIERRA: Good morning everyone. I'm Angela  
2 Sierra from the Department of Education, Office of the General  
3 Counsel. And with me also from OGC is Christle Sheppard  
4 Southall, and participating virtually Donna Mangold.

5                   G. A. SMITH: Thank you. Scott Prince?

6                   S. PRINCE: Scott Prince (off mic).

7                   G. A. SMITH: Steven?

8                   (Off mic.).

9                   G. A. SMITH: Thank you. Okay. And then we  
10 have a couple people, thank you so much, on virtual. Reha.

11                  R. MALLORY: Hello everyone Ria Mallory with  
12 the Accreditation Group.

13                  G. A. SMITH: And Karmon?

14                  K. SIMMS-COATES: Hi. I'm Karmon Simms-  
15 Coates, and I'm with the Accreditation Group.

16                  G. A. SMITH: And L.G.?

17                  L.G. CORDER: Good morning. L.G. Corder,  
18 Accreditation Group.

19                  G. A. SMITH: Very good. I think that covers  
20 everyone. So now that we're properly introduced, I'd like to open  
21 the floor for nominations for the NACIQI Chairperson. Again, the  
22 person elected for this important role will serve a three year term,

1 so the floor is now open for nominations. Yes, Art Keiser?

2 A. KEISER: I'd like to nominate Claude Pressnell  
3 as Chair.

4 G. A. SMITH: Claude, do you accept the  
5 nomination?

6 C. PRESSNELL: I do.

7 G. A. SMITH: Any other nominations? Seeing  
8 there are no other nominations, I think the nomination -- hmm?

9 A. KEISER: Move for acclamation.

10 G. A. SMITH: Thank you very much. Art just  
11 can't help himself now can he? By acclamation Claude,  
12 congratulations on being elected Chair of the Committee. Very  
13 good. So now I'd like to open the floor for nominations for the  
14 NACIQI Vice-Chairperson. The person elected for this role will  
15 also serve a three year term. The floor is open for nominations.

16 R. SHIREMAN: I'd like to nominate Zakiya Smith  
17 Ellis.

18 G. A. SMITH: Zakiya, do you accept the  
19 nomination?

20 Z. SMITH ELLIS: Yes.

21 G. A. SMITH: Okay. Are there any other  
22 nominations for Vice-Chair? Seeing there are no other

1 nominations then I guess we've got another acclamation vote.  
2 Congratulations for being elected. At this time Claude, can you  
3 join us at the top of the table here and take this lovely hot seat  
4 awaiting you.

5 CHAIR PRESSNELL: You bet. Again, thank you  
6 all. I'm not sure if the vote of acclamation was because nobody  
7 else wanted to do it, or what it was I don't know, but I really am  
8 honored to serve in this capacity, and to work with all of you to  
9 make sure that NACIQI handles its work with the most integrity as  
10 we possibly can.

11 Before we get started though, I do want to say  
12 thanks to Art Keiser for his service as Chair. He has been  
13 definitely the Dean of the members here, has been with NACIQI at  
14 least since 2010, and probably before 2010. I'm not going to go for  
15 that date to figure out exactly when that was, but he has spent the  
16 last six years as the Chair of NACIQI.

17 And we have an engraved gavel for you that notes  
18 your name, and your service as Chair on NACIQI, so we  
19 appreciate. And no federal dollars were used to purchase this.

20 A. KEISER: I appreciate that.

21 CHAIR PRESSNELL: Oh here, yeah absolutely.

22 And Art if you want to make some brief comments, please feel free

1 to do so.

2 A. KEISER: Well first of all I want to thank  
3 everybody. It's been a pleasure working with you, for you for the  
4 past six years. Thank George and Herman, thank the entire staff.  
5 You work hard. I'm very appreciative for that work. NACIQI  
6 plays an important role. I take it very seriously. I know all the  
7 members of the Committee take it so seriously. It's important to  
8 recognize that peer review accreditation is a critical role that makes  
9 the American higher education, I think, the best in the world.

10 So it is our role, and our responsibility to ensure  
11 that accreditation continues, it stays focused on helping students,  
12 and making students more effective in the workplace, and in their  
13 lives. And again, I appreciate the time and all the efforts on behalf  
14 of NACIQI by everyone here, thank you.

15 CHAIR PRESSNELL: Thank you Art. Now if you  
16 turn your attention to the Agenda, we had next on the we would  
17 have the Assistant Secretary, Dr. Nasser Paydar come and join us.  
18 That is not available to us. I guess there was a recording that's not  
19 available to us at the moment, but as soon as it becomes available  
20 we'll air that.

21

22



1 Consent Agenda/Compliance Reports:

2 CHAIR PRESSNELL: So we're going to go ahead  
3 and move on to the Consent Agenda, and the procedures for this is  
4 a call for third-party oral comments, followed by a call for anyone  
5 who might want to remove an agency from the Consent Agenda,  
6 then a motion, and a second, and then a call for a vote.

7 The agencies we have on the consent agenda are the  
8 New York State Board of Regents, State Education Department,  
9 Office of Professions, Nursing Education. We all think we have  
10 long titles. That's a long one. And then the second agency is the  
11 Maryland Board of Nursing.

12 So first call for any third party oral comments on  
13 the Consent Agenda. Okay. And there were none. Is there a call  
14 by any of the Committee Members to remove an agency from the  
15 Consent Agenda? Mary Ellen?

16 M. E. PETRISKO: Yes. Thank you. I'd like to  
17 remove the Maryland Board of Nursing from the Consent Agenda.

18 CHAIR PRESSNELL: Okay. Any other  
19 removals?

20 PARTICIPANT: I second that.

21 CHAIR PRESSNELL: Okay. So they'll reduce the  
22 Consent Agenda to one agency, which will be the New York State

1 Board of Regents Agency, and so if we could have a motion. I'll  
2 entertain a motion and a second on the Consent Agenda, which  
3 would be the New York State Board of Regents Agency.

4 PARTICIPANT: So moved.

5 PARTICIPANT: I'll second.

6 CHAIR PRESSNELL: Okay. Very good. And roll  
7 call vote? Yes, I'm sorry. Wally?

8 W. BOSTON: So just to -- this seems to be a  
9 technical question, but between the Maryland Board of Nursing,  
10 and the New York State. New York State's approval is for 17  
11 months, and Maryland is for 20. I'm just puzzled how there's a  
12 three month difference.

13 H. BOUNDS: Well I'll take that question. It's  
14 basically you have to compute in whatever the compliance report  
15 period was. And the compliant report period was different for both  
16 of those agencies. If you all recall, Maryland Board of Nursing,  
17 their recognition was originally it wasn't denied, but it was  
18 suspended, and they appealed to the Secretary.

19 At that time it was Acting Secretary Zais. He  
20 overturned that decision, and so it just kicked them further down  
21 the road than the New York State Board. So when you add it up,  
22 and now we're dealing with somewhere between 19 and 20 months

1 and a half, so I just went with 20 months on their renewal, and the  
2 same situation with -- I'm sorry, and the same situation with New  
3 York. Their compliance report, plus the time it takes us to get  
4 them back to the Committee. That explains the difference between  
5 the two.

6 W. BOSTON: Thank you.

7 CHAIR PRESSNELL: Any other questions or  
8 comments about the Consent Agenda, which is just one agency?  
9 All right. Let's go ahead then and we'll take a roll call vote on the  
10 Consent Agenda, which again is the New York State Board of  
11 Regents State Education Department, Office of the Professions,  
12 Nursing Education.

13 G. A. SMITH: Alioto?

14 K. SULLIVAN ALIOTO: Yes.

15 G. A. SMITH: Artis?

16 R. CLARK ARTIS: Yes.

17 G. A. SMITH: BLUM?

18 J. BLUM: Yes.

19 G. A. SMITH: Boston?

20 W. BOSTON: Yes.

21 G. A. SMITH: Cochrane?

22 D. COCHRANE: Yes.

1 G. A. SMITH: Cruz Rivera?  
2 J. L. CRUZ RIVERA: Yes.  
3 G. A. SMITH: Curry?  
4 K. CURRY: Yes.  
5 G. A. SMITH: Eubanks?  
6 D. EUBANKS: Yes.  
7 G. A. SMITH: Hall-Martin?  
8 M. HALL-MARTIN: Yes.  
9 G. A. SMITH: Keiser?  
10 A. KEISER: Yes.  
11 G. A. SMITH: Lindsay?  
12 M. LINDSAY: Yes.  
13 G. A. SMITH: Mayes?  
14 R. MAYES: Yes.  
15 G. A. SMITH: Petrisko?  
16 M. E. PETRISKO: Yes.  
17 G. A. SMITH: Pressnell?  
18 CHAIR PRESSNELL: Yes.  
19 G. A. SMITH: Okay. And Shireman?  
20 R. SHIREMAN: Yes.  
21 G. A. SMITH: And Smith Ellis?  
22 Z. SMITH ELLIS: Yes.

1 Maryland Board of Nursing (MDBN)

2 CHAIR PRESSNELL: All right. Thank you. So  
3 the Consent Agenda is approved, and so that brings us back to the  
4 Maryland Board of Nursing. And so the procedure here will be  
5 that we'll have the primary readers introduce the agency  
6 application. We'll have the Department staff provide some  
7 briefing, and then do we have agency? Okay. Good.

8 And then we'll have agency representatives provide  
9 comments. Questions by NACIQI, followed by response from the  
10 agency. Then I believe there are no third party comments, but that  
11 would be the order, and then the agency could respond to those  
12 comments. Department staff responds to the agency, and then  
13 there would be a discussion and a vote.

14 So the primary readers are Mary Ellen and Michael,  
15 and so Mary Ellen will you introduce the agency?

16 M. E. PETRISKO: Michael was to have been on  
17 Zoom and to do the introduction, but I don't see him, or hear him.  
18 I don't know if you've heard from him, but?

19 G. A. SMITH: Lindsay?

20 CHAIR PRESSNELL: No.

21 M. E. PETRISKO: No, no, Michael Poliakoff.

22 G. A. SMITH: Poliakoff. Yeah. He's trying to get

1 in, and we're waiting.

2 M. E. PETRISKO: Okay. Well I won't delay this  
3 any further. The Maryland Board of Nursing is what it says. It is  
4 the Board for the State of Maryland. And the mission is to  
5 advance safe, quality care in Maryland through licensure,  
6 certification, education, and accountability for public protection.  
7 There are a number of institutions in Maryland that offer nursing  
8 programs at various levels, and some of those are accredited by the  
9 larger accrediting bodies.

10 The Maryland Board also approves the programs at  
11 a number of those institutions that do not have that larger  
12 institutional accreditation. They were up I think in 2020 before us,  
13 and there was a discussion about the fact that there had been a  
14 history of coming into compliance, and coming out of compliance,  
15 and coming into compliance again.

16 And so, that discussion, as was already mentioned,  
17 a decision on the part of the Senior Department Official, which  
18 was appealed, and then they've done this compliance report, and  
19 that's where we are today.

20 G. A. SMITH: Excuse me. Hello? You've arrived.  
21 It's hard for people who are not in the room to hear us, so I think  
22 we just need to bring the microphone closer to our mouths.

1 M. E. PETRISKO: Okay. And I do not have a  
2 strong voice. I'm turning these numbers higher, so perhaps this is -  
3 - is this better? Okay good. And I'll pull it closer to my face. All  
4 right. Thank you. So I don't think that needs to be repeated.  
5 Okay?

6 CHAIR PRESSNELL: All right. No. I think we're  
7 fine. So the NACIQI staff, or the Department staff, Nicole Harris,  
8 could you provide comments and introductions as well?

9 N. HARRIS: Good morning. Can everyone hear  
10 me?

11 CHAIR PRESSNELL: Yeah.

12 N. HARRIS: Great. Again good morning Mr.  
13 Chair, newly elected Chair, and members of the Committee. For  
14 the record my name is Dr. Nicole S. Harris, and I am providing a  
15 summary of the review of the compliance report for the Maryland  
16 Board of Nursing, also referred to as the agency. The staff  
17 recommendation to the Senior Department Official to accept the  
18 agency's report, and renew the agency's recognition for 20 months.

19 This compliance report was required in response to  
20 the Acting Secretary's Order issued January 19 of 2021. This  
21 recommendation is based upon my review of the agency's  
22 compliance report, and supporting documentation submitted in

1 response to the petition review in the winter of 2020, which  
2 required documentation to demonstrate that the agency uses  
3 experienced and qualified examiners to visit schools of nursing, to  
4 examine educational objectives, programs, administrative  
5 practices, services, and facilities.

6 And to prepare written reports and  
7 recommendations for the use of the reviewing body, and calls such  
8 examinations to be conducted under conditions that ensure an  
9 impartial and objective judgment. Also, enforced a well-defined  
10 set of standards regarding the school's ethical practices, including  
11 recruitment, and advertising, and makes initial and periodic onsite  
12 inspections of each school of nursing accredited.

13 Since the agency's last review in February 2020,  
14 and the Acting Secretary's Order issued January of 2021, the  
15 Department has received no complaints for this agency, and one  
16 third party comment. Specific to the Department's third party  
17 comment procedures, which warranted no response from the  
18 agency.

19 In conclusion, and as I stated earlier, the staff  
20 recommendation to the Senior Department Official is to accept the  
21 agency's report, and continue the agency's recognition for 20  
22 months. There are agency representatives present today, and they



1 will be happy to respond to the Committee's questions. Thank you.

2 CHAIR PRESSNELL: All right. Thank you. Any  
3 questions or clarifications for Nicole from the Committee? All  
4 right. We'll invite the agency staff to now come forward. I'm  
5 afraid I don't have the names for the agency staff in front of me, so  
6 I'll let you introduce yourselves.

7 K. EVANS: Good morning. My name is Karen  
8 Evans. I am the Executive Director for the Maryland Board of  
9 Nursing. Dr. Green would you like to go?

10 S. GREEN: Good morning. My name is Dr. Sheila  
11 Green. I'm an Education Consultant for the Maryland Board of  
12 Nursing.

13 K. EVANS: And Mr. Conti?

14 M. CONTI: Good morning. My name is Michael  
15 Conti. I'm the Assistant Attorney General and legal counsel to the  
16 Board of Nursing.

17 CHAIR PRESSNELL: Great. We invite you to  
18 kind of introduce the agency, and respond to the report, and then  
19 we'll have some questions for you as well.

20 K. EVANS: Certainly. So we have been working  
21 with Dr. Harris over the last few months to make sure that we stay  
22 in compliance of the report. We're thankful for the

1 recommendation from Dr. Harris to continue as a U.S. agency -- I  
2 mean, I'm sorry, to continue as a U.S. DOE member. Mr. Conti,  
3 do you have anything you would like to add?

4 M. CONTI: No. I'd just like to thank Dr. Harris for  
5 her efforts in helping to assist the agency with its compliance  
6 report, and to make sure that we were in compliance. Thank you  
7 Dr. Harris.

8 K. EVANS: Yes. Thank you Dr. Harris. Dr.  
9 Green, would you like to add anything?

10 S. GREEN: Just, I'm sorry, something is going on  
11 with this video, but let's just move it away. Thank you everyone,  
12 and Dr. Harris for her assistance, and continuing to help us with  
13 making sure we meet compliance requirements.

14 CHAIR PRESSNELL: All right. Thank you very  
15 much. Mary Ellen, questions?

16 M. E. PETRISKO: Yes. Thank you. Thank you  
17 for being with us. I realize that this was on a consent agenda, so  
18 you may not have been anticipating that we would be having some  
19 questions for you, so thank you for being with us, and being  
20 willing to answer the questions that we have.

21 I'd like to read a couple of things, and then go into  
22 my questions because I think what I am going to read from your

1 website helps ground the questions that I have for you. So I read  
2 the mission that you have, and it is to advance safe, quality care in  
3 Maryland through licensure, certification, education and  
4 accountability for public protection.

5 I also saw on the website that there is a statement  
6 that the Maryland Board of Nursing continues to experience delays  
7 in processing initial and renewal applications for licensure and  
8 certification due to information technology limitations, numerous  
9 vacant, full-time positions, and decreased operational resources.

10 So, the questions that I have relate to an issue that  
11 came up the last time NACIQI met, and that is regarding staff  
12 sufficiency. There was an issue of a backlog in visits, and if I  
13 understand correctly many virtual visits took place, and then there  
14 was a schedule put into place to have in person visits, onsite visits  
15 for these institutions.

16 So the schedule accounts for, or notes that there  
17 would be 11 verification meetings in the years 22-23, so we're in  
18 the middle of that now. And I'm wondering how the staff  
19 shortages and operational resources shortage that you've mentioned  
20 is affecting that. And perhaps you could also just refresh our  
21 memories.

22 The way that the visits were happening, peer review

1 is not required for your visits, but expert people who understand  
2 what the nursing programs are to be doing are the people that are  
3 doing the reviews. I believe there are two person teams that go  
4 out.

5 K. EVANS: Yes.

6 M. E. PETRISKO: And if I'm not mistaken you  
7 have four, or had four people on staff who were conducting these  
8 visits. One of the people that was recently hired does not have a  
9 nursing background. It was mentioned that she is really I guess,  
10 more in a compliance area, than the substance of the nursing  
11 curricula. So could you just tell us what is happening with those  
12 visits?

13 What is the sufficiency of staff given what you said  
14 in general about backlogs and things going on? Do you have --  
15 what do you have in place as far as staffing in this visits to make  
16 sure that these 11 visits are going to be happening as scheduled and  
17 as promised. That's my first question.

18 K. EVANS: Okay. I will answer part, and then I  
19 will ask Dr. Green to answer the other piece. The first piece in  
20 regards to our staff resources and IT. Last year throughout the  
21 Maryland Department of Health it was a ransomware incident.  
22 And so, we continue to be on WiFi, however we are hiring at this

1 moment. It doesn't affect the education department because they  
2 are fully staffed.

3 So for that it should not affect anything. We are not  
4 backlogged as far as the Education Department is. We are  
5 basically most up to date. We've been working hard on that as  
6 well, getting new team members in. So Dr. Green would you like  
7 to address -- so I hope that answers that particular question.

8 And then I will have Dr. Green speak about the  
9 visits.

10 S. GREEN: Good morning. Your information that  
11 you have been provided indicates that we conducted virtual site  
12 visits initially in the 2020 period, and as the Committee may recall,  
13 that was a period of heightened concerns regarding COVID-19. So  
14 we offered to err on the side of safety, as well as for getting the  
15 information that's required on site visits.

16 And we conducted our virtual site visits with those  
17 particular programs during that time. Right now we're in the  
18 process of completing the follow-up site visits now, onsite at a  
19 particular agency. So far we've completed site visits for Warick  
20 Community College, and we have two scheduled, one in March at  
21 Coppin State University, and one in April at Harford Community  
22 College.

1                   Our team of nurse educator reviewers still consists  
2   of the four individuals that were identified in our reports. Myself,  
3   Dr. Kennedy, Dr. Scott, whose our Director of Examinations, as  
4   well as Dr. Patricia Kennedy. And we continue to be able to go  
5   out with having two individuals with each of our visits that we now  
6   are completing in person.

7                   And also completing those in collaboration with our  
8   nursing accrediting counterparts as well. The Commission for  
9   Collegiate Nursing Education, ACEN, CNEA, as those visits are  
10   occurring because we're moving in that direction, and making sure  
11   that we're collaborative with those agencies, as well as meeting the  
12   needs of our programs here in the State of Maryland.

13                  You have before you or with you -- our  
14   understanding is you have more information about our upcoming  
15   schedule, the schedule is we are moving forward with that  
16   schedule.

17                  And hopefully that answers the question. So in  
18   regards to our education consultants, there are no vacancies at the  
19   Maryland Board of Nursing, so we're able to continue to conduct  
20   the business that's required in the site visits. Thank you.

21                  M. E. PETRISKO: Thank you for that. The one  
22   other piece that I was asking about was there had been two new

1 hires I think at the time of, or after our last meeting. And one of  
2 those people did not have a nursing degree, or nursing background,  
3 and I was wondering how that person fits into this, if these are two-  
4 person teams going out to look at programs of nursing, how that  
5 person is qualified to do that work, or how that person participates  
6 in a two-person team that is looking at programs of nursing.

7 S. GREEN: Go right ahead.

8 K. EVANS: No. Go ahead Dr. Green.

9 S. GREEN: I believe you may be referring to Mrs.  
10 Ottinger. She has a bachelor's degree in nursing, and she has a  
11 master's degree in healthcare administration. How she fits in is  
12 with first of all she has been involved in orientation, going out on  
13 site visits with an experienced person like myself and also Dr.  
14 Forbes-Scott.

15 And she is involved in performing some of the  
16 administrative concerns that we may have in the program,  
17 particularly with institutional development and so forth. We are  
18 also reviewing with her, with our standards, how to look at faculty  
19 records, and that is not done in isolation, it's done collaboratively  
20 to make sure we are achieving validation, and adhering to the  
21 standards that are required in any particular areas.

22 Curriculum is another area that we review as a part

1 of the self-study that we received prior to actually going out to do  
2 the site visits, and we also keep records within our department  
3 about curriculum, and for designs for various programs. So we  
4 have that information to help support, and also to educate and  
5 develop that person that's with us because of the orientation needs.

6 M. E. PETRISKO: Thank you. You mentioned the  
7 collaboration with ACEN. And I think for the programs that are  
8 also ACEN accredited that your review happens every 10 years, as  
9 opposed to programs that do not have the ACEN accreditation  
10 being reviewed every five years.

11 I'm just wondering how does that work with two  
12 different accreditors, or two different approval bodies working  
13 together? What gives you the confidence that having that review  
14 by ACEN every 10 years, makes it okay not to do?

15 S. GREEN: ACEN generally is every eight years,  
16 at our Maryland regulations. I do apologize for my screen. The  
17 Code of Maryland regulation allows -- has been -- we actually had  
18 updates to our regulations during this time period, and a part of it  
19 was tied to the area that you just identified was prior to redefining  
20 and promulgating our regulations.

21 We were not in sync with our nursing accrediting  
22 agency counterparts. So what happened in the COMAR is now we



1 have that ability to make sure that we can meet and go out when a  
2 program is having a site visit, for example, with ACEN, that the  
3 Board of Nursing would be there as well, that we would be looking  
4 specifically at our regulatory during that time period.

5                   We would be working closely with ACEN or CCNE  
6 or CNEA, depending on what their needs are in terms of helping  
7 them to understand any regulatory issues that might be necessary  
8 from the State of Maryland while we're onsite with them. And  
9 we're trying very much to bring our programs, when the Board is  
10 completing its site visit, and it happens to be at the same time as  
11 one of our nursing accrediting bodies, which we really would like  
12 to do.

13                   We make sure that they're meeting our regulatory  
14 requirements, and if there are no concerns then we continue in  
15 planning, and in our presentation to the Board about our actual  
16 visit information, to say that we would meet with our -- we would  
17 follow-up with our particular school at the next time that they're  
18 ACEN or CCNE, or CNEA visit occurs.

19                   If there are any concerns related to the programs  
20 that we may have, we have the opportunity to go back earlier if it's  
21 necessary. But we're trying to bring better alignment for our  
22 ability to be consistent with our visits, and what the requirements

1 are, as well as working collaboratively so that our programs, our  
2 schools have the opportunity to have both Board of Nursing, as  
3 well as the nursing recognized accrediting body present at the same  
4 time.

5 M. E. PETRISKO: Thank you.

6 K. EVANS: Can I add something please?

7 M. E. PETRISKO: Sure.

8 K. EVANS: So we also do annual reports on the  
9 schools. They must submit one every year. We review that, as  
10 well as we review their influx scores. And if there is some  
11 difficulty there we need to go in early, depending on what is  
12 written in the annual report, or what the percentage rate of passing  
13 is in that particular school, then we won't go back in and do  
14 another visit.

15 M. E. PETRISKO: That's helpful. Thank you for  
16 adding that. I just have a couple more questions.

17 K. EVANS: Sure.

18 M. E. PETRISKO: One is I noticed also on the  
19 website that regarding complaints, that complaints may take up to  
20 a year or longer to deal with by the Board, which seemed to me not  
21 to be in the spirit of the regulations that other accrediting agencies  
22 need to follow, which is timely follow-up on complaints.

1                   When I looked at the form on your website for  
2   compliance, it appeared that that was a complaint form for a  
3   practicing nurse, not for an incorrect complaint about a program.  
4   So I'm wondering how do you deal with complaints if you would  
5   hear complaints not through your annual report, but through  
6   something else if there's something at an educational program, at  
7   an educational institution that you deem from that complaint.

8                   K. EVANS: Sure.

9                   M. E. PETRISKO: How does that work? Who  
10   does it? How often does it happen?

11                  K. EVANS: So usually the complaint is sent to me.  
12   Whether it's from a student, or a Dean or Director, it's sent to me.  
13   And then the Education Department, as well as the investigative  
14   team works on the complaint. A lot of times what happens is that  
15   the student has not gone through the due process at their school,  
16   and so that needs to -- depending on what it is.

17                  It all depends on what the particular complaint is,  
18   but the majority of time the students have not gone through due  
19   process at their school. We ask them to start there first, as we still  
20   investigate and look into items. And I don't know Mike, if you  
21   want to add something to that.

22                  But it's not that often. I would say in the five years

1     that I've been at the Board we may have had eight complaints with  
2     the majority of them being during COVID. I would say five of  
3     them during COVID, and that was that the school wanted to go to  
4     the clinical site individuals. They didn't feel comfortable with  
5     going into a clinical site at that time.

6                     But I don't know. Mr. Conti, do you have anything  
7     to add?

8                     M. CONTI: Yeah. I mean I would reiterate that it's  
9     rare that we get a complaint about a nursing education program,  
10    but when we do those complaints are dealt with within the  
11    Education Department, as opposed to the practice complaints that  
12    are dealt with through the complaints and investigations division.

13                    The Board receives up to on average between 180  
14    and 200 practice complaints per month, so you can imagine how  
15    many and how hard that is to deal with. There are very few  
16    complaints that come in regarding nursing education programs, but  
17    they are dealt with on a different pathway than practice complaints.

18                    M. E. PETRISKO: So how do students, or anyone  
19    at the institutions that are offering the programs know about that?  
20    When I looked on your website I didn't see anything that said if  
21    you have a problem, if you have a complaint, this is what you  
22    should do. Do you have a policy? Do people know about it?

1 I mean as you said they need to go through due  
2 process at their own institution. Do they know that? Is that written  
3 someplace that they have easy access to, to know that?

4 K. EVANS: I know for the Deans and Directors,  
5 yes they are aware because I meet with them frequently. That's a  
6 valid point. I'll be happy to make sure that we get that out to the  
7 schools within like --

8 M. E. PETRISKO: Thank you.

9 K. EVANS: Oh also during -- I'm sorry. When we  
10 go on the site visits as well, I'm sorry. Do you want? When we go  
11 on the site visits as well that's another time that we speak with the  
12 students, but that's an easy fix, and I will definitely follow your  
13 suggestion.

14 M. E. PETRISKO: Great.

15 K. EVANS: So thank you for that.

16 M. E. PETRISKO: Thank you. And my last  
17 question is with regard to the COMAR Amendment that was made,  
18 I think, after the meeting that we had the last time regarding ethical  
19 practice, particularly with regard to recruiting and advertising et  
20 cetera.

21 K. EVANS: Yes.

22 M. E. PETRISKO: So my question is a general

1 one. When looking at compliance with that COMAR regulation, is  
2 it that they have a policy? That they have policies for how to do  
3 this, or do you somehow review what they are actually doing to  
4 know that they are actually meeting those policies, that you know  
5 that they are actually compliant, not that they've published  
6 something, but that they're doing things in an ethically appropriate  
7 way.

8 K. EVANS: We did both. We look at the  
9 documents that they send us, but we go onsite to review the  
10 documents in person to make sure that they're following that. Mr.  
11 Conti or Dr. Green, do you have anything to add to that? Plus it's  
12 also part of our annual report as well.

13 M. CONTI: Yeah. I would just add that as  
14 evidenced by the document that was attached to the report, the staff  
15 do go out to the nursing education program, interact with the  
16 administrators, review all of the materials that are presented to the  
17 students to ensure that those materials are compliant with the  
18 school's written policies on ethnical practices.

19 S. GREEN: So part of our site visit as well, and  
20 adding to what Attorney Conti has provided, we do actually look at  
21 the policies. We have copies of their policies, so we have that as a  
22 part of our Practice and Education Committee, as well as the Board

1 in terms of the total summary for the site visit. And we do as a  
2 part of our site visits also, meet with students, and talk with them  
3 to make sure that we understand that they have mechanisms and  
4 processes in order to access quickly and easily the information.

5 Where do they go for the information? Is it readily  
6 available? Is it a part of their learning management system  
7 services? Those kinds of things to make sure that we are seeking  
8 validation to what we have seen in writing as well. Thank you.

9 M. E. PETRISKO: Thank you. That really was my  
10 question to make sure that policies are lived, not just that they're  
11 filed in the right place. I think that was all that I had, so if  
12 Michael? I saw Michael is on now, so?

13 CHAIR PRESSNELL: Yeah. Welcome Michael.  
14 So Michael I'm not sure if you were able to hear the entire  
15 dialogue, but we definitely a second reader, we'd entertain your  
16 questions for the agency.

17 M. POLIAKOFF: I think Mary Ellen for the  
18 amount that I could hear had covered just about everything that  
19 was on my agenda. Thank you. Appreciate that.

20 CHAIR PRESSNELL: Great. Any other questions  
21 from NACIQI Committee? Art?

22 A. KEISER: Welcome to the NACIQI meeting. I

1 have a question. You do have a kind of a bright line for pass rates  
2 for the NCLEX exam for your schools in Maryland? Is that  
3 correct?

4 K. EVANS: I'm sorry. I missed part of the  
5 question. I apologize.

6 A. KEISER: The Board has bright lines for pass  
7 rates for NCLEX examination for your institutions. Is that correct?

8 K. EVANS: Correct.

9 A. KEISER: Have you adjusted them, or are they  
10 still very specific since the pandemic began in 2019?

11 K. EVANS: So, the pass rates depend on the  
12 national pass rates, and we take 90 percent of the national pass  
13 rates as our score.

14 A. KEISER: But do you think the pandemic has  
15 had even a significantly higher impact than in maybe cases  
16 certainly in your area versus other areas as clinics were shut down,  
17 and schools were shut down, and would have an impact on pass  
18 rates?

19 K. EVANS: I think it would have an impact on  
20 pass rates. It also has had an impact on pass rates across the  
21 country. This is some of the concerns that the Executive Directors  
22 of the Boards have had many conversations on, and we have been



1 working on.

2 A. KEISER: So there's no flexibility in your rules  
3 as it relates to pass rates based upon in the last two years?

4 K. EVANS: Mr. Conti, can you respond please?

5 M. CONTI: Yeah. I mean so the standard in  
6 Maryland is 90 percent of the national success rate. So, you know,  
7 I think indexing it to the national success rate does take into  
8 account periodic fluctuations in that national success rate. But to  
9 be more specific in terms of changing the 90 percent standard, that  
10 would require a regulatory change.

11 It is in our regulations, so there is a process that we  
12 would need to go through in order to change that. The Board  
13 doesn't have immediate flexibility to change that standard if  
14 necessary, so it would need to come after a course of study to find  
15 out whether or not that particular percentage is appropriate.

16 But again, indexing it to the national success rate I  
17 think does take into account those sort of periodic fluctuations,  
18 particularly with respect to COVID.

19 A. KEISER: have you terminated any nursing  
20 programs because of failure to meet a 90 percent pass rate?

21 K. EVANS: No. We have not terminated any  
22 programs because they haven't met the 90 percent. There is a

1 process in place in our regulations that they have to provide an  
2 action plan after the second time that they do not meet the 90  
3 percent. And then there's just a process that goes along to what  
4 they do.

5 There have been times when a school has had to  
6 come before an advisory team from Board members in front of the  
7 Education Department for them to do a more in-depth action plan.  
8 Sorry, Mr. Conti, is there something you would like to add to that?

9 M. CONTI: Yeah. I mean thankfully, I believe  
10 there's only one program, Dr. Green could correct me if I'm wrong.  
11 But I believe there's only one program that's currently on an action  
12 plan, and thankfully knock on wood, we are sort of batting 1,000  
13 when it comes to helping programs rehabilitate themselves service.  
14 A program Bowie State I believe, Dr. Green?

15 S. GREEN: Yes.

16 M. CONTI: It just came back into compliance and  
17 achieved full approval again, so the system that is in place is  
18 effective in terms of assisting the program to come back into  
19 compliance.

20 A. KEISER: Thank you.

21 S. GREEN: May I speak?

22 K. EVANS: Go ahead Dr. Green.

1                   S. GREEN: The programs, if they are not  
2   successful with the NCLEX scores in a given time period, we  
3   follow our Code of Maryland regulations regarding what the next  
4   steps are. If there are needs for action plans, some of them have  
5   had to have outside consultants that are approved by the Board in  
6   terms of what they will be providing in services.

7                   Bowie is an excellent program to look at because of  
8   some of the issues they've had over time. They have come a long  
9   ways in terms of correcting the definition was necessary, looking  
10   at faculty -- faculty. The progression of the actual curriculum, as  
11   well as the leadership of the program that's been well documents  
12   and reviewed, in terms of the state boards of nursing talks about.

13                  You have frequently changes in Department Chairs  
14   and so forth. It leads to compromise of the integrity of the  
15   program, consistency and leadership is not always there. And that  
16   we found was one of the issues. The other thing is that education  
17   consultants at the Board work very closely with these programs in  
18   their action plans, as well as looking deeply with their approved  
19   education consultant, the particular areas.

20                  So it works very well, and it does help to give  
21   validity to programs, and the opportunity for them to grow, so we  
22   work very closely with them, and we follow the Code of Maryland

1 requirements. Thank you.

2 CHAIR PRESSNELL: All right. Very good.

3 Wally? Question?

4 W. BOSTON: Sure. My question relates to it's a  
5 little similar to Art's about adjusting NCLEX pass rates during  
6 COVID, but a little different than that. Many states during COVID  
7 either suspended or changed their regulations on simulations for  
8 clinical practices in nursing, and I'm curious if you all did that, and  
9 if you rescinded those changes, or if you kept those changes, and  
10 how any clinical rotations for nursing our simulations allowed for,  
11 thanks.

12 M. CONTI: So I can tackle that if you'd like. Yes.  
13 So in accordance with the Governor's emergency orders in  
14 Maryland, health regulatory agencies were able to relax, or  
15 suspend certain regulatory requirements. The Maryland Board of  
16 Nursing did so in terms of simulation, allowing simulation. But  
17 since the Governor's orders have lapsed, and terminated, the  
18 regulatory requirements have come back into place.

19 W. BOSTON: So no simulations are allowed or?

20 K. EVANS: Yeah. Simulation is allowed.

21 Simulation is allowed. We ask them to follow the National  
22 Council of State Boards of Nursing Simulation Guidelines.

1 W. BOSTON: Thank you.

2 CHAIR PRESSNELL: Any other questions?

3 M. CONTI: I may have misunderstood your  
4 question in the sense of total simulation for clinical practice,  
5 clinical rotations, instead of the mix of in person and virtual.

6 CHAIR PRESSNELL: All right. Thank you. Yes,  
7 Zakiya?

8 Z. SMITH ELLIS: Thank you, and I want to just  
9 note that I wasn't a member of NACIQI when you first came up, so  
10 I appreciate that this question is probably more appropriate from  
11 the initial round, but because you're here, these only happen every  
12 so often, I'm going to go ahead and ask this question anyway.

13 As I'm sure you all know there are serious  
14 disparities in health outcomes by race and ethnicity, and I'm  
15 wondering what, if anything, you all do to help ensure that nursing  
16 programs help students understand the causes of these disparities,  
17 and address any implicit bias that they may have, that we all have,  
18 when it comes to being a nurse. Thank you.

19 K. EVANS: You're welcome. And Dr. Green, after  
20 I speak if you have something else to add please do. So implicit  
21 bias has been very strong in the State of Maryland for the last two  
22 years. In fact, all of the nurses, well actually all of the healthcare

1 providers within the state must take implicit bias course prior to  
2 their renewal time. Additionally, this is addressed in all of the  
3 schools as part of their curriculum.

4 Dr. Green can speak to that more than myself can. I  
5 want to make sure did I hit all of the parts of your question? I just  
6 want to make sure before I have Dr. Green speak?

7 Z. SMITH ELLIS: Yes. You did. Thank you so  
8 much. Very helpful.

9 K. EVANS: Okay. Dr. Green do you have  
10 anything to add?

11 S. GREEN: As we make site visits we talk with  
12 faculty about implicit bias, what are they involved in as faculty  
13 first, within the college or university where the program is located,  
14 and also look at its standards and their policies governing what the  
15 requirements are as employees and faculty of those particular  
16 institutions.

17 We also speak with students about in their learning  
18 activities, not only in the classroom, but also in clinical settings  
19 that they may be involved in, and they help us to clarify what we  
20 know is a major concern, and what we ensure is that it's including  
21 both students as well as faculty, and that it's embedded within the  
22 curriculum, and that it is also a part of so forth that we might be

1 able to review during the times that we're doing the site visits with  
2 support, and validate what's actually happened. Thank you.

3 CHAIR PRESSNELL: All right. Thank you.

4 Michael? I see you have a question? You need to unmute Mike.

5 M. POLIAKOFF: The figure that there are some  
6 200 complaints that come in from individuals. Could you give me  
7 an idea of whether that's typical for the sorts of nursing programs  
8 that other accreditors would be looking at? Is that a high figure?  
9 Is that a low figure? I'd like to get a baseline.

10 K. EVANS: So, the 200 complaints that we receive  
11 on a monthly basis is to practice, not the schools.

12 M. POLIAKOFF: Got you.

13 K. EVANS: Yeah. So, we also oversee 16  
14 different designations. We are the largest Board in the state of  
15 having over 281,000 constituents in who we serve. So because we  
16 have all those various designations we have a large amount of  
17 complaints that come in on the practice side. And actually that has  
18 increased during COVID.

19 There weren't a lot of complaints coming in, but in  
20 the last I would say six months that has heightened. And so the  
21 practice as far as schools and nursing concerns, they usually send  
22 an email to myself, and then I send it to the Education Committee,

1 I mean Education Department, excuse me, and they actually work  
2 on that. And in the five years that I've been there there's been  
3 eight, with five -- the majority of them, five of them during  
4 COVID time, and they had to do with the clinical piece.

5 I'm definitely going to add today in fact, if I can put  
6 it up on our website, a process that the students will be able to do  
7 for the school, for schools, to do a complaint form for that. And  
8 so, they have a direct link, and then I will put that out to all of the  
9 Deans and Directors for them to inform the students as well.

10 M. POLIAKOFF: So you would not say that the  
11 level of complaint is necessarily a reflection on the quality of the  
12 training?

13 K. EVANS: Oh not at all. The majority of the  
14 complaints have been that most individuals didn't want to go to  
15 clinical during COVID time.

16 M. POLIAKOFF: Okay.

17 M. CONTI: And I can also just clarify that that  
18 number encompasses all of the various different professions that  
19 the Board regulates. It's not just nursing. It's also certified nursing  
20 assistants, medication technicians, electrologists, and others that  
21 the Board regulates. So it's the nursing is just a percentage of that  
22 number.



1 M. POLIAKOFF: Okay.

2 K. EVANS: Thank you for the question.

3 CHAIR PRESSNELL: All right. Any other  
4 questions for the agency? Yes?

5 K. SULLIVAN ALIOTO: Thank you for your  
6 service. To get back to the simulations, as accreditors who are  
7 supporting the best practices for our students, if there are best  
8 simulations nationally, do you encourage your institutions and  
9 your programs to use the best simulations available? It didn't  
10 sound like -- I'm not sure as an accreditor what you can do, but it  
11 didn't sound like there was a real commitment to that by you.  
12 Could you clarify for me?

13 K. EVANS: Sure. Thank you for the question. All  
14 the schools when I meet with them that's a constant question  
15 concerning simulation. And that we use the National Council State  
16 Boards of Nursing because they have all the evidence based  
17 research to decide what the amount of simulation could be, and so  
18 that is an area that we -- I always tell them they can go to as far as  
19 simulation guidelines.

20 And I know that during the site visits that's  
21 something that the visitors looked at as well, how much simulation  
22 that they have. But yes, I always get the National Council of State

1 Boards of Nursing because they are -- they have that side to  
2 evidence across the country that could determine what would be  
3 the best number for simulation at that time. And Dr. Green is there  
4 anything that you feel that needs to be added? And thank you.

5 S. GREEN: Thank you for the opportunity to  
6 speak. The schools as part of the Maryland -- the State of  
7 Maryland has a simulation consortium that includes all of the  
8 nursing education programs in the state. This consortium includes  
9 the ability to educate, to develop new leaders in the simulation  
10 activities at a given school.

11 And as schools are looking at creative ways to add  
12 simulation they are doing so. And in our site visits we have seen  
13 some remarkable progress in spite of COVID, with brand new  
14 facilities, the intensity of simulation that's being used, high fidelity,  
15 and medium fidelity requirements within the various programs.

16 They can use, you know, depending on a particular  
17 area like pediatrics, obstetrics are saying, even some areas of  
18 community health, we tend in the State of Maryland to be more  
19 involved with additional simulation opportunities to help first of  
20 all, with students to understand what the needs are and what they're  
21 looking at, and how they're addressing nursing requirements and  
22 family needs before, or even during the time they're in a clinical

1 location.

2                   Many of our programs have even before four week  
3 periods, or six week periods of time where students actually  
4 engage in clinical simulation, as before they actually go out into  
5 the site, and they gradually change the amount of pre -- I call it  
6 preparatory work in simulation as they progress in a particular  
7 nursing program.

8                   I would suggest to you that the use of simulation is  
9 very robust in the State of Maryland. We have some outstanding  
10 programs set up that I think Anne Arundel Community College,  
11 Alleghany College up in Western Maryland, Frostburg State  
12 University is about to announce a new baccalaureate preparation  
13 program, but they had BSN completion there.

14                  So and on the Eastern Shore as well, there are great  
15 programs there too that include a lot of simulation. There is a  
16 consortium that is used extensively by faculty and administrators  
17 in the nursing education programs in the State of Maryland. It  
18 emanated under the -- as a part of the (Web Interference) and has  
19 expanded dramatically beyond that since Dr. Jefferies has moved  
20 to a more national spot where they do simulation requirements.

21                  So I thank you for the opportunity, but we're really,  
22 really impressed with the amount of simulation that students have

1 in the State of Maryland. Thank you.

2 CHAIR PRESSNELL: Very good. Any other  
3 questions from the members to the agency? All right. Seeing  
4 none, Dr. Harris, concluding comments or response?

5 N. HARRIS: Yes. I think -- I'm sorry can you hear  
6 me? Okay. I think Herman had his hand up?

7 CHAIR PRESSNELL: Yeah. Herman I'm sorry.

8 H. BOUNDS: Did you want to speak first, or do  
9 you want me to go ahead?

10 N. HARRIS: You can go ahead.

11 H. BOUNDS: Okay. Thanks. Just a couple things.  
12 And I know Maryland appreciates the comments about complaints.  
13 I'm good? Okay. But I just wanted to point out one thing. The  
14 State Boards of Nursing are reviewed under a 1969 Federal  
15 Register notice. And that notice was published on January 16th,  
16 1969.

17 And there's really no specific criteria in that Federal  
18 Register notice specific to complaints. So again, I think the  
19 comments are very important. I just wanted to point that out to the  
20 committee, that in the 1969 Federal Register notice there is not a  
21 complaint presence like there is in 602, or even in 602 for state  
22 approval agencies, thank you.

1                   N. HARRIS: Okay. Thank you Herman. Great  
2   minds think alike. I was going to mimic that because in reviewing  
3   today the compliance report for the three remaining items, the  
4   discussion was very helpful to me since their petition is already in  
5   the system for the next term, so these questions, especially in  
6   regards to the simulation, it helps me to focus my site visits, as  
7   well as the explicit information on biases and so forth.

8                   So I appreciate that discussion. I just want to  
9   remind everyone that the three pieces that they were responsible  
10  for in this compliance report, the one specific to ethical practices,  
11  they did submit a monitoring report to the department directly.  
12  Some of it -- most of the reports are in the petition, in the first and  
13  second, the draft and the final.

14                  And with those submissions I did want to speak to  
15  the question about ethical practices. The COMAR has been  
16  updated. They only had 180 days to demonstrate the execution of  
17  this based on the COMAR. The COMAR approval. In 2021, and  
18  also they did send out notifications to the Directors and so forth, on  
19  what is required now from the COMAR to meet this.

20                  So I did want to let you know that additional review  
21  will be done on this new COMAR requirement in their upcoming  
22  petition review in the next two years so that I can ensure that the

1 consistency in the practices are being done, and the ethical  
2 practices are spread throughout the reviews that they have in  
3 Maryland. So I did want to mention that.

4 CHAIR PRESSNELL: All right. Thank you.  
5 Jennifer? A question?

6 J. BLUM: By the way I'm using, I'm going to the  
7 neg reg method of I'm putting the tag up. That might be a PTSD or  
8 something. But anyway, I have been holding my thoughts because  
9 it's a process question, it's not really for the agency, it's really for  
10 Dr. Harris.

11 And I do want to applaud Mary Ellen and Michael  
12 for taking this off the consent agenda because it strikes me that the  
13 three areas aren't completely in, you know, perfect -- in the form of  
14 good stead that I would want to just say oh, they're good to go. On  
15 the other hand, I understand that there's a process issue here.

16 And so part of this is, in my view, this is just me  
17 speaking. Part of this is partly optics, in that you know, to improve  
18 on a consent agenda it doesn't just implicitly say it to me, it  
19 explicitly says that they're in good shape, you know, on these three  
20 areas.

21 And I'm only talking about the three areas. And I  
22 think I agree. We had a good conversation about other areas, but

1 for the purposes of today I'm stuck on the three issues that are part  
2 of the consent agenda. And in that regard, and those three areas, it  
3 strikes me as Mary Ellen and Michael issue spotted.

4 It doesn't seem like they're in perfect stead. Now  
5 part of that is a timing issue, like on the COMAR. They did their  
6 work, but we don't know what compliance looks like yet. And so,  
7 I'm struggling here with what happens in this process because  
8 there's only 20 months until their next review, right, and you've  
9 already said they already have a petition that they're working on.

10 And yet, I mean I'm glad this is off the consent  
11 agenda because I would have been hesitant to say okay, two  
12 thumbs up. So it feels like a little bit of a struggle as to whether  
13 what the vote is. And so I guess I'm looking at the Department of  
14 okay, I think it seems like around the table that we're all having  
15 some hesitancies along the lines of what Mary Ellen did by pulling  
16 it off the consent agenda.

17 But I am curious about what the process is for  
18 flagging, for continuing to flag, let's say, those three issues. It  
19 doesn't feel good enough to me to say oh, it will be taken care of in  
20 the next, you know, over the petition. So I'm just -- that's my  
21 struggle. So I know I was long-winded, I apologize.

22 N. HARRIS: No problem. Maybe I wasn't clear.

1 The three issues remaining have been satisfied for me. The  
2 questions that were brought up by the individuals on the NACIQI,  
3 were not only directed towards the three issues here. They were  
4 outside of the three issues, that's why i made that comment.

5 But the three issues remaining, ethical practices, I  
6 made the comment that they had 180 days because they only had  
7 two out of their 20 plus programs that could be reviewed in that  
8 timeframe because the schedule had already been created. The two  
9 they did review during that timeframe did demonstrate the ethical  
10 practices are being done at their -- are being met per the new  
11 COMAR regulations, so that is there.

12 As for 3A and 3G, they also met the requirements  
13 there, so maybe the documentation that was omitted from the  
14 original draft analysis that I requested, and the original petition that  
15 came in in 2020, so I have no issues remaining. So I don't have  
16 anything left, and the only thing that comes after this is termination  
17 of the agency.

18 I just don't -- my report doesn't speak to that type of  
19 action on the Department's recommendation, but of course, the  
20 NACIQI can do as they like.

21 J. BLUM: No. And I certainly wouldn't propose  
22 that. And this is very helpful, the clarification on COMAR,



1 because I think I didn't catch that, and I'm certainly not suggesting  
2 termination. I'm just pointing out that it feels like when there's still  
3 issues going on with an agency to just approve on a consent  
4 agenda, doesn't quite seem right.

5 And so, you know, so I don't know like in this  
6 process is there what happens? Is it just okay we've all spoken and  
7 it will continue on to the petition process, or how does it work in  
8 this sort of situation?

9 N. HARRIS: Also, I'm sorry. Also, speaking to  
10 their website, the website which as reviewed and mentioned as  
11 they stated, as the agency stated, I reviewed the education portion.  
12 They provide as a Board, they provide a collective, and by being a  
13 collective a lot of things that are included, especially the 200  
14 complaints, trust me, they would have been flagged.

15 But the collective is put in numbers on their  
16 website. I dwindled all the way down to the education components  
17 specific to the nursing, for what I review. So again, those things  
18 that were brought up were outside of what I reviewed specifically.  
19 So just wanted to say that, but I'll let Herman speak to the process.

20 H. BOUNDS: No. I was just going to say maybe I  
21 don't know I'm speaking, and maybe George -- you guys have  
22 pulled him off the consent agenda, so you had a full discussion on

1 the matter, so it's not like maybe it's not my place, I'm saying  
2 they're not being reviewed, and just passed along on the consent  
3 agenda.

4 You guys have asked those questions, and you  
5 know, you've been treated just like any other agency, so.

6 CHAIR PRESSNELL: Mary Ellen?

7 M. E. PETRISKO: Thank you Herman for talking  
8 about, or being very specific about what they do not need to reply  
9 to, because the regulations that govern them are not the same  
10 regulations that govern the other agencies. And I hope that I said  
11 that when I talked about complaints that I realized that they're not  
12 under the same regulations.

13 When I talked to Michael about this just to make  
14 sure, you know, we were in sync, and we knew what we were  
15 doing, I want to be sure that I was not coloring outside the lines on  
16 the complaints because I realize it's different for them. But I didn't  
17 feel that I could say nothing, having seen that there was an issue  
18 with staffing, there was an issue with how long things were taking,  
19 there was an issue with whatever complaints there were.

20 And I didn't know which ones they were, that I felt  
21 that I need to reset. Perhaps from my perspective, the best thing  
22 that could come out of this, not so much with regard to this agency,

1 but 1969? Can somebody please look at that and say if there are  
2 complaints they should be addressed.

3 How do we do that? Who do we like call and knock  
4 on the door and say hey, wait a minute, it's 19 -- it's 2023 now?

5 CHAIR PRESSNELL: I think you just did it.

6 N. HARRIS: That should be amended. That should  
7 be amended.

8 H. BOUNDS: That has been in discussions in the  
9 Department already of how to update the 1969 criteria, so. And  
10 again, I think your questions were good, we just needed to explain,  
11 you know, what they were, what this particular agency and these  
12 types of agencies, the State board of Nursing, they reviewed under  
13 just a slightly different criteria, which I will say in some cases is  
14 less.

15 But in other areas, like annual reports, you know,  
16 for accrediting agencies under 602 we just tell them you have to  
17 conduct an annual report. We don't say what that report has or  
18 consists of. However, with the nursing criteria, we tell them  
19 exactly what has to be in it. So in some cases it is a little more  
20 specific, but overall it's really not.

21 CHAIR PRESSNELL: And Michael, your name  
22 was mentioned. I don't know if you wanted to respond or not, but

1     you have the floor.

2                   M. POLIAKOFF: Clarification of the process. Do  
3     I understand that we could not then say that we would want to  
4     revisit this in 12 months because what we largely discussed were  
5     things that were not in the particular rubrics that the staff had  
6     flagged.

7                   In other words, we were presented with an up/down  
8     decision. Do I understand that process?

9                   CHAIR PRESSNELL: Nicole?

10                  N. HARRIS: That's for Department staff, correct?  
11     I think it was me. Just as for process concern, so the issues that  
12     they would need to be specific to the issues included in the Federal  
13     Register notice that was published for this compliance report,  
14     which were 3A, 3D, and 3G, so they would need to be specific to  
15     those.

16                  The issues on hiring and so forth, which were not  
17     directly specific to our -- my review of the agency at this time, and  
18     was more so specific to the collective of the Board of the Board of  
19     Maryland, not the Education and Nursing specific. I wouldn't  
20     know what the review in the next 12 months would include for  
21     these three specific issues, so I mean putting that on the table it  
22     would need to be specific to these three.

1                   So if their petition is in the system, which it could  
2   be removed from my understanding, but they would have to come  
3   in as a new entity because it's not another compliance report that  
4   will be issued at this time.

5                   M. POLIAKOFF: Okay. Thank you. I wanted to  
6   clarify that.

7                   N. HARRIS: Sure.

8                   CHAIR PRESSNELL: Good.

9                   N. HARRIS: Does anyone have anything else to  
10   add?

11                  CHAIR PRESSNELL: Yeah. Any other member  
12   questions for the staff? Bob?

13                  R. SHIREMAN: This is coming back in 17 or 20  
14   months anyone?

15                  N. HARRIS: Yes.

16                  CHAIR PRESSNELL: I think it's already in  
17   process. They're already working on it.

18                  N. HARRIS: It came in February 3.

19                  CHAIR PRESSNELL: Any other member  
20   questions for staff? All right. Very good. Thank you. So that  
21   brings us to the discussion and to the vote. So but any other  
22   further discussion from the members? Art?

1                   A. KEISER: I have a question that's been troubling  
2 me. It's in regard to third party comments, and these third party  
3 comments where I think almost every agency in which one of our  
4 members wrote. It says, "There should be no delay in releasing all  
5 the materials pursuant to a FOIA request. If not, then the agency is  
6 not complying with the Department of Regulations, and its  
7 recognition should not be renewed," which was written by Bob  
8 Shireman, a member of NACIQI, signed in the letter.

9                   I have a concern that we as a group, would threaten  
10 an agency with a preliminary judgment before we, as a group, can  
11 review the information, and the discussion that is held here at this  
12 group, and I would like to find out what others think.

13                  CHAIR PRESSNELL: All right. Bob? Would you  
14 like to respond?

15                  R. SHIREMAN: Thank you. Yes. I don't think  
16 that my letter was particularly threatening, and the letter was --  
17 came after conferring with an OGC about the question of how do  
18 we take steps to make sure that the public has access to the  
19 documents that we have access to?

20                  And under the current regulations the accrediting  
21 agencies are required to submit FOIA ready documents, which  
22 means it should be very quick and easy for the Department of

1 Education to release those documents upon receiving a FOIA from  
2 a member of the public.

3 The Department of Education has released almost  
4 nothing under FOIA for two years, where me and others have  
5 requested documents from NACIQI. Now the agency has gotten  
6 better about posting things like the staff reports, and the analyses,  
7 but in terms of being able to see, well what were the underlying  
8 documents that these were based on?

9 We post these notices a year before our meeting,  
10 and then a month before our meeting, where we say does anybody  
11 have any comments about this agency, and the issues that are being  
12 raised? But no one on the outside has access to any of the  
13 information, any of the claims made by the agency, about why  
14 they're in compliance.

15 So how do you, as an outsider, provide a decent  
16 comment if you can't see what it is that the agency said, you know,  
17 a year before, when they told the Department they were in  
18 compliance. We're in compliance. Here's why we're in  
19 compliance under these various items. So my purpose with this  
20 letter was to essentially make the point and put the Department of  
21 Education on notice that these agencies are saying they are doing  
22 their job under FOIA, so the Department of Education should

1 release the documents upon request, or shortly after request.

2 I thought it was very weird to submit a third party  
3 comment as a person who is not really a third party, because I'm a  
4 member of NACIQI, but when I asked how do we put an issue out  
5 there without just bringing it up at the meeting? Like when can we  
6 do that?

7 And the lawyers came back and said well, there's  
8 not really anything in the regulation other than one year before  
9 when the public is asked for third party comments. So that's the  
10 way to do it if you want to do it. So that's what I was left with.

11 CHAIR PRESSNELL: Very good. If it would be  
12 okay just to make sure we have a full discussion of this. If we  
13 could move that to the policy discussion because it was a recurring  
14 theme among multiple agencies, then we can deal with agency  
15 issues, and then we'll get to that, but Art?

16 A. KEISER: I have a question on that. The policy  
17 issues at the end of the meeting, and we have a question here at  
18 least in my mind of a member saying we're already making a  
19 determination what the policy should be, or should not be, and how  
20 it's enforced to the agencies that we are accrediting.

21 I would find that very threatening to read the letter,  
22 and the letter is addressed is third party comment to the agency, it's



1 not to the Department. And the question would be does Bob need  
2 to recuse himself because he's now entered into the decision  
3 making as a member of NACIQI prior to the discussions? Yes he  
4 can.

5 Z. SMITH ELLIS: Bob, have you already made a  
6 determination of how you're going to vote on any of these agencies  
7 prior to being here?

8 R. SHIREMAN: I have not, no.

9 Z. SMITH ELLIS: I think that --

10 A. KEISER: Well that's not what the letter says.  
11 I'm just reading what the letter says, this letter to the agency.

12 Z. SMITH ELLIS: Maybe you misunderstood his  
13 rhetoric, as he just told you that he hasn't made a determination.  
14 And the lawyers gave him the advice to do this, so I'm happy to  
15 have the continued discussion, but I would really prefer we move  
16 this to the policy meeting because it doesn't feel like this is  
17 necessarily specific, and these kind people are waiting to go on  
18 about the rest of their day.

19 CHAIR PRESSNELL: No. I understand. Jennifer?

20 J. BLUM: Yeah. I agree with moving it to the  
21 policy. I will admit that the first time I saw the note I thought well  
22 this is really strange. And I did have the reaction -- the initial

1 reaction of not loving it. So I will confess that from a recusal  
2 standpoint I thought well this is like, you know, dangerous, you  
3 know, in terms of Bob's positioning.

4 But I think, you know, I think it's fine to talk about.  
5 There has been conversation and an understanding. We had a --  
6 you know, this has been, you know, discussed among the  
7 membership and the Department in the last week. I think we all  
8 understand now. The minute I saw that there was a letter for every  
9 agency I figured oh, there's a process issue, and I think that's  
10 probably better discussed in, you know, in the forum of a policy  
11 conversation.

12 I will say, and I will add it here, that we do need to  
13 have a more robust conversation perhaps about recusals. I am  
14 admittedly confused about recusal policies, not as it relates to  
15 Bob. Just for the record. But I am a little confused about recusal  
16 processes, and I've been mulling this for the last few minutes. I  
17 feel very, very awkward about this, but I do believe this agency  
18 brought up Compton State by reference, and I do believe we have a  
19 member who's Compton State if I'm --

20 CHAIR PRESSNELL: No. That's community  
21 college.

22 J. BLUM: Oh it's community college, okay. Okay.

1 Got it. So I just wanted to understand though, and I do think that  
2 there are other examples along the way, and I'm not suggesting for  
3 each of the agencies we have this conversation, but I do think  
4 whether it's during the session, whether it's a retraining, as we've  
5 all done before, I would put on the table that we need to have  
6 conversations about how, so that we're all on the same page, and so  
7 that the department consistently applies its rules on recusals.

8 So I will say that. But I understand why Bob sent  
9 his note.

10 CHAIR PRESSNELL: Let's also move that the  
11 policy discussion. We're going to have a robust agenda at the end,  
12 and Art I --

13 A. KEISER: I agree. That's acceptable.

14 CHAIR PRESSNELL: Okay. Just that I  
15 understand your objection, but we'll move it to the policy calendar.  
16 Any other discussion items? I might just one -- we'll entertain a  
17 motion here on the agency, looking forward to that. But I do want  
18 to remind the members that you have the ability to vote, and vote  
19 with comment.

20 And so if the vote really in a healthy way that I  
21 view it is that that's a technical vote on the report based on statute  
22 compliance. The comment allows context around things that may

1 not be evident. So as we start to vote on agencies going forward  
2 they may be compliant, but there may be concerns. This is where  
3 you can express your concern.

4 So as a result of that, before the final vote is taken  
5 we'll ask if anybody wishes to add comment because there's some  
6 discussion about if you're the first one to vote you're always first in  
7 the alphabet, then you go well I actually did have a comment in  
8 light of the discussion, and we're going to give you an opportunity  
9 to do that.

10 So we want to make sure everybody's voice is  
11 heard, but again the actual vote is really more of the technical. We  
12 accept the report, we amend the report, or we deny the report. And  
13 then the comment allows you to add additional context around  
14 other information you might have.

15 So I mentioned this here at the beginning, so I won't  
16 have to mention it again, but it would apply to all agencies. Do we  
17 have a motion on the a  
18 gency from the readers?

19 M. E. PETRISKO: Has Michael disappeared?

20 CHAIR PRESSNELL: He's up there in the small  
21 box now.

22 M. E. PETRISKO: Very timing Michael. Do you

1 want to move Michael or? All right. Well I guess I will move to  
2 accept the staff recommendation, given all the things that have  
3 happened around the timing, and the limited number of criteria on  
4 the faces of which we've seen this compliance report, and the fact  
5 that another -- their next review has already been submitted, and  
6 we'll be back in 20 months, so I guess I would just move that we  
7 accept the staff recommendation.

8 CHAIR PRESSNELL: All right. And the staff  
9 recommendation is to renew the agency's recognition for 20  
10 months. Is there a second?

11 J. BLUM: I'll second it reluctantly.

12 CHAIR PRESSNELL: Thank you.

13 CHAIR PRESSNELL: All right. Any discussion?  
14 All right. Bob?

15 R. SHIREMAN: I'm just wondering whether Mary  
16 Ellen wanted to add any comments that some of us might concur  
17 with, or if you want to go with that plain recommendation? Not  
18 that -- I mean one thing I'll say, and I appreciate you mentioning  
19 the comments. Everything that is discussed is part of the record,  
20 that then the Department of Education can take into consideration,  
21 so I think people are doing the right thing by bringing up concerns  
22 they have, and not worrying too much about what exactly are we,

1     you know, allowed?

2                     Because we're allowed as we've been advised, we're  
3     allowed to bring up whatever, and the Department could figure out,  
4     you know, can they -- do they have to ignore it, but.

5                     M. E. PETRISKO: Thanks for that, and let me say  
6     that the history of these agencies is important I think, to all of us.  
7     We're not looking at this absolutely, absolutely de novo because  
8     we have a history, they have a foundation.

9                     We've seen what the issues were in the past, and we  
10    want to be sure that those issues have been -- so that if there's an  
11    agency that comes in and out of compliance in the recent past, I  
12    think I want to be sure that what I'm seeing right now is solid and I  
13    can have confidence with moving forward with making whatever  
14    recommendation.

15                    So there's that. There's history, and not being  
16    prejudiced against an agency because of what has been in the past,  
17    perhaps informed, but not prejudiced. Seeing where an agency is  
18    now having confidence to say I'm happy, we can be happy moving  
19    forward with this recommendation. We're not endangering any  
20    students. We're not doing something that is going to really be  
21    problematic.

22                    So with all of that said I'm happy to put this

1 forward, and I'll just say again 1969 was a long time ago, and if we  
2 see a concern, I mean if they're talking about public safety, and  
3 they're talking about, you know, protection of the public. We're all  
4 concerned about that. I think those questions, even if they're not  
5 specifically in the criteria, should be asked.

6 What we can do with them is another matter, but so  
7 I asked them, and I think we've asked them and I think we've  
8 gotten responses that were satisfactory in my opinion, but again to  
9 have that information to elsewhere to say let's look at these  
10 agencies that are not under 60233 in a different way.

11 So we have some more solid ground on which to do  
12 this in the future.

13 CHAIR PRESSNELL: Very good. Thank you.

14 Any other comments? All right. Let's take the vote.

15 G. A. SMITH: Kathleen?

16 K. ALIOTO: I want to piggyback on what Mary  
17 Ellen says. Yes.

18 G. A. SMITH: Roslyn?

19 R. CLARK ARTIS: Yes.

20 G.A. SMITH: Jennifer?

21 J. BLUM: Yes.

22 G.A. SMITH: Wally?

- 1 W. BOSTON: Yes.
- 2 G. A. SMITH: Deborah?
- 3 D. COCHRANE: Yes.
- 4 G. A. SMITH: J. L.?
- 5 J. L. CRUZ RIVERA: Yes.
- 6 G. A. SMITH: Keith?
- 7 K. CURRY: Yes.
- 8 G. A. SMITH: David Eubanks?
- 9 D. E.: Yes.
- 10 G. A. SMITH: Molly?
- 11 M. HALL-MARTIN: Yes.
- 12 G. A. SMITH: Art?
- 13 A. KEISER: Yes.
- 14 G. A. SMITH: Michael Lindsay?
- 15 M. LINDSAY: Yes.
- 16 G. A. SMITH: Robert Mayes?
- 17 R. MAYES: Yes.
- 18 G. A. SMITH: Mary Ellen?
- 19 M. E. PETRISKO: Yes.
- 20 G. A. SMITH: Michael Poliakoff?
- 21 M. POLIAKOFF: Yes.
- 22 G. A. SMITH: Bob Shireman?



1 R. SHIREMAN: Yes.

2 G. A. SMITH: Zakiya Smith Ellis?

3 Z. SMITH ELLIS: Yes.

4 CHAIR PRESSNELL: All right. Thank you.

5 Appreciate that very much. My track record is not very expedient  
6 at this point in time as Chair of this Committee, but nevertheless  
7 we're going to take a brief break, not to leave the room, but to be  
8 able to see a video from Assistant Secretary for the Office of  
9 Postsecondary Education, Dr. Nassar Paydar.

10 Dr. Nassar served as the Chancellor Emeritus at  
11 Indiana University, Purdue University, Indianapolis, and the  
12 Executive Vice-President of Indiana University. He was an  
13 Indiana faculty member for more than 36 years, and has held  
14 various administrative and executive leadership positions with the  
15 university.

16 I can say on a personal note that we have had the  
17 opportunity to invite him to Tennessee for our Mental Health  
18 Summit, and found him to be incredibly warm and interested in  
19 helping institutions serve their students. And so with that we will  
20 watch his video of reading.

21 (Video plays.)

22 NASSER PAYDAR: The meeting of 2023 of the

1 National Advisory Committee on Institutional Quality and  
2 Integrity, and the first time we have members of the Committee in  
3 person during the Biden Harris Administration, and since the  
4 pandemic began in 2020. Accrediting agencies play such an  
5 important role in ensuring quality in higher education, setting and  
6 enforcing quality standards for institutions, and then promoting  
7 continuous improvement on how well colleges and universities  
8 serve students across a wide array of institutions and programs.

9                   This critical role serves as an important protection  
10 for students and taxpayers. I would first like to welcome members  
11 that are new to this role. Welcome to Dr. Keith Curry, President of  
12 Compton College. Debbie Cochrane, you're a Chief of the  
13 California Bureau of Private Postsecondary Education, and Dr.  
14 Jose Luis Cruz Rivera, President of Northern Arizona University.

15                   I'd also like to welcome members recently  
16 reappointed, Dr. Zakiya Smith Ellis, Principal at Education  
17 Council; Dr. Michael Poliakoff, President of the American Council  
18 of Trustees and Alumni; and Dr. Claude Pressnell, President of the  
19 Tennessee Independent Colleges and Universities Association.

20                   We're lucky to have you serve on this Committee.  
21 We're delighted to have your expertise and grateful to all of our  
22 new and returning members. We appreciate you volunteering your

1 time and expertise. I'd also like to say a big thank you to the  
2 Department staff that have worked hard preparing for this meeting,  
3 including Herman, George, Donna, Angela, Christle and our  
4 accreditation group staff. Thank you very much.

5                 Since your last meeting we've been hard at work  
6 ensuring the part of policies are in the best interest of students and  
7 taxpayers. We worked to help institutions and students build back  
8 better from lasting impact of the pandemic. Last month the  
9 Department released a report finding how important the American  
10 Rescue Plan and other relief funds were to institutions and the  
11 students they serve.

12                Through 2022, we estimate that 18 million students  
13 received emergency financial aid grants, nearly 13 million students  
14 received 20 billion dollars in emergency aid in 2021 alone. This  
15 includes half of all students in the nation, and four in five Pell  
16 recipients.

17                In January, we released our blueprint for a new  
18 income driven repayment plan. This would slash undergraduate  
19 borrowers payment in half, stop runaway interest, and protect  
20 borrowers living near the poverty line. This week we are  
21 defending the Secretary's authority to provide historic debt relief  
22 for low and middle income borrowers before the Supreme Court.

1                   We are confident in our arguments, and hope to be  
2   able to finish this important work. We are working toward an  
3   inclusive higher education system. Higher education needs to be a  
4   path for equitable opportunity, and upward mobility for all  
5   Americans, including low-income students and students of color.  
6   The administration recently secured the largest Pell Grant increases  
7   in a decade, that's \$900.00 over the past two years to about  
8   \$7,400.00.

9                   Pell Grants are one of the best investments we can  
10   make in helping students afford to enroll in college, and complete  
11   high quality degrees. We're working to raise the bar through  
12   holding institutions accountable for improving student value by  
13   uplifting institutions leading key data driven reforms.

14                  We release final rules to protect veterans and  
15   service members from predatory recruitment practices, increased  
16   accountability when colleges change ownership, and give the  
17   Department tools for holding colleges accountable if they take  
18   advantage of borrowers.

19                  This spring we will proposed gainful employment  
20   rules to set minimum standards for debt and earnings, and create  
21   programs for profit colleges. We will also soon hold public  
22   hearings on other regulatory areas that are critical to ensuring value

1 for students, and holding institutions accountable, including  
2 accreditation.

3 We'll be asking institutions, states, and accrediting  
4 agencies to commit the data driven efforts to increase, transfer,  
5 retention, completion, social mobility and closing the equity gap.  
6 And that is where each of you come in. We all play a role.  
7 Accrediting agencies are essential partners to us in both quality  
8 assurance and quality improvement.

9 Just as we are asking institutions to use evidence-  
10 based and data driven practices to increase completion, and close  
11 equity gaps, we're asking the same of our accrediting agencies.  
12 The Department is partnering with accrediting agencies to explore  
13 how to provide enhanced federal data.

14 During this meeting we'll hear from the  
15 subcommittee who has been hard at work with the Department in  
16 determining the right metrics to provide in the accreditor  
17 dashboard, and how NACIQI can better use these data. We all  
18 play important roles in the higher education system. If we make  
19 bold commitments, and take data driven action we can close the  
20 equity gap.

21 These bold actions, these results are how we raise  
22 the bar. Thank you all, and I wish you a great meeting.

1                   CHAIR PRESSNELL: All right. Very good. And  
2 we are very grateful to the Assistant Secretary for the greeting for  
3 sure. So now we will take a brief break, and so that our next  
4 agency can be prepared. We will start on the hour, so we'll take a  
5 13 minute break.

6                   (Break 10:47 a.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

1 Higher Learning Commission (HLC)

2 CHAIR PRESSNELL: Good morning and welcome  
3 back to NACIQI. The next agency that is up for review is the  
4 Higher Learning Commission. We have primary readers Jennifer  
5 Blum and Mary Ellen Petrisko, and we'll allow for the introduction  
6 of Committee. Excuse me, J. L.?

7 J. L. CRUZ RIVERA: Yes, Mr. Chair. I would like  
8 to recuse from this discussion, and I will be leaving the room.

9 CHAIR PRESSNELL: Thank you very much for  
10 the reminder. So we do have recusals on HLC. George, do you  
11 know who else? I know Wally Boston, Michael Lindsay. All  
12 right. Very good. For those of you online, you need to remain  
13 muted and take your video down. Feel free to listen in, but you  
14 can't comment.

15 I might mention too there's members here, I've  
16 gotten a couple of emails saying they can't hear as well offline, so  
17 if you make sure you kind of lean into the mic, or make sure that  
18 you're properly positioned on the microphone that would be great.

19 So again primary readers to introduce the agency  
20 application. Jennifer Blum and Mary Ellen Petrisko. Which one?  
21 All right Mary Ellen, again. Yeah.

22 M. E. PETRISKO: Thank you. I had a little throat

1     lozenges to make sure I could still talk. The Higher Learning  
2     Commission, or HLC, is an institutional accreditor that accredits,  
3     or pre-accredits nearly 1,000 institutions in the United States,  
4     including tribal institutions, and programs offered via distance,  
5     education, correspondence, and direct assessment by these  
6     institutions.

7                     Nearly 5 million students attend HLC accredited  
8     institutions. According to the summer 2022 accreditor dashboard,  
9     Title IV volume was approximately 31.6 billion dollars on behalf  
10    of 3.8 million undergraduates.

11                    CHAIR PRESSNELL: Very good. And our  
12    Department staff Elizabeth Daggett, could you provide comments  
13    and briefing please?

14                    E. DAGGETT: No problem. Good Morning Mr.  
15    Chair and members of the Committee. My name is Elizabeth  
16    Daggett, and I am providing a summary of the review of the  
17    petition for renewal of recognition for the agency the Higher  
18    Learning Commission, or HLC.

19                    The Higher Learning Commission, HLC, received  
20    initial recognition in 1952, and has received periodic renewal  
21    recognition since that time. HLC was last reviewed for recognition  
22    at the Winter 2018 meeting of the NACIQI. Both Department staff



1 and the NACIQI recommended to the Senior Department Official  
2 to renew the agency's recognition for five years.

3 CHAIR PRESSNELL: Excuse me, Elizabeth.  
4 Could you pull the mic very close?

5 E. DAGGETT: Okay.

6 CHAIR PRESSNELL: Thank you.

7 E. DAGGETT: The Senior Department Official --  
8 I'm sorry, both Department staff and the NACIQI recommended to  
9 the Senior Department Official to renew the agency's recognition  
10 for five years. The Senior Department Official, Principal Deputy  
11 Undersecretary Diane Auer Jones, concurred with the  
12 recommendations.

13 Since the agency's last review for recognition the  
14 Department initiated an inquiry under the procedures in 34 CFR  
15 602.33. Into the agency's review, an approval of the change of  
16 ownership submitted by the Art Institute of Colorado, and the  
17 Illinois Institute of Art, also known as the Institutes.

18 HLC was reviewed at the Summer 2020 meeting of  
19 the NACIQI. Department staff recommended that HLC's scope of  
20 recognition be limited, and that HLC submit a compliance report to  
21 include the details of HLC's efforts, to mitigate the negative effects  
22 of HLC's decision to withdraw accreditation from the institutes.

1 NACIQI did not recommend a limitation.

2                   The SDO Deputy Secretary Mitchell Zais found  
3 HLC out of compliance with 34 CFR 602.18(b)(3) and 602.25(a),  
4 and required HLC to submit periodic monitoring reports over a 12  
5 month period for decisions related to change of ownership or  
6 control for an appeal of an adverse action.

7                   HLC submitted the required monitoring reports, and  
8 Department staff reviewed the monitoring reports for compliance,  
9 and accepted them in March of 2022. That acceptance note is  
10 included within the petition.

11                  The current scope of recognition for the agency is  
12 the accreditation and career accreditation, known by HLC as  
13 candidate for accreditation, of degree granting institutions,  
14 including tribal institutions and the accreditation of programs  
15 offered via distance education and correspondence courses within  
16 these institutions.

17                  The recognition extends to the Institutional Actions  
18 Council jointly with the Board of Trustees of the Commission for  
19 decisions on cases for continued accreditation, or reaffirmation and  
20 continued candidacy, and to the appeal's body, jointly with the  
21 Board of Trustees of the Commission for decisions related to initial  
22 candidacy, or accreditation, or reaffirmation of accreditation.

1                   The geographic area of accrediting agencies of  
2   accrediting activities is the United States. The scope requested by  
3   the staff for the agency is to add direct assessment at these  
4   institutions within that scope. The staff recommendation to the  
5   Senior Department Official for this agency is to renew the agency's  
6   recognition as a nationally recognized accrediting agency for five  
7   years, and require a monitoring report for the one section, which  
8   HLC was found to be substantially compliant.

9                   This recommendation is based on our review of the  
10   agency's petition, and it's supporting documentation, as well as a  
11   virtual file review that occurred between February and March  
12   2022, virtual observation of site visits in October of 2021, and  
13   November of 2021, and IAC meeting in January of 2022, a Board  
14   meeting in February of 2022, and an IAC hearing in March of  
15   2022.

16                  Our review of the agency's petition found that the  
17   agency is in compliance with the Secretary's criteria for  
18   recognition except for one area of substantial compliance. The  
19   agency needs to provide documentation that training on the review  
20   of correspondence courses and direct assessment has been  
21   provided to all decision making body members, that includes the  
22   Board, IAC, and appeals panel members, and site visitors, which

1 they call the peer corps.

2 The Department has received two complaints since  
3 the last review by NACIQI in 2020, and has received over 65 third  
4 party comments in conjunction with the review of this petition.

5 The review of one of the complaints, and all of the third party  
6 comments are incorporated in this recognition review.

7 Therefore, as I've stated earlier, Department staff is  
8 recommending to the Senior Department Official to renew the  
9 agency's recognition as a nationally recognized accrediting agency  
10 for five years, and require a monitoring report for the one section  
11 in which HLC was found to be substantially compliant.

12 There are representatives of the agency here to  
13 answer your questions. Thank you, and let me know if you have  
14 any questions.

15 CHAIR PRESSNELL: Thank you Elizabeth. Any  
16 clarifying questions for Elizabeth? All right. We'll invite the  
17 agency -- yes?

18 J. BLUM: I do.

19 CHAIR PRESSNELL: I'm sorry Jen.

20 J. BLUM: I have -- just making sure that I'm right  
21 on process. I have a number of questions for staff. Is this the right  
22 time to ask them?

1 CHAIR PRESSNELL: Yeah.

2 J. BLUM: So I do have questions.

3 CHAIR PRESSNELL: Yeah. Please.

4 J. BLUM? So, thanks Elizabeth. I do want to make  
5 a comment that's not necessarily pertaining specifically to HLC,  
6 but again another flag for Thursday's policy conversation, which  
7 relates to consistency of reviews by the staff. It just strikes me,  
8 and I know this might sound superficial, but the final staff report  
9 for the largest accrediting agency that received the most  
10 commenters was eight pages.

11 Whereas, you know, we can find pretty easily  
12 specialized accrediting agencies with double the size of final staff  
13 reports. It's just from a -- I'm not saying that that necessarily  
14 means anything, but from a what's available to the public and to us,  
15 as a gauge, it just feels inconsistent. And I will say that it took a  
16 lot of combing beyond the eight pages for me to come to the  
17 conclusions I have about HLC's review.

18 And so with that I have a couple of more specific  
19 HLC related questions. There were a couple places where the  
20 Department initially found non-compliance, and then through  
21 further review and interaction with HLC determined that HLC then  
22 met requirements. And on the one hand I want to be really careful

1 here because I view, and I think most of us, if not all of us, view  
2 the recognition process of agencies similarly to how I view the  
3 accreditation process.

4                   It's a process of self-improvement. At its core we  
5 can have lots of conversations about other purposes of  
6 accreditation, but at its core I view accreditation as an opportunity  
7 for institutions to improve. And to have issue spotting, if you will,  
8 by the accreditor. I view the same opportunity and the same  
9 situation between the Department and an agency. It's an  
10 opportunity for the Department to review, issue spot, raise  
11 questions, and for the agency to then improve.

12                   In the two cases, or the two criteria in particular that  
13 I'm raising I believe one was sub-change, and the other was  
14 regarding transfer of credit. I believe there were changes in regs in  
15 2020, so I also acknowledge that there was a limited period of  
16 time, but the Department flagged those two particular criteria as  
17 not being in compliance.

18                   The Department, I mean -- sorry, the agency, HLC,  
19 then changed its policies, which I applaud because they're going  
20 through the process that they should of changing their policies, but  
21 that was I think I believe last summer and maybe even last fall,  
22 really close in time to this meeting, and so I kind of question and,

1 you know, we'll ask the questions of HLC as well, but the ability of  
2 the Department to say that it meets the criteria.

3 Yes, they now have a policy in place, but from a  
4 Department perspective the ability to assess whether that new  
5 standard is being applied for compliance purposes, I'm just not  
6 sure. It's literally a time issue. So I'm not suggesting HLC is  
7 doing anything wrong, I'm literally just asking how can it be that  
8 the Department can come to a conclusion of compliance if an  
9 agency changes its own policy to come into compliance only  
10 within months of this meeting?

11 E. DAGGETT: okay. I'm happy to respond. So I  
12 think one of, just as an example, one of the sections. I'm sorry, I've  
13 got to be close. I'm sorry, let me scroll back down. I believe one  
14 of the sections you were talking about is for example 602.22(b),  
15 which is the prior approval of institutions on probation status or  
16 other, in order to be able to just notify of particular changes.

17 And the one part that they were missing is that they  
18 did not include in their prior approval policy, any institution that  
19 was under a provisional certification, which is noted in 34 CFR  
20 668.13. They didn't include that in their policy. So they revised  
21 their policy to include that, and then they also provided  
22 documentation within first of all what their procedure is that they

1 used to review provisional certification, and their watchlist for that,  
2 and they also provided confirmation that no institution is under  
3 provisional certification that has requested prior approval by that  
4 substantive change section.

5                   And as you noted before Jennifer, this is actually  
6 one of the ones that was changed in the regulations as of July of  
7 2020. But they provided documentation, and I'm trying to find the  
8 exact -- so they actually sent, in August of 2022, I have an email of  
9 their first of the email that they sent to all of their institutions  
10 requiring them to notify them of any provisional certification.

11                   And then they used that to check against any  
12 institutions that had attempted to use this particular provision of  
13 the substantive change regulations, and none of them had for this  
14 one. And then in the regulation following, in 602 22(b) through  
15 (d) they did actually find two institutions that were on there in their  
16 notification program for additional locations that they then  
17 removed, and then showed that those institutions provided separate  
18 substantive change for those additional locations.

19                   So I mean I understand your point that that's not a  
20 robust, and it's all of them, but they have demonstrated that A,  
21 they've changed their policy, and B, that they have implemented it.

22                   J. BLUM: So actually, I didn't want to interrupt



1     you, but actually the site that I was looking at, although that site is  
2     true too. I was looking at 602.22(a)(1) sub (i).

3                     E. DAGGETT: Yep.

4                     J. BLUM: And then also just to move forward that  
5     transfer of credit, 602.24(e). And again, I mean Elizabeth, I'm not  
6     necessarily, we don't have to have -- we can, but I'm not  
7     necessarily saying we have to go over each of these criteria. This  
8     is much more to me of a process question about how we can reach  
9     a conclusion when the agency does the right thing.

10                    So, I want to be really careful because HLC  
11    acknowledged that it didn't meet, it changed its policy, that's all  
12    great. That's exactly what we're supposed to be doing at the  
13    Department and us, but I just, I'm raising a hesitancy about saying  
14    oh yeah, five years on something that they just changed, and we  
15    haven't really seen in operation yet.

16                    So, that was my first sort of -- but the back and  
17    forth that you just described is helpful. I mean there is an engaged  
18    interaction conversation. I understand that. I had another question  
19    relating to -- I have a bunch of questions, but I'll skip a little bit.

20                    So, there are a lot of commenters right? There's 65.  
21    So understanding how you incorporate the views of the  
22    commenters into your process of review I think is really important.

1 If you want to speak to that, Elizabeth, more broadly, that would  
2 be great, but I have a really specific question.

3 I think at least one commenter brought up specific  
4 student complaints. I mean really specific student complaints. In  
5 that situation, then do you ever go to the agency and say okay,  
6 there was very specific student complaints being raised by a  
7 commenter, you know, how did you handle this?

8 E. DAGGETT: Well I believe that our analysis,  
9 and my analysis of the third party comments, I go through every  
10 single one, I read every single one of them. We'll leave a note, you  
11 know, at the end of you know, the report that you talked about,  
12 probably it's two pages of it is my staff analysis of the third party  
13 comments.

14 Honestly, it's where if we see something that we  
15 feel needs to be addressed or added to any particular section, then  
16 we would note that, so I think you did see that within like student  
17 achievement and monitoring where I specifically put that  
18 information in there.

19 As far as it's very difficult in that if it's a specific  
20 student comment that there's not a name for it, but it's a link to  
21 quotes that are, you know, I don't know who said that. And I don't  
22 know where that came from. That's a difficult position to put me

1 in because I don't even know where that's coming from, so that's  
2 why we include all the third party comments, and ask the agency to  
3 respond to those comments.

4 I think if you saw -- I know you say, HLC provided  
5 a very robust response to those, and in fact addressed many issues  
6 that were in those specific sections that I found. But to your point,  
7 I believe there's at least one of an agency that they were not aware  
8 of a class action suit, and they took action as soon as they got it  
9 from the third party comments that were provided.

10 So until they're aware of it then there's action, you  
11 know. And so part of the third party comment process is providing  
12 them that notice, and then us seeing what they do with that.

13 J. BLUM: Yeah. And with regard to that, and I  
14 know again, on this one, what I'm about to just mention it's almost  
15 not a question. That's why I admit it's not a question because I  
16 understand the Department there's a criteria on faculty  
17 qualifications that's an option for agencies to have different  
18 standards, and I believe HLC hasn't opted to have different  
19 standards, and so in a way the Department's hands are a bit tied.

20 I feel a need to raise it though. Wisconsin  
21 Technical College, I think has a good substantive, you know, point  
22 being raised about the faculty qualifications for dual enrollment,

1 and I can ask HLC this too. I understand that it's an option of the  
2 agency. I guess my sort of quasi question is that technically  
3 speaking HLC is compliant because they have opted not to have  
4 separate standards.

5 But couldn't the Department say well is that the  
6 right judgment call given that there's a pretty good commenter  
7 question, substantive, you know, comment about whether they're  
8 ought to be separate standards? I know that's very circular.

9 E. DAGGETT: Well, I mean, I did include a  
10 specific mention of that comment within my analysis, and the  
11 notation that that particular section, which is 34 CFR 602 16(g)(4)  
12 is optional for agencies to submit, but that tees it up to the agency,  
13 and I know that they provided a response.

14 I would defer to them because as, you know, an  
15 independent, non-governmental agency we can't necessarily direct  
16 what they do, and so unless it is something that I would be looking  
17 for compliance or non-compliance, I wouldn't ask that question  
18 since it's optional for them to sit to implement.

19 J. BLUM: Fair enough.

20 CHAIR PRESSNELL: Yeah. Herman? Do you  
21 want to respond, and then David, again clarification questions for  
22 the staff only.

1                   H. BOUNDS: Just a couple of comments on the  
2 complete review. If you look at the final staff analysis, the final  
3 staff analysis was 280 pages. The final staff report is, of course,  
4 what's left over in a non-compliant area of those original 280 pages  
5 that Elizabeth put together as part of her total review of the agency.

6                   So I just want to make sure it's not a little  
7 misleading, is that again, you know, the final staff analysis, which  
8 includes, you know, the draft analysis and the final together, all of  
9 Elizabeth's analysis, agency responses. That was a huge  
10 document. So the eight pages left were really of this one particular  
11 issue, so I think that's pretty significant if you write eight pages on  
12 one particular issue, so I just wanted to point that out.

13                  And the other thing I wanted to point out too, I  
14 think Elizabeth alluded to it already. Our job really as analysts, is  
15 not for us to agree or disagree with the agency. It's for us to say  
16 does the agency have a policy? Does that policy conform to our  
17 regulatory requirements? And then, do they demonstrate the  
18 application of that policy? And that's really what our job is.

19                  CHAIR PRESSNELL: David?

20                  D. EUBANKS: Thank you. Elizabeth, I'd just like  
21 to acknowledge the tremendous amount of work that it took to put  
22 all that material together, and summarize it. It's incredible. Quick

1 question about the process for the student achievement standard,  
2 which is of great interest to a number of people.

3 And I understand that the standard, correct me if I'm  
4 wrong, but the standard the Department applies is to assure that the  
5 standards and review are sufficiently rigorous to ensure that the  
6 agency's reliable authority regarding the education provided by the  
7 institution it accredits, is that the basic?

8 E. DAGGETT: That's part of it, yes.

9 D. EUBANKS: Okay. So, and I think maybe  
10 Herman just answered this question. Some agencies will provide a  
11 kind of scorecard for all of the institutions or programs they  
12 accredit that shows how they see success across the swath of those.

13 I think other agencies, particularly the larger ones  
14 take an approach where every institution could have its own  
15 success standard, which seems to make it very difficult to provide  
16 that kind of a scorecard. Is it true that the Department cannot  
17 require agencies to provide such an easily digestible overview of  
18 student success?

19 E. DAGGETT: That is true. If you look at the  
20 ATA, there's actually a specific limitation in that.

21 CHAIR PRESSNELL: Could you pull your mic a  
22 little closer?

1                   E. DAGGETT: Yeah. Okay. I'm sorry. It's 496(g)  
2    limitation on scope of criteria. Nothing in this section shall be  
3    construed to permit the Secretary to establish any criteria that  
4    specifies, defines, or prescribes the standards that a crediting  
5    agencies or associations shall use to assess any institution's success  
6    with respect to student achievement.

7                   D. EUBANKS: Okay. And just to put the final nail  
8    in that. The section 496 of the Higher Ed Act says the Secretary  
9    shall, after noticed an opportunity for hearing, establish criteria for  
10   such determinations about student achievement. Well, such  
11   criteria shall include an appropriate measure or measures of  
12   student achievement.

13                  So it seems like the regulatory piece that you just  
14   read takes away the actual ability of the Secretary to oversee what I  
15   would call the summative measures of student achievement. Is  
16   that how it actually works?

17                  E. DAGGETT: I mean I believe that that's what it  
18   does, is that it says that you can't -- that the Secretary cannot make  
19   specific requirements with regards to specific measures of student  
20   achievement, and in fact does allow that agencies can have  
21   institutions have their own institutional measures based off of their  
22   mission, or student population, and however they define it.

1                   But that's up to each accrediting agency. And as  
2   you noted, particularly to HLC, they do not have any bright line  
3   standards for student achievement and an emphasis backed, but  
4   they do require their agency, their institutions, to provide their own  
5   self-defined metrics, and those are the metrics that HLC holds  
6   them to as to what that institution has said based on your  
7   population, based on our mission, based on our, you know,  
8   whatever other demographics that they have.

9                   These are where we believe would demonstrate  
10   student success for our population, and why we believe this, and  
11   then HLC holds them accountable to that, and whether or not  
12   they're, you know, implementing it as they say that they are going  
13   to.

14                  I would also defer to the agency to describe their  
15   own process better than I can.

16                  CHAIR PRESSNELL: Yeah. And I want to --  
17   good questions. I'm thinking we're in a very general policy  
18   discussion, rather than an agency discussion, and so I just I think  
19   this is good, but if we can make sure that we're talking about this  
20   particular review.

21                  And I know in some ways we are, but other ways  
22   it's a very broad discussion, and we may want to have at a later



1 date. Jennifer I see? I'm -- no, we're actually Michael had his  
2 hand up online.

3 M. POLIAKOFF: This is a very good footnote to  
4 what David Eubanks just mentioned, then I will hold my peace. 20  
5 percent of the HLC accredited schools have graduation rates, four  
6 year graduation rates, at or below 25 percent, and 5 percent have  
7 six year graduation rates at or below 25 percent.

8 I just want to keep those numbers in our minds  
9 when we think about our charge to ensure that there will be  
10 educations of quality. Okay. And with that let me mute myself  
11 again.

12 CHAIR PRESSNELL: Yeah. Thank you Michael.  
13 So I've been missing the table tents. Debbie?

14 D. COCHRANE: Thank you. So I have a two part  
15 clarification question, but one part might be better suited for the  
16 agency. And I will let the Department staff decide that. So, with  
17 respect to -- I'm actually looking at 602.23(c) complaint  
18 procedures. So I see in the agency narrative it says, "As noted in  
19 the policy HLC accepts complaints from students, faculty, staff,  
20 members of the public, et cetera at any time."

21 But it looks like the policy itself said that HLC will  
22 not generally review complaints that are more than two years old,

1 or two years from the date the complaint was received by agency.  
2 So I'm not sure if there's something I'm missing there, or if that is  
3 out of alignment with each other. The second part, which is a  
4 related clarification is whether or not a two year date like that  
5 would be, in fact, in compliance with regulations as the  
6 Department sees them.

7 Because I know that there was another agency that  
8 had a one year time limit, and that was deemed not in compliance,  
9 but HLC's was.

10 E. DAGGETT: I believe, and you can -- I would  
11 defer to HLC to answer this specific question.

12 CHAIR PRESSNELL: Yeah. Let's keep that one.  
13 I think that the agency probably can respond, and then Elizabeth  
14 can come and respond, and you can ask her more questions at the  
15 end. You might be able to get that answered for you. And I do  
16 understand that you were also talking about cross agencies as well.

17 D. COCHRANE: Yeah. To Jennifer's point about  
18 consistency in analyses okay.

19 CHAIR PRESSNELL: Right. No. Don't  
20 apologize. So.

21 J. BLUM: So I just wanted to on the David's point.  
22 I'm not belaboring. I was going to just flag it Claude, yet again for

1 Thursday. It's a full day on Thursday, even though that we're only  
2 here for a few hours, I think it's really an important conversation to  
3 have a conversation about 496(a)(5) again.

4 But I also wanted to respond to Herman. So there  
5 was one thing that you said, and one thing that you didn't say about  
6 sort of the staff report process. The very last point that you made  
7 about whether the agency is actually -- whatever the standard is  
8 that the agency has, whether they are applying it well was the place  
9 where I was focusing in my questions with Elizabeth.

10 So, it's that. And I think we'll probably have lots of  
11 questions with the agency about that too, particularly as it relates to  
12 student achievement. The one thing you didn't say about the role  
13 and purpose of the process, and I feel pretty strongly about this, is I  
14 do feel like the Department has an obligation to the public, and to  
15 NACIQI members for that matter, in terms of what we are seeing.

16 The readiness with which, and the ability of ease  
17 that the public sees the review. And I have known Elizabeth for a  
18 really long time, so I know she's really thorough. So I'm not  
19 questioning, so just on the record I want to say I'm not questioning  
20 Elizabeth Daggett's thoroughness, because I know how thorough  
21 she is.

22 What I'm questioning is, and again maybe this is for

1 Thursday too, but from a process standpoint there needs to be a  
2 consistent level of availability to the public of information when  
3 the reports are issued. And in this situation this year, or this  
4 meeting, I'm feeling that I'm seeing some inconsistencies.

5 CHAIR PRESSNELL: Yeah. And I think we'll go  
6 ahead and defer that because I think that hits what Bob's earlier  
7 concern was as well, so we'll move that to the policy discussion.  
8 Bob?

9 R. SHIREMAN: Thank you. Thank you Elizabeth.  
10 I have a timing question with relation to the Department of  
11 Education's policies. So there's this rule that a school cannot offer  
12 by an educational program that is delivered by a third party unless,  
13 you know, a limitation on the percentage of the program. And  
14 that's one of the areas that you look into in reviewing the agency.

15 The Department of Education issued new guidance  
16 last June about the way to calculate that percentage. To what  
17 extent is your review of the agency, taking into consideration last  
18 June's guidance or not?

19 E. DAGGETT: Well I would say I use whatever  
20 information is available. I use the review of the guidance to  
21 determine whether or not that the agency is in compliance with its  
22 areas, but as you note in 602 22, the substantive change, it has the

1 specific definitions of what the requirements are for HLC, or any  
2 agency to review those third party contracts, or agreement, or  
3 written arrangements.

4 R. SHIREMAN: So would the agencies -- I'm just  
5 thinking about the timing of the responses from the agency.  
6 Would that have come -- would they have known about the  
7 guidance?

8 E. DAGGETT: That would have come. No. They  
9 would not have, sorry.

10 R. SHIREMAN: Okay.

11 E. DAGGETT: Sorry. They would not have  
12 known it because the draft report went out end of March,  
13 beginning of April of 2022, and they had six months to respond to  
14 the outstanding issues, which to go back to Jennifer's point of, you  
15 know, making changes.

16 And I understand, you know, there is timing, but it's  
17 not -- I know that they basically had noticed, and I'd say that I am  
18 in constant conversation with my agencies, and so you know, HLC  
19 will correct me if I'm incorrect, but they knew before the draft  
20 what the issues were, what things they were going to have to work  
21 on, so they were able to start doing that.

22 And so it wasn't as though, you know, it was a fly

1 by the seat of the pants type of thing of implementing it, but  
2 actually they had a bit more time, and it wasn't just they just got  
3 this report of what needed to be changed.

4 CHAIR PRESSNELL: All right. Very good.  
5 Good questions. Thank you all very much. So let's invite the  
6 agency forward. I'm sure that this previous discussion is informing  
7 you a little bit on what are some issues of concern, not only  
8 broadly, but also particularly with the Higher Learning  
9 Commission.

10 So I'm going to ask that Barbara Gellman-Danley,  
11 the President, introduce the team, or whatever way you so choose  
12 for introductions online, so please do so. We're unable to hear you  
13 Barbara.

14 B. GELLMAN-DANLEY: It was brilliant what I  
15 said, and now I'll say it so you can hear me. How's that? Good  
16 morning. My name is Barbara Gellman-Danley, and I serve as the  
17 President of the Higher Learning Commission.

18 I appreciate this opportunity to provide some  
19 opening remarks on behalf of our agency. I will be followed by  
20 our current Board Chair, Dr. Jo Blondin, President of Clark State  
21 College in Springfield, Ohio, and our Vice-Chair Richard  
22 Dunsworth, President of the University of the Ozarks in

1     Clarksville, Illinois -- Arkansas, I'm sorry.

2                     I wanted to point out, hang on a second. My  
3     computer is not scrolling. All right. Thank you. Other panelists  
4     include Dr. Eric Martin, our Executive Vice President; Dr. Karen  
5     Solomon, Chief Transformation Officer and Vice President, and  
6     Marla Morgen, General Counsel. I believe you will find the  
7     combination of all of these individuals very capable of answering  
8     the issues you've already raised.

9                     Before I begin I want to acknowledge and thank our  
10    analyst, Elizabeth Daggett, as well as the accreditation group  
11    Director Herman Bounds. We are grateful for the strong working  
12    relationship we have maintained with both of you throughout the  
13    process, and yes we do hear from you frequently.

14                    I'm also pleased to add my appreciation for the  
15    transparency and interactions with senior staff of the Department.  
16    As of February 2023, HLC accredits 964 colleges and universities  
17    headquartered across 19 states. HLC now holds national  
18    jurisdiction following our Board's decision in June 2021, to expand  
19    our scope to the United States.

20                    Our many institutions articulate a wide range of  
21    diverse missions. We accredit 488 public institutions, 426 private  
22    not for profits, 26 tribal colleges, and 24 private for profit

1 institutions all with varying Carnegie classifications. This range of  
2 broadly diverse missions is a real asset for our members. It gives  
3 them the opportunity to work collaboratively between and among  
4 sectors who are convening trainings and other opportunities.

5               As a result of this diversity of members, HLC  
6 articulates standards that are broad enough to encompass the  
7 breadth of its institutions. A breadth that is wholly representative  
8 of all of U.S. higher education, while holding them accountable to  
9 provide students a quality education wherever, whenever, and  
10 however delivered.

11              Our evaluation teams are made up of 1,400  
12 volunteer peer reviewers, drawn from the field of higher education,  
13 as well as public members, who possess appropriate knowledge,  
14 experience, skills and training to conduct impartial evaluations.  
15 These peer reviewers adhere to standards of conduct that are  
16 clearly articulated in our policies, appropriate objectivity, and free  
17 from any conflict of interest.

18              Each evaluation culminates in a formal action taken  
19 by a decision making body, the Institutional Action Council,  
20 including members with similar commitments to quality assurance.  
21 At times we come to learn, either through our accreditation  
22 evaluations, or emerging circumstances that an institution has



1     fallen short of our expectations.

2                     When this occurs HLC takes action to determine the  
3     facts, provide clear feedback to the institution, and prompt the  
4     institution to demonstrate remediation. The action itself can take  
5     several forms, including imposing interim monitoring  
6     requirements, assigning special monitoring, imposing sanctions, or  
7     issuing show cause orders.

8                     In some cases, those institutions that ultimately  
9     realize they will not be able to meet our standards voluntarily  
10    resign. I cannot underestimate how important the role of the HLC  
11    liaison is, and helping that awareness come to light. There are  
12    times when lack of sustainability and institutional closing require  
13    teach out plans to be put in place, and align with federal  
14    requirements.

15                    We proudly developed a teach out tool kit to aid  
16    failing institutions, and help assure students are protected. The  
17    guide provides clarity and assistance to institutions that are closing,  
18    as well as those serving as receiving institutions for the students.  
19    When appropriate under our policies, we've also taken steps to  
20    provide students and the general public with information about an  
21    institution through public designations, public statements, and  
22    public disclosure notices as applicable.

1                   We believe in transparency as a guiding principle  
2   for our communications with our members to promote  
3   accountability. In a recent survey, and a series of interviews by an  
4   independent outside firm, our members rated our communication  
5   very high. Transparency also drives our communications for  
6   students, and the general public to promote an understanding of  
7   accreditation, and to help students make informed decisions.

8                   This fall we launched a new online initiative -- Ask  
9   the Right Questions, a Student Guide to Higher Education. This  
10   guide was developed through reverse engineering, working with  
11   outside experts to identify the range of challenges students face  
12   without accurate, or even misleading information.

13                  Students are not always armed with sufficient  
14   insight to ask the right questions. We tested the guide through  
15   representatives from K through 12, and others to determine the  
16   best directions to offer help and clarity. The guide includes several  
17   buyers beware pop-ups on such topics as accreditation, financial  
18   aid, cost of attendance, transfer, jobs, and employment.

19                  Let me give you one example of what is cited in the  
20   guide. You do not have to decide in one day, consider carefully.  
21   This is an opportunity to make an informed decision. The contract  
22   between the student and the institution is a catalogue, institutional

1     promise, and the student handbook, student promise contract, do  
2     not give into pressure to sign a financial statement today.

3                     It is better to walk away than being obligated to  
4     debt for which you are unclear. We are not blind to the challenge  
5     we will likely hear today about consumer protection and  
6     awareness, but we are being agile, innovative, and proactive, and  
7     becoming part of the solution.

8                     This student guide is one example. Our outreach to  
9     stakeholders is expansion. We are pleased with the collaborative  
10    work we've done to foster relationships with FSA and other federal  
11    agencies for many years. There are times when these interactions  
12    must remain confidential per direction by the other agencies, we  
13    always complied.

14                    There are also times when we cannot obtain  
15    information due to understandable guardrails from other agencies.  
16    Each time we do break down the barrier, the information is  
17    appreciated, and useful to decision making.

18                    HLC also has very strong relationships with our  
19    states. We meet with them yearly in Chicago, during our annual  
20    conference in the spring, and frequently as needed to discuss  
21    individual institutions. We provide referrals to other agencies and  
22    resources when questions or complaints arise that do not fall into

1 our purview.

2 All members of the triad aim to reach the same  
3 goalpost of quality assurance, compliance and adherence to  
4 regulations and legislation. There are moments the lanes we each  
5 must take to make that journey converge very well, and others  
6 where more needs to be done together, or students will find  
7 themselves caught in a dangerous collision.

8 How do we hold our institutions accountable? First  
9 we take responsibility for guidance and training of our members.  
10 In addition to our criteria and other requirements that drive  
11 economic quality, we also offer a wide variety of elective  
12 programming designed to support our institutions, and help them  
13 excel beyond compliance toward excellence.

14 HLC delivers between 30 to 40 elective workshops  
15 and events per year. As one example, approximately one-third of  
16 the HLC membership participated in the assessment academy over  
17 a 16 year history. And even prior to the pandemic, our workshops  
18 and other events have been delivered either face to face, virtually,  
19 or in hybrid formats, to enable institutions of all sizes and financial  
20 means access.

21 We continue much of the training during COVID.  
22 As one example, HLC entered into a partnership with the online

1 learning consortium to educate faculty and administrators moving  
2 into a new, or growing presence of online learning. Webinars  
3 provide training in this area arena for peer reviewers, and  
4 institutions, including OLC, asynchronous week-long workshops.

5           The total registrations were 5,602 between January  
6 2021 and April 2022. This type of proactive and expeditious  
7 leadership for our members demonstrates the essence of quality  
8 assurance, while throwing into distance learning as never before,  
9 we wanted to do everything possible to assure it was being done  
10 right.

11           In times of normalcy and crisis we build  
12 community. This brings me to the very important issue of student  
13 success and student achievement. HLC has been especially active  
14 in this area since 2016, when we began studying the graduation  
15 rate of our membership, to determine the strongest and extensively  
16 the weakest performers.

17           At that time we looked only at IPED's data for the  
18 first time full-time degree, and certificate student population.  
19 Since then, we have enhanced it considerably. Specifically, we  
20 looked close at two year institutions with graduation rates below  
21 15 percent, and four year institutions with graduate rates below 25  
22 percent, as part of a CREC project with our colleagues.

1                   We knew that a measure of graduate rate alone  
2   would not, and still will not offer the complete picture of student  
3   success on many campuses, but we sought to establish a  
4   foundation upon which to build our research in this area. Recently,  
5   we repeated this study using IPED's data from 2020.

6                   Since the original study, we have made substantial  
7   technology upgrades to support this work with four million dollars  
8   of investment in the past few years. We also received two grants  
9   from Lumina Foundation, both of which include outcomes  
10   initiatives. In all cases we are building our database.

11                  We also studied institutions whose graduation rates  
12   improved by at least 10 percent over the five year period, along  
13   with those, without such an increase over the same time. We then  
14   surveyed the institutions in both categories to learn more about  
15   their success strategies and barriers to improvement.

16                  We are prepared to share more information today,  
17   but at this time I will note the single largest reason students do not  
18   complete per 50 percent of the institutional survey responses, was  
19   the student's lack of personal resources to remain in college.

20                  By changing the student's intent, or academic goals  
21   accounted for another 25 percent of the responses as to why  
22   students did not complete. One of the key findings of the external

1 stakeholders was the lack of ability to measure student intent. We  
2 do not operate in isolation on these critical thought provoking  
3 issues. We engage experts from across the country, such as  
4 representatives from the National Student Clearinghouse, ACRO,  
5 ANSHEM, C Education Commissions of the States, NC SARA,  
6 Higher Educational Regional Compacts, Student Veterans of  
7 America, as well as business and industry among others.

8                   We also engage external consultants as we explore  
9 the changing landscape of higher ed, and the implications for  
10 accreditation. Seeking to learn even more, and maximize the  
11 benefits of reliable data, HLC has entered into a partnership with  
12 the National Student Clearinghouse in 2020 upon repurposing  
13 some funds from a generous Lumina Foundation grants. This  
14 reflects our very specific and intentional continuation of our  
15 strategic plan's focus on outcomes.

16                   Our investment in the software upgrades and  
17 enhancement now empower us to continue to collect and maintain  
18 critical institutional information and data. The Clearing House  
19 provided HLC with aggregate data for our entire membership, that  
20 went far beyond graduation rates alone.

21                   Last summer our work became more granular when  
22 800 of our institutions consented for the Clearing House to provide

1 HLC access to their institution level data, relative to student  
2 success. There will be more over time. We began analyzing this  
3 extensive dataset last fall. Since our last recognition with the  
4 Department HLC has also invested in staff to support the work that  
5 is needed to assure accuracy, data trends, development and  
6 implications for accreditation.

7 We have reviewed with great interest NACIQI's  
8 accreditor dashboard that were updated last summer, July of 2022,  
9 along with the college scorecard. We update the Board regularly  
10 on the data from each of those sources.

11 Today we are able to examine student persistence,  
12 retention, transfer and completion outcomes by gender, race,  
13 ethnicity, age at entry, enrollment intensity, program level,  
14 classification of instruction programs, CIP type, as well as  
15 institutional characteristics such as control, public private, private  
16 non-profit, and private for profit, and private for profit.

17 Levels, two year, four year and urbanicity, these  
18 data when coupled with the IPED's data, college scorecard data,  
19 and even U.S. Census Bureau data, specifically PSEO outcomes,  
20 are giving HLC abundant insight in the question of student  
21 success, and what it means for widely varying institution and  
22 student populations.



1                   Our Board and staff have access to an increasing  
2   amount of data to inform our decision making. We have  
3   continuously recognized institutional context as an indispensable  
4   part of our analysis. Given the diverse missions represented within  
5   our membership. We have a shared interest in student success, and  
6   HLC has been working expeditiously to develop thoughtful  
7   outcomes measures by which it can barely evaluate its institutions.

8                   We've done this work with several key initiatives on  
9   parallel tracks, differential accreditation, and a comprehensive  
10  revision of our criteria for accreditation, both of which we are  
11  prepared to discuss today.

12                  Specific to student success we've done this  
13  groundwork because we recognize the critical need for success  
14  benchmarks that are well grounded in the data sources just  
15  mentioned, and highly nuanced to account for institutional mission,  
16  and context, as well as the intent of widely varying student  
17  populations.

18                  The HLC Board is always studying the best ways to  
19  emphasize a range of missions among our institutions, along with  
20  newly established accountability requirements within this context,  
21  combined we are in a very good position to recognize institutions  
22  at risk, and those at risk, therefore to students.

1                   Even more pressing, and as a clear signal of our  
2   commitment, HLC will be taking these combined datasets  
3   available to us now, and testing student success benchmarks in its  
4   2024 institutional update process. This builds upon the current  
5   work already in place.

6                   Through this revised annual data submission  
7   process HLC will be able to monitor institutional progress, and  
8   struggle when it comes to contextualized indicators of student  
9   success, and importantly will be able to follow-up and effectively  
10   relate this to the latter category.

11                  We believe that holding institutions accountable for  
12   the outcomes they produce must involve nuanced research, and  
13   that is precisely the work HLC is undertaking. The Higher  
14   Learning Commission is proud to accredit our community of  
15   institutions as we enter the next chapter of higher education's  
16   dynamic history.

17                  We believe this new chapter is one that will  
18   recognize quality, innovation, economic responsiveness, and  
19   workforce development as consistent with the principle of  
20   education as a public good, while continuing to prepare globally  
21   minded citizens who will succeed in a more connected post-  
22   pandemic world.

1                   Our mission statement itself was changed to put the  
2   work student prominently as a focus of that goal. HLC's role in the  
3   anticipated and yet unknown future will be the one that propels its  
4   institutions toward excellence, knowing the many trends that  
5   impact higher education, we acknowledge that accreditors must  
6   provide quality insurance for a variety of modalities, credentials  
7   and students.

8                   And we hope today we can show you and affirm  
9   that we believe HLC meets the federal requirements necessary to  
10   do so, holds the capacity to execute, and to continue its  
11   recognition. I'd like to turn this over now to our Board Chair Dr.  
12   Blondin for her comments.

13                  CHAIR PRESSNELL: If I could, excuse me, I  
14   really appreciate the comments, but if we could make sure they're  
15   tight and concise, so we can enter into the Q and A with you as  
16   well. So thank you.

17                  J. A. BLONDIN: Thank you, and hello NACIQI  
18   members, Department staff, and other participants. My name is Jo  
19   Blondin, and I've served as President of Clark State College in  
20   Ohio for the past 10 years. Prior to that I was Chancellor of  
21   Arkansas's Ozark Campus for seven years. I've held many  
22   positions in higher education, including Professor of English,

1 Department Chair, Chief Student Officer, and Chief Academic  
2 Officer.

3 I also serve on national Boards such as the  
4 American Association of Community Colleges and the National  
5 Council for Workforce Education. Clark state serves an incredibly  
6 diverse set of adult and traditional learners, and baccalaureate  
7 transfers and workforce programs, as well as a robust dual  
8 enrollment program.

9 80 percent of our students attend part-time, and 65  
10 percent of our students receive a Pell Grant, for a total headcount  
11 of 6,000 students. Our area is varied and diverse. Our five  
12 campuses representing suburban, urban, and rural parts of  
13 southwestern Ohio.

14 My campus does not receive a levy, but we do  
15 receive state funding through a 100 percent requirements based  
16 funding file, championed by then Governor Kasich in 2012. Prior  
17 to that, all of Ohio's public colleges and universities were funded  
18 by a combination of square footage and headcount.

19 Since academic year 2013 these institutions are  
20 funded on student success measures. I tell you that because as an  
21 HLC institution I can assure you that I wholly appreciate the  
22 importance of student success with completion, and the necessity

1 of wraparound student support needed to increase these metrics,  
2 like college's properly open access. Anyone can attend.

3 And the work we do resulted in transfer.  
4 Accreditation has also been part of my experience for the past 30  
5 years. I've been involved in HLC through my work as a faculty  
6 member, assessment committee Chair, peer reviewer for 13 years,  
7 institutional actions council member, HLC Academy design team,  
8 and accreditation liaison for a university, self-study editor and  
9 coordinator, and now proudly as Chair of the Higher Learning  
10 Commission.

11 I bring my practitioner level focus and campus level  
12 leadership to the deliberation in discussion of issues. Today we  
13 present our care for a five year recognition renewal. Through that  
14 process we stand ready to answer your questions, and shed a light  
15 into the inner workings of a well-respective, agile, and adaptive  
16 institutional accreditor.

17 HLC is a student centered organization as Barbara  
18 emphasized, and our mission and vision, and the criteria of  
19 accreditation of policies all look like this level of integrity. At this  
20 time I'm happy to turn it over to my colleague, and Vice-Chair  
21 Richard Dunsworth, President of the University of the Ozarks.  
22 Thank you very much.

1                   R. DUNSWORTH: Thank you Dr. Blondin.

2   Esteemed panel, thank you for allowing me a few minutes to  
3   address you. As Jo said, my name is Rich Dunsworth, and I'm the  
4   President of the University of the Ozarks in Clarksville, Arkansas,  
5   a post I've held since June of 2013.

6                   The university is an intentionally small, yet highly  
7   diverse organization. It's a private four year institution in covenant  
8   with the Presbyterian Church. Previously I served Millikan  
9   University in Decatur, Illinois for 22 years. I started there  
10   managing a residence hall and left as the interim President with my  
11   longest position being that of vice president for enrollment  
12   management, a position I held for a decade.

13                  During my inaugural address at Ozark's I spoke  
14   extensively about what it meant to be a first in my family to  
15   graduate college, and then go on to earn a master's degree and a  
16   Juris Doctorate. At the conclusion of the celebration my mother  
17   pulled me aside and shared that yes, I should be proud of being the  
18   first to graduate with a college degree, but then she posed a  
19   question that in many ways has framed my Presidency.

20                  When she asked, have you ever considered how  
21   proud we are that you're the first male in our family to graduate  
22   high school? I think about that when I consider that 50 percent of

1 my students are first gen. 50 percent are Pell eligible. 54 percent  
2 are historically under represented, and 10 percent have learning  
3 disabilities. I've had an amazing journey through education from  
4 the small rural farm high school to large R-1's, and now small  
5 faith-based and private.

6 Along the way and much like Dr. Blondin, I've  
7 served in numerous state and national organizations, but none so  
8 important as the Higher Learning Commission. The 19 member  
9 Board includes representatives from private non-profit, public and  
10 tribal colleges, some of us have previously served as peer  
11 reviewers, which is how I first engaged the HLC.

12 We have four public members who bring amazing  
13 insights and serve as great compliments to those on college  
14 campuses. The public members represent tribal leadership,  
15 veterans populations, business leadership and city government.  
16 Over the course of HLC's Board's history, the mix of higher  
17 education leaders and public members has enriched the knowledge  
18 and strength of its important decision making body.

19 Our institutions range, as Barbara said, from  
20 community colleges to doctoral programs, and the Board members  
21 are President, Chancellors, senior leadership and faculty. When I  
22 joined the Board a little over four years ago I quickly learned the

1 intensity of the deep dives into every institutional case, as well as  
2 the governance attention to accreditation criteria and related  
3 policies.

4 Early on I was alerted to the increased amount of  
5 complex substantive change cases seeking our approval, and it  
6 seemed as someone with a law degree, I was assigned every hard  
7 case. As I mentioned a few moments ago, my engagement with  
8 HLC began as a volunteer peer reviewer.

9 When I first accepted that opportunity I didn't fully  
10 appreciate it would become one of the strongest professional  
11 development experiences in my career. We were trained, and then  
12 trained again, frequently engaging with colleagues from across the  
13 region, causing us to become more and more immersed in the  
14 systematic issues driving all facets of higher education.

15 Most importantly, the diversity of students our  
16 members serves, brings with it the complex challenges of assuring  
17 quality across the plethora of institutional types, governance  
18 structures, missions, and organizational nuances. Most notably our  
19 decisions consider the variations with the student populations we  
20 serve.

21 And the Higher Learning Commission has an  
22 obligation to assure that quality permeates each of these colleges



1 and universities, and despite any differences, we hold every one of  
2 these unique institutions accountable to our standards and their  
3 students.

4 Please note we're committed to continuous  
5 improvement, yet we are not a got you organization. I'm reminded  
6 of a mentor early in my career stating that it's easy to deny a  
7 student admission. It's easy to toss a student out of school. The  
8 character of an institution is demonstrated when you choose  
9 instead to work with those students and help them thrive.

10 I suspect the same may be true for accreditors, in  
11 that in some cases the easiest thing to do would be the withdraw  
12 accreditation, but that is not necessarily the best outcome for  
13 students, the institution, or the communities they serve. The HLC  
14 Board uses intentional and informed encouragement, although that  
15 is not mutually exclusive for mandating accountability.

16 While we partner to move our member institutions  
17 through quality assurance, we do not stop there. If that approach  
18 does not work we have other tools in the toolbox, and will not  
19 hesitate to reach for one. A final thought, the members of the HLC  
20 Board are constantly asking what is in the best interest of the  
21 students?

22 Consider this, when a physicist is sitting on one side

1 of you, a retired Brigadier General is sitting on the other side of  
2 you, and maybe across from you is the Secretary of the Chickasaw  
3 Nation's Department of Culture and Humanities. I can assure you  
4 the question of what is in the best interest of the student is not  
5 rhetorical, and nor is it a mirror exercise.

6                   It is often a lesson in civil discourse and vigorous  
7 debate, much like what I observed from you a few moments ago.  
8 I'm here to share with truth and conviction that HLC's rigor,  
9 criteria and policies are not only for the first generation students  
10 like me, but for all learners, so that they may too succeed.

11                   I'm prepared to listen, learn, contribute, and  
12 reinforce the outstanding work of the Higher Learning  
13 Commission, and our consistency of rigor and compliance and  
14 decision making. Thank you for allowing me to participate this  
15 morning, thank you for the commitment to the future of higher  
16 education, and I encourage you to affirm that HLC has earned its  
17 recognition renewal. Thank you.

18                   CHAIR PRESSNELL: All right. Very good.  
19 Thank you very much for those thoughtful comments. I appreciate  
20 those very much. I need to get a sense of the Committee. We're  
21 slightly after the noon hour, will our attention be more sharpened if  
22 we take a brief break for lunch, or would you like to push forward

1 now? Yeah, and lunch is here.

2 Z. SMITH ELLIS: Lunch is just here, and I guess  
3 my question is if we push forward are we pushing forward all the  
4 way to the end of this, or are we going to push forward and have  
5 some other breaking point?

6 CHAIR PRESSNELL: We would have another  
7 breaking point, but you know, we would definitely open it up for  
8 questions of the agency. And then it's probably most appropriate  
9 to allow Elizabeth to respond to some of those comments. But  
10 we've got third party comments, and we have about 30, at least 40  
11 minutes worth of third party comments as well.

12 M. POLIAKOFF: I'd recommend we can, if we  
13 can, push on for maybe another half hour or 40 minutes or so, but  
14 then again I'm remote, and the rest of you may be wanting lunch.  
15 So I'll go along with whatever everybody wants to do.

16 CHAIR PRESSNELL: Michael is going to have to  
17 step off as well.

18 M. E. PETRISKO: I think it would be good to -- in  
19 the middle of our conversations, a natural breaking point I think is  
20 important. This is a natural breaking point. I would want to not be  
21 halfway into a conversation, then have to come back and reboot it  
22 up.

1 CHAIR PRESSNELL: I agree. I agree.

2 M. E. PETRISKO: This is a natural breaking point.

3 I say let's break.

4 CHAIR PRESSNELL: Yeah, so as an agency we

5 appreciate your introductory comments. Can we do it in 30

6 minutes? Okay. I'm seeing positive, so I have five minutes after

7 the hour, so 35 minutes past the hour we'll reconvene promptly,

8 thank you.

9 (Lunch break 12:05 p.m.)

10 (12:33 p.m.)

11 CHAIR PRESSNELL: Good afternoon, and thank

12 you all for that brief break for lunch. Hopefully it was productive

13 and profitable for all of us as it will be for us. I think our attention

14 span is going to be lengthened by the ability to have lunch, so

15 thank you for bearing with us on that.

16 Based on where we are on the agenda is actually

17 opening it up for questions from the Committee members to the

18 agency, and so I would first -- would defer to Jennifer and Mary

19 Ellen who might have the first questions. So Mary Ellen?

20 M. E. PETRISKO: Thank you. And thank you for

21 the introductory comments. As has been the case in the past, you

22 have already hit on what you started the session off with on some

1 of the points that we want to talk to you about, I want to talk to you  
2 about. I want to talk to you about, certainly. And it won't surprise  
3 you that student achievement is at the top of the list.

4 So before hearing your introduction, I had a couple  
5 of points, and I'm going to go to those points because you said you  
6 could talk more about them, and I would like to ask you to talk  
7 more about them. So let me say the three areas, and then try to  
8 very succinctly say here's the big questions if you could address.

9 You talked about the Lumina Grant that you have  
10 had, and so I was wondering what you've learned from those grant-  
11 funded studies? And the changes in your policies and procedures  
12 based on that work. You talked about the partnership with the  
13 National Student Clearinghouse, and the institutional level reports  
14 on outcomes data that were supposed to be generated, and sure  
15 were, by the end of 2022.

16 And again, what have you learned? And how has it  
17 affected your operations? And then talking about you talked about  
18 the 2017 CREC study, and you noted in that study, in the 2017  
19 study that and I'll quote -- you addressed this already as well, "A  
20 single graduation rate does not accurately capture student  
21 achievement at non-traditional institutions, or account for an  
22 institution mission such as open access or tribal institutions."

1                   So, I guess what I'd like to know is, since you're  
2   talking about the need for success benchmarks, that you repeated  
3   the 2017 study, in a more focused perhaps way with an expanded  
4   dataset. How are you looking at those rates now? And if you'd  
5   like to say specifically with regard to open access and tribal  
6   institutions, I'd very much like to hear about that.

7                   With regard to the big question of what's good  
8   enough, what does it mean to using your words, fall short of  
9   expectations? What's good enough? What did you learn in the  
10   new graduation rate study that might have shown improvement  
11   since 2017? Just how do you know, what have you learned, what's  
12   good enough? Thanks.

13                  B. GELLMAN-DANLEY: Thank you very much.  
14   I would like to turn this over to Dr. Martin who oversaw the  
15   clearinghouse project with others as far as getting the information,  
16   and the CREC study, and if you so choose Karen Solomon can  
17   answer Lumina Grant questions. But we'll start with the two.  
18   We'll start with the last ones you just asked, and then you let us  
19   know if you want to hear more about the Lumina projects. Eric?

20                  E. MARTIN: Yes. Thank you Barbara. So the  
21   initial thinking with the study that informed the CREC document  
22   was to begin with graduation rates knowing that they're an

1 imperfect measure, and as our trustee Rich Dunsworth said so  
2 eloquently, we want to establish rigor, but we want to do it in a  
3 compassionate way that is sensitive to institutional context and  
4 mission, and student populations.

5               So as we did that study it gave us a baseline across  
6 our institutions to see who among them was performing well for  
7 the students in the populations they serve, and who were  
8 struggling. And we didn't act immediately on those findings  
9 because we were very much engaged in the Lumina work at about  
10 that same time, and I'll ask Dr. Solomon to say more about that in a  
11 moment.

12              But as we learned more from Lumina, we decided it  
13 would be a good entry point into this furthered exploration to  
14 repeat the study from before, and then directly engage with the  
15 institutions that had showed improvement along with those, as  
16 Barbara had mentioned, that were still struggling, and really get  
17 them to tell us the story behind the numbers that we were seeing.

18              And almost to no one's surprise, as we did those  
19 surveys, much of what we were finding was that the sort of  
20 differentiation between what the institution's believe needs to  
21 account for student success versus student intent.

22              And as Dr. Gellman-Danley mentioned earlier,

1 much of that had to do with student resources, but it also had to do  
2 with students that did not start or enroll for the purposes  
3 necessarily of graduation. And so as those data through those  
4 surveyed findings were becoming apparent, we were seeing similar  
5 things, and having similar conversations through Lumina, or  
6 through that Lumina work, and the different stakeholder groups  
7 that worked hard at that.

8                   The more recent addition to all of this is we're  
9 driving down toward more granularity was what we could  
10 ascertain with the National Student Clearinghouse, and there those  
11 datasets, both in aggregate form, and then as we mentioned earlier,  
12 institutional specific information, is really providing much more  
13 insight in terms of rural populations versus urban populations.

14                  Different minority groups, gender, and all of that  
15 type of information is really just now coming to our full menu of  
16 research and resource information that we can begin to draw from  
17 as we think about what might be some fair benchmarks for our  
18 institutions. Institutions in different Carnegie classifications,  
19 institutions serving different student populations, and institutions  
20 who are different success measures based on student intent.

21                  And so all of that is very much in process, but we  
22 have had, because I don't want to sound like this is absent anything



1 grounded in the here and now. We have, and I'm happy to go into,  
2 various requirements that have existed for a long time through our  
3 criteria for accreditation, through our assumed practices, and  
4 through something that we call our institutional update.

5 And non-financial indicators, which are the radar on  
6 an annual basis that we can see institutional performance, and  
7 engage them when we see a pattern of challenge and stagnicity,  
8 more information with that whole premise of aiding and assisting  
9 in improvement.

10 Karen would you take the mic for some Lumina  
11 update?

12 K. SOLOMON: Sure. Thank you Dr. Martin. The  
13 one thing that I would respond to is what did we learn, is that there  
14 was in some of our research that there was a disconnect between  
15 just peer completion rates, and student intent, and how we figure  
16 out to gather that information in data format, so that we can  
17 measure success in different ways, I think goes to some of the  
18 opening comments by our Board members.

19 In terms of whether students are there to enroll, to  
20 increase job opportunities, to move into different military  
21 positions, and things like that, or to transfer to another institution,  
22 and that's what we're working on. I think our work with the

1 National Student Clearinghouse is helping us with that as we're  
2 getting more data that's demonstrating that students may leave an  
3 institution, but transition to some other institution, so we're able to  
4 track that in ways that we haven't before.

5 Our partnership with the National Student  
6 Clearinghouse started with aggregate data, and then we moved into  
7 the research element where we're looking at institutional specific  
8 data, and realizing now we need to pull those together, identifying  
9 what are going to be some sub groups of which we'll use some  
10 aggregate data for those groups, and then their individualized data  
11 for those institutions to be able to look to compare themselves to  
12 others in that aggregate group.

13 B. GALLMAN-DANLEY: And if I might just add  
14 quickly, just real fast, the certificate world that's changing so much  
15 that hopefully we'll get a chance to talk about, maybe not, will  
16 exacerbate all of this. Because as we all know there are more and  
17 more students who want to come in, get a short-term credential, get  
18 out.

19 And sometimes it's just a certificate, and that can  
20 shows us a non-completion.

21 M. E. PETRISKO: Thank you. That's helpful. So,  
22 is it possible to say some of this work is relatively recent. Is it

1 possible to say how the Commission's actions have been affected  
2 by this? I mean it's not just about a number of graduation rate. It's  
3 as you said, all the things that contribute to that and the other  
4 things that you're looking at in quality and support.

5 Can you say anything about how the Commission's  
6 actions have taken this into account, and where things are showing  
7 up perhaps differently than they did before?

8 B. GELLMAN-DANLEY: Yeah. I'll start and then  
9 turn it over to Dr. Solomon. Our training, our conference, all of  
10 those kinds of things, and the way we're looking at our criteria for  
11 revision, and we're right in the middle of that now, are substantive  
12 as it relates to this. Dr. Solomon?

13 K. SOLOMON: I would also add that coming out  
14 of our 2019 set of papers, rethinking the changing dynamic of the  
15 higher education ecosystem, really pushed our focus into more  
16 student centric model, and really looking at a variety of different  
17 factors.

18 Reviewing our complaints process, reviewing our  
19 student opinion survey that we provide for all institutions, and all  
20 students that are in the midst of a comprehensive evaluation to  
21 have a voice in that piece. Also for the student right to know  
22 guide, which Dr. Gellman-Danley spoke about earlier today, and

1 then lastly realizing that one element that we were really missing  
2 on is that it is nice to have a teach out agreement between two  
3 institutions, but that didn't necessarily take into effect what  
4 students were going through, and how we needed to provide  
5 support and mechanisms to help institutions transition students out  
6 of one institution, and for receiving institutions to be prepared to  
7 bring those students in, and help put them on a pathway for  
8 success.

9                   So, some of that thinking has been not only about  
10 data, but how we can take actions to really support, provide  
11 information for students to be able to continue their journey.

12                   M. E. PETRISKO: You mentioned the need for  
13 success benchmarks, and you mentioned the I guess, more nuanced  
14 looking at different types of institutions, different student  
15 populations. So as you're seeing that need for benchmarks now,  
16 which I guess you're still working on, you don't have a published  
17 set of benchmarks, or something that you're more specifically  
18 looking at.

19                   Are you looking at a panoply of benchmarks from  
20 different kinds of institutions, and how are you seeing that?

21                   B. GELLMAN-DANLEY: Yeah. I'm going to start  
22 with that because I stirred everything up a couple years ago when I

1 brought up the idea of differential accreditation, which is exactly if  
2 you take a look at our different trustees with us today, how the  
3 various types of institutions can be represented in community  
4 colleges, and faith-based institutions cannot compare.

5 I recall when Morey Shapiro was the President of  
6 Northwestern, he was on a panel and he said well, it's not really  
7 fair that you measure community colleges the same way you  
8 measure Northwestern. He did not mean, not fair to Northwestern.  
9 So the idea of differential accreditation, which we spent probably a  
10 good 18 months on at this point, was to say how much deeper  
11 should we dig on the different kinds of institutional nuances, the  
12 kinds of students that they serve, et cetera?

13 We set up a panel of well-known precedents from  
14 all different types. HBCUs, et cetera, to give us suggestions as to  
15 how could we do this so we are sure we are focusing on mission,  
16 as we develop the student success outcomes, and as we serve the  
17 institutions in general.

18 We then got a group of trained folks who are very  
19 knowledgeable folks who work with us, to talk it through more.  
20 And Dr. Martin, could you take a moment to talk about how we  
21 use the information from the Lumina Grant to drill down to  
22 differential accreditation. What the outcome has been of that

1 work?

2 E. MARTIN: Yeah. The differential accreditation  
3 is in contrast to what we presently have, which is risk-based  
4 accreditation, and maybe we'll have a chance to talk about the open  
5 and standard pathways, with the standard pathway having more  
6 touch points during the decennial cycle.

7 As we started talking about differential  
8 accreditation, we really wanted to focus on evidence, and what  
9 types of evidence is most -- will prove to be most effective for an  
10 institution, whether in the open pathway, or the standard pathway  
11 to really tell its story, and enable our peer review teams to make  
12 the most informed decision about the status of that institution on  
13 all measures, but to certainly include those related to student  
14 success.

15 And that will -- is under development, and most  
16 recently we had focus groups in November with 144 institutional  
17 representatives representing all different Carnegie classifications to  
18 give us their insights on some ideas that we have related to this.

19 Essentially what I think is happening right now is  
20 we have as Barbara just noted, the revision of our criteria for  
21 accreditation that will take affect in 2025. We have differential  
22 accreditation, which is really informing how we will hold

1 institutions accountable for those criteria as they unfold, and we  
2 have this laser focus on student achievement.

3                   Again, we have all kinds of ways of ascertaining  
4 student achievement now, but we're really looking to refine it in  
5 ways that fit the modern institution, whether it's a rural community  
6 college, an urban community college, a research institution,  
7 whatever that particular institution may be, and the students that  
8 it's serving.

9                   We want to be able to capitalize, to understand and  
10 capitalize on that nuance going forward. Our current measures  
11 essentially get us the information we needed in our baseline. That  
12 institutional update I mentioned really is looking at graduation  
13 rates, persistence, completion, retention, and asking institutions  
14 that vary by 5 percentage points or more from peers, to tell us  
15 what's happening there.

16                   And then to essentially assure some reporting to  
17 understand their plans for improvement. And again, we also offer  
18 a lot of elective programs that enable institutions to really move  
19 beyond where they are at a datapoint, to understanding their  
20 context, their student body, even better than they do when they  
21 walk into those workshops and environments in an education  
22 frame, and really start to affect change.

1                   So those have been very successful as we sort of  
2   exercise the other part of our mission, which is improvement, and  
3   assisting institutions in these journeys.

4                   M. E. PETRISKO: Thank you. I'm sure that others  
5   are going to have questions about student achievement, so I'm  
6   going to leave that topic, and go on to another. And that is  
7   complaints. So your complaints report, your 2021 complaints  
8   report, shows that there was a disproportionate percentage of  
9   complaints related to proprietary institutions.

10                  I'll pose the numbers, but 2.5 percent of the  
11   institutions had 31 percent of the complaints. Three out of the 24  
12   such institutions received most of the complaints, and that was 46  
13   out of 67 were by those three institutions. Yet only 15 of the 46  
14   complaints raised any concerns with non-compliance with agency  
15   standards.

16                  14 of those 15 were closed with no further review.  
17   So again, there were complaints that were really focused on a  
18   certain sector. Within that sector a very small number of  
19   institutions. And quite a few of the complaints really did not have  
20   anything to do with your standards.

21                  So my question is what does this tell us about areas  
22   of complaint at institutions, and the relationship of our



1 accreditation standards to where there are problems, or perceived  
2 problems at the institution? Is there something going on in  
3 institutions that's problematic, but our accreditation standards are  
4 just not focused on that for some reason, or how do you see that?

5 I mean if there's a problem with complaints in the  
6 sector and the accreditation standards don't speak about that, or  
7 don't address it, what's -- why?

8 B. GELLMAN-DANLEY: That's a great question,  
9 and I'm going to turn that over to Marla Morgen, who is over  
10 complaints process, and then add to it accordingly after. Marla?

11 M. MORGEN: Thank you Barbara, and good  
12 afternoon panelists. That is a great question. We -- it is true that  
13 our complaints process is focused on, of course, substantive non-  
14 compliance with HLC requirements. One of the things that we are  
15 very proud of about our complaints process though, is that we  
16 really try to take a holistic look at the information that is coming  
17 to us, and see how we can again, with the student focus, direct  
18 students appropriately.

19 So two examples that I want to build on with that.  
20 We do often when we receive complaints, even if they do not  
21 appear to raise non-compliance issues with our requirements, we  
22 often will refer students to other resources available to them, other

1 agencies, other places where that particular complaint is perhaps  
2 more appropriately addressed.

3 We even keep a list on our website, and our  
4 complaints process is a web-based process, of other resources  
5 where focus could go. The other piece that I think is really  
6 important here is the concept of what we call the courtesy forward.

7 So those would be from a got it standpoint, included  
8 in the bucket of does not raise further non-compliance with our  
9 standards. However, we still forward that information on to the  
10 institutions so, as a matter of continuous improvement, they can be  
11 aware of the concern, and can address it as need be.

12 So, those are some of the ways that while we make  
13 sure that while we, of course, stay in our lane, we are being really  
14 attentive to the concerns that are coming forward from the  
15 students.

16 CHAIR PRESSNELL: Mary Ellen, you need to  
17 lean really into your mic.

18 M. E. PETRISKO: How about this?

19 CHAIR PRESSNELL: There you go.

20 M. E. PETRISKO: Thank you. On the complaints,  
21 so I'm done with the complaints. Teach out plan requirements, I'm  
22 wondering how the new regulation has affected you. You talked

1 about the tool kit that you prepared for students to understand this,  
2 and how to deal with it. How are you overseeing the teach outs  
3 now that you may have? How many are in affect?

4 I mean this is a very different way of dealing with  
5 the issue of what might be needed as a teach out, than it was before  
6 the change in regulations. So what's your experience? How is that  
7 going?

8 B. GELLMAN-DANLEY: Let me start with Karen  
9 who actually -- she can tell you how the tool kit came about, which  
10 was working with institutions that had to do some of that, and what  
11 it's available for, and then others let me know if you want to add to  
12 that. Karen?

13 K. SOLOMON: Yeah. I'll speak more on the  
14 process side, not the policy side, and I'll turn the rest over to Marla  
15 to handle that. From a process side, we've had institutions develop  
16 agreements. One institution signing an agreement with another.  
17 It's much more formal in nature.

18 What we were realizing was we really needed to  
19 drill down and work with our institutions that had gone through  
20 either side and learn from them. What was working well and what  
21 was not. Helping institutions to understand that it's not just about  
22 publishing tuition and fees, and matching the tuition and fees, but

1 really thinking about the net tuition of what's going to occur when  
2 the student transitions from one institution to another.

3               Institutions be aware that they need to release  
4 financial and transcript holds, and things like that so students can  
5 get those transcripts, and transition to other institutions. Building a  
6 checklist was really important to help not only our institutions, but  
7 also that was completed in arrangement with our partnership with  
8 several state agencies that have been working with our institutions.

9               And we created this after the fallout of some pretty  
10 big closures that had taken place. On the other side, we worked  
11 with institutions that have been accepting students, and really knew  
12 the trauma that those students had gone through, and helped us  
13 build says for institutions to consider how they could become teach  
14 out institutions, what are some really critical elements that they  
15 need to consider before even signing such an agreement.

16              And then also being prepared to go through building  
17 support mechanisms to help those students integrate into that new  
18 institution that they have never had an intention of attending to  
19 begin with, so both side of that piece. And then also, incorporating  
20 some state agency checklists of what some state agencies may be  
21 looking for in terms of other critical documentation.

22              That's been helpful not only for institutions in our

1 state, but we've also heard from state agencies across the country  
2 that they've been implementing it, especially when they're  
3 suddenly getting word of an abrupt closure, and really have not had  
4 to deal with that before.

5 So we built that really as a tool to help support  
6 students, so they can transition more smoothly onto their academic  
7 career. That's from the student's standpoint. Now I'll turn that  
8 over so we can talk about policy and the modifications we've made  
9 in recent years.

10 M. MORGEN: Thanks Karen. I can add a few  
11 things to that. Just first of all to build on the implementation side  
12 of things. Having participated in a couple of these experiences, the  
13 collaboration across the triad is really just critical to this, right?

14 So, we're talking about the nitty-gritty, where  
15 student records are going, how students know where their records  
16 are going? And these types of checklists have really enabled and  
17 kind of facilitated that quick collaboration across the triad. But I  
18 just want to speak briefly to the policy piece of this as well,  
19 obviously the changes with respect to the July 2020 regulatory  
20 changes.

21 I think just conceptually, we've really started to  
22 separate out this concept of a teach out agreement, which is a part

1 of a provisional plan, and it is in fact a plan. And starting to kind  
2 of sensitize folks to that provision plan does not always signify that  
3 an institution is necessarily about to close, or has announced that  
4 it's closing, and we're in an abrupt closure stance.

5                   Rather, it's a planning tool. And it should be a  
6 perspective planning tool to have a provisional plan in place if a  
7 situation should arise. So, just to highlight a couple pieces of that.  
8 HLC policy allows for a provisional plan to be called for by  
9 primarily the HLC staff liaison will notice that there are  
10 circumstances where a provisional plan would be appropriate, and  
11 calls for those plans.

12                   And we do that routinely as needed. Importantly,  
13 students must then be informed that the provisional plan exists,  
14 because it of much greater value if the students know that it exists  
15 out of there.

16                   And the last piece I want to just highlight, it's not  
17 specific to teach outs, but it's related to all of this, agency did  
18 revise its assumed practices, which is one of our sets of  
19 requirements over the last couple years to include an assumed  
20 practice.

21                   We assume that all of our member institutions are  
22 being always attentive to planning about disposition of student

1 records. And that really takes it back even another step, in that  
2 thinking about where student records will go in the event of a  
3 closure is something that all institutions need to be attentive to on a  
4 continuous basis.

5 M. E. PETRISKO: So, the provisional plans could  
6 be put into place pretty far in advance of when something would  
7 actually happen. And in my experience the changes that occur  
8 during that period could make those plans actually not that useful  
9 because a number of students change, the number of programs, the  
10 number of how many anticipated to graduate, et cetera, could  
11 change really radically.

12 So when you get provisional plans do you say okay,  
13 we have them, or no, this isn't good enough. Do us something  
14 else? Or you just know that they've paid attention to it, you have  
15 it, they have it. As things progress they may be required to update  
16 that plan. Would you ask them to update that plan?

17 M. MORGEN: That's exactly the route.

18 M. E. PETRISKO: And do you then say that's  
19 okay, or no, actually that's not good enough? I mean.

20 M. MORGEN: You are exactly describing what  
21 occurs. We do ask for plans to be updated on a regular basis, and  
22 as needed, and then those plans need to be approved.

1                   B. GELLMAN-DANLEY: Yeah. And I can tell  
2   you that Dr. Solomon had at least four or five times with one  
3   institution where she kept kicking them back.

4                   M. E. PETRISKO: Okay. Thank you.

5                   K. SOLOMON: For many of our institutions it's an  
6   opportunity for them to really study what other institutions have  
7   similar programs, and that's enlightening for those institutions to  
8   even realize what's the possibility -- what are the possibilities, and  
9   where they may have some niche programs that are going to be  
10  very difficult to find placements for those students.

11                  But that planning in advance helps them to do a  
12  little bit more exploration in the event that needs to be used.

13                  M. E. PETRISKO: I was glad to hear you say that  
14  this has shown greater collaboration across the triad because I  
15  know I have seen in the past when one has information the other  
16  does not have, and if everybody had had it, it would have made  
17  things a lot better for everyone.

18                  So, I hope that that is the model that will be going  
19  forward for all institutions across the country because this is a  
20  difficult situation for everyone, but for students especially. So, my  
21  last question is about change of control or ownership. And I'm  
22  wondering if you're seeing the same level of requests for change of



1 control, or ownership, as you've seen in the past, and more  
2 importantly what, if anything, might have changed in how you  
3 handle them?

4 Again, what have you learned? What are you  
5 doing? What's the state of the nation in that regard? Change of  
6 control, change of ownership? Thank you.

7 B. GELLMAN-DANLEY: Well before I let Marlo  
8 go, I want to say I'll tell you what. Each of these is like getting a  
9 PhD in change and control. Every time we see something we're  
10 just smiling as an attorney, and as a trustee. We have -- we learned  
11 so much more, and I would like to say we're not surprised, but  
12 something new comes up every time that makes us speak as staff  
13 and a Board as to how to best manage it.

14 And Marla, you best manage it. So, tell us your  
15 insight.

16 M. MORGEN: Sure. Thank you. Numbers are  
17 down. I would say over the past three years we have definitely  
18 seen a downward trend in changes of control overall. Keep in  
19 mind though that that's a very broad category, so of course there  
20 are certain changes of control that make it into the media more  
21 than others.

22 HLC does, through its change of control structure

1 and organization policy, review a wide range of governance  
2 changes, and kind of smaller changes that perhaps aren't as quite as  
3 high profile. But overall numbers are down.

4 In terms of our own continuous improvement, with  
5 respect to change of control, and really all of our policies, as  
6 Barbara indicated, you know, just when you think you're not going  
7 to be surprised, you are. And so we continue to examine our  
8 policies and procedures in light of what we have learned from past  
9 experiences.

10 One thing that I will just highlight is that we have  
11 what we call our key factors, which are part of our change of  
12 control review. It's a perspective look essentially of course to look  
13 at what are the key factors to show that an institution following a  
14 change will continue to meet our requirements, which of course, is  
15 our focus in a change of control situation.

16 And we have revised those key factors over the last  
17 several years as we've continued to refine our understanding of  
18 what does in fact demonstrate perspective compliance as best as  
19 possible.

20 M. E. PETRISKO: Thank you very much. That's  
21 the end of my questions for now.

22 CHAIR PRESSNELL: All right. Thank you Mary

1 Ellen. Jennifer?

2 J. BLUM: Thanks. So I have some student  
3 achievement questions, but before I get to that I just want to ask  
4 one, and I think it was answered during one of your opening  
5 statements, but I just want to understand. How many -- I saw  
6 somewhere three public members, but somebody mentioned that  
7 you had four public members.

8 And I just want to make sure I understand four out  
9 of how many? And I know it's compliant. I just have a follow-up  
10 question about it. 16?

11 B. GELLMAN-DANLEY: 19.

12 J. BLUM: 19?

13 B. GELLMAN-DANLEY: 19.

14 J. BLUM: So four out of 19?

15 B. GELLMAN-DANLEY: Yes.

16 J. BLUM: Okay. It just strikes me, and I know  
17 that's technically speaking compliant. So there's no compliance  
18 issue, but it just strikes me that an agency like HLC could make a  
19 big statement for other -- be a leader, let's just say, as it relates to  
20 public membership.

21 Because -- and I know, this is sort of a growing  
22 dialogue. I know my colleague next to me brings it up a lot too. It

1 just feels like this is a place where -- this is an area where the  
2 agencies could on their own do a lot to bring in new -- still  
3 supporting the peer, and I am a big supporter actually, of the peer  
4 review process, but the added voice of the public is super  
5 important.

6                   And so, while I don't really have a question, the  
7 reason I don't have a question is because you answered it in your  
8 statement about the value of the four that are at the table, and I  
9 guess I would just say why not have it be more than four then if  
10 they're that valuable?

11                   B. GELLMAN-DANLEY: Yeah. Actually that's a  
12 very interesting idea, and I think one that we would be open to  
13 because we have fabulous peer -- absolutely fabulous public  
14 members. There are other ways. It's not the Board, but we set  
15 pretty much a high bar on bringing in stakeholders from other  
16 organizations, and we spend a substantive amount of change with  
17 them, or time with them rather, that has resulted in change.

18                   Everything from a group we call Partners for  
19 Transformation, to our most recent, which is two groups working  
20 on the credentials landscape, and coming up with papers as well as  
21 individuals that helped me work on the student guide. So I love  
22 having that input. It's enormously helpful.

1 J. BLUM: Okay. Well and you actually a few  
2 minutes ago actually raised the impact of certificates, and since  
3 they're very employer based, it strikes me that there's a role for  
4 public members, so I just wanted to put a plug there.

5 In terms of questions related to the recognition  
6 criteria, most specifically on student achievement. So I definitely  
7 applaud, and I'm super interested in the work that you've done with  
8 Lumina, and the Clearing House. Having said that, and that's all  
9 great, potentially great, go forward could be really interesting as  
10 you figure out how to, or whether to set -- I'm not going to say a  
11 single benchmark because I agree with you, that would not be  
12 smart.

13 But you know, a multiple, some form of more  
14 robust framework for benchmarking. But because we're reviewing  
15 whether you're in compliance today, and not for the future, I am --  
16 I really struggled, I will say, as I reviewed to understand what the  
17 current student achievement standards and compliance with that  
18 look like.

19 So, setting aside, I think the future looks bright, but  
20 perhaps unknown. Today it looked to me, and I would love I  
21 guess, Dr. Marten to speak more fully about what it looks like  
22 today. To me, it looked like HLC's standard to some degree is

1    you, each institutions, set your own standard for expectations on  
2    student achievement, and we'll come back and then look to see  
3    whether you're meeting them.

4                    You did just reference, which was a helpful  
5    reminder for me that you do have a little bit of a benchmark  
6    because if there's a quantitative analysis, and that institution is not  
7    meeting sort of comparatively to other institutions, you do flag  
8    that.

9                    So, but I am -- this concept of you institution, you  
10   tell us what your sort of student achievement goals are, and you  
11   know, we'll come back and then look and see whether they're  
12   doing okay. To me that's like I guess I would say meddling, as  
13   what was intended in terms of 496 (a)(5), in terms of what was the  
14   expectation, shall we say, I think of folks in terms of the role of the  
15   accreditor and student achievement.

16                   So, I'm just interested if you could flush out the  
17   today realm, understanding fully that you're moving forward in a  
18   really robust way. Thanks.

19                   E. MARTIN: Certainly. Let me pick up just for  
20   another moment on the institutional update as it currently exists,  
21   and then I want to get to the criteria in particular to answer your  
22   question. Currently, on an annual basis we are getting data from

1 the institutions on their enrollment, and if they have had rapid  
2 enrollment changes, fluctuating by 25 percent or more.

3                   Increases, potentially in student default rates,  
4 changes in the faculty roster, meaning full-time to part-time.  
5 Changes in the number of degrees awarded , and if there's a  
6 precipitous drop there, or some kind of unanticipated increase in  
7 looking at the year prior to get that explained.

8                   And then as mentioned, the graduation retention  
9 persistent where persistent rates among the students. And in that  
10 case, again, we don't have the bright lines. I think that's well  
11 established. But what we have established is okay, for our peer  
12 group where do you stand in that figure, and are you 5 percentage  
13 points lower?

14                   And if that's the case again it's not a got you  
15 moment. We try to avoid that. But it is the please explain  
16 moment. And if that becomes a pattern then potentially more  
17 intervention is taking place, and seeking explanations and remedy,  
18 and holding institutions accountable.

19                   That's the stuff that happens sort of annually on an  
20 objective basis, where peer review, and peer review judgment  
21 comes in is specifically orbiting around Criterion 4. Criterion 3  
22 talks some about it, Criterion 5 talked about the resources for this

1 kind of work.

2 But 4 really drives down into student achievement  
3 within the context of program review, which is under Criterion 4, a  
4 core component 4(a), and looking at the effectiveness of program  
5 review, and that process is -- varies widely by institutions, so part  
6 of the judgment that peer reviewers are trying to make is just the  
7 process that a particular institution defensible, and is it getting at  
8 the kind of information that is useful to that program, or collection  
9 of programs on an annual basis for improvement.

10 Core Component 4(b) moves into student  
11 achievement in terms of learning outcomes, and I will say that we  
12 know from our own data research that over the years this particular  
13 core component is the one that does garner the most follow-up,  
14 whether interim reports, or focus visits to try to ascertain where the  
15 institution is in terms of understanding the learning that's occurring  
16 across the programs and the students there, and what processes and  
17 plans are in place for improving that.

18 And then 4(c) gets at persistence, retention and  
19 completion again. We have accountability on 4(c). We want to  
20 have, as we've been a preview here, even more nuance in a future  
21 iteration of the criteria where we're really understanding even more  
22 specifically, because it's not enough to say we're going to have a



1 benchmark for community colleges.

2                   Community colleges alone vary widely in terms of  
3 who they're serving, and where they're serving, and the challenges  
4 of different geography and the student populations there. So that's  
5 part of where we're trying to go. The other thing that I think is  
6 important to highlight, whether it's the criteria for accreditation,  
7 whether it's the institutional update, whether it's the assumed  
8 practices that Marla mentioned a moment ago, which are a very  
9 black and white, yes, no, kinds of identifiers.

10                  All of that is supported by policy for the institution  
11 to be transparent. They have to have those figures. Graduation  
12 rates, persistence, rates, completion rates, all available to the  
13 public, and that is something that is just a foundational expectation,  
14 so that consumers know, prospective students know where that  
15 institution is in terms of this performance.

16                  And we also then have freely available, and on our  
17 website prospective students can find where the institution is in  
18 terms of any interim monitoring, any follow-up that is being  
19 required related to any of these indicia.

20                  B. GELLMAN-DANLEY: Yeah. If I might add  
21 something. I wouldn't want you to think this doesn't lead to action  
22 because it does. And Eric's explained a lot. I want to be generic.

1 Let's assume we had a very high profile case where an institution  
2 grew substantially in numbers. We correlated that with who's  
3 actually teaching, and also what the completion rates were, and  
4 that led to a combination that led to a sanction.

5 J. BLUM: It's helpful. Let me just say I'm really  
6 glad you're doing the other work that you're doing because I think I  
7 would have more questions if you weren't moving at a faster speed  
8 with everything else that you're doing. In this day and age it feels  
9 a little, you know, it feels too differential to each of the institutions  
10 to be setting their own standards the way they are.

11 And I get that you're reviewing them, and I get that  
12 you're flagging, and so it feels like you're attentive to it, but I'm  
13 glad to hear that you're going forward, because otherwise to me it  
14 feels very circular.

15 I did want to, just because I raised it, I'm moving on  
16 for a second, and then I know others are going to pick up on  
17 student achievement anyway. I did just as sort of to follow-up  
18 because I asked Elizabeth this earlier, and so I did want to get your  
19 perspective on one of the commenters, Wisconsin Technical  
20 College, that asked about -- and I get they were asking about  
21 something that, you know, the Department really couldn't do  
22 anything about.

1                   But I am interested in your perspective on the  
2   faculty qualifications and dual enrollment programs, and this is I'm  
3   just asking you partly because I'm interested, and I'm a geek, but  
4   also because I think that it's when an institution says okay, you  
5   only have one, you know, you've opted not to have differentiating  
6   standards.

7                   It feels like an opportunity for an agency, and  
8   maybe it was only this one institution, but it feels like an  
9   opportunity for an accreditor to be reflective of oh, are they raising  
10   a good point? Are they not raising a good point, which might be  
11   the case.

12                  And then again, I will just put a final point. This  
13   issue of what's going on in the marketplace at the sort of dual  
14   enrollment, and at the certificate level, you know, when I read it I  
15   thought well that's an interesting point. So I just want to give you  
16   the opportunity.

17                  I understand, and I know we're tight for time, and I  
18   know this isn't per se a compliance issue as it relates to the  
19   Department, but I am interested in the innovative piece of how you  
20   reflect on something like that.

21                  B. GELLMAN-DANLEY: Yeah. I would like to  
22   start, and then I'll give you an actual policy possible adjustment

1     that we're working on. The Wisconsin example is an excellent one  
2     because they produce people who can go out and get jobs. This is  
3     one of those you couldn't win to lose. We wanted to make sure  
4     that the teachers who were teaching in high school were actually  
5     equivalent, and I don't really like that, but that's a word we used in  
6     higher ed.

7                     But it was a college course. Because sometimes a  
8     benchmark's equivalent, you might not have a great professor on  
9     campus. So, we were really looking for that, and we were -- it is a  
10    natural tendency to do something to say you have to have certain  
11    credentials. And I had a big debate with a journalist who we had a  
12    lot of calls on this because I have to say, and I'm glad to talk about  
13    this offline with you sometime.

14                    We got perspectives from universities who say we  
15    want this, we want it to be strict, we want it to be tough. It will be  
16    better for us to get the transfer students coming from dual credit,  
17    and we have rural community colleges, or a system like Wisconsin  
18    Technical System. We hadn't heard from them directly to my  
19    knowledge, but I hear what they said now, that this isn't working  
20    for us.

21                    I had a fascinating conversation with the  
22    superintendent of one state who said but it's a beloved faculty

1 member. And I said that's not measurable, and it's a wonderful  
2 treat, and I even reminded the woman of Robert Meager's  
3 behavioral objectives which is in order to know something has  
4 been achieved, it needs to be measurable.

5                   So we have heard, I cannot tell you if my materials  
6 for today were 12 inch notebooks, that was ten times that, and it's  
7 been a hot topic. We've debated it. We've debated it as a Board.  
8 I've had cognitive dissonance about it, and Marla is now going to  
9 tell you about the policy, and the most recent movements with it.

10                  M. MORGEN: Sure. Thank you for that. And I  
11 think as Barbara's animation highlighted, this is an issue that so  
12 very many people are passionate about. We know that. We see  
13 that. We hear it from the compacts, from our state partners, from  
14 our institutions in droves.

15                  HLC's policy process, our process of creating  
16 policies always has a succeeding comment period. It is always an  
17 iterative two reading at a minimum process. What we're doing  
18 right now on this particular issue, and I do mean right now, is we  
19 actually before we even are going to first or second reading on this  
20 policy, we floated some ideas to our membership.

21                  And we did that in late 2022, and actually the  
22 comment period for that just closed a couple weeks ago. And then

1 the Board of Trustees, in partnership with staff, really liked getting  
2 all the minds at the table that we can on this, are digesting all of the  
3 comments that we received. And as Barbara alluded to, they're all  
4 over the board. We're hearing lots of different things from lots of  
5 different people.

6 But that's good because that will inform our  
7 thinking, and allow us to move forward in an informed a way as  
8 possible. So we are in the process of digesting that, but this is a  
9 really great example that we hear everybody, that further  
10 consideration on this issue is needed. What the outcome of that  
11 will be I don't know, but we are really trying to take all  
12 perspectives into account, and make a really considerate,  
13 thoughtful, informed decision going forward.

14 B. GELLMAN-DANLEY: Yeah. And I'm going to  
15 add, I'm going to talk quickly because I know you have a time  
16 constraint. We are becoming an agile organization. I'm not sure  
17 how many of you are familiar with that project management  
18 approach, but it deals with user input, user input, be iterative, stop,  
19 look, keep, move forward.

20 And so this is the case where we're using agile  
21 management as a way to really listen to our members, even more  
22 deeply, and put out what in agile terms is called the minimal,

1 viable product, versus going all the way to the end saying this is  
2 what it should look like. So that is a lot for a two second  
3 explanation, but in the interest of time I wanted to raise that.

4 J. BLUM: Appreciate it.

5 CHAIR PRESSNELL: All right. Very good. And  
6 we're going to start taking questions from the members. I've got  
7 one quick question though. You were talking about student intent,  
8 and trying to discover student intent. Have you found that to be  
9 especially thorny at the community colleges because Title IV aid is  
10 dependent upon being in a degree seeking program, and that will  
11 only pay for those courses within a program of study.

12 So I've always found that to be problematic on  
13 student intent because if you dare say you're going to just pick up a  
14 few courses, then all of a sudden you're out of the Title IV  
15 eligibility piece. Have you dealt with that or have you?

16 B. GELLMAN-DANLEY: Well that's an excellent  
17 point, and I almost put that into my opening comments. The fact  
18 that they are required to list a major could send them down the  
19 wrong track for a number of years. But Karen, you want to  
20 comment on that as a student attends to -- for us.

21 K. SOLOMON: Sure. And this came out in the  
22 Partners for Transformation paper back in 2019 that first of all, for

1 many of our students we need to help them create intention of what  
2 they want to study, and that's an iterative process going forward.  
3 But there are many students that come into the institutions  
4 knowing that they do not need to complete an entire degree to  
5 reach their own goals of what they want to accomplish.

6 And so they are stating that they are going to be  
7 degree seeking from the get go, so they have that eligibility for aid,  
8 but they have no intention to complete until the end. And so how  
9 do we start to build different mechanisms across the higher  
10 education ecosystem so that we can capture that intention?

11 Institutions can demonstrate we've met the intention  
12 of this student, of the learners, not necessarily un-intention, a  
13 metric that has been around for years that may not be as useful to  
14 the learners these days. So I think it's a really interesting  
15 conversation. We've spend a lot of time working on this issue.  
16 We've brought it into our student success academy to talk about  
17 that, and how we can help our institutions in our elective  
18 programming efforts to really think about intention and success  
19 and completion going forward.

20 B. GELLMAN-DANLEY: And I'm seeing Dr.  
21 Blondin nodding left and right as a community college President.  
22 This is part of conversations from when we talked with you



1 previously Dr. Pressnell about, you know, how do you really take,  
2 you know, you had this expertise in assessment. How do you  
3 really know? Could I give Dr. Blondin two seconds to respond as  
4 a practicing community college President?

5 CHAIR PRESSNELL: Absolutely.

6 J. A. BLONDIN: Yes. And I would just add that  
7 you were absolutely right Dr. Pressnell. This is an issue with  
8 community colleges. Student intentions is something we do want  
9 to capture because we know that it creates better throughput for the  
10 student.

11 And so strengthening those transfer agreements in  
12 our case with Ohio State, Wright State and Central State has  
13 absolutely been essential in coordinating our financial aid  
14 processes. It's absolutely necessary. We also now have bachelor's  
15 degree programs, as well as very short term certificate programs,  
16 and so how that moves forward in Title IV funding, with the  
17 certificate programs and the Jobs Act will also be very interesting.  
18 Thank you.

19 CHAIR PRESSNELL: Thank you. Art and then  
20 Zakiya.

21 A. KEISER: A couple of years ago, actually more  
22 than five years ago, we had a student who was on this committee,

1 and he got really emotional concerning the community college in  
2 Chicago that had a single digit graduation rate. And I was looking  
3 tonight at the college scorecard, and in the State of Michigan,  
4 which you recognized, there are six community colleges with  
5 graduation rates less than 20 percent.

6 And that graduation rate is an eight year, not just  
7 four years, six years, eight years, and these are supposed to  
8 complete in two years. And the one that stands out is one  
9 institution out of 11 percent, the students have an average debt of  
10 \$16,000.00, and only 2 percent of the students ever pay off their  
11 debt, which is really kind of an amazing statistic to me.

12 Yet, five years later we're still I have this if he was  
13 still here, he would be, you know, all over the place concerned.  
14 Can you explain how do we look differently at community colleges  
15 because they're public, or do we really drill down and find out  
16 what the problem is?

17 And when that one school is known for it's not a  
18 degree granting institution certificate, so that one year is what  
19 they're looking at. So help me understand why, after five years,  
20 we're still at the same place?

21 B. GELLMAN-DANLEY: Thank you for bringing  
22 up Simon. I remember very much said interaction, and I think this

1 is not just an HLC issue. I think across the country there's a huge  
2 conversion to what will it take to get me to where I want to go  
3 now. And it may not be completion. As we see it in higher ed, I  
4 think we're going to have to adapt when it comes to these kinds of  
5 things.

6                   That issue is another issue. Our research individual,  
7 our Director of Institutional Research, holds up the scorecard  
8 things in front of us all the time, as we're making decisions. I'm  
9 going to turn that over to Dr. Martin to whom that individual  
10 reports, and who works on this kind of data analysis.

11                   E. MARTIN: Yeah. You know, we are essentially  
12 trying to ascertain not only those data points, but also service to  
13 those communities. And peer review teams would be in there, and  
14 asking those kinds of questions, and trying to understand a trend,  
15 or a stagnant that is evolving around a particular institution is  
16 really also trying to ascertain what is happening in service to your  
17 community?

18                   Where are these students going? Is this workforce?  
19 And part of the explanation being in service to the community. All  
20 of that kind of evidence is very much important to, you know,  
21 making a determination about accredited status. I don't know the  
22 institution in question, but follow-up would certainly be something

1 that is at the peer review's team disposal to say okay, we need to  
2 know more, and we need to know more over shorter durations of  
3 time as to what's happening related to student populations.

4 But increasingly we find among the community  
5 college populate, or institutions themselves that the rapid growth of  
6 workforce, workforce development is quickly outstripping the  
7 degree granting pursuit of students that they enroll.

8 And that transformation I think is part of our whole  
9 inquiry here to make sure that we're doing what we need to do to  
10 have the kinds of standards to enhance quality going forward.

11 B. GELLMAN-DANLEY: If I might to add to give  
12 information to your response, I believe Dr. Blondin would like to  
13 talk about their certificate part and its influence, and Trustee  
14 Dunsworth would like to talk about how he's seen this take place  
15 as well. Is that all right?

16 CHAIR PRESSNELL: Yes. Go ahead.

17 B. GELLMAN-DANLEY: Okay. Dr. Blondin?

18 J. A. BLONDIN: Thank you Barbara. So, I would  
19 just add three things very quickly from a boots on the ground  
20 standpoint. The guided pathways model has been very helpful for  
21 degree seeking students and programs. Program and curricular  
22 review as Eric mentioned, in 4 A, B and C is essential, and a peer

1 review team is going to look very closely at that, and then three  
2 survey, date of our students and employers as well.

3 But just to give you a little bit of overview, I  
4 mentioned we had 6,000 students. That number has not changed  
5 enrollment-wise and count-wise over the years. What has changed  
6 is the composition of those students. We have about 5,000 in  
7 credit programs right now, and about 1,000 in non-credit programs.

8 So technically I have not lost enrollment, but I  
9 significantly gained in workforce enrollment. I have lost  
10 headcount, and part of that is back to the question of what are  
11 students -- what degree programs are they seeking, and how are  
12 they seeking them? Did those programs, those workforce  
13 programs, have also been a resource, so we've seen an enrollment  
14 composition change there as well, so I'll turn it over to Rich.

15 R. DUNSWORTH: I'm going to try to link the two  
16 most recent lines of questioning together, and respond from an  
17 institutional perspective because what's going on in my head is  
18 maybe one of my grandmother's euphemisms it's, you know, it's  
19 the fox guarding the hen house, right?

20 If we allow schools to set their own graduation  
21 rates, what's going on there? And I think about I serve an  
22 institution that had a ten year comprehensive review the year I

1 arrived, and then we've just completed one. And in those ten years  
2 we almost doubled our four year graduation rate in relationship to  
3 the state average, but yet still in our comprehensive report, in  
4 essence it went you can do better.

5 Show us how you can be better for that first gen  
6 historically and represented. Show us in all the different  
7 demographics. We don't want to see it as the aggregate because  
8 yeah, you doubled it. Now what subsets of your population can  
9 you improve even more?

10 Now from my institution, that's a little bit easier  
11 because I have a single goal, a bachelor's degree right? With no  
12 certificate programs, no master's, no graduates, any of this, it's a  
13 bachelor's degree granting institution. And then I sit next to Jo,  
14 and I go okay, how many different subsets of populations do you  
15 have to bifurcate data for 6,000 students to define what is success?

16 So, I guess I just want to say that know that as a  
17 Board we're wrestling with this, and trying to figure out how to  
18 meaningfully establish what are success goals, and not letting  
19 students, or not letting institutions have a buy because of a  
20 demographic, or because of a location, or because of preconceived  
21 notions of what should be that success ratio, or that success metric.  
22 Thank you.

1 CHAIR PRESSNELL: Zakiya?

2 Z. SMITH ELLIS: Okay. I have a series of  
3 questions, and I'm going to try to keep it as on track as possible.  
4 Just on this last point we talked a lot about student success and  
5 graduation rates, and we all know that there are challenges with  
6 that, not just in terms of different institutional types, and student  
7 types, but also just in terms of what it actually says about what has  
8 happened in general.

9 And so I'm also going to try to tie in some of what I  
10 heard about students. I would argue not just students in certificate  
11 programs, but probably all students would like to see some success  
12 beyond their graduation and have a good job, and be able to pay  
13 off their loans, et cetera.

14 So that is a measure that I think students at least  
15 may care about. I'm curious to put this into a question, that I  
16 actually really am interested in the amount of work that you all  
17 have done to think about student success and metrics, and  
18 indicators.

19 Can you speak to what kind of indicators beyond  
20 graduation rate, or beyond things that happen during the time that  
21 students are enrolled, post-collegiate outcomes are you also  
22 looking at to indicate whether students have met their goals, that

1 they have set for themselves, regardless of whether that is a degree,  
2 or some other kind of credential, or something else that they were  
3 seeking from their time at the institution?

4 B. GELLMAN-DANLEY: Yeah, absolutely  
5 because it's a matter of a learner record across a lifetime frankly,  
6 that will give us that kind of information. I used to say as a college  
7 President that if I knew where all my students were, I would be  
8 raising a lot more money.

9 But there are other resources that we can use,  
10 federal data, et cetera, and agencies where we can get that  
11 information. I think that's actually critical. It's important for our  
12 institutions to be able to follow their students across a lifetime, and  
13 that will make all the difference when it comes to knowing if they  
14 have been successful.

15 Now does that tell them they should be offering the  
16 same program? Of course not. They change all the time. But I do  
17 think that that's critical, and I think our institutions want to know  
18 that, and so we will definitely push how to get there, but I bring up  
19 the learner record because such institutions as Arizona State are so  
20 innovative than others, and there's so many groups looking at a  
21 federal aid as well.

22 How can we capture that information? Experiential



1 learning, actual, you know, everything from apprenticeships to  
2 internships, to college credits to non-credit. How is it that we can  
3 say why did this person X do so well in his or her life?

4 And especially those that have to overcome a lot of  
5 obstacles, which our students we care very much about, in their  
6 lives historically, and other disadvantaged areas. So yeah, we will  
7 and are looking at that all the time. And in fact, our strategic plan  
8 with the attendance its equity. Pardon me, it's evolved.

9 And E, the first E is for equity and as part of that  
10 goal we are -- I've been saying just interested, we are passionate  
11 about assuring that we know the course of the lifetime has  
12 changed, as a result of the experience in college.

13 Z. SMITH ELLIS: I appreciate that very much, but  
14 just to clarify, you don't have any specific indicators that you've  
15 been able to do now? You're saying that we would like to have  
16 those kinds of indicators, and you need better data to do that? I'm  
17 just trying to understand if there are actual things that --

18 B. GELLMAN-DANLEY: Yeah. We asked for  
19 some placement. Eric, if you want to respond to that?

20 E. MARTIN: Yes. And essentially where we're  
21 heading next is certainly beyond grad rate and trying to get at the  
22 kind of information in partnership with the institutions that you're

1 mentioning. So we mentioned earlier these elective programs that  
2 we do, and really the starting point in any of those programs in  
3 data, and a focus on data, and getting the institutions to really do a  
4 deep dive on what they have, what they truly know about their  
5 students.

6                   The students that are presently enrolled, and the  
7 students that have departed sort of inexplicably, and try to get a  
8 sense of what those stories are, and that's a lengthy process, and it's  
9 often a challenging one because many of these institutions that are  
10 taking this seriously, and trying to engage it may have an IR staff  
11 of one or two people.

12                   And so, they are earnest about collecting  
13 information, but do they have the information they need, and does  
14 that information tell them what they need in terms of students,  
15 student intent, where students have gone, and how to retain  
16 students. And we see results from this, but it is labor.

17                   It is hard work, and I think many, many times they  
18 have thought that this box is checked because they have collected  
19 data annually, and they have some sense, but they haven't  
20 necessarily gotten the data that's most useful to them, and so that  
21 can be a very transformational experience, which then we can then  
22 draw from too, as we're thinking through our own requirements

1 and criteria revision, and others in practices so.

2 B. GELLMAN-DANLEY: We also talk with our  
3 states if I might, and we have examples where we talk with the  
4 states where they have anxiety, and we have anxiety about certain  
5 institutions and programs. Take something like nursing, and  
6 there's not an appropriate success on an NCLEX exam, or there's  
7 not placements in hospitals, et cetera, or particular offices.

8 And we talk -- we work extensively with them, and  
9 in some cases these are institutions under scrutiny of both the  
10 states and HLC, and we do share the data to reach some joint  
11 conclusions.

12 CHAIR PRESSNELL: Okay.

13 Z. SMITH ELLIS: Yeah. I would just, and this  
14 could be toward the end, but I would just offer that there might be  
15 a possibility to work with the states, so that institutions aren't  
16 trying to figure out that data on their own, but doing some  
17 statewide matching between different systems to be able to.

18 B. GELLMAN-DANLEY: Yeah. And I'd call out  
19 Indiana as an ideal state to get that information because they have a  
20 really excellent system, and I'm not taking away from the states of  
21 anybody who is in this room.

22 I just happen to know Indiana has data on

1 everything. And so, that's a really good recommendation.

2 CHAIR PRESSNELL: All right. Very good. I

3 have David, then Debbie, then Molly, then Roslyn. David?

4 D. EUBANKS: Thank you. I appreciate all of your

5 comments and your obvious passion and talent. I hope you

6 interpret my comments and questions as collegial, trying to get to

7 answers. And I'm going to go back to the student success criterion,

8 or one of the criteria that the standards that review student

9 achievement are sufficiently rigorous to ensure that the agency is a

10 reliable authority.

11 And we've heard a lot about the lack of being able

12 to get to that level subjectively without having some kind of a

13 dashboard that says well here's how our student achievement is

14 across these 900 plus institutions. It's very difficult to just take

15 procedural thoroughness, which I don't doubt, as a proxy for that

16 kind of hard evidence.

17 And it stands in juxtaposition to the stance that

18 we're trying to be data centric, and I see that in all of their activity,

19 relying on metrics, all that. We don't have them, so it's really

20 difficult for me to get to that rigor stage. Speaking as somebody

21 who's done institutional reviews under a similar system where

22 every institution can set its own standards, it's very difficult I think

1 for a peer review team to say this institution is out of compliance.

2                   There is so many degrees of freedom right, they can  
3 choose their peers, they can choose the metrics, they can say we  
4 have an improvement plan, and essentially it could just go on  
5 forever. So my first question, and I think this is an easy one to  
6 answer. How many institutions have lost accreditation because of  
7 low student achievement in say the last five years or so?

8                   B. GELLMAN-DANLEY: I would say when it  
9 comes to those that have been on sanctions that have led to actual  
10 withdrawal you are correct. We cannot give you withdrawal  
11 examples, but we can give you examples of several sanctions that  
12 took all of this into account, and it became a collective way of  
13 actually saying this institution is not going to succeed.

14                   And as I said at the beginning, we talked them out  
15 of trying to continue. In other words, that they voluntarily  
16 resigned. But we also have institutions that have really stepped up  
17 with data. And I want to take a side bar to compliment Dr. Flores  
18 at the Department, because she's working very closely with CREC  
19 to look at the data that makes a difference.

20                   And we sent her examples of the institutions we  
21 have with data that really can show this. It is taken into account.  
22 It is definitely taken into account, but it is not something where we

1 have something posted somewhere that says this is what the  
2 outcome should be.

3 And you know, I'll be transparent as we have been  
4 with that. We use the college scorecard a lot. And so, we have  
5 that referenced in our student guide, we certainly have let all our  
6 peer reviewers and everybody else know about it. We have a very  
7 high profile on our website.

8 So right next to anything about our institution, you  
9 know, it shows, you know, college scorecard. And there's a lot of  
10 that data in there that gets right down to as you know, very well, all  
11 the different kinds of programs, et cetera.

12 D. EUBANKS: Thank you. Just from, you know, a  
13 parent's perspective. Translating this into something that's easily  
14 accessible by the public, I think would have a great benefit. And I  
15 think, frankly, your agency is positioned to do that. I think as  
16 Jennifer said, you can provide some leadership for the whole  
17 business of accreditation.

18 And maybe that question is like a cost benefit  
19 analysis. It's not just the outcome, but what did it cost, right? And  
20 what's the lingering effect? You touched on that a little bit. And  
21 kind of the baseline question is what's the fraction of students who  
22 are worse off at this institution for having enrolled?

1 I know that's not an easily turned into a metric, but I  
2 think that's the question, and wrestling with that question is maybe  
3 what's ultimately going to be convincing. I just had a couple other.

4 B. GELLMAN-DANLEY: Yeah.

5 D. EUBANKS: Sorry, go ahead.

6 B. GELLMAN-DANLEY: No. I couldn't agree  
7 with you more, and I would like to say that we're not just  
8 regulators, or semi-regulators. We want to be thought leaders, so  
9 thank you for that comment.

10 D. EUBANKS: So in that vein, I read your  
11 strategic plan. I think there's some great stuff in there. If you can  
12 follow through with the self-reflection, I think there's a lot of ideas  
13 that started in the 80's and 90's that are still with us, with regard to  
14 practice.

15 And we are now thoroughly in the data revolution,  
16 and there are a lot of new ideas that could compete successfully  
17 with those. I just want to pull a couple of specific examples out. I  
18 spoke with I don't know, a dozen or 15 peer reviewers in the last  
19 couple of weeks to try to educate myself about what goes on.  
20 They're not all HLC, but I get kind of common results.

21 And one of the things they tell me is that the kind of  
22 data that's prepared for a 4 B type report, typically isn't very good.

1 Well they told me two things. Either it's not very good, or it's not  
2 very good, but it doesn't matter. Given that we're still sticking with  
3 this rigor thing, and you make a bunch of comments about data and  
4 so forth, would you agree with my characterization that the 4 B  
5 data is probably something that could be worked on and improved  
6 in your next revision?

7 B. GELLMAN-DANLEY: Well actually we had  
8 the most robust discussion, and it was heartening last week at our  
9 Board meeting. That goes along with something I believe I read  
10 that you were interested in, which is lean, and being and where  
11 should we spend out time, cut our costs, and be asking the right  
12 questions.

13 So where it's accreditation is less expensive, less  
14 time consuming and more useful. And so that's where we are  
15 thinking about how do we shift some of the things that we're  
16 asking, some of the things that are just input. Where do we get the  
17 output? Where do we get the proper balance, so yes, we are  
18 thinking about it.

19 D. EUBANKS: So, linking that to Eric's comment  
20 about understaffed IR offices, one of the other things that I'm told  
21 pretty consistently is that the larger accreditors, I think this  
22 includes HLC, discourage, or has historically discouraged research



1 on course grades as evidence for learning. Would you say that's  
2 true or not?

3 B. GELLMAN-DANLEY: I don't think I could  
4 ever -- heard that conversation anywhere. Any of my colleagues?  
5 I mean at HLC? I could even an intellectual debate about the value  
6 of course grades, but what you just mentioned I don't recall ever  
7 having that kind of conversation at HLC.

8 D. EUBANKS: Yeah. Well what I hear is not so  
9 much intellectual debate, it's more metaphysical.

10 B. GELLMAN-DANLEY: So, that's what I mean,  
11 yeah, I don't, I'm sorry I can't.

12 D. EUBANKS: Great grades are disqualified  
13 because they have the wrong metaphysical properties, and that's  
14 the stuff from the 80's and 90's that I think we've got to rethink, the  
15 metaphysics.

16 B. GELLMAN-DANLEY: Oh yeah.

17 D. EUBANKS: Michael mentioned some fairly  
18 dire looking statistics from four year programs. My calculations  
19 from the scorecard are about 25,000 student cohorts students as  
20 first time, full time freshman, in institutions with under a 25  
21 percent six year graduation rate.

22 So 25,000 of those, comprising about 5 percent of

1 all of your cohort students, with a collective graduation rate of 15  
2 percent, four billion dollars in Title IV, which is 12 percent of the  
3 total. So it just looks kind of bad. On the other hand, and you  
4 didn't mention this, I'm a little surprised. My analysis just pulling  
5 out IPED's graduation rates says that the graduation rates have  
6 increased over time for your institutions pretty drastically in the  
7 last five years.

8                   So that the rate of students going to the less than 25  
9 percent grad rate schools has dropped from about 27 percent to  
10 around 11 percent. So my question is do you understand why  
11 that's happening?

12                   B. GELLMAN-DANLEY: I'm going to turn it over  
13 to Eric because I don't know why I didn't mention that. That's a  
14 good question, but Eric has all those charts, and experts who have  
15 informed him of the specifics of this. But I do know the positive  
16 side, I think it was 9 percent improvement.

17                   E. MARTIN: Yeah. And in large part it's  
18 programming. In large part, and not just academies and  
19 workshops, but annual conferences, peer review training, all kinds  
20 of available information for the accreditation lays on officers at the  
21 institutions in a consistent signaling of the importance of this has  
22 started to move the needle, irrespective of a bright line, or anything

1 to that effect.

2 And we have a large annual conference each spring  
3 which will bring anywhere from 3,500 to 4,000 attendees, and they  
4 come to the HLC staff sessions in particular, to get this very kind  
5 of information, and then importantly a lot of follow-up occurs after  
6 these events, inclusive of the staff liaisons that Barbara mentioned.  
7 And so, I don't think we are the only driver of change in this  
8 regard.

9 I think a lot of states have put a lot of time and  
10 effort in, and as Barbara said in her opening comments, we have  
11 spent a lot of time strengthening our relationships with the states,  
12 and with the Department of Education to try to, you know, send a  
13 consistent and coherent message to move these things in a better  
14 forward direction.

15 As you've heard here today, we're not done, but  
16 certainly are taking pride in the progress that's being made. To the  
17 extent we've been a catalyst and facilitator in that, I think that's an  
18 important role for an accreditation agency.

19 D. EUBANKS: There's some competing  
20 explanation from some economics research that seems very solid  
21 to me that suggests that grade standards have slipped, and this is a  
22 cause of graduation rate increases across the board, not specific to

1 HLC, and to me it just suggests that revisiting the now ancient  
2 prohibitions against great research that exists in some agencies it's  
3 really overdue for a rethink.

4 I don't have an opinion about whether that's good or  
5 bad, but it's something maybe to incorporate in your strategic  
6 planning thing. Just one more quick question. That is in your  
7 analysis when you're listing the causes of student success and so  
8 forth, I didn't hear anything about academic preparation, which is I  
9 think in a lot of those literature, a primary driver.

10 And that's linked very directly, causally to  
11 recruitment standards. The HLC standards, as far as I can tell,  
12 don't include a provision that's common in other agencies, that  
13 institutions should try to recruit students who are going to be  
14 successful. Is there a reason why you don't have that? Or am I  
15 wrong about that?

16 B. GELLMAN-DANLEY: I don't think you're  
17 wrong. My gut reaction is there's a lot going on in the K through  
18 12 system, and there's an exodus of a lot of teachers, so it makes it  
19 very, very difficult to, you know, to be able to say that we think it's  
20 going to get better.

21 But I will tell you I had a visceral reaction as a  
22 former community college President to that, because I would not

1 want us to do anything to shut down the access agenda, and that  
2 through the differential work could come into play.

3 D. EUBANKS: Right. I completely understand  
4 that, and that's a valid point. On the other hand, if we have good  
5 information to believe that a student coming in is probably not  
6 going to graduate from this institution, and is probably going to  
7 end up with a lot of debt, and no credential, what's our ethical  
8 obligation?

9 Maybe they would be better off if we rejected them,  
10 and they found another institution where they would be, you know,  
11 taking less of a chance for their education. Isn't there a matching  
12 argument to be made there?

13 B. GELLMAN-DANLEY: There is. I simply, I  
14 cannot give you a brilliant answer about the role of their creditors  
15 and that despite your citation from other agencies, because I do  
16 know that a lot happens when the students come in to look at the  
17 programs.

18 And they look at their experience. And I know that  
19 when I was a college President, that we would -- we could identify  
20 from I think it was NESI, or no, that was HESI, the pre-test that  
21 you take for nursing, we could identify that those students were not  
22 going to make it, and yet if we had enough strength in them we'd

1 ship them to other healthcare kinds of programs, but we knew they  
2 were never going to cut it in nursing.

3 I think that it's a fabulous idea to try to look at this,  
4 but I'm not 100 percent sure how. And yes, you're right, both of us  
5 are right, so there are different ways of approaching it.

6 D. EUBANKS: Thank you. I appreciate it.

7 CHAIR PRESSNELL: All right. Debbie?

8 D. COCHRANE: Thank you. So, I wanted to pick  
9 up on a couple themes related to complaints. I'll start with the first  
10 theme along timelines. I just wanted to loop back to the  
11 clarification question that I had asked earlier where it looks to me  
12 like there might be a difference between the agency summary of  
13 the policy about whether there's a time limit, or a statute of  
14 limitations in terms of complaints that will be accepted, and what  
15 the policy says.

16 But before I turn over there, I'll put all my timing  
17 questions out. I'm also wondering how institutions own time limits  
18 shape HLC's approach to complaints. I know HLC uploaded a  
19 couple documents that were sample documents that showed how  
20 institutions kind of maintain compliance, and how the agency  
21 monitors for compliance.

22 One of those agencies, which was listed as having a

1 complaint, is complaint policy, had a requirement that  
2 complainants file a complaint within four business days. And so  
3 my question is how does that relate to HLC's responsibilities with  
4 complaints, specifically, and also the institution's responsibility.

5               So if the institution's required to track complaints  
6 that come in, if something comes in on day five, is that required to  
7 be tracked, and in a separate category, or is that no longer required  
8 to be tracked. Out of sight, out of mind. And then also, given that  
9 HLC's policy requires that a student has gone through the  
10 institution complaint process first, that student who wanted to  
11 complain on day five, what would happen if they go then to HLC?

12              Their institution level policy is shut down, that  
13 process is shut down, so what happens next, or are they kind of  
14 shut off forever?

15              B. GELLMAN-DANLEY: Well the way we  
16 communicate with our institutions to follow-up on complaints  
17 would answer that question pretty easily, which is we would not  
18 turn the student away, but I would like Marla to talk about the  
19 particular process and policy.

20              M. MORGEN: Thanks Barbara. There was a lot to  
21 unpack there, so I will try and hit on, I hope most of what you said,  
22 and then if I don't certainly come back and let me know if I have

1 missed something. First of all, with respect to HLC's own timeline  
2 for reviewing complaints, I believe the language that you were  
3 referring to was that we accept complaints at any time, and that is  
4 intended to signify that you don't just have to submit a complaint  
5 right before a particular review.

6 Our complaint's process, as I said, is a web-based  
7 process. It is open for business all the time. Probably worth  
8 mentioning here as well that our third party comment process,  
9 which is a complimentary process to the complaint's process, is  
10 also open for business any time.

11 Previously, an agency would only accept third party  
12 comments in short periods, prior to evaluations. We've changed  
13 that, so that individuals can make third party comments whenever  
14 appropriate, and then we store those up, and provide them to a  
15 team to inform their decisions at different evaluations.

16 In terms of our look back, we do have in our  
17 policies that we accept complaints that occurred within the last two  
18 years. We thought long and hard about the right timeframe to  
19 include there. We thought one year felt a little short. Two years  
20 seemed like a more appropriate timeframe. It is not an absolute  
21 prohibition.

22 We include language again, right there on the



1 website to inform folks that if there's something, some reason why  
2 they weren't able to discover the complaint within those two years,  
3 tell us that, and we will potentially look back farther than two  
4 years.

5 I will say practically speaking, we also sometimes  
6 see a complaint that occurred a while back, and then there's kind of  
7 a re-upping of that complaint with other circumstances that would  
8 also give rise to the complaint. So, we're trying to thread the  
9 needle here between, you know, maintaining due process for  
10 institutions, and of course making sure that student complaints are  
11 heard.

12 HLC's policy does not have what is commonly  
13 referred to as an exhaustion requirement. We do expect that if  
14 there is a grievance process available for a particular kind of  
15 complaint that a student, or other individual has availed themselves  
16 of that process.

17 In large part, kind of conceptually, that's because  
18 the issue with HLC requirements is if that process was not  
19 followed appropriately, so that's what we would then be attentive  
20 to, but we do not have an exhaustion requirement. Kind of to pick-  
21 up on what I think is your example, if someone has waited too long  
22 under their process and then comes to us, we're not going to say

1 no, you waited too long under your process, we're going to see,  
2 we're going to look at all of the circumstances, and make a holistic  
3 determination as to whether our requirements are in fact being  
4 followed.

5 Please let me know if I didn't hit on all of your  
6 points there.

7 D. COCHRANE: So that's helpful, so it says in the  
8 policy HLC generally expects individuals to attempt to resolve the  
9 issues through the institution's own college grievance procedures  
10 before submitting a complaint, but just that wouldn't preclude  
11 anyone from being able to submit a complaint. Is that what I'm  
12 hearing you say?

13 M. MORGEN: Yeah. I mean I think that it would  
14 very much depend on the circumstances there. I mean we look at  
15 each and every complaint in great detail right? This isn't like an  
16 automated process. We have a staff member who reads every  
17 single word of every single one, and is making a really  
18 contextualized decision based looking at our policies, on our  
19 circumstances, about the appropriate outcome.

20 I do just want to also point out that there are  
21 numerous places in HLC requirements where we require our  
22 institutions to have a complaint process, and we require them to

1 follow the complaint process that they have. And so that piece of  
2 it becomes part of our federal compliance review program, as well  
3 as overall reviews. Not just in our review of complaints.

4 D. COCHRANE: Got it. Okay. Thank you. And  
5 so, if an institution had a policy that said students needed to file a  
6 complaint within a week of the occurrence that they wanted to file  
7 a complaint about, would the institution be in compliance with  
8 HLC reporting or recordkeeping requirements by not keeping track  
9 of complaints that were attempted to be submitted on day ten?  
10 Does that make sense?

11 M. MORGEN: I think so. Yeah, I think it makes  
12 sense, and I think so. What we are looking for is that there is a  
13 record of complaints submitted and attended to holistically.

14 D. COCHRANE: Got it. So any complaints that  
15 the institution by matter of policy chose not to attend to would not  
16 be tracked?

17 M. MORGEN: I don't want to be quite so absolute  
18 about that. I think that we would look at the recordkeeping  
19 mechanisms, and see if we determined them to be sufficient under  
20 the circumstances.

21 D. COCHRANE: Okay. Thank you. And I don't  
22 want to -- I'm not trying to make it overly absolutely, just trying to

1     simplify because I know it's a lot of competing timelines with  
2     competing responsibilities, so that's helpful. Thank you.

3                 So, the other point I just wanted to make was  
4     around I'm trying to navigate to my notes, was around referrals.  
5     And we'll just pause for a moment to say I know you all have  
6     mentioned about the value of the triad, and I want to say I very  
7     much appreciate those comments, and while it's not really on the  
8     subject of complaints, I want to particularly commend the response  
9     on 602.28(e), which was about information sharing.

10                And I felt that your response on that was pretty  
11    robust. So, I just want to give kudos on that response. But with  
12    respect to complaints, it sounds like there are some procedures that  
13    you are talking through that have not actually been established  
14    fully in your policies, if I'm understanding correctly. One of the  
15    sentences that I had read in the complaint policy was as an  
16    example of a complaint that had no further review.

17                It was an example of this type of complaint, and it  
18    was an allegation that an institution violated a state law. So,  
19    obviously, you know, it sounds like from Marla, what you were  
20    saying earlier, you do have policies to refer those complaints to a  
21    state entity that would be in a position to handle that, but that didn't  
22    quite come through in the policy, so would suggest you take a look

1 at that.

2 And sort of similarly, although slightly different  
3 track, I did find it somewhat concerning that in the complaint  
4 report there were a handful of institutions, or less than a handful of  
5 institutions where there were double digit number of complaints.  
6 It sounds like it's the same institutions, generally, year over year  
7 that have the double digits of complaints.

8 But also, it doesn't sound like there have been any  
9 referrals to the Department about potential fraud or abuse, or  
10 violations of Title IV. But some of the complaints that seem most  
11 common from your complaint report, which I thought was great by  
12 the way, were around you know, incomplete, or inaccurate  
13 disclosures.

14 So that seems like something that, you know, in  
15 mass, looks like a pattern of abuse potentially at a couple  
16 institutions in particular, that might need to get referred to the  
17 Department.

18 So I'm wondering if I'm missing something, or if  
19 you will have a normal way of kind of taking a step back and  
20 reflecting on the patterns you're seeing, as opposed to just dealing  
21 with complaint by complaint.

22 M. MORGEN: I can certainly address that. A

1 couple pieces. First of all, in addition to our complaints policy, we  
2 also do have a complaints procedure that should also be in the  
3 materials available to you, and that gets into more detail about the  
4 particularity of how we handle complaints, including this referral  
5 piece.

6                   So I just wanted to draw that to your attention. In  
7 terms of patterns, there's a couple things that I want to address.  
8 First of all, with respect to fraud and abuse, HLC, of course as  
9 required, has a fraud and abuse policy that requires our reviewers  
10 to report fraud and abuse that they see, and requires us to report  
11 fraud and abuse that we see, to the Department, and to others as  
12 needed.

13                   It is important though to remember kind of the  
14 funnel of claims right? So we have complaints that come in, some  
15 of which are determined not to raise concerns with HLC  
16 requirements, and are potentially referred out on that regard, or are  
17 followed up further. I just want to kind of speak about the patterns  
18 piece in general, because I think that that's an important one, and I  
19 think that HLC in the last several years has really taken an effort to  
20 leverage recordkeeping to identify patterns over time.

21                   So, complaints for example, a complaint could have  
22 peer review assigned that goes with it, that then is funneled into

1 another review. And what becomes really important is what we  
2 call the administrative record. And I just want to hone in on that  
3 for a second. As a matter of course, an evaluation team receives  
4 the administrative record, which is key materials, from a ten year  
5 period.

6 So, that allows the team to really have a good look  
7 back to see what information is hot, and what information they  
8 need to be honing in on as they verify and validate the information  
9 from the assurance filing that the institution has provided. So,  
10 using that administrative record to really get to those patterns of  
11 issues that arise over time, so I hope that that answers your  
12 question.

13 D. COCHRANE: That's helpful. Thank you.

14 CHAIR PRESSNELL: Very good. Molly?

15 M. HALL MARTIN: First of all I'd like to thank  
16 the agency for being here today. I have a couple of questions.  
17 They're focused on different areas than those previously touched  
18 on by my colleagues, and arguably wholly unrelated to each other  
19 because my interests are vast and varied.

20 So, I'll give you time to answer my first question  
21 before completely switching lanes to the follow-ups. You spoke  
22 repeatedly to the importance of understanding context, mission,

1 and student body in our reviewing institutions. What sort of  
2 training, if any, do you provide to your review teams, and decision  
3 making bodies related to the unique missions and historical input  
4 of context of tribal colleges and universities as a sector?

5 And similarly, do you provide any sector specific  
6 training related to historically black colleges and universities, or  
7 other minority serving institutions?

8 B. GELLMAN-DANLEY: That's a great question,  
9 and I recently listened to our webinars that we have online, and we  
10 have an entire one training folks on mission. But Eric, I'm going to  
11 turn this over to you.

12 E. MARTIN: Karen, heads up, I'm going to ask you  
13 to speak specifically to tribal colleges, but as part of peer corps  
14 training generally, the first and foremost message that is conveyed  
15 is you're not reviewing institutions based on your home context,  
16 your home institution context.

17 And as a result of that, part of all of the training that  
18 happens face to face and virtually, going through cases, simulated  
19 cases of fictional universities, and colleges, of different types is to  
20 say what is your understanding of their context, their challenges,  
21 and the needs of that particular institution, and the students they  
22 serve?



1                   We spend a lot of time on that with our peer corps.

2   It's reinforced all of the time. As part of the annual conference I  
3   just mentioned, but also at other points during the year we put a  
4   large focus on awareness and sensitivities around minority serving  
5   institutions and tribal colleges, in particular.

6                   We serve a large number of 26 tribal colleges.

7   Karen, my colleague Karen, has had a long relationship with them.

8   Karen, if you wouldn't mind comment on some of the work you've  
9   done.

10                  K. SOLOMON: Sure. Thank you. A couple  
11   different points I want to raise. Number one, we just recently  
12   completed a peer review training just for tribal college participants  
13   that was something that had been brought forth by our Board, that  
14   they wanted to increase the number of people that really had a  
15   strong understanding of tribal colleges.

16                  And we've seen a lot of turnover in the peer  
17   reviewers in that area. So we just brought in 21 people that have  
18   just gone through that training. That was something that had got  
19   put on hold because of the pandemic. Prior to that, several years  
20   ago we actually created a resource document for peer reviewers  
21   that would be visiting tribal colleges to understand the unique  
22   context.

1                   The mission, the socialization, the community  
2    aspect, and also the funding and governance models for these  
3    institutions because they're very different than most of the  
4    institutions that are general peer corps members will evaluate.  
5    We've also done personalized training.

6                   Eric mentioned that we've also been working with  
7    minority serving institutions, and are in the midst right now of  
8    building some supporting publications to help our peer reviewers,  
9    that may not be familiar with those institutions, and how they  
10   would evaluate those in a variety of different contexts.

11                  And I think that is going to be helpful going  
12   forward. We've also participated with the American Indian Higher  
13   Education Consortium, and many different data initiatives, and  
14   training programs to help those institutions that have been under a  
15   lot of monitoring, and sanctions with us over the years to overcome  
16   those issues, and to become stronger institutions meeting our  
17   criteria for accreditation, and our other expectations, and so there's  
18   been a long history over the last 15 to 18 years of really working  
19   and striving to help those institutions move forward.

20                  We're also seeing that many of our historical black  
21   institutions and our growing minority, Hispanic serving  
22   institutions, are also we're just striving to increase the number of

1 peer reviewers in our corps, and diversifying the peer corps.

2 Last, I want to cover that we completed a survey on  
3 access and success with our member institutions right before  
4 COVID shut down our campuses, and things like that, but we've  
5 still taken that information, moved it forward, and we just  
6 published this last fall, a thought paper from the peer corps  
7 committee on diversity of results of that equity survey, and  
8 recommendations that HLC could take on in terms of supporting  
9 equity within our institutions, and also building different structures  
10 and processes with our own office.

11 And those recommendations are under advisement  
12 with the team within HLC moving that forward. So we've got  
13 pretty strong initiatives taking that down the road.

14 M. HALL-MARTIN: Thank you. My second  
15 question is completely differently, like I said. During the  
16 pandemic there was a temporary emergency approval for distance  
17 education offerings. Did you see an increase in institutions that  
18 were previously not approved for distance education deciding to  
19 seek permanent approval for distance education?

20 B. GELLMAN-DANLEY: Yes. I'm going to turn  
21 the stats over to Eric, but I'm going to give you an overview. We  
22 took this so seriously that we brought in training for our

1 institutions. We had institutions that were a little reticent to meet  
2 our requirements, and we moved past the waiver stage early on,  
3 where we wanted them to be fully compliant with HLC  
4 regulations.

5                   So, as I said earlier, they could do it right. But  
6 some institutions would say to us, well I don't think I'm ever going  
7 to do it, so why do I need to get your approval. Because if you  
8 don't, you won't. And so, we really wanted to push institutions in a  
9 way that might have helped it grow, might not have, to understand  
10 that this takes preparation, and it's not always going to be based on  
11 an emergency.

12                   But of course yes, because of the situation that was  
13 the growth. Eric, any comments on that?

14                   E. MARTIN: Just a couple data points on this. Our  
15 highest level of approval for distance education is courses and all  
16 programs that an institution offers, and through this period of time  
17 we've reached the 964 in our membership, 862 have achieved that  
18 level, almost 90 percent. We do have 102 institutions that are in  
19 different levels, either approved for courses online, or courses in  
20 one program, those kinds of scenarios.

21                   And just to Barbara's point, often that is driven by  
22 the mission of the institution. I think we tend to think about HLC's

1 membership in terms of two year and four year institutions, but we  
2 do have a large number of special focus institutions, school of  
3 optometry, mortuary science, these kinds of institutions,  
4 chiropractic colleges are not necessarily racing to do things online  
5 for valid reasons.

6 And so, we don't ever anticipate achieving 100  
7 percent, but feel good about those that have applied to, or gone  
8 through a process, and have been supported in that jury.

9 M. HALL-MARTIN: And kind of along those  
10 lines, you noted in your materials that you do not maintain separate  
11 standards for distance education. With the increase in institution  
12 seeking permanent approval for distance education, have you  
13 considered adding distinct distance education standards?

14 B. GELLMAN-DANLEY: I'm going to start with  
15 that because it's at the value level for me. I got involved in  
16 distance learning well, a long time ago. And we think it's critically  
17 important that we keep our high standards for everything, and that  
18 we don't differentiate, although we're certainly welcome to any  
19 nuances in what you're thinking.

20 Because we don't want to have a situation where we  
21 give an institution a pass because it happens to be through an  
22 alternative modality. Eric, you want to add anything to that?

1                   E. MARTIN: No. That's the however, wherever,  
2   and part of the comments you made Barbara earlier, about the OLC  
3   support, that was something we would have done anyway, but it  
4   was clear as the pandemic arrived and rooted in that we needed to  
5   be able to do something to assist our institutions that were having  
6   to make rapid conversions, and that's where Karen's good work  
7   was Lumina made a lot available in terms of quality assurance, and  
8   raising that bar as they converted or expanded, depending on the  
9   context.

10                  M. HALL-MARTIN: Those are all of my  
11   questions. Thank you.

12                  CHAIR PRESSNELL: All right. Thank you. I  
13   have Roslyn, then Bob.

14                  R. CLARK ARTIS: Good afternoon. Thank you  
15   for your patience and your willingness to answer our questions  
16   today, and I'm going to tempt your patience further by returning to  
17   the area of student success. My apologies in advance, but I think  
18   an important really to amplify a few things.

19                  We have historically and continually conflated  
20   graduation rates with quality as it relates to student outcomes and  
21   measures of success. Therefore, I am appreciative of, in particular,  
22   your statement in your opening comments that graduation rates

1 simply don't offer a complete picture of student success on a  
2 campus.

3 And your commitment to a more highly nuanced  
4 way of understanding. And I'm also interested, so therefore I am  
5 very interested in you've articulated a commitment, a very clearly  
6 defined commitment through your grant work and other studies,  
7 but I'm more interested in what's happening now.

8 So one of the comments that you made was we need  
9 to know more, and we need to know more in a short period of time.  
10 I might agree with that assessment. So what happens in the  
11 meantime, as you continue to evaluate institutions in accordance  
12 with the existing standards without those more nuanced measures  
13 at our disposal?

14 What are you seeing with your institutions, and how  
15 are you assessing them in ways that are more nuanced than simply  
16 graduation rates?

17 B. GELLMAN-DANLEY: Eric, do you want to try  
18 that one?

19 E. MARTIN: Yeah. So, maybe a data point from  
20 last year, and this is specifically about follow-up that occurred as  
21 peer review teams were out reviewing institutions, and determining  
22 some areas of compliance, but with concerns or non-compliance.

1 In academic year 21-22, there were 100 such reviews that resulted  
2 in follow-up around those core components I referenced earlier,  
3 4(a) and (b) in particular.

4 And I don't have the full stories of what was  
5 happening, but at least in terms of 4(b), which was the one on  
6 student learning outcomes, fully one-third of the institutions that  
7 were reviewed last year had follow-up in that area, and that  
8 required either an interim report to set something on track in a  
9 better direction going forward, or an escalated scenario where a  
10 focus visit would have been required.

11 And when it came to program review and all of the  
12 typical elements that one anticipates with program review to  
13 include student achievement, there was another 12 percent of that,  
14 a number of institutions that had follow-up. These are not instant  
15 remedies. As you know from accreditation processes, these are the  
16 status of an institution related to these areas of inquiry, and the  
17 data that they shared at a point in time.

18 And it doesn't mean they weren't better in the past,  
19 and it doesn't mean that they won't be better soon thereafter. But  
20 what was happening in the moment when these institutions  
21 reviewed, and had that type of follow-up, was peer review teams  
22 applying judgment and saying we hear what you are describing, in



1 terms of your process and your success rate.

2                   And as our Trustee said earlier, we believe you can  
3 do better. And so to assure forward progress, we wanted follow-  
4 up. And depending on where things go from there, there may be  
5 more follow-up. And I mean it's often the case where the  
6 institution will have a year or two years, whatever the timeframe is  
7 to generate that report, and maybe still, there are concerns.

8                   Another group of peer reviewers, does a de novo  
9 review to see where they're at. And or, maybe satisfied, but then  
10 maybe a point that is looked at consistently and thoroughly when  
11 the next comprehensive evaluation comes about. I think we've  
12 done a pretty good job in terms of preparing our peer review  
13 teams, who do subsequent work from the moment that one of these  
14 interim reports, or focus visits is required.

15                  To say that happened two, three years ago, whatever  
16 it may be. Check on that again to make sure any momentum that  
17 they were able to document, the institution was able to document  
18 in its report, or its focuses on materials, continue. And it's just  
19 playing the long game, and trying to push forward and ensuring  
20 that improvement is not only taking place, but that it becomes  
21 systemic and sustained.

22                  It could be challenging out there for institutions.

1 Turnover is a frequent scenario these days, but we want to make  
2 sure that the processes they're putting in place are not built on the  
3 backs of an individual, or some small group of individuals, but  
4 rather are embedded into the processes, and even the resource  
5 allocations that the institution makes to ensure that they are  
6 sustained going forward.

7 R. CLARK ARTIS: Thank you for that. You also  
8 referred in your comments, in particular, to the 9 percent increase  
9 in student outcomes or completion rates being attributable to  
10 programming. I'm sort of interested in hearing a little more about  
11 that causal connection. I think that's tenuous, quite frankly.

12 E. MARTIN: Well it is tenuous, but it is something  
13 that we spend a lot of time on in terms of determining what  
14 programs we're offering, determining what sessions we're offering  
15 during our events and our annual conferences, and student success  
16 is a continuing theme.

17 I think there is also value, as we have done now for  
18 the past two annual conferences, and when I say we, I mean  
19 specifically myself and our Director of Institutional Research, to  
20 preview for our membership where we're going. And so, I think as  
21 attendees are in those events, they're understanding that these are  
22 not one off, one time, considerations.

1                   Certainly, the data I just shared in terms of some of  
2   the follow-up that occurs related to student success, is the kind of  
3   information we're continually sharing with the institutions so that  
4   they see that premium that we put in this area, but also previewing  
5   for them that more is coming, and that more nuance is coming, and  
6   that any of it, and all of it is going to be done in collaboration with  
7   them.

8                   We're doing our best to make our way through a  
9   mountain of data to try to understand what will be most relevant  
10   and flexible for the institutions, and the complexities that they face  
11   in the service areas that they have, and the students that they're  
12   serving.

13                  But we're not going to pretend to have all of those  
14   answers without ample dialogue with our membership, to really  
15   make sure we're doing it, and doing it well.

16                  And that's part of the reason this has been a long  
17   runway. We could have established some definitive markers  
18   faster, but they wouldn't have been as effective, and frankly we do  
19   want, and value that relationship, and that ongoing dialogue with  
20   those that we serve.

21                  B. GELLMAN-DANLEY: We also I might add,  
22   through our academies, some of them are over a course of more

1     than one year, and they stay with us for a while. And as a result of  
2     what they're learning they do have improved success outcomes.

3                     R. CLARK ARTIS: Thank you. I appreciate the  
4     attentiveness to collaboration and partnerships with the institutions,  
5     and I'm curious as to the extent to which your training includes  
6     some understanding of the institutional demographic, and by that I  
7     mean the student demographic.

8                     I would suggest to you that many of the challenges  
9     we experience institutionally are a function of student  
10    characteristics beyond the control of the institution. So the  
11    medicine that you propose in terms of programming, doesn't work  
12    with particular populations of students.

13                    To what extent are you incorporating that analysis,  
14    or those data points in your analysis, and your ultimate  
15    recommendations?

16                    E. MARTIN: You know, a piece of this is getting  
17    the institutions to understand their own students, and that is not  
18    said with any cavalier way, but all of this comes at looking through  
19    different frames and lenses, and really trying to highlight that  
20    every institution, no matter how earnest the administration can  
21    have blind spots, in terms of understanding their students, the  
22    demographics of their student population, the needs of those

1 students, we don't pretend to have all of those answers.

2 We know that a great many of those exist at those  
3 institutions, but we do try to nuance and enhance the institution's  
4 understanding of the students they are serving. Often times we just  
5 fall on habits and habitual patterns, and those of us that have been  
6 at institutions can remember exactly when those instances have  
7 been occurring.

8 And you know, there can be a moment where  
9 somebody doesn't fit within that framework, and those are the  
10 moments to seize. Those are the instances that institutions need to  
11 sit down as a leadership team and say what happened there? What  
12 do we need to know? Where are more instances like that?

13 And so much of this now is driven through equity,  
14 and diversity, inclusion considerations, and the more attention  
15 we're paying to that through our strap line, I think the more  
16 advanced these conversations are going to be, and ultimately more  
17 helpful.

18 B. GELLMAN-DANLEY: And I will just say it  
19 real quickly. I think it will be helpful to you. We do detail trends  
20 analysis, and every year at our conference I do it. I'll be honest. I  
21 collect every article, every book, and I annotate it, and then I get  
22 down to a list of six to eight pages.

1                   And then we study it as a Board, but we also give it  
2   to our institutions, and we say so what does this mean for you?  
3   How would you prioritize this? How would it make a difference  
4   on your campus? And I think mental health is the biggest issue  
5   this year, above all things. When you said somethings that can't be  
6   controlled, how can they? What are the support services?

7                   If we go back to my earlier comments, students say  
8   they don't have the resources, but what institutional resources are  
9   being provided to lead them to success? So we take staying on top  
10  of the trends, and setting some of them very seriously.

11                  R. CLARK ARTIS: I very much appreciate that.  
12  And despite the perhaps, contrarian tone of my questions, I  
13  commend you for being so thoughtful about this work. I'm happy  
14  to see this emphasis. Thank you.

15                  CHAIR PRESSNELL: All right. Bob?

16                  R. SHIREMAN: Thank you. I wanted to start by  
17  following up a little bit on Zakiya's question about post-college  
18  outcomes. And I think it's great that you are making use of the  
19  college scorecard a lot, I think you said. It sounds from your  
20  description like that's mostly about encouraging students and  
21  others to look at the scorecard.

22                  Do you, either directly, or through your peer review

1 guidance ask institutions about data on student debt and earnings  
2 that if you pause, or them pause, asking the institution for an  
3 explanation of those, and getting the context?

4 B. GELLMAN-DANLEY: Eric?

5 E. MARTIN: We look at debt and default rate,  
6 default rate in particular, in that institutional update that I  
7 referenced previously. Where we're heading next in terms of  
8 contemplating revisions to that institutional update, the various  
9 data points again submitted by institutions annually, does take into  
10 account median earnings, threshold earnings, loan repayment rates  
11 in addition to cohort default rates.

12 This is new territory, and it's never been within the  
13 exclusive purview of accreditation agencies, but we understand  
14 that we need to be moving in this direction, and having deeper  
15 conversations with our institutions in that space, in that collected  
16 space.

17 And part of the work we've been doing through all  
18 of this data analysis that you've been hearing about with  
19 Clearinghouse information and others, is really helping us winnow  
20 things down into those kinds of categories.

21 Again, I would not anticipate that we're doing  
22 anything more than looking for patterns, and patterns of concern,

1 as opposed to establishing definitive bright lines, until likely never,  
2 but until we know more.

3 We wouldn't lead in that direction. We would just  
4 really want to understand more. And honestly, the institutional  
5 update, when it begins to incorporate that kind of information,  
6 we'll still be a work in progress. We still know that as we're  
7 collecting it, and pouring through it, and analyzing through  
8 institutional submissions, there will be refinements.

9 It's just part of the nature of that work, so again, we  
10 fully anticipate this will be a several year journey, but we  
11 recognize the importance of it, and are started on that path.

12 R. SHIREMAN: Thank you. Barbara, in your  
13 opening remarks you talked about your big focus on transparency,  
14 and putting information out there about accreditation, accreditation  
15 process, for the public to understand it.

16 The WASC senior agency, its transparency includes  
17 making decision letters, and visiting team reports available on their  
18 website about every institution. And some of the thought process  
19 that they went through in doing that included the fact that public  
20 institutions need to make these public when state FOIA laws are  
21 used for them, so it ends up that anybody then can get those reports  
22 for public institutions, but not for other institutions.



1                   Which the same would be true for HLC. Does HLC  
2   make visiting team reports and decision letters available to the  
3   public? And if not, why not?

4                   B. GELLMAN-DANLEY: Okay. Well we do put  
5   our action letters for comprehensive visits online, so they're  
6   available, and all you have to do is put in the institution and search.  
7   I personally do that all the time, as we're talking about what's going  
8   on across the system.

9                   We do not put up the full team reports, and I  
10   recognize other accreditors have different points of views. My  
11   simple answer to the why is I'm not sure the whole public would  
12   understand that. I recall, it's written in education ease. That's the  
13   only reason I say that. It's not to denigrate the public's awareness.

14                  So, that's kind of the stance we have now. We're  
15   certainly open to considering many other things. So what we did  
16   in our transparency is to try to be proactively and pre-college  
17   transparent in the ways that we did in the student guide.

18                  R. SHIREMAN: Thank you. I asked Elizabeth  
19   about the written arrangement guidance, and I wanted to follow-up  
20   with respect to the new guidance from the Department of  
21   Education from last June. And with a specific example.

22                  So these involve situations where a college has an

1 outside entity delivering part of its educational program, and under  
2 the new guidance it's quite likely that institutions will need to  
3 revise their estimate of their proportion of a program that is  
4 provided by the outside agency, which could throw them into a  
5 situation where they either need accreditor approval, or they may  
6 find in the case of HLC that the program is no longer eligible.

7                   So the specific example is contracts available  
8 through state FOIA. From Southeast Oklahoma State University  
9 with academic partnerships to manage its online MBA program. A  
10 contract included for AP to be involved in marketing recruitment,  
11 program development and implementation, academic support and  
12 services, and student support services.

13                   And then a separate contract, or instructional  
14 connections is providing assistance to faculty members, which may  
15 include grading assignments, participating in monitoring course  
16 discussions, and posting announcements.

17                   How in the situation of this new guidance, where  
18 institutions may presumably have previously informed HLC that  
19 you have some written arrangements, and there were estimates of  
20 how -- what percentage they were.

21                   How do they find out -- what is the process for them  
22 to update those estimates and make sure that they have the

1    approvals that they need from you, and how quickly does that  
2    happen in a case of something like this, where there was new  
3    guidance in June?

4                   B. GELLMAN-DANLEY: I don't know if you  
5    realize that, but I think this is where Herman Bounds got his  
6    degree, because we frequently speak about Oklahoma, my  
7    Oklahoma, University of Oklahoma and Southeastern, but I could  
8    be wrong.

9                   And anyway, I would say overall this is like the  
10   hottest topic in higher ed right now. All the accreditors are saying  
11   oh my gosh, how are we going to do this. And because we have a  
12   brilliant General Counsel, who's been thinking about it, and her  
13   face is telling me because I read non-verbal very well, she wants to  
14   speak. I'll turn it to you Marla.

15                  M. MORGEN: Thanks. Thank you Bob. So a  
16   couple of things about that. So we, obviously, became aware of  
17   that guidance, mid-2022 when it came out. It was just before a  
18   Board meeting, and I remember that there was a robust  
19   conversation at the Board meeting about that guidance.

20                  We, of course, immediately notified our institutions  
21   through our publication, the Leaflet, about that, because first of all  
22   we want to make sure that the institute -- that we are helpful to our

1 institutions in helping them understand guidance that is  
2 forthcoming.

3 Of course, we intend to include this in our training  
4 for our reviewers, who are doing contractual arrangements, that's  
5 the term of word that we use, contractual arrangements reviews.  
6 That's at the moment of when the arrangements are launched. But,  
7 what I want to highlight here is that as with all things with HLC,  
8 accreditation is an ongoing relationship, right?

9 So it's not a one and done. These arrangements  
10 continue to be reviewed on an ongoing basis at regular moments to  
11 make sure that they are in compliance with all requirements. So  
12 that type of review would be ongoing, to make sure that our  
13 institutions are in fact in compliance.

14 B. GELLMAN-DANLEY: And Bob, if I could add  
15 quickly, I thought the Chronicle report that came out recently was  
16 actually fabulous as to what institutions need to think about when  
17 they make these arrangements. And that was already something  
18 we were intending to do as accreditors, which is get out in front of  
19 it, and say here's what you -- and we're going to still do it from an  
20 accreditation perspective.

21 But we want to tell our institutions here's what you  
22 need to think about ahead of time. So while that doesn't answer

1 your question as to what we would do beyond what Marla has  
2 already said, I think it's important for this robust group to realize  
3 that the more we can get out front and say you know, you've got to  
4 be careful here. This is good here. What kind of criteria are you  
5 looking for? Is it a sustainable company?

6 Are you going to lose control? Where does the  
7 situation go? There's a lot of negativity out there.

8 R. SHIREMAN: Thank you. So HLC over the past  
9 several years has had several situations where public universities  
10 have proposed entering into either acquisition, or something  
11 acquisition like, of other institutions, large for profit institutions.  
12 There was the Purdue Global, Purdue acquisition of Kaplan,  
13 making Purdue Global.

14 University of Arizona's ongoing efforts to acquire  
15 or affiliate and now acquire the Ashford University, and then now  
16 a recent announcement of University of Arkansas, possible  
17 affiliation with University of Phoenix, as some kind of a connected  
18 institution.

19 With all of these, they have involved college  
20 executives signing non-disclosure agreements with a company, and  
21 spending many months kind of behind the scenes working on it,  
22 and then when it gets announced it frequently feels as if there's at

1     least an attempt to treat it as if it's a done deal.

2                     We've done all of this. We had to be secret because  
3     of whatever, and then it's difficult for the public to really get  
4     engaged and have any input on what is happening. In the case of  
5     the Arkansas deal, even the Chair of the Board of Trustees says he  
6     was in in the dark for many months while the discussions were  
7     going on, and it was really only after it was public where he then  
8     demanded to know more about what the administrators at his own  
9     institution were doing.

10                    When would HLC, or when did HLC learn of this  
11    possible transaction? And how will you make sure that the HLC  
12    review is not rushed, and that other outside organizations,  
13    including consumer protection organizations, are able to review the  
14    details of the plan?

15                    B. GELLMAN-DANLEY: So I'm going to give  
16    you a couple reactions, then I'll turn it over to Marla. I'm going to  
17    share with the universities watching this. So we have an inside  
18    expression that I use your crisis is not our crisis. And we've had  
19    this happen in the past where we've had institutions rushing  
20    towards certain kinds of closure deals, and all of that kind of stuff,  
21    and they said well we would want it done by this time.

22                    And even recently, we even said no it won't be by

1 this time. It will be our November Board meeting. It will not be  
2 the June Board meeting. I don't like to read things in the press.  
3 We always ask not to have surprises. Sometimes we find out about  
4 these things in the press.

5 And in the Arkansas case and in others, it's set at a  
6 system level with another organization, as opposed to directly with  
7 an institution, which creates a bit of a conundrum, but I certainly  
8 understand and empathize with what you're saying. And we are  
9 looking at this very closely. We have talked about the Arkansas  
10 case, and we've talked about others. So Marla, do you want to  
11 respond to that?

12 M. MORGEN: Sure. I think it's worth just  
13 speaking for a moment about HLC's changes of control policy  
14 generally, and how deliberative and thoughtful perhaps laborious,  
15 but also narrow it is. One of the -- before an institution submits an  
16 application as part of the process, they go through what we call an  
17 initial interaction.

18 And that's a very intentional part of the process.  
19 We want to be able to very early on in the process be able to have a  
20 face to face, or Zoom to Zoom, conversation with the players, so  
21 that we understand the contours of what is happening, and how  
22 that's going to affect our accredited institutions, institution or

1 institutions.

2                   And that they understand the process. And then to  
3 echo what Barbara said, so that they have a realistic understanding  
4 of the time that HLC is going to need to review the entire  
5 transaction from our perspective. We are not beholden to  
6 institutions and their timing, and sometimes unfortunately that's  
7 disappointing to institutions.

8                   But we need to make sure that we take the time to  
9 get boots on the ground, to have the deliberate conversations that  
10 we need to review materials and the like. Part of the change of  
11 control process is necessarily perspective. Again, as a reminder,  
12 HLC's focus here is laser focused on whether the resulting  
13 institution will continue to meet HLC's requirements.

14                   We say it loud, and we say it often, but I fear that  
15 sometimes we're not heard, that we're not here to replicate due  
16 diligence. We are here to make sure that the resulting institution  
17 continues to follow our requirements. And that's what we're  
18 focused on.

19                   But that is in fact, a perspective review. So we need  
20 to take the time to just digest all of the information, sometimes  
21 voluminous information, that is available to us to make our best  
22 judgment about that piece going forward.



1                   R. SHIREMAN: With regard to that voluminous  
2 information the University of Arkansas has released documents in  
3 response to FOIA requests, but almost all of the important details  
4 have been redacted, including things like the purchase price, the  
5 financing, the governance of the institution.

6                   And of course, if an outside lender is providing  
7 most or all of the financing, there can be potential problems with  
8 that lender's influence over the institution, in an ongoing way about  
9 student recruiting, and other practices that can affect the  
10 institution's ability to make payments on a loan, and creditors have  
11 in the past raised concerns about lender interactions with  
12 institutions.

13                  In reviewing the deal, will HLC be able to review  
14 all of these relevant documents, such as any agreements that go  
15 along with a loan without redactions?

16                  M. MORGEN: Absolutely. I mean we require  
17 executable agreements as part of our review. So that's a very  
18 lawyerly way to say that they need to be ready to sign. We need to  
19 be reviewing all of the information that can be available to us, in  
20 order to again, make our very particular lens determinations.

21                  Finances, obviously, are very important. We have  
22 criteria related to sufficient financial resources, and so it's

1 important for us to understand, and this goes back to our key  
2 factors, to make sure that the institution will be able to comply  
3 with the financial governance variety of requirements following  
4 the transaction, and we would need transparency to all of that  
5 information in order to make those decisions.

6                   Again, I will highlight though that the process here  
7 is a long process. The earliest steps are just that initial interaction,  
8 even prior to an application. And I think it is worth mentioning  
9 again something that Barbara mentioned, which is that the  
10 University of Arkansas's system itself is not accredited by HLC.

11                   R. SHIREMAN: Thank you. The University of  
12 Arkansas President acknowledged that a primary purpose in the  
13 University of Phoenix deal is to create a flow of money to his  
14 campus, that's essentially the profit from that other institution.  
15 HLC policies require an institution to present itself clearly and  
16 completely to its students, including the accuracy of any  
17 presentations it makes regarding its governance structure.

18                   Will you be considering whether it's completely  
19 honest with students for the new institution in this situation to call  
20 itself non-profit or public if its primary purpose is essentially to  
21 raise money for a different institution?

22                   M. MORGEN: So we're looking at compliance

1 with HLC requirements, which of course includes transparency,  
2 integrity, and a general openness to students, and I think it is worth  
3 mentioning, of course, that HLC does not determine an institution's  
4 profit or non-profit status. The institution, of course, is responsible  
5 for its own corporate documentation, and then the federal  
6 government, various branches of the federal government. Again,  
7 not HLC, makes those determinations for various purposes.

8                   What we will be looking at is making sure that the  
9 institution is being transparent, and has integrity in the  
10 communications that it has going forward. And again, that would  
11 relate to the accredited institution in this case.

12                   R. SHIREMAN: Thank you. And this is my last  
13 question, but maybe -- well you'll see. The HLC policies that you  
14 provided to the Department say that to be accredited by HLC, an  
15 institution's governing board, expects the institution's faculty to  
16 oversee academic matters, and the institution must be committed to  
17 academic freedom, and freedom of expression and pursuit of  
18 teaching and learning.

19                   And I totally, totally support that. There is a lot of  
20 noise, and some political pressure from some governors and  
21 legislators that are getting into academic matters. They claim to be  
22 trying to protect freedom, but they are doing so by telling

1 universities, university leaders, what they can or cannot say, which  
2 is the opposite of academic freedom.

3                   It seems to me that if anyone was really being  
4 denied freedom, that they could have brought a complaint to you or  
5 to the courts, since these are public institutions. An author of an  
6 article in the National Review is calling on Trustees in Arizona to  
7 redesign their curriculum claiming that because they are on the  
8 Board they can do almost anything.

9                   I see that as perhaps in conflict with the HLC  
10 requirement that it is the faculty that are involved in academic  
11 matters. What is HLC's perspective on the role of the Board, and  
12 of political leaders in academic matters?

13                  B. GELLMAN-DANLEY: Thank you Bob. I just  
14 won \$20.00 on the fact you would ask that question. So,  
15 appreciate it. We actually keep a track of all the legislation that's  
16 going on in the different states, and I will admit there's a serious  
17 amount of eye rolling as to what's going on in higher education in  
18 general, but it's really a simple answer. You have to be in  
19 compliance with our policies. And Marla, would you add anything  
20 to that?

21                  M. MORGEN: I'll just build on that for a second.  
22 And I know we've talked a lot about the complaints process today,

1 and but, it's really hard to look at issues in a vacuum. And so we  
2 often need circumstances in order to make determinations about  
3 whether an institution is or is not in compliance, both in terms of  
4 policies and in terms of implementation of policies.

5 So we are really aggressive, proactive about  
6 collecting information, not just in terms of complaints, because  
7 that's really it's just one avenue of how we collect information.

8 But there are so many ways where various HLC  
9 staff, our staff liaisons, our public information officer, legal  
10 regulatory affairs, are collecting just as much information as we  
11 possibly can in order to continually assess in a myriad of different  
12 ways whether or institutions are in compliance.

13 G. GELLMAN-DANLEY: Yeah Bob, I would just  
14 like to add that our Board's meeting last week, and taking a look at  
15 what our criteria revisions should be for the next round, which will  
16 be here before we know it. They have to be ready in 2025. And I  
17 gave them questions to ask, and the very first one was what are the  
18 values of HLC that will determine the criteria for the future?

19 And it was to exactly get at the next question, was  
20 and how do we deal with all these social issues, political pressures,  
21 et cetera? And I got to tell you that's multiple meetings because  
22 they were on a roll. There's a lot of opinions.

1 CHAIR PRESSNELL: Very good. Thank you very  
2 much. I'm sorry Bob, do you have another question? Okay. thank  
3 you. So we're going to move quickly into third party comments  
4 unless there are other questions. Seeing none. So, we have several  
5 individuals lined up for third party commenters.

6 The very first one will be Lori Sundberg of  
7 Kirkwood Community College, and so just want all of those who  
8 will be providing comments to realize you have three minutes.

9 And so, if I cut you off please be mad at the clock  
10 and not at me, and we'll be able to move through this quickly, so  
11 Dr. Lori Sundberg. Okay. So, we'll wait until she gets over. The  
12 very first one was taken off the list. Dr. Sundberg? Okay. All  
13 right. Dr. Sundberg?

14 L. SUNDBERG: Yes.

15 CHAIR PRESSNELL: Okay. We're going to --  
16 there we go can you hear me Dr. Sundberg? You're muted. I  
17 know, there we go. I'll tell you what, so we're going to start the  
18 clock now, so go ahead.

19 L. SUNDBERG: Okay. First, let me say thank you  
20 for the opportunity to provide public comment. Yes. First, let me  
21 say thank you for the opportunity to provide public -- I can't --

22 CHAIR PRESSNELL: We can hear you. Yeah.

1 We'll start the clock over.

2 L. SUNDBERG: All right. First, let me say thank  
3 you.

4 CHAIR PRESSNELL: Please go. Dr. Sundberg,  
5 go ahead and start please.

6 L. SUNDBERG: First, let me say thank you.

7 CHAIR PRESSNELL: Okay. Dr., I'm not sure  
8 why you keep stopping. You may be hearing something we're not  
9 hearing, but you just keep stopping mid-sentence, so please go  
10 ahead.

11 L. SUNDBERG: I want to say thank you for the  
12 opportunity to provide public comment on a topic that really I've  
13 spent my entire career in.

14 CHAIR PRESSNELL: Please don't stop. We can  
15 hear you fine. I'm not sure --

16 L. SUNDBERG: First, let me say thank you for the  
17 opportunity to provide public comment on a topic that's very  
18 important to community colleges, and to all of higher education. I  
19 have spent my entire career in a community college system. I've  
20 been a community college President at two different public  
21 institutions, one small, and my current institution, which is large.

22 I have been with the HLC my entire career, and

1 while accreditation has changed over 28 years, I've been working  
2 for the community colleges, I can say without hesitation the  
3 changes have been for the better. In early days the relationship  
4 between accreditors and colleges was one of tolerance. My  
5 accreditation was viewed as a necessary process, but not one that  
6 was appreciated or valued.

7                   Accreditors were kept at arms-length by colleges,  
8 and were not viewed as allies. Fast forward to roughly the last  
9 decade, and what I can tell you is that relationship has changed  
10 dramatically.

11                   Today, the HLC, and its member colleges, are  
12 engaged in a partnership to ensure student's needs are front and  
13 center, and that the quality that we expect from our colleges and  
14 universities is consistently and fairly evaluated.

15                   Everything from the quality assurance system to the  
16 approach that the liaisons take, to the HLC's desire for ongoing  
17 feedback has taken a relationship that was at best mediocre, and  
18 made into one that's extraordinary. I now welcome the HLC to my  
19 institution because I know they're there to help us improve,  
20 whether that be in terms of student outcomes, in program review,  
21 or in budgeting and finance.

22                   What was once I got you kind of culture, has now



1 shifted to a paradigm where we see ourselves as engaged in  
2 partnership to ensure the institutional quality and excellence we all  
3 expect from our colleges and universities. I don't want to make it  
4 sound like accreditors and colleges do not have challenges. There  
5 are no two colleges who face the same circumstances, but bringing  
6 about these changes ensured the ownership and partnership took  
7 time and conversation.

8                   The HLC has readily engaged in conversations, and  
9 sought institution's feedback along the way, either with its surveys,  
10 or in their direct request for feedback on the quality assurance  
11 criteria. I've attended the President's Day at the annual conference  
12 for many years, and the change to that day alone has been  
13 dramatic.

14                   We are now having serious conversations about the  
15 issues facing all of us in higher education. The balance of the  
16 annual conference has been in a variety of ways from the student  
17 success workshops to training, for those they engage in upcoming  
18 visits, to securing the top thought leaders in the country as keynote  
19 speakers.

20                   All of this serves to educate and engage our faculty  
21 and staff in ways that did not happen 20 years ago. The issues and  
22 disruption colleges and universities face today are some of the

1 most challenging I've seen in my entire career. If there's ever been  
2 a time in our history that we need accreditors and colleges and  
3 universities to work together is now.

4 I am grateful that the HLC had the foresight almost  
5 a decade ago to begin to rethink the culture of accreditation, and to  
6 willingly reach out to the colleges to ask their assistance. It is for  
7 these reasons I heartedly support continued recognition for the  
8 Higher Learning Commission. Thank you for the opportunity to  
9 speak to you today.

10 CHAIR PRESSNELL: Thank you very much. You  
11 want to just go ahead. We've got technical advice for the third  
12 party folks.

13 G. SMITH: Yes. So those of you who are making  
14 third party comments you need to turn down your livestream and  
15 just listen to us through the live meeting. Okay? Since you're on a  
16 different space. Thanks.

17 CHAIR PRESSNELL: Very good. Thank you.  
18 And so we now have David Halperin, Attorney.

19 D. HALPERIN: Good afternoon. Many students  
20 say a student's school status is accredited and resulting seal of  
21 approval and aid from the Department of Education are central  
22 reasons they enroll. Because accreditors are gatekeepers for

1 federal aid, their oversight is critical to prevent the fleecing of  
2 students and taxpayers by unethical schools.

3               So I appreciate the Department has started to  
4 incorporate concerns about badly behaving schools more in its  
5 review of accreditors, starting with ACICS. In delaying approval  
6 of ACCSC the Department notes that accreditor's long failure to  
7 take decisive action against the CEHE schools.

8               Then in November, the Department determined that  
9 SACS was out of compliance, and directed SACS to provide more  
10 information regarding Keiser University. One of the staff reports  
11 for this meeting finds WASC out of compliance for its failure to  
12 deal with blatant recruiting abuses at the Ashford University, now  
13 called UAGC.

14              The staff reports on middle states and New England  
15 Commission don't have similar discussions, but it's significant that  
16 recently middle states withdrew accreditation from bad actor ASA  
17 college, and New England terminated Bay State College.

18              But, as to HLC, the staff report dismissed third  
19 party concerns about HLC accredited schools. I defended HLC at  
20 NACIQI when Secretary DeVos blamed them unfairly for the  
21 Dream Center debacle, but I can't defend HLC's long-time  
22 toleration of abuses at schools including Walden, DeVry, Grand

1 Canyon, and two others I will highlight -- University of Phoenix,  
2 and schools run by Perdoceo, American Intercontinental and  
3 Colorado Technical.

4 In 2015, the Pentagon temporarily banned the  
5 University of Phoenix from recruiting service members based on  
6 evidence of recruiting violations. In 2019, Phoenix agreed to pay  
7 191 million dollars to resolve Federal Trade Commission charges  
8 it ran as falsely suggesting it worked with big employers to create  
9 jobs for students.

10 Amazingly, Phoenix is now running at falsely  
11 implying it is a state school, rather than a for profit. The  
12 graduation rate is 14 percent, yet in January, HLC renewed  
13 Phoenix's accreditation for a full ten years.

14 Perdoceo meanwhile, in 2019, agreed to a 494  
15 million dollar settlement with 48 states over deceptive practices. It  
16 also paid 30 million to settle FTC charges it recruited students  
17 through deceptive lead generators. Numerous Perdoceo employers  
18 have told the Department that company recruiters continue to make  
19 deceptive sales pitches.

20 Most victims here are low-income. These schools  
21 should not be accredited. They should not get taxpayer dollars.  
22 HLC should not be renewed until it takes decisive action against

1     them. Thanks very much for your time, and for your service on the  
2     Committee.

3                     CHAIR PRESSNELL: Thank you David. Next is  
4     Dr. Sylvia Jenkins, Moraine Valley Community College. Dr.  
5     Sylvia Jenkins?

6                     S. JENKINS: Thank you. Thank you very much  
7     for giving me the opportunity to speak in support of the Higher  
8     Learning Commission Reaffirmation visit. The HLC understands  
9     and supports the mission of community colleges and higher  
10    education. That value is clearly recognized in accreditation  
11    standards that are recognized for full and qualified accreditation.

12                    In my 36 years at Moraine Valley, and with almost  
13    11 years as President, I have seen that HLC institution focus, that it  
14    is HLC asked colleges to tell them what they are doing, how they  
15    are doing it, and how successful they are at what they are doing.  
16    HLC does not tell the college how to do it, honoring the  
17    uniqueness of each college admission, in addition to faculty and  
18    staff workshops.

19                    The HLC annual conference has a dedicated  
20    President's Day and Trustee's Day, with a goal of seeking feedback  
21    from these two groups. Moraine Valley has been fully accredited  
22    by the Higher Learning Commission since 1975, during which

1 time we have benefitted from HLC's direction and support to  
2 ensure we maintain compliance with federal guidelines.

3 Moraine Valley compliments and adheres to the  
4 high-quality standards for HLC accreditation, which underpan both  
5 of our commitments to student success. Having been a part of  
6 HLC's Equip Pathway, and now the Open Pathways accreditation  
7 process, the HLC has provided us with the guidance of systems  
8 that have increased our focus on continuous quality improvements  
9 throughout the college.

10 One very valuable outcome of HLC's continuous  
11 improvement criteria is the emphasis on measurement. Moraine  
12 Valley has structured it's planning system on continuous  
13 improvement through measurement.

14 I plan, improve and evaluate systems, which we  
15 refer to as PIE, requires measurable objectives baseline data,  
16 measurement techniques, and evaluation plans, with  
17 recommendations for institutionalizing, improving and are seeking  
18 other alternatives leading to success.

19 Likewise, periodic assessments, such as assurance  
20 reviews by the HLC between submissions of the major system  
21 portfolios, hold the college accountable. During accreditation  
22 cycles throughout mandated updates, workshops and quality

1 projects that encourage support innovation.

2                   Using one continuous improvement strategy gained  
3 through accreditation process, Moraine began focusing on  
4 measuring employee engagement through surveys, which we now  
5 deploy every three years with action plans for continuous  
6 improvement. Moraine has continued to receive awards for its  
7 employee engagement.

8                   Another example is that HLC strategic forums, and  
9 we've recently been accepted to participate in the assessment  
10 academy. We look forward to continuing to look at ways to  
11 improve student success measures.

12                  And we also want to highly recommend that HLC  
13 be given consideration for recognition because of the great work  
14 that they have done, and my participation in the Lumina grant  
15 funded project, innovations on the horizon and the future of higher  
16 education. My time is up. Okay. I think you get my point.

17                  CHAIR PRESSNELL: Your time was up. You got  
18 it. Thank you so much.

19                  S. JENKINS: Thank you.

20                  CHAIR PRESSNELL: So Dr. Jon Bauer of East  
21 Central College. Dr. Bauer?

22                  J. BAUER: Yes. Good afternoon. I'm President at

1 East Central College in Missouri. We're a public comprehensive  
2 community college located just outside of St. Louis, speaking in  
3 support of the Higher Learning Commission. I'll start by saying I  
4 might be the last person you would expect to speak in support of  
5 HLC, and I'll explain those circumstances momentarily.

6 But I want to frame my remarks by saying that HLC  
7 has been rigorous, fair, reasonable, and has resulted in my  
8 institution becoming a stronger college and ensures that it  
9 continues to ensure quality for students and other stakeholders.

10 East Central's been associated with HLC since  
11 initial candidacy in 1972. And our next reaffirmation of  
12 accreditation will take place in 2027-28. I've been in various roles,  
13 writing our self-study, chairing our steering committee, serving as  
14 a peer reviewer, and as President through two comprehensive  
15 evaluations.

16 In 2018 we were placed on notice as being at risk of  
17 being out of compliance with the criteria for accreditation. Those  
18 concerns focused around assessment and planning, and to say the  
19 least this was an extremely challenging time for our institution.  
20 Things could have gone two ways. We could have focused on  
21 fighting notice, or we could choose to become a better institution.

22 We chose the latter. The framework of the criteria



1 for accreditation in support of HLC, we rolled up our sleeves and  
2 went to work. The college was galvanized, standards we needed to  
3 meet were clear, and we set our sights on putting things in order,  
4 and getting off notice. That happened in 2020.

5               Last year the team visited East Central once again  
6 and recommended continued accreditation with no follow-up  
7 reports, no monitoring. We're a strong institution today. This was  
8 painful, but upon reflection it's clear that HLC served to ensure the  
9 quality of what we were doing, and to provide a roadmap of how  
10 we could improve.

11              The process of notice itself served as a red flag that  
12 things were not going as planned. But it also allowed us to re-  
13 route and get back to the main road. To use another metaphor, the  
14 process served as a crucible for our institution, and we came out of  
15 it stronger and better.

16              Three things stood out. HLC is rigorous. HLC  
17 does not use rubber stamp metrics. I'd argue that we were serving  
18 students well even leading up to notice, but just doing well is not  
19 enough. We rallied around assessment, rigorous strategic  
20 planning, focused on institutional effectiveness, and rose to the  
21 expectations. We're better for it today.

22              Second, HLC is fair and transparent. We had the

1 opportunity to better understand our challenges, address them, and  
2 demonstrate our good work. We were both supported and held  
3 accountable by HLC. This is due in large part to our liaison, and  
4 even the President of HLC. The discussions I had referred directly  
5 during this period of time.

6                   And finally, the standards and processes are both  
7 reasonable and transparent. In every case we could see what HLC  
8 expected of us, and why it was important. I knew we needed to  
9 meet the expectations and demonstrate our quality from the  
10 standpoint of a comprehensive community college.

11                   We weren't expected to be a research institution  
12 anymore than a research institution was expected to be an open  
13 access college. Our missions review. But HLC ensures that high  
14 standards exist.

15                   CHAIR PRESSNELL: Dr. Bauer, thank you.

16                   J. BAUER: Despite this difficult path I am  
17 confident saying HLC has made us a better college. Thank you so  
18 much.

19                   CHAIR PRESSNELL: Yeah. Thank you so much  
20 for your comments and your time. Dr. Gordon Gee at West  
21 Virginia University, Dr. Gee?

22                   E. GORDON GEE: Thank you very much, and I

1 have in exactly one minute a telephone call with my Governor, so  
2 you're going to have me have a very short period of time. I had the  
3 most unstable employment pattern in America. I have been  
4 President of five universities, West Virginia, the University of  
5 Colorado, Ohio State, Vanderbilt and Brown, and but I've been  
6 President of two of those twice, West Virginia and the Ohio State  
7 University.

8 And the reason I saw that is because of the fact that  
9 I'm probably in 42 years as university President experienced more  
10 accreditation issues than anyone in America. And at the very  
11 beginning of my tenure it was really hand to hand combat, kind of  
12 an arrogance about accreditation.

13 It was very unhelpful. I can tell you this, and I'm a  
14 strong supporter of the HLC, in fact I'm a cheerleader to the HLC  
15 because of the fact that I work very closely with your leadership.  
16 Barbara Gellman-Danley is someone who I think has taken  
17 accreditation to a different level and to a different way.

18 Second of all what I discovered with the HLC is the  
19 fact they are here to help, not to hinder. They are here to make you  
20 better, not to tell you what the problems are. They do that. They  
21 have a lot of rigor. They take no nonsense from all of us, and no  
22 intimidation, but they do a wonderful job in terms of developing a

1 sense of the purpose of higher education, and working very closely  
2 with that.

3 Finally, they have these wonderful liaisons, and  
4 they are really very helpful. And these liaisons actually want to  
5 make certain that you are doing the right thing in the right way,  
6 and I am so grateful for that. I will just give you one example  
7 before I have to pop off here, and that is the fact that our ten year  
8 accreditation is coming up next year. I've called Barbara.

9 I said Barbara, I'm going to be in Chicago in a week  
10 and a half. Would you mind sitting down a Saturday? Guess  
11 what? She said immediately that she was going to see me. That to  
12 me is the kind of responsiveness, and the kind of public statement  
13 about an accreditation association I really like. So thank you for  
14 letting me be here, and I strongly support your accreditation.

15 CHAIR PRESSNELL: Thank you Dr. Gee. I think  
16 the Governor is on the other line waiting for you.

17 E. GORDON GEE: He is.

18 CHAIR PRESSNELL: Allison Muth with the  
19 Veterans Education Success. Allison?

20 A. MUTH: Thank you. I'm Allison Muth, and I'm  
21 a senior attorney with Veterans Education Success. We work on a  
22 bipartisan basis to advance higher education success for veteran

1 service members and military families, and to protect the integrity  
2 and promise of the GI bill, and other federal education programs.

3 My primary role is to assist veterans and military  
4 connected students who reach out to our organization after  
5 experiencing unfair, deceptive, or abusive acts by their school.  
6 Student veterans and military connected students rely on  
7 accreditors to protect them against waste, fraud and abuse, by  
8 subpar or unscrupulous institution.

9 The Higher Learning Commission accredits the  
10 schools about which we receive the most complaints, and we have  
11 concerns about how well HLC is upholding its duties as guardians  
12 of student and taxpayer interests. We have received almost 2,000  
13 complaints from veterans and military connected students about  
14 HLC schools, especially University of Phoenix, Perdoceo schools,  
15 DeVry, Walden and Grand Canyon.

16 Veterans tell us these schools lied to them about key  
17 facts during recruitment, took out loans against their wishes, or  
18 without their knowledge, added extra costs, provided inadequate  
19 education, and left them unable to get a job after graduation.

20 The sheer volume of complaints that we have  
21 received from only one subsection of the student population  
22 suggests the failure by HLC to perform its critical role in ensuring

1     adequate educational quality.

2                     We urge you to consult with FSA attorneys about  
3     whistleblowers who have come forward about HLC accredited  
4     schools, including DeVry and Colorado Tech, alleging that the  
5     schools engaged in illegal practices, and have a serious record of  
6     making misrepresentations.

7                     A USA Today report profiled one of these  
8     whistleblowers. Moreover, as you know, state and federal law  
9     enforcement agencies have taken action against several schools in  
10    the last few years, including the FTC against University of Phoenix  
11    and DeVry, and 49 attorneys general against Career Education  
12    Corporation now known as Perdoceo.

13                    Behind these actions are real people whose financial  
14    lives are being ruined, and veterans who are cheated out of their  
15    hard earned GI Bill benefit. We are concerned by the fact that  
16    these schools, to our knowledge, have remained accredited without  
17    sanctions from HLC in the last five years.

18                    We ask you to ensure that HLC is enforcing  
19    adequate standards that lead to action against schools with records  
20    of institutional abuses. Otherwise, we believe that neither the  
21    Department of Education nor the public, could rely on HLC to  
22    accredit institutions of higher education. Thank you for the

1 opportunity to comment.

2 CHAIR PRESSNELL: Thank you Allison. Dr.

3 Michael Crow, Arizona State University. Dr. Crow?

4 M. CROW: Yes. Hi, thank you. Michael Crow

5 here, Arizona State University President for the last 21 years, give

6 or take. We have about 173,000 degree seeking students, about

7 half on campus in hundreds of degree programs, about half online,

8 and hundreds of degree programs managed by our faculty,

9 designed by our faculty. No bolt on's, no third parties, us in every  
10 case, and we're very excited about all of that.

11 We are a highly innovated institution accelerating in  
12 all the things that we do, and I share some of the concerns, by the  
13 way, of the last speaker, in terms of some universities that don't  
14 seem to be able to graduate anyone.

15 But we have accelerated our innovation, and HLC  
16 has been a key force for rigor in us moving our innovations  
17 forward. We have worked with them on an innovative basis. We  
18 worked with them as we've transformed the institution. We  
19 worked with them both during our accreditation reviews, and  
20 between our accreditation reviews with complete transparency on  
21 how to accelerate our outcomes, how to advance new degrees, new  
22 partnerships.

1                   They worked with us in the acquisitions that we  
2    had. For instance, the Thunderbird School of Global Management,  
3    and other programs that we brought in to the ASU tent, and you  
4    know, we're just very much connected to, and a part of the rigor  
5    that they bring to bear. We take very seriously the accreditation  
6    process.

7                   We're coming up also as President Gee mentioned,  
8    for our ten year review, and we're already hard at work. We use  
9    the process as a way to test ourselves, to test our metal. We work  
10   with all of the team at HLC. We work during the ten years  
11   between the reviews, as we're moving forward in new kinds of  
12   ways.

13                  We work with them in innovative projects, like  
14   Lumina and HLC project that we worked on for a new online  
15   student guide. We developed new kinds of things along the way.  
16   New innovations, new ways of thinking. We also test ideas. I  
17   work with Barbara and her team, and our team does on what about  
18   this, what about that, might this work?

19                  So, for instance, we have whole new ways of  
20   teaching math and calculus, and whole new ways of organizing our  
21   classes, and making things happen, and HLC has been a part of  
22   helping us to get that right with the kind of rigorous review that



1 they bring for us.

2 We use data in everything. HLC loves the data.

3 We use the data to drive student success. We've doubled our four  
4 year graduation rate. We have increased, for instance, engineering  
5 from 6,000 students pursuing degrees, to 30,000 students pursuing  
6 degrees this academic year, and HLC has been our partner in all of  
7 that.

8 So, we're strong supporters of the HLC process, of  
9 the accreditation process, of their driving of innovation, and they're  
10 very, very important to our institution's success, and that's two  
11 minutes and 55 seconds. Thank you.

12 CHAIR PRESSNELL: Good clock. Thank you Dr.  
13 Crow. I appreciate your comments. So, Susan Heegaard has  
14 passed, and so we're going to go now to Ingrid Gould with  
15 University of Chicago. Ms. Gould?

16 I. GOULD: It is a privilege to offer this robust  
17 body my full throated support and gratitude with the Higher  
18 Learning Commission. Since 1913 the HLC has accredited the  
19 University of Chicago, and though you may suspect that I was  
20 around then, I have participated in accreditation activities only  
21 since 1994.

22 In 2004 I started to work close with HLC fulfilling

1 my institution's accreditation responsibilities. Since 2006 I have  
2 served as a peer reviewer, and in 2011 I became a member of the  
3 Institutional Actions Council, the IAC. My IAC involvement  
4 gives me perspective on many institution's accreditation activities,  
5 struggles, and triumphs.

6           The University of Chicago values its partnership  
7 with the HLC because the HLC tirelessly insists on quality in its  
8 member institutions, using cross-cutting criteria to evaluate each  
9 school in the context of its mission. There are countless examples  
10 of the HLC's relentless pursuit of quality. Lucky for you I will  
11 only highlight a few.

12           Illusive pros of their policies, HLC's regular  
13 invitations for comment on revisions, and invitations to join focus  
14 groups and offer feedback. HLC's robust use of training and  
15 conferences, and HLC's processes, designed to ensure a thorough  
16 vetting of institution's proposed substantive changes.

17           In typical HLC fashion, the HLC provides  
18 institutions the opportunity to modify their proposals in response to  
19 candid criticisms. In short, the HLC does not aim to impede,  
20 though it does and will when that is warranted. Rather, the HLC  
21 aims to improve itself as well as its member institutions.

22           CHAIR PRESSNELL: Thank you very much for

1 your comments.

2 I. GOULD: My scrolling has failed, so I have --

3 CHAIR PRESSNELL: Okay. My apologies.

4 I. GOULD: HLC exemplifies an engaged forward  
5 looking planful organization with bright, diligent, committed and  
6 responsive, as you heard from Gordon Gee, responsive individuals.  
7 That talented team allows HLC to monitor the changing  
8 educational landscape, helping alert and prepare us to meet the  
9 needs and aspirations of our students, faculty, staff and to continue  
10 to fulfill our institutional mission in this fast evolving world.

11 Thank you for the opportunity to share these  
12 University of Chicago's deep respect for the Higher Learning  
13 Commission, and its outstanding, even visionary work.

14 CHAIR PRESSNELL: Thank you. And you  
15 finished on time even with the scrolling, so it worked out great.  
16 Tammy Barlet, we appreciate you being with us. She is with  
17 Student Veterans of America.

18 T. BARLET: Good afternoon. My name is Tammy  
19 Barlet, Vice President of Government Affairs for Student Veterans  
20 of America. I am speaking today on behalf of SVA's National  
21 President and CEO Jared Lyon. SVA would like to extend our  
22 appreciation to add our public comment today.

1                   According to SVA's National Veteran Education  
2 Success Tracker, student veterans were found to have a 72 percent  
3 success rate in higher education, and an average GPA that is 0.4  
4 higher than their civilian counterparts. The most common degree  
5 fields for veterans is business, health and STEM.

6                   Nearly two-thirds of student veterans are first  
7 generation college students, which brings additional barriers and  
8 challenges on top of being a non-traditional student. We  
9 understand that HLC wants to do a good job and a job well done,  
10 your quality assurance and continuous improvement.

11                  Through their work they recognize and identified  
12 veterans as an important group on campus. HLC reached out and  
13 made us a part of how they look and engage with veterans and  
14 military connected students, which in turn helps HLC better  
15 understand adult learners.

16                  They truly amplify the voice of veterans military  
17 connected students. SVA appreciates the opportunity to add our  
18 experience to the military and veteran section of HLC's student  
19 guide to higher education. This student guide contains a buyer  
20 beware section, to instruct students to be clear on the contract they  
21 are signing between themselves and the institution.

22                  HLC took this knowledge one step further and

1     communicated it back to their institutions to focus on the needs of  
2     veterans and military connected students. The relationship with  
3     SVA and HLC is one of growth, where we learn from each other.  
4     Annually, Barbara attends the SVA National Conference to meet  
5     SVA members, participate in our breakout sessions, and other  
6     events throughout the weekend, to connect with student veterans.

7                     In the same manner, Barbara has often reached out  
8     and connected with SVA. One occasion, inviting Jared Lyon to  
9     speak as a part of a panel before their President's group. HLC has  
10    set the example on how to reach out to student veterans and  
11    military connected students as they pursue their education.

12                    Again, SVA would like to thank you for lending our  
13    voice to today's hearing.

14                    CHAIR PRESSNELL: Thank you very much. We  
15    have two additional commenters. We have Robert McClure from  
16    James Madison University. I'm not seeing him come up. We'll  
17    wait then. Let's go to Stephanie Hall with the Center for American  
18    Progress, Stephanie?

19                    S. HALL: Thank you and good afternoon. Thanks  
20    for the opportunity to provide comment today. Almost one year  
21    ago to the day I appeared before this Committee with a plea that  
22    you address the problematic trend in online higher education,

1    which is the outsourcing on online programs to third party  
2    companies, when there are incentives present that are out of  
3    alignment with the needs of students.

4                   Online program management companies, or OPMs,  
5    they take half or more of the tuition revenue raised from their  
6    client's school's online programs. In exchange, they're tasked with  
7    handling marketing, recruiting, instructional design, student  
8    support and more. According to the typical contract.

9                   Unfortunately, OPMs have the incentive, and  
10   financial statements reveal they act on this incentive to devote  
11   most of their share of the revenue to marketing and recruitment.  
12   This is because tuition sharing, or revenue sharing leaves both  
13   parties to focus on infinite enrollment growth over all other  
14   priorities.

15                  In long-term agreements like this, third parties  
16   extract university's limited resources. In the year since the issue  
17   was first brought to NACIQI, there has been heightened public  
18   awareness, thanks to investigative reporting, a government  
19   accountability office report, and a recently filed lawsuit by former  
20   students of an OPM managed program.

21                  All of these indicate the problem has already  
22   festered to an alarming degree. Accreditors appear to have rubber

1 stamped many of the agreements between institutions and OPMs,  
2 this is evidenced by the way the third parties take part in many  
3 college's decision making processes. That's a practice that runs  
4 counter to federal guidance.

5 Increased public scrutiny on these deals present a  
6 prime opportunity for accreditors to change course, but they may  
7 not do so without the leadership from advisory boards like  
8 NACIQI. So, I'm here today to point to specific cases relevant to  
9 the HLC institutions, a number of which have, or have had OPM  
10 contracts that overstep federal guidance.

11 So the public has a really limited window into how  
12 many and which schools have such agreements. I'm relying on a  
13 database of contracts acquired by the Century Foundation, via  
14 Freedom of Information requests. That database reveals at least  
15 five public HLC institutions have or have had contracts with an  
16 OPM known as academic partnerships.

17 Academic partnerships, those contracts include  
18 marketing, recruiting, application and enrollment support, retention  
19 services and academic services, including course mapping. And  
20 with this list it's easy to see how much of each program the OPM  
21 touches. On top of that, academic partnership client schools rely  
22 on a third party staffing firm to fill their online classes with

1 teaching assistance.

2                   These third party TA's interact with assessed  
3 students inside the course environment. The reason I bring this to  
4 you is because guidance issued in 2022 indicates that institutions  
5 should recalculate the involvement of their third parties to make  
6 sure they have an outsourced to limit beyond the regulatory limit.

7                   The Department of Education indicated it will  
8 monitor and enforce the new written guidance, written  
9 arrangement guidance, through compliance activities, and HOC  
10 must step in as soon as possible, if it has not already done so to  
11 ensure compliance.

12                  CHAIR PRESSNELL: Stephanie, we thank you for  
13 your comments. You're out of time.

14                  S. HALL: Thank you.

15                  CHAIR PRESSNELL: Thank you very much.  
16 Robert McClure of James Madison?

17                  R. MCCLURE: Thank you Mr. Chairman. Good  
18 afternoon. My name is Dr. Robert McClure, and I'm President and  
19 CEO of the James Madison Institute, Florida's oldest and largest  
20 think tank. Throughout reach and education we seek to advance  
21 public policy solutions that provide the citizens of Florida greater  
22 access to economic opportunity in pursuit of the lives that they so



1     desire.

2                     As Florida's leading think tank for nearly 40 years,  
3     JMI has championed policies that have made America the greatest  
4     prosperity engine in the history of mankind. These policies  
5     include, above all, free markets, economic liberty and limited  
6     governance. Today I'm here to discuss this third policy, the  
7     importance of limited government, and commend the members of  
8     NACIQI for their work to ensure America's higher education  
9     system remains free of government outreach.

10                    Your work as members of NACIQI is vital to our  
11     country's higher educational accreditation process. As you know,  
12     your job is to ensure accrediting agencies from meeting their  
13     quality control standards. This task is integral to America's higher  
14     education model because accrediting agencies are ultimately the  
15     gatekeepers to billions of dollars in student loan funding and Pell  
16     Grants, just to name a few things.

17                    Recently I've seen articles that have expressed  
18     frustration with statutory intent of this Board. Some of these  
19     articles have advocated for NACIQI to have a greater role of  
20     enforcement and accountability in an effort to hold individual  
21     colleges and universities accountable for measures that are freely  
22     beyond their control.

1                   I'm here today to express my concern with this idea  
2   as enforcement is not part of NACIQI's mission. Part of your  
3   value is that it exists to help ensure America's higher education  
4   system remains free of nationalized control, instead places an  
5   importance, excuse me, on the peer review process that is valued  
6   by higher education administrators and faculty alike.

7                   Someone who understands this, perhaps better than  
8   anyone else, is the outgoing Chairperson, Dr. Arthur Keiser, who  
9   has reaffirmed this concept during his time as Chair, and has  
10   maintained focus on the mission and purpose of NACIQI.

11                  America's higher education triad protects the  
12   balance of power, which has resulted in the quality of oversight  
13   and academic independence that has helped ensure that America's  
14   higher education system continues to be the envy of the free world.

15                  NACIQI is an important part of that triad, and I  
16   commend you all for your understanding of NACIQI's role and  
17   mission. Finally, I encourage this Board to remain free of partisan  
18   attempts to influence higher education accreditation, which those  
19   things are outside of the scope and mission of this Board.

20                  You were selected to this Committee because you  
21   are higher education accreditation and administration experts,  
22   chosen for your experience, your integrity, your impartiality, and

1 your good judgment. Thank you for all the great work that you do.

2 CHAIR PRESSNELL: Good. Thank you for your  
3 comments. So that concludes the third party commenters at this  
4 point, so we would invite the agency back to respond to the  
5 comments made. Barbara?

6 B. GELLMAN-DANLEY: Thank you very much  
7 Mr. Chairman. Well I will tell you that I'm surprised and moved  
8 by many of the comments in both directions. I empathize and  
9 understand what David Halperin is saying and others, and it's  
10 really a triad issue. It's not 100 percent accreditors. So I just want  
11 to say I acknowledge, and I hear, and understand.

12 As far as the veterans, we aren't getting some of the  
13 complaints that you are, if not any of them, and so, in the case  
14 where those are happening I would like you to feel free to  
15 encourage them if they would like to write us. They are more than  
16 welcome. Other than that, I can simply say we heard what you  
17 said and appreciate it.

18 The community colleges, University of Chicago,  
19 public and large, very large public institutions. I think I was very  
20 touched by their comments, and I think they demonstrate the kind  
21 of mix that makes us such a rich accreditor. As far as Dr. Bauer's  
22 comments about turnaround, I can't tell you how often we hear that

1     when we go to a probation hearing people are not happy to be  
2     there. And I understand that.

3                     But we learn a lot. And when we go to a removal  
4     from probation, removal from any kind of sanction they say what  
5     Dr. Bauer says, and so I'm very grateful that he told you that. As  
6     far as the FOIA comments, et cetera, I've already address OPMs,  
7     and I think that's been covered. And I do think it's important that  
8     we take a look at it. And I do think I have mentioned that we have  
9     publicly been seen for doing that in some cases. I want to be  
10    cautious about any particular institutions.

11                    As far as the last comments, clearly never a dull day  
12    at Florida, and I found the comments very interesting. And it's not  
13    really about HLC, it's about NACIQI. I think we were both being  
14    spoken to at that time. So, thank you very much for today, and  
15    thank you for the opportunity to comment about what we just  
16    heard.

17                    CHAIR PRESSNELL: All right. Thank you very  
18    much for your time and your patience during the hearing. So now  
19    we'll move to Elizabeth, responding to the agency and third party  
20    comments.

21                    E. DAGGETT: Can you hear me? Okay.

22                    CHAIR PRESSNELL: Yeah. Just stay close to it.

1                   E. DAGGETT: Okay. So I do not have a lot to add  
2 because I feel that HLC has done a great job of responding to all of  
3 your questions. I would be happy to answer any questions you  
4 might have for me. I did want to respond to one of the third party  
5 commenters, David Halperin.

6                   Within my review I brought up many of those, in  
7 fact, many of those were brought up in written third party  
8 comments, and they were included within the review of both the  
9 monitoring sections and student achievement and recruiting.

10                  And so I'm appreciative of his comments, and I  
11 want to make sure that he's aware that we are actually reviewing  
12 those things. So it's not as though those are going unnoticed.  
13 Those are included within our review.

14                  Beyond that like I said, I don't really have anything  
15 else. I did want to just say one other thing that just like some of  
16 the commenters have said that HLC is responsive to them. HLC  
17 has been very responsive to me, and I think you may have noticed  
18 within my analysis that there has been back and forth, a bit of an  
19 iterative process of getting additional information, me asking  
20 questions, and they have always been responsive in answering my  
21 questions, even if the answer was, you know, wasn't exactly what I  
22 wanted or needed.

1                   You know, we always worked through the process  
2   to get to where we needed to be, and they always were providing  
3   that. So I just wanted to say that. Other than that I'm happy to  
4   answer any questions you might have.

5                   CHAIR PRESSNELL: Are there any questions  
6   from the members? All right. Thank you very much Elizabeth.  
7   So now we'll move into the discussion and vote. And so back to  
8   our primary readers, Jennifer and Mary Ellen, do you have  
9   comments or any discussion you would like to have at this point?

10                  J. BLUM: Sure. And this has been -- I know it's  
11   been long, but I think it's been also really productive, and so I want  
12   to thank -- well I want to both with Elizabeth and the agency, for  
13   providing comprehensive information today. It's helpful. I'll just  
14   say where I am on this.

15                  The recommendation was for a full five years,  
16   except for there was a monitoring report on what I would say is a  
17   minor issue I think relating to the competency of representatives in  
18   a particular area. The two points that I want to make that I think  
19   I'm leaning towards suggesting that that monitoring report be on  
20   more than just that one issue.

21                  The first two are that as I said earlier, the agency to  
22   its credit -- oh, let me just say one other thing that's really

1 important. I don't view what I'm saying right now in terms of, you  
2 know, sort of a change to the recommendation as sort of punitive at  
3 all in any nature because as I said earlier I think the most important  
4 thing about this process is the continuous improvement and  
5 recognition of improvement, and I think HLC has done a really  
6 good job in demonstrating what it knows it needs to do to keep  
7 moving.

8                   And change doesn't necessarily mean the need for  
9 change doesn't necessarily mean that there was non-compliance.  
10 So, I think it's just more of an evolution in higher ed, and HLC  
11 recognizes that and it's moving forward.

12                   And so, I want to be mindful of that, and yet I want  
13 to also acknowledge that there were two areas, some change and  
14 transfer of credit where they literally just made the changes in the  
15 last, you know, seven or eight months, or nine months.

16                   And so, understanding the impact of change as a  
17 policy and being able to say they're compliant, I really am  
18 struggling with that notion. Not just as it relates to HLC, but as a  
19 precedent. And so, that's the first point. And then, of course, on  
20 student achievement, or maybe it's not of course, but a lot of the  
21 conversation was on student achievement, and I think HLC itself is  
22 acknowledging that they're doing a lot moving forward.

1                   And I'm hesitate to wait five years to see what  
2 happens next. The same way that I would think that if an  
3 institution was really making reform type changes to itself, I would  
4 hope that an accrediting agency wouldn't wait five years to come  
5 visit that institution to see how they did.

6                   So, I think my leaning, although I really always get  
7 bollixed up on the process pieces, substantial compliance with a  
8 monitoring report in one year, but I look to Elizabeth for what way  
9 to ask for more information in a period of time without suggesting  
10 that the agency is non-compliant, because I don't think that they're  
11 non-compliant. At least that's my view.

12                  I would say that what you said would be the  
13 accurate way to do that, just note the difference between. So, if  
14 you were to find non-compliance then it would have to be a  
15 compliance report, which would come back to NACIQI.

16                  If you find substantial compliant, that would be a  
17 monitoring report, which comes back to staff, which is, you know,  
18 a review. So that would be how you would discern which way you  
19 wanted to go.

20                  And as you said, the recommendation from staff  
21 already includes a monitoring report for that one section, so it  
22 would be adding those other two sections you mentioned. The



1 other two sections plus I actually would add the student  
2 achievement, so it would be three others. So, it would be four  
3 total.

4 The down side of that, and we've talked about this  
5 in other meetings, and so I think again another thing for, you  
6 know, it's a regulatory recommendation perhaps, it really wouldn't  
7 in a way it would be nice if the monitoring reports came back at  
8 least even on an informational basis to NACIQI so that we just --  
9 and I mean it helps inform us to know what's going on.

10 But I think that's my recommendation is, but if  
11 others have obviously thoughts.

12 CHAIR PRESSNELL: Right. And I'm going to  
13 turn it over to Herman to get his perspective as well. The only  
14 challenge I have is that typically actions taken by Department staff  
15 are dealing with compliance, saying they're out of compliance, or  
16 they're substantially compliant with compliance.

17 So that's the only place I have a hesitation of putting  
18 the burden back on the agency for something we want to query  
19 about, versus something that we see that we're suggesting they're  
20 out of compliance. Because even the monitoring report is a  
21 compliance issue specifically that let me -- Herman, let me turn it  
22 over to you to get your comments. I may have spoken out.

1                   H. BOUNDS: Okay. No. I just wanted to just say  
2   that when we determine substantially compliant we always refer  
3   back to the definition in 603. So, if you look at the definition it  
4   talks about the agency having a compliant policy. That's the main  
5   thing. If they don't have a policy then substantially compliant is  
6   not on the table.

7                   Then it talks about if they have a policy do they  
8   adhere to that policy generally with fidelity? So, we kind of look  
9   at those things. If it's something that they maybe miss one or two  
10   times, then we would use substantial compliance. So I just wanted  
11   to give the committee an idea of how we interpret substantial  
12   compliance, and then how we make that recommendation.

13                  CHAIR PRESSNELL: Bob?

14                  R. SHIREMAN: I'll say that sounds like the right  
15   approach in this situation, and I would remind everybody that  
16   ultimately it's the Senior Department Official who makes decisions  
17   and can look at all the evidence, and can make adjustments, but it  
18   is a way for us to signal that we have some concerns around  
19   something, but it was substantially compliant.

20                  I do agree that it would, and this should be part of  
21   the policy discussion about access to documents that being able to  
22   get a copy of the monitoring report for informational purposes, or

1 really for the public at some point would be useful, rather than it  
2 going into something that we never see.

3 CHAIR PRESSNELL: Yeah. Thank you Bob.  
4 Mary Ellen?

5 M. E. PETRISKO: Just I would like to be clear on  
6 the issues at hand, so the staff recommendation Jennifer has  
7 suggested that with the two policies in particular that we would  
8 like to see that they've actually been enacted, and there's some  
9 history there before we can say that everything is okey dokey.

10 And I think you're saying that's okay with regard to  
11 substantial compliance as its written, but there is a policy. We  
12 haven't really seen much of it yet, so we can say they're  
13 substantially compliant, but there's another step of actually seeing  
14 the enactment and the history of how that policy has been applied. Is  
15 that what I heard you say?

16 H. BOUNDS: And we look to see the application at  
17 least one time. I mean it's not like they haven't applied it during  
18 our review. They may not have had numerous opportunities to  
19 review it. We were satisfied with everything because we did see  
20 that policy work out to its extent during the review process.

21 M. E. PETRISKO: So, from a staff perspective  
22 then if the members of this group would like to say well perhaps

1     that's such a short history that we would feel more comfortable if  
2     there was a little bit more history.

3                     That would be in line with what the regulations are,  
4     and that would be okay to do that? That wouldn't be in conflict  
5     with what the definition is of what we're saying that they are  
6     substantially in compliance with?

7                     H. BOUNDS: I mean the Committee could  
8     recommend, you know, what they would like to recommend.  
9     That's okay. The other part of the regulation talks about that the  
10    agency has to demonstrate the application of its policy. It doesn't  
11    go into depth to say how many times we have to see that  
12    application.

13                    M. E. PETRISKO: So we can say we'd like to see  
14    more thorough application of the policy? That's what I just wanted  
15    to be clear about yeah.

16                    J. BLUM: Yeah. I completely on the transfer of  
17    credit, and the sub change changes, I feel like they fit neatly. I  
18    know that that's different than what the staff said, but it feels pretty  
19    -- I hate to use the word compliant, but it feels pretty consistent  
20    with the definition of substantially compliant.

21                    The trickier piece I think is on the student  
22    achievement piece where, you know, technically speaking one

1 might say that they're compliant today on the use of their current  
2 standards. It's to me, they're very circular, and it's not, and in this  
3 day and age they don't quite work anymore, but I'm hesitant to say  
4 that they're non-compliant.

5                   And I actually think in some regards, although not  
6 meeting the exact definition that Herman, you know, read, or  
7 reflected about substantial compliance, I would actually probably  
8 use that term in a less legal way to say that's the case on student  
9 achievement too, that they are complying, but that they also have  
10 intentions they self-stated.

11                   Intentions to modify, and so I think that would be  
12 the reason for, you know, a monitoring report. I know it's not  
13 perfect, which is why I started this whole thing by saying this is  
14 not perfect.

15                   M. E. PETRISKO: So the question for me in that  
16 regard is if we have seen an agency that we say is compliant, and  
17 they are taking steps to improve, and further nuance what they're  
18 doing to make sure that various subpopulations of the overall  
19 population are really in a more focused way supported.

20                   I don't know that that reaches the -- I mean, I would  
21 love to see more sooner, but I don't know if that's our job as far as  
22 a report is concerned to say we want to see what you've done with

1 this. It's a question for me. Because I do think, as Claude was  
2 saying, anything that's in a report with any kind of -- anything  
3 that's in our recommendation regarding any kind of report indicates  
4 problem

5 I don't know that I see problem in that regard, as  
6 much as I see efforts spread out over a couple different arenas with  
7 regard to student achievement to be better, to be more focused, to  
8 get better data, to get more data in a different way. So and I'm not  
9 sure. I think I'd like to hear what other people think about it as  
10 well.

11 CHAIR PRESSNELL: Just one comment before  
12 David. Yeah, I just, you know, I was just trying to make sure that  
13 are we talking about looking at their best practices, or are we  
14 talking about a compliance issue? And you're saying that it's kind  
15 of in the middle there between those.

16 But let me be very clear too that the last negotiated  
17 rulemaking that came out was absolutely clear, and we had  
18 (Interference) Jones come to this meeting, and was adamant about  
19 not setting bright line student achievement, especially on  
20 graduation rates, for any institution. That every institution ought to  
21 set their own goals in that the accrediting body's goal is to make  
22 sure that they're implementing it according to that mission and

1 purpose.

2 I posed the question, so do you mean you can have,  
3 and I think I used the work like, or the number 80 percent. You  
4 can have an 80 percent graduation rate, and still be fully compliant,  
5 and her answer was absolutely yes. So I'm just saying that the  
6 confusion that's been injected into this is rather recent, and  
7 everything I heard HLC say sounded like they were doing above  
8 and beyond that.

9 But your description of boy, it seems Willy Nilly,  
10 exactly. It did seem that way so.

11 J. BLUM: I think what they're doing in terms of the  
12 above and beyond is futuristic, which I applaud. I want to be  
13 really clear that like I applaud everything that they're doing to I  
14 assume it's not just an exercise in getting data. I assume it's an  
15 exercise in that they're going to create another -- a different form  
16 of framework for their student achievement standards.

17 And it's well, actually I'm not even assuming that, I  
18 think they said that. So, they've said that, and this is why this is  
19 not a neat process. They've said that they're going to do something  
20 to improve their student achievement standards.

21 They're well on their way to have the data in order  
22 to do that, and now if we grant full approval we're not going to

1 know what that looks like as a standard or an application for five  
2 years if we don't do something shorter than five years.

3                   Unfortunately, our choices are substantial compliant  
4 with a monitoring report, or non-compliance. And given those two  
5 options I'm not -- I'm actually not comfortable saying they're non-  
6 compliant, because to your point Claude, they are compliant. But  
7 I'm also not, I don't love the idea of giving five years and not  
8 knowing what the end of the story looks like, or the next chapter of  
9 the story. It's not the end. The next chapter. So that's the  
10 quandary, so it's not me. I'm not saying it's me.

11                   CHAIR PRESSNELL: And I'm going to go to  
12 David. What I'd like for you to do is to try to think of amendment  
13 language, and basically I think you're amending to add X number  
14 of categories to the substantial compliant. Then that way we can  
15 get a motion amendment motion on the table, take action on it, and  
16 then we can go back. But David?

17                   D. EUBANKS: Yes. Thank you. And so, Jennifer  
18 I agree in spirit with you, but as somebody who produces an awful  
19 lot of reports for regulatory bodies, it's a real expense to HLC,  
20 extraction, there's an expense on this side. I think maybe we  
21 should be careful about what actually triggers the need for all that.

22                   I don't have much to say about the first two. You



1 know much more about that than I do, but for student achievement  
2 they already meet the Department standard. I think the issue is a  
3 broader one, is what should meet the Department standard, and  
4 maybe we can have a discussion later on about that.

5 I think there is a need. But I also think, from what I  
6 heard, there's an awful lot of goodwill that they're actually,  
7 probably in the lead, and making whatever progress is going to be  
8 made, and it will take probably five years. I mean we've got to be  
9 realistic about how long it takes us to ship. So I'm really not in  
10 favor. You may be surprised to hear that, but I'm not in favor of  
11 the student achievement piece.

12 CHAIR PRESSNELL: Debbie?

13 D. COCHRANE: Thank you. I want to circle back  
14 on a clarification point around the 600.2 -- 602.23(c), just because  
15 I want to make sure before we get to the other agencies that I  
16 understand how the Department interprets this. So, tomorrow we  
17 have an agency where the summary says the agency's policy of not  
18 reviewing complaints that were late to events more than one year  
19 old does not meet the requirement.

20 So, right now we're looking at an agency that does  
21 in general, not review complaints more than two years old, and that  
22 is deemed compliant. So I just want to make sure that the insertion

1 of the word generally in the complaint process renders it timely,  
2 fair and equitable, and generally associated with a time limit makes  
3 it okay, but without the general it's not okay?

4 CHAIR PRESSNELL: Herman? Can you?

5 H. BOUNDS: And I think in that particular case do  
6 you guys remember which agency that was? They just had a hard  
7 stop. I'm pretty sure it was just a hard stop at one year, and we  
8 thought that was -- we thought that that did demonstrate fair and  
9 equitable. There was no other stipulations to that policy, and  
10 surely there may have been some more. Yeah, that was not the  
11 only issue.

12 D. COCHRANE: Yeah. No, and I understand that.  
13 But just so, the soft stop for this one makes it okay?

14 H. BOUNDS: Right, right. In our opinion.

15 CHAIR PRESSNELL: Yeah. Elizabeth?

16 E. DAGGETT: Just very quickly, first on the  
17 complaint policy. I do not I want to let everyone know, and I've  
18 already said I was going to say this. We're actually working on  
19 some additional guidance to provide to accrediting agencies in this  
20 particular area. It's not ready yet, but obviously we will be  
21 providing that at some time in the near future, so I don't have a  
22 specific answer to that.

1                   But to go back to the point on not seeing monitoring  
2   reports, two things. HLC, it was under a monitoring report for its  
3   prior, I'm sorry -- HLC was under a monitoring report for when it  
4   came up for review in 2020, and I reviewed those reports and  
5   actually included the final analysis in this petition, so you know,  
6   there is a way that NACIQI does see those things.

7                   I also included at least one complaint. Like many  
8   things are included in the petition. We do try to provide that  
9   information. But second is that if you do put something forward to  
10   a monitoring report, and I know you've seen this before, and it is  
11   deemed to not meet, not be in compliance, then it would come  
12   back to NACIQI.

13                  So note that it's not as though compliant or not. If  
14   it's not compliant it comes back to NACIQI. So there would be an  
15   avenue should a monitoring report not indicate that they are in  
16   compliance to come back, so I just wanted to bring those two  
17   points up.

18                  CHAIR PRESSNELL: Yeah. Zakiya?

19                  Z. SMITH ELLIS: This isn't a question. It's part of  
20   the discussion, and I think we can talk more about this in the policy  
21   conversation about I will just say there's now a moment we're  
22   having that's not necessarily new, but feels particularly ripe around

1 measures of student achievement, not specific to HLC, but the  
2 Department has recently closed the comment period about  
3 postsecondary value.

4                   There's, you know, ongoing stuff. And Congress,  
5 like there's lots of things percolating around how we think about  
6 what is -- what's appropriate measures of student outcomes are, in  
7 fairly specific and nuanced way, again, not specific to HLC, so I  
8 don't necessarily feel like just because we happen to be NACIQI,  
9 so like every problem is a, you know, we have a hammer.

10                   So every problem is a nail, that we don't need to  
11 like, I don't want to use their thing to like bring up other issues, but  
12 if what we're saying is that there's a general interest in looking at  
13 new and interesting, in particularly with accreditors, perhaps there  
14 may be other ways of looking at student achievement that maybe is  
15 a comment here, or something that we could think about in the  
16 policy group, something we share with the Department, and the  
17 Senior Department Official through this process of saying, hey,  
18 we're NACIQI.

19                   We see there's a movement. We would love to have  
20 some kind of voluntary meeting of NACIQI sometime other, but  
21 not like a mandatory thing, that you know, you have to come back  
22 to. So I want to just put that on the radar, and raise that.

1                   If it helps people in this conversation to clear this,  
2   to say maybe we have a discussion in the policy time to talk about  
3   how we could surface those issues without holding up a particular -  
4   - particular agencies.

5                   J. BLUM: Yeah. And I'm willing to pull back on  
6   the monitoring report on student achievement, I think, but in  
7   addition for the conversation that you were talking about on the  
8   student achievement and what it looks like in terms of measures. I  
9   just think we have a process issue within NACIQI. There's no  
10   place where I think this should live.

11                  Like I said, and it's in the record now. I'm  
12   uncomfortable with leaving the agency that sort of says we're  
13   going to change it up, and oh, so we're going to change it up, and  
14   oh, that's great, we'll see you in five years. Accreditors don't do  
15   that, or shouldn't do that with their own institutions, and so that's  
16   the parallel that I'm dealing with, you know, mentally on this.

17                  I have a huge hesitancy, but I'm not hearing that  
18   there's support for adding the monitoring. Well I'm not hearing  
19   support for adding the student achievement to the monitoring  
20   report, and if there's not support, then I'm happy to pull that piece.  
21   And I would add just the transfer of credit and the substantive  
22   change.

1 CHAIR PRESSNELL: Okay. So you would like to  
2 amend, have two additional monitoring reports. Well yeah --

3 J. BLUM: Yeah. We're just in the discussion  
4 mode, but yes, that's what our --

5 CHAIR PRESSNELL: Yeah. Let's go ahead and  
6 put a motion on the floor of your motion is to add two monitoring  
7 reports, and go ahead and identify those two.

8 J. BLUM: Well Elizabeth is probably going to have  
9 to help me on the citations because actually you and I, I think  
10 quoted different citations. So, I want to make sure we get it.

11 E. DAGGETT: I know which ones you want.

12 J. BLUM: Okay. Well do you want to?

13 E. DAGGETT: So what you want to do is renew  
14 the agency's recognition for five years, and that the agency has  
15 been found substantially in compliance with the criteria of  
16 602.15(a)(2), 602.22(a)(1)(i) and 602.24(e). Yep. I can.  
17 602.15(a)(2), 602.22(a)(1)(i) and 602.24(e).

18 CHAIR PRESSNELL: Elizabeth, in plain language  
19 that covers what?

20 E. DAGGETT: This is plain language.  
21 602.15(a)(2) is the training element that I had noted about the  
22 direct assessment and correspondence for decision making body

1 members and the site visitors.

2 CHAIR PRESSNELL: Right. But that's the one  
3 that's already in the staff part.

4 E. DAGGETT: Yeah. 602.22(a)(1)(i) is related to  
5 they changed their substantive change policy to make it clear that  
6 the policy would not allow for any substantive changes that would  
7 be detrimental to the institution being able to remain in compliance  
8 with HLC standards.

9 And 602.24(e) is the transfer of credit is ensuring  
10 that the requirements, and I don't know FSAs, 34 CFR 668.3  
11 maybe, I'm sorry.

12 CHAIR PRESSNELL: We can get that clarified. I  
13 just want to make it clear to the members that we're only going to  
14 be voting on the amendment to add those two reports, sub change  
15 and transfer credit. So, we're going to move to adopt those, and  
16 then if that motion, if it fails we're back to the original  
17 recommendation.

18 If it carries, then we will vote on the amended  
19 recommendation.

20 E. DAGGETT: So, just clearly. It's 34 CFR  
21 668.43(a)(11) is the site in the transfer of credits, I'm sorry.

22 CHAIR PRESSNELL: Right.

1                   R. SHIREMAN: So we had an underlying motion  
2   that this is an amendment to? I didn't think we had any underlying  
3   motions.

4                   CHAIR PRESSNELL: Okay. So this would  
5   substitute. Okay. My apologies. All right. So, this would  
6   substitute, okay. Okay. Got you. I apologize. I had asked for  
7   amended language, but I --

8                   J. BLUM: I never made the motion because then  
9   David said that he wouldn't support it.

10                  CHAIR PRESSNELL: Yeah. Okay. So my  
11   apologies, my apologies, I stand corrected. This is the motion. So  
12   any -- is there a second to the motion? Bob seconds the motion.  
13   Okay. Any discussion, further discussion? All right. Again, you  
14   have the ability to comment if you so wish, but let's take the vote.

15                  (Off mic) Cannot here the first few votes.

16                  G. A. SMITH: Curry?

17                  K. CURRY: --

18                  G. A. SMITH: I'll just put absent for now.  
19   Eubanks?

20                  D. EUBANKS: I'm going to vote no because I  
21   sensed enough goodwill from the agency. I think they'll do the  
22   right thing even without a report.



1 G. A. SMITH: Okay. Hall-Martin?

2 M. HALL-MARTIN: Due to the fact that we are  
3 voting -- due to the fact that we are here to review whether or not  
4 they are currently in compliance as determined by their submission  
5 I'm going to vote no because they are in compliance with the extra  
6 stuff.

7 G. A. SMITH: Okay. Thank you. Keiser?

8 A. KEISER: Agree with David Eubanks, but I also  
9 wanted to just say the continued attack by this anti-career school  
10 echo chamber led by David Halperin and others, it really makes a  
11 mockery of the situation we are in with hundreds of reviewers at  
12 the accrediting commissions, WASC, North Central New England,  
13 that if we looked and reviewed the facts as it relates to the  
14 standards, I just object to that.

15 G. A. SMITH: So your vote is?

16 A. KEISER: No. But I think the Commission is in  
17 compliance.

18 G. A. SMITH: So, no. Petrisko?

19 M. E. PETRISKO: He's turning the microphone on  
20 so you can all hear me sigh. A monitoring report will be required  
21 in any case. The question is whether there should be a monitoring  
22 report on substantive change, and the transfer policy, which the

1 staff has determined the policy is okay, and they have seen at least  
2 one instance of the policy being applied appropriately. So I guess  
3 it does boil down to a question, as David said, do we trust that this  
4 is going to be ongoing?

5                   These policies are so new that something would  
6 prevent them from applying these policies in a way that we would  
7 trust is the appropriate application. I guess I don't see reason to  
8 doubt that with such new policies there would be a reason to think  
9 that something will go wrong with their application, so I guess I  
10 will vote no.

11                   G. A. SMITH: Thank you. No, no, right?  
12 Poliakoff absent. Shireman?

13                   K. CURRY: This is Keith Curry. Can I vote? I'm  
14 having bad reception.

15                   G. A. SMITH: Yes. No worries. Yeah we can  
16 come back to you. Your vote is?

17                   K. CURRY: No.

18                   G. A. SMITH: No. Okay. Thank you. Shireman?

19                   R. SHIREMAN: I'll vote yes, and we are in the odd  
20 situation where because this was not an amendment, if this ends up  
21 going -- this will be the end of the vote, the end of this. There's no  
22 further vote? Why would there be a new vote?

1 G. A. SMITH: A new motion.

2 R. SHIREMAN: No. Because this is not a vote on  
3 an amendment to a motion, this is a vote on the motion, which is  
4 where I was trying to go with it. Yeah, no. I mean you're right if  
5 there's objections it should have been an amendment motion, but  
6 I'll vote yes, and I vote yes.

7 G. A. SMITH: And --

8 CHAIR PRESSNELL: There can be a new motion.

9 G. A. SMITH: Right. Smith Ellis?

10 Z. SMITH ELLIS: Yes. I was going to vote yes  
11 anyway, just so you know, because it's not because of this.

12 CHAIR PRESSNELL: All right. The measure, the  
13 motion fails, so we have four yesses, six noes, and two absent, and  
14 four recusals, and so I'll entertain another motion. Art moves the  
15 original staff recommendation. Do I have a second?

16 M. HALL-MARTIN: I'll second.

17 CHAIR PRESSNELL: Molly seconds.  
18 Discussion?

19 J. BLUM: Well I think this is a weird quandary  
20 because I think some of us might vote no.

21 CHAIR PRESSNELL: Yeah. You have every right  
22 to. There is a motion and a second. Yeah, Molly seconded it, so

1 any further discussion on the motion? Seeing none, let's take the  
2 vote.

3 G. A. SMITH: Okay. Artis?

4 R. CLARK ARTIS: Yes.

5 G. A. SMITH: Blum?

6 J. BLUM: No. Simply because -- not because I  
7 don't think they're in compliance, but simply because I feel like we  
8 would expect our accreditors to be treating their institutions with  
9 review in the same way that I would expect the Department to  
10 provide some oversight over an accrediting agency, so it's with a  
11 lot of reluctance that I'm having to vote no on this motion.

12 G. A. SMITH: Debbie?

13 D. COCHRANE: Yes.

14 G. A. SMITH: Curry?

15 K. CURRY: Yes.

16 G. A. SMITH: Eubanks?

17 D. EUBANKS: Yes, with concerns in HLC's speak.  
18 I don't think that sufficiently rigorous criterion for student  
19 achievement is being met with this type of approach. It's a  
20 systemic problem, not isolated to HLC, and I think it needs a  
21 deeper conversation.

22 G. A. SMITH: Okay. Thank you. Hall-Martin?

1 M. HALL-MARTIN: Yes.

2 G. A. SMITH: Keiser?

3 A. KEISER: Yes.

4 G. A. SMITH: Okay. Tell me when you're ready?

5 Ready. Okay. Petrisko?

6 M. E. PETRISKO: Yes.

7 G. A. SMITH: Shireman?

8 R. SHIREMAN: Yes, with concerns about proper  
9 oversight of institutions identified by third party commenters.

10 G. A. SMITH: Thank you. Smith Ellis?

11 Z. SMITH ELLIS: No.

12 CHAIR PRESSNELL: Okay. The motion passes  
13 with eight yesses and two noes, and three recusals. So thank you  
14 all very much for this fine work. We now made it to where we  
15 should be having lunch. We are not having lunch, but we will take  
16 a ten minute break. Yeah.

17 (Break 3:58 p.m.)

18 **The staff recommendation to the Senior**  
19 **Department Official for this agency is to renew the agency's**  
20 **recognition as a nationally recognized accrediting agency for**  
21 **five years, and require a monitoring report for the one section,**  
22 **which HLC was found to be substantially compliant.**

1 American Physical Therapy Association, Commission on  
2 Accreditation in Physical Therapy Education (CAPTE)

3 (4:11 p.m.)

4 CHAIR PRESSNELL: Thank you and welcome  
5 back. The agency up for review now is the American Physical  
6 Therapy Association Commission on Accreditation in Physical  
7 Therapy Education, or CAPTE. And so, do we have any additional  
8 recusals for this agency? All right. Seeing none, Wally, if you  
9 would like to introduce the agency please.

10 W. BOSTON: Sure. The Commission on  
11 Accreditation and Physical Therapy Education or CAPTE, was  
12 first recognized by the Secretary in 1977. In 1985, the Secretary  
13 granted an expansion of scope to the agency to include the pre-  
14 accreditation of programs for the physical therapist and physical  
15 therapist assistant.

16 The agency has been periodically reviewed, and  
17 continued recognition has been granted after each review. The  
18 agency has evaluated programs offering courses using distance  
19 education methodology since 1994, and 1997 for the PT, and PTA  
20 programs, respectively, and has been included within its scope  
21 since July 2002.

22 CAPTE was last reviewed for continued recognition  
23 at the Winter 2018 Meeting of NACIQI. Both Department staff

1 and NACIQI recommended to the Senior Department Official to  
2 continue the agency's recognition, and require to come in  
3 compliance within 12 months, and submit a compliance report that  
4 demonstrates the agency's compliance with the issues cited in the  
5 staff report.

6 Senior Department Official did not concur with the  
7 recommendations, and renewed the agency's recognition for five  
8 years. And since the agency's last review, the Department has  
9 received no complaints.

10 Third party comments are discussed within the  
11 petition, and in conjunction with the agency's petition Department  
12 staff reviewed the agency's supporting documentation, and  
13 observed a site visit in October 2021, training sessions in October  
14 21, and February 22, and the CAPTE decision making body  
15 meeting in April, 2022.

16 CHAIR PRESSNELL: Thank you Wally. And  
17 now I will ask Paul Florek with the Department staff to provide a  
18 briefing as well. Thank you.

19 P. FLOREK: Good afternoon Mr. Chair, members  
20 of the Committee. My name is Paul Florek. I am providing a  
21 summary of the review of the petition for renewal of recognition  
22 and a request for change of scope for the Commission on

1 Accreditation Physical Therapy Education, hereafter referred to as  
2 CAPTE for the agency.

3           The agency is a programmatic accreditor currently  
4 recognized by the Department. The staff recommendation to the  
5 Senior Department Official for this agency is to continue the  
6 agency's recognition as a nationally recognized accrediting agency  
7 at this time, and require the agency to come into compliance within  
8 12 months and submit a compliance report due 30 days thereafter,  
9 that demonstrates the agency's compliance.

10           Department staff also recommends approval of the  
11 agency's requested change in scope of recognition, which removes  
12 from the agency's scope the accreditation of master's degrees.

13           The amended scope would read, "The accreditation  
14 and pre-accreditation candidate for accreditation of physical  
15 therapy education programs leading to the first professional degree  
16 at the doctoral level, and physical therapy assistant education  
17 programs at the associate degree level."

18           And for its accreditation of such programs offered  
19 via distance education. Geographic area of accrediting activities --  
20 the United States. The two outstanding issues are related to the  
21 agency's development of policies regarding alternative standards,  
22 and protocols related to notifications for voluntary withdrawal.



1                   This recommendation is based on the renewal of  
2   agency's petition, and it's supporting documentation, as well as the  
3   observation of the site visit, multiple training sessions, decision  
4   making body meeting, and a virtual file review.

5                   The Department did not receive any complaints  
6   regarding the agency during the recognition period. The  
7   Department received one third party comment specific to the  
8   Department's third party comment procedures, which did not  
9   require a response from the agency, and it was addressed in the  
10   petition by Department staff.

11                  There are representatives from the agency that are  
12   here today to respond to your questions. Thank you.

13                  CHAIR PRESSNELL: Thank you Paul. Any  
14   member questions for Paul for clarification or technical questions  
15   at this point? Yeah, Wally?

16                  W. BOSTON: Yes. So Paul, the question I had  
17   relates to I'm sure you know these sections better than I do,  
18   602.18(c) alternative standards. And I just wanted to make sure  
19   that I understood you had an interesting recommendation. You  
20   said either delete it from your website, or come into compliance  
21   with the Department. So, I guess this is because it's an optional  
22   standard?

1                   P. FLOREK: Yeah, that's a great question. So this  
2 is an optional standard in that it allows agencies to have alternative  
3 or innovative standards, but when they utilize this protocol, they're  
4 required to satisfy four criteria the Department lists in 218(c), or  
5 they can just not have it.

6                   In this scenario what the agency is currently doing  
7 is it has a very broad approach to this in that it uses the agency's  
8 judgment for when the application of its standards can have some  
9 kind of exception. If this was -- if they did remove this, strike this  
10 language from their policies, and cease the practice, they would be  
11 in compliance.

12                  If they struck the language, but kept doing the  
13 practice, it's possible they would be out of compliance with  
14 602.18(b)(2) and (3), which is effective controls against  
15 inconsistent application, and it bases decisions regarding  
16 accreditation and pre-accreditation on published standards.

17                  So, they kind of have two options here. One is to  
18 stop the activity and remove the language. The other option is to  
19 beef up what they currently have in their policies to align it with  
20 the Department's requirements.

21                  And in conversation with the agency I know that  
22 this is something that they're carefully studying, and they want to

1 move forward with beefing up their current policies, so I imagine  
2 they can tell you more about that.

3 W. BOSTON: Thank you.

4 CHAIR PRESSNELL: Any other questions for  
5 Paul? All right. I would invite the agency representatives to come  
6 forward and I have Peggy Blake Gleeson and Mary Romanello.

7 P. BLAKE GLEESON: Thank you. I'm Dr. Peggy  
8 Gleeson, and I am the Chair of CAPTE. And Dr. Mary Romanello  
9 is the Director of Accreditation for CAPTE. As representatives of  
10 CAPTE we appreciate this opportunity to speak with you at  
11 NACIQI about CAPTE as a specialized accreditor for physical  
12 therapy education.

13 We thank the Education Department staff for  
14 working with us during this re-recognition process. CAPTE  
15 accredits physical therapy professional educational programs at the  
16 clinical doctoral level in higher education institutions in the U.S.  
17 and internationally.

18 CAPTE also accredits physical therapists assistant  
19 programs offered at the associate degree level at higher education  
20 institutions in the U.S.

21 The Commission is proud of its accredited  
22 programs outcomes. Dr. of Physical Therapy programs

1 consistently show a 95 percent or better graduation rate, and  
2 average a 98 percent ultimate licensure pass rate. Physical  
3 therapist assistant programs graduate students at higher than an 80  
4 percent rate, and their mean ultimate national licensure exam pass  
5 rate exceeds 89 percent.

6 The vast majority of graduates who seek  
7 employment as physical therapists, or physical therapist assistants,  
8 are employed within six months of graduation. And we look  
9 forward to today's conversation.

10 CHAIR PRESSNELL: Very good. Thank you very  
11 much. So Wally questions from the members?

12 W. BOSTON: I just want to make sure that  
13 Michael didn't come back. Is he still not with us? My colleague?

14 CHAIR PRESSNELL: Yeah. Michael wasn't able  
15 to join us again, sorry I apologize. I thought you knew that.

16 W. BOSTON: No. I wasn't here. I was recused.  
17 So thank you. I do have several questions. The first one of which  
18 is I don't want to repeat the direct question, but I had asked the  
19 Department's reviewer about the finding on 602.18(c) alternate  
20 standards. That was a new one for me that he said either delete it  
21 or beef it up, and I found out why from his perspective.

22 But I would like to hear from you all if it is your

1 intention to keep that standard, but bring the standard into  
2 compliance with Department's regulations.

3 P. BLAKE GLEESON: Great. Thanks. I'll let Dr.  
4 Romanello take that one. Mary?

5 M. ROMANELLO: I'm sorry about that. Thank  
6 you for that question. I appreciate it. As we have talked about this  
7 with the Commission, one of the things where this falls is the  
8 opportunity for programs to innovate, and to try new things. And  
9 CAPTE is trying to encourage that.

10 So with that, we currently have a process where we  
11 ask programs that want to innovate something that may not be in  
12 full compliance with the standard, to provide assessment data and a  
13 rationale for why they want the Commission to consider this in  
14 exception.

15 And so with that, the Commission has looked at a  
16 couple instances where it would benefit the students and the  
17 program to allow the programs to make some changes, i.e., one of  
18 those is allowing a candidacy program to admit students more than  
19 once per year. Currently, they only are allowed to do one  
20 admittance cycle until two years after their first class graduates.

21 Another was, and that is to make sure that they have  
22 the outcomes in order to be able to make those changes. The other

1     was a program that was an accelerated program that realized that  
2     their students were not doing as well as they wanted, and students  
3     were continuing to take the classes for the next semester while they  
4     were remediating the previous one, and their assessment data  
5     showed that they were interested in extending the program by one  
6     semester.

7                     The guidelines would have required them to wait  
8     until two years after their first class graduated, and the  
9     Commission believed it was in the best interests of the students to  
10    actually allow that exception. So, with these potential innovations  
11    or changes to meet students needs, the Commission has had  
12    discussion about writing the policy more formally, and putting it  
13    into our role in order to allow these things to happen.

14                    W. BOSTON: Thank you.

15                    CHAIR PRESSNELL: Does anyone else? Other  
16    questions for the members? Go ahead and do your questioning and  
17    then.

18                    W. BOSTON: Thank you. So, you know, your  
19    agency has been around for a while, and the standards for physical  
20    therapists have gone from a bachelor's degree to a master's degree,  
21    to first professional doctoral degree. And because you don't  
22    approve any stand alone institutions, or at least I didn't see any

1 indication of that on our dashboard, you don't get our dashboard  
2 view of debt and income.

3 But I was wondering if you have data -- have  
4 looked at data, to see that the extra year's tuition as the physical  
5 therapist has gone from that bachelor to master's to doctoral, and  
6 the time required has actually provided a return to graduates of  
7 these programs.

8 And there is a tool that the Wall Street Journal came  
9 out with a summer or two ago that looks at graduate earnings, and  
10 debt as reported in the college scorecard, even though the  
11 scorecard reports are for undergrads.

12 And I glanced at that tool, and granted not all  
13 institutions are aggregated because not all institutions have enough  
14 graduates to report the data in an open basis. But it appears that  
15 the debt to salary range for therapists is there's more debt than  
16 salary, so the debt is about 93,000.00 on average, and the salary is  
17 about \$73,000.00 on average.

18 And mindfully, this is a couple years old, which is a  
19 1.39 ratio. And I'm just curious if you have any data that looks at  
20 that, if that's -- is the reason that it's that high because physical  
21 therapists when they graduate are lower salaried, then their salaries  
22 ratchet up?

1                   Or, is this something that your Commission has a  
2   concern about and is looking into? Thank you.

3                   P. BLAKE GLEESON: So, I can address that a  
4   couple different ways. And one of the reasons that we went to the  
5   clinical doctoral degree is because as people live longer on both  
6   ends of that continuum as people survived horrific injuries, there  
7   was more and more that needed to be packed into the curriculum to  
8   enter the practice of physical therapy. And that's what programs  
9   were doing.

10                  They were increasing this course, and adding these  
11   contact hours. And going well beyond.

12                  (Interruption with IT issue.)

13                  CHAIR PRESSNELL: That's fabulous. Thank you  
14   very much.

15                  P. BLAKE GLEESON: Okay.

16                  CHAIR PRESSNELL: Do you remember where  
17   you were, because I don't, but you could give me it quickly, thank  
18   you.

19                  P. BLAKE GLEESON: Yes. I do. So we went to  
20   the doctoral degree because the number of things and courses and  
21   amount of information that was necessary for someone to enter the  
22   practice of physical therapy had grown exponentially with people's



1     lifespan, and you know, being increased at both ends of that  
2     continuum as well as with people's survival rates.

3                     And so without the addition of more credits and  
4     more courses, we had at the master's level, students who were  
5     actually taking enough credits that would be similar to a doctoral  
6     level in other disciplines.

7                     And so, they were actually going to school for long  
8     enough to earn a doctoral degree, but that's not what they were  
9     being awarded. So in many cases there wasn't a serious increase in  
10    tuition dollars between the master's and the doctoral program.

11                    We now have doctoral programs that are anywhere  
12    from six, which is the minimum number of semesters, up to eight  
13    and they're are probably a few nine semesters, so it really depends  
14    on the school's decision. So that's kind of why we went to the  
15    doctoral just because the amount of information that's necessary  
16    with to enter into practice.

17                    As far as the debt, I'm going to let Mary take that as  
18    far as numbers now. I know that in order, once upon a time, all the  
19    programs had to have on their websites the tuition fees, so that  
20    students would need to at least have a chance to know what those  
21    were for every PT and PTA program.

22                    However, we know that's not what it costs to go to

1 college, and so, or not what it costs to get a doctoral degree, or  
2 even an associate's degree. And so we developed a financial facts  
3 sheet that includes all the costs to complete that program, and that  
4 has to be on each individual program's website, so that that  
5 transparency is a little bit more obvious, and students can really  
6 compare apples and apples.

7 M. ROMANELLO: And as far as the total debt, I  
8 mean we're talking about graduate students, so if some of them  
9 come to the program with undergraduate debt already, so initially  
10 we were asking for those to provide bullets, but what we also  
11 wanted to do was try to delineate out what was the difference of  
12 the cost of the doctoral program.

13 And so based on our 2022 annual report, and we do  
14 ask programs to provide their tuition and fees, as well as the  
15 average student debt from their programs. The average is  
16 80,581.00 is what was reported this year in 2022. That was a range  
17 from zero, to over 200,000.00.

18 So we have a big mix of programs in the sense of  
19 students leaving a PT program without any debt, as compared to  
20 those who may be choosing programs with much higher loan debt  
21 when they finish.

22 But we are tracking it, and tracking it on an annual

1 basis with programs, and requiring programs to be transparent to  
2 their students and perspective students, so they know what they're  
3 choosing when they choose a program.

4 W. BOSTON: Thank you. Have you found any  
5 problems to violate that required transparency?

6 M. ROMANELLO: Not to this point. We are  
7 every year we ask programs, or we actually have the staff go in and  
8 look at a number of things on program's website, their website,  
9 their current URL. Their outcomes, the student financial fact  
10 sheet, and if for some reason there isn't one there, we do address  
11 that with the program and ask them to, you know, to get that  
12 corrected within three weeks.

13 And right now, we're in that annual process, and  
14 programs are responding promptly, and in fact some of them which  
15 when we gave them the dates we were looking to have it addressed  
16 way before we even took a look at their programs, so we are  
17 getting compliance with that.

18 W. BOSTON: Thank you. Those are the questions  
19 I have.

20 CHAIR PRESSNELL: Thank you Wally. Member  
21 questions? Bob?

22 MR. SHIREMAN: Thank you, and thank you for

1 appearing before us today. I wanted to ask you about your Board,  
2 or your Commission, or whatever it is that you call it. And in  
3 particular, the public members of the Board. I noticed that you not  
4 only have I think four public members, but also something for the  
5 consumer member.

6 Can you tell us about the role that you feel that you  
7 seek from your public members? Maybe tell us a little bit about  
8 the people who are your public members, and then also all the  
9 consumer members that you have.

10 P. BLAKE GLEESON: So, the role of the public  
11 member is to really be a consumer advocate. They oversee  
12 CAPTE's policies and procedures, they look at they participate in  
13 discussions of programs, assuming they're not in conflict with that  
14 particular program.

15 They complete the assessments, or compile the  
16 assessments that are done by the reviewers, by the panels, by when  
17 we do our onsite development, or our developing program,  
18 workshops, things like that, and present those results to us. They  
19 participate in the central panels, so just to line you up right. There  
20 are three panels that CAPTE has.

21 One is the PT panel. One is the PTA panel, and one  
22 is the central panel. So the public member on the central panel

1 looks at all formal complaints that CAPTE might receive, either  
2 about CAPTE, or about a program, and usually kind of leaves that  
3 discussion among the central panel members. They serve as -- the  
4 public member serves as the reviewer for formal complaints, like I  
5 just said.

6 They participate in reconsideration hearings, and  
7 they also participate in appeal hearings, which is the next hearing  
8 level. So that's what the public member does. The institutional  
9 member, who is neither a PT, nor a PTA, really does do all of the -  
10 - many of those things, except for leading the complaint process  
11 and the assessment process.

12 But they lend their scope to -- and their knowledge,  
13 to discussions related perhaps to financial issues of an institution,  
14 to they review programs as well. They vote, if they're not in  
15 conflict on those programs, so it's another lens that is outside of PT  
16 and PTA. And Mary, do you have anything else to add about the  
17 institutional member?

18 M. ROMANELLO: No, no.

19 P. BLAKE GLEESON: Okay.

20 CHAIR PRESSNELL: Other questions from the  
21 members? All right. Yes? Kathleen?

22 K. ALIOTO: Excuse me. In regards to the volume

1 of areas of the body that need to be dealt with, you have decided to  
2 -- do you also have a master's in let's say voice therapy? And a  
3 master in back therapy? And a master in these different areas  
4 because these are therapists who have certainly saved my life along  
5 the way, and without having to go through the doctoral process, do  
6 you have that as part of your 261 programs?

7 P. BLAKE GLEESON: The short answer is no.  
8 When we went to the entry level to physical therapist practice, is  
9 the doctor of physical therapy degree. So there isn't any kind of  
10 more focused, or I only want to treat this part of the body, or this  
11 kind of, you know, disability or whatever.

12 It is we graduate -- the generalist, who can treat  
13 everything at an entry level skill level. There are plenty of  
14 pathways after they enter practice where they can specialize, if you  
15 will, in various areas, various certifications, various extra training,  
16 residencies, fellowships, things like that.

17 But the only way to get to entry level practice for  
18 the physical therapist is the Doctor of Physical Therapy degree.  
19 Now, there if you have a license and you are trained with a  
20 master's degree, or a bachelor's degree, or quite honestly, even a  
21 certificate degree from back in the day, and you are licensed, you  
22 are still licensed, and you can still practice.

1                   But to get a new one, it's a Doctor of Physical  
2   Therapy degree.

3                   K. ALIOTO: And that's determined by you?

4                   P. BLAKE GLEESON: That was determined by a  
5   lot of discussion with all of our stakeholders, including our House  
6   of Delegates from the APTA, and our understanding of the  
7   education that was now necessary in order to care for, and provide  
8   effective and efficient services for our patients and clients.

9                   And what it actually took in terms of time, and  
10   content, in order to do that. So, the first DPT program actually  
11   started in 1994, that's how long it has been around. In 2018 I think  
12   all physical therapists entry level programs had transitioned to the  
13   DPT.

14                  K. ALIOTO: Thank you.

15                  CHAIR PRESSNELL: Michael, good to see you  
16   back. I didn't know if possibly you might have some questions for  
17   the agency as well?

18                  M. POLIAKOFF: Yes. Thanks. I'm glad to be  
19   back, and apologies for this somewhat turbulent day I've had. But  
20   if you haven't already gone over it, I would like to get a sense for  
21   the difference in expectations for graduation rates for the two  
22   levels that you oversee.

1                   P. BLAKE GLEESON: Uh-huh. So we have three  
2   bright lines of outcomes if you will, and the one as you mentioned,  
3   is a graduation rate. And those are different between physical  
4   therapists and physical therapist assistant expectations. We also  
5   have them for licensure pass rate and employment rate, and those  
6   are the same.

7                   But for the graduation rate it's important I think to  
8   understand the difference in that physical therapist student, and the  
9   physical therapist assistant student. So the student who is in a DPT  
10   program is a professional student. They have been in the system,  
11   the educational system for many years.

12                  They all have to have a bachelor's degree. Many of  
13   them have master's degree. They know the system. They know  
14   how to use the system. They know how to ask for resources, or  
15   search out resources. It doesn't mean that they don't have life  
16   challenges that they need to address.

17                  They certainly do, but they're more able to find  
18   those and to manage those. The physical therapist assistant student  
19   could become -- you talk about a wide variety of diversity, no  
20   matter how you define diversity. They could be coming out of  
21   high school.

22                  They could be 60 years old, and it's the first time



1 they've been in any kind of formal education since grade school, or  
2 since high school. That animal that is the physical therapist  
3 assistant student has many, many life challenges that they are just  
4 new to the system, and really don't know necessarily how to  
5 manage what's going on at home, what's going on financially,  
6 what's going on in classes, and how, you know, and how classes  
7 occur, and how labs occur, all that kind of thing.

8                   And so, we didn't want to punish, I guess you will,  
9 the programs if they have students that were not able to be  
10 successful on that first go around, and there are lots of different,  
11 you know, solutions to that. And that is recycling students and  
12 remediation and all that kind of stuff.

13                   But the interesting thing is even though the  
14 expectation for graduation is 80 percent for PT, and it's 60 percent  
15 for PTA. In actuality, the rate, the graduation rate and for PTA it  
16 ranges from 82 to 87 plus percent.

17                   And the number of programs, PTA programs that  
18 exceed the benchmark, that 60 percent, the number of programs  
19 that exceed it range from 93 to 99, depending on which year that  
20 you're looking at for the last four years.

21                   So, the programs are doing a bang up job helping  
22 these students get through. What we really didn't want to have the

1 same pressure their graduation rate just because of everything that  
2 they're dealing with.

3 M. POLIAKOFF: Okay. So very satisfying  
4 answer. Thank you. Having been a beneficiary of physical  
5 therapy at various points in my life. One more question. The pass  
6 rate of 85 percent, is that a first time pass rate, or do people often  
7 have to take it multiple times?

8 P. BLAKE GLEESON: So, the pass rate, the bright  
9 line that CAPTE standards call for is an 85 percent as the ultimate  
10 pass rate. So they may have taken it just once. They may have  
11 taken it more than once to get to passing. However, we thought it  
12 important it's not in a standard, other than the programs have to  
13 publish on their outcomes page, what the first time pass rate is.

14 M. POLIAKOFF: Okay.

15 P. BLAKE GLEESON: So, that information is  
16 available, both the first time pass rate, and the ultimate pass rate,  
17 but CAPTE standards are about the ultimate pass rate.

18 M. POLIAKOFF: Just curious, do you find there's  
19 a large contingent that needs to take it more than once?

20 P. BLAKE GLEESON: It's not large.

21 M. POLIAKOFF: Okay.

22 P. BLAKE GLEESON: They do exist for sure, but

1 it's not large. You know, we're talking one or two at max, or zero  
2 out of any graduating cohort, so it's many.

3 M. POLIAKOFF: Okay. Thank you.

4 CHAIR PRESSNELL: Thank you. Any other  
5 questions from the members? Jennifer?

6 J. BLUM: Yeah. I just want to ask. I keep in my  
7 head -- I keep thinking about this doctoral versus master's and I'm  
8 still a little confused. It's not necessarily a compliance question.  
9 But for more of a policy question about debt, and I get that the  
10 credit hours are similar or whatever.

11 From a licensure standpoint at the state level, are all  
12 the states, and have they been requiring doctoral degrees for some  
13 time, or because of this shift? It's sort of a chicken and egg thing,  
14 and I know somebody else asked it, but I'm really struggling with  
15 it. Like did the -- so, what are the state licensure requirements?

16 P. BLAKE GLEESON: So in order to actually be  
17 licensed to practice in any state by virtue of by granting authority  
18 of the Federation of State Boards and Physical Therapy, you have  
19 to have graduated from an accredited PT or PTA program.

20 Well the only PT programs that are out there now  
21 are at the DPT level.

22 J. BLUM: But I guess, so but is that because you're

1 no longer accrediting at the master's level?

2 P. BLAKE GLEESON: Right. Now there is the  
3 ability to transfer, and let's say you got a master's degree in  
4 Connecticut, and you want to transfer to Texas, move your license  
5 to Texas. You can apply for a reciprocity there, and you've got a  
6 master's degree as your entry level way back in the day.

7 You don't have to re-enroll in a DPT program, you  
8 just have to meet the standards, or the requirements for the new  
9 state that you're trying to move to, which may have some  
10 requirements like a juris prudence exam, or some other kind of  
11 educational things.

12 But not a different educational degree. So you can  
13 do that if you're currently in practice, but in order to enter the field  
14 now you have to have a doctoral physical therapy degree. And that  
15 is a clinical doctorate, it's not be confused with, you know, a PhD,  
16 or an EDD or an academic doctorate.

17 It's a clinical doctorate, which is the same as an  
18 M.D. That's a clinical doctorate. A dentist, a DMD is a clinical  
19 doctorate. Pharm D, that's a clinical doctorate. Even a DVM for  
20 vets is a clinical doctorate. So, that's kind of the level where  
21 medical training is.

22 CHAIR PRESSNELL: Thank you. Zakiya?

1                   Z. SMITH ELLIS: I just have a clarifying question  
2   to what Jennifer just asked, and maybe you answered, and it was  
3   just -- blew past. But is the reason that the standard has changed in  
4   the field because you all are no longer allowing people to do  
5   master's degrees in physical therapy, or did the standard change in  
6   the field because some other?

7                   Sorry, maybe not, but because you all, your body,  
8   decided that it was no longer sufficient? Or did that happen in  
9   some other way, like did the licensure boards, like did someone  
10   else decide that there's no -- the master's level is no longer  
11   sufficient to enter the field? I just didn't know the distinction of  
12   how that happened?

13                  P. BLAKE GLEESON: I think the ground swell  
14   was from practice, and educators across the country, and our  
15   professional organization, APTA, they have some delegates that  
16   were all saying we were adding and adding and adding, and we  
17   need to bestow the degree that other disciplines earn after so many  
18   credit hours.

19                  So it wasn't that CAPTE sat in isolation and said  
20   hey, wouldn't this be a good idea. It really was like I said, the first  
21   program started in 94. The conversation happened well -- started  
22   well before then, so it really was a lot of different bodies that are

1 involved in education in the physical therapy discipline.

2 M. ROMANELLO: And if I can add to that. So,  
3 with various programs, particularly a few that were, and again with  
4 the profession saying and practicing, we have a vision that by -- at  
5 the time it was 2020 all programs will offer the doctorate physical  
6 therapy.

7 And over time programs, and so therefore it was  
8 faculty with higher ed institutions, made the decision based on the  
9 curriculum they were going to offer the Doctor of Physical  
10 Therapy, and so over a period of time from 1994 to the last  
11 program transitioning to the DPT, the Doctor of Physical Therapy  
12 in 2018, programs chose to change from the master's to the  
13 doctoral level degree program.

14 And then with that they had these requirements for  
15 being at the DPT now. So it really was somewhat of a market  
16 driven progression over a period of time by institutions and the  
17 demand. Does that address your question?

18 Z. SMITH ELLIS: It does, thank you.

19 CHAIR PRESSNELL: Thank you Zakiya.  
20 Kathleen?

21 K. ALIOTO: Sorry, I apologize for coming in on  
22 the meeting late, but just in terms as a consumer. I have a throat

1 issue, and I cannot see the therapist again for two months because  
2 there are so many people who have throat issues in San Francisco.  
3 And she's fabulous. She does not have a doctorate in speech  
4 therapy, but so I would want to have 20 people be speech  
5 therapists instead of UCSF having four.

6 But in her case she doesn't need to have a doctorate.  
7 She may want to have a doctorate, but I don't understand why you  
8 can't certify. I understand the market and why schools would want  
9 to have a doctoral program. They'd have more money coming in in  
10 terms of student tuitions.

11 But in terms of what is better for the public, that's a  
12 different question that I wish you would at least mull over in the  
13 next few years before you come before this body again.

14 M. ROMANELLO: Go ahead Peggy.

15 P. BLAKE GLEESON: Yeah. I appreciate that  
16 comment, and I agree with you that for your particular situation,  
17 and many others that are specific to a certain need, that it is more  
18 important to have someone not who's entry level prepared, but  
19 someone who has a specialization, and who's gotten more  
20 experience and more training, possible more certifications in the  
21 area that you need.

22 And I can tell you that dealing from a physical

1 therapist's standpoint with those who have throat issues is not very  
2 highly developed in physical therapy entry level education. And  
3 that would be considered an advanced practical skills, which you  
4 can have a bachelor's degree and go into advanced practice. You  
5 can have a master's degree. It really is about your -- the level of  
6 experience that you are willing to go and get training for.

7                   So, yes, there are lots of situations such as you  
8 describe where yes, that person with the master's, or maybe even a  
9 bachelor's, who has advanced training in the area that you need is  
10 more valuable to you as an individual patient, than perhaps the  
11 entry level DPT.

12                   CHAIR PRESSNELL: Very good. Other questions  
13 from the members? All right. There are no third party comments,  
14 and so we want to thank the agency for your time and effort here.  
15 Paul, any final comments?

16                   P. FLOREK: No further comments.

17                   CHAIR PRESSNELL: Bob?

18                   R. SHIREMAN: Yeah. I'd like to ask Paul a  
19 question. This discussion about the question of whether part of  
20 what's happening here is in industry trying to restrict entry in ways  
21 that makes things less accessible for consumers, perhaps more  
22 costly?



1                   In part has to do with the affirming, you know,  
2   giving government approval to an agency that then others take and  
3   say well, you know, this agency is an accrediting agency. This is  
4   approved by the U.S. Department of Education. This particular  
5   agency is not using that for Title IV purposes. There is some kind  
6   of a federal link.

7                   Can you tell us about what the reason is that we  
8   have any role at all with affirming this agency's authority in this  
9   area?

10                  P. FLOREK: Thank you for the question. So I'm  
11   not sure if you have the report in front of you, but if you take a  
12   look at 602 10 A through B, this was analysis developed with some  
13   of the other members of the accreditation group whereby the  
14   agency is able to use its accreditation to participate in the re-  
15   program. And I'm trying to find where that is in my notes. One  
16   moment.

17                  Oh. Got it. So this is the Research Enhancement  
18   Award Program. This is a non-HEA federal program administered  
19   by the NIH. Because this program, it does include physical  
20   therapy doctoral degrees in their list of programs that qualify for  
21   funding, and because of that the agency's accreditation is a  
22   required element in enabling at least one of its accredited programs

1 to establish eligibility to participate in a non-HEA federal program.

2 So that's their federal leg.

3 R. SHIREMAN: Thank you.

4 CHAIR PRESSNELL: Excellent question. Are  
5 there questions from the members for Paul? Thank you Paul. And  
6 all right. Discussion and vote from the members. Any discussion  
7 among the members? Zakiya?

8 Z. SMITH ELLIS: With respect to the accrediting  
9 agency, this is more so discussion just for the members, for us to  
10 consider, so I don't presume to know anything about physical  
11 therapy in a practice way, but I do want us to just consider the  
12 point that I think Bob is raising.

13 And related to Kathy's comment, which is there's  
14 clearly a need here that is greater than what the field is providing,  
15 and we've acknowledged, at least in some ways, that it doesn't  
16 actually require a doctorate level of education, even though the  
17 field of folks may think that.

18 And there is a phenomenon of like over  
19 credentialling that leads people to take on more time and expense  
20 if not debt, than they need to. And so, I'm not really sure. I really  
21 just did not, you know, come into this thinking about that until the  
22 conversation happened.

1                   So I think it's evidence of the usefulness of these  
2 meetings and the discussion. And I'm not really sure what to do  
3 about that in this instance, or how to address it, and maybe there is  
4 no formal role because it seems like they're in compliance of all  
5 the pieces.

6                   But that's a problem, and I would just, you know,  
7 maybe again we seem like we're adding a lot of things to this  
8 meeting's policy discussion, and I mean for this time, but maybe  
9 for some other time I think it is a challenge if we think that there is  
10 a role in terms of a market, a need that is not being met.

11                  A level or standard that could be by the agency's  
12 own admission, achieved through training outside, you know, an  
13 apprentice, or something like that, you know, after they've gotten  
14 the initial degree that doesn't actually require a doctorate that is  
15 still of medical or practice use in some way.

16                  And yet there's a barrier for people being able to do  
17 that. So again, I don't think that's a reason to not move forward  
18 here. I'm not really sure procedurally what to do about it, but it is a  
19 challenge that I have in my mind.

20                  CHAIR PRESSNELL: Yeah, thank you. I think  
21 that's actually multiple disciplines. I think DNPs are there, you  
22 know, the CRNAs are moving to requiring DNPs, so kind of a

1 degree inflation if you will. Yeah, so Jennifer?

2 J. BLUM: Yeah, and I would say it too that there's  
3 not a compliance issue per se. Although it is interesting that they  
4 were moving a degree level from their scope, so which again, is  
5 not our place necessarily to judge that, but I do find it sort of an  
6 anomaly of removing a degree level that is a stepping to the  
7 doctoral.

8 It's a little concerning that they're taking away an  
9 option for students. And I would say on the sort of medical  
10 analogy, actually PA's have more and more increasing role in  
11 doctor's offices. And so there is a move afoot among some  
12 industries to be innovative about how not to necessarily have to go  
13 to the highest level.

14 The final thing I will say is from my own  
15 experience, many a time government regulators have suggested  
16 that institutions are over inflating credits, and advancing degrees.  
17 And many a times schools have said to the government agency,  
18 you need to talk to licensure board and specialized creditors about  
19 what the marketplace demands are on the schools.

20 And so, I just, I do think that it's worth saying that  
21 because I think this is a very perfect example of where it is quite  
22 evident and stated that it is actually the licensure boards and the

1     accreditor who are going to the next level degree. And I think it is  
2     a serious issue because we're talking about debt and earnings on a  
3     regular basis, and this is an example that's going in the wrong  
4     direction, but they're in compliance.;

5                     CHAIR PRESSNELL: All right. Any other  
6     comments or discussion from the Committee members? All right.  
7     I'll entertain a motion.

8                     W. BOSTON: **I move that we accept the**  
9     **Department's recommendation, which is renewal with the 12**  
10    **month compliance on issue 602.18(c).**

11                    CHAIR PRESSNELL: **And 602.26(f)?**

12                    W. BOSTON: Yeah. Either to delete the  
13    alternative standards from their website, or to --

14                    CHAIR PRESSNELL: Paul, are there two  
15    compliant issues, and could you site those for us please?

16                    P. FLOREK: Yes. Two. The first one is 602.18(c).  
17    And the second one is 602.26(f).

18                    CHAIR PRESSNELL: All right. Very good. So  
19    the motion is to accept the staff report with the two remaining  
20    issues?

21                    W. BOSTON: Yes.

22                    CHAIR PRESSNELL: And do we have a second?

1 David Eubanks thank you very much. Discussion about the  
2 motion?

3 R. SHIREMAN: Just that I think I will comment,  
4 or maybe I'm just doing it now, that I would appreciate the SDO  
5 reviewing the validity of the federal link to make sure that it is firm  
6 and strong.

7 CHAIR PRESSNELL: Very good. Thank you.  
8 Any other comments or comments of note for the SDO? Very  
9 good. Let's take the vote.

10 G. A. SMITH: All right. Kathleen? Kathleen yes?

11 K. ALIOTO: Yes.

12 G. A. SMITH: Okay. Blum?

13 J. BLUM: Yes.

14 G. A. SMITH: Boston? Yes. Cochrane?

15 D. COCHRANE: Yes.

16 G. A. SMITH: Cruz Rivera?

17 J. L. CRUZ RIVERA: Yes.

18 G. A. SMITH: Eubanks?

19 D. EUBANKS: Yes.

20 G. A. SMITH: Hall-Martin?

21 M. HALL-MARTIN: Yes.

22 G. A. SMITH: Lindsay?

1 M. LINDSAY: Yes.

2 G. A. SMITH: Mayes?

3 R. MAYES: Yes.

4 G. A. SMITH: Petrisko?

5 M. E. PETRISKO: Yes.

6 G. A. SMITH: Poliakoff? Michael? Okay. I'll just  
7 put him as absent then. And Shireman?

8 R. SHIREMAN: Yes.

9 M. POLIAKOFF: That's a yes for me, for  
10 Poliakoff.

11 G. A. SMITH: Okay. That's great. And Zakiya?

12 Z. SMITH ELLIS: Yes.

13 G. A. SMITH: All right. Very good.

14 CHAIR PRESSNELL: Very good. The motion  
15 carries with a vote of 13 yesses, and 3 recusals, and so thank you  
16 all very much. Be patient here for a minute as we talk about what  
17 we might do next here, but thank you for your vote on that.

18 **I move that we accept the Department's recommendation,**  
19 **which is renewal with the 12 month compliance on issue**  
20 **602.18(c) and 602.26(f).**

21

22

1

2

CHAIR PRESSNELL: Okay. Thank you all. We

3

were just trying to see whether or not we might be able to sneak

4

another one, another agency in, but we've decided against that, and

5

so with the recognition tomorrow we start promptly on time

6

obviously, and that we try to be expeditious about our reviews and

7

our comments.

8

I don't want anyone to not be heard. I just want to

9

make sure though that the language is tight, and we don't repeat

10

one another. And I would say today there really was none of that

11

repeating. Everybody had really unique questions, and I really

12

appreciated it.

13

So, but we will start tomorrow morning. Then with

14

yeah, and members be here by 8:30, start promptly at 9:00 with

15

Middle States Commission on Higher Education. Okay? All right.

16

Thank you. Have a good night and thanks to everybody who's

17

been with us online today.

18

(Whereupon the NACIQI meeting concluded at

19

5:02 p.m.)

20

21

22