The Advisory Committee met at 9:00 a.m., at Potomac Center Plaza
550 12th Street, S.W.
10th Floor Auditorium
Washington DC, 20024, Claude Pressnell Jr., Chair, presiding.

ADVISORY COMMITTEE MEMBERS PRESENT

CLAUDE PRESSNELL JR., CHAIR
ZAKIYA SMITH ELLIS, Vice Chair
KATHLEEN SULLIVAN ALIOTO
ARTHUR KEISER
JENNIFER BLUM, ESQ.
WALLACE E. BOSTON
ROSLYN CLARK ARTIS
DAVID EUBANKS
MOLLY HALL-MARTIN
D. MICHAEL LINDSAY
MARY ELLEN PETRisko
DEPARTMENT OF EDUCATION STAFF PRESENT

GEORGE ALAN SMITH, NACIQI Executive Director, Designated Federal Official

HERMAN BOUNDS, Director, Accreditation Group

NICOLE S. HARRIS

ELIZABETH DAGGETT

PAUL FLOREK

CHARITY HELTON

STEPHANIE MCKISSIC

KARMON SIMMS-COATES

REHA MALLORY

L.G. CORDER

MICHAEL STEIN

ANGELA SIERRA

DONNA MANGOLD

CHIRISTLE SHEPPARD SOUTHAL
RENEWAL OF RECOGNITION:

MIDDLE STATES COMMISSION OF HIGHER EDUCATION

(MSCHE)

NACIQI Primary Readers:

ARTHUR KEISER
ZAKIYA SMITH ELLIS

DEPARTMENT STAFF:

REHA MALLORY

AGENCY REPRESENTATIVES:

DR. DAVIE GILMOUR, MSCHE, Chair, President Emeritus
DR. KATHERINE CONWAY- TURNER, MSCHE, Vice Chair, President, SUNY Buffalo State
DR. HEATHER PERFETTI, MSCHE President
DR. IDNA CORBETT, MSCHE Senior Vice President for Accreditation Relations
DR. DIANA BARBU, MSCHE Senior Director Research

KATHIE JEFFRIES, MSCHE Vice President for Finance and Chief Financial Officer
DR. AMY MOSEDER, MSCHE Vice President for Policy and Regulatory Affairs
DR. STEPHEN PUGLIESE, MSCHE Senior Vice President and Chief of Staff

DR. TRACEY SCHNEIDER, MSCHE Senior Vice President for Legal Affairs and General Counsel

THIRD-PARTY COMMENTERS:

DR. ALISON E. VOGELAAR

ALLISON MUTH, Veterans Education Success

RENEWAL OF RECOGNITION:

NEW ENGLAND COMMISSION OF HIGHER EDUCATION (NECHE)

NACIQI PRIMARY READERS:

DAVID EUBANKS

ROBERT SHIREMAN

ROBERT MAYES

DEPARTMENT STAFF:

NICOLE S. HARRIS

AGENCY REPRESENTATIVES:

LARRY SCHALL, President of the Commission

RUSSELL CAREY, Chair of the Commission, Executive Vice President for Planning and Policy at Brown University
PAT O’BRIEN, Senior Vice President of the Commission
CAROL ANDERSON, Vice President of the Commission
LAURA GAMBINO, Vice President of the Commission

RENEWAL OF RECOGNITION:
ACCREDITATION COMMISSION FOR MIDWIFERY EDUCATION (ACME)

NACIQI Primary Readers:
CLAUDE PRESSNELL, JR.

CONTINUED

ZAKIYA SMITH ELLIS
KARMON SIMMS-COATES

ANGELA SMITH, ACME Executive Director
ANNE COCKERMAN, ACME Board of Commissioners Chair

RENEWAL OF RECOGNITION:
WESTERN ASSOCIATION OF SCHOOL AND COLLEGES,
SENIOR COLLEGE
AND UNIVERSITY COMMISSION (WASCUC)

NACIQI Primary Readers:

ROSLYN CLARK ARTIS

DEPARTMENT STAFF:
CHARITY HELTON

AGENCY REPRESENTATIVES:

PHILLIP L. DOOLITTLE, Commission Vice Chair and Chair-Elect

TRACY POON TAMBASCIA, Commission Vice Chair and Chair-Elect

JAMIENNE S. STUDLEY, President

CHRISTOPHER N. OBERG, Executive Vice President

STEPHANIE A. BOND HUIE, Vice President

THIRD-PARTY COMMENTERS:

ELLA AZOULAY, Student Borrowers Protection Agency

(CONTINUE):

ALLISON MUTH, Veterans Education Success

LEILA HUDSON
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G. A. SMITH: Good morning, and welcome to the second day of the National Advisory Committee on Institutional Quality and Integrity's Winter 2023 Meeting. I'm George Alan Smith, the Executive Director and Designated Federal Official of NACIQI, which was established by Section 114 of the Higher Education Act of 1965, as amended, or HEA, and is also governed by provisions of the Federal Advisory Committee Act as amended, also known as FACA, which set forth standards for the formation and use of advisory committees. Sections 101(c) and 487C-4 of the HEA and Section 8016 of the Public Health Service Act, 42 U.S.C. Section 2966, require the Secretary to publish a list of state approval agencies, and nationally recognized accrediting agencies, and state approval and accrediting agencies for programs of nurse education that the Secretary determines to be reliable authorities as to the quality of education provided by the institutions and programs they accredit. Eligibility of the educational institutions and programs for participating in various federal programs requires accreditation by an agency listed by the Secretary. As provided in HEA Section 114, NACIQI advises
the Secretary on the discharge of these functions, and is also
authorized to provide advice regarding the process of eligibility
and certification of institutions of higher education for
participation in the federal student aid program, authorized under
Title IV of the HEA.

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

Again, thank you for joining us today for this hybrid
meeting. I'll now turn the meeting over to our newly elected
Chairperson Claude Pressnell.

CHAIR PRESSNELL: Thank you George, and
welcome everyone to day two of the NACIQI hearing, and I am
Claude Pressnell. I serve as the President of the Tennessee
Independent Colleges and Universities, and also the current Chair
of NACIQI.

So let's start with just real brief introductions. We'll
go around the room. Kathleen, would you start us off please?

K. SULLIVAN ALIOTO: Good morning.
Kathleen Sullivan Alioto, whose focus now is on infants and children. Thank you.


M. E. PETRISKO: Marry Ellen Petrisko, past President WSCUC Senior College and University Commission.

D. EUBANKS: David Eubanks. I work at Furman University.

M. HALL- MARTIN: (Spoke in Native Language). I'm Molly Hall Martin. I'm the Director of W-SARA at the Western Interstate Commission for Higher Education, and I serve as the student member.

D. COCHRANE: Hi. Debbie Cochrane with the California's Bureau for Private Postsecondary Education.

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

J. BLUM: Jennifer Blum, Higher Education policy lawyer and consultant.

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

A. KEISER: Arthur Keiser, Chancellor, Keiser University.
CHAIR PRESSNELL: And those online. Michael Poliakoff, introduce yourself please. You're muted. Michael, you're muted, sorry. Michael are you there?

M. POLIAKOFF: I am indeed. Michael Poliakoff, President of the American Council of Trustees and Alumni.

CHAIR PRESSNELL: Thank you Michael Lindsey.

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

CHAIR PRESSNELL: Robert?

R. MAYES: Hi. I'm Robert Mayes, CEO of Parent Company of Columbia Southern University.

CHAIR PRESSNELL: All right. Thank you. And George, could you introduce your team please?

G. A. SMITH: Okay. Well beyond me is Monica Freeman, part of the NCFMEA and NACIQI staff. We can move over to Herman.

H. BOUNDS: Yeah. Good morning. My name is Herman Bounds, Director of the Accreditation Group.

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

S. MCKISSICK: Good morning. Dr. Stephanie
McKissic. I'm an analyst with the Accreditation Group.

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

C. HELTON: Good morning. Charity Helton, Analyst with the Accreditation Group.

A. SIERRA: Hi. I'm Angela Sierra, with the Office of the General Counsel, and I also have with me from OGC Christle Sheppard Southall, and participating virtually Donna Mangold. Thanks.

CHAIR PRESSNELL: All right. Thank you very much. For those who are just joining us today, oh my apologies. Okay, go ahead. We have some staff online. I'm sorry. Elizabeth, go ahead and I'll have you call.

E. DAGGETT: Elizabeth Daggett, Analyst with the Accreditation Group.

CHAIR PRESSNELL: Okay. Reha?

R. MALLORY: Reha Mallory, Analyst with the Accreditation Group.

P. FLOREK: Good morning. Paul Florek Analyst with the Accreditation Group.

L. G. CORDER: L.G. Corder, Analyst with the Accreditation Group.
K. SIMMS-COATES: Karmon Simms-Coates.

Good morning, Karmon Simms-Coates an Analyst with the Accreditation Group.

CHAIR PRESSNELL: All right. Thank you. My apologies, I could have swore I saw you here yesterday, many of you, so good to see you all online. I appreciate that. So for those who are just joining us today I wanted to go through just real briefly what the standard review procedures look like.

There will be first the primary readers that will introduce the agency application. The Department staff will provide a briefing. Agency representatives will provide comments, then there will be questions by NACIQI, followed by response and comment from the agency.

Third party comments will be allowed at that time if there are any. And then the agency will respond to the third party comments. And Department staff response to the agency and the third party comments, and then there will be discussion among the membership, and then a vote. And so, our first agency up today is the Middle States Commission on Higher Education. And our primary readers are Art Keiser and Zakiya Smith Ellis, so Art?
A. KEISER: Good morning Mr. Chair. Good morning members of the Committee, members of the staff, members of Middle States. The Middle States Commission on Higher Education is a nationally accredited agency that currently accredits 528 institutions. The agency's recognition enables this institution to establish eligibility to receive federal student assistance funding under Title IV of the Higher Education Act of 1965, as amended.

The agency serves as the Title IV gatekeeper for all but a handful of institutions it accredits. Consequently, the agency must meet the Secretary's separate and independent requirements.

CHAIR PRESSNELL: Thank you Art. And so the Department staff is Reha Mallory.

R. MALLORY: Hello. Good afternoon Mr. Chairman and members of the Committee. My name is Reha Mallory Shackleford, and I'm providing a summary of the review of the petition for renewal of recognition for the agency Middle States Commission on Higher Education.

Our review of the agency's petition found that the agency was not in compliance with the Secretary's criteria for recognition, specifically, at the time of the review the agency did
not have a policy for one criteria, 602.26 (f)(2) that speaks to
institutions that allow its accreditation, or pre-accreditation to
lapse.

My recommendation is to continue the agency's
recognition as a nationally recognized accrediting agency at this
time, require the agency to come into compliance with 602.26(f)(2)
within 12 months, and require the agency to submit a compliance
report due 30 days after that demonstrates the agency's
compliance.

This recommendation is based on the review of the
agency's petition, along with the supporting documentation and
observe Commission meeting in June 2021, a file review in
October 2021, and a virtual site visit in October of 2022. There
were 11 third party comments, eight of which were in support of
the agency.

Other comments had concerns related to student
achievement, the agency's substantive change policy, and a policy
comment about the Department's solicitation of written third party
comments. All of the agency's comments, my analysis of the third
party comments and the agency's response, can be found in the
agency's petition.

There were no complaints filed during this period of
review, and there are two third party comments on today's agenda.

Representatives from the agency are here to respond to your questions, and thank you.

CHAIR PRESSNELL: Very good. Thank you very much Reha. Any clarifying questions, Art?

A. KEISER: Reha, thank you for a very comprehensive report. I do have a question on the one issue that you've identified because it appeared in the petition that the agency had a policy, though it was not specifically defined as a policy in their manuals.

And they also show that they had in the past demonstrated the ability to deal with this issue of an institution voluntarily withdrawing from accreditation. Would you consider that because we had this debate yesterday, a significant enough to withhold the recognition, and ask for a monitoring report?

R. MALLORY: Thank you Art. Thank you for that comment. So I'll say to start, the agency didn't have the policy, but they did have a practice that they demonstrated that you saw in the petition of making sure that before an institution even got to the point where it would lapse, they had checkpoints sufficient for the regulation, and sufficient for monitoring to ensure that that didn't happen.
So, they never had an occurrence for an institution to even lapse because they had checkpoints along the way. So that's kind of their practice, and so, but they didn't have an actual policy, and so that's why I had to rate them as such. I will add that the institution did institute a policy since then, since my review, that is specific to this, to 602.26(f)(2), so they have that in place now.

And to your question about monitoring, yes, I do think that they are within the purview of being continued for a period of five years I would even say, but because they didn't have it at the time of the review that's why I had to make my recommendation as such.

CHAIR PRESSNELL: Okay. Jen?

J. BLUM: So, I definitely want this on the agenda tomorrow, because this is exactly the point I was raising yesterday. HLC, also at the time of review, did not have a policy in place, and then put a policy in place, and somehow it had a different -- it's having a different designation.

I don't want to spend time on Middle States right now, but I definitely think as it relates to substantial compliance, I'm having -- at least I'm having a hard time understanding how the staff is interpreting it in certain circumstances than in others.
And in the case of Middle States, which we'll get to, 

I definitely want to hear from the agency on this, but it strikes me 

that, you know, they're substantially compliant because yes, there's 

a technical, you know, issue of policy, but they were in practice 

utilizing it in the same way that they would a policy. 

So to me, Middle States is, you know, sort of in the 

same, or in a better boat, in terms of compliance, and so I'm not 

sure why they would be non-compliant today. So I'm just going to 

be, I think this is a really, in terms of consistency of decision 

making, and how we it gets portrayed. 

I just feel like they're there for conversation from 

the policy side. 

CHAIR PRESSNELL: Thanks Jennifer. Herman? 

R. MALLORY: Just a really -- 

CHAIR PRESSNELL: Go ahead and then Herman. 

R. MALLORY: I was going to say Jennifer I 

immediately thought of you yesterday when this came around for 

HLC. Like I said, because they do have the practice in place, but 

you know, we have to go within our -- the timeframe of the 

recognition period. And so, you know, if this were a couple of, 

you know, months later when they have a policy then yes, they 

would be, you know, compliant in all areas.
So that's just, you know, it's a timing issue unfortunately. Herman, I think you would understand.

H. BOUNDS: So let's go back first and talk about HLC. HLC was able to change their policy. They were able to demonstrate the application of that policy within the review period. So they didn't have a policy. Elizabeth found them non-compliant. They changed the policy, and then they demonstrated application within the time of the petition, so that's why HLC was substantially compliant because they -- in this particular case they implemented, but they still had two folks that needed the training.

So we said in that case they are substantially compliant. In this particular case, Middle States did not have a policy. So first of all, if you look at the definition of substantially compliant, the first sentence says you have to have a policy. Middle States did not have a policy, and they did not change that policy until after the review period was over, and we published the final staff analysis.

So during that time, we had no other choice but to find them non-compliant because they did not meet the basic part of the definition of substantially compliant. That's the difference between those two situations, very distinct difference.

CHAIR PRESSNELL: Art?
A. KEISER: I don't want to belabor the point, but we have some disagreement there because the material I read showed that there was a policy and it was not named specifically as a policy in that definition. And they showed evidence that they had in the past performed the functions that were required. Let's go with the Commission.

CHAIR PRESSNELL: Okay. All right. Very good. All right. So we'll go ahead and move forward then with the agency comments, and I'm not sure who wants to take the lead, but first on my list is Dr. Davie Gilmour, the Chair, but please.

H. PERFETTI: Thank you. I will go ahead and kick off for our Commission. Good morning Chair Claude Pressnell, Vice Chair Zakiya Smith Ellis, all members of the Committee and Department staff. I am Heather Perfetti, President of the Middle States Commission on Higher Education.

It is an honor to appear before NACIQI, the Department, our constituents and the public on behalf of my Commission. As our agency values and takes seriously the role we support as a member of the regulatory triad. I would like to recognize and thank our NACIQI readers, Arthur Keiser, and Zakiya Smith Ellis, for what I know was a careful review of the Commission's materials, and required significant preparation for
today's meeting.

I also want to thank Dr. George Smith, the Executive Director with NACIQI, and Monica Freeman, the Department's Management and Program Analyst, who shared information, or answered questions that we had about today's appearance in this process. I want to thank all members of NACIQI for the attention that you give to agencies like ours that come before you.

I also need to express so much appreciation for all of the Department staff. This includes our current staff analyst, Dr. Reha Mallory Shackleford as well as our former staff analyst, Dr. Stephanie McKissic, who stepped in to support our agency, while Dr. Shackleford was on leave.

Both provided us with exceptional guidance and feedback throughout this process. I want to thank Mr. Herman Bounds as well. We are most appreciative of the leadership and insights from the Department staff, not just as it relates to our recognition and this process, but for all of the support throughout these many difficult months and years, managing the work of accreditation during a pandemic.

The challenges were many for all of us in higher education, but the Department staff ensured that any questions we
had were answered. This was especially critical as we faced a
changing regulatory environment with new recognition procedures
that we were required to understand and follow.

I am sitting here before NACIQI as President, and
some of you are meeting me for the first time. However, I have
met several of you when we collaborated through the student
success subcommittee, where the staff of the Middle States
Commission on Higher Education had an opportunity to talk with
many of you about the work we do generally and more
specifically, the attention we place upon student achievement.

I want to thank David Eubanks who led those
discussions with our Commission staff, along with all other
members of NACIQI who took the time to talk with us. You are
going to hear more about our work today, and how we have drawn
upon our strengths as an organization to support a significant
amount of transformation, change, and innovation during this
recognition period, which means that we are working differently
when compared to our last petition and appearance.

Part of that stems from changes in leadership. I
have already introduced myself, but just want to provide the
context of my time with the Commission. I joined the Commission
in January of 2015, following years of service as a peer evaluator,
and with faculty and administrative experiences across a number of institutions.

I joined the staff of the Commission initially as Vice President for Institutional Field Relations, where I had the privilege of working directly with institutions before serving as the Senior Vice President for Legal Affairs, and Chief of Staff. I became President on July 1, 2020, following one year of serving as President Elect alongside the former President.

This allowed our Commission to benefit from a more stable transition. I brought 20 years of higher ed experience into the position. This was a succession plan put into place based upon my experiences, as well as mindful of the fact that at the time three of four senior members of the administration were eying retirement, and they have since retired.

That meant that I would come into this position leading through change, and unknowingly at the time, leading through a pandemic. I am proud to introduce you to my executive leadership team, who bring important experiences into their positions, and lead our agency also with a commitment to and through transformation, change and innovation.

Dr. Idna Corbett, Senior Vice President for Accreditation Relations, Dr. Stephen Pugliese, Senior Vice
President and Chief of Staff, Dr. Tracey Schneider, Senior Vice President for Legal Affairs and General Counsel. And although not presenting today, Miss Casey Bennett, Administrative Coordinator for the President's Office.

In addition to my executive leadership team, I have other phenomenal staff who lead and support the important work we do, and are here with me today to answer questions that you may have. And those include Dr. Diana Barbu, Senior Director for Research, Miss Kathie Jeffries, Vice President for Finance and Chief Financial Officer, and Dr. Amy Moseder, Vice President for Policy and Regulatory Affairs.

And perhaps most importantly, the individuals here today representing the Commission, who give tirelessly to the work of accreditation, as members and leaders of our volunteer board. Dr. Davie Gilmour, Chair of the Commission, and President Emeritus of the Pennsylvania College of Technology, and Dr. Katherine Conway-Turner, Vice-Chair of the Commission, and President of SUNY Buffalo State in the System of the State University of New York.

I could not have asked for a better team to appear before you today to share opening remarks and respond to questions that you may have about our work. Our remarks will
stay focused on the themes of transformation, change, and innovation. And our hope is that we will walk away today with a strong and positive recommendation from you for recognition, but also having learned new ideas about how we can look differently at our work, and improve upon it.

Ultimately, we see this as the primary goal of the recognition process with our constituents and with you. I am going to ask that Davie, Chair of our Commission, provide additional opening remarks on behalf of our agency. She will then call on Kate, and I will end our remarks with additional details about the work of our Commission. Thank you.

D. GILMOUR: I'm very pleased to be with you today, and I want to first speak as my role of Chair representing the work done by our Commissioners. Who we are as a Commission was established in our bylaws, requiring 27 Commissioners. That number has at times, gone as high as 29.

The Commission meets the federal requirements for composition. We have administrative faculty and public representatives. We often exceed the minimum number of public representatives required under the regulations. One-seventh of our Commission has always consisted of public representatives.

We've invested in recruiting public representatives
under Dr. Perfetti's leadership. And the goals of our membership committee have led to achieving greater diversity, both in perspective, and in voice. I think it's important that I mention to you by name and title, those public representative we have.

Mr. Michael Collins, Vice President of Jobs for the Future. Mr. Christopher Kenny, President and Chief Executive Officer, Delaware Supermarkets, Incorporated. Ms. Vuyo Memani-Sedile, owner of Platinum Web Hub. Mr. George Sullivan, Head of Enterprise Services Qualtrics, and Ms. Roberta Torian, retired partner of the Law Firm Reed Smith LLC.

In addition to the public representatives our Commissioners bring recent current administrative and academic experience from institutions that comprise individuals who support the multi-level decision making of the Commission's institutions.

Our Commission is proud to work with higher education systems that include the State University of New York System, the Pennsylvania State System of Higher Education, the City University of New York, the University of Puerto Rico, the Inter American University of Puerto Rico, and the Anna G. Mendez University.

To highlight the breadth of diversity of our institutions, the smallest institution in our membership, using
annual head count is Reconstructionist Rabbinical College, with 32
students. And our largest is the Open University, an institution in
the United Kingdom with over 135,000 students.

If we examine only Title IV institutions, the
smallest remains the same, but the largest would be the
Pennsylvania State University, with over 102,000 students. Our
expectations for our institutions do not differ. Our standards for
accreditation, our policies, our procedures, and our rigor, with
which we approach accreditation, applies equally to all of our
institutions.

Our work as a Commission is not only defined by
our bylaws, but also through recently adopted charters, to capture
protocols for the manner in which all committees are expected to
function and operate. This Commission has made decisions that
lead to transformation, change, innovation, and you heard about
that already.

As an agency, we could not do our work without the
Commission volunteers, and our 1,700 peer evaluators in the field.
The multidimensional decision making process begins with our
peer evaluators to make recommendations to the committees, who
bring recommendations to the Commission.

We have had to make some incredibly difficult
decisions in recent years, and we have, as you are recently keenly
aware, recently taken the most severe action that an accrediting
agency can take, and that was to withdraw accreditation from an
institution.

These decisions were not taken lightly. We always
follow our policies, our procedures, and our federal regulations.
Most importantly, we are mindful of the impact on students.
While we know of the public interest in the withdrawal of
accreditation, the Commission monitors institutions through many
levels of non-compliance, with various types of recording.

We have faced responsible closures of unplanned
immediate closures, and auctions where institutions voluntarily
surrender their accreditation. Teach out plans have become critical
in all of these circumstances. The work we do is nuanced, and it is
increasing in complexity.

One important consideration is the front end of the
accreditation process. It is important not just to consider
institutions that may lose their accreditation, but one very
important decision our Commission made is to no longer be bound
by geographic boundaries.

We have been supporting the work of accreditation
in 46 states, two U.S. territories, and the District of Columbia, 97
countries. The Commission as a result determined it's no longer needed to be defined by geographic boundaries. Since July 1 of 2020, the date the new regulations went into effect, we've had 60 inquiries for a perspective institution. Those included 15 international and 16 from outside our traditional region. Of the 60, it's important to note only 26 submitted the pre-application materials for consideration. Of those, the Commission declined to consider 10 pre-applications. We rejected two institutions for failing to demonstrate accreditation readiness, and five withdrew due to the challenges for them that we identified during the process. That's a total of 17 out of 26 that did not make it through the very preliminary phases with us. And I think that speaks volumes about the rigor that guides our work. I want to proudly share with you the transformation and change, and the innovation that decides who we are as a Commission. We've strengthened our onboarding training evaluation for the Commission. We've conducted important evaluations of the work of the Board, and we have adopted new terms, extending some three to five years for stability and continuity. You've heard the commitment we hold to public
representatives, and this aligns with our investment of ensuring diversity across our Commission. We've established critical strategic priorities. We've adopted a new policy framework, and have worked diligently to update all policies, separate policies, separate procedures and guidelines that serve as clear information. We adopted, and continue to honor a fiscal plan that controls costs for our institution, and yet accounts for investments in supporting changes in accreditation, increasing staff size, and accomplishing our strategic priorities. We have continued to have discussions about policy, data and building a future that accounts for the changing need of our agencies.

The number of actions our agency takes in any given year is approximately 600. One exception to that was 2019 and 2020, and that was, of course, related to the pandemic when we took double the number of actions. That corresponded with the additional actions that had to be taken in account for the Department's flexibilities for the institutions.

What has guided this work began with the renewed view of our mission, our vision and our values. Protecting the future, guiding for good and setting the standard. In addition to serving as Chair, as a former President of one of the Commission's institutions, I have witnessed firsthand the value of accreditation.
The expectations of the Commission, the rigor and
the integrity for which the work is completed, as well as the
volunteers and the power of deep reflections our peer review
process cannot be understated. What we do leads to institutional
improvement. During the pandemic I was not only leading this
Commission, but I was also leading my own institution through its
reaffirmation process.

We powered through what we thought was nearly
impossible. My former institution, like all of our membership,
remains stronger because of accreditation. And throughout today's
appearance I think it will be evident why. I'm happy to answer
questions at the appropriate time, but for now I'm going to turn
things over to my Commission's Vice Chair, Kate Conway-Turner,
who will add to these remarks, and share details about our student
centered approach that we take in accreditation. Thank you.

K. CONWAY-TURNER: Good morning. Now
that you have highlights of who we are as an agency, and learned
about my fellow Commissioners, who are collectively making
determinations relating to the quality of the institutions within our
membership, I want to focus on our work as a quality assurance
agency for the benefit of our students.

The Commission has supported transformation,
change, innovation, in a way that directly improves student experience, educates and informs students about the work we do, and encourages them to be involved in the work of accreditation. First and foremost, our standards for accreditation place students at the center of what we do. You will hear about revisions to our 2014 standards. The principle that guided the development of those standards remained relevant and reiterative during the most recent standards revision process. The focus of the standards remains on the student learning experience, and student outcomes. The mission centric approach acknowledges the diversity of our institutions and their students. Institutional assessment and assessment of student learning emphasize, understand and support innovation as an essential part of the continuous institutional improvement for the benefit of students and the communities served by our institutions. What we all can appreciate is that accreditation can be difficult for constituents to understand, and especially our students. Our approach to accreditation brings students into the work of accreditation using a variety of mechanisms. And I think it is worth highlighting a few of the areas where students are engaged with us, and our evaluation teams. Our vice presidents
who serve as liaisons to every one of our institutions, meets with students during the self-study preparation visits, which occur at the start of self-study.

This goal is to educate students about the process, encourage them to be involved, and to answer questions that students may have. We see institutions also, including students on their steering committees, as well as making other intentional efforts to harm, educate and involve students and the accreditation process.

Our visiting teams of all volunteers also meet with students as an important part of the accreditation activities within their institutions. This includes student opportunities to meet with team members at main campuses, grant campuses, and additional locations. So the breadth of our evaluation teams hear from students is really expansive.

This begins with a self-study design which maps out the strategies institutions will use for all constituents as they face self-study. In addition, our Commission customer service oriented approach means that we are responsive to students who bring concerns to us about our institutions through our formal complaints or third party comment process.

Changes to this process during the recognition
period include a move to a platform that allows for easier
electronic submission of complaints or third party comments from
any constituent member, and the majority of our complaints come
from students.

Even with this convenient platform to accept
complaints, we have been mindful of challenges for some student
populations who electronically submit a letter of concern. To that
day we have created exceptions where we will receive for
example, written concerns from incarcerated students, who may
not have access to our online submission platform in a correctional
facility.

However, and most importantly, our engagement
with institutions relating to complaints that we have received is
effective. While we have data that can be provided to give a more
comprehensive view of the complaints we manage, I want to share
a specific example with you where the Commission processed a
student complaint during the recognition period under its policies
and procedures.

And a positive change resulted for students.

Following the resolution of the student complaint, the student
wrote to us, expressing appreciation for how our complaint process
was able to assist her and her fellow students. I want to share with
you what the student conveyed to us. She wrote, "I just wanted to
thank you and your team for all your help with this.

Before Middlesex came into the picture we couldn't
get anyone at our school to care about this or try. You guys came
into the picture, and I am not sure what happened, but we were told
today that we finally have mental health care for all our cyber
students. Thank you for all your hard work, it really means a lot to
us."

This demonstrates our commitment to working with
students and institutions through the process to ensure that
institutions consider and address concerns that may come to our
attention from students or any other constituent. Another way we
see the perspective of students embedded in the work of the
Commission is through our policies and procedures.

During the policy and procedure process, we
considered the perspective students, even if we may not hear from
them directly from official calls. I wanted to highlight one such
policy and procedure that reflects a commitment to students around
transfer credit.

This revised policy followed the Commission's
endorsement of two statements in collaboration with other
organizations, which writing our own policy that sought to
maximize transfer credit. The guidelines were also developed to
supplement the policy and procedures, and to reinforce important
principals and best practices relating to transfer.

Our policy and procedures required consistency,
fairness, flexibility, good educational practice, and academic
program integrity in transfer decisions because we recognize that
transfer of credit decisions directly benefits students, and helped
reduce systemic inequities in higher education.

We clearly state in our expectations that institutions
should seek to minimize the loss of credit for students whenever
possible. Our transfer parent approach at the Commission means
that we are also publicly messaging with a constant eye towards
serving all of our constituents well, but especially our students.

We know it's important that students understand the role we serve,
and what information we publicly make available about our
institutions that can be helpful to them.

With that said, we know we have had, and will
continue to see difficult situations with institutions, in particular,
when they must close. We have watched institutions support
closures in admirable ways, but we have also met the challenges
from time to time. When institutions do not follow the steps
required, or do not follow them well, we understand that students
do not have the information, resources or options they need. Our Commission in those instances and circumstances, continues to press institutions so that we can receive essential information, in our most challenges circumstances our staff will work directly with, and often lead meetings with the state or federal agencies to be positioned to better inform our students, and the public to assist institutions to close with integrity. I'm especially proud to share with you the Commission's inclusion of students in our 2022 annual conference, where we invited and encouraged student poster sessions for presentation. This was really new for us. However, it reflects an important extension of the Commission's student centered commitment. This has not only created an opportunity for students to showcase their research among 1,400 colleagues who registered for the conference this past year, but it also engaged students differently in understanding accreditation. We're expecting perhaps 10 to 15 students to be interested in this inaugural opportunity, so image our delight when we hosted 52 student scholars, including students from one of our international institutions who had visited the United States for the first time. The energy that students brought to our conference
mirrored the level of commitment we have for them and a responsibility to quality assurance. One student shared her conference experience on social media, and I think it is worth sharing with you today.

The student expressed the following. She said moments ago I wrapped up the most nerve wracking, yet amazing experience by being part of the first group of students to present ever at the Middle States 2022 Annual Conference. This was my first student poster, and I’m humbled by the other amazing students who presented the wide array of topics from varying institutions.

To everyone who stopped by my table and chatted with me, complimented my poster, encouraged me and networked, thank you. This little fish just started in higher education a year and a half ago, so imposter syndrome was real. This topic is so near and dear to me as it directly aligns with the work I do currently with students at my college.

Being a Hispanic-serving institution means much more to me, and I truly hope to continue creating equitable or holistic initiatives for our diverse students to create persistence and retention. This project was a labor of love, and a great full circle moment. I am content. What a great reflection for that student.

This reflection shows the power of students in our
process. I had the opportunity, along with our Chair and President, to personally meet with students during the poster presentations, and we all walked away with an experience and a reminder that this is accreditation.

Another way that we remain student centered is through the Commission's own podcast, Pillars of Change, which features the diversity, equity and inclusion initiatives of our institutions. The podcast has allowed institutions to highlight the direct positive impact of their DEI initiatives upon their students and communities.

And we are especially proud of sharing practices, which have the potential to influence strategies for improvement across all of our institutions. And finally, one focus on data, with a strategic primary reflection of this commitment, underlines our student's good work through the importance we place on our student achievement.

Dr. Perfetti will talk with you more about how data remains leveraged in the evaluation of our institutions, and how well our Commission is doing across a number of data points. My remarks were designed to share the holistic approach of the work of our Commission, through a student centered perspective, and the transformation, change and innovation centered on students.
I appreciate being here with you today, and being able to share a section of this presentation with you. I'm looking forward to the discussion that follows our presentation, and now would like to ask Dr. Perfetti, President of the Commission, to share her remarks.

H. PERFETTI: Thank you, and thank you to Davie and Kate for being here with us to share their insights with you today, and for leading the difficult, yet rewarding work of accreditation. Before I begin I do want to note that we understand that our talking about data without visual displays is quite difficult.

When we appeared before NACIQI in 2018, we were permitted to use a presentation to guide this portion of our remarks addressing data. While we did make the same request for this appearance, that request was not approved, so you're going to have to bear with me while we talk about data without the accompanying visual presentation.

We do have though, much of this, publicly available at our website that you can find easily with tables that capture our data through a link at our home page. It's available as part of a webpage we established for this petition process, so that we could be as transparent as possible leading to our presentation today.

So, in terms of graduation rates, and as seen through
Table 1 at our website, the institutions within our membership are doing better than the national average overall, especially at the baccalaureate level. For our associate institutions, we are performing as well as the national average. This is based on our analysis of the NACIQI data file, which we know has proven to be a helpful resource and tool for you, as well as for us.

Let me start though with what our Commission has been collecting through what we call the Annual Institutional Update or AIU. The AIU is an ongoing process used for monitoring our institutions, with three data indicators that generally reflect one, student achievement; two, viability and capacity; and three, financial health.

Table 2 at our website shows the results for our institutions from the 2021 and 2022 AIU process relating to these indicators. By way of explanation, additional metrics help us analyze these three areas, and are collected annually, using a mix of the transfer of IPED's data into our AIU, as well as through our institutions providing and verifying other data.

Once this data collection process ends, staff evaluated through looking at the assignment of levels of concern with appropriate additional monitoring based on our findings. As part of this process the Commission collects and analyzes
graduation rates, which are essential for our student achievement indicator. Concerns are triggered during our own AIU data analysis for four year institutions, and for two year institutions, and we're using similar metrics as the guidelines from the 2018 graduation rate information project of the Council of Regional Accrediting Commissions, or CRAC. Those guidelines, just as a reminder, are for institutions with bachelors as a predominant degree, the indicator was set at six year graduation rates at, or below 25 percent, and for institutions with associates as a predominant degree the indicator was set at three year graduation rates at or below 15 percent. We use a two prong approach to process the student achievement indicator through the AIU. First, we review the current data and compare it against the established indicators. Second, we conduct a trend analysis examining the variation in graduation rates during the past two years. Depending on these two elements, institutions will be assigned one of three levels of concern, serious concern, moderate concern, or no/minimal concern. The Commission's Senior Director for Research works with the AIU data, and with our Vice Presidents for institutional field relations to analyze the
data for institutions that have at least one flag indicating a serious
concern, or a yellow flag indicating a moderate concern, in any of
the three areas -- student achievement, viability and capacity, or
financial help.

Staff then use the assigned concern values to
determine the next steps based upon existing monitoring
procedures for additional reporting. Analysis happens every
collection year for every single institution. The substantial nature
of the process since its implementation, has made us look
differently at the entire cycle of accreditation.

In particular, we found that both the AIU and
another activity we embedded into the cycle of accreditation that
we refer to as the midpoint peer review, brought duplicative
processes. The Commission's commitment to data will continue
through the AIU, which serves a more critical role in the review
and monitoring of institutions annually.

This, coupled with our existing monitoring and
evaluation processes serves as a comprehensive approach to
indications of quality. We recently revisited the student
achievement indicator to propose revisions to the metrics for
analysis associated with the levels of concerns for our upcoming
2023 AIU data analysis.
While we continue to focus on graduation rates, our Commission has increased the indicator to something more aspirational, based on research conducted. As a result we will shift the indicator upward to account for, and analyze institutions that fall below 40 percent graduation rates for four year institutions, and 23 percent graduation rates for two year institutions.

This aligns our levels of concerns with about half and two-thirds of the national graduation rates. We also remain committed to trend analyses, where we will continue to evaluate decreases in graduation rates, and assign levels of concern based on those declines in the trends.

I do want to remind you of our Commission's participation in the graduation rate information project through CRAC. This was a feature during our last NACIQI appearance in 2018, and Table 3 at our website shares the results of the original study, and the results of the study as replicated most recently in 2022.

We revisited the institutions that had a graduation rate lower than the measure in 2018, to see how they were performing now. At the time of the project our Commission identified 8 percent of our institutions, or 42 out of the total number of 528 that has graduation rates lower than the measure
being examined in the CRAC project.

Of the 42, 23 were community colleges, and 19 were four year institutions. Our 2022 analysis of the 42 institutions previously included in that list revealed that all but one of the institutions increased their graduation rates. In fact, one two-year institution with a 7 percent graduation rate in 2018 has now increased that graduation rate to an impressive 35 percent in the most recent NACIQI data file.

In fact, our replicated study, using the same indicators revealed that only 18 of our institutions fall below the graduation rate thresholds used in that project. While the CRAC graduation data project served as an important initial framework for our analysis, the process we rely on now, as you heard, is our own annual institutional update.

As we look at graduation rates we know that other data is also important because of the shortcomings of the graduation rate as a measure. We can also look at our institutions through the student achievement measures of completion and transfer rates, which is at our website in Table 4.

When we factor in completion and transfer rates within eight years the rate is higher than the graduation rate, and in particular for associate institutions where it is almost twice as high
as the graduation rate. This is depicted in Table 5 at our website.

The completion and transfer rates represent a more expansive
student base within the data, as well as a more accurate depiction
of student achievement over time.

An example for you will return us to that one
institution whose graduation rate decreased from 22 percent in
2018, to 16 percent in 2022. Our analysis of that institution reveals
a 57 percent completion in transfer rate, which means that the
institution has helped more than half of its students complete a
degree, or transfer within eight years.

We appreciate that indicators are helpful to our
efforts of quality assurance, and the accrediting agencies in CRAC
continue to focus on how data can be leveraged, and we are
working with the Department, as you have heard from Assistant
Secretary yesterday.

And this is to engage around the most meaningful
data, provide significant information about the work we are doing
relating to student achievement data analyses, and most recently,
highlight institutions that serve as models around student success,
because they have moved the needle substantially.

Beyond the data though, I want to be clear that our
Commission continues to see our institutions are focused on
student success, with a transformational and innovative practices
that are aimed at influencing student achievement. We were
prepared with other remarks today about our standards review, and
policy and procedure framework, but we know that you have some
time to make up today, and we want to facilitate that into the
dialogue with you.

So let me just end with a few condensed bullet
points. Our policies and procedures as you have heard, have been
leveraged in ways that lend to quality assurance, with many
provisions that reflect consumer information, transparency and
student protections.

The one remaining policy issue as you have heard
and as discussed earlier today, noted in the staff analyst report for
602.26(f)(2) has been modified by us for clarity. We did not have
a policy to provide on lapse of accreditation because our
Commission simply does not allow it.

We would move the institution to non-compliance,
or require the surrender of accreditation, both of which are covered
by other policies and procedures. However, we have made note of
this most clearly where the criteria is relevant within our policy
framework, and have added the reference to the specific regulatory
language.
Finally, I will just quickly note that we are proud of
the opportunities that we have created with our constituents,
whether our institutions, the public, other associations, or our
regulatory partners, regular engagement and meaningful
communications have been so critical, and we all truly benefit
from each other.

Thank you again to our readers, and to all of you for
your attention during these opening remarks. I again, want to
thank the Department staff for their commitment to the work that
we do, and I thank our higher education partners, institutions, peer
evaluators, Commissioners, and the staff for all of the ways we
contribute together to quality assurance. Thank you.

CHAIR PRESSNELL: All right. Thank you very
much. We're going to now move to questions from the members.

Art?

A. KEISER: Thank you for those remarks. It was
interesting in that last comment you made about the lapse of
accreditation, or voluntary withdrawal. I'm from Florida, and we
have a very interesting circumstance where a Governor has
suggested that certain of the public institutions withdraw from their
current accrediting agency.

So, that's not a negative action on their behalf, but it
is still a process in which it has to be identified. In your new	policy would you be able to identify what an institutions, let's say,
like you would have NYU who decides to move toWSCUC?

H. PERFETTI: So, if I understand the question is
about changing accreditors, and we actually have had one
institutions that has decided to change accreditors, and recently we
worked with the New England Commission for Higher Education
to facilitate that change in accreditor.

We also have the Department guidance that was
issued, and we are following the guidance as an accrediting
agency. We have talked with systems and institutions beyond our
traditional regional boundaries as part of the change from July 1,
2020, and we have gone through our regulator front end processes
with any institution, or any system that might be interested in
changing accreditors.

We have required processes that they have to go
through with us, and we also work with the Department, as well as
the accreditor to which they may be trying to change, to make sure
that we track our procedures in alignment. And certainly mindful
of not making any change until the Department has issued its
required approval until the other agency is able to recognize that
new institution coming to them.
I hope that answers your question Art, if I missed it please let me know and we'll add more.

A. KEISER: That is all written in the new policy because I did not see that in the petition, or in the -- I saw you had procedures which you have, and it was also mentioned that there are benchmarks that you follow, but because of the movement from regional to national accreditation, there is going to be more institutions that may or may not switch their primary accreditor. And does your policy that you have promulgated address those issues?

H. PERFETTI: So the policy is not the one relating to that, but I can certainly call on Dr. Moseder to address the policy where it specifies what institutions have to do to change accreditors.

A. MOSEDER: Right. As Heather mentioned, that policy is in a different policy accreditation review cycle and monitoring, and the procedures are for voluntary surrender, on which we require our institutions to provide us with more information through a report, as to what their intentions are. And if necessary, we ask for a teach out plan, along with that. And the reason is to get the information we need to bend accreditation properly without a gap in Title IV funding, or
any other repercussions for students. So those procedures are outlined. They're outlined in accreditation review cycle monitoring, and they do incorporate the new guidance related to changing accreditors.

And I just want to add that when simply changing an accreditor is the ideal voluntary surrender situation because there aren't going to be the Title IV implications. When we have other situations where Title IV is affected, we want to direct the institution to another path where we get the proper information for closure, and that is a little bit more intense of a process.

A. KEISER: I think the answer is yes.

DR. MOSEDER: Yes.

CHAIR PRESSNELL: And Herman might be able to add some addition light on that as well.

H. BOUNDS: Yeah. I was trying to pull up the memo so I could get the right regulatory quotes are. I don't know if Angela may be able to help too, but the changing accreditor portion, a lot of that is covered in FSA regulations that has to do with, you now, when you change you have to get permission from the Department, so we sent out a letter to all accrediting agencies kind of explaining that.

So the changing of accreditors is a little different
than the -- it involves voluntary withdrawal, but it also then kicks in some of those federal student aid regulations that were put in place to make sure that no one loses Title IV eligibility. If I can pull up the memo that we sent out to the agencies I'm happy to send it to everybody.

A. KEISER: I understand. I just wanted to make sure that the policy included that because that's where most of the voluntary withdrawals are going to be coming from in the future, especially if you are an institution in Florida, so it's a different situation.

Let's talk about one of our topics that has been debated here is the issue in terms of outcomes, and you gave a long presentation on the use of graduation rate as a measure of outcomes. Have you sanctioned any institution for low outcomes?

A. MOSEDER: So I think I will kick off the answer, and then certainly defer to some other members of the team. We do monitor institutions for student achievement indicators, and so if by sanction you're referring to our regular monitoring processes, we do have many examples of that.

During the annual institutional update process we do often require what are called recommendation responses, so if during the multi-level review process, institutions are presenting
some concerns that need monitoring. They could be reporting to
us annually through that process to demonstrate how they are
staying in compliance with expectations, or how they are making
improvements in the areas that are of concern, and that could be
student achievement.

We have other ways that we monitor institutions as
well through other kinds of reporting, and we do have many
examples of that as well. I don’t know Dr. Corbett, if you want to
provide some specific examples, but I will turn that question to
her.

A. KEISER: If I just may? What I mean by
sanctioning meaning taking a negative action, whether it be a show
cause action, or an action of probation that would send shivers
down the spine of any institutional leader.

A. MOSEDER: I don't know. They sometimes get
shivers down their spine in the AIU recommendation responses
too, but I think your point is well taken Art. Usually when we are
monitoring institutions for serious issues, they can tend to be
focused on financial issues, also on governance issues.

But we do have a mechanism during those
procedures where we ask the institution to report on other areas as
well, so the non-compliance area, probation, show cause, the more
serious sanctions could be focused on other areas under our standards, but we do often require them to report on other areas as part of that reporting, which then means that teams that are evaluating the institution are also looking at those indicators as well.

A. KEISER: I find that interesting considering that our primary purpose is student success, and serving the students. And an institution that's not serving the student with having them achieve their objectives would not be considered as serious as governance or financial issues.

A. MOSEDER: Well it depends on what the Commission is finding as the area of non-compliance. So the area of non-compliance that they might be reporting on could be, could include student achievement, but what we are often seeing is that the probation, and show cause events are tied to other standards. It certainly does not mean that they are not influencing other aspects of the institution, but the Commission is honing in on identifying what are the specific areas of non-compliance, indicating that clearly in the statement of accreditation status, and also signaling we have other concerns we want you to report on, even if it appears that you are in compliance in those areas at the time of probation or show cause.
A. KEISER: Thank you.

CHAIR PRESSNELL: All right. Jose Luis?

J. L. CRUZ RIVERA: Thank you. And thank you for the members of the Commission for the opening statements. I have a few questions related to the Commission's compliance with criterion 602.18(b)(2), which requires the Commission to have effective controls against the inconsistent application of its standards.

I recognize that the mention was made about the rigorous and uniform application of standards across all 528 institutions that you serve, but I have some specific questions as it relates to issues of academic freedom, and diversity, equity and inclusion.

So the first one is in ensuring the consistent application of the Commission's standards of accreditation, could you please comment on how you currently train peer reviewers, and conduct your deliberative processes to ensure that as required by the first criterion of the Commission's standard on ethics and integrity, an accredited institution possesses and demonstrates a commitment to academic freedom, intellectual freedom, and freedom of expression?

H. PERFETTI: Absolutely. So I'm going to refer
to Dr. Corbett, who can talk with you about what our evaluation teams look like, how they are formed, how they are trained, and also how they may evaluate any particular area out in the field.

I. CORBETT: Thank you Heather. Thank you for that question. We are very proud of how we provide training and how we select and recruit peer evaluators. So, first of all we select and recruit peer evaluators with specific areas of expertise in mind. So, when a team is put together to go on a self-study visit we would have along those people on the team, we would have an expert on student affairs, an expert involved in management.

If an institution has distance education they would be an expert on this, you know, somebody who has that expertise, and definitely our standard too is one where we would look for somebody who has the expertise to look at the policies and to look at the procedures for admissions, and for enforcement policies.

And part of our standard too actually set us that we ask the institution have a climate that respects people from all different walks of life. That is where our evaluators will be looking at, not just what the narrative is from the self-study report. They will be looking at evidence, and they will engage in conversation with the faculty and staff and administrators.

And as Kate mentioned earlier they will engage in
conversation with students to determine to what extent this
institution provides a climate that inspires respect for all people
from all different populations. How we train them? We provide
an extensive training program for our evaluators. It begins with an
orientation.

We have learning modules that our peer evaluators
follow through, you know, complete through our learning
management system, and we have one person in that office that
specifically is required to track.

And you would be impressed to see the extent of
what that spreadsheet looks like. How she tracks how every single
evaluator is provided with training, and that training also includes
on standards, and several other areas, and any of the other
standards. Plus, specified training particularly also for federal
regulations.

CHAIR PRESSNELL: Thank you. So, Jose if I
could have a moment. For those with the agency if you could
make sure to identify yourself before you speak for our
stenographer. Thank you.

J. L. CRUZ RIVERA: Thank you. So, I know it
was previously mentioned that in terms of non-compliance, or
show cause actions, they tend to be in the areas of finances and
governance. So my question would be has a failure to possess and demonstrate a commitment to academic freedom, intellectual freedom, and freedom of expression that the Commission in recent years to issue notices of non-compliance or show cause?

H. PERFETTI: Yes. And so if I can for us not in compliance is warning, probation and show cause. So, those are the three levels of non-compliance with our agency. We also have other relevant policies to prevent political intervention as well, and we have had instances where we have had to lean on that policy as well as a finding of non-compliance, to ensure that the institution is meeting our expectation in the area that you're asking about.

J. L. CRUZ RIVERA: So, to that point I understand that, and it was I think previously mentioned in the opening statement that the Commission has gone through a participatory process to review its standards, and that those standards may be up for adoption in March, and for implementation in the fall.

And one of the guiding principles that we saw in the proposed new standards includes the consideration of diversity, equity and inclusion across all standards. According to the website, throughout the seven standards, institutions should reflect deeply, and share results in diversity, equity and inclusion in the
context of their mission, by considering that a minimum, goals and
actions, demographics and policies, or processes, curriculum and
services, assessment, and resource allocation.

One goal of the DEI reflection would be to address
disparate impacts on increasingly diverse in population if
discovered. So the question, and this would be my final question,
given the increasing movement by some governors, state
district legislatures, and governing bodies across the nation to codify
constraints on how higher ed institutions can advance academic,
administrative to assess schools related to, or predicated upon
diversity, equity and inclusion efforts.

Is the Commission planning any changes to the way
in which it trains peer reviewers, or conducts its deliberative
processes to ensure that a candidate, or accreditor institution
possesses and demonstrates a commitment to academic freedom,
intellectual freedom, and freedom of expression?

H. PERFETTI: So, you are correct that the revised
standards are scheduled for a vote by our Commission at its
upcoming March meeting. We are certainly very proud of the fact
that our Presidents overwhelmingly voted in favor of the standards
as they were presented to them and revised, including the DEI
criteria that has been embedded in.
And in fact, we had a significant amount of our Presidents voting this time around when compared to when we revised the standards in 2014. Dr. Corbett, who spoke just a few minutes ago about the training for evaluators, we are mapping the implementation of the new standards, the revised standards for July 1, 2020, which will mean that we are updating all of our training under those revised standards as well.

We are also developing an accompanying evidence guideline that will help institutions see the many ways that they can demonstrate compliance under the revised standards, and it will include the examples that we already have from institutions that are doing DEI work within our membership.

Our standards are certainly embedding that for a July 1, 2020, implementation, but the reality is that many of our institutions are already engaged in the important DEI work. I don't know, Idna Corbett, again Senior Vice President for Accreditation Relations, if you want to add more about the upcoming training under the revised standards.

I. CORBETT: Yes, certainly. That is part of the entire process for the revision of the standard. The process doesn't end when those standards are approved. We follow along with training sessions for our institutions, and certainly revising all of
our training for our evaluators because as you can see DEI has
been in use throughout the standards, and so we want to make sure
that there's specific training for all of them.

In addition, I would like to emphasize the part that
we are asking for specific documentation, that companion
document that Heather already mentioned, is asking the institutions
to provide this aggregated data. It has always been there, and a lot
of institutions have provided that.

Now we're being very specific. We're being very
specific of saying do you want a student headcount for
undergraduates and graduate, disaggregated by ethnicity, by
gender, by first generation, by Pell Grant recipients, retention,
graduation rate completion, transfer rates.

That is all disaggregated, and so we are expecting
that we will be providing training for our peer evaluators related to
that, and also talk to you about our new levels of cut-off. So, that
would be where our peer evaluators will be trained to make sure
they are looking at graduation rates within the new guidelines.

Thank you.

J. L. CRUZ RIVERA:  Thank you.

CHAIR PRESSNELL:  Yeah. Other questions from
membership?  David?
D. EUBANKS: Thank you. Thank you for that presentation and your remarks earlier. I appreciate it. I just wanted to briefly revisit student achievement. And first commend you on the presentation of data. I think that summary of data goes a long way toward what I was hoping to see yesterday in reviewing the Department narratives on student achievement, we're often really immersed in procedural thoroughness, and documentation, but there's no big picture there, which is very unlike my own experience of trying to prepare accreditation reports when I expected to have a big picture argument with data, right?

So I think the website you provided is great. It would benefit from some narrative that ties those data points to your vision and understanding of what causes graduation rates. So, I wanted to ask two questions about data. First, and this is all under the rubric of the sufficiently rigorous to ensure an agency's reliable authority.

My impression overall of accrediting agencies is very slow to make changes with respect to philosophy and methods, and I understand that it seems you may be in Vanguard here. My first question regards the assessment of student learning. In your narrative you write, assessment student learning achievement demonstrates that the institution students
have accomplished educational goals consistent with the program studies and so forth. My own experience with this throughout most accreditation is that programs self-report, and they often have a small number of graduates, so the sample size is small.

The measures they use are also likely informal, untested, maybe even untestable, and the people doing the analysis often are not experts because there's not that many experts to go around. So, my question is do you think that the activity under your standard five, assessment of student learning meets a sufficiently rigorous standard?

H. PERFETTI: Thank you David. Certainly good to have a conversation on this with you again. And I think yes, we all sitting around the table, believe that we meet that, and not just meet it, but exceed it. And I think part of this is going into the training protocols that Dr. Corbett has talked about relating to our peer evaluators.

Certainly, the amount of information that institutions provide to our teams is far greater than what we presented to you this morning, and what is greater than what is available at our website, and I appreciate your recommendations relating to the website.

We actually do plan on adding contextual
information and narrative to that data, along with additional data that we would like to share with the public. But I think what we find coming from institutions and again, Idna can talk a little bit about this. You heard that institutions prepare what's called a self-study design, where they are identifying priorities for their institution.

And all of that is data driven from the outset. And we are seeing the results of self-study designs, what is important to our institutions, what are they looking at around student achievement. And then we have the expertise on our evaluation teams that are going into these evaluations very well prepared.

And I don't want to neglect the other two layers of evaluation that we have. Every report, every self-study evaluation, every issue goes through a committee of our Commission, which consists of anything ranging form all Commissioners, to Commissioners and peer evaluators.

And that second level of review is also looking at incredible amounts of data. Looking at the findings of the team. That committee is then making a recommendation to the entire Commission, which also then looks at all of those data elements, all of the team reporting, all of the information with massive amounts of information that has come forward as part of our
So, I think it is not only the information that's available, but our processes as well that make this incredibly rigorous beyond what would be the minimal expectations that anyone might think exists. I don't know, Idna, if you have anything more to add to that.

I. CORBETT: I actually want to add about assessment expectations for our institutions. In addition to having our standards be very specific, assessment is important to all of our standards, and you will see that the last criterion of each standard is asking about the assessment for that particular standard.

But we consider it important enough that we have a standard of its own, which is standard five. But we don't just say this is what you have to do. We actually provide training, and provide guidance for our institutions. And we're very proud of our self-study institute, and the degree of which we in that assessment within the training of the self-study institute.

I think President Davie can vouch for that since her, you know, faculty and staff went through self-study institute over the last couple years. And one of the five major sessions is about assessment. We also provide webinars. We really enjoyed the one called Webinar for Small Institutions. We've had people think it's
not really very expensive, and it's very hard for small institutions
to do.

We actually brought in and highlighted small
institutions that would show that they're doing assessment well.

And another piece that we're also proud of that if I may just add
one more thing, is our ability to connect institutions who are doing
very well with other institutions. We ask them to pay it forward, to
help each other, and improve.

And I know we have many, many examples where
our institutions have said that having been cited with supplemental
information report, progress report, or a monitoring report, asking
how they can become a better institution, and they make it one of
the priorities for their self-study.

D. EUBANKS: Thank you. I appreciate that. And
I appreciate highlighting the difficulty that institutions have and
the expense. I talked to one assessment coordinator that's paying
$100,000.00 a year in software to track the additional data that
they have to gather. That may not be typical.

Another one I saw at a presentation had a staff of 12
to support the office. This can be very expensive, and I appreciate
your attention to the procedural thoroughness, but it doesn't really
answer my question. I was expecting to hear something about the
average liability.

Do they expect to do validity studies? It seems impossible to me to actually do the rigorous work at you know, for a small program. Maybe 10 students, or something like that. It's really possible for us to believe that it's rigorous enough to believe that this demonstrates that the students have accomplished educational goals, without something like standardized testing that's uniform across institutions.

H. PERFETTI: Well I think we can share more with you about specific kinds of assessment data that gets presented to our evaluation teams, and it's not just quantitative data. It's also qualitative data that speaks to the quality of their courses, of their programs, of their institutional assessments, and our teams are going into the evaluation process looking at the program nuances that could influence the way they evaluate the assessment data for an institution.

And so, as Idna was talking about the webinar posted for small institutions, it's providing information to our institutions that is helpful to them at developing their assessment practices, and determining which are most helpful to the evaluation process.

So, I think that data is one piece of what the
evidence is that sits before a team. But the teams are also having
onsite interviews with faculty, with program directors, with deans,
with academic administrators. They're talking with students about
the quality of services and programs.

So, it is a combination of qualitative data, as well as
quantitative data that provides the most holistic evaluation of the
institution. And I think what you would hear from our evaluators,
and our Commission is that it absolutely does speak to the rigor of
those particular programs, and the rigor of the evaluation as well.

D. EUBANKS: Thank you. And I don't mean to
suggest that there's no benefit from this, just that it's very
expensive, and it might be time to revisit the cost benefit. In the
interest of time let me just ask one more quick question. In one of
the old guides for accreditation there seemed to be a prejudice
against using course grades as data to support programs,
understanding a program's estimate.

I may be wrong about that, but when I talked to peer
reviewers it seems that there's still this belief out there. Do peer
reviewers tends to discriminate against institutions that might use
grades as their primary source of data for programs?

H. PERFETTI: I don't think any of our evaluators
are dismissive of any of our investment practices used at our
institutions. We do encourage institutions to think through course
level, program level institutional level assessment, and to leverage
the kinds of assessment practices that's revealed to them, the
achievement of their students, the value of their academic support
services, their student services, and tie all of their assessment
practices to their mission.

How well are they achieving their mission? How
well are they serving students? And certainly, any nuggets of data
that can speak to that. We encourage our institutions to utilize. I
have not heard any discriminatory approaches within our
Commission, and what I have heard is a real value, and interest in
the kinds of assessment that institutions are engaged in that help us
best understand their work, and understand how they're made in
their mission.

D. EUBANKS: Thank you. I appreciate your
response. And I think the description of the various levels of
mission accomplishment and so forth, is a kind of -- I referred to it
yesterday as metaphysics that's, you know, ancient at this point,
from the 1990's.

And let me just suggest a more modern approach is
to start with the data, and figure out what it says, rather than
starting with assumptions about the structure, and how the data has
to fit into. But I don't want to minimize the good work you're
doing, and I compliment you on that.

I just want to say that among the four institutions
we're reviewing in my data, the rate of students going to
institutions with lower than 25 percent graduation rates is among
the lowest. So I think some of the things you're doing with
monitoring graduation rates must be having an effect. Thank you.

CHAIR PRESSNELL: Thank you. My apologies
to Michael Poliakoff. I saw your hand, but I failed to call on you,
so please Michael?

M. POLIAKOFF: No. My colleagues have asked
extremely important questions. I want to follow-up on what David
Eubanks asked about, and first thank the Middle States staff for
being here for a very, very interesting presentation. And I agree,
my scan of NCES suggests that only 3 percent of the Middle States
accredited schools that have a six year rate below 25 percent,

obviously we aim for zero.

But at least it's moving in the right direction. And
also, I would just like to suggest that we keep an eye on the four
year graduation rate because after all, there are opportunity costs,
recognizing non-traditional students and their patterns. Obviously,
we want to keep our eye on the longer rates.
But four years, one hopes would be four years of opportunity cost. What I really want to ask about is as a long-time college professor is much along the lines of what David has raised. To what extent does Middle States use these nationally normed measures, like the -- or advocate for the use of nationally normed measures like the CLA plus, the proficiency profile? Other ways of ensuring that we've got rigorous, comparative data.

I was very rattled years ago when I read the conference board's report, are they really ready for work? To say the very high percentage of employers who identified the writing level, the English composition level for a four year college graduates as deficient.

And as a college professor, I can say that I've seen plenty of that. And I would particularly like to know what Middle States does in that absolutely crucial realm of the ability to express oneself in good, clean prose that will impress employers. What does it do to ensure that?

And has it ever actually give a show cause against an institution for failing to demonstrate a clear, and valid way that student success is not just graduation, but graduation with the skills and knowledge to be effective in community citizenship and career?
H. PERFETTI: Thank you for that question. We certainly have standards and criteria within those standards that speak to the areas that you are asking about, so institutions are certainly addressing that as part of the work that they do for us. And they obviously are being more mindful of some of the criticisms about student preparedness in particular, after they complete a credential at their institutions. And so we are seeing that as a conversation with our institutions. In terms of show cause whether any have been placed upon show cause for that particular issue, usually if an institution is placed on show case it is for a number of different issues, which can include any of our standards for accreditation, or requirements of affiliation.

I don't know who on my team might also want to address some of what you're seeing with institutions in terms of looking at other indicators, comparing how well they are performing to their peers, but certainly look to a member of my team.

I. CORBETT: Let me get us started. This is Idna Corbett. And to get us started with talking about usually, as Heather says, institutions there's a combination of matters that would go into having an institution show cause. We have actually
had a couple of institutions within the period that have had a
standard four, or standard five as one of the several standards that
need to be reported on as part of the show cause report.

But I think I wanted to ask our Senior Director for
Research if we have any specific data that speaks to that.

D. BARBU: Hi. I'm Diana Barbu, I'm the Senior
Director for Research, and I want to say that part of the annual
institutional update we ask institutions to provide us with
information on whether or not they are any violations in the
developmental education.

So, our results show that 45 percent of our
institutions and our membership, you know, based in
developmental education.

H. PERFETTI: And I believe our Chair of our
Commission would also like to speak to this.

D. GILMOUR: Yes. Davie Gilmour, Chair of the
Commission. Prior to being Chair, I was Chair of our follow-up
committee, and the committee that looked at follow-up actions to
Commission actions. And I can tell you that the assessment of
general education, which speaks to a little bit of what you're
talking about, was the topic that was considerably a frequent
discussion point in our follow-up committee action.
The assessment of general education would at times provide the biggest challenge for institutions. It was a more complex abstract approach if you will, to assess them, and so it was very common for us to have that as a criteria that might not have led necessarily specifically to show cause, but it certainly led to a warning. It certainly led to the actions taken on behalf of the Commission.

And so, I can assure you that the general education piece was -- is a complex one for institutions, and that does cover those general adjudication components, and in particular, what you're talking about in terms of writing. As a college President -- former college President, I can tell you it was a big issue for students to understand, and particularly when you add technology today, to the way they function with technology, writing prose is something that's somewhat foreign to them, as they get to the college experience.

So, it is something that the follow-up committee had to deal with on a regular basis.

M. POLIAKOFF: Well it may be foreign, but it is absolutely essential part of student success. So, let me narrow the question down a little bit more. Does Middle States have any policy, or indeed any guidance about using the kinds of
instruments like the proficiency profile, and the CLA plus, that
actually do give some measures of general education success, or
lack thereof?

In some cases at the individual level. They can also
be used at the institutional level. I don't want to ramble on too
long, but I think we should all be rocked by the national
assessment of adult literacy to see how poorly our college, four
year college graduates do in key measures of verbal and
quantitative literacy.

They're supposed to be done every 10 years, but I
think they shot the messenger after the second iteration of this.
And I really would like to see accrediting agencies get quite
bearish about ensuring that there really is rigor in that curriculum.

M. PERFETTI: Thank you for that, but what we
can reiterate is that we have a standard and criteria that institutions
are expected to speak to within their self-study evaluation. If there
are issues identified, we have the same monitoring expectations for
those institutions, which can range.

I know your focus is on show cause. We have other
mechanisms for reporting that may not escalate to the level of
show cause, but it certainly could if the circumstances warranted
that an institution be placed on show cause for this particular issue.
With being out of compliance with any of our standards, with any
criteria, with any expectation that we may have, the Commission is
always free to take an action of show cause, which is our more
serious non-compliance action.

But we do have other ways that this is being
monitored with our institutions. And you heard our Chair talk
about our committees that see that. Our evaluation committee will
see that as the result of an evaluation. Our follow-up committee
will see that as part of any monitoring that we may be doing
around that issue.

And certainly, the entire process of peer review
gives exceptional feedback to institutions and offers them advice
about how they can approach this differently. And it’s one of the
ture values of having a team go in to evaluate an institution under
our standards, and to encourage them.

Sometimes through heavy handedness, and
sometimes through other mechanisms to improve in this particular
area.

M. POLIAKOFF: Okay. Thank you.

CHAIR PRESSNELL: Okay. I have Debbie, Bob
and Mary Ellen, so Debbie?

D. COCHRANE: Thank you so much. Thank you
all to Middle States for all the presentation, and all the data so far.

I'm going to go back to ask quickly for a clarification on a data point that was said at the very, very start of this, which is I believe the staff person said that 60 institutions had expressed interest.

This was after making the change in geographic region, 60 institutions expressed interest. I believe there was 26 pre-applicants, and 17 of which did not make candidacy. Did I get that correctly? So, only 9 didn't become candidates.

H. PERFETTI: Yes. Not become candidates. They were able to progress through our preliminary stages.

D. COCHRANE: Okay great. So, I'm just curious. I know the staff suggested that the drop-off there was a statement of the rigor that was employed by the agency. And I was wondering if you could say just a little bit more.

I know you've said a lot already about data, and how you think about rigor, but specifically, were the institutions that dropped out of this process that were not able to progress, generally speaking, were they institutions that were considering switching accreditors, or were unaccredited at the time?

And then secondarily, is there anything more you can say about what specifically it was intimidating, or particularly challenging for those institutions?
H. PERFETTI: Sure. These were not institutions that were looking to change accreditors. We have actually had very few, and the one circumstance of an institution moving from our region to the New England region is currently the only change of accreditor that we have had specific to the opportunities for institutions to be able to do that.

We have had other engagement with institutions that are looking at different kinds of affiliations and partnerships that may take them now outside of our region to another region in particular.

But these are not the ones necessarily coming to us with a change in accreditor, with one exception. And that would be New York State, their Board of Regents was not pursuing their recognition with the Department, and so several of those were looking to change accreditors before the guidance on changing accreditors came out.

So we had a couple that were in the pipeline for different reasons, and that is because their agency was no longer pursuing recognition. So, we can talk more about what those institutions look like, and some of the challenges. What I will say before kicking it over to a member of my team is we identified the challenges for those institutions, or we identified where they were
not appropriate to proceed with us.

So, it was not necessarily a matter of their
determining that, but we realized very early on they could not
demonstrate readiness for our accreditation. We wanted to let
them know that as soon as possible. Some of them may be able to
come back again for reconsideration, and others may not do that.
That is ultimately left to them, but it is mostly a matter of are
evaluations of those institutions on the front end that didn't allow
them to proceed.

We are seeing, certainly, challenges in a number of
areas with institutions that are coming forward, and I will ask
Tracey do you want to talk about that? So, this is Tracey
Schneider, our Senior Vice President for Legal Affairs and General
Counsel.

T. SCHNEIDER: Thank you Heather. I'd be happy
to talk about that. So what we do initially when an institution
approaches us and begins the process with us, is we do an internal
staff review. So that happens at multiple levels, and those would
be even initial general standards that we had before we would
epect an institution to be prepared to meet our standards for
accreditation requirements of affiliation.

And that internal staff review happens in multiple
levels, but certainly there are staff members who are reviewing materials. The Vice President and liaison, who works with those institutions, and now we have a director of membership, who is also engaged in that process.

And they review all of the materials that are submitted by the institution, and they ask for additional information. They also pass that along to the legal department, which would be me, to review those materials as well. And what I'm looking for at that level is an understanding of the governance process, related entities that may be engaged with that institution.

So, we're looking at it from a variety of different perspectives, and this all happens before the institution continues to proceed through the process, but also before the institution progresses with any peer evaluators, who certainly then taken an even deeper dive into some of the materials and what the institution is going forward.

But at that initial level where the staff reviews, we do ask for sometimes large amounts of additional information from the institution. And the institution is sometimes it's not able to provide us with information that assures us that we can move forward through the process.

We get to hear evaluators, despite the extensive
work that our staff will engage with the institution and ask for that
additional information. And so, a lot of that happens before it gets
to the peer reviewers, and then certainly that can continue to
happen when it gets to the peer evaluators, but we do that
internally first as a threshold measure to make sure the institution
is in a position to be able to eventually meet those standards.

H. PERFETTI: And I will just add to that, thank
you Tracey. We intentionally redesigned our front end processes,
not because they were not rigorous before, but we have an entirely
new committee that was established during this recognition period
to help with the determination about institutions coming to us.
And that is our applicant and candidate institution
committee, and certainly an active committee, and well aware of
the changing regulations and the ways in which we want to ensure
a rigorous process on the front end. So I just wanted to highlight
that we have not just staff review, legal review, policy review, but
also a committee dedicated to these front end processes as well.

D. COCHRANE: Okay. thank you very much for
that. So I also just wanted to call out a couple things about
complaints. First wanted to say how much I appreciated a few
components of what you've shared, both in advance of the meeting
and today.
One was how the importance of looking for meaningful data in patterns in the complaints that are submitted. I just very much appreciate that that was called out as a goal because I believe it's a very important one. And also that you, in your oral remarks, talked about the value of appropriate complaint handling to individual students, even while focused on the standards, that any issues or complaints that would signal violations of those standards because I again, think that's a very important component of the agency's role.

So, in terms of the data that was shared, you shared that there were nearly 300 complaints that were handled by the agency in recent years, and I'm wondering if there's anything you can share generally about the outcomes of those complaints, not just who they came from, but how those were resolved.

And then secondarily, if there's anything you can share about the training of the staff who handle those complaints, and specifically regarding their knowledge of Title IV standards, or how to identify potential fraud and abuse.

And I'm additionally looking here at your response on 602.27(a)(5) where it requires notification to the Department of fraud and abuse, or potential violations of that, or any Title IV standards. And the agency had not identified any such concerns
despite the nearly 300 complaints.

H. PERFETTI: Thank you. So I will refer to Tracey again to talk a little bit more about our complaint, and our complaints practice. I think that while we have a designated individual that processes complaints, that person does not do that in isolation. And often that is done in collaboration with Tracey as the supervisor, but also with the entire executive leadership team.

As institutions are coming through our processes, we are having conversations about those institutions with our compliance officer, and we are often bringing together different processes in order to determine the best management of a particular complaint coming forward, and I will let Tracey speak more to that.

T. SCHNEIDER: Thank you Heather. Again, I'm Tracey Schneider, I'm the Senior Vice President for Legal Affairs and General Counsel. In my role I do oversee the complaints process, and I supervise our compliance officer, who is responsible. The primary individual responsible for the initial review of the complaints.

As Heather just shared with you it is an initial review of the complaints, so our compliance officer goes through every piece of information that comes in. And I will share with
you that we do take a customer service oriented approach to the
complaint's process, and we truly value the information that comes
into us.

And I share that because information comes in to us
in a variety of ways. So, we have a dedicated email address that is
for our complaints process. And our compliance officer monitors
that email address. I share that first because not everything comes
to us through a formal complaint.

Sometimes individuals begin with the inquiry
process, the email, and will engage with our compliance officer in
that process. And so from the very start, even before something
becomes a formal complaint, our compliance officer is reviewing
all of the information that's provided to us.

Then certainly when it gets to the formal complaints
process, we review all of the documentation that's submitted. He
then prepares a summary, and looks at all of the possible and
potential issues. Whether those issues were identified by the
individual submitting the complaint or not.

We then talk about the complaints process. She
brings that to me, and at that point if we see perhaps a pattern that
we talk about how we look at the patterns, we certainly look at the
patterns from the information submitted. But individual
complaints across institutions, when we'll pull complaints are submitted involving the same institution, or perhaps even the same issue.

We will flag that complaint, and I will bring that to other members of the executive leadership team, as well as Vice President liaisons who are engaged with the institution. And Heather also mentioned that it's possible they're also going through another review process at that time. It may be a request for supplemental information report based on a media report, and we also got a complaint with some information that came in that is aligned with that.

So, we pursue both avenues, and we make sure that we're looking at the information from a variety of levels. So it's not one person alone, it really is a team based approach to looking at the information. With regard specifically to the Title IV issue, we do in that initial review process, and that multiple level review process in the complaints, we will flag issues.

And we will look not only at formal complaints, but at inquiries that come in, and we believe that if something comes in as an inquiry that would flag a Title IV issue, or present a potential violation of Title IV, we will submit that to the department, and allow their investigatory process to happen as
we're required to do.

And while that may not have happened during the full recognition period, it did happen even more recently in the fall, October of 2022, when that did come in through I believe, the initial inquiry process, so that did eventually become a formal complaint as well, but through the initial inquiry process, and we did pass that information along to the Department.

D. COCHRANE: That's great.

T. SCHNEIDER: I feel that I touched all the points, but if there's something else please let me know.

D. COCHRANE: No. That's fabulous. I just want to ask clarification on one thing I think I just heard, which is that if an email or a complaint comes in where violations of a specific standard have not been particularly called out, the staff will still take a look at the allegations being presented, and make their own determination on whether it implicates a standard. Did I understand that right?

T. SCHNEIDER: You absolutely did. So, I'll add a little bit more context to that. We do, in our complaints process -- the formal complaints process, where we ask to submit through the online complaint. We do ask them to identify, and our policy says that we ask them to identify the appropriate standard.
But the way we look at that is certainly not to stop complaints, because an individual hasn't identified the proper standard. So, a lot of what we receive sometimes is for individuals who don't quite know what standard might be applicable, and so they select all of the standards, and all of the requirements of affiliations.

And we certainly understand why they might do that. There's information that might cross standards, and might cross requirements of affiliation. But we do our own separate review. The reason we ask for it is we want to understand what the individual sees at the impact of the information they're presenting to us.

Where are they seeing the problems and the concerns as it's impacting them. For us, we then take that information, and we'll do a separate process. Sometimes those standards and requirements of affiliation that we identify for the institution align, and sometimes they don't align, but we will forward that information.

And we will not return it to the complainant. We will instead forward that information to the institution and ask the institution to focus their attention on the standards requirements of affiliation, as well as their own policies and procedures that we've
identified as a potential violation.

D. COCHRANE: Wonderful. Thank you so much.

I think you've just made a very strong case for why an approach like that is critical for a fair and equitable complaint handling system. Thank you.

CHAIR PRESSNELL: Okay. Thank you.

Members, I don't want any question not to be asked for sure, and agency I don't want you to short-change your answer, but we are really pressed for time, and I apologize for that. But I just wanted to remind the Committee we're going to try to get through three more agencies today, and we got a long way to go.

But again, I want to make it clear I don't want any question to be unasked, so Bob?

R. SHIREMAN: Thank you. And I want to say how much I really appreciate both the overview presentation, which I think did a really great job of touching on the issues that have been coming up at NACIQI, and your answers here which really demonstrate an understanding of the student and consumer perspective when they, you know, face problems at a college.

I really appreciate that. One of the areas that you brought up in your overview was your public members, and I was going to raise some questions about a former CFO, and a former
college President that were your public members, but it looks like
you've shifted your public members in a way where they are
representatives of employers, and more public oriented.

So I really appreciate that. And hope that other
agencies will follow your lead in the kinds of people they look for
in the public members. In your response to Jose's questions, you
mentioned policies on political intervention, and that you have
taken some kinds of actions with regard to that.

Can you say a little bit more about what those
policies are, and the way that they've come up?

H. PERFETTI: Sure. We can certainly provide
more information around that particular policy. Often we have
used it in terms of a reminder to institutions, in particular when
they may be struggling with a local legislature, or in some other
way with a system, or a state entity.

But in particular, with a local governing body using
it as a reminder, and then if the situation is not corrected we are
able to leverage that and use it to also indicate concerns around
compliance. I don't know if Dr. Pugliese, or Dr. Moseder would
like to take this particular question about the policy itself, but like I
said we have had to issue reminders to institutions, and have
conversations with political figures about our expectations as an
And we have leaned on that policy in particular, to make some of our points about expectations for institutions, and how they need to stay in compliance. But as you all know, it is a complicated, political environment for sure, and we do value that particular policy, and how we've been able to use it when institutions or systems have needed it as well.

S. PUGLIESE: Sure. So hi, this is Steve Pugliese, Senior Vice President and Chief of Staff. I can talk about an implementation as a former Vice President liaison who needed to use the political intervention during a Commission liaison guidance visit, which was when an institution was placed on warning for being out of compliance with our standards for accreditation, and our requirements of affiliation.

In particular, around more governance. As you heard Heather talk about a little bit earlier. The political intervention was at the state and county level where the institution -- where they were dictating how the institutions should be operating their Board of Trustees.

And so, this caused a lot of issues within the institution, and so our having this political intervention practice in policy, was very helpful for the institution to begin to have that
separation between what the institution was saying as a challenge,
as well as what the county was.

Which also meant that I had talked to the county
executives bring my Commission liaison guidance into it as well.
And then secondarily, we did have to use it several other times
when I accompanied other Vice President liaisons on their
Commission meetings on guidance visits when I became the lead
Vice President.

R. SHIREMAN: Thank you. I really appreciate the
discussion that you had around the nuance and complexity around
student outcome measures like graduation rates. This came up
yesterday in the context of HCL, where our Michigan institution
was -- a community college was cited as having an 11 percent
graduate rate, and $16,000.00 in debt.

You brought up the importance of looking at
transfer rates in addition to graduation rates when things involved
community colleges, and that particular college in Michigan has a
33 percent transfer out rate in addition to that graduation rate. So
not as concerning as the 11 percent that was cited.

The $16,000.00 in debt it turns out that only 20
percent of the students at the institution borrow, so looking at the
context of the debt figures is critically important there. They also
have a very large nursing program, and it may well be that it's the
nursing program folks who are taking out that debt, and that likely
have good earnings.

So I want to ask in terms -- you've talked a lot about
graduation rates, are you using the college scorecard data on debt
and earnings by program to flag potential problems at institutions
in the same way that you are with graduation rates?

H. PERFETTI: Thanks Bob. I appreciate that. So
what I an say, and then I might kick it to Diana Barbu, who is our
Senior Director for Research, she'll talk a little bit more in detail
about this. We do have standards and criteria that are specifically
speaking to affordability.

And institutions are expected to provide evidence
during every self-study evaluation around that particular criteria.
So teams are in fact tuned to this issue, and are looking at this issue
as well. We actually have at our website links for every institution
to the college scorecard, the navigator, as well as the institution's
own student achievement website.

So we are hopeful, although we know the public is
often not visiting our website for information, but we are hopeful
that if they do, they will see those important data resources that are
available to them, and able to provide additional items to them as
well.

We certainly recognize the complexity of the data. It's one of the reasons we're excited about the initiative with the Department, and what we may be able to all better gain around insights and to data, in addition to data elements around affordability. I don't know, Diana, are you ready to speak to some of those particular data pieces?

D. BARBU: Yes. Absolutely. So we do use the college scorecard information for earnings, the same way that the NACIQI data file has been gathered, and then we also use the information by program of study. So, running the latest information we found that out of our 30,989 programs that appear in the college scorecard, 26,000 of them, a bit more than 26,000 of them actually have no -- needs information.

But then out of the remaining ones graduates from 17 percent of the remaining ones earned more than high school students, and then graduates from 4 percent of the remaining programs earned less than high school students. So we do use the college scorecard information.

H. PERFETTI: Thank you Diana. I will also just add that another criterion within one of our standards is about post-graduation outcomes. So, institutions are required to reflect on any
aspect of what they know about their students, whether that is
lifelong learning opportunities, whether that is certification exams
that students are needing to pass, or if it is some other element
relating to their student body.

So there are opportunities for them to reflect upon
their post-graduation outcomes for their students, and provide that
as part of the reporting to our Commission.

R. SHIREMAN: Thank you. Another issue that
you brought up in your presentation was the importance of trying
to make sure that when an institution may close, that it has done so
in an ordered and responsible way. You issued a notice last week
that said that ASA College closed on February 24, 2023, while on
adverse action status without prior approval, and without an
approved teach out plan.

What’s failed in this case in terms of what prevented
the responsible closure that you’ve been trying to achieve in these
colors of situations?

H. PERFETTI: Thanks Bob, for that question. And
I think I'm going to be a little bit more limited in what I'm able to
speak to today for obvious reasons relating to the institution and
potential litigation. But I do want to talk about what did work.

Our Commission took unprecedented actions, as you can see on
the public statement of accreditation status, with an immediate
withdrawal of accreditation.

And that was unprecedented for our Commission.

We felt that it was necessary to do that in order to protect the
students there, as well as to signal the seriousness with which our
Commission was considering the issues with the institution. We
had been trying to get good information through a teach out plan,
and teach out agreements for many months with the institution.

We took our second unprecedented action when we realized that
was not going to happen.

And our students at that institution, whether they
were at the New York location, the Florida location, or online,
were going to not have what they needed for the transfer to another
institution, or an understanding of a teach out agreement that may
or may not have been in place.

So, we took the unprecedented action to take on that
work ourself as a Commission. We were meeting with teach out
partners, we were explaining to them what was required as part of
the teach out. We were combing through the teach out plan to
extract from that plan what was acceptable to us, and would be
helpful to students.

And we were posting that publicly through a
frequently asked question page, specific not just to students, but to
the public and other constituents that we know have an interest.

We did not stop there.

We have been outreaching sometimes daily, mostly
weekly, to our regulatory partners, including the departments of
Federal Student Aid Office, the New York State Education
Department, the Florida Commission on Independent Education,
the Student and Exchange Visitor Program, the New York Legal
Aid Group, the National Junior College Athletic Association,
Veterans Affairs.

Every student that we knew could possibly be
impacted, and needed resources, we were outreaching to these
agencies to get better information than what the institution
provided, and in some cases did not provide any information about
those students.

Hopefully, that answers your question Bob.

Certainly happy to consider other questions, but do you just want
to note the limitation that we have been talking about this
particular institution today.

R. SHIREMAN: Yes. Thank you very much for
that information. I'll ask in a more general way, there have been
sudden closures of both non-profit and for-profit institutions, but
the sudden closures are more frequent in the for-profit sector. I should say. There are great things about a for-profit institution, in terms of the ability of investors to put money on the line, and take some risk and try innovative things.

But the financial incentives when it comes to a struggling institution, a non-profit all of the assets of the institution as you know are completely dedicated to serving the students, and those in charge. The Trustees are prohibited by law from pocketing any of the assets that are left.

But in the case of a for-profit institution the owners of the institution, who are ultimately in control, they see those assets as theirs, and a responsible ordered closure involves them having to spend that money, rather than it being dedicated -- rather than being able to hold on to it, which is the logical explanation for the tendency towards sudden closures at for-profit institutions.

How do you take into consideration in your standards and enforcement, and when you require a teach out plan, or a teach out agreement, how do you take into consideration those different financial incentives between non-profit and for-profit institutions?

H. PERFETTI: Under our policies and procedures Bob, we will request a teach out plan with teach out agreements
whenever we see that it may be necessary, and that is without regard to sector for the institution. We are requiring teach out plans earlier.

We had started to do that before the changes in regulation. We can do that at the level of non-compliance for warning, if we feel that it's warranted for any institution. We certainly require it for probation and show cause. And so, often it's an iterative process that we want to see that students are accounted for, that faculty and staff accommodations are being made, that student records have been accounted for.

And we are working across the regulatory triad to ensure that we have the information should any institution go through an imminent closure. We also now require it on the front end of our processes, and it is required under regulation, so we are getting teach out plans from institutions that are new to us, and are going through our application and candidacy process.

So, we have a variety of ways and mechanisms that we attempt to get good information through teach out plans and agreements. We certainly, and most recently, have been providing information to institutions that are interested in becoming a teach out partner with other institutions.

We made a very public call recently to ask
institutions to come forward to assist us with opportunities for students, and we had 12 institutions immediately the same day of the call, come forward to provide opportunities for students. We hope in the front end that we can better support institutions who need to be providing this information in the teach out agreement, and the teach out plan, to make sure that they're accounting for all of the critical information.

We have developed a teach out plan policy and procedure that is very specific, and very clear, and requires the completions of forms to make this as easy as possible, and to guide institutions to the information that is critical. And we've had institutions do this well.

But we certainly have positioned ourselves as a Commission, to get the information that we need. It goes through a peer reviewed process, so we have peer evaluators looking at the teach out plan. We have the commission looking at the teach out plan through a multi-level decision making process.

So we have put into play all of the activities needed for institutions to do this and do this well.

R. SHIREMAN: Thank you. That's all for me.

CHAIR PRESSNELL: Thank you Bob. Mary Ellen?
M. E. PETRISKO: Thank you. Two very quick questions, yes or no answers. I'm going to talk about your international programs. The travel restrictions that have been on your website I believe since 2020 saying that no travel may occur, I guess by staff, or peer reviewers to other countries. Is that -- did I understand that correctly? Is that in place that there's no travel allowed to those countries?

H. PERFETTI: That has been in place since the pandemic, but that has been lifted, and is in the process of being updated for spring 2023.

M. E. PETRISKO: Okay. Thank you. Second question. Peer evaluators from other countries, do they come into the United States institutions as well, or is it really primarily that the peer evaluators from the Middle States region go to those foreign institutions.

H. PERFETTI: It's a combination of both, and I know you wanted a yes/no answer, but if I could just add also that one of the benefits of the virtual visits, or the increase in the participation from our international institutional representatives, as well as by other members of governing boards and bodies domestically and internationally.

But the answer is yes. We rely on peer evaluators
from all of our institutions, and the international representative do
some to our other institutions, either abroad or here.

M. E. PETRISKO: Okay. My questions are aimed
at trying to be sure that there is indeed, equity in how these
institutions are dealt with by the accrediting body. Dr. Gilmour
noted that, you know, from a small institution of 32 students, to a
large institution of over 100,000 students that there's no difference
in how institutions are treated.

And yet, looking at the -- and I know that many of
the institutions that are foreign, foreign based are American
institutions. I'm not talking about them. The American University
of Paris, the American University of Richmond, I'm not talking
about those.

But institutions where they are operating within a
different legal system, political system, may not have anything to
do with general education. Certainly language is an issue, they're
not teaching in the language. They're not plugged into U.S. data
systems, so trying to, you know, look at the scoreboard, or look at
something else to find out how they're doing is not possible.

How would you say what you're doing with those
institutions does indeed ensure that they are treated in the same
way, they're treated equitably, they're having the same level of
review as institutions that are American systems, American based.

All the documents are available in English, et cetera? Thanks.

H. PERFETTI: Thanks Mary Ellen. I think the good news here is that our institutions that are in the international market want to be treated similarly. They value the stamp of approval from our Commission as something that is truly reflective of a best practice, of something to be revered in their higher education community.

So, we are seeing institutions provide the information that we require, and they are providing information to us through documentation that is appropriate, through evidence that is appropriate. And in any circumstances that we have had where documents may come to us in a different language, we require that they correct that for the team, and make the evidence available in a way that all of the team members can utilize and rely upon as their evaluation.

Teams are certainly trained for nuances that they may be experiencing. We also, we no longer have the restriction on international membership, so no institutions in the international environment can come to us for accreditation, and we are certainly looking at ways that we can best prepare teams for those experiences, whether that is additional cultural sensitivity training,
or other kinds of preparation that we need for team members.

M. E. PETRisko: Thank you.

CHAIR PRESSNELL: Very good. Any other questions from members? All right. Seeing none, we're going to move to third party commenters, and two reminders for those who are third party commenters. One, please mute your public livestream of the meeting before you speak, so we don't get feedback. And the other is you'll have three minutes to provide your comments.

So the first third party commenter is Dr. Allison Vogelaar. Okay. Are we on? Okay. So we'll come back to Dr. Vogelaar. Allison Muth, with the Veterans Education Success, Allison?

A. MUTH: Thank you for the opportunity to speak with you again. As I said yesterday, I'm Allison Muth, and I'm a senior attorney with Veterans Education Success. We work on a bipartisan basis to advance higher education success for veterans, service members and military families, and to protect the integrity and promise of the GI Bill, and other federal education programs.

We would like to draw your attention to a few matters. In the last few years some students from Bryant and Stratton College, one school accredited by Middle States, have
complained to us that they had student loans they did not expect, and that the costs are much higher, and program completion time is much longer than promised during recruitment.

And as we recounted in our written comment last year, Bryant and Stratton Student outcomes have been of concern, including low graduation rates, and the high costs compared to other schools. In 2020, Middle States approved the transition of Bryant and Stratton to non-profit status, and they have done so without conducting a thorough review to make sure that students and taxpayers are protected.

While Middle States requested a supplemental report addressing the financial impact of the long-term lease agreements on the surviving institution, that report does not appear to be made public, and it is unclear what steps were taken in light of that report.

This conversion should have been especially scrutinized because the family that owned the school transferred it to a non-profit entity that was solely owned by the same family's charitable foundation.

We urge the Department to examine whether the Middle States and other accreditation agencies are strictly following their policies with regard to substantive change and are
providing sufficient review of proposed convergence before granting approval.

Accrediting agencies should serve to converge with the public and the Department that schools are fairly and ethically converting to non-profit status. Otherwise, schools can avoid the level of oversight and regulation, such as the 90/10 rule that is required to protect students and taxpayers with regard to for-profit schools.

In addition to the concerns around Bryant and Stratton, as of January 20, 2022, 706 programs offered by schools accredited by Middle States, the other students earning less than high school graduates with no college course work.

We urge the Department to inquire whether Middle States is enforcing its standard two, criteria 7 for schools to demonstrate that they enable students to understand funding sources and options, value received for cost, and methods to make informed decisions about incurring debt.

Finally, we appreciate that Middle States acted to withdraw the accreditation of ASA College, when it determined its standards are not being met. However, we would encourage Middle States and the Department to examine whether the Middle States could have acted sooner to protect students, based on its
policies, and all that it has learned after a year of warning,
probation and show cause notification.
I appreciate your time, and the opportunity to
comment today. Thank you.
CHAIR PRESSNELL: Thank you very much
Allison. We'll go with Dr. Thomas DeVere Wolsey.
T. DEVERE WOLSEY: Good morning. I can't
start my camera, I'm sorry about that. The purpose of this
statement is to call into question the integrity of the decisions and
accreditation of the Middle States Commission on the Higher
Education. The accreditation industry is called into question by
many other sources.
MSCHE has doubled down on questionable policies
and processes. This statement adds to their voices. MSCHE may
have exceeded the scope of its accreditation mandate by
accrediting institutions whose teaching and research operations are
not in, and often not subject to the laws or jurisdiction of the
United States, or any of the separate and collective groups of
states, demonstrated violations by member institutions whose
primary activities occur outside the United States, are beyond the
jurisdiction of the United States, are routinely ignored by MSCHE.
MSCHE does not consider itself an investigative
body, yet it accepts complaints, which are provided to the member institutions. At the same time the entire accreditation process, including complaint responses are shrouded in secrecy, and covered by overly broad and poorly written confidentiality provisions, in its bylaws and other governing documents. Confidentiality, constructed broadly means that MSCHE cannot be held accountable for its actions by members, or by students, faculty, staff, or the public at large. The separate and independent provisions of the Department's criteria that's compromised due to the lack of transparency, and the probability to MSCHE, and other such agencies, are incentivized to protect member institutions, rather than to hold them into account. Whether the accrediting institutions, such as the American University in Cairo, Egypt proudly proclaimed their accredited status without acknowledging that the Department of Education does not recognize that accreditation, a deception, if not a fraud, others have similarly noted the lack of transparency at MSCHE. Governing documents, particulars at AUC are just paper used to obtain accreditation. They have no intention of following them, faculty says their rights are bullied and harassed, and complaints include multiple violations of democratic
procedures in selecting new faculty, selecting Chairs and Deans, members at the university Senate and so on.

They also include multiple violations intended to protect faculty members from unfair treatment. AUC has never denied these allegations because they don't have to. MSCHE will not hold them to account, and the abuses of privileged, Khaled Rahman, President Akou Dalah, and others are complicit with MSCHE in this process.

The complaint process itself is based on a web form that is linked in documents that are buried on their website, so that people in the public can't easily find them. Finally, MSCHE does not process all the complaints received, even when its within their scope.

MSCHE accredits institutions that are beyond the scope of their mandate. MSCHE's complaint process is buried in various documents, such that they cannot be easily found. MSCHE's complaint process is shrouded in confidentiality that clearly favors member institutions, and is not in any way in response to the complaint.

MSCHE's responses --

CHAIR PRESSNELL: Dr. Wolsey you're out of time, but thank you very much for your comments.
T. DEVERE WOLSEY: Okay. Thank you.

CHAIR PRESSNELL: Alex Shchegol with ASA College? And I apologize if I butchered that last name, but. So they fell off. Let's try to go back. We'll come back to Alex in a moment. Dr. Alison Vogelaar?

A. VOGELAAR: Hi. I'm here.

CHAIR PRESSNELL: Thank you. You may begin your comments.

A. VOGELAAR: Thank you. I would like to speak today about two significant issues raised by my experience working in and filing a complaint about an international institution of higher education, accredited in the U.S. by Middle States, but owned and operated abroad.

I understand Middle States hopes to add more international institutions to their roster, and I think this should be carefully considered. After several years as a member of the faculty of an institution on foreign soil, it became clear we existed in a sort of no man's land, where our geographical distance from the U.S. made us less visible and accessible in terms of oversight, and our cultural and linguistic distance from our home country made us less comprehensible.

It felt like no one was watching. Fast forward 12
years to October 2020, when following repeated attempts to
address problems internally, I filed a third party complaint with
Middle States. The complaint addressed failures of leadership
related to chronic issues of harassment and discrimination, and the
absence of basic structures for addressing them.

These weren't the only problems, but they were
among the most destructive to students. And this process did not
go well. I informed the Commission about my fears of retaliation,
partly because of the size of the institution, just 25 faculty, but also
because the accreditation liaison was both the subject of the
complaint, as well as my line manager.

Even so, my name and complaint were forwarded to
my line manager. Though I was never contacted by anyone at my
institution about my complaint, I learned that my line manager had
been sharing it informally with various faculty, most of whom
were not involved in accreditation.

After several attempts to get in touch with Middle
States about the situation, they sent an email reminding me that I
consented to providing my name -- consent is required in the
system. And informed me that "The Commission does not specify
the procedures an institution must follow once a complaint is
forwarded."
In March 2021, Middle States reaffirmed my former institution's accreditation, and two months later, after 13 years of employment I was terminated. On a personal level I feel like the collateral damage builds into this self-improvement machine. On a civic level, I think we have to do better to encourage and process third party complaints, a/k/a whistleblowing.

Probably this begins with accreditors specifying procedures an institution must follow once a complaint is forwarded. I would add, also that transparency should be required for all parties.

My second, and related concern, relates to legal jurisdiction of these institutions. As I explored options for recourse in my case, I learned much to my surprise that while my former institution is accredited in the U.S. by Middle States, files taxes in the U.S. as a 501(c)(3) it is not under the jurisdiction of U.S. courts.

This means that while the institution enjoys the benefits of federal tax write offs, federal student financial aid, and the credibility associated with U.S. accreditation, its students and employees do not benefit from the legal protections available to those on U.S. soil.

The country where my institution operates has
limited employment protections from harassment, discrimination
and retaliation. There is no Title IX, foreign faculty --

CHAIR PRESSNELL: Dr. Vogelaar? Yeah, thank
you very much for your comments. Appreciate it. All right. Alex
Shchegol from Asa College? You're muted. There we go.

A. SHCHEGOL: Can you hear me? I'm not sure.

CHAIR PRESSNELL: Yes. Yes, you may begin.

A. SHCHEGOL: Okay. Thank you very much.

And well, I know I have three minutes, so I'm going to be very

quick. I came with my parents in 1977, $100.00 in the pocket, and

I was attending -- I came with a master's degree in engineering,

and I was going to a local synagogue, and the Rabbi asked me to
help immigrants from former Soviet Union, to help them with -- to

help them to find a job in computer programming.

So I was taking them, prepare them, all of them got
the job. I found them a job, and I continued that for another maybe
seven to eight years working with people who attended that
synagogue. And then in 1985 I was able to get a business license
for the school, and we opened the school, and it was called
Advanced Analysis, and I was working there at the same time as
the computer program consultant.

But then I started to work for the school, school got
its accreditation from ACSGS. Three years later in 1987, and we
were for a number of years an institution with ACSGS. We got the
Middle States accreditation in 2010. In 2015 we were extremely
very well accredited.

Dr. Robert Clark was in charge of that. I think we
were called exemplary college for United States. They asked us to
do a presentation on community colleges in there, and Middle
States annual conferences to teach others how do we teach
students, how do we assure that students are successful?

Okay. I came from Soviet Union, and Soviet Union
was you graduate from a college it's 100 percent you get a good
job. So, for me it was absolutely necessary if anyone coming to
our school, they have to get a job. That was the mission of our
college.

We had a short population, which is 82 percent
minority student population. And --

CHAIR PRESSNELL: Mr. Shchegol you're out of
time, but I do appreciate your comments very much. Thank you
sir.

A. SHCHEGOL: All right. Thank you.

CHAIR PRESSNELL: You bet. So, at this time
we'll invite the agency back to respond to the third party
comments. Dr. Perfetti?

H. PERFETTI: Thank you. For much of the comment I'm going to refer to Dr. Tracey Schneider, our Senior Vice President for Legal Affairs, and General Counsel. She can certainly address Allison's sharing about Bryant and Stratton, and our processes relating to conversions of for-profit institutions to non-profit. She can certainly address that.

She is also in the position as the overseer of our complaint's process to address the comments by Thomas Wolsey, as well as Allison Vogelaar, all of which we appreciate in terms of the feedback and information being provided about our processes.

The last commenter is Alex Shchegol, he is the owner of ASA College, and we will opt not to respond to his comments, but Tracey?

T. SCHNEIDER: Thank you Heather. So I will start with Bryant and Stratton, and the complex substantive change process. So, when Bryant and Stratton College began their conversion from a for-profit to a not for profit, they began our complex substantive change process.

It is a very vigorous and comprehensive process that we require the institution to undertake, and actually it is still ongoing as we continue monitoring today. I will not go through
every single step in that process in the interest of time. However, I
will highlight some key components of the process, specifically as
they relate to Bryant and Stratton.

So in the complex substantive change process we
begin with both an early notification where the institution will
notify the Vice President liaison who immediately begins work
with the institution in providing them with information, guidance,
policies and procedures that are going to help guide them through
the process.

The next step in the process is our preliminary
review form. This is before even the full complex substantive
change is submitted to us. At the preliminary stage we undertake a
complete policy and legal review in addition to the Vice President
liaison's review of the preliminary form, and the transaction at that
time as proposed by the institution.

Dr. Moseder and I at the time of Bryant Stratton, it
would have been out outside legal counsel, will review the
materials, and at that particular time for Bryant and Stratton, as
part of the preliminary review process before the complex
substantive change even began, they received information from
both the State of New York, as well as from our Commission, in
our review that asked them to make adjustments to the structure of
their transaction, and in fact they did that.

The next stage of the process was the actual submission of the complex substantive change where they wholly submit all of their materials and undertake what usually is a year long process at least, and as part of that process we again begin with the staff analysis, policy and legal review, where we give guidance to the institution, and ask them for additional information related to their transaction.

We did that in this circumstance, and they were able to provide additional information, and we were able to identify how the transaction would be structured from our perspective. At that part of the process it then begins a multi-level review, beginning with level one, which is the peer evaluators.

The peer evaluators did comprehensively review this particular transaction, and they spoke to some of the things that the commenter addressed, or asked us to address, and those things were the personal environment, and the insider involvement, or potential for insider involvement in this particular transaction.

And at that time the peer evaluators did say in their report after reviewing this extensively, that they reviewed lease agreements, and determined that, "The nature of the real estate transaction gives the illusion that the new institution entered into a
lease with a third party real estate company controlled by the college President." This is not the case.

The college's current President is not the President apprentice realty, and I share that because we did submit that in our staff analyst report as well. So, it really did go through a very comprehensive process where peer evaluators looked at each and every piece of the process, and addressed some of the things that many were concerned about with this particular transaction, and with conversions in general.

It then went through the continued rigor of our second and third level of review, which would be our follow-up committee, that you heard the Commission Chair mention earlier, as well as our full Commission review.

I don't stop there because once it was approved, it included in the scope of our recognition, we also continued to monitor the approvals of other members of the regulatory triad, including both Department of Education, and all of our state partners.

In this particular situation the Department of Education has approved the transaction with certain conditions. Those conditions were provided to the institution in August, and we as a Commission immediately began reviewing those
conditions, and monitoring the institution to ensure that those
conditions as set forth by our federal partner are met, and we did
that through supplemental information report.

We continue to require that reporting of the
institution. And with that I will shift into our complaints process.
So, the remainder of the third party comments that we will address
had to do with our complaints process. Dr. Wolsey, in particular,
noted confidentiality as part of the complaints process, and access
to documentation that's on our website.

Our complaints website is prominent, there's a
prominent tab on our website, and in that -- on that tab we provide
access and links to our policy, our reporting throughout, and
information. It also includes our complaint's email address that's
dedicated to that process where one would be engaged with our
compliance officer in regular communication, and any questions or
concerns that they may have in that process.

With that said, we continue to look for ways to look
at the website and to make sure we ensure the ease of access to
communication, and access to information as part of the
complaints process, and we value that feedback, which we have
shared with Dr. Wolsey.

We are in the process of reviewing our complaints
policy. We don't do that because of the NACIQI process, or because of any reports that are in the media, or because of any anticipated changes to federal regulation. But we do engage in regular review of our policies, and the complaints policy, and third party comments policy is one of them.

As part of that process we are looking at how we can provide additional ease of access to information in the complaints process, and information upfront to complainants that might be helpful to them in the process. With regard to confidentiality the information that's provided by the institution is governed by our communications policy, and we do not make the information in the institutional response public unless and until that information becomes part of a regular monitoring process.

With that said, we do try to provide complainants with areas or topics, or ways that we are continuing to monitor the institution, and we did do that with Dr. Wolsey in his complaints as well.

As to Dr. Vogelaar's comments, they relate to the anonymity in the complaints process, and I shared with you that we are already looking at our policy. Currently we do not permit an anonymous complaint to be submitted to the Commission.

However, we do take additional steps to ensure the
very thing that Dr. Vogelaar says has happened to her with regard
to retaliation, and that's certainly something that we understand
many in the complaints process do not want to submit an
anonymous complaint for that purpose.

We will engage with the institution if we find that
any individual complainant has been retaliated against, and we
have done that in certain circumstances where we did receive
information about that. With that said, we certainly understand
that that may happen in other circumstances, and we continue to
look for ways that we can address that, and more prominent
statements that we can put into our policy, and we're doing that
now.

We're also revisiting because we do appreciate the
feedback, and we recognize that this is an area of concern for many
individuals that we've engaged with throughout the process. And
we are looking for ways that we can explore whether or not to
accept a complaint.

It may not be anonymous to us, but whether we can
keep that information confidential to the institution, it certainly has
some practical implications for redaction that we need to consider,
but it is something that we are considering as part of our
complaints policy revisions, which will become available for
public and membership comment at the end of April.

CHAIR PRESSNELL: All right. Thank you very much. Thank you very much. Now Reha do you have staff response to agency and third party commenters?

R. MALLORY: No. Some of my comments and responses were included in the petition, so I don't have anything further.

CHAIR PRESSNELL: Herman?

R. SHIREMAN: Sorry. Are we able to ask staff more questions or? Did you want to go? Okay.

H. BOUNDS: Thanks. I just wanted to address the issue about the one non-compliant issue. If we would have gotten the new policy change prior to completing our analysis, Reha and I would of course have pondered a different, maybe recommendation. The only issue then we would have had left to consider would be the application of the new policy.

But it's still not that cut and dry because some of our regulations are rare, and they hardly ever occur. It's hard to determine if that situation would happen again, so I'm just trying to provide everybody regarding the complexity when you want to consider substantially compliant.

So in this case again, if we would have gotten their
policy strictly related to the last because the other part of the
regulation they were fine in. Again, if we had gotten that we
would have pondered a different situation. We would have just
had to then make a determination on our own whether do we think
the situation would have happened during a compliance report
period? So I just wanted to bring that up. Thank you.

CHAIR PRESSNELL: Thank you Herman. Bob?

R. SHIREMAN: Thanks. Dr. Vogelaar, or the
third party commenter, and excuse me if this was answered in the
documentation. There was mention of Title IV aid to an
international, a non-U.S. institution that is in some ways maybe out
of the reach of our regular state laws.

What are the circumstances under which a non-U.S.
institution is eligible for Title IV, and how does the state oversight
element of the triad work in that situation?

CHAIR PRESSNELL: Yeah. We have an FSA
representative who can help answer that.

H. BOUNDS: It used to be FSA, but now he works
for us.

CHAIR PRESSNELL: Okay. Well be careful what
you say, since you don't work for them anymore. Herman, do you
want to introduce the --
H. BOUNDS: Yeah. I want to make that clear.

Mike Stein has been with FSA for quite a while. He is now with the Accreditation Group, so he's not representing FSA, but he may be able to help if the agency, you know, would like him to, you know, to talk about, you know, those qualifications or justifications, so that's all I wanted to say. He no longer works for FSA.

CHAIR PRESSNELL: Let's go ahead and get your perspective if we may.

M. STEIN: Thank you. Again, for the record my name is Mike Stein, formerly of FSA. And I worked with the foreign schools that participate in our Title IV HEA programs. Specific to Bob's question, the answer is that by statute or regulation we don't consider accreditation outside of the U.S. borders, or territory.

So those schools participate because in addition to several eligibility requirements, they're legally authorized by the country in which they're located, and their degrees are recognized. So that's kind of like the basic threshold regulatory criteria, and then there are other restrictions. So, there are a lot of restrictions on the ability of foreign schools outside U.S. to participate.

R. SHIREMAN: Thank you.
CHAIR PRESSNELL: All right. Very good. We are now ready to entertain a motion discussion.

A. KEISER: A quick statement, and then I'll make my motion. In reading the documentation, it clearly appeared that the Middle States had a policy on dealing with institutions that either withdrew, or want to change their program. It wasn't stated as such, but they showed in evidence they had done it over the period of time. So therefore, I think it's more of a matter of defining the title of the policy, rather than the actual policy being in place, at least from what I could tell.

Therefore, I would make the motion to approve the institution for continued recognition for five years, with a monitoring report on the implementation of the policy.

CHAIR PRESSNELL: Okay. Let's make sure that we get that in proper writing. I wouldn't want to -- that was close. We have a motion. Do we have a second on the motion, and then we can move forward?

J. BLUM: I'll second.

CHAIR PRESSNELL: And Jennifer seconds. And then.

J. BLUM: Can I also comment?

CHAIR PRESSNELL: Yeah. I want to make sure
that we get the recommendation up.

A. SIERRA: Hi. This is Angela Sierra from the Office of the General Counsel. I just wanted to clarify is the motion to basically approve the staff recommendation, or so we would not be recommending that the agency be found in substantial compliance, but full compliance?

J. BLUM: The Department didn't find them in substantial compliance. I think that's what Art and I have been saying.

A. KEISER: The recommendation was not substantially compliant.

A. SIERRA: Right.

A. KEISER: This is -- the recommendation is they're in substantial compliance. They get a renewal for five years with a monitoring report to make sure that the written policy with the exact title is appropriately defined.

A. SIERRA: I understand now. Yes. Thank you for clarifying that.

CHAIR PRESSNELL: Thank you Art. Can you see that Art? I just want to make sure you can, all right, well.

Okay. Okay. Jennifer?

J. BLUM: Yeah. And I'll be really brief. I just
wanted to sort of held thoughts for the last couple of hours thinking about, and Herman, thank you for what you said before earlier. I just want to be really clear about something. When I'm questioning consistency, I'm not, I totally understand. I said this yesterday too. That staff is doing a really comprehensive job, and I'm not questioning.

What I'm questioning actually is more about the regulatory framework that boxes staff and us in to some degree, and so I have a high appreciation for Art here on creating a little bit more flexibility, and I actually really agree. I want to be really clear about something, about what the non-compliance, what the staff found in terms of the non, and I'm going to use air quotes, non-compliance on that one permission.

That permission actually is just requiring, and I don't mean to minimize notification to the triad, so that's a big deal, but that provision was simply saying that in the situation that you have institutions withdrawing or changing ownership for whatever reason, leaving your agency, you're notifying the other agencies. Like that's how I'm interpreting that provision.

They have in place, which is much meatier, like what to do when an institution is leaving. Because they don't have, and it was just a subsection, it's just when an institution voluntarily withdraws. It
doesn't happen in their agency, so they didn't have a policy that
said oh, I'm going to notify the state and the Department.
And so, they're rectifying that I think, right? I just
want to make sure that it's such a narrow issue.

CHAIR PRESSNELL: Yeah. Herman?
H. BOUNDS: Yeah just one correction.
J. BLUM: Okay.
H. BOUNDS: So, we found them non-compliant
with two.
J. BLUM: With subsection two?
H. BOUNDS: With allowing the accreditation to
lapse.
J. BLUM: Right.
H. BOUNDS: They were okay with the withdrawal
part.
J. BLUM: Right. That's true. Sorry you're right.
So, the bigger piece of it they were actually compliant with, but
don't actually let institutions lapse was their point.
H. BOUNDS: Right. That was the whole concern
is that.
J. BLUM: Right, correct.
H. BOUNDS: I think Reha pointed out that first
part, the policy about withdrawal wasn't an issue, it was the (f)(2),
which is they didn't have a policy for allowing, you know, for
notification of a lapse of accreditation.

And so, while you know, we have some regulations
that are --

J. BLUM: Optional.

H. BOUNDS: That are optional. So the agency
can't just opt out of having a policy. So that's the difference in this
situation. They met withdrawal, but not the lapse part.

J. BLUM: Yep. And then that's my point. My
point is that I appreciate the Department being, you know, I think
understanding on what Art is saying and what I'm saying here,
which is that in effect they are in compliance, you know, they are
in compliance. They need to make this tweak, and I call it a tweak,
because it really is a tweak in their case.

But they need to make a tweak. But to me that
makes sense to have it be substantially compliant, and I think we
need to look at regs like that, you know, in that way. You know,
recognizing what a big deal is, and what littler things are, and
being able to create the right framework for how we vote, so I'm
glad that hopefully this will -- this motion takes care of the issue.

H. BOUNDS: And just so you know, Reha and I
spent about two days trying to figure out which one.

J. BLUM: I'm sure you did, which is why I wanted
to clarify them. My sort of concerns that I was raising before were
not toward Reha or you. It's literally in regard to the framework.

H. BOUNDS: Yes. Never take it that way.

CHAIR PRESSNELL: All right. Zakiya, you have
your hand raised?

Z. SMITH ELLIS: Yeah, thank you. I just on this
point I've been listening to the discussion, and appreciate the
clarification from Herman, and the time that went into this. And
the point that Jennifer's making. But I would just suggest that in
my experience, and working in the Department, and not in the job
that Reha or Herman have, but just in seeing how some of these
things play out.

I think the reason for there being this what can feel
like pedantic and very detailed stuff, it's because when it's left up
to interpretation of people that can go very different ways, and I
actually appreciate the fact that in listening to the Middle States
respond to this, they said yeah, we did this in practice, but we
didn't actually have a policy.

I listened to that, and if I'm wrong about that correct
me. But we did not have a policy. And so now we do have an
official written down policy, which I think is also very important because people can come and go, leaders can come and go, and the reason to have like a policy that's actually written down is so that is clear, that that's what's supposed to be happening.

So I just would note that I actually agree with the staff recommendation because of the need to be specific about some of these things, and even though, I think we all agree that Middle States has been a model in this place, and they're not like, you know, we don't actually think that they offend these people in this room at this time have been substantively off track.

They still didn't have the policy that's required by the regulation in the timeframe that was required, and so I just would share that my thinking on this is that that kind of thing is actually pretty important for consistency across different administrations.

CHAIR PRESSNELL: Thank you Zakiya. Art, did you have a comment? Okay. So the recommendation, the motion is that the agency be found in substantial compliance with a required monitoring report on 602.26(f).

Z. SMITH ELLIS: Excuse me. I also want to say one quick thing. I want to make sure it highlights 602.26(f)(2).

They were, they did have a policy and they were in compliance
with (f)(1), so I just want to draw that distinction for the record.

CHAIR PRESSNELL: We need to add the number 2? F?

Z. SMITH ELLIS: Yes please.

CHAIR PRESSNELL: Yes. And I am relying heavily on my contacts to be able to read that, but I think yeah Jennifer?

J. BLUM: Can I just before we vote, I just want to ask -- Zakiya made me think of a question I wanted to ask Herman.

I think I know the answer to this. So if on this it's a monitoring --

they're still coming back. They're coming back with a monitoring report, just to the staff, and assuming the staff checks the box on it,

we don't see it again.

On the first recommendation, the staff's recommendation, on a non-compliance, the compliance report --

they would have to come back before us on this one item.

H. BOUNDS: Yes, yes, you're correct.

J. BLUM: Okay. I just wanted to point that out publicly because that seems like when David and I were talking

yesterday about burdens to have to come back before the Commission on this one issue. It's not that we're saying that Art

and I are saying there's nothing to be done. They're going to have
a monitoring report, so I just wanted to make that distinction.

CHAIR PRESSNELL: Yeah. I'm waiting for the text to be put back up in proper order, and then the question has been called. And I want to read it again if I can.

H. BOUNDS: You couldn't see it yesterday.

CHAIR PRESSNELL: Yeah. I want to make sure though that we add (f)(2) and I think it's there now, but I can't. It's on the line yeah. Yeah, the bottom okay. Thank you for your patience. Can you add to the at very end it's 602.26(f)(2). Thank you.

A. SIERRA: Hi. So I think that Monica's correcting the language, but you need to be specific about when you want the monitoring report to be filed.

CHAIR PRESSNELL: What is normal? What's the normal cycle on that?

PARTICIPANT: I think they have 12 months to do the monitoring.

R. SHIREMAN: Can't we just leave it be, and let the SDO decide the appropriate time, which like they could do this in a month, and they'd be done.

CHAIR PRESSNELL: Yeah. They may be able to do it in a day.
A. SIERRA: Let me just check the reg language real quick.

CHAIR PRESSNELL: Okay.

Z. SMITH ELLIS: I'm sorry I have just one more thing if that's all right.

CHAIR PRESSNELL: Yes. Zakiya, sorry. And Zakiya, I appreciate you raising your voice because you're like one inch by one inch on our screen so.

Z. SMITH ELLIS: Oh, right, right, I forgot. You guys are looking at the big screen. No. Just I think I appreciate Jennifer reminding me that the compliance report does require them to like come back here and do all of that, and I actually don't think that that's necessary. I just wanted to make the technical point.

So, I'm fine with the recommendation that you all are drafting here that Art is making, but I just wanted to make the technical point that it seemed like we were saying that they were actually in compliance, and that that doesn't really, you know, we're a little -- it's okay to not have, you know, the written down policies.

And I just wanted to say for the record that I think it is important, and the reasons why I think that's important. But in
the spirit of what they are doing feels like not necessary to kind of
create the burden of a whole new thing, although we would love to
see you again in 12 months probably not necessary for just the --

CHAIR PRESSNELL: I think the monitoring
report would be submitted to staff, so yeah.

A. KEISER: I just think it's getting to a point of
absurdity that this Commission has gone through so many of the
rules and regulations, and it is not simple. That we're going to hold
them up on something they are doing, but doesn't have it
specifically written, and we have no belief that they will not do
that.

So I think we need to be fair. And not force these
agencies to jump through hoops that are not necessary.

CHAIR PRESSNELL: Okay. Let me read the
recommendation, and again, continue the agency's recognition as a
nationally recognized accrediting agency for five years, and find
the agency substantially compliant with 34 CFR 602.26(f)(2) with,
and submit a monitoring report within 12 months.

What's hanging there is within how long do we
want to recommend. I heard Bob's comment that 30 days, I mean.

A. SIERRA: Okay. So we just looked at the
regulation in 602.34 and it just says with a set deadline to be
reviewed by Department staff, to ensure that corrective action is
taken, and full compliance is achieved.

CHAIR PRESSNELL: Okay. Within 12 months.

A. SIERRA: It could be periodic, but.

CHAIR PRESSNELL: Within 12 months. All

right. We've got it. We have language. Any other comments?

Let's take the vote.

G. A. SMITH: Kathleen?

K. ALIOTO: Yes.

G. A. SMITH: Jennifer?

J. BLUM: Yes.

G. A. SMITH: Wally?

W. BOSTON: Yes.

G. A. SMITH: Debbie?

D. COCHRANE: Yes.

G. A. SMITH: J. L.?

J. L. CRUZ RIVERA: Yes.

G. A. SMITH: David?

D. EUBANKS: Yes, with a quick comment. I

think the student achievement progress shown here is good, and I

would hope that the Department could begin to accept that as an

expectation for this committee to review such dashboards with
narrative.

I am concerned about the international question, but I don't know enough about it so.

G. A. SMITH: Molly?

M. HALL-MARTIN: Yes.

G. A. SMITH: Art?

A. KEISER: Yes.


R. MAYES: Yes.

G. A. SMITH: Mary Ellen?

M. E. PETRISKO: Yes. And my comment is that I would recommend for any further reviews for accrediting bodies that are accrediting institutions outside the United States, that they take a particular look across all the criteria for challenges of institutions operating abroad.

A legal issue came up in the third party comment, but there are a myriad of other things that they're just -- they're different institutions. They have to operate in a different way, and they have specific challenges that I think the accreditors, they're certainly aware of and they can be very challenged.

One, for example, many years ago the American
University in Paris had to stop offering a major in French. I won't
go into why.

G. A. SMITH: Thank you. Michael Poliakoff?

M. POLIAKOFF: Yes, with a comment that I
would like to see for this and other agencies much more attention
to the validity of the measures of academic success.

G. A. SMITH: Bob Shireman?

R. SHIREMAN: Yes. And concur with the
concerns in questions regarding non-U.S. institutions.

G. A. SMITH: Zakiya?

Z. SMITH ELLIS: Yes.

Recommendation: Continue the agency's
recognition as a nationally recognized accrediting agency for
five years, and find the agency substantially compliant with 34
CFR 602.26(f)(2) with, and submit a monitoring report within
12 months.
Renewal of Recognition: Accreditation Commission for Midwifery Education

CHAIR PRESSNELL: All right, thank you. Does anybody wish to add a comment? All right. Very good. So, it's lunchtime, but we are actually not taking lunch. We're going to push through. So what we're going to do is we're going to without objection, we're going to take up the Accreditation Commission for Midwifery Education before lunch.

And then that will leave us with New England and Western Association after lunch. So, any recusals? Yeah? Art Keiser. Any other recusals? All right.

J. BLUM: Can we take a break? Or we're not taking any break?

CHAIR PRESSNELL: We're pushing through. If you need --

J. BLUM: We'll all take our own breaks.

CHAIR PRESSNELL: Yeah. Take your break on your own, and I apologize, we're trying to get back on schedule as best we possibly can. We will do lunch after this one. Yes we will. I promise there will be food.

Okay. Very good. So the next agency is Accreditation Commission for Midwifery Education, primary reader is Zakiya Smith Ellis. And if you would want to introduce
the agency please.

Z. SMITH ELLIS: Thank you. Initially recognized in 1982, and last recognized in 2018, the Accreditation Commission for Midwifery Education offers accreditation and pre-accreditation of 40 midwifery programs, including through distance education throughout the United States.

Accreditation from ACME provides eligibility for participation in various funding programs offered by the Department of Health and Human Services. Thank you.

CHAIR PRESSNELL: Yeah. Thank you Zakiya. And Karmon Simms-Coates is our Department staff.

K. SIMMS-COATES: Good afternoon Mr. Chairman and members of the Committee. My name is Karmon Simms-Coates, and I am providing a summary of the review of the petition for renewal of recognition for the Accreditation Commission for Midwifery Education.

The agency's recognition does not include access to Title IV programs. The staff recommendation to the Senior Department Official for this agency is to continue the agency's recognition as a nationally recognized accrediting agency, and require the agency to come into compliance within 12 months with the criteria.
Specifically 602.26(f), and submit a compliance report due 30 days thereafter that demonstrates the agency is in compliance. This recommendation is based on a review of the agency's petition and supporting documentation, as well as three virtual observations, a Board meeting, file review and site visit.

The agency has one remaining issue under 602.26(f) notifications of voluntary withdrawal. The agency has an adequate policy regarding notifications of voluntary withdrawal, however the agency did not demonstrate it applied its policy when one of its accredited midwifery programs voluntarily withdraw accreditation.

The agency specifically did not provide documentation to demonstrate that required entities were notified within 10 business days of the agency receiving the withdrawal notification from the program. The Department received one third party comment that was specific to the Department's third party comment procedures, and not directly related to the agency.

And the agency did not receive any complaints regarding -- this agency, the Department, did not receive any complaints regarding this agency during the recognition period.

This concludes my presentation. The agency representatives are here today to answer any questions. Thank you.

CHAIR PRESSNELL: Thank you Karmon. And
we'll invite the agency representatives. And Angela Smith? Can you all hear me? I'm trying to see. I have Angela Smith and then Anne Cockerham.

A. COCKERHAM: Yes. This is Anne Cockerham, but I see Angela is here, but maybe she's having difficulty connecting.

CHAIR PRESSNELL: Whatever. Whatever, if you want to do this, begin the introduction, and you know, the issue at hand. Thank you.

A. COCKERHAM: Yes. I will begin with just a brief greeting, and hopefully in that amount of time Angela can join us. So good afternoon, and thank you for the opportunity to appear before the Committee. I served as the Board of Commissioner's Chair during the recent recognition period, and my terms happens to be ending now.

So Dr. Eva Fried, an experienced Commissioner is stepping into the Chair role, and I appreciate her being here today. I'm really grateful for the outstanding leadership of our Executive Director Miss Angela Smith, every day, and particularly throughout this petition process.

And on behalf of ACME's volunteer members of our Board of Commissioners, the Board of Review, Advisory
Committee, and Site Visitor Panel, I'd like to express how proud we are of ACME's commitment to ensuring that Midwifery education programs are in compliance with our carefully considered criteria, are high-quality and provide learning experiences that benefit students, and importantly the clients and communities we serve as midwives.

So thank you, and hopefully Angela is able to provide our full introductory statement.

A. SMITH: Good afternoon. I begin first by thanking you NACIQI, and the Department staff, Karmon Simms-Coates, and Herman Bounds, for the invaluable work that you do in your demonstrating commitment to quality assurance.

The Accreditation Commission for Midwifery Education, ACME, is very committed to ensuring that midwifery programs operate at the highest level of quality. I joined ACME in 2020 during the pandemic, and I can say that it was, and has been one of the best decisions that I have made.

The commitment to program excellence, midwifery and student achievement is unmatched. ACME fully understands that when programs are well-designed and functions at the highest level of quality it can lead to the best outcome for students. Am I frozen?
CHAIR PRESSNELL: No. That's fine. Thank you very much.

A. SMITH: I just want to fix my computer. I'm sorry.

CHAIR PRESSNELL: Okay.

A. SMITH: ACME fully understands that when programs are well-designed and function at the highest level of quality, it can lead to the best outcomes for students. Therefore, we are very intentional as an accrediting body. We are listeners, and we are responsive. We listen to students, program directors, stakeholders, and we listen to communities.

We are constantly reminded that if we are successful, and if we move ACME's mission forward in a successful manner, great things will happen for the communities. There will be more certified midwives working in communities across the country, especially in underserved communities where the needs are even greater.

Therefore, we're not only looking at what we do, but as important, we looked at why we do what we do. The evidence is clear. High quality midwifery education programs is essential to improving quality of care, and reducing material and youth mortality and morbidity.
Each day we have high-skilled, experienced, passionate and committed Commissioners, decision makers, site visitors, and more, working within ACME to advance midwifery education, and we are very proud of the outcomes.

Today there are 43 ACME accredited programs, and there are several programs that are seeking for accreditation.

Certification pass rates continue to increase. We have five programs that have achieved 100 percent certification rate in 2021.

Graduation rates and programs exceed 88 percent, though good, we will continue to look at our processes that can lead to increases in those numbers.

And since the year 2000, there has been a 49 percent increase in certified nurse midwives, and certified midwives in this country. Today there are over 3,100 program students, and we are determined that these students, and future students, will also be able to trust always, that their accredited ACME program has demonstrated a full commitment to providing a learning experience that will lead to each becoming a successful midwife, prepare the knowledge and spirit to meet the demands of the profession.

We take seriously accreditation. We operate with transparency, integrity and an undisputed commitment to advance
an excellent and appropriate education. And in December 2022, we received one of the best compliments ever. A group of students from an ACME accredited program reached out to ACME, and thanked ACME for our work, and what it means to them as students and future midwives. Thank you, and thank you for your time today.

CHAIR PRESSNELL: Thank you very much. I appreciate your opening comments. Zakiya, do you have any questions for the agency?

Z. SMITH ELLIS: Yes. I just have one question. As you all are no doubt aware there are substantial disparities in maternal mortality by race and ethnicity with black women being three times more likely to die from pregnancy related causes than white women.

How does ACME help programs in midwifery education provide the education and training needed to address the underlying causes of these disparities?

A. SMITH: Our policies and procedures, as well as our criteria speak very clearly what the expectations are. We are very committed to breaking down these barriers. We lend ourselves to stakeholder meetings, to continue to advance our commitment to ensuring that the work that we do have a large
impact in reducing those negative statistics, and I will let Eva and 
Anne speak to what's happening at the program level. Eva do you 
want to lead off?

E. FRIED: Sure. Thank you. I just want to add to 
what Angela already led with, that our criteria are specific that 
programs need to respond to about where equity initiative are 
implemented and threaded throughout the curricula, specifically to 
address the issues that you mentioned.

A. COCKERHAM: ACME has a major focus on 
enhancing the diversity of a student population because we know 
that communities are well served by folks who relate to those 
communities.

Z. SMITH ELLIS: Thank you.

CHAIR PRESSNELL: Thank you. The Chair, I 
have one question. Could you address specifically the notification 
issues surrounding San Diego State University that's in the 
findings?

A. SMITH: Yes. It is to our understanding that 
there was a misunderstanding in terms of exactly when the 
notification had to go out. If you look at the documentation that 
we submitted our Board of Review decided that process when the 
program indicating that they were closing as opposed to when they
received the actual notification that the program was going to close.

In response to that we've updated our Board review training manual, as well as our training documents to ensure that the requirements are probably interpreted, and absolutely 100 percent followed.

CHAIR PRESSNELL: So your current policy does align with the requirements on the 10 day notification?

A. SMITH: Yes. That is correct.

CHAIR PRESSNELL: Very good. Other questions from the members? Kathleen?

K. ALIOTO: I don't have a question. I just want to thank you for the work that you do. I think it's so important in terms of the birth of thousands and hopefully millions of children with the assistance of midwifery. Thank you.

CHAIR PRESSNELL: Other questions from the Committee. All right. See none, there are no third party comments. Any concluding comments from the agency?

A. SMITH: We are very committed to midwifery education, the success of each program. As stated, we are constantly mindful of what our work results in, not just short-term, but long-term. And so we are 100 percent committed to making
sure that all midwifery education programs operate at the highest level of quality.

CHAIR PRESSNELL: Thank you. Karmon, do you have any closing comments from the staff perspective?

K. SIMMS-COATES: No. I don't have any comments. Thank you.

CHAIR PRESSNELL: All right. Very good. This brings us then to the discussion and vote. Zakiya, do you have a motion?

Z. SMITH ELLIS: Yeah. I move that we accept the staff recommendation to renew with a requirement that the agency come into compliance within 12 months, with the criteria that was listed on the final report.

CHAIR PRESSNELL: All right. Very good. Is there a second to that motion?

D. COCHRANE: Could I ask a question first?

CHAIR PRESSNELL: Sure. Well if we could just get a second we'll be open for discussion if that's okay. Just to get it in the proper position. Is there a second? David. Now we can. All right. Thank you so much. Thanks for, Debbie, your patience.

D. COCHRANE: Thanks. No. I guess I'm looking at the recommendation, and I don't know how frequently this
policy does come up, but it looks like the agency is intended to
demonstrate the application of its policy, so I guess I'm just
wondering if that's going to be an issue with the defined time
period of needing to demonstrate that. How often do programs or
institutions withdraw?

CHAIR PRESSNELL: Yeah. I think that's a really
good question because especially with a smaller agency it could be
difficult. Herman?

H. BOUNDS: So again, I cite the problems with
substantially compliant, and the definition. You know, we have to
make our policies strictly just based on our kind of call of what the
regulation requires. The problem here is they had the policy.
When they applied it, they didn't follow that ten day rule. So for
us, we said in that case, I mean there's not a one incident track
record of doing it right.

So we went -- our thought again, people may have
different opinions, but our thought was we couldn't use
substantially compliant here because they just didn't say that they
ever done it. Would -- could it come up again? It is one of those
rare problems.

I totally 100 percent agree. It may not occur again
during the 12 month period. We were just stuck at what we
thought we could apply here, and try to evaluate, you know,
fairness, and ensuring we treat everybody the same way. So we
went with the non-compliant. I mean everybody else can have
other opinions. I mean this is just the issue with substantially
compliant.

We just didn't think it would work here because we
just don't have any indication of applying the policy correctly. If it
doesn't happen within 12 months then we would just say at that
time they didn't have a chance to apply it, it never occurred, and
then we would probably recommend you know, acceptance of the
compliance report.

CHAIR PRESSNELL: Jennifer?

J. BLUM: So that's actually I think you just said
what I was going to ask. So I want to understand on the motion
that you have written, and I understand the quandary, definitely.

So I understand the quandary.

So under what you have now they're going to be
required to have a compliance report and come back before us.

They're likely going to -- I mean we can't predict. Maybe they'll
have situations, but let's just say they don't, right? So they don't
have a situation, so they can't come into compliance because they
don't have a situation.
So they're going to come here, you know, virtually or whatever, and we're going to be sitting here a year from now. Well first, you're going to have a conversation, then we're going to be sitting here a year from now saying okay, now what do we do with they don't have a situation, so we don't -- they haven't had the circumstance, or we don't know what to do.

So, it feels like we should fast -- I mean I want to be mindful of the fact that in this case the one example I had there was a non-compliance. So I'm very mindful that this is actually just a little different than the last agency. At the same time you know, I feel like there are some similarities to the last one where we could say that there would be a monitoring report.

And so I have a question. Under a monitoring report situation, they come back to you a year from now. Let's say there hasn't been another situation. Could you just extend for another year to a monitoring report? I know that's sort of unprecedented probably.

H. BOUNDS: No. We would have to make the call in and say, you know, they didn't have, you know, they didn't have the opportunity to do it at that time. The only thing I would say to is with withdrawals, it's a little more likely than a lapse, or something like that, you know, with accrediting agency's changing,
you know, from one another.

And I know they're programmatic, so that could be, you know, that could be different in this situation, so. I mean it is what it is with, you know, the stipulation in 602.32 where it says you have to demonstrate effective application. In this case they didn't do it, so that's why we couldn't go with anything else.

CHAIR PRESSNELL: Bob?

R. SHIREMAN: Well I wanted to note first that it will probably be more like in a year and a half.

H. BOUNDS: It will. It will. That's true.

Absolutely.

R. SHIREMAN: It will be longer than that one year.

H. BOUNDS: Absolutely.

R. SHIREMAN: But also that based, I believe, and perhaps OGC can confirm that based on this discussion the SDO could take another look and see if there's something else that could be done to reduce burden in this kind of situation, even if we went ahead and recommended accepting the staff recommendation, since the transcript and this discussion is part of the record.

CHAIR PRESSNELL: Thank you Bob. Mary Ellen?
M. E. PETRISKO: That's sort of what I was going to ask. The SDO is going to see this staff recommendation, so even if we veered wildly from the staff recommendation, the SDO is the final arbiter of this anyway, so we could just say they're fine, or whatever we want to say. Because the SDO is going to make the decision, and see both recommendations.

CHAIR PRESSNELL: It's true. I mean but we would be saying that they're in compliance, and we have a specific case demonstrating that they're not, so.

R. SHIREMAN: But the SDO can do something different even if we go with the staff recommendation.

CHAIR PRESSNELL: Totally.

R. SHIREMAN: Like this is all part of the record, and it's like clearly a weird, it's going to be good to find the solution to, so.

Z. SMITH ELLIS: We could add a comment that says, you know, we could add a comment if we felt like, you know, this is one of those situations where we didn't feel like there was an appropriate in between for the SDO with NC.

CHAIR PRESSNELL: I think that's good, and to Bob's point and Zakiya your point right now is the fact that the SDO is going to be privy to all the conversation, and our concerns
are now being voiced out loud and so this is going to be in record, so bring it. Any other -- a motion and a second has been made.

Oh, I'm sorry.

A. SIERRA: Hi. This is Angela Sierra again. I just wanted to note that under 602.36 the SDO can find an agency in full compliance and still require a monitoring report if there are concerns about continued compliance. 602.34 doesn't specifically include that as a possible NACIQI recommendation, but you know, it's not limited to the list in 602.34, so that's just one option that I wanted to make you aware of.

CHAIR PRESSNELL: Sure. And you know, I think it would be good too if there was some action we could take about the next time it occurs, it will be fully reported back to the Department. You know, what I'm saying, because I think if it was a very small programmatic agency like this the likelihood of it happening, even in the next year and a half is probably unlikely, but anyway. David?

D. EUBANKS: Just a quick comment. We have to deal with this kind of thing, and institutional accreditation, like removal of a Trustee which happens very rarely, and there's an escape clause that if it hasn't happened in a certain amount of time you don't have to demonstrate your policy just because of common
CHAIR PRESSNELL: Oh common sense? Okay.

Very good. Common sense within a regulatory environment, that's even better. Any other comments?

D. EUBANKS: I withdraw the comment.

CHAIR PRESSNELL: Don't withdraw your comment. Very good. Seeing no further comments let's take the vote.

G. A. SMITH: Kathleen?

K. ALIOTO: Yes.

G. A. SMITH: Jennifer?

J. BLUM: Yes.

G. A. SMITH: Oh boy, Wally?

W. BOSTON: Yes.

G. A. SMITH: Debbie?

D. COCHRANE: Yes.

G. A. SMITH: J. L.?

J. L. CRUZ RIVERA: Yes.

G. A. SMITH: Keith, are you on?

K. CURRY: Yeah I just came on. Abstain.

G. A. SMITH: Are you a yes, or?

K. CURRY: Abstain.
G. A. SMITH: I'm sorry. Eubanks?

D. EUBANKS: Yes.

G. A. SMITH: Molly?

M. HALL-MARTIN: Yes.

G. A. SMITH: Michael Lindsay is he out? Okay, absent. Robert Mayes?

R. MAYES: Yes.

G. A. SMITH: Mary Ellen?

M. E. PETRISKO: Yes.


M. POLIAKOFF: Yes.

G. A. SMITH: Okay. Bob?

R. SHIREMAN: Yes.

G. A. SMITH: Zakiya?

Z. SMITH ELLIS: Yes. And I would like -- can you hear me? Yes. I would like to add a comment that we recommend the SDO explore renewing, and just requiring the monitoring report, even though that is not something that NACIQI can necessarily recommend.

CHAIR PRESSNELL: Very good. Duly noted, and so the motion passes. 12 positive votes, and so thank you all
very much, and thank you to the agency. I’ve got 12:23, so we'll
start probably at one o’clock. All right. Thank you, and it will be
New England will be up at one o’clock.

(Lunch Break 12:24 p.m.)

RECOMMENDATION: We accept the staff
recommendation to renew with a requirement that the agency
come into compliance within 12 months, with the criteria that
was listed on the final report.
Renewal of Recognition: New England Commission of Higher Education (NECHE)

1:00 p.m.

CHAIR PRESSNELL: Good afternoon, and welcome back. We are looking forward to a really productive afternoon. We would like to do the -- we have three agencies remaining in the overall review. It would be the most incredible thing on earth to get through all three of those this afternoon, but we'll do the very best we can.

And again I want to make sure that there are no questions unasked, but if the questions and responses could be very directed in their nature that would be really, really helpful. So the agency that is up now is the New England Commission of Higher Education.

The two primary readers, David Eubanks, and Bob Shireman, and who's going to introduce the agency? David? Have at it.

D. EUBANKS: Thank you. The New England Commission of Higher Education is a voluntary non-governmental membership association that serves as an institutional accreditor for more than 200 institutions of higher learning around the world, most of them in the six New England States.

Five colleges and universities from New York State
have recently applied for accreditation through the New England Commission. Originally under another name, the Commission has been on the Secretary's list of recognized accrediting agencies since 1952.

CHAIR PRESSNELL: All right. Thank you David, and our Department staff lead is Dr. Nicole Harris. Dr. Harris?

N. HARRIS: Good afternoon. Can you hear me?

CHAIR PRESSNELL: Yeah. Thank you.

N. HARRIS: Good afternoon Mr. Chair, and members of the committee. For the record my name is Dr. Nicole S. Harris, and I'm providing a summary of the renewal petition for the New England Commission of Higher Education, also referred to as NECHE, or the agency, which is a Title IV institutional accreditor currently recognized by the Department.

The Department staff recommendation to the Senior Department Official is to continue the agency's recognition as a nationally recognized accrediting agency at this time, and require the agency to come into compliance within 12 months with the criteria listed within the remaining issue section of the final report, and detailed in the staff analysis.

And then submit a compliance report 30 days -- I'm
sorry, due 30 days thereafter to demonstrate compliance. In addition, the Department received one complaint regarding the agency during this recognition period, which was discussed in the following criteria. 602.16(a)(1) Roman 1, 2, 3, and 5 through 7, excuse me, and 602.23(c), complaint procedures and one third party comment regarding student achievement addressed in 602.16(a)(1).

Student achievement at 602.19(b) -- monitoring, of the criteria, and one third party comment specific to the Department's third party comment procedures, which warrants no response from the agency.

The staff recommendation is based upon my review of the agency's renewal petition, supporting documentation, and observations of a focused site visit in April of 2022, a substantive change site visit in June of 2022, an in person evaluator's training and Commission meeting in September of 2022, along with a file review conducted in person and virtually between September and November of 2022.

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

It should also be noted that during the review period
the agency has requested to update their geographical area of the
agency to reflect the United States. The agency has also requested
the inclusion of direct assessment within the agency scope of
recognition thus, the agency scope of recognition would now read,
"The accreditation and pre-accreditation candidacy status of
institutions of higher education, including the accreditation of
programs offered via distance education and direct assessment,
within those institutions, jointly with the Commission."

This recognition extends to its executive committee,
and also to the appeals body for decisions related to the appeal of
denial, or withdrawal of candidacy, probation and denial, or
withdrawal of accreditation.

The geographical area of accrediting activities, the
United States upon the approval of the Senior Department Official.
This concludes my presentation. There are agency representatives
present today, and they will be happy to respond to the committee's
questions. Thank you.

CHAIR PRESSNELL: Thank you Dr. Harris. Any
technical clarification questions for Nicole? Bob?
B. SHIREMAN: Yes. I had one relating to rapid
growth, one of the areas that you looked into was how the agency
addressed rapid growth in institutions. And I think my
understanding is that it had to do with rapid growth in the number
of locations of institutions.

And I just wanted to clarify the regulation there.

Does the regulation related to rapid growth of institutions only
relate to locations, or does it relate to both enrollment and
locations, and they only had the problem on locations?

N. HARRIS: So the 602.22(f)(3) procedures for
rapid growth, they are to establish a mechanism at the agency's
discretion that includes visits to additional locations. That's what
this specific one is referring to, and or ensuring that accredited, and
pre-accredited institutions that experience rapid growth in a
number of additional locations maintain educational quality for
the additional.

R. SHIREMAN: And is there not a regulation that
relates to rapid growth, the number of students, or there is one of
those?

N. HARRIS: I'm sorry. Herman is going to
respond.

CHAIR PRESSNELL: Yeah. Herman?
H. BOUNDS: Bob, give me just a minute to look it up. Yeah, that's in a different section there, two separate requirements related to rapid growth.

R. SHIREMAN: Perfect. Thank you.

H. BOUNDS: Okay.

N. HARRIS: And just to add to yours, the additional locations, educational quality, it should be defined, that's why they were cited.

R. SHIREMAN: Perfect. Thank you so much.

N. HARRIS: No problem.

CHAIR PRESSNELL: Good question. Thank you Bob. Any other clarifying questions for Dr. Harris? Okay. At this time we would like to invite the agency forward to make some comments. And again, we appreciate the brevity, if at all possible. Complete comments, but somewhat brief, so we can enter into a conversation with you.

And Dr. Larry Schall, I'll call on you to introduce your team and begin the comments. Thank you.

L. SCHALL: Thank you very much, and good afternoon to all of you. I have with me Pat O'Brien, our Senior Vice President, Laura Gambino, and Carol Anderson, both Vice Presidents. Russell Carey is with us all day yesterday and with us
this morning, but he had a meeting. I'm not sure. Russell are you
with us?

R. CAREY: I'm here.

L. SCHALL: Okay. Good. So I'm going to ask
Russell to get us started.

R. CAREY: Thank you. Good afternoon members
of the Committee. As Larry referred, mentioned, my name is

Russell Carey from Brown University in Providence. I serve as
Executive Vice President for Planning and Policy. I served with
great pride in the New England Commission of Higher Education
since 2017, including two years as Vice Chair, and became Chair
in July of this year, and will serve in that capacity for two years.

I will make my remarks as brief as I possibly can. I
do want to note that the Commission is made up of approximately
28 members, including 4 public members. Our criteria for public
members is actually more restrictive than federal requirements, and
we require that public members not have -- can't have had any
association with one of our member institutions for a full decade
prior to serving on the Commission.

The Commission of volunteers meets four times a
year for two days each, and every Commissioner spends many
hours in preparation for each meeting. Meetings which typically
include 50 to 60 agenda items.

NECHE accredits just over 200 institutions in the United States, and a number of international members as well. They include some of the best known institutions in this country, as well as one of the largest online universities, Southern New Hampshire, two and four year public institutions from all six New England states, and many small, independent schools, including many with religious affiliations.

All but two of our institutions are not for profit, and we have recently accredited a number of New York institutions who had previously been accredited by a state agency, including some very selective doctoral degree granting institutions, such as Rockefeller University.

I'm extremely proud of the work done by the staff and the Commission. Because of our small size, and the frequency of our meetings, we interact regularly with our members, both in official settings, and informally. We require the Presidents of our institutions to appear before the Commission at the time of their comprehensive review, regardless of whether they are in some kind of special monitoring or not.

But we do rely on companies like NECHE, particularly around specific issues like financial reviews. They
only make recommendations to the Commission. The full
Commission is our decision making body, deliberates and votes on
all actions. As I'm sure you're acutely aware, the demographics in
the New England region are challenging for higher education. Due
to those trends we've seen a relatively significant number of school
closures and consolidations.

As an example, the Connecticut system has
proposed that we approve the merger of the 12 existing community
colleges into a single institution. That request has been the subject
of many reviews and meetings over more than five years, and as of
now is on track for final consideration this coming July.

A similar action is taking place among public
institutions in Vermont, and in 2020, the Commission approved a
request that the public universities in Maine be accredited as a
system, rather and as individual universities.

With regard to private institutions, in some cases
we've taken action to withdraw accreditation, but in a number of
other cases it's been the oversight of the Commission, the
engagement of staff in our standards, which has led to the
voluntary relinquishment of accreditation, or mergers and
acquisitions.

Most recently, after intense and ongoing oversight
at Bay State College, for example, the Commission is determined
to withdraw its accreditation. That decision is the subject of an
ongoing appeal, which will be cited in the coming weeks.

Since we were last before you we've added a new
form of public notice, called a notation, issued in circumstances
where we find the institution is in danger of not meeting a
standard, but is not yet at the stage of being required to show
cause, but the Commission believes the public needs to be notified.

This is part of our ongoing effort and commitment
to serving the public interest and the interest of our students, which
is a guiding principle in everything that we do. Finally, I want to
also note the Commission's policy on innovation.

This policy is intended to encourage institutions to
propose programs or initiatives designed to increase access, reduce
cost, and support students in ways which on their face are not
consistent with our current standards. Under this policy we've
approved proposed from two of our institutions to offer degrees in
Spanish and Latin America, and we'll have some interest and
proposals under this policy at our meeting later this week.

I thank you for your attention, and your
commitment to excellence in higher education. I, and my fellow
Commissioners are proud to carry out that mission with you. I am
pleased to return the screen to my colleague and our President Larry Schall. Thank you.

L. SCHALL: Thank you Commissioner Carey, and again good afternoon to all of you. I joined the NECHE team two and a half years ago after 30 years working at two institutions, Swarthmore College, which was a Middle State school, and Oglethorpe University in Atlanta, which is a COC institution.

As President of Oglethorpe I had quite an experience with our accreditor, as we were already severely financially challenged institution upon my arrival in 2005, and placed on warning by SACS two years in.

Although I was certainly not pleased with being in that position, I can say now that that action that SACS took back then allowed me to do the things that we needed to do to get the school back on track. When I left in 2020 after 16 years, we were financially healthy and thriving, and I think that's a very good example of the responsibility and the power of an accreditor.

So, I want to thank you all for the opportunity to share a bit more about the New England Commission, and to answer all your questions. I wanted to especially thank Dr. Harris for her work, and let you know that the few issues that she had with us at the time of the issuance of final report will be addressed
well before the year is up.

We look forward to working with her and the
Department in that process. Since the last time we were before
you we completed separation from NEASC, the K to 12 accreditor
in New England, it happened officially in late 2017, and just this
past year we moved out of their offices that we were subletting.

We have our own space for a staff of ten, and that's
the total. We have a total staff of ten. One of the things I most
appreciate about NECHE is the tremendous diversity of the
institution's we accredit. It makes our work both fascinating and
complex.

And Commissioner Carey shared a bit about that
diversity, so I won't say much more now. I will add that I came
from an under resourced private institution, and I think that
experience has prepared me well for assisting the Commission
with similar schools in New England.

What has been new for me is the tremendous
amount of activity that Commissioner Carey referred to on the
public side of our work, and I think that's something that does not
get enough attention nationally. There's been this extremely high
level of merger and consolidation activity on the public side in
Connecticut and Vermont and in Maine.
As Dr. Carey noted, with our scope moving to regional or national, we've been excited to welcome a number of New York schools to the New England Commission, most of them have come over from the New York State Board of Regents, which made the decision to end its accreditation activity.

But we've also had one liberal arts college come over from New England because so many other peers and aspiring peers were in our region, and they were literally just across the border in New York. One of the things that I found unique about the way we do our work is our data driven financial streaming process.

It's of such a high quality that two of our state higher ed authorities, Massachusetts and Connecticut, have delegated to us the responsibility to monitor the financial health of independent institutions in those two states. We do a financial screen, which is done annually.

That screen was developed by a group of experts, both inside institutions and outsiders. It consists of 12 metrics and ratios, that fall into four categories -- wealth, liquidity, cash flow sufficiency, and market revenue. And the reports that come to us focus on five year trends, not single year's.

There are numerical benchmarks, sort of bright lines
for each of these 12 metrics. And schools that fall outside of those respective benchmarks get what we call red flag. And if you accumulate a certain number of red flags, then you screen into another round of reviews. We have about 20 percent of our private institutions initially screen in, with a second round of reviews, part of which is qualitative in addition to being quantitative, a smaller number end up before the Commission, and come away with some action.

It could be a focused visit, a report, or the issuance of a notice, a notation, or show cause, the latter two being public actions. And as noted since we were last before you we added in the effort to increase our transparency, the public action of notation.

I do think the recent activity with Bay State College is a very good example of the kind of intense and ongoing review we do of a school's finances, in this case leading to withdrawal of accreditation. There are other examples though, more common in fact, of schools being placed into one of those categories, and then taking the actions they need to right the ship.

I had a conversation just this past Monday with the President of an institution that we had placed on probation, and we've since removed that status that he wanted to share with us in
front of the Commission tomorrow, and we'll share with the
Commission it was the placing of that institution on probation.
That really did allow them to take the measures they needed to
move forward.

And it's important to note that we don't only rely on
the data we collect annually from our institutions and our reviews,
and our assessments, but we also use tools such as the financial
responsibility score and the college scorecard. On the data front in
non-financial areas we rely heavily on student learning and success
data.

Since 2006 we've conducted an annual grad rate
screen for all our schools using the same standards you've heard
about before. Additionally, as part of the interim report, which is
the five year report, each institution must complete an evidence
based report that analyzes and identifies areas of improvement
related to educational effectiveness.

As a result of our oversight and work with
institutions, we've seen a number of examples of schools that have
been able to make significant progress and improvement. Overall,
if you look at the graduation rate from all our schools collectively
in the last five years, that number has moved from 57 percent to 63
percent for two year schools collectively.
If you look over a ten year period that graduation rate for full-time, first-time students has gone from 16 percent to 22 percent. And as I looked over the list of those, particularly community colleges who've shown improvement over the last five years, I pulled a list of 36 examples.

I'm not going to read them all to you know, but if you look at Community College of Rhode Island, it's gone from 12 percent to 30 percent. Community College of Vermont from 17 to 24 percent. Greenfield Community College in Massachusetts, 22 to 28 percent.

And Chester Community College 16 to 33 percent, and on and on and on. So we're very proud of the improvement that our community colleges are making. The Commission expects that institutions include at a minimum, an analysis of data related to graduation rates, retention rates, employment and career placement rates.

While we are strengthening our work in this area, the Commission also expects that institutions just aggregate data according to their student populations. There are currently two institutions, Roxbury Community College and Anna Marie College that have either a notation, or a notice of concern for educational effectiveness, and the Commission is closely monitoring them.
In order to strengthen our use of data, and the institution's use of data, we have recently created a data and research advisory group. They convened just this past fall, and their report will be due to us this spring. That group is comprised of institutional research, academic and student affairs, and finance experts from peer institutions, as well as external members. And they're conducting an in-depth review of the data that we collect, how we use that data, and what are the gaps in that data. And the recommendations of that group will come to the Commission in the fall. Among the things we are looking at, and whether there is a reliable income data, that we may be able to use to help assess the effectiveness of our schools. Some of our schools currently use that data, others less so. So we've taken a look at some of the tools that have emerged recently, and while there are serious limitations to those we do think it's an important area to explore. Overall we accredit a little over 200 schools. Since 2019, we have issued a notice, a notation, or placed a school on probation to 33 institutions. That represents 15 percent of our institutions. Since 2010, as a percent of our members, the New England Commission has withdrawn accreditation from a larger number of schools as a percent than any other of our regional accreditors. Five schools
have had their accreditation withdrawn. Another five have voluntarily withdrawn their accreditation, and here's sort of an astonishing number, and 14 of those have merged with another non-profit institution. Pine Manor merging into Boston College, Andover Newton Theological Seminary merging into Yale, Marbel merging into Emerson, Daniel Webster into South New Hampshire, Wheelock into PU and on. I know the accreditor dashboard is of interest to you, and we have spent quite a bit of time studying the results, and I want to share a few data points from what we've discovered. Not surprisingly, we are among the smallest of the group of formerly regional accreditors, especially in terms of numbers of students. We have fewer than 1 million student across all our institutions, while some of our peers are in the 5 million dollar range. We also have far fewer large institutions. We have only three that draw more than 200 million dollars in Title IV funds, compared to other regions that have 25 or 30. That's partly, of course, because we are heavily represented by private institutions as opposed to large public ones. And I'll add another data point. Just two of our schools of the 200 are for profit, and both are small, and as I stated we just withdrew
accreditation from one of those two.

And then those large schools, Southern New Hampshire, Boston University and the University of Connecticut, they have default rates all below 10 percent, with the later two at 1 and 2 percent, and they also show very good earnings post-graduate, from the $50,000.00's to the mid 70,000.00's, and our graduation rates range from almost 40 percent to 90 percent.

Moving back to the dashboard, our schools median financial responsibility score as reported is over 2.6, placing it right at the top of our peers. Our median grad rate is the second highest among the regionals at almost 63 percent. Our completion plus transfer rate is the second highest at 78 percent.

We also have a second lowest rate of loan default, and our student earnings are impressive, especially for those who go on to get a master's or professional degree, making us the highest among our peer group. So, in the interest of time, and knowing that we would rather engage in a conversation, in my opening remarks, I would be happy to address any questions that you have.

CHAIR PRESSNELL: Thank you very much, and I appreciate that sensitivity to time. So, I'll turn it over to David Eubanks.
D. EUBANKS: Yes. Thank you. I'll also try to be brief. I really appreciate your overview of student achievement, and I don't know how you feel about this, but including that evidence in the petition to the Department would flush out what seems to be overwhelmingly about procedure, documentation and procedure.

I don't know if this is just a cultural shift, or what.

But having the actual evidence that the procedures amount to something makes all the difference, just like it does with an institution. I had to -- this may be my limitation in trying to read through this, but I had to read down to the third party comments to even find out that there's the CRAC recommendation of 25 percent, four year schools was in place.

And then I went to check, you know, using IPED's data to see what that looked like. And I think there's an opportunity here to shape that conversation much more effectively within the narrative for what that's worth. Quick question, have you considered making this sort of dashboard type success data public, or do you already do that?

L. SCHALL: So that's what the data research and data the advisor group was looking at. What is the information we collect? What do we do with it? What do we make public? What
don't we make public? What might we share back to institutions?

What might we share on our website?

And so their recommendations will come out to us this spring and will be considered by the Commission, but currently when our teams have this information, and that's a subject of obviously, of the reports. We currently do not make that public.

D. EUBANKS. Okay. I would encourage you to do so. I think not having that kind of information public creates vacuum that is filled by whatever noise gets amplified, as I'm sure you're aware, plenty of competing views about the value of higher education, and having hard facts that are verifiable, probably would have an impact, a positive impact.

With respect to data I was admiring the series E forms as looking through the self-studies presented by the institutions. It seems very thorough, and could perhaps be a model for others, although as an institutional researcher I cringe of all the burden of producing all that stuff.

I had just a couple of questions that are relevant to the rigor requirement that's sufficiently rigorous for student achievement which I've been focusing on. So the first one is kind of a weird litmus test that I've been asking, and it has relevance I
can explain. But four year, I think it's standard four we were looking at, student outcomes, that's right, standard.

It seems like the series E forms say you can't use GPA for certain things. Is there a philosophical restriction about grades either in policy, practice or how your peer reviewers view the world?

L. SCHALL: The short answer is no. There is no restriction on -- we would ask our reviewers not to use -- Laura, do you want to talk about that a bit more?

L. GAMBINI: Sure. I'd be happy to, thank you Larry, and thank you, Dr. Eubanks for the question. And Larry is absolutely right, the answer is no. There no like must or must not in terms of grades and/or GPA. What the standards and post-standard for under the program is standard 8, educational effectiveness.

The Commission expects that institutions are using a variety of metrics, both direct and indirect, and are assessing at the course programmatic and institution levels. So if an institution feels that using grades or GPA, particularly at the course or program level is effective, the evaluators are, you know, trained to say that's what the institution is doing. That is certainly appropriate and in line with the standards, and the Commission
would consider that in relying with the standards as well.

What the Commission expects is that they're kind of a holistic look at student success, and that they're incorporating multiple measures.

D. EUBANKS: Great. Thank you. And the source of my question, you know, relates to that distinction between direct and indirect, which is a philosophical distinction that I don't think is really a measurement thing. It's kind of come out of the culture of the assessment movement, and it's been around since the 90's. I think if you look at supporting literature you'll find that it's probably better to think in terms of reliability and validity.

You don't really need this artificial distinction, but it is relevant because the peer reviewers will use that as prejudice to say oh great, you're in direct, you can't use that. However, there's a lot of evidence that creates our report for all kinds of things. Of course, transcripts go out the door, right? We like to believe that they are reliable indicators of learning, so we can't get away from that. But also, evidence linking it to retention, graduation learning, and in one report recently the increase in graduation rates may be partly attributable to the rigor of the grades.

So I'm making this point because in the last three
decades we've spent a lot of time gearing up organizations within universities spent a lot of time trying to gather data and use it, when we've already got free data that links to everything we know about students is obviously important. This may come back to the common sense idea.

But I think fair to compare it to the scholasticism versus humanism divide, and data size is far enough along that it's going to win. So you could be, you know, on the advance training that. I'm sorry. It sounds like I'm lecturing to you, and I really don't mean to do that.

Let me just go to the second question, which is you are in the four large institutions we're reviewing, along with Middle States I believe. The ones that have a fairly strict recruitment standard. I don't have the language right in front of me, but recruitment standard is supported by your data forms, requires that institutions take into account what we think the likely success rate of the students will be. Is that correct?

L. SCHALL: Yeah Pat, you want to talk about that please?

P. O'BRIEN: Certainly. I'm just looking now at standard five, and it talks about the institution's ability to admit students who can be successful in the institution's academic
program. So the expectation that the institution would admit those
who have the potential to benefit, and to be successful in the
academic programs that are being offered, yes.

D. EUBANKS: Great. Thank you. We've seen the
examples of accreditors that require essentially a probabilistic
estimate based on what we know about students, and then based on
the results could for example, route those students into
supplementary types of preparation if that's required, including
language and whatever.

Those essentially boil down to logistic regressions.

When I look at the data forms all I saw was kind of raw data, like
SAT averages. Do you require the institutions to do actual
predictors and use those?

P. O'BRIEN: No. Now if an institution chose to do
that, they could demonstrate it in their self-study, but there's no
requirement.

D. EUBANKS: Okay. I would encourage you to
think about the link between does recruitment estimates of
probability success, what that can tell you about causal factors that
lead to retention and graduation because I think it's really well-
known that all of those are interconnected, and it's not that hard to
do.
Institutions are already doing it when they set admission requirements, they just may not be doing it very well, and this is the way that standard I think could be extremely powerful. I'll just say that the New England Commission has just 25 percent guideline, and you have the recruitment, so does Middle States.

And you have the lowest incidents of students attending very low grad rate institutions. I don't know that that's causal, but it seems like it certainly could be causal, and I'd like to commend you on what looks like progress. I'm going to keep this short, so I'll turn it over to Bob.

CHAIR PRESSNELL: Bob?

R. SHIREMAN: Thank you, and thank you David for taking the lead on that. The Department of Education's financial responsibility composite scores have been notoriously ineffective at preventing, or predicting college closures.

I took note of what you had to say in your overview about your own data driven financial reviews, and the fact that it looked at multiple factors and red flags, and over a five year period. Have you found that the use of that financial review tool has been more useful than the composite score in getting you some kind of advance information about possible financial problems?
L. SCHALL: Yes. To be blunt, absolutely. And what's important is that, you know, we do this quantitative screen on an annual basis for all the private institutions, but we don't stop there. So when a school screens in, and then we sort of see there's more, and we have red flags and yellow flags.

We then follow-up and ask them to do a report, and so in some cases they can explain, you know, why they might have a red flag in a particular year, and again we are looking at five year trends.

So it's that combination, I think of that very sophisticated multi-variable goal. Numerical screen with the qualitative piece added on top, and yes, I think we -- at tomorrow's Commission hearing the Commission will have, I think close to two dozen schools that they will look at that can out of the screen.

We have a committee that makes recommendations with financial experts. So I think it's proved to be a really useful tool, and I know that other regions are looking at it, and are interested in it.

R. SHIREMAN: Thank you, and it's interesting that you mentioned financial experts being involved, because I know that some of the ultimately sometimes things can only be explained with regard to non-financial information about
valuations and things like that.

So commend your use of financial experts along with a robust review of financial situations. The issue of rapid growth has come up in the review. It was about locations, but I wanted to ask about growth in enrollment. You mentioned Southern New Hampshire University. It has grown from a very small institution to a gargantuan institution.

It's got 16 times growth over a decade, and for that institution I think the next largest growth might be post university, which is about five times over 10 years, but it's still now like one-tenth the size of Southern New Hampshire University. How does, when universities are growing this quickly, what gets triggered in terms of your review to make sure that that is a quality responsible growth?

P. O'BRIEN: I'm certainly happy to. The Commission annually collects information through an annual report about enrollment, and when enrollment gives an indication of rapid growth there is a follow-up. Typically Commission staff will contact the institution to request information about the reasons for the rapid growth.
What I will say about the institution that you named, Southern New Hampshire University, is that it is subject to frequent monitoring by the Commission, for a number of circumstances, substantive changes, progress reports. The institution will be submitting its interim report next year, and will have a focused evaluation at the time that it submits that interim report, in large measure in response to the number of changes, and the pace of growth at the institution.

So the Commission has many tools in its kit to get information from the university about the quality of the educational programs that it is offering.

L. SCHALL: Thank you. As you can imagine the number of institutions with rapid growth in New England, it's a small number. Southern New Hampshire is obviously the leader. We have another one coming before us this week that's seen some rapid growth, and so as Pat said, we have the ability not just to ask for a report, but to send a team in, which is what we're doing with Southern New Hampshire.

I just talked yesterday to the person who's going to chair that team in the fall of 2023.

R. SHIREMAN: Thank you, and now that you're a national accreditor you might have some more institutions that end
up growing rapidly. I wanted to ask about written arrangements, and your activities around written arrangements. These are related to contracts with OPM's and other third party providers of programs and support.

Compared to other accreditors, New England has a pretty detailed checklist that institutions can use in reviewing their written arrangements, at least that's my understanding, and it includes an expectation of regular faculty review of those programs.

But my understanding, and you can confirm if this is still the case, is that check, use of that checklist and institutions identifying these issues in their contracts is voluntary, and the academic partnerships contract with the University of Rhode Island that is available publicly, is identical to the academic partnerships contracts at other institutions around the country.

Are you considering -- has anything changed about the use of that checklist, and are you considering making it required at the end, or providing input to the Department of Education in their request for input on third party services for the kinds of things that they might consider requiring?

L. SCHALL: Yeah. I can say first I think as we all know the Department has been active in this area, and we will be
submitting comments along with our CRAC colleagues. Pat, do you want to share thoughts on this?

P. O'BRIEN: Sure. Again, happy to. Thank you for the question. So the commission does have a policy on contractual arrangements. In its policy on substantive change it states that if an institution is proposing to have any portion of a program fought through a contract with a third party provider, it needs to come before the Commission as a substantive change proposal.

And so the Commission reviews all of those. If an institution in requesting approval for a distance education program, or an expansion of its distance education activity enters into a contract with an OPM, that contract is also reviewed by the Commission as part of its review of the substantive change proposal.

You're right the checklist that is in the specific policy on contractual arrangements is not necessarily mandated, although many institutions do choose to address each of those items in their proposal. There's a couple of standards, paragraphs in the standards for accreditation that speak in a very strong way about how the institution will demonstrate clear and ongoing authority and administrative oversight for the academic elements
of all courses for which its credit is awarded.

And that would include the involvement of faculty.

There's also language in the standards about assuring that should the contract come to an end, that students who have started in the program have a reasonable change to complete the program that they began should that contract come to an end. And that's in the standard organization and governance.

R. SHIREMAN: Following up on that, I think in your creating standards there's a provision that says students have to be provided with disclosure if contracted staff are acting on behalf of the institution. Does that mean that for OPM recruiters they would have to say that they do not work for the institution?

P. O'BRIEN: Yes. You're exactly right, and you're referring to the standard on integrity, transparency and public disclosure, and the provision that does state the institution will ensure they want student's perspectives, students or members of the public are interacting with an individual, acting on behalf of the institution through a contract, or other written agreement.

The relationship of that individual to the institution is clear, so yes. The expectation is that anyone who is not an employee of the institution, interacting with those two categories would make clear that they are not an employee of the institution.
R. SHIREMAN: Great. Thank you. My last question, at least for now, you I noticed a standard requiring institutions, and I think this is really an important standard, have to public faculty credentials, so making sure that there's a public place where you can find out who are the faculty that work for this institution, and why does the institution think they're qualified to do their jobs?

Have you had any difficulty in enforcing this requirement, and can you say anything more about why you've included that standard.

L. SCHALL: Pat, I'm going to turn to you again please.

P. O'BRIEN: Certainly. In response to the first question, no. I don't know of any difficulty in institutions responding to that particular standard, and I would say that the reason it is included in the standards is what you just said, that perspective students, current students, have a right to know the individuals who will be providing the educational programs offered by the institution.

And so, the specific standard is a list of its continuing faculty, along with the degrees held and the institutions granting them. So, for students who want to understand that level
of information about the faculty with whom they will be working.
that was available to them on the institution's website.

R. SHIREMAN: Thank you.

CHAIR PRESSNELL: Thank you Bob. Okay.

Art?

A. KEISER: Welcome. I have a couple little comments and questions. The first, you made mention of a notice that you provide I assume publicly before an institution in question is at least getting close to having a problem with the Commission. Tell me how that works?

L. SCHALL: Sure. I visited two institutions in the last week and a half that have notices. So when a Commission issues a notice, what we're saying is we believe you are in compliance with a standard, but we feel like there's some risk at some point that that compliance may, you know, is at risk. And we send very detailed letters to that institution. And notices of private communication to the President and the Chair of the Board, and it is always followed up by a visit from the President of the Commission, face to face visit, with the President and the Chair of the Board to express our concern, to hear what their plans are.

And so, you know, from our November meeting,
which is our last meeting, I've had several visits, and both with the President and the Chair of the Board. We think it's important that it not just be with a President, but the Chair of the Board is aware. We get a sense if the Board is paying attention.

A. KEISER: I'm sorry. How do you find out about these issues prior to a visit, or prior to a report? And how do you understand that they may not be in compliance?

L. SCHALL: Right. So they can come out of an interim report, it can come out of a comprehensive report, it could come out of a focus visit, it could come out of the annual screen. So it often comes out of the annual screen where we pick up if there's a financial issue, and then the Commission said we meet four times a year regularly.

So the Commission can issue that notice based on an annual report. The difference between a notice and a notation, again a notation is something we've added since the last time we were before you, is that if we feel like the issue is something of the nature that the public ought to know, it's still in compliance with the standard, so it's not a show cause or probation, but it is of the nature where we feel like the public needs to know, and we issue what's called a notation.

And that is a public notice. It goes on our website.
It goes on the institutions website. And again a notation can be issued coming out of a financial screen. It could be issued coming out of the complaint. It could issued coming out of an interim, a comprehensive, a focus visit.

A. KEISER: But even though the school is still in compliance?

L. SCHALL: Even though the school is in compliance. Notice and notation are both the cases where we find them to be in compliance. We often use this so the analogy of a table, and if you're fully in compliance you're sitting at the middle of the table.

If you're on notice and notation you are creeping toward the edge of the table, and once a show cause or probation, you've fallen off the table, that you're no longer in compliance with a standard.

A. KEISER: So, if I'm sitting here evaluating your standards, and I think wow, maybe you're going to potentially not meet these standards, I should then issue a notice and notify the public? I mean it doesn't seem very fair if I'm in compliance.

L. SCHALL: Well so, you know, we find it to be really helpful, because what you don't want to do is sort of say to a school yeah, you're fine, you're fine, you're fine, you're off the
table you're on probation. This is sort of a warning saying we have concerns. We do it, so the notice is a private communication between the Commission and the President and the Board Chair. The notation is when we feel like you're not yet off the table, but you're very close to the edge, and the public needs to know.

So, I would say because I'm the one that meets with Presidents and Board Chairs, that they are actually -- no one welcomes being told that they're struggling, but I think they see it as sort of an important tool for them to use both with their Board and with their faculty and staff to say we've got an issue here we've got to deal with collectively.

A. KEISER: The second question is it was interesting that you use your standard to evaluate admissions, and probability that a student could be successful in their educational endeavor. Yet, you said you were proud of the community college's 33 -- Upton has moved up to 33 percent average graduation rate.

When I look at that and I'm saying wow, two-thirds of the students are failing, and not completing their programs. How do you justify that you're looking at the inputs saying these people are capable, yet you're being proud of the fact that two-thirds of them don't finish.
L. SCHALL: Well community colleges are, you know, for the most part, open admission. Not every program, you could have seven nursing programs that need to be selective, and they should. But for the most part they're open admissions. They're meant to help students and families who probably have never been to college, the parents have never been to college, to succeed.

So you know, you have the graduation rate, which is of course, you know, it's not all students at a community college, it's first time, full time. If you look at success rates, which is that combination of graduation rates, still enrolled, transferred most of those schools that have a grad rate of 20 percent, 22 percent, 30 percent, have success rates 50 and 60 percent.

When you look at, you know, a student that starts at a community college, and then transfers a week into that a successful student, so.

A. KEISER: Do you track them at the next institution to see if they've been successful in the transition?

MR. SCHALL: No. I mean we don't track individual students.

A. KEISER: Then how do you have a policy that requires a determination of probability of student success when it's
open enrollment at a community college?

MR. SCHALL: So, it's you know, the standard requires institutions to be thoughtful about their admissions process. When I was President of my university and we needed a class of 400, we knew that 200 of those students had a very high chance of success, that their retention rate was going to be over 90 percent first and second year.

That their grad rate was going to be 75-80 percent. If you looked at their GPAs, they were likely to have GPAs that exceeded 3.0. And then you had students on the other end that you were taking a risk with, students that you felt deserved an opportunity. Many of them first gen students, but if you looked at their success rate, they, you know, their success rate was not the same as that group, but we knew that going in.

And then -- and we were able to give them additional attention. They obviously, their retention rates were not as good. Their success rates were not as good. Their grad rates were not as good, but you know, I think that's an important function of colleges, that at every scale, at every level, to take a risk on certain sets of students.

A. KEISER: Then why do you have a standard on determining the probability of a success if in fact that's not the
case, and?

L. SCHALL: Yeah. I don't think the standard says
that we are requiring institutions to determine a probability, and
then not to let students in who have a lower probability. We're
asking institutions to be thoughtful about the students they admit,
and to consider the likelihood of success.

A. KEISER: But open enrollment just is the
opposite of that.

L. SCHALL: Open enrollment is the opposite of
that.

L. GAMBINO: So, if I could just add at the
beginning of the statement, the standard for standard five, it starts
with the phrase consistent with its mission. And so, in considering
the population that the institution serves, like you have to take the
mission into consideration, and that's where that numbered
paragraph does align with open access institutions, because it's
consistent with the mission of open access institutions. They will
reach out to a broad population.

A. KEISER: So the mission is to fail 66 percent of
the students who are attempting to go to school?

L. GAMBINO: Again, I think that graduation rate is
not as we know, always the best metric for community colleges
and open access institutions. And that's why we -- the
Commission when it looks at graduation rates, now asks
institutions to provide broad context, and to provide those
additional metrics, and then as Larry was saying, our data and
research advisory committee right now is in the process of putting
together a more robust student success dashboard that will provide
that more complete picture of both the students at the institution.

So it will include not just first time, full time
students. It will include part-time and transfer in students, and it
will also include those metrics of still enrolled and transfer out. So
when the Commission is looking at how well the institution is
doing, and the institution is examining how well it's doing, it will
have that more complete picture.

A. KEISER: Thank you.

L. SCHALL: Pat, did you want to add something?

P. O'BRIEN: I simply wanted to add that the
standards also expect that if an institution does enroll students who
have demonstrated needs in order to be successful, that the
institution will meet those needs, will supply the resources and
services needed in order to support the success of those students.

CHAIR PRESSNELL: Thank you. Debbie?

D. COCHRANE: Thank you so much. So I would
also like to echo some of Bob's comments and praise for the thinking around the financial aspect, and financial reporting that you all are doing. It's incredibly important work, and I think the rest of the field can learn a lot from it.

I also, similarly, wanted to acknowledge the work you all are doing with state agencies, and I know you shared an MOU as part of your documentation, and with the Massachusetts Department of Higher Education. And I also think that that is a great development, both for you know, it's both smart and efficient, right?

It helps both sides of the agency coin, and also helps institutions, so that the efforts that they're doing aren't duplicative. I also then wanted to focus in on complaints, and to understand a little bit more about what I'm seeing in the policy and procedures that you all shared, and some of the data in particular because I do have some concerns from some of the numbers about whether this process can really be considered fair and equitable for complainants.

So, I do see that you referenced that the agency gets between 7 and 10 complaint inquires a year -- I'm sorry, 7 to 10 complaint inquiries per month, which would translate to 84 to 120 per year. I understand that there's eight separate criteria that need
to be considered when a complaint is submitted. Not listed in
those eight criteria, but also required is that the complaints are
submitted by a named impacted individual, so it can't be
anonymous, it can't be a parent, or other third party.

Then they're reviewed by the Commission to see if
they appear to be within the scope of Commission policies and
jurisdiction, and is adequately documented, so that's the next layer,
the level of documentation that's provided. At that point a
complaint will get placed on the agenda for the next meeting.

I did try to look back online to see if I could figure
out how many complaints had been placed on agendas in the last
year or two. I don't know, I guess I could just pause and see if you
have an immediate answer to that?

L. SCHALL: Carol is our complaint maven. Carol,
do you want to sort of talk first about the number of complaints
that have been on the agenda?

C. ANDERSON: Sure. Sure. Thank you for that
question. Yes. I've been with the Commission for 11 years, and
I've been handling complaints all of that time. And every year we
do have complaint inquiries. We have four categories, just to put
some context.

Complaint inquiries, complaints, public comments
at the time of a comprehensive, and public comments at the time
not at the time of a comprehensive. So, sometimes inquiries turn
into complaints. Sometimes public comments are added to the
agenda. And over the last year the Commission has reviewed
about 25 complaints.

The year before that, 2021, the Commission
reviewed 22 complaints. And those are formal complaints. But I
would say that similar to the previous agency, people submit
comments and complaints through a variety of venues. So, not
only the complaint form online, but through emails, through
telephone calls.

And we look at, and consider, many of those
submissions. I often pick up the phone and will talk to a person
who has a concern about an institution. It may not rise to the level
of a complaint, but I will act on behalf of that individual and
contact either the President of the institution, the Chief Academic
Officer, or the accreditation liaison officer, to see if they can help
resolve that person's concerns.

And, so we handle a lot of these issues outside of
the formal complaint process. If a situation comes up that comes
in through an email that myself and Commission staff will
evaluate, and feel it rises to the level of a complaint, we will act on
A couple of examples, a student -- an institution had an off campus location out of state, and the coordinator emailed us about insufficient student services. And we thought that was very important, acted on it immediately. The Commission acted on it, and the institution was asked by the Commission to provide a report on ensuring that student services were sufficient at that off campus location.

L. SCHALL: I do want to add that -- thank you Carol. We revised our complaint process in I think November of 2022. We used to require complaints to sent in by hand, they had to be signed, and now we've got an online form that we think is much easier to fill out.

So, you know, it may be that we see an increase in complaints. I'm not sure that that will be the case, but as Carol said, I think we respond quite appropriately to all sorts of things that are formal complaints, and that are questions.

C. ANDERSON: And I would just add that over the recognition period the Commission received 30 comments that were not at the time of the comprehensive, and 16 of those comments did make it to the Commission. And all 16 of those comments the Commission asked the institution for follow-up
reporting, either in their self-study, their interim report, or in another form of monitoring.

So we certainly take every complaint and inquiry seriously. And we have three main categories. Those complaints that have nothing to do with the Commission, for example, they don't want a particular speaker on campus, or something that doesn't fall within the purview of our Commission, maybe a specialized accreditor, a nursing accreditor.

So, we will, you know, provide that student with additional resources. The primary category is individual grievances, and we take those very, very seriously, and as I mentioned we often contact someone at the institution to assist.

And then of course, the institutional matters will fall more into the formal complaint process. So, we're handling complaints at all different levels.

D. COCHRANE: Thank you for that. That doesn't necessarily come across in the policies and procedures that you all shared, and I looked at the ones that were submitted as well as what's on the website right now. Just, so I think I'm probably looking at the updated version, but yeah, some of the things I think that you're sharing are not reflected in the policy.

I know one of the next step after what would be
considered by the Commission, and actually may I ask, the 22 and 25 that you said would be considered by the Commission. Is that at the staff, or that's at the Commission? That would be placed on the agenda for a Commission meeting?

L. SCHALL: On the agenda.

D. COCHRANE: Okay. Thank you. And then so if there is a -- if the Commission has received three or more complaints concerning the same matter during the last accreditation cycle, it provides the visiting team with a summary, and then the visiting teams ask to look at that standard for accreditation.

And it looks like with the exception of one recent institution that that had not happened.

C. ANDERSON: That's correct.

D. COCHRANE: At least in the last five years.

C. ANDERSON: Correct.

D. COCHRAN: Okay. But what it does sound like if I'm understanding your last comment correctly Carol, is that you are sometimes asking some of those committees to look at some of the issues that arise in complaints during those visits. Is that correct?

C. ANDERSON: Not the committees, the
institutions. I will call the institution directly.

D. COCHRANE: Okay.

CHAIR PRESSNELL: Okay.

D. COCHRANE: Okay. Yeah, thank you. I would

-- I still have some concerns, but I know in the interest of time we

can stop, and we would submit that this would be a great policy

discussion at some point for NACIQI.

CHAIR PRESSNELL: All right. Jennifer?

J. BLUM: And I also am mindful of time, but I

actually really do want to ask these questions because they're

directly related to the findings of the staff, and I want to tie some

of what you've said during the introduction about the number of

mergers and transactions, I'm going to call them transactions.

I know they're in the non-profit space, but they're

still transactions. The number of transactions that are going on in

New England, relative to the areas of non-compliance that the

Department staff found. And I actually want to frame this as a

potential opportunity for the agency to sort of stand out, because

some of the mergers that are going on, I've been following some of

them.

You know, I view them as, you know, it's a little

depressing because of the demographics, but also, you know,
potentially innovative if the results are good. So, I want to ask in
the situation where you're seeing for example, systems merge the
community colleges in Connecticut you know, becoming a system
if you will. How are you looking at that in the sub change process
in particular?

And I'd take it out of the context I just mentioned, the name of a system, but maybe let's make it a general question, rather than pinpointing a particular institution. How are you looking at what I presume will be shared services, which I might say might include some written agreements between the institutions for at least some services, like back office services?

I assume that's part of the reason that they're doing it. Shared instruction, which also might be happening as a result of some of these mergers where if the identification of the schools remain separate, so and I don't know that that's the case.

So I just kind of want to understand when you're looking at these types of transactions, how are you helping the institutions perhaps maximize efficiency and resources, but also where do they fit in to your various different standards?

And then I know I'm putting a lot out there, but then I also really specifically it's a little bit ironic that you're doing a lot of -- well relatively speaking, a lot in this area, and yet you have
the Department has found non-compliance on two pretty important sub change policies. And so, I'm interested to hear. I know you've already sort of rectifying that with new policies, so I'm just interested in how you're coming into compliance, given everything that you're doing in the transaction space?

Hopefully that's not too much of a mouthful.

L. SCHALL: No. I think I got it. So let me, I am going to take Connecticut as an example because it's a public institution and there's nothing secret that's happening there. So they came to the Commission six years ago with a proposal to consolidate their 12 community colleges into a single institution with 12 campuses, 12 different locations.

So it would be, you know, like any other single institution that had multiple sites. And the Commission responded to them that they came under sub change proposal that we did not believe that the new institution, if established, would meet all of our nine standards.

And we gave them a very specific standard by standard where we felt like they had fallen short, and gave them a sort of marching orders in order to come into compliance about things they needed to address. And over the six years -- Pat will know this more precisely, but they have probably been in front of
the Commission six times, 10 times, you know, I can't remember, but in front of the Commission regularly.

This past year now I've been in front of the Commission three times. And the question that the Commission asked itself is will this new institution meet all of its nine standards, you know, student standards, faculty standards, financial standards, transparency standard, et cetera?

And it's been a long process for them. They'll be in front of the Commission this week with another report, and then a final report issued this summer, and July 1 is the date we've given them to sort of say that's the date where the switch -- if we approve it, where the switch would get switched to 12 institutions would no longer be accredited. The single institution would be accredited.

Maine is an interesting example because in Maine the six institutions in Maine remain separate institutions, but they're consolidated under one accreditation. And so, we did our follow-up visit to Maine. I had a team there in the fall, and that will be before the Commission this week as well, that report.

And it was a complex visit. I think we had 9 or 10 members on that team. You've got to look at both the system, and how's the system operating? But you also want to, you know, step foot on every campus and get a sense of how the campus is
reacting to this single consolidation.

And Vermont is another one. So it's two different paths these states have taken. They're complicated. They've both taken -- the Maine thing took years to happen, the Connecticut state thing is six years in the making. With regard to the findings of the Department, half of the findings had to do with we did not provide ample evidence of the timeliness of our actions.

So, as an example one of the standards says that when staff are making the decisions, when senior staff are making the decisions about a sub change, we have to -- that letter has got to go out within a certain number of days. In five years staff has made that decision one time, only once.

We did it within the timeframe, but in the evidence that we supplied we failed to submit a time stamp for when that letter came out. So that's an example of one of those ten. So, we are confident that, you know, that over the next 12 months we'll be able to show the Department that we are in compliance with those time -- with the timeliness of our letters.

J. BLUM: So that's helpful. The reason I just wanted to bring it up is -- well first of all, important to be in compliance on sub change since you're doing a lot in sub change.

But to the extent that these transactions between not just public
institutions, but to the extent that you're seeing it because I think there have been a couple non-profit ones, non-profit private ones as well, or non-profit to public.

All of those scenarios to the extent that they're well done, you're -- even though you're smaller than some of the other regionals, I think that the results are, and the lessons from those sub changes, and to the extent that they're monitored closely because I don't want to minimize the shared services concept, which is something that gets some scrutiny in terms of, you know, where the efficient resources are.

I just think longer term it's lessons learned along the way. What we don't know about yet, are important across the U.S. because I think sadly, even though demographically it's the cliff has hit New England first. I think we'll see more of this sort of combining of resources in the non-profit and public sector, so what we learn in your region is actually hopefully potentially important both institutionally and accreditation wise nationally.

L. SCHALL: Yes. On the private side there's 14 cases that I said. They're not -- those aren't really examples of shared services. They're an example of a larger, healthy institution consuming a smaller one, and it's not a shared services. In most cases that location closes, and faculty may come over, students
may come over, programs may come over.

Shared services is not so much the issue. What has gotten really complicated in each of those, and everyone is different, it's the governance in that transition because it's not like a school closes one day, and is part of, you know. It tends to be a multi-year process, and making sure that the governance processes are correct in those is complex and complicated, because everyone is different.

CHAIR PRESSNELL: Okay. Kathleen? I'm sorry Jennifer, okay? Kathleen?

K. ALIOTO: Thank you. I'm curious about this Connecticut situation. What is the reason, the social reason for this? For this consolidation?

L. SCHALL: So as you might imagine the Connecticut merger is not without controversy in the State of Connecticut. You know, it's not our job to weigh in on whether, you know, this is a decision we would have made or would not have made.

In this case several of the campuses in Connecticut were in severe financial stress, had no reserves, had students assess outcomes, differential to others. And I think the sort of idea behind this is this has been going on in front of us for six years, but
it's been the idea generated probably a decade ago is that as a single institution it would be a stronger institution than as 12 smaller ones.

As I say, there are people who question that. And I think one of the reasons why it's taken us six years to help them get there is because it's a really complicated process, and we wanted to make sure that the minute this new institution is accredited, which would be July 1, 2023, that it fully meets all nine of our standards, and it's a high financial institution.

But these mergers and consolidations on the public side, again it happened in Maine, it happened in Connecticut, they've happened in Vermont, there's been a lot of conversation in New Hampshire about merging. The two year schools and the four years schools are sort of all politically charged questions.

And as I think you know these campuses and these sort of, you know, tend to be small towns, are fixtures in those towns, they're anchors in those towns, and so there's a lot of anxiousness around the consolidation and the loss of independence of these individual institutions.

K. ALIOTO: Oh, I can only imagine the faculty Senate on each of these institutions, plus the Boards. I don't know if they're elected Boards, the way the Boston School Committee
was at one time.

L. SCHALL: We've gotten a number of public comments and complaints from the faculty that we have a handful coming up at the meetings this week, so that they have a voice and they are vocal.

K. ALIOTO: Okay. So but the underlying thing is financial. Is it financial because of students are choosing online learning at other institutions, or is that a --

L. SCHALL: Yeah. The underlying challenge is demographics. There's just fewer and fewer students, so that you know, that creates financial stress, but it also if you talk to leaders of the new institution, they are committed to improve their student success metrics, which across the system have not been very pretty.

K. ALIOTO: Well, I'd also like to kind of stand. I'm kind of a community college woman in this -- on this Board, but 40 percent of Americans attend community colleges. So once you're done raising those graduation rates, what did you do?

L. SCHALL: Well, you know, we don't -- I wouldn't say we take credit. We partner with these institutions. I think that the institutions that understand that the demographics for them are incredibly challenging, and that the number of new
students that are coming are going to be decreasing. That they've
increased their focus on retaining the students that they've been
able to recruit.

So we work closely with them. There's, you know,
I think there's a national focus on improving outcomes in
community colleges, and many of our institutions are leaders in
that.

K. ALIOTO: Well in terms of the demographics
4.7 million students are in the academic side of it, but 4 million are
in the technical certificate program, so that also skews this
graduation.

L. SCHALL: Absolutely.

K. ALIOTO: Graduation rate debate about
community college is not doing a great job because I think we are,
with the population. We are the road in California, 50 percent of
those who graduate from the state and university system started at
a community college, so I have to give that little plug in.

But I think it's helpful, and I'd like to have what you
are doing in New England publicized to help on the community
colleges nationally. Thank you.

CHAIR PRESSNELL: Thank you Kathleen. Jose

Luis, and then Kathleen or Mary Ellen, I'm sorry.
J. L. CRUZ RIVERA: So thank you. My question relates to the application of the Commission's criteria related to issues of academic freedom, including for example, criteria that requires institutions to be committed to the free pursuit and dissemination of knowledge, assuring faculty and students the freedom to teach and study.

To examine all pertinent data, to question assumptions and to be guided the evidence of scholarly research and criteria that requires institutions to place primary responsibility for the content, quality and effectiveness of the curriculum with its faculty.

So, the question is given efforts by some Governors, state legislatures, and governing bodies across our nation to codify constraints of academic freedom, is the Commission adapting or planning to adapt the way in which it applies its relevant criteria to secure compliance against a backdrop of this type of political intervention?

L. SCHALL: So, you know, we are fortunate in New England to not experience what other regions and states are experiencing. I can share with you it's no secret that when the legislation in Florida passed, the Board in Florida began to reach out to other regional accreditors to see whether we would be
willing to accept their 40 institutions, 40 public institutions into
our membership.

And so, there's some you know, obviously some
very, very high quality, very fine institutions. So we brought this
question to the Board. I spent many, many hours with our friends
in Florida talking about this. We brought this to the Commission,
and the Commission made the decision that unless the law in
Florida was amended that we were not interested in accepting
those 40 institutions to come our way.

So, you know, we do have standards about the
responsibility of the faculty to control the curriculum, but as I say
we've been fortunate in New England not to run up against this.

L. GAMBINO: And may I just add that in addition
to placing primary responsibility for the content and quality
effectiveness of the curriculum with the faculty. In standard six
the institution protects and fosters academic freedom for all
faculty, regardless of rank or term of appointment is included in
the standards.

J. L. CRUZ RIVERA: Thank you. So I guess it's
fair to say that in the past few years the danger of falling off the
table as you mentioned earlier, on issues related to academic
freedom has not led the Commission to issue notices or notations
L. SCHALL: That's correct.

J. L. CRUZ RIVERA: Thank you.

CHAIR PRESSNELL: Mary Ellen?

M.E. PETRISKO: Thank you. I would like to ask a question about your international operations. Institutions that are operating abroad, they may be American institutions, they may not be American institutions, but in either case they are dealing with legal cultural frameworks that are different from what we're used to in the United States.

There may be language issues of instruction and communications that are different. They're not plugged into the United States data system, so trying to find comparative data on how they're doing, certain success measures is not possible. So my real question there is how do you evaluate these institutions to make sure that they are in fact meeting your standards?

And do you look in particular at certain of your standards, or certain issues in operating abroad that are of particular concern to you where there may be more challenges for those institutions to operate than it is for institutions here to operate?

And my final question is are you going to continue
to accept international institutions? Are there some that you would say that in this context, in this country, for whatever reasons we will not consider applications from those institutions at this time?

Thank you.

L. SCHALL: Right. So, we have requirements for international institutions that they be American style, which means that they would have to have the same amount of general ed that an American institution. That's 40 credit hours of general ed. A curriculum needs to be taught in English.

And that they have to have sort of an appropriate number of American educated, American educators involved. So, the international schools that we accredit, and I've been able to visit a good number of them. We accredit 12 now, 12 members, are all extraordinary institutions. We have three in Lebanon, who are obviously sort of struggling in that environment.

You know I would say that the challenges because they're in a different country are different, but they're not, you know, the challenges in New England are tough, so we find that that including international institutions in our membership is really it adds to our diversity.

We have a new Commissioner coming on from one of our international institutions. We -- to answer your question,
yes, we are continuing to accredit. We have institutions that have
been declared eligible. We have institutions that are in the
candidacy phase. Italy and France, I just came back from Rwanda
visiting on a staff first initial visit to what I think is one of the most
extraordinary institutions I've ever seen, African leadership
university.

So, we're proud of that group, and we're likely to
continue to add them.

M. E. PETRISKO: Thank you.

CHAIR PRESSNELL: Very good. I've got a
couple of questions that I'd like to ask. One, just a point of
clarification on the notice that you can put people on notice. Is that
like an equivalent to warning that other accreditors have, or is it a
different status because to Art's concern, once you have something
publicized that could have a negative impact on enrollment, faculty
contracts.

L. SCHALL: So, I'm most familiar with the
Southern Association, because that's who put us on warning. And
warning for them is a public notice. And so we appeared on the
front page of the Journal Constitution. But in our case the notice is
a private communication that results in the meeting, so it is -- I
mean an institution could choose to make it public, but that would
be pretty odd.

So, I think it is a nice, you know, it's an appropriate step to say to an institution you've got something that we're seriously concerned about at this stage, let's talk about it, and let's figure out a plan to move forward.

CHAIR PRESSNELL: Thanks. I think that your experience puts you in a really unique position of expertise to head an accrediting agency, so very good. You know, your financial screening is really intriguing to me, and one quick question. Does it apply to all institutions, so private, not for profit, for profit and public institutions? Is it a screen for all?

L. SCHALL: So it's a screen for all. All independent institutions, all private institutions. We're working this summer on figuring out how we could do a screen for public institutions because the funding of public institutions is different in every state, and you know, they don't have endowments.

So we're trying to develop a separate screen, but all independents, you know, for profit, or international ones, non-profit.

CHAIR PRESSNELL: Okay. So this positions you well to answer this next question related to it. You know, federal government has the FRS, the financial ratio score, that personal
opinion is really outdated, and outdated evaluation of financial
stability of an institution. Have you seen, do these track together,
or do you find different results, you know, from the FRS score, for
a private non-profit versus what you're finding in your screening,
or do you say no, they perfectly mesh in terms of those? Because I
know you're watching the FRS score too.

L. SCHALL: Right, absolutely. No, they don't
track perfectly. You know, they're not unrelated, but they don't
track perfectly. You can have a relatively low financial
responsibility score, and do okay on our screen, and vice versa. I
mean our screen is much, you know, it's 12 metrics, and so it looks
at variables in a way.

It looks at them separately as opposed to trying to
put them into a single number.

CHAIR PRESSNELL: That sounds like something
that possibly the Department of Education could take a look at as a
new model. There's been ongoing discussion for decades about
updating that whole process, and so this may be an opportunity.

So my last question, and I really appreciate in your introductory
comments you talked about how you see the ability of your agency
to become compliant with the staff report.

You know, well short of 12 months you'll be able to
do it rather quickly. Are there some more challenging than others
there where you feel, and I'm sure they're probably on a timeline
that you will be able to get these accomplished, but you do have
that confidence on all the findings?

L. SCHALL: Yeah. There are -- I don't think any
of them are challenging. I mean there's some interesting ones
where we sort of look forward to a conversation with the
Department that they're asking us to be more specific with regard
to certain things, and we think our language sort of meets the
standard.

But we have no question that working together with
the Department will when we come back to you, you will be
pleased.

CHAIR PRESSNELL: Okay. Thank you. Bob?

R. SHIREMAN: Thanks. In Debbie's questions
your answers reveal that you have made some changes to
complaint handling procedures in November, just this past
November, so I assume that's not part of our formal record
currently.

And I was concerned by some of the pre-existing
policies, and the question of whether they are fair and equitable,
which perhaps led to that. I am inclined to think that we should encourage the SDO to consider including a compliance for monitoring report regarding complaint policies and processes. And perhaps phrasing it that way, and recommending that the SDO consider that.

I'm flagging this now so that Angela, or somebody else from OGC can confirm that we don't have to actually make the decision about whether something is or is not compliant, but that we can make a recommendation that the SDO could consider something.

I think -- anyway, well we can talk about that a little bit later. But I did want to check on the burden standpoint. You've already made some changes to your complaint policies. Would it be a major burden, I think you've already gotten items to add, and 11th item that would be checking the complaint policies and processes.

L. SCHALL: Yeah. I think Dr. Harris found she did a very close look at our complaint practices, and found them to be in compliance, and I think actually, you know, quite rigorous. But if there is something specific you wanted to know about our complaint policies, we're happy to provide it.

R. SHIREMAN: Thanks. I will layer the
appropriate point Dr. Harris, whether the November document was
included.

CHAIR PRESSNELL: Debbie, do you have any
comments or thoughts on that since you're --

D. COCHRANE: Yes, absolutely. I would
certainly very much support that recommendation. I think some of
the -- I know I am at this moment still a little confused about what
the policy is, and you know, especially knowing even after the
updates the version that's on the website still appears to include
some of the complaints that we were just told no longer exist.
I was able to look back at the agendas for the last
year and a half or so, I guess since November 2021, or the
committee actions -- Commission actions about complaints, and
there's only one reference to acceptance of an institutional response
of the complaint. There's one other that's related to a public
comment.

So again, I'm kind of I would very much like to see
the 22 or 25, just kind of how many are actually getting to a level
of substantive review because I'm not seeing that reflected. And so
at this point I certainly would not feel confident saying this was a
fair or equitable process. Thank you.

C. ANDERSON: And just a point of clarification
that the 21 complaints submitted by one individual in 2021, was
considered by the Commission as one agenda item, as opposed to
21 different agenda items. So that was true in 2021, and 2022,
when that same individual submitted 25 complaints. That was also
considered as one agenda item.

L. SCHALL: Even though each complaint was
dealt with separately.

C. ANDERSON: Yes.

L. SCHALL: Individually.

CHAIR PRESSNELL: But it was one person.

L. SCHALL: It was one person who filed almost
50 complaints.

D. COCHRANE: Against one school. Okay. So
then I am reading this correctly in terms of the Commissions
actions that since November of 2021, the Commission has dealt
with one instance of the complaint, and it accepted the institution's
response?

C. ANDERSON: Yes.

D. COCHRANE: Okay. So, my concurrence with
Bob's recommendation stands.

CHAIR PRESSNELL: Okay. Very good. Thank
you very much. Any other comments from Jennifer, Bob, I assume
you're done. Jennifer?

J. BLUM: I kind of don't want to -- I mean I know we're interested in time, but there was something said that Larry said that I can't, I just can't let it go. You said that there were a couple of the ten issues, there were a couple that you found, you're going to come into compliance quickly, but there's some that you feel like you are in compliance.

And I just in fairness to the Commission, I would like to ask which ones you think you're in compliance with today? And I will share that there was, I had a similar sentiment on a couple of them, so I just I'm curious to know which ones you think that you're in compliance with?

L. SCHALL: So, I'll be happy to specify that. I do want to make it clear that we're happy to work with the Department, and intend to do so. So, in 602.22 it's when a sub change or change is so substantial that a new comprehensive evaluation is required.

And we use the term -- let's see.

P. O'BRIEN: I think we use the term accelerate.

We would accelerate the date for the next comprehensive evaluation.

L. SCHALL: Right. So, you know, we think that's
the same thing in practice. We could certainly change our
language, but that's sort of an example of a way one reads the
requirement. There's also this question about rapid growth in
additional locations. And the Department is asking us sort of to
come up with a sort of like a what's the number, what's the percent,
and we think that being that specific is not necessarily required by
the requirement in the way we manage that.

It's preferable, but again, if need be we can change
our language. And then the third one is with single purpose
institutions that 602.15(a)(4) I think is, where we need to include
educators, practitioners, or employers on teams, certainly our
practice. And Pat, what's the word that we use?

P. O'BRIEN: One of the exhibits that we used to
support this had a column in it that was held over from when we
used the exhibit for a different purpose. We used that same exhibit
to demonstrate that we have both academics and administrators on
decision making bodies and on teams.

And so that column was inappropriate for this
particular criterion. We added another column to indicate who was
an educator, practitioner, or employer, but we neglected to delete
the column academics and administrators because that applied to a
different criterion.
L. SCHALL: So you know that's -- so my sort of point and answer am I confident that we can do it with these things, yes. I'm confident. And if we need to change our language, we can easily change our language, but there are a couple of which, you know, where I think engaging the Department in the conversation would be helpful.

J. BLUM: I really appreciate, I mean regardless of I don't think it will probably impact today, but I think it's really helpful to get that feedback. I wish I had asked it the first time an hour ago, but just because I think it informs us a little bit again for tomorrow on that level of detail is useful to know, so thank you.

D. SHALL: You're welcome.

CHAIR PRESSNELL: Any other comments from the members, questions from the members? All right. Seeing none. There are no third party commenters for this one, and so Dr. Harris?

N. HARRIS: Yes. Thank you to the agency for your informed reply to the committee. I just wanted to address a couple of --

CHAIR PRESSNELL: Could you get closer to the mic. Thank you.

N. HARRIS: Oh I'm sorry. Can you hear me?
Okay. Sorry. I just wanted to piggyback on the questions that were just asked by Ms. Blum as well as the response to the agency in regards to 602.15. I'm not able to decipher when the agency puts in the wrong information, so I only can review the evidence that's present.

So them admitting that today is wonderful, and when they get the compliance report done it will be corrected I'm sure. And as for the definitive definition that was requested, and the rapid growth. That's something that came with the new regulations.

This is the language that is in here now. If the regulations change, I'm happy to change my response, but at this time this is what's being required for me to find them in compliance because of what is stated here in the petition. And as for 602.22 it asks for not the acceleration of a site visit, but if the mission, or what do they determine as so significant for a new review of the institution to be done, so that they don't continue on in a path that doesn't meet the configuration that they were already accredited and approved for.

So accelerating an existing review doesn't change the fact that the criteria is asking for them to review the existing institution, which is not configured in the same manner in which it
was before, and in which it was accredited.

So, I interpret the regulation as written to be
different from the way they interpreted it today. So when
substantive changes are so significant that it changes the institution
to look different, be different, have a different mission,
accelerating the existing accreditation review is not what this
criterion is interpreted as, thank you.

CHAIR PRESSNELL: Thank you, Herman?

H. BOUNDS: Thanks, and I'll try not to repeat, but
I did want to say one thing about that particular criterion where it
talks about a new comprehensive evaluation. And we consider that
when those changes exist we're looking to see that the agency
requires, you know, a new study, a new site visit, and a new
decision by the Commission.

And we take that information from 602.17, where it
talks about every -- you must do a, you know, one, conduct a site
visit during the accreditation review, you must submit a self-study,
and then you must also do a -- have a decision from the
Commission. So that's when we say when those changes exist that
changes the make up or the mission of the institution we're talking
about.

They have to have a pause as they conduct this new
comprehensive evaluation. So I wanted to clear that one up.

N. HARRIS: And I'm sorry, oh could I also Mr. Shireman you had a question about you said you had a question for me.

R. SHIREMAN: Yeah. The agency made reference to complaint policies that were updated in November 2022.

N. HARRIS: Right. I was at the Commission meeting in September of 2020 where they updated their complaint policy, and it not being published is what I sought after the meeting, so that's something that I wouldn't have caught for this particular review, but I was present and observed, and listened to the discussion of what the changes were, so I can attest to that.

H. BOUNDS: The other one I'm going to mention is the enrollment growth. And we're just saying they have to define what that is. I mean so we don't know at this point, so that's the reason for the non-compliance. And then whether it's a numerical value or something, we just need to know what does the agency classify as enrollment growth.

And then the last thing I want to say is Bob I owe you an explanation. I think with your comment earlier that happened about an hour ago.
R. SHIREMAN: I'm still ongoing, I don't remember.

H. BOUNDS: Yeah. But based on your comment I think you know exactly where the criteria for an enrollment growth is, but just to clarify for the committee, Bob asked a question. And enrollment growth is in 602.19 (c) through (e). But then you look at rapid growth of additional locations, which is a different criterion, that's at 602.22(f)(3), so two separate ones. I just wanted to make sure my answer was received.

B. SHIREMAN: I appreciate that you think I've got this all straight in my head.

H. BOUNDS: Well based on your comment it sounded like you had it down pat, so.

CHAIR PRESSNELL: He definitely accepted your first explanation Herman. We were in good shape. You know, don't confuse us with the numbers, you know, so. Anyway I'm just kidding. So, with that could we have a motion, and then we can open up discussion about the motion?

D. EUBANKS: Point of order.

CHAIR PRESSNELL: Sure.

D. EUBANKS: Is our procedure now to start the baseline recommendation to accept the staff recommendation, and
then offer amendments on top of that? Is that acceptable?

CHAIR PRESSNELL: We can do that.

D. EUBANKS: Is that okay with you Bob?

R. SHIREMAN: That's fine.

D. EUBANKS: Okay. So I will move to accept the

staff recommendation if someone wants to amend that, go ahead.

CHAIR PRESSNELL: So if that could be

seconded, and then it will be up for discussion on amendments.

A. KEISER: I'll second it, but that is not the

protocol. Whatever the motion is by the maker, by the readers.

CHAIR PRESSNELL: So his motion is to accept

the staff recommendation, and we can see where we need to go

from there. Bob you had yeah. Could you?

R. SHIREMAN: Sorry. Yes, I will propose an

amendment for consideration as either friendly amendment, or for

us to discuss and vote on, and the amendment would be so if the

baseline is to concur with the staff recommendation, the

amendment would be to recommend that the SDO consider

including a compliance or monitoring report, regarding complaint

policies and processes, which I believe is 34 CFR 602.23(c).

I did have to look it up, just so you know.

CHAIR PRESSNELL: And Art accepts that as
friendly, if David accepts that as friendly.

D. EUBANKS: Yes. I'm fine with it.

CHAIR PRESSNELL: Okay. Jennifer?

J. BLUM: I likewise see the GCs, I'd like to ask the
GC about this because if this is the case, which I'm okay with, then
boy yesterday would have been really different. So, I'm working
under -- I was working under the motions, the motions option chart
yesterday, and I'll all for opening it all up to -- well not all for,
because I think it creates some due process issues.

So I'm not sure if I'm all open to it or not, but I
would like to understand from the GC's standpoint our latitude.

And I understand Bob's, I mean I understand Bob's point on this,
and so I'm really sympathetic to Bob's point on this, but I thought
we were sort of constrained by the various different, I guess the
regulatory actions of the recommendations that we can be making
to the SDO.

So, and I would say that if we are I'm hesitant on
this one. It's kind of like yesterday. It's like HLC was in
compliance with student achievement. I didn't really like their
form of compliance because it seems outdated. They said that they
were going to do something better. It's still in the works, but they
were technically speaking, you know, compliant.
You know, we could go back and forth, but on this it's like they're compliant. It's not the best complaint system. They've acknowledged that, they're moving forward, so I'm just confused about what our latitude is.

CHAIR PRESSNELL: If I can make one comment before you answer. This was actually a suggestion of mine to make it easier to understand. Just in a sense that if the staff recommendation can be seen as a motion from a committee, if you will, then we amend. You could just take that recommendation. You could amend it to remove an item, amend it to add an item, whatever you want to do, or you could just simply make a new motion that substitutes this completely.

But just to make it a little more clear you got really confusing last time, and so I was just trying to see if we could have it a little easier that the baseline is the staff recommendation, and Bob is asking for an amendment to that full thing, so it's the whole list of everything that's in the recommendation, but now we have added this, and.

J. BLUM: I mean that's helpful, but I guess I have a really fundamental question. Are we saying that they're non-compliant with the current complaint standards, or are we saying we are compliant, but we just don't think it's -- I mean I'm just not
CHAIR PRESSNELL: So, you're really addressing the amendment.

J. BLUM: I am.

R. SHIREMAN: Can we hear from Angela, and then I'm happy to respond to that question if it matters at all, depending on what Angela says.

A. SIERRA: Hi, everyone thank you. I appreciate you being cognizant of having a clear record here. So here's what I think. Under 602.34 there's a list of recommendations that NACIQI can make. 602.34(g), but it says these recommendations -- the recommendation may include, but is not limited to.

So basically, you can recommend full compliance with no type of report, continuing recognition with the compliance report, and my interpretation is that would mean that our particular criterion, the agency is out of compliance, and that's why the compliance report would be needed.

In conjunction with a recommendation as to substantial compliance, I'm recommending a monitoring report. And then in 602.36 there is a specification that the SDO can find full compliance, but still require a monitoring report if there are concerns about continued compliance.
So I just want there to be clarity on the record. I think if you were recommending that 602.23(c) be included in the compliance report, you're saying that the agency is not compliant with that. A monitoring report would be substantial compliant, or you could recommend that they are compliant, but that the SDO consider a monitoring report to, you know, ensure continued compliance.

R. SHIREMAN: So is my phrasing, so I interpret the include but not limited to, as I'm not restricted to just the examples that are there, and that we could raise this in the method that I'm suggesting, without necessarily having to decide one or the other? Is that a problem?

A. SIERRA: Well, I mean I think it would be a clarity problem for the SDO in terms of what the recommendation is.

R. SHIREMAN: But the SDO would still have the information?

A. SIERRA: Yes, yes. So --

R. SHIREMAN: And can do anything they want.

A. SIERRA: That's right.

R. SHIREMAN: Okay.

A. SIERRA: I'm not saying it's strange in the
recommendation. I just meant to say that where a compliance report is recommended if you're including 602.23(c) in it, that would generally indicate a finding of non-compliance, but.

CHAIR PRESSNELL: So possibly, you could find then substantially compliant and require a report?

A. SIERRA: A monitoring report.

R. SHIREMAN: I'm fine with doing it that way if people are okay with that.

CHAIR PRESSNELL: Yeah. I'm just saying that I think that accomplishes what you're looking for.

R. SHIREMAN: Right.

CHAIR PRESSNELL: Herman?

H. BOUNDS: From the staff's perspective you all want to add something, or if you want a monitoring report, it's helpful to us, and I got what Angela said. It's helpful for us if we had some kind of idea of what you want us to look at when the report comes back in case the SDO does adopt what you say. It's more helpful there.

N. HARRIS: Right. Because I found them compliant, so if you could specifically explain what's non-compliant, because this procedure came out after the final was done, so it wouldn't have been included anyway. It wouldn't be
reviewed until they come up again.

So, if you could let me know what you want me to
look for, and this happened outside of my review, since the final
was done that would be very helpful in moving forward what I'm
monitoring.

CHAIR PRESSNELL: And Bob and Debbie, can
you clarify?

D. COCHRANE: Well I think there's two separate
things that are happening. One is I mean I'm just honestly have
some confusion about what the policy is. So I have up in front of
me the policy that was uploaded into the e-recognition portal. I
have their website policy, which will presumably be the updated
one.

Both reference a signed, written document, which I
believe agency representatives said is no longer the case. They are
slightly different, both say that it must be submitted in writing, but
I thought I heard the staff mention that there's complaints and
information that is dealt with, handled like a complaint can be
submitted in lots of different ways, including phone calls.

So I'm frankly, honestly right now, I'm just
confused about what the policy is, and then not sure how to
determine whether the agency is compliant with the policy. So I
think that's one set of questions. I think there is a separate set of
questions, which I understand is a new can of worms, but you
know, that I am raising around the notion of being fair and
equitable.

In many cases the NACIQI standards, or the
accrediting agency standards talk about having a policy, and the
policy -- we may love the policy, we may hate the policy, but if
they have the policy they have the policy. This is one of the few
areas where they talk about it being fair and equitable.

And I think then, it is incumbent on the Department,
and on us, to look at something related to outcomes when it comes
to determining whether something is fair and equitable. And I am
not seeing, again in what was submitted, or what's available online,
evidence of strong, fair and equitable outcomes from the seemingly
roughly 100 or so complaint inquiries that come in.

So, I think those are two separate issues. It might
be helpful to separate out when we think about what is -- how are
we thinking about compliance.

R. SHIREMAN: The items that were mentioned
that raised concerns for me was that the complaints could only be
filed by named impacted individuals. It cannot be a third party.

There's lots of situations where a third party has information, or
may not be directly impacted, but it's they're still seeing some
questionable things going on, and have evidence.

And the second item was the level of documentation
required by the complainant, and was not clear to me whether they
are being asked to basically be an attorney level person, figuring
out which standard applies to this particular situation. And I know
another agency is being reviewed on this situation, so it does seem
like there's a little bit of updating of Department of Education
practices around reviewing complaint policies.

And given that this one has been kind of in the
process of changing, it seems worthy of a check.

CHAIR PRESSNELL: Art?

A. KEISER: Well I was trying to be very
supportive of Bob until he made that last statement. That third
parties can make a complaint. That may or may not be even
involved in the complaint issue. But, I do agree with Debbie that
there is confusion, and in all the areas that we need to have clarity
is in the complaint process because that is our front end with
students from an accrediting standpoint.

So I will agree with Bob's motion, but I'm not sure I
agree with some of the comments, but that's okay.

CHAIR PRESSNELL: And I just want to be clear.
So we've got -- yeah, question? Any other discussions or amendments?

J. BLUM: Yeah because I mean going back to the GC on this for a second. So, I think what I heard you say is that we can do it, and by the way just for the record, we should have this conversation before NACIQI meetings ever start, so that yesterday we could have handled the situation differently.

But as it relates to this one, I think it would be a much better motion I'll say if it said whether it's going to be a monitoring report or a compliance. And I think that guides the SDO better. I understand the SDO can do whatever they want, but I would feel -- I mean I'm just saying, I would feel better as NACIQI if we were saying they're either out of compliance, or they're doing a monitoring report.

And there's a big difference in the life of the accreditor.

R. SHIREMAN: Maybe in the discussion we actually did that and shifted.

J. BLUM: Right, but that's why I was saying that I didn't want to go to a vote right now because the language needs to say one way or the other. Right. That's why I was saying I didn't want to go to a vote yet because.
D. COCHRANE: I would still, again I would still
feel more comfortable with leaving it up to the SDO, or leaving the
opportunity -- leaving it open that there's non-compliance.
Because again, and it's so tricky with the timing right, because
there was a period in which all of this was reviewed, and here we
are what, a year later, looking at sort of the same documents, sort
of different documents.
And we're hearing them describe what they're doing
now presumably, but those things aren't being brought in line, so
it's possible that they were in compliance before, and not in
compliance now. But I'm not seeing evidence of compliance, so I
think I would feel uncomfortable saying for sure that's
substantially compliant.

J. BLUM: Can I ask Nicole, I know it's been a
while probably since you actually did the review on the complaint,
but I can ask a little more specifically what your process was for
reviewing, and how you reached the conclusion that they were
compliant?

N. HARRIS: Sure. Oh okay. Well, if you're in the
system they provided their compliance, their complaint policy and
procedures. They provided a narrative that explained the process
that was explained earlier in a little more detail. They also
provided exhibits of the policy that included my review.

Just to give a little background, the multiple complaints that they referred to as one, it was all around the same issue. So that's why it was considered as one. It also came to the Department, and it's reviewed here in my petition. Because I reviewed their policy and procedures, their response, and their documentation submitted to me in response to the complaint.

In here, based on the complaint policy, so the complaint policy was followed based on the complaints that they received from this individual, and based on the documentation they required, the documentation they submitted in exhibits 23-07 all the way through I think it's 23-8R, something like that.

But they submitted the documentation based on their procedures. So I look at the policy. I look at the procedures. Maybe it's because this complaint was signed, and you're saying that they have -- they accept non-signed ones, but they explained that some of their complaints come in in different forms.

This is a formal complaint. So the formal complaint I reviewed that came into the agency followed all the procedures that were explained in their policies and procedures. That's how I came to my compliance. What I think Carol had mentioned was again, a plethora of complaints from different sources.
Formal complaints that was reviewed here was reviewed here, is what I came to my decision with. Does that help Jennifer?

J. BLUM: I think so.

CHAIR PRESSNELL: Yeah. So it's important for the committee to remember, and you guys have cited this, that this review happened some time ago. The information that we received in the interview process may post date that information, so there has not been the ability. The thorough review is done before our conversation, obviously.

And so, we could ask for a report, or we could just simply put in comments that there's been new revelations about the complaint process for which you want the SDO to take a look at.

So, I mean, that would be a soft approach to this. The more hard approach, and it's not overly hard, is to just add it to we would like to see a compliance for monitoring, which one would be the most.

A. SIERRA: So, the SDO can only require a compliance report if he makes a finding that they are non-compliant with that criterion.

CHAIR PRESSNELL: Say they're substantially compliant.

A. SIERRA: Then he could require a monitoring
report, or he could even find them fully compliant, but if he has
concerns about continued compliance, maintenance of compliance,
he could also require a monitoring report.

CHAIR PRESSNELL: So the amendment, the
friendly amendment that's been put on is to find them substantially
compliant, but require a monitoring report. So we could stay with
that, that's what's on there now, and I know we need to get it on in
writing.

That's what's on there now. Or it could be
withdrawn and we just had it as a comment, but we could leave it
on there and then let the SDO decide what they want to do. Does
that sound good? Okay. So let's work on the language, make sure
we get this correct because I don't have the number Bob, and I
think you had it.

But we are saying they're substantially compliant,
but we'd like to request a monitoring report.

R. SHIREMAN: Correct. And it's 602.23(c).

CHAIR PRESSNELL: Is it all of C, or a particular
subset, and do you know Nicole?

N. HARRIS: Can you hear me yeah. I have it up
here. It's 602.23(c), so these are the three parts, review in an
entirely fair and equitable manner any complaint it receives against
an accredited institution or program that is related to the agency
standards or procedures, that's C-1.

But it also says that the agency may not complete
it's review and make a decision regarding the complaint unless in
accordance with the published procedures it ensures that the
institutional program has sufficient opportunity to provide a
response to the complaint, that's C-1.

C-2 says take follow-up action as necessary,
including enforcing action is necessary based on the results of its
review. And C-3 is review in a timely, fair and equitable manner
and apply unbiased judgment to any complaints against itself, and
take follow-up action as appropriate based on the results of its
review.

So are you all looking to put C-1 through 3, or C-1,
or 2, or 3?

R. SHIREMAN: I think pretty much the whole.

N. HARRIS: The whole thing. Okay.

CHAIR PRESSNELL: All right. Any other

comments?

A. SIERRA: Yes. I need to propose some language
for Monica, and I'm just trying to see if you all agree with it,
because I'm trying to capture what I think you want to recommend.
So if you would just give me a moment I will send that to her, so she can put it on the screen, and you could all review it. Is that okay?

CHAIR PRESSNELL: Yeah that would be fine.

R. SHIREMAN: Can we cue some of that gameshow music while we're waiting.

CHAIR PRESSNELL: I think it just adds pressure, undue pressure. Any ticking type sounds are bad. Okay. Let me read the recommendation prior to the vote. We've had some legal clarification on language. So we -- the recommendation is to accept the staff recommendations, accept to find the agency substantially compliant with 602.23(c)(1 through 3) and require a monitoring report on 602.23(c)(1 through 3) to be submitted within one year. That's precisely it.

All right. Without further comments, let's take the vote.

G. A. SMITH: Kathleen?

K. ALIOTO: Yes.

G. A. SMITH: Roslyn?

R. CLARK ARTIS: Yes.

G. A. SMITH: Jennifer?

J. BLUM: Yes.
G. A. SMITH: Wally?

W. BOSTON: Yes.

G. A. SMITH: Debbie?

D. COCHRANE: Yes.

G. A. SMITH: J. L.?

J. L. CRUZ RIVERA: Yes.

G. A. SMITH: Keith?

K. CURRY: Yes.

G. A. SMITH: Dave?

D. EUBANKS: Yes.

G. A. SMITH: Molly?

M. HALL-MARTIN: Yes.

G. A. SMITH: Art?

A. KEISER: Yes.


Robert Mayes?

R. MAYES: Yes.

G. A. SMITH: Mary Ellen?

M. E. PETRISKO: Yes.

G. A. SMITH: Michael Poliakoff? He's out, okay.

Bob Shireman?

R. SHIREMAN: Yes.

Thank you.

CHAIR PRESSNELL: All right very good. The motion passes with 13 positive votes, and 3 absent. So thank you again. Agency we appreciate your time and effort and the clarity on your presentation.

So we will take a -- let's take a five minute break, and then we'll come back and look at WSCUC, the Western Association. Thank you. Five minutes.

The recommendation is to accept the staff recommendations, accept to find the agency substantially compliant with 602.23(c)(1 through 3) and require a monitoring report on 602.23(c)(1 through 3) to be submitted within one year.

(Break 3:11 p.m.)
Renewal of Recognition: Western Association of Schools and Colleges, Senior College and University Commission or WSCUC

3:20 p.m.

CHAIR PRESSNELL: All right. Good afternoon.

Welcome back. The next agency that is up for review is the Western Association of Schools and Colleges, Senior College and University Commission or WSCUC. Primary readers are Roslyn and Robert. And who is going to introduce the agency?

R. ARTIS: I will, Mr. Chairman.

CHAIR PRESSNELL: Roslyn, thank you.

R. ARTIS: Western Association of Colleges and Schools Senior College and Universities, including areas of California and Hawaii, U.S. territories in Guam, American Samoa, Republic of Palau, Federated States of Micronesia, Commonwealth of Northern Mariana Islands, the Republic of the Marshall Islands, including the distance education programs offered at these institutions.

The geographic area of the accrediting agency has been modified to include the entire United States. This is a final review of a petition for renewal of recognition. The initial recognition occurred in 1952. The most recent Departmental action was 2018.

CHAIR PRESSNELL: Thank you very much. And
if you could move the mic just a little bit closer, but I really did
appreciate the speed by which you handled that, so that was great.
So the Department staff is Charity Helton, so Charity if you would
do your briefing please, thank you.

C. HELTON: Is this on? This is good. Closer.

Good morning Mr. Chairman and members of the committee. My
name is Charity Helton, and I am providing a summary for the
petition for renewal of recognition for the Western Association
Senior College and University Commission, which is called
WSCUC Senior for short, but spelled out W-S-C-U-C.

As noted, the agency serves as an institutional
accreditor for schools offering four year degrees or above
throughout the United States. The staff determination identified
outstanding issues in the agency's petition which I will discuss in a
moment.

The staff recommendation to the Senior Department
Official is to continue the agency's current recognition, and require
the agency to come within compliance within 12 months, and to
submit a compliance report 30 days after the 12 month period that
demonstrates the agency's compliance in these areas.

For the one area that was substantially compliant,
602.17(d) the staff recommendation is that the agency submit a
monitoring report for the next 10 staff accreditation activities, initial or renewals. I'm sorry?

CHAIR PRESSNELL: No, go ahead. Jamienne you may need to mute just for a moment please.

C. HELTON: The staff analysis was based on a review of the agency's petition and supporting documentation, as well as review of the agency's files on June 2021, staff observations at the site visit in April 2022, and a Commission meeting in June of 22.

The outstanding issues for this petition relate to the agency's policy and practice for returning site visitors, record keeping, substantive change reviews, review of student complaints made to the agency, the process for convening an appeal's panel, and its notifications to the Department of certain types of decisions.

Additionally, there were outstanding issues related to the agency's review of the school's facilities, equipment and supplies, admissions and recruitment practices, and distance education practices.

The Department received two complaints about the agency during the review period, one of which is included and discussed in the relevant section of the petition. A second
complainant was referred back to the agency to proceed through
the agency's review process.

The Department received three third party
complaints about, or comments about the agency. One related to
the Department's third party comment procedures, which did not
address issues specific to this agency. Two comments raised
issues around the agency's accreditation of certain schools. The
agency has responded to the third party comments in the petition,
as well as the staff.

There are representatives from the agency here
today to respond to your questions. Again, the staff
recommendation to the Senior Department Official is to continue
the agency's current recognition, and require the agency to come
into compliance within 12 months, and to submit a compliance
report 30 days after the 12 months period that demonstrates the
agency's compliance with these areas, as well as to submit a
monitoring report in one area.

CHAIR PRESSNELL: Thank you Charity. And I
think we may be having some technical difficulties with
Jamienne's connection. I know. It looks odd. It looks like the
dancing hand. Jamienne can you hear us at all? Can you not hear
us Jamienne?
So Jamienne, as soon as you can hear me, can you hear me? Okay. Can you go ahead and unmute yourself then.

Okay. And we're going to turn it over to you here, and so we want to invite the agency up to make some introductory comments, and again we appreciate we want to hear everything that you --

J. STUDLEY: You have me muted.

CHAIR PRESSNELL: Okay. We don't now. We have you now.

J. STUDLEY: Okay. Now I think you can hear me.

CHAIR PRESSNELL: I think I'm okay. Yeah.

Can you hear me okay? Is it?

J. STUDLEY: I can't hear you on the main Zoom screen, but I am able to hear the room on the original Team's public access, so I think I can proceed.

CHAIR PRESSNELL: Okay. Let's hold on.

J. STUDLEY: Can you hear me okay Claude?

CHAIR PRESSNELL: I'll be delayed if we keep doing this, so hold on one moment.

(Technical difficulties.)

D. COCHRANE: May I ask a procedural question as we're waiting?
CHAIR PRESSNELL: Yes.

D. COCHRANE: So I think there were a couple letters that got sent to the committee via email with instructions that we could decide as a group what to do with them. Is that? At what point would we make that?

CHAIR PRESSNELL: We'll just at the third party comment.

D. COCHRANE: Okay.

CHAIR PRESSNELL: Phase, is where I thought it would best fit.

(Audio issues.)

CHAIR PRESSNELL: Okay. Very good. So let's move forward then. Jamienne, your agency has been introduced in your absence I think to a large degree, but we appreciate very much you coming and being a part of this. We ask that, you know, you introduce the agency, but if at all possible, move as quickly as possible with the Q and A with the committee. So, Jamienne, we'll turn it over to you.

J. STUDLEY: Thank you, and I apologize that the best laid plans here didn't work. We do appreciate this opportunity, and we want to thank you for NACIQI's service, especially that of our readers, and thank Charity Helton, Herman
Bounds, George Alan Smith and the rest of the staff.

I'd like to introduce WSCUC, and let me start at a really important place. We are probably called WSCUC Senior College and University Commission, and trying to say WSCUC, but please write WSCUC. Our presentation team today is Commission Chair Phillip Doolittle, the Executive Vice Chancellor of Finance and Administration and CFO of the University of Massachusetts Global.

The Commission's Vice Chair is Professor Tracy Poon Tambascia, University of Southern California. She's also Chair elect, and Chair of our Equity and Inclusion Council. Two Vice Presidents are with us. Dr. Christopher Oberg, the Executive VP, and Dr. Stephanie Bond Huie.

WSCUC would like to end by understanding three key things about us. We place students at the center. We actively create and use evidence of student achievement, and we insist on rigor. Today, we will highlight our approach to evidence and outcomes in context with equity at its core.

We will explain quickly, but we hope usefully, how we express rigor through standards process, transparency and Commission composition. And we will recommit to continuous improvement in carrying out our responsibilities as a federally
recognized accreditor. Let me hand the baton to Chair Doolittle.

P. DOOLITTLE: Thank you Jamienne, and hello to everyone. We're proud to represent WSCUC in our role in promoting accountability and improvement. We accredit 208 widely varying institutions around the world at the bachelor's level and above, with more than 1.2 million students.

And these times of challenges for higher education, accreditation plays a vital role in assuring value, equity and results for students, families and society. WSCUC is committed to three strategic goals, equity and inclusion, evidence and improvement, and national and global reach.

In my seven years on the Commission, and more than 20 years as a peer reviewer, I've seen the complexity of issues before the accreditors grow. WSCUC has recognized the need to adapt and enhance our data, monitoring, policies, and training. We are committed to our recruitment, and recruiting new tools to support institutions in higher education everywhere.

I'd like to thank the many skilled, dedicated WSCUC Commissioners, peer reviewers, and staff for their contributions to the Commission's achievement. With that, let me turn it back to Jamienne.

J. STUDLEY: You're hearing many common
themes this week across agencies about outcomes, data systems, and innovations. HLC was certainly a leader in that they led off these proceedings with a strong report. By now, I imagine you appreciate the commitment and strides that all four institutional accreditors bring to student success in our decisions as we continue developing new data and approaches.

We are proud now to tell you about WSCUC's distinctive leadership for more than a decade, on innovative tools and directions to put student success at the heart of accreditation reviews. By 2012, we started requiring disaggregated students accepted more than a decade ago.

In 2014, to overcome the well-known limitations of IPED's data, we introduced a graduation rate dashboard, designed by Stanford Provost John Ashumenday, a WSCUC Commissioner, and NACIQI alumnus to allow a more comprehensive picture of completion rates.

In 2019, our search for effective data continued with the launch of our Better Conversations, Better Data Initiative, which funding from Lumina Foundation and yielding the key indicators dashboard. In using evidence for improvement and monitoring, we emphasized that no one metric is a definitive indicator of performance.
We use multiple metrics in our institution between institutions and peer reviewers, and when the Commission asks.

I'm going to ask Dr. Stephanie Huie, who came to WSCUC after creating the University of Texas system data system, to describe WSCUC's innovations.

S. BOND HUIE: Thank you Jamienne. WSCUC identified the need for a uniform framework of metrics for our institutions on August 30, 2021, we believe WSCUC was the first national accreditor to offer an interactive data tool to the public on our website.

Our key indicator's dashboard or KID as we call it, provides institutions and evaluators easy access to relevant and timely metrics, in numeric and visual form. Those metrics include enrollment, retention, completion, graduation rates and student debt. KID also includes extensive student demographic information.

KID draws from federal datasets, including the college scorecard, and presents multiple years with comparisons to national peer and WSCUC averages. Many of the metrics overlap with the NACIQI dashboards. WSCUC also designed a group of statistical peers for each institution.

Using peer benchmarking to understand
performance comparisons at the 25th, 50th and 75th percentile of years. WSCUC peer selection was developed in consultation with an advisory group of national experts, a Commission advisory group, and with the institutional feedback. The WSCUC methodology used the Carnegie classification system as a starting point.

Groupings were further refined by matching undergraduate student characteristics, percent ERM, undergraduate enrollment, first time, full time enrollment, using a cluster analysis process. Jamienne said we put evidence at the heart of accreditation. Here's how.

KID is available to every review team and committee, and every Commission that's used and understanding the institution's performance, determining its strengths and areas for improvement, and making Commission decisions. Vice Presidents review KID with the team in preparation for the accreditation review.

KID is integrated into peer reviewer training, and new Commissioner training. We see the data used in institutional reports, and discussion across campus visits, and Commission development, accommodations and recommendations for improvement. Making KID public is a demonstration of the
agency's commitment to transparency and quality assurance.

WSCUC has widely publicized KID and encouraged its use for understanding the institutions that we accredit. We have been gratified, and some higher ed observers have been surprised that WSCUC institutions welcomed KID, and the visibility it brings to institutional performance.

Institutions within our portfolio that do not have the resources to create their own dashboard and benchmarks, find KID especially useful along with our guides and training. In 2020, the Commission implemented another new tool, annual integrated monitoring, replacing the mid-cycle review.

We look at indicators for every institution every year, rather than once in the middle of the reaffirmation cycle. Staffing standards, changes and trends that bring further attention, those current risks, or threaten satisfaction standards, and incorporates the data elements in KID at its financial sustainability, and also covers qualitative issues, such as compliance, significant governance and leadership changes, and external investigations.

The Commission also uses two special financial analysis tools. We created them first to identify financially fragile institutions using ratios from the KPMG Priver strategic financial analysis for higher education.
The second financial tool is the stress test, which identifies trends and concern based on four variables. First time enrollment, retention, market price, and a ratio of expenses to endowment or state contributions. During the years we have used the agency generated and Zemsky tools we did not identify any institution that was financially at risk that had not already been on our radar for monitoring or watch.

Using these alerts we were able to advise institutions to address concerns, and also to judge when to initiate teach out plans to assure students did not suffer unduly in closures.

J. STUDLEY: Thank Stephanie. We're very pleased by the positive reaction to these tools. The Institute for Higher Education Policy said when we launched it in 2021, that students have much to gain when accreditors bring data to bear on institutional improvement conversations.

And Art Mack Matera of Veterans Education Success tweeted, "This is a huge step in the right direction." Not only does a system like this serve as a diagnostic tool for the accrediting body, it also helps the schools themselves understand their performance in comparison to peers and competitors.

So, with all these tools what did we see? The Commission regularly looks at the performance of the universe of
WSCUC institutions. Here are a few observations from our latest analysis compared to national averages. Since 2013, WSCUC accredited institutions consistently outperformed national averages, with six-year bachelor level graduation rates by about 10 percent. The difference between 52 and 62 percent, along with retention rates and IPED's eight-year outcomes.

Consistent with our focus on equity and inclusion, we also looked deeper into outcomes for high Pell institutions, and high URN institutions using the IPED's data and terminology. These WSCUC institutions as a group also outperformed national averages, the six-year retention and eight-year outcomes, and that performance has remained steady over time.

While we're pleased to see this relative strength, we also recognize that context matters here. Comparisons to other accreditors universities, which are comparisons to other part of the country should fairly be judged when you think about mix of institutions, levels of state support, and the fact that our historic region has relatively strong starting wages in the economy.

We also thought it was important to zero in at the other end of the spectrum, on institutions with relatively low graduation rates compared to the WSCUC averages that I mentioned of 52 -- 62 percent for WSCUC, and 52 nationally.
Using 2021 IPED's data we looked at our institution with six year graduation rates that are less than 40 percent.

The total is 6 institutions were flagged with six year graduation rates below 40. Two of those institutions are on notice of concern. One has a special visit this term focused on that very issue. A third institution has a special visit scheduled in Spring 2024, that will also specifically address graduation rates.

Two of the six below 40 percent have high transfer populations, and so they're better understood using the IPED's eight year outcome data, and using that measure both of them exceed 60 percent graduation. The final one is a good example for why we look at context.

The tiny 80 percent associate degree institution that has been affected by multiple natural disasters. We know you are very interested in risk and success it's having. Let me outline two different ways that we're looking at evidence in the future. In our brand new standards, criterion for recognition 2.1 asks institutions to look beyond graduation to report on post-graduate outcomes.

Institutions will define what post-graduate success means for that, and tell us how they measure, achieve it. We will help institutions articulate their own definition of student success, whether it's graduate school, going employment, entrepreneurial
success, engagement and so on.

We will help them identify new and evolving metrics around earnings, stats, alumni, employer surveys and other sources. And we sincerely at WSCUC want to contribute to designing non-financial measures of success that speak to the value of higher education, filling a void that many of us want to be met.

Finally, and already the subject of discussion in these meetings, the Commission began in 2021 to study using debt and earnings by degree level and programs, sometimes called return on investment. Of course, context is critical here as well, along with data that has consistent definitions over time.

Until recently, we just didn't have the program level data to support this analysis. You've heard from Assistant Secretary Paydar and from my fellow members of CRAC that we are working with the Department to develop data to do this. Used judiciously such metrics could help institutions work on factors that affect results.

Looking at cost, borrowing, program length, credit mobility and career services. A final point, many of us are paying more attention than we had in the past to graduate and professional programs. And I know NACIQI and Undersecretary does as well.

We look forward to collaboration on better ways to evaluate
Vice Chair Tambascia will now speak to our work on standards and equity.

T. POON TAMBASCIA: Thank you so much Jamienne. An accredits establishes its commitment to rigor through its standards and decisions. WSCUC adopted new standards in November 2022, preserving the values and structure of the current standards, while underscoring equity and evidence for student success.

WSCUC began its standards review in 2019, engaging people in varied roles in meetings large and small across multiple drafts. We listened carefully to how we could honor an institutional mission and method while assuring that critical criteria are met.

WSCUC spoke with student leaders and reached out to policy and research organizations, including New America, the Century Foundation, the Institution for College Access and Success, and Veterans Education Success. We received and used valuable suggestions from all of them.

TEKS noted for example that the changes had gone a long way in focusing on greater accountability for academic achievement, more transparency in reporting, and demonstrating
institutional contribution to the public good. Those discussions yielded guiding principles for the standards. One, students will be at the center of the standards of accreditation reviews. Two, institutions will demonstrate evidence of actions and results.

Three, equity and inclusion are essential elements of educational and institutional effectiveness. And four, that we will adhere to the WSCUC philosophy of establishing objectives, permitting flexibility, and allowing institutions to determine how to achieve them consistent with their mission. This is WSCUC’s signature value of what, not how.

We're moving ahead now with implementation, the standards and a new handbook on reaffirmation processes will become mandatory for institutional reviews in fall 2024. We're also streamlining institutional reports to flow naturally with the standards, and resources are in development, so institutions can readily assimilate these changes in the planning self-study and report.

I also want to take a couple minutes to talk more about the importance of equity and inclusion. WSCUC is committed to helping institutions achieve their objectives for diversity, equity, inclusion, consistent with their missions and unique students, faculty, staff, programs and communities.
The new standards weave equity and inclusion into all four dimensions of performance. Institutions may define diversity and equity for student success to include students from historically minoritized backgrounds, and also range of learning and physical abilities, socioeconomic status, first in their families to attend college, language skills and other considerations.

At some institutions equity gaps may exist along racial or ethnic demographics. At others, the need for focused attention may include student veterans, student athletes, or working parents. The point here is that WSCUC through policies and accreditation standards asked leaders to understand their students first, using a data informed approach to identify determinant or, and barriers to student success.

And to develop the capacity to respond to challenges in a systematic process of improvement. This is consistent again with the agency's commitment to what equity and inclusion, and not how it is to be achieved.

We get three key activities underway that I would just want to mention. We continue to develop new data and measures to support institutions, analysis, and improvement. For example, Hawaii's institutions, we've worked in partnership to develop student population measures that match their state and
In 2017, WSCUC adopted an equity and inclusion policy to help institutions reflect equity and inclusion across all their functions. We're updating this policy and the related guide to align with new standards. And in 2021, we created an Equity and Inclusion Council, which I chair, consisting of Vice Chairs of the standing committees and at large members.

The Council has worked on integrating equity and inclusion in the new 2022 standards, provided input on our own Board self-assessment tools, and is working to bring more diversity and content experts to the pool of peer evaluators.

As I look forward to chairing the Commission, I'm committed to continuing to apply an equity lens throughout our work, and I'm especially interested in growing professional development activities on diversity, equity, inclusion effectiveness for institutions and teams.

We also want to understand equity related successes and common concerns so we can help institutions succeed. Chair Doolittle will now describe two other important WSCUC values.

P. DOOLITTLE: Thank you Tracy. I'm going to talk briefly about transparency. We appreciate your positive comments on the Commission's transparency values. WSCUC
pioneered publication of team reports, and Commission action letters starting ten years ago in 2013, allowing the public, and the whole institutional community to understand the factual context with Commission decision. That practice helps hold WSCUC accountable, and makes accreditation more open. At no cost in our estimation, to the quality of the review. We're also providing confidential email portals during site visits, for comments from the students, faculty and staff, to assure that the review team has a rounded picture. And finally, we hold regular public sessions at our Commission meetings. Let me talk a little about the composition of the Commission. The 35 WSCUC Commissioners take seriously our responsibilities to students and taxpayers. We are proud of the Commissioners deep attention to their roles and their wide experience, diversity and public perception. WSCUC has increased members with expertise in DEI, finance and law. At least eight of the 35 Commissioners have professional expertise in finance, which is helpful as we consider financial fiscal health and business relationships. We note too the increase in the diversity of the Commission. Today, 16 of the 35 Commissioners, 45 percent, are black, Latino, or Asian America. The last two new Commissioner
classes and the current nominating slate have between 80 and 100 percent of these groups. We share with you, some of you, a particular interest in public representation. Today, 10 Commissioners, about 30 percent meet the federal definition of public member.

Public members Chair half of our standing committees, and half of the executive committee members are public. We appreciate our excellent public members with institutions across the world not accredited by WSCUC. At the same time, we believe it is in the spirit of public membership to include people whose experience lies beyond higher education institutions.

In November 2022, the Commission reinforced its intent to have meaningful participation by those we call independent members. I sometimes refer to these as public, public members. These are people whose career, or job for the last five years is with other than an educational institution in higher education.

We are proud of the five soon to be six independent members. By our definition, representing roughly one-seventh of the Commission. This includes the CEO of TEKS, employees of the California Controller's Office and the College Futures
Foundation, as well as the former Governor of West Virginia.

With that, let me turn this back to President Studley.

J. STUDLEY: Thank you. Switching gears a bit,

let's talk about our oversight process. Once an institution has

hurdled the bar to achieve accreditation, and many do not, our Vice

Presidents work as liaisons with a small portfolio of institutions.

This is a good point to clarify the myth of ten years between visits.

WSCUC can choose between six, eight, or ten years

for the reaccreditation -- reaffirmation of accreditation for an

institution. Half of our institutions are reaffirmed for eight years,

with a quarter each at six and ten. In addition to the annual AIM

review, about 95 percent of institutions have some Commission

directing report or visit during their reaffirmation cycle.

Let me say it directly. WSCUC imposes sanctions

when institutions fall short. We withdraw accreditation when

necessary, and we shift these students when we organize a process,

when we work with institutions who are organizing the process of

closure and transition.

While we do not believe that an accreditor

effectiveness should be measured by the frequency of sanctions or

negative actions. We think quite the reverse. It is important that

NACIQI and the public know that we will act when supported by
the facts consistent with due process.

With our universe of about 200 institutions

WSCUC has withdrawn accreditation three times in this

recognition period, one of which is currently on appeal. It has

imposed sanctions 15 times, including show cause orders to three

different institutions, and 23 notices of concern.

17 institutions have withdrawn voluntarily, which

as you know can reflect a variety of different behaviors. WSCUC

acts decisively to protect students when reorganization, merger or

closure is anticipated, imminent or final. While these situations are

disruptive, we work with institutions on planning and notification.

We require notice to students in the campus, and

teach out plans increasingly early when warning signs are ebbing.

When Pacific Graduate University closed following a show cause,

every interested student was placed in an alternative program

across highly specialized counseling fields.

In one underway right now the Vice President

liaison meets with the school every Monday morning. We met just

last month with the California Bureau of Private Postsecondary

Education, and NACIQI member Cochrane about closure plans,

and protecting access to transcripts and other records, which every

fragile situation sanction and withdrawal, we learn better how to
I have two points. I'm going to speak to our response to the staff report, and then briefly look ahead. Rigor also means meeting Department requirements. WSCUC was recognized in 2018 for five years with no compliance or monitoring items. Clearly that is not the case today.

We acknowledge and commit to satisfying the compliance and reporting items under consideration. We have already addressed several of them that have been brought to your attention. Facilities were specifically referred to in our new standards adopted in November 2022.

The appeals policy was revised in September 22, to accomplish the needed change. We made our final conforming amendment last Friday. We satisfactorily addressed accrediting agency's actions by other accreditors. We regrettably failed however, to send the required notification to Secretary. We have done so, along with a plan to avoid such errors in the future.

Two of those would fall into the category you've asked about of things that have already been done, although they were completed after the final September report. Several other items are underway, and we will finalize them as required. Our complaint process is acceptable using a simple portal.
Complainants do not need to identify the standards section at issue. We are updating our policy consistent with the staff’s recommendations, and will specify our practices and timelines for a response.

We do apologize for missing one 45 day deadline on a multi-part complaint. We have a one year look back period for complaints. We did not understand that that was not acceptable to the Department, and we will review it. And based on this conversation in the New America report, we will reconsider other aspects for how we might improve our complaint process.

In a few situations we have Commission approved and documented guidelines and procedures that we thought satisfied requirements. We respect from the clarification of the current rules, and appreciate your questions about them. We will now adopt these conditions of improved documents and policy, and adjust our recordkeeping practices as instructed by the Department.

We will align our policy and manual on sub change.

This is an example of the site visit report, and make other changes as needed to come into compliance. They can be done quite quickly, with the exception of any that involve a policy that we will put out to our region for review.
We typically allow enough time for thoughtful responses, but we can certainly satisfy all of this within a year, and much sooner than that, or it is already completed. However, there is one issue that we take seriously, and warrants more detail. The staff read compliance issues relating to our review and application of Ashford University, UHE students, and its recruiting and marketing.

We interrogated those practices directly, carefully and steadily. WSCUC respectfully disagrees with the accreditation staff characterization that we did not comply with our responsibility to evaluate admissions and recruiting practices at this institution.

A few examples. We tracked the case against Novio in the Superior Court of the State of California. Ultimately, the court found abuses by that for service provider prior to 2017. But in its ruling it found no basis to enjoin or sanction behavior after 2017.

WSCUC’s awareness of that case, plus reports of students complaints not received by us, but included in the third party comments, was shared with the review team, and it led us to design a customized process to look at recruiting practices going beyond the standard federal compliance on this issue.
You can find them in our website under the 2019 team report at pages 51 to 53. The 2019 site visit team for reaffirmation interviewed and observed the then Jovial Call Center, and Compliance Office on two separate occasions. At the behest of the team, two staff recruiting calls responsive to a random sampling that was specified by WSCUC was made available to WSCUC staff.

Our own staff randomly selected 200 of those calls, and listened to 50 of them, comparing them to approved recruiting protocols, and found that only one call could be deemed problematic. WSCUC received no complaints from students or perspective students, or their agents about marketing deception or related abuses.

The site visit team in 2019 concluded on the basis of the call center and call reviews, that there was demonstrable evidence that the institution was adhering to our standards and policies. Coming forward, just a few more points.

We recognize that it was possible that with structural changes that the agency approved that programs and institutions with similar names, UAGC, UA Global and the University of Arizona might cause confusion. We required UAGC and UA to conduct market research and prepare very specific
explanations about the differences among the institution's programs, and to monitor, including through outside agents, perspective students understanding of the unit, and of the marketing messages.

WSCUC continues to require the institution to conduct compliance reviews with marketing, and to direct our team to examine the institution's recruiting practices. A special visit that will take place this spring will review practices and evaluative data provided by the institution's compliance office.

University standards for recruitment quality control and personnel practices for people who work in recruiting. This is the agency's first opportunity to review the institution since UAGC assumed full management of the assumption and the elimination of the Jovial contract.

We will take advantage of the opportunity to submit a ten day letter to the staff post NACIQI, to allow the SDO, to allow it to clarify to the staff and to Senior Department Officials the status and our perspective on these compliance items.

On a happier note, let me close by looking ahead for just a moment. In February 2020 WSCUC opened accreditation to institutions beyond our historic U.S. region. We started by considering institutions with a connection to those we already
accredited, in a broadened sense to include all institutions that
share our commitments to equitable student success, evidence in
action, and innovation.

We understand that the question of whether national
scope might lead to lesser standards. These proceedings before us,
before you, remind us all that federally recognized agencies must
all meet the same core requirements. Some institutions have long
been able to choose among specialty accreditors based on their
philosophy.

States based schools already have multiple
institution accreditor options. WSCUC believes there can be a
race to the top, where top means rigor and alignment of character
and priorities between institution and accreditor. Like our own
intentions to evidence in equity or what not how approach, and a
high touch support.

And while international scope is beyond the
Department's focus, WSCUC's accreditation of institutions around
the world has value for institutions, students, scholars, and the
nation. We also look at how we can add value on challenging
issues, like evaluating regions with third parties.

Our policy and guide on agreements with
unaccredited entities strictly defines roles that must be performed
by institutions themselves, and those that can be contracted under
institutional supervision. These are very clear and strict rules.

We have heard that our policies used beyond
WSCUC is a template for delineating institutional and vendor rules
and controls. The Commission work group on outsourcing and
third party arrangements is already looking at policy options. It is
also creating a training for top leadership at our annual meeting
and beyond, about negotiating, managing and mitigating risk in
such arrangements.

Finally, WSCUC continues to relish upon broader
presentation standards, new models of education. Consider for
example, Minerva University. And in teacher education alone we
have accredited several pioneering residency and hands on
programs. One President said thank you for all you did to co-
innovate with us.

As higher education models evolve, we look
forward to evaluating quality in new shapes. And we will innovate
in our own practices, as we have done with KID and AIM, and as
we will do with post-graduate outcomes. We are proud of
advancing conversations and tools to foster student success and
equity, and we will continue to learn and improve.

In that spirit, we look forward to collaborating with
the Department and others to serve students, and contribute to
general public respect with the enduring value of higher education. Thank
you.

CHAIR PRESSNELL: Thank you Jamienne, and
staff members. So now we'll go questions from the membership.

Roslyn, do you have any questions?

R. CLARK ARTIS: I do. Thank you very much.

You have articulated a very comprehensive set of new standards,
and new rules, by which your agency will be guided. I'm very
curious to understand how your reviewers are oriented or trained as
it relates to these standards.

So I'll start with a series of questions first. How are
your reviewers recruited and selected?

J. STUDLEY: I'm going to ask my colleagues to
help me in a moment, but our reviewers are -- we already have a
universe of recruiters available to us, many of them with
experience. At the same time we seek new reviewers who can add
both capacity and expertise from additional kinds of institutions.

You heard Vice Chair Tambascia mention a
particular effort to recruit, to expand folks with expertise in
diversity, equity and inclusion, pedagogy analysis and program
leadership, as well as population diversity. We always have a
challenge, and continue to work to recruit people with finance expertise, and we have an outreach activity underway that was just reported to the Commission to broaden those pools.

But let me move into how we train them because we have done a lot to improve the training models from which include written and live and webinar training activities. Christopher, would you like to speak to the training of both new and continuing team members? I'm looking for -- he has fallen off the screen.

S. BOND HUIE: I can add a couple things.

J. STUDLEY: Thank you. Stephanie?

S. BOND HUIE: So we have an LMS system where we have a kind of interactive training module, so we show videos to the reviewers, they take quizzes along the way. We have reviews for each type of review we offer, whether it's like a special visit, or reaffirmation of accreditation.

We have when as Vice Presidents, when we're putting together our teams, we pick reviewers based on their area of expertise, and I know one of the things that me and my colleagues like to do is when we have new reviewers join teams, we like to have a mix of old and new.

So there's kind of a peer collaboration. We all work together during that visit to make sure that the new members are
sufficiently supported and become aware of the processes. So, that's just a few ways that we train, and then we have, you know, of course our annual accreditation conference, which is a community for our reviewers to understand WSCUC and our processes more, and receive additional training.

J. STUDLEY: We are very alert to the fact that we want to prepare both our institutions and our team members, and the Commissioners when they will be making decisions under the new standards to show them the crosswalks between the current and future standards to provide a handbook of profit and guidance about how we can see them using new questions that will get into the implementation of the new standards.

That was discussed at the Commission meeting last week. It will be the subject of community meetings at the annual meeting that Stephanie described in April, and then we will publish with plenty of time for institutions to absorb it into their affirmation cycle.

And applications for new accreditation, our new approaches. It is not radically different, but there are differences of emphasis and expectations that are shifting to align with equity evidence and some of the other issues you heard us talk about, so it is important to both teams and institutions.
R. CLARK ARTIS: I appreciate that. And more specifically what training is required and how do you document that the training has been completed?

J. STUDLEY: Christopher would you like to pick that one up?

C. OBERG: We're in the process, and I will apologize my internet was just knocked out by a windstorm, and they now tell me it's unstable. We're in the process of migrating from in person to principally online, and the short, specifically tailored videos for each of the reviewers.

One of the things that we anticipate making mandatory, beginning with the reviews that will take place this coming fall is that all reviewers will have to come back, even if they have been highly experienced. Not only our new ones, and by scaffolding this with the range of the experiences we anticipate that by this time -- by the fall of this year that all of our reviewers were be -- have participated in that training lineup.

R. CLARK ARTIS: And as it relates to documentation of completion of such training, are you still using the Quander system? I believe that's the tracking mechanism you were using. Can you describe that and how it works?

C. OBERG: Well Quander is not the tracking
mechanism. It is actually the LMS that is being developed by a partner with us. We would be able to -- we'll have a separate tracking system for all those who complete it. In other words, when somebody is done it will feed into a separate tracking mechanism.

R. CLARK ARTIS: Okay. So this Quander as it currently exists provide you with any reporting capabilities?

C. OBERG: It provides us with the opportunity to go back and look at who has done what. We want to automate that, so that we continue to look at it in one place, so we don't have to look at each of the models separately, but yes it does track whom has participated.

R. CLARK ARTIS: And do your current policies, or anticipated policies require a minimum level of training and proficiency?

C. OBERG: The anticipated policies will require that, yes. Right now all new reviewers must do that. We will now embrace our season for reviewers.

R. CLARK ARTIS: Thank you. As it relates to recordkeeping, can you describe your records retention policy please?

J. STUDLEY: Christopher?
C. OBERG: I don't have the policy right in front of me. I do know that when we amended it in 2018 or 19, it was in conformity. We maintained all records for a decade, and get rid of those after a review. So for example, if we had a reaffirmation review that was followed by a special visit, that was followed by an interim report, all of those records would be completed until the next cycle, and would be retained until the next cycle started.

Is there something in particular to which I might speak?

R. CLARK ARTIS: Yes. The institutional responses to agency concerns. There is some indication in the documents provided that you do not retain those in every instance. Is there a rationale for that?

C. OBERG: Yes. I think that's a miscommunication. We do maintain those. What we don't maintain, but we will start doing, is the email invitation to each institution to respond to the team report at the time we share it with them before it goes to the Commission. We do have the institutional responses.

R. CLARK ARTIS: And what is your protocol related to the review of institutional responses because there seems to be some lack of clarity in terms of whether those responses are
actually reviewed and there is substantive comment.

C. OBERG: Each institutional response is provided to the panel of Commissioners that reviews the institution at the time of their review. They are always forwarded to the Commission.

R. CLARK ARTIS: And all of these responses and documents -- go ahead.

J. STUDLEY: To the panel and to the full Commission.

C. OBERG: Yes. All materials are always available to the full Commission. They are reviewed principally by the panel.

R. CLARK ARTIS: And each of these documents that you're referring to both responses and review, and then any documents generated as a result of that review are retained for ten years. Is that correct?

C. OBERG: That is correct.

R. CLARK ARTIS: Thank you. Now you've been very clear that you disagree with the Department's assessment of compliance as it relates to your monitoring of Ashford, and by extension AUGC, recruiting practices. At this point, meaning subsequent to the most recent communication from Department
and today, have you continued to monitor, or have you

discontinued your monitoring?

J. STUDLEY: We continue to monitor the most

vivid stage of our monitoring will be the special visit that will take

place this spring, and will be acted on by the Commission in June.

We have other kinds of monitoring reporting to us. Dr. Oberg is

also the Vice President liaison for that institution. Do you want to

add anything about the other activities in addition to the

Commission's -- the special visit and the Commission action this

June?

C. OBERG: The institution reports to me on a

monthly basis. The activities underway specifically in the areas of

retention and graduation as you can imagine, the latter is a very

slow moving metric, but we consult monthly, or they provide me

with a written summary, and I query them as to how they are

preparing for their next touch with the Commission, that is to say

their next review.

R. CLARK ARTIS: And as it relates to -- please go

ahead.

J. STUDLEY: I'm sorry. There is also, as I

mentioned, continuing obligations by the institution to monitor

their own recruiting and marketing activities, including external
monitors.

R. CLARK ARTIS: And as it relates to institutional.

J. STUDLEY: And I ask about them when they make their visit in May.

R. CLARK ARTIS: And are there clearly articulated timelines within which an institution must come into full compliance with your standards? There appears to be an inordinately long period of time between identification of a potential concern, and ultimate action on the part of the agency.

J. STUDLEY: This will invite some conversations that you had with previous agencies. Are you thinking about this specific institution?

R. CLARK ARTIS: I am.

J. STUDLEY: Let me ask this one question. With respect to a sanction an institution must come into compliance within two years, unless they establish a basis for a good cause extension. The institution we've just been talking about, the University of Arizona Global Campus is not under a sanction. It meets our standards.

We have identified a notice of concern that it could fall out of compliance. It's an alert, similar to what NECHE was
just describing. The notice of concern is an indication that we are watching, and we encourage the institution to watch its performance. There's no limit on the period of notice of concern because the institution meets our standards.

R. CLARK ARTIS: Thank you.

J. STUDLEY: Then we continue close monitoring.

In the case of this institution we've had 14 reviews in ten years, 10 of them within the last five.

R. CLARK ARTIS: And do you, despite the sheer volume of the concerns over a decade, you have not elevated it to an area of non-compliance. It remains an ongoing concern for a decade?

J. STUDLEY: The institution meets standards in all respects. The notice of concern was instituted primarily because of the student success rates. We do not have a bright line, and we don't have -- and through this time period, ever since they were first accredited by WSCUC, we have been attentive to it.

And the teams that have reviewed the institution have determined that the institution is addressing the issue with programs and activities. Some of the recent review teams have seen intermediate measures, like retention improve. That in the judgment of the expert panel that was a team that was doing that
review, that they saw it was consistent with the potential for increased rates.

In November 2020, the Commission action indicated that we expected to see improvement. The special visit team that is going in this spring will have at the top of its agenda, looking at whether the progress has been made that would be consistent with removal of the notice of concern, continuation of the notice of concern, or in a position of a standard, of a section.

R. CLARK ARTIS: And do the new standards as articulated, and I supposed soon to be implemented, make any change, or does this nebulous notice of concern continue to be a part of your process under the new standards?

J. STUDLEY: It might be helpful to separate that into two pieces. The nature of the notice of concern, and your question about the standards. The standards certainly speak to evidence, and over the decade that we've been using evidence, and the field is all of us, you, we, higher education, the Department of Education, have been learning more about the application of standards, and become more systematic.

It's only relatively recently that we've been able to look at numbers that -- look a little better. So let me, for example, note that for this institution while it has a very low rate using a six
The IPED's eight year graduation rate is 21.4 percent, which includes all students, and is more informative than the six year. That's you know, we told you we looked at institutions under 40, we're not saying that 21.4 is a good measure, but it has increased slightly in the last two years, while more than half of the WSCUC designated peers with this institution declined slightly.

We put in the hands of the expert team that visits the institution at each time, whether they are seeing the programmatic responses, the attention to these issues, and the intermediate steps that might signal that they are on a pathway to improved outcomes, or whether they have fallen short of standards. Do you have a question about the nature of notice of a concern itself? I don't want to miss that if you do.

R. CLARK ARTIS: No. It sounds like it is a warning with no finite end date. Would that be a fair articulation?

J. STUDLEY: Well, we use for us warning is a sanction, so in common speak yes, but we'd like to think I think alert would be better because warning is a sanction that indicates that an institution is failing to meet a standard, and probation is the
next level of sanctions, which indicates more serious failure.

So rather, than confuse everyday warning with our warning, let's consider a notice of concern to be an alert, a signal that if current conditions continue the institution might -- the Commission fears that the institution would fail to meet standards.

We do provide a notice of concern. Those are public, and gathered agencies do these somewhat differently.

We believe that our notice of concern is a way to signal to the public that we have questions. It is not a sanction, it is not a failure to meet standards, but it is something that would be worth knowing, in making an evaluation of an institution. So we put notice of concerns on our website, while we continue to work with an institution for improvement.

R. CLARK ARTIS: I appreciate the distinction between notice of concern and warning given warnings use as an actual sanction. My concern is that there doesn't seem to be an end date. There is not a graduated level at any point. It can just go on infinitum. Is that correct? Or is there some period beyond which we will not allow a notice of concern to continue.

J. STUDLEY: There is not a time period for notice of concern because the institution has been found to meet standards. An institution on notice of concern is likely to return to
the Commission for a large number of touches, reviews and
evaluations of whether it is improving, notice of concern comes
off, stable, or at worse stuck, still on notice of concern, but still
meeting standards.

And that's a Commission determined evaluation, or
whether it has reached the point that that category of concern has
dropped to the point that it failed to meet one or more standards.
At which point the rules that we are required to follow kick in, and
the two year period applies.

We have some institutions that are on notice of
concern and pull out of, you know, they never skid, they come
back out, or come back on notice of concern. We have some that
do stay at that level. The Commission reviews those with a
combination of special visits and interim reports, as frequently as
necessary in addition to the annual AIM review, so that we can
calibrate whether it is close, but not a problem.

I can tell you there are some state based schools that
have been on notice of concern, but have stability at that, that have
not fallen beneath that level. But we also have institutions that
have been on notice of concern, and the changes that they attempt
to make are not satisfactory, and they do go on warning or sanction
and can kick into all of what follows from a sanction.
R. CLARK ARTIS: Thank you very much. As it relates to student success I might say very clearly that I appreciate and applaud your consideration of factors other than graduation rates that tend to be rather unnuanced. That can be an appropriate use of language, so thank you for that.

However, as we look at third party comments, and some of the documentation provided to the Department there are ongoing concerns as it relates to the unaccredited law schools. ABA accredited law schools that are accredited by WSCUC. Can you talk to me about how you are assessing student success at those institutions in ways that allow them to continue to be recognized?

J. STUDLEY: Let me make a quick statement comment so people understand you and I have obviously read all this material. We accredit institutions, and for professional programs, whether medicine, nursing or law, there's also a professional accrediting.

California has an unusual arrangement in the state that provides for law schools that only qualify a student, a graduate, to sit for the California bar and seek practice opportunities in California. The state court has a distinctive state policy that promotes those kinds of institutions and a regulatory
scheme that's designed to provide access to legal education in the state in a very intentional way to improve diversity in the legal profession.

One thing that we do with these institutions is work to be sure that they are clear what students those limitations accept. We have also looked at schools with relatively low bar pass rates. All of the ones that are either free-standing law schools, or with any university or college that we accredit that has a California, or ABA accredited law school, it is being watched.

Of the schools that have relatively low bar pass rates, we have one that has ceased admitting students, and is on probation with the state bar, and we've made sure that it's not adding students until it can come out of that situation and satisfy us as well.

One is scheduled for special visits this spring with bar performance as the topic. One recently submitted an interim report that is under review, and another has been asked to provide additional information, giving disappointing bar results in the last round.

And one law school mentioned in the third party comments was incorrectly characterized. It has never been WSCUC approved, and withdrew from WSCUC seeking
accreditation process because I believe they saw the handwriting
on the wall.

So we watch that performance measure. We have a
different approach to evidence from the American Bar Association,
which has a bright line bar pass rate standard. We do not, but we
do look at student success in context here as well.

R. CLARK ARTIS: Two brief questions. Do your
new standards contemplate assessment of facilities beyond IT
infrastructure, particularly as it relates to your distance education
offerings?

J. STUDLEY: The standards do include the word
facilities. We always look at overall institutional capacity to carry
out its programs, but we do include in the 2022 standards the word
facilities. Christopher you worked with the standards drafters
would you like to add to that?

C. OBERG: Yes. The emphasis, it's just an
overtime or more to the IT infrastructure. This will recalibrate us
to make sure that any physical plant is in the appropriate state for
cconducting the institution's business.

R. CLARK ARTIS: And is that a may or a must in
the new standard?

C. OBERG: It's a must.
R. CLARK ARTIS: Okay. And as it relates to
appeals and prompt review, are those also articulated in your new
standards with clear definitive timelines?

J. STUDLEY: Our standards document creates the
expectations for institutional quality, but our appeal -- and our
appeals are included in policies specifically the institutional
appeals policy, which includes process and timelines. Was that
responsive to your question?

R. CLARK ARTIS: Yes. I just want to ensure that
they are not ambiguous, but very clearly stated and well-articulated
deadlines and dates for appeals.

J. STUDLEY: There are deadlines within it. There
are some steps that are contemplated that do not have a time limit
either because of the committee needs to operate, or because the
institution has certain amounts of time to perform what it wants to
do, but yes there are timelines for concluding, for handling an
institutional appeal, and concluding it.

I'll add that since an institution on appeal remains
accredited until the conclusion of the appeal, it is in our interest to
reach a conclusion, as well as the institution's interest.

R. CLARK ARTIS: Thank you for that. I have no
further questions.
CHAIR PRESSNELL: Thank you Roslyn. Robert Mayes do you have questions?

R. MAYES: Yes, yes sir. I'll start with the easier items first, then we can finish up with university affairs on a global campus. So all the matter of the requirement to initiate review, which had to do with TJSL and ABA putting them on probation, and you not initiating a review specifically to that.

You did have a review that just kind of happened to be very timely early on in their process, before the probation was issued, and your team had the information, what it was, and then even before the report was finished, had the recommendation of the committee to put TJSL on probation.

So, what do you think about the staff's citation on that one, and what do you feel you should have done differently? What's your thoughts on this one.

J. STUDLEY: Okay. So the most obviously thing we should have done differently was write to the Secretary after we had made a determination that the American Bar Association withdrawal of accreditation of Thomas Jefferson School of Law had been fully reviewed by us, and that we had made a determination to accredit them that took into account the ABA's reasons, and at the same time that we had a complete basis to
award accreditation to the institution.

Coming back to the more complicated part of that,

WSCUC had approved Thomas Jefferson School of Law for candidacy with WSCUC, but was still ABA approved. This happens with a number of law schools. It's not that unusual because the ABA approves only J.D. programs, and if an institution wants to have masters or doctoral or other law programs they need another institutional accreditor to do that if they want Title IV eligibility for those programs.

So the University of California, formerly known as Hastings Law School, has WSCUC accreditation for that purpose. Thomas Jefferson came to us to do that. We conducted an evaluation for candidacy under WSCUC standards, and granted it in 2016 while it was still ABA accredited.

The ABA placed them on probation in 2017, and withdrew accreditation in 2021. It included non-compliance with ABA standards that relate to the institution's financial resources, and the admissions requirement alignment with bar success.

Throughout that period, we had a series of intensive reviews of the institution, and consistently and repeatedly reviewed them, knowing where they stood with the ABA at each step in the process. And we looked at their bar results. So, we did not need to
create a specific additional activity to deal with the fact that the
ABA had taken a further step because we had our own series and
cycle of thorough reviews.

In each one of them we considered its status with
the ABA, and whether it satisfied WSCUC standards. We
prepared a comparison chart of those reviews that is provided in
the records that you have. We're trying to say that those were
developed contemporaneously.

They draw on the team reports that are available to,
if any of the public is still with us, the team reports specifically
identified and addressed the ABA issues that were common to us,
and the ABA issues that were ABA only, and the requirements that
only we had, and identified the institution.

So, we don't think we needed to create a separate
response process because we responded to the ABA accreditation
reality at every step along the way, and those summaries were
provided simply that we kept them sufficient.

R. MAYES: Thank you. I agree with you on that.

Claude, is it okay if I ask Herman to maybe speak to this one and
Charity. So the standard, you know, reads that they have to
conduct a review at the schools accreditation specifically in
response to the ABA's acting to withdrawal.
In this case it just worked out differently, and they had kind of become aware of it in the very beginning and dealt with it along the way, but were found not in compliance because there wasn’t a separate review done, because it integrated in with other reviews that had already happened and other actions, and follow-up. What's your thoughts on this, that's to Herman or Charity.

C. HELTON: So I believe this is in reference to 602.28(d).

R. MAYES: Yes.

C. HELTON: Where at an institution is subject to a diverse action plan by the recognized agency, or has been placed on probation, they must review their accreditation or peer accreditation determined. If it should also take adverse action or place the institution or program on probation or show cause it is absolutely clear that throughout WSCUC’s review of Thomas Jefferson School of Law during this time period that they were very aware of the ABA’s action.

What is not clear is that they reviewed the causes of that action, or how it related to their accreditation of the institution.

It didn't seem that the institution at any point addressed, or excuse me, it didn't seem that the agency at any point specifically
addressed why the ABA took the actions that it did.

Now they did do this in response to the petition and in response to a request for information. They created a detailed summary of why the ABA's actions were made, and how those actions differed fromWSCUC's standards in ways that allowed them to proceed with the choices that they made.

However, it just didn't seem that while the agency was aware of the situation it did not seem that they were directly responsive or in consideration of what the ABA's choices were.

CHAIR PRESSNELL: Herman, do you have?

Yeah, Herman?

H. BOUNDS: Charity, was there also an issue with the notification to us at that time?

C. HELTON: Yes. So, that is why I asked if that was in reference to 608.28(d) in reference to 608.28(c) of course there is the issue of just the timely notification to the Secretary where if the agency chooses to act in a case where another agency has had a negative action against that school, then we expect to receive a description of the reasons for that in a timely fashion, and so I think that one is less controversial.

J. STUDLEY: Dr. Helton is absolutely right that we did not file the required letter. But we believe that the
underlying team reports do specifically address the issues of
concern to the ABA. As I said, the ones that the ABA required,
but we said do not relate to our standards. They have a bar pass
rate, minimum requirement. We looked at bar pass rate patterns.
Those are two separate ways of doing it, but we acknowledge it
too.

And we believed that those charts pulled out the
information from the team reports that spoke to those issues, and
we did a crosswalk, so that you could see overlapping ones. We
both addressed financial issues, and the ABA's analysis might have
been helpful, but we had to make our own analysis of financial
health, so there was no relapse, and there were some others that
were different.

But they were acknowledged in the team report, and
evaluated as the teams reached their recommendations, and as the
Commission made its decision.

R. MAYES: If you had not already done that
process and you got the notice from ABA, there really were several
notices that you began aware of where they were considering
putting them on the probation, then the committee voted. They
recommended it, and then later you asked about the probation, then
the withdrawal.
At what point would you have initiated a visit if your other actions weren’t already happening?

J. STUDLEY: If we didn’t have a visit soon enough, when I went back to look at this when the issue arose in the staff report, through the miracles of emails I could put in PJSL because that’s how we referred to it, and find my own record of emails with the Vice President liaison each time we heard about ABA actions.

In which we said, are we visiting soon enough? Can we put this into the substance of the upcoming review? Did we have a recent review in which they already knew that about the ABA status because sometimes the school knows before the agency advisor.

So we would ask the Secretary questions, and we would have initiated an additional review if we didn’t have one coming up soon in which we could incorporate relevant conditional information.

R. MAYES: Okay. Thank you. I’ll move on quickly. On the evaluator training records you all mentioned earlier in remarks about a new tracking mechanism because in the current information we have it kind of set the picture that the monitors had to look at Quander, and look at Zoom to see if an evaluator has
been through training. Is this going to be resolved with the new
system you're putting in place to track that current training?

C. OBERG: Yes it is.

R. MAYES: Okay. So going through the
universities on a global campus. So, I think so you did do, you've
done a thorough amount of reviews and actions, and special visits,
and notices, so I commend you on that.

And as you mentioned earlier in the April of 2019
report there was an extensive review by the team, and that was
very extensive, and the monitoring and compliance efforts were
impressive to say the least. Can you speak to maybe before this
time, which would also be -- meet the period in which the
judgment was talking about.

You know, we get into earlier 2017 and before, and
afterWSCUC accredited in 2013, so you know, after initial
accreditation up unto this visit there were problems apparently, but
then also at some point, which I don't have an exact date, Ashford
and the University of Arizona at different points action was taken
to drastically improve this issue it seems.

I don't exactly know when, but so could you speak
to your actions about recruiting and admissions before this April
2019 visit?
J. STUDLEY: We focused on that time period because that's what others had asked about, and that's the point at which we had the knowledge of the state case, plus the veterans education success indication of compliance. Christopher can you speak to pre-2019 advertising issues? C. OBERG: I can't speak to all the specifics of it Jamienne. What I can say is I've been with the Commission over the last decade, is when I go back to the period let's say 2012 to 2015, and I remember doing reviews for then Keel College, which was a member of the Currency Group which failed. And the Commission's growth in that period away from believing that a for profit ownership of an institution meant that we just accredited the institution. The Commission abandoned that in a period of 2015 to 2016, 2017, and said no, we have to pierce that ceiling. And we even created a for profit financial framework tool to look at that. So, Committee member Mayes there was an evolution in this time of recognition that you can't just look at the educational institution, but you have to look at the whole corporate structure. So, it was a form of a blind spot that's been rectified, as we've learned to deal with what was essentially a very large new
phenomenon to the accrediting world in that period.

J. STUDLEY: If I could add, in addition to the reviews for reaffirmation of the institution, a substantial amount of the owner's side activity took place in structural change applications. So you may have seen, but maybe not all of the Commissioners delved deeply enough to be aware that Ashford went through structural change applications three times.

It was three, or was it four Christopher, three times.

It applied for structural changes that were deferred because the institution could not meet the standards of demonstrating that there would not be an adverse effect on its ability to continue to meet standards. There were governance issues, there were deep questions that are captured in the Commission action letters in which we explained that we needed more information about the contract.

And the performance indicators, the arrangements of the terms, the control of the institution, and it would have sufficient financial resources to support the educational programs all the way through. On two occasions the Commission determined that it did not have enough information to achieve the standard and the requested structural change was disapproved.

The institution stepped away and returned with a
structural change proposal to affiliate with the University of Arizona to become the school campus. And that structural change request also received very intense scrutiny with very serious follow-up actions also delineated in the Commission action letter.

R. MAYES: Yeah. I noticed in 2021 that's when it came up in the Commission letters, the actions letters to the June 21 meeting to target. Well we'll get to accurate improvements in a minute. To focus on the marketing, monitoring marketing, and I guess auditing third party services and missions.

And then you went to a monthly follow-up system I believe then. And also, in December 21 identified a need to give this more time to make enrollment decisions. It appears it was a very quick method of enrollment that Ashford had, or UAGC or someone could enroll before their FAFSA was even submitted, for example I think.

And then in February you identified the naming issue, wanted to continue marketing enrollment process review, and then it's the first time it came up to mitigate risk with Zovio.

What sparked that? I don't think we have access to the team report that was behind that one.

J. STUDLEY: It would be on our site, but was that the point in which we understood that there were discussions about
corporate changes? Christopher?

C. OBERG: --

J. STUDLEY: So, over time you've seen this institution shift from being a subsidiary of the service provider of the Zovio Corporation to then become an independent non-profit organization that purchased services from Zovio. And then the company deemed the institution as a non-profit now, with an independent Board took over all of the operations itself.

When we -- and the institution has always been very forthcoming about what was developing and what they saw on the horizon, which helped us to manage and seek continual updates from them.

When they started to think about the separation from Zovio, we recognized that it was important to the stability of the situation to know that they would be able to maintain all of the services that they had been purchasing, the learning management systems, the recruiting systems, the information that was maintained by the service provider.

And so, we were getting very, very detailed information about their transition plans, and how that was going to be managed, and how -- and made sure that the student's interests were protected in the conduct of the educational program, as well
as the more institution level finances and operational responsibilities.

Christopher, do you want to add to that? You were managing that day to day, hour to hour. Christopher, did you want to add anything?

R. MAYES: You're muted. There you go.

C. OBERG: I think the concern fundamentally was because the technology infrastructure was provided now by this independent third party, which also provided a lot of the curriculum development services under the jurisdiction of the OAGC faculty. That were they to fail as a company, the institution itself would be at risk, so how were they going to mitigate and create fallback plans to continue their services?

R. MAYES: Okay. Thank you. If I can go back to Charity for a minute. Let me find my question. So on this topic of recruiting and so, Charity did you guys mention the reason for non-compliance was -- here we go, I have it now, is that they had serious issues with recruitment regarding to UAGC you have serious issues with recruitment and admission practices at least through this agency's current review period.

Now I'm assuming that date would be May 2018, when they were renewed last, the agency was renewed. So what
time -- what documents or information kind of were you referring
to, to reach that conclusion that the issues were continuing in this
review period, because I want to make sure I'm not missing
anything in the questions.

C. HELTON: That's a good question. So, the
lawsuit was settled on March 3 of 2022, and as you know it's
regarding misinformation provided during the school's recruitment
processes, among other issues. And it was during the period that
WSCUC accredited the school.

The details in the lawsuit definitely showed the
issues tapering off. However, the agency's accreditation as they
noted, the most recent accreditation review was in 2019, I believe,
or excuse me a full accreditation review. They did a number of
other reviews related to other issues, but their most recent review
before that was 2015, at which time they were found fully in
compliant with that review, and was in effect until their 2019
review.

Typically, the Department would consider opening
a 602.33 investigation in response to something like this judgment
that we received a year ago, or a little bit less than a year ago. But
since the timing of this judgment happened to coincide so neatly
with the agency's petition, it seemed prudent to include the
materials in the discussion, with the NACIQI process, so that
NACIQI could also have and review that information.

R. MAYES: Okay. And so I kind of get the picture
I think that aligns with what you're seeing, that yes, we were
hoping to see more scrutiny made reviewing those earlier years
that the judgment was referring to, and things did get better, but it
was a little bit later on.

You brought up the desire why wasn't the third
party secret shopper documents looked at? I guess I'll switch over
to agency, do you all have an answer for that one? I know a lot of
times they are under kind of legal protection because they go
through an attorney, but that was a question that was asked, is why
didn't the agency look at those reviews that were being conducted
with the same secret shopper program?

C. OBERG: My understanding from the institution
is that there were legal issues surrounding us having direct access
to them, and they could only be reported to us via the institution
itself, but not the source documents. I am not -- I don't know
enough to tell you what those were.

R. MAYES: I think -- yes?

J. STUDLEY: Oh go ahead.

R. MAYES: No. Go ahead and finish, I think I'm
through.

CHAIR PRESSNELL: Okay.

J. STUDLEY: I simply want to -- we were getting reports about them. We did not receive any complaints, and it's true that our time period of the five year of our recognition period, we were attempting to be. Whatever we got incoming information we incorporated it in our reviews, and we were getting, although not literally the secret shopper reports, we were getting oversight reports from the institution.

And we had no challenge, for example, in the form of complaints to suggest that there was any -- we had the sense that we were getting the full story about what they were working on because it seemed candid and it did address when there were problems, and we had no other indication that there were problems that would come from other tidbits.

I will say that this whole conversation, I know that you've identified complaints as something to think about in your policy conversations. In addition to how accreditors handle complaints, for years many of us, and I sat in a variety of different seats, have thought that improving the ability to share complaints across the entities that receive them could be helpful.

I don't know what complaints the FTC is getting
about institutions. I am able to communicate with our state
agency, BPPE or the Hawaii entity, or others where at schools like,
but we have 76 total complaints in five years. So we need a fuller
understanding of the complaint universe in order to use what is
often the best early warning concern system, to be able to be
certain that we are monitoring where appropriate.

CHAIR PRESSNELL: All right. Thank you.

Thank you Robert, or do you have more?

R. MAYES: Yeah. Well let me ask one more that I
wanted, then I need to let the team go. I know, but this is one that's
going to come up, so it would be good to hit it now. So just go to
graduation rates for a minute. This is regarding again Ashford and
UAGC.

So, you in the 2019 meeting action letter there was
a comment that the notice of concern due to Commission's long-
standing concern about lower decreasing completion. So this
probably I guess has been going on since the day they were
accredited.

And then, that of course comes up later as let's see,
I'm trying to find it. Hang on a minute. Well I won't worry about
that one specifically. But it comes up later where you take that to a
more serious level. Here we go. In June of 21 -- yeah June 21,
you mentioned that the targets for academic improvement are just inadequate, so you're seeing that there's a problem, that it's not improving.

I think this is the concern that others, and probably outside parties had is there is a -- it is hard to change graduation rates quickly. You're totally right, and you all kind of mentioned that earlier, and I get that totally. But then there's the flip side that these rates were really, really low, and while they were being looked at there was a lot, a lot of time given.

Going forward, and the point being it ended up, you know, not working out, so from 2019 then we later come up to 2021, so you know, two years later, you realized that improvements are just inadequate, and they're not going where you need them to go.

So you know, we've lost a couple of years there.

Going forward, do you see it better? Does the agency may have an idea of how to do this better and more promptly, and to maybe even begin looking at admissions earlier as how they impact the graduation rates, because I didn't see where that was really being looked at in those early concerns and write-ups.

J. STUDLEY: To the extent that your question is how long does this take? When does this become a failure to meet
standards, we ask ourselves that question all the time. We've been asking about this institution, but also about others throughout. So our interim and site reports looked at all of the factions that you asked about for relevant consideration.

What are they doing about admissions? Are they taking people who have no chance of success, and should not be spending their time or money at this institution? They have adapted and changed a number of their practices to allow students to begin at no charge, and to drop out at no penalty in order to explore the possibility studying at this institution.

They redesigned programs, and prepared faculty in new ways. As I say, some of our teams have seen intermediate improvements. It makes everything a little hard to understand, and yet through that they have had slight increases in outcomes. That said, in noting and respecting the efforts that they have made, and identified by our staff look at the data that you've asked about, we do not take a position on whether the institution has made progress, and whether it continues to meet standards at this time.

Only the Commission can do that, and they will look at that again on the basis of a special visit report in the spring and go to them in June.

CHAIR PRESSNELL: All right. Thank you. Is
that okay Robert?

R. MAYES: Thank you. I'm done.

CHAIR PRESSNELL: Good. Jennifer?

J. BLUM: Yeah and I'll try to keep this tight. So, without going into because we've already done that, into UAGC and Zovio and all of that, I want to -- and somehow I missed the opportunity to talk to the staff, and so during the discussion on the vote I do have staff questions.

But for the agency when you're in the petition process with the Department, and discussing the recruiting standards, and your compliance with the recruiting standards, you provided information about at least one other institution. And were you asked by the Department at all about how you look at recruiting, how you analyze recruiting standards for any of the other 200 institutions?

It's just I am going to raise a concern here that, you know, regardless of UAGC again, putting that aside, because I think we're probably all in unison a little bit about all of that. I just the role when we're looking at the compliance with recognition criteria, to me should span more than how the agency did on one institution.

And of course, we can talk about triad failures, not
just the agency. You know, one agency, but I would like to know
how WSCUC feels it does on the other 200 institutions that it
accredits with regard to recruiting and advertising.

J. STUDLEY: So I would like to ask Christopher
or Stephanie to talk about the basic compliance reporting to meet
the federal requirement that we do across the board, and then I'll
talk to you about your larger question, Jennifer, how are we
thinking and feeling about it. Christopher, do you want to speak to
the basic compliance visit elements?

C. OBERG: We have four federal compliance
reports that are required on each of our reaffirmation reviews. One
of which deals specifically with the admissions and recruitment
and marketing. It is assigned to a team member who is responsible
for visiting with the marketing department, and we submit those to
the Commission with each full report.

If you were asking did we have discussions with the
Department about any other institutions where we did look at
those, I do not recall any.

CHAIR PRESSNELL: Okay. Thank you.

Jennifer?

J. STUDLEY: Right. But his complaint if we got
complaints, and so what we've asked ourself is, are we missing
something? Is our compliance process sufficient? And where else might we look? So we, the Vice Presidents and I actually spot check website, and have wondered whether that is an area where we can do either training or preparation for institutions, or use that as part of our compliance because we and the Department of Education, have very clear expectations for our candid and non-misleading advertising and marketing.

But it's a question we can all be helpful with, but we did not have other institutions where we dug into it because we either didn't see something in the compliance issues, and our team didn't see anything in looking at what they were supposed to look at, and we didn't get any external signals that we needed to go deeper.

CHAIR PRESSNELL: Are you okay Jennifer?

Okay. Good. I've got Wally, Kathleen, and Bob, so it's try to keep them as tight as possible, and if the responses could be direct.

W. BOSTON: Thank you. I did not know until this meeting when you guys introduced it that you had a set of key indicators published for all institutions. I quickly reviewed it, and I just want to compliment you on it. It's the most thorough set of publicly transparent data that I've seen for any of the agencies that we've reviewed.
I have a list of eight questions, and in order to speed this up rather than answering them each individually, as I ask them, I guess because I think some of them are probably a single word, or you know, two or three word answers, but I heard -- I believe I heard in the introduction that you used the Zemsky College stress test as a guide.

I'm pretty familiar with that. I could not find it anywhere in the dashboard, however I have made an assumption that it is in the institutional finances you've taken all the categories and put them in there. But like some other entities who were threatened to be sued for publishing the Zemsky stress test, you have not put the Zemsky score in there. So that's question number one. Don't answer it right now.

Question number two is under student finances you've chosen to use median student debt for just students who borrow, and I'm wondering if there is a plan to look at that for all completers at some point?

The next question that I have is in your tuition and fees, they appear to be gross, and not net, which would actually go against the Zemsky stress test, but could you tell me if they're gross or net?

The next question is I noticed one of your
institutions, and so I don't get sued, I won't mention the name, but it had a year over year change in its composite index of minus 26.7 percent, and I'm wondering if something as notable as that where a decline from its index of 2.4 to 2.2 would get flagged, and if actions would be taken by you all?

The next one is I looked under post-graduate, this is question number five. I looked under post-graduate outcomes, and I didn't see income. You can get income from the college scorecard, so I was curious why income wasn't there.

The sixth question was is all of this data collected from databases, or are institutions responsible for submitting some of it that is unique to your institutions? And is it audited, and is it proofed just in case, and some of the inputs not being automated, there could be errors.

The seventh question relates to the utilization of IPED's graduation rates, first time, full time, which are now a minority of students in most regions, and I was wondering if you would actually emphasize the outcome measurements for transfer students or if students who used to be termed non-traditional, but some people say we should be terming them as traditional.

And then my eighth and final question is that I looked at the data dictionary, and there are some terms in the data
dictionary that I couldn't find in the dashboard. For example, the
percent of students who were earning more than a high school
graduate, and the percent of full-time, first time, full time freshman
in the entering undergrad class. And I'm wondering if those are
items that you are going to include in the dashboard at a future
date.

So those are my questions. If you can quickly
answer it would be great, and once again awesome, awesome, key
indicators dashboard. Thank you.

J. STUDLEY: Thank you, thank you. Just one
second Christopher. I'm just going to say thank you very much.
The two people that you are going to hear from in just a minute are
the creators of respectively the financial indictor tools, Christopher
and the key indicator dashboard, Stephanie, with the collaboration
of our institutions and the rest of our staff.

I could guess at the answers, or give you my best
answer, and I'd probably get maybe four out of five. So let me ask,
which order do you want to go in? Christopher do you want to
answer all the ones that are yours, and then Stephanie can answer
all the KID questions?

C. OBERG: Well most of the questions are
Stephanie's anyway. So the answer to number one about Zemsky
that would be right, we do not publish them for that reason. They are used internally to help us site.

S. BOND HUIE: Okay. I took notes. If I forget something just let me know. Why debt just for borrowers because that's what we can get from the college scorecard. If we could get debt for all students we'd use it, so there's my play to answer that.

J. STUDLEY: It looks from new Department conversations that it is possible that that information may be available, but and being part of the team that built the scorecard, it was never possible to get debt -- to get earnings for all graduates, or all students. We could only get them for people who were participating in Title IV.

So if that change comes about it will be an important advantage. If we had it we'd use it. Back to you Stephanie.

C. OBERG: Stephanie I'll take the next one. It has to do with net tuition. It's net of institutional pay, that's why net is there. If you're asking us about is it net of what they actually have in a surplus sense? No. That's my understanding. Back to you Stephanie.

S. BOND HUIE: Okay. Post --

J. STUDLEY: Year after year? Was that
Christopher?

S. BOND HUIE: What?

J. STUDLEY: The 26 percent year over year change?

S. BOND HUIE: I didn't hear a question related to that.

C. OBERG: I'm going to have to pass with not coming back to the committee member.

S. BOND HUIE: Yeah, let me just answer the ones that I have written here and then you can tell us what we missed just for efficiency sake. For post-graduation outcomes, oh -- no income measure, yeah. So, you notice on our dashboard we have like six year trendlines. Well unfortunately, it's the case that the data that's available through the college scorecard is uneven at best.

So, you have 13-14 and 14-15 better than the high school graduate available. We used to have that on the dashboard. I need to take it off of the -- that's just a housecleaning mistake. I need to take it out of the day to day sharing. We took it down because it's the data is so old, and it's not being updated anymore in the scorecard.

There were no updates to income by institution
level between 15-16 and 17-18. And now in 18-19 there's a new
treshold earnings field, which has a different calculation, which
was different than the 13-14, 14-15, so you can't create any
trendline. Scorecard was last updated on September 14 of 2022,
and there is no update to the income level at the institution level.

However, as Jamienne mentioned in her opening
remarks, we are looking at the program. I know a lot of the move
away from institutional income was because the Department was
getting more interested in program level metrics, and that you do
have data by program for three years out.

So we have been, as she mentioned, exploring that
data, and yes. We want a consistent income metric that we can use
to put on the dashboard. Let's see. Oh yeah, how are we collecting
it? So all the data is downloaded. IPED's puts out a data file
where you can download all the data, and scorecard has a
background data files, and then you can go into federal financial
website and download all the financial aid variables.

So, that's how we collect that, and we store it on our
computer, so it's not reported by the institutions. We do have an
annual report, but that's just like to get current enrollment data and
things like that, nothing is complicated, it's really quite easy.

Oh yes, you're right about first time full time IPED's
grad rates. About 40 percent of the students in all of our WSCUC
institutions are actually transferring students. If you look on the
dashboard we do have outcome measures for all students for part-
time and full-time, and transfer students, and we have six year
graduation rates by Pell, gender, race ethnicity, so we're trying to
get in and look at those different populations, and show where
performance gaps may or may not exist.

And then oh, your question about percent of first
time, full-time freshman in the starting cohort, that was on a day to
day sharing. That's an institution size and context bucket, and it's
called first time, full-time percent of entering undergraduate
cohort, so I think that was probably just a name change.

So, this reminds me I need to crosscheck and make
sure the terminology in the KID is the same as in the data
dictionary. And I think I might have missed some questions.

W. BOSTON: You only missed one, so and it's
kind of important to something we're hopefully going to cover
tomorrow. So what I asked was one of your institutions had a year
over year change in the composite rate from 2.4 to 2.2, which you
indicated was minus 26.7 percent.

That seems like a big change for me, and I was
wondering if there are changes, if you have set levels for
significant changes that get flagged when they surface like that,
and if you take action on them, or if you just publish these things
and there's no actions.

C. OBERG: In that particular case that would come
up in our dual track financial analysis, not necessarily generated
from the dashboard.

J. STUDLEY: Do you want to describe,
Christopher, how you flag institutions, and what follow-up we
provide because a significant change would be identified.

C. OBERG: Well let me, in the interest of time I'll
only speak about the Zemsky for the moment. We will look at any
institution that pierces the alert level, and if we find on two of the
four variables that there are two alerts, they will get a letter from
the staff liaison, and any institution that pierces the warning level
on one of four measurements will get a letter from the staff liaison
if the institution hasn't already been flagged for monitoring.

W. BOSTON: Okay. Thank you.

J. STUDLEY: And then we would proceed as
appropriate back from the institution to whatever action or
intervention.

CHAIR PRESSNELL: Thanks. Okay. Kathleen,
and if we at all could wrap up. We have some third party
commenters as well, and so we've got a little bit ahead of us, and
we're getting crunched on time in terms of folks who actually have
to leave the building, so.

K. ALIOTO: I'll try to be quick. It strikes me when
you're dealing with over a million people that you have enormous
impact for potential enormous impact. So I wanted to know in
terms of your training of reviewers, how many of your reviewers
are people who actually understand education? I.E. how many of
them are teachers? What's the percentage, and do you look at
teachers, or do you think that business people can do this?

J. STUDLEY: Our reviewers are primarily across
the campus institutional board. We have faculty members who are
currently teaching. We have Deans and Directors who may have
mixed or administrative possibilities. We have people who
specialize in areas that we are looking at, as you heard from some
other agencies.

So we have people who are professionals, all the
way up to Vice Presidents in student affairs. We have Chief
University Officers and their staff. We have key financial officers,
and people who work in the business affairs function to evaluate
the finances within higher education.

We are an agency that primarily uses people from
the campus community and only in special circumstances for example, specialty programs where it makes sense to have somebody from the field. An educator in one of our educator programs, somebody from the clergy field for a specialized program.

So all of those people -- almost all of our people are in some capacity within higher education.

K. ALIOTO: Thank you. That's fine, that's fine.

Do you incorporate the approach of how we garner the nine forms of intelligence in any of the learning strategies that you're looking at in your institutions?

J. STUDLEY: They would be incorporated if they were important to the institution. If the institution used them as part of the way that it established its mission, or developed curriculum, or evaluated the effectiveness of the development skills and knowledge for students, then our team would meet the institution where it was.

We don't bring theories to the institution. We respond to the way they design their institution program purpose.

K. ALIOTO: Thank you.

CHAIR PRESSNELL: All right. Thank you, Bob?

R. SHIREMAN: I'd like to commend you for your
public member policies and practices, and for your user friendly public access to decision letters and visiting team reports for every accredited institution. I have one question. The State of Florida has enacted a law that prohibits its public colleges from having a long-term relationship with their accreditor. They must hop from one accreditor to another each time they are up for renewal. Have Florida institutions inquired about being accredited by your agency, and how are you handling those inquiries?

J. STUDLEY: Thank you very much for your comments about the public Commissioners, and about our transparency. We would have been disappointed had you not found them worthy. With respect to Florida, we did at the request of the system heads of the Florida University System, and the State College System meet with them. Vice President Maureen Maloney, who handles our eligibility processes, and I accepted their invitation to talk to them about it. We made very, very clear that all federally recognized agencies have to follow the same federal requirements, which include issues of governance independence, and that we have standards related to academic freedom, and content, and governance behaviors that any institution that came to us would
We expressed some concerns about the nature of the Florida legislation, and the constraints that it would place. And our feeling that while changing accreditors to another qualified accreditor for a better fit seems like a reasonable option for an institution.

That churning your accreditors did not seem like a good idea. So the premise of the legislation was a poor one. Because we do not have ten year initial accreditation, there were also some specific questions with us about how the time period of the legislation, and the duration of WSCUC's first accreditation at six years might fit within the you have to make a move. And whether their institutions would have to make two moves within the time period of the legislation. We had some thoughtful conversations about our standards and criteria with Florida, and were very clear about what would be expected to secure accreditation from WSCUC. I believe they have indicated their preference to go in a different direction.

R. SHIREMAN: Thank you.

CHAIR PRESSNELL: All right thank you. Any other questions from the members? Zakiya?

Z. SMITH ELLIS: So sorry, but I do have one
question. You could just answer yes or no. I really am just asking
this because I want it to be on the record, and that is I appreciate
your commitment to data, and the data dashboard that you have,
and you noted just in the response to the last question, that there
are certain data that you wish were available on the scorecard that
is not.

And my question is, have you considered asking
WSCUC states to share data with you about the income of college
graduates since many states could potentially do that? And if you
have not, that may be something that as an influential body of an
accreditation agency, you may have some influence on whether or
not they pursue that kind of strategy at the state level.

J. STUDLEY: Let me try and answer, and I'm
looking at Stephanie as well on this. My understanding is that
California has an under developed state metrics system for
earnings, and is only recently entering an effort to do the kind of
tracking that would provide that.

Hawaii is smaller and its number of institutions is
more contained. I'm not as familiar with Hawaii. But you know,
Stephanie did you want to add anything about whether California
has what we need, having worked on Texas, and knowing what the
other states are doing?
S. BOND HUIE: Yeah. I mean all the states have their state workforce data, which we can request. You know, I would say an easier out would maybe be going to the Census Bureau like I did in Texas, because the Census Bureau has all of the state workforce data in one place.

However, you know, we're a small agency. The data team is me and the director, that's our team, so you know, it's a little bit different than with a you know, a university system, and so I love the idea, but you know, I don't know if we have the capacity for that kind of data handling at this time, but I appreciate the suggestion, and we are always watching the space in the conversation because it's important.

CHAIR PRESSNELL: Okay. Very good.

J. STUDLEY: I think Zakiya that we may get -- that we may make progress through the conversations that Antoinette Flores is, including us in about how we can do it on a national level.

CHAIR PRESSNELL: Thank you very much. Any other questions from the members? All right. We have some third party commenters, and so we'll ask them to be ready to come in now. Those of you who are going to be offering third party comments, please mute your livestream, so that we don't have
feedback.

And just a reminder, you have 3 minutes for your comments. The first commenter is Ella Azoulay, with the Student Borrowers Protection Agency. Ella?

E. AZOULAY: Hello? Can you hear me?

CHAIR PRESSNELL: Yes.

E. AZOULAY: Great. Thank you so much for the opportunity to comment today. Again my name is Ella Azoulay, and I'm a research and policy analyst of the Student Borrower Protection Center. I'm here today to highlight how accreditors are currently falling short ensuring institutional quality.

And even in your advisory role, students are depending on you, NACIQI, to ensure that the accreditors you oversee are living up to the standards that students and the public deserve. One clear example of an accreditor that has recently skirted best practices for the oversight of institutional quality is WSCUC.

As you know, federal regulations require that the Secretary of Education, as advised by NACIQI, recognize an accrediting agency only if it demonstrates that it has sufficiently rigorous criteria for institutional approval. It is not clear that WSCUC is meeting this expectation.
For example, in 2019 WSCUC announced a so-called incubation policy, by which it would allow a Title IV eligible schools to partner with unaccredited institutions such as coding bootcamps, so that students could take on federal student aid to attend these highly dubious programs.

Under this policy WSCUC signed off on the partnership between the for profit coding bootcamp Make School, and the non-profits Dominican University of California. Make School proved to be a fraud that got students into hundreds of thousands of dollars of federal and private debt, without leading to meaningful job prospects.

WSCUC should have known that this would happen. After all, even before Make School partnered with Dominican it had already been cited for operating illegally without the approval of California's for profit college regulator, and faced serious questions about its program.

Make School eventually collapsed, leaving students stranded. We strongly urge NACIQI to more exhaustively examine how WSCUC could possibly be meeting the requirements stated above for having clear and high quality standards for accreditation, given the obvious problems that pervaded Make School, as well as whether WSCUC is fulfilling other relevant
requirements for recognition.

At the very least it is not clear that NACIQI currently has the information it needs to take an informed vote on WSCUC. Of course, this is not the only example of failures by WSCUC, nor is WSCUC the only accreditor that appears to be falling short of expectations.

You are all no doubt aware of the well documented problems that have arisen related to course offerings at institutions that WSCUC approves, such as the University of Southern California, that are facilitates by online program managers. Overall, we urge NACIQI to carefully examine accreditor's approach to the growing pattern of for profit actors attempting to sneak into public and non-profit corners of the Title IV space. We consistently observe that the outcomes for the students who get caught up in these schemes are consistently harrowing, but that accreditors have failed to live up to expectations under the law for upholding institutional accountability.

For as long as this remains the case, students will be at risk. Thank you.

CHAIR PRESSNELL: Thank you very much Ella.

Next is Allison Muth with Veterans Education Success. Welcome
A. MUTH: Thank you. As some of you have heard, I'm Allison Muth, and I'm a senior attorney with Veterans Education Success. We work on a bipartisan basis to advance higher education success for veteran service members and military families, and to protect the integrity and promise of the GI Bill, and other federal education programs.

Accreditors must take seriously news reports, lawsuits, and allegations of wrongdoing and subpar education by schools they accredit. WSCUC must act on its responsibility to investigate schools it accredits and to withdraw accreditation for non-compliant schools.

WSCUC accredits at least 11 law schools in California that are not recognized by the American Bar Association. Students at these schools are generally not eligible to sit for the bar exam outside of California, and their California bar passage rates are abysmal.

One WSCUC approved school had a pass rate of 7 percent. WSCUC even accredited two of these schools after they lost ABA accreditation. There are concerns that there is no real teaching at these law schools, and whistleblowers shared some of the schools bar grade test prep into their costs, which would be an
illegal use of Title IV funds.

These kinds of schools are of so little value that they have been cut off from GI Bill benefits under a law enacted in 2021. These schools fail to meet the minimum ABA standards of a legal education, and WSCUC has not established rigorous alternatives to credible deem the schools legitimate.

WSCUC lacks legal expertise to assess law school quality and a lack of rigor calls into question whether it is reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits as required by regulation.

In addition we have concerns about WSCUC’s oversight of the University of Arizona Global Campus. While we are aware of some efforts by WSCUC to monitor UAGC, more meaningful action is needed. UAGC's predecessor, Ashford, and it's OPM has had several red flags, including Ashford's own audit, finding rampant deceptive practices, California's lawsuit, whistleblower allegations about deception of veterans and hundreds of veterans complaints.

We raised concerns in our written comments last year that misconduct may still be occurring. It appears that almost two-thirds of the Zovio employees continued at UAGC and it is
concerning that WSCUC did not demonstrate to the Department, excuse me, that an increased scrutiny of UAGC in response to concerns related to recruitment and admissions.

It appears WSCUC may be accepting UAGC’s self-reports, rather than conducting its own review and verification.

We ask you to examine whether WSCUC has appropriately applied its standards to ensure that the deceptive practices employed by Ashford and Zovio are indeed no longer occurring.

Thank you for the opportunity to comment.

CHAIR PRESSNELL: Thank you very much Allison. We have one last commenter, Dr. Leila Hudson, Dr. Hudson.

L. HUDSON: Thank you. My name is Leila Hudson. I serve as elected Chair of the faculty at the University of Arizona Proper, a role charged with statutory responsibility under Arizona revised Statute 15-16.01(b) to actively participate in policy making on behalf of the nearly 5,000 general and Emeritus faculty at my institution.

I thank NACIQI and the staff for the opportunity to speak. Thank you for the work you do. Tens of millions of students depend on it. My concerns and questions about WSCUC include concerns about two institutions and the relationship
between them.

The first institution is UAGC, former Ashford University. WSCUC's ongoing notice of concern on Ashford UAGC since the University of Arizona's acquisition seems to be ineffective in changing notorious practices that hurt students.

I draw your attention to the astonishing rise in graduation rates at UAGC, and the charging of graduation fees to more than 15,000 students out a total population of 28,000 enrolled students this calendar year alone. If there is a compelling explanation for this near miraculous improvement in graduation rates, I have not found it.

My concern is exacerbated by UAGC charging so-called graduation fee of $150.00 per student for associate's, bachelor's and MA degrees, and $500.00 for doctoral students to graduate. I do not believe that this is a legitimate practice, and it continues in plain sight.

Where is WSCUC? What is it doing to monitor, not only the familiar bad news from UAGC, but this improbably good news? The second institution is my university, the University of Arizona Proper. As you may know, the University of Arizona is currently in the end stages of switching its accreditor from HLC, which has accredited us for the last 117 years to WSCUC.
The process was rushed, unfolding quietly between November 15, 2022, and the present. When WSCUC came to review us in January 2023, they declined to meet with me as Chair of the faculty, except in a short group meeting with student leaders. Not surprisingly, the visitors could not answer my questions about their relationship with the University of Arizona's sudden accreditation switch to UAGC's notice of concern.

My early January letter to the head of WSCUC has not been answered. I'm concerned that WSCUC may be accommodating, if not coordinating, a complex interinstitutional integration project between two of its institutions, which may sidestep Arizona law.

Has WSCUC's declared focus on equity evidence and national and global reach created an exploitable blind spot on governance and compliance issues? I worry, and no one has tried to reassure me otherwise, that WSCUC may be overseeing a process by which, as soon as June 30 or July 1, 2023, UAGC's long-standing notice of concern --

CHAIR PRESSNELL: Dr. Hudson, thank you very much for your comments. We appreciate your time today.

L. HUDSON: Thank you.

CHAIR PRESSNELL: All right. Let's give the
agency an opportunity to respond to the third party commenters.

J. STUDLEY: I will be brief, but let me start by saying that having been a third party commenter, and the Chair of NACIQI, I respect the opportunity, and the perspective. All of the issues that have been raised by the commenters are on our radar in some fashion, but let me just begin by saying as to the incubation issue.

Under our incubation policy, the students at the program that's referred to were always students of the WSCUC accredited institution, in this case, Dominican University of California, and Title IV eligibility and responsibility for the educational program quality was Dominican's.

The teaching and faculty and curriculum was reviewed, adopted by the faculty of Dominican University, which at all times continued to meet our standards. I will say that the incubation policy is on pause because we decided that we want to take a look at whether it's really A, needed, and B, in the best interests of institutions and students.

Second, with regard to law schools, you'll see in our answers to NACIQI, and to the similar issues raised in the written comments from various education success, that we talked to many of them. For those of you who might be puzzled about the GI Bill
reference, for example, the federal government and the Department
of Defense, or Congress, has provided the GI Bill benefit, are only
available to students who attend law schools that will allow them
to sit for the bar exam anywhere in the U.S.

That is a decision that is certainly within Congress's
and the Department of Defense's authority that doesn't aggregate
the right of the State of California to decide what kinds of
institutions it would like, and who may sit for the California bar.

They're a complex set of issues, but as I said earlier,
in a question I believe to President Artis, we are watching the
performance of the law schools we accredit, and as with other
institutions, tracking their performance, relevant factors like bar
exams.

Finally, with respect to the third commenter, we
have received correspondence from Professor, Dr. Hudson. We
have also received correspondence from the university countering
many of the assertions that she made.

Some of you may have received those as well, and
some representatives of the faculty Senate at the University of
Arizona indicating that the viewpoint that Dr. Hudson has shared
are not official viewpoints of faculty, based on the faculty action
criteria.
I can't comment about the University of Arizona at this point because they are -- because the mission actions with respect to their application is not finalized. We have a practice that Dr. Val has confirmed is appropriate that we announce all of the actions taken at last week's Commission meeting together when they are final. Those usually come out in about two weeks.

CHAIR PRESSNELL: Thank you very much.

Thank you. There were as the committee members know, there were two letters that were sent to NACIQI -- were sent to the Secretary of Education directly. One member of our committee was actually copied on those.

Those letters were untimely filed, and did not follow the procedures for us to receive them, although you did get them. What was proper, was that one of the authors, actually just testified in a verbal, third party comment. I would caution putting those into actions simply because it would then encourage other untimely filed and inappropriately filed comments.

And so, but if the will of the committee is to more seriously consider them, we can. Being sent to the Secretary they're going to be under consideration of the SDO anyway. All right.

J. STUDLEY: May I add one additional thought?
CHAIR PRESSNELL: Hold on. Please wait.

Wait. Yeah.

A. SIERRA: Hi. This is Angela Sierra. The letters are not in the current record, so they would not be for consideration of the SDO.

CHAIR PRESSNELL: Okay. Very good. Thanks for the correction. Being sent to the Secretary do they not show up somewhere?

A. SIERRA: Actually we attempted to make sure the Secretary did not receive the letters in order to not potentially taint a process here.

CHAIR PRESSNELL: Perfect. Okay. Thank you. I stand corrected on that then. So they were emailed to us Kathleen, but they were emailed under the -- with the understanding that they were untimely filed. And were not filed through the current process, so. So my sense from the committee is to maintain our policy on proper submission of third party comments.

K. ALIOTO: They are included in the third party comments on each one that we have.

CHAIR PRESSNELL: They should not be in there.

R. SHIREMAN: There were some about similar
topics that are in, that were filed a year ago, and are in our
documents. The ones that came around more recently my
understanding is we can't under the regulations, add things to the
record at this time, and so I would not propose that we.

CHAIR PRESSNELL: Very good. Thank you. All
right. We're at a point now of final comments in response to the
agency, and to the third party commenters as well.

J. STUDLEY: I simply wanted to say that with
respect to the courtesy and responsiveness of the agency about not
responding to the third commenter. The first letter that we
received the response was to refer it to the team of the institution,
so that they could consider the comments of this individual in the
review process.

There was a correspondence that came early enough
in the semester. With respect to any other correspondence we get,
including the three letters that you're referring to, we will look at
them and determine whether they raise issues that should be
addressed in any of our various methods and proceedings.

As far as we're concerned, we do not have a
timeliness issue, but we do have a procedure to address them to the
right process and contact.

CHAIR PRESSNELL: Okay. Thank you very
C. HELTON: Okay. So just to respond to Dr. Blum's comment earlier, the Department is not interested in the agency's action just in the case of this one school in terms of recruitment practices.

The agency discussed how their review of the school in 2019 included additional review elements in response to their knowledge at that time that there were issues at the school that had been long-standing.

So the Department's interested, and at this point in the agency's assessment of how its regular review process, without that external information would be able to find similar problems at other schools, or at this school if they should recur.

And it sounds as if the agency has already begun the process of assessing that in response to the situation. I also wanted to address the fact that while there are a number of areas where there were listed findings, the Department has no doubt that the agency would be able to come into compliance within the 12 months recommended because in all of these areas the agency is engaged in robust activities.

And the requests for minor modifications in response to perhaps the July 2020 regulations, or other minor
modifications, in order to bring the agency in compliance with the
current regulations.

CHAIR PRESSNELL: Thank you. Yes please.

A. SIERRA: I just wanted to clarify one thing.

Thank you. The Department staff, although they were not able to
look at these late filed comments as part of this process, will have
the ability to review any information there for purposes of a
potential 602.33 review.

CHAIR PRESSNELL: Thank you. I appreciate
that clarification. All right. Very good. Any questions at all for
Charity? All right. Yes. Jennifer?

J. BLUM: So I don't want to belabor this because
and the reason why I'm not going to belabor it is there are other
issues on non-compliance, so you know, it doesn't really change
things that much in terms of what the final is.

But I will say, and we've talked about this over the
last couple of years too that when reviewing the compliance with a
criteria, resting that determination of whether an agency is
compliant with how it applies its criteria on one institution,
regardless of what the criteria is.

In this case it happens to be recruiting. But it
concerns me a bit that there's not more of a dialogue about okay,
show me how you're doing with other institutions, so that's my primary point. I'm totally comfortable with where we are landing today in part because there are other criteria that are, you know, clearly in non-compliance so.

CHAIR PRESSNELL: Okay. Roslyn, Robert, I go back to you in terms of a motion, and discussion.

R. MAYES: Yeah. Claude, I think the discussion is well vetted, the committee's concerns about the different areas, and about for recruiting and admissions. The staff's recommendation include a compliance report with I think 14 items on it, plus a monitoring report that has to do with recordkeeping. So I believe we're in agreement with the staff's recommendation, and believe it comprehensively covers everything and more we've talked about today. Do you agree Roslyn?

R. CLARK ARTIS: I will second that. I absolutely do.

CHAIR PRESSNELL: So Robert, we're going to take that as a motion that to affirm the staff’s report, staff recommendation.

R. MAYES: Yes.

CHAIR PRESSNELL: And Roslyn is going to second that.
R. CLARK ARTIS: Sure am.

CHAIR PRESSNELL: Okay. Very good. So now let's open it for discussion. Any proposed amendments? Call the question, the question's been called. Let's take the vote.

G. A. SMITH: Kathleen?

K. ALIOTO: Yes.

G. A. SMITH: Thank you. Roslyn?

R. CLARK ARTIS: Yes.

G. A. SMITH: Jennifer?

J. BLUM: Yes. And I would just ask that on the compliance report that the Department consider asking about additional tools just to build the record on compliance with that standard or criteria.

G. A. SMITH: Wally?

W. BOSTON: Yes.

G. A. SMITH: Debbie?

D. COCHRANE: Yes.

G. A. SMITH: Eubanks?

D. EUBANKS: Yes, with a comment. I'd like to reiterate what Jennifer just said, and really expand that not just having procedural examples, but actually some outcomes in some sense for some of those standards like student achievement, is
highly appropriate.

G. A. SMITH: Molly?

M. HALL-SMITH: Yes.

G. A. SMITH: Art?

A. KEISER: Yes.

G. A. SMITH: Robert Mayes?

R. MAYES: Yes.

G. A. SMITH: Michael Poliakoff? Is he still with us. All right. Bob?

R. SHIREMAN: Yes.

G. A. SMITH Zakiya?

Z. SMITH ELLIS: Yes.

CHAIR PRESSNELL: All right. So the motion passes with 11 yesses. And I want to thank the agency and the staff for their work. I appreciate the members for your tolerance to go into the early evening.

Thank you also for the staff for that. We will start tomorrow morning at 9:00 a.m. and we have members need to be here at 8:30. The public will go live at 9:00, and the agency will be the Accreditation Commission for Education and Nursing, followed by the policy discussion. We will see you all tomorrow.

Thank you.
The staff's recommendation include a compliance report with I think 14 items on it, plus a monitoring report that has to do with recordkeeping. So I believe we're in agreement with the staff's recommendation.

(Whereupon the NACIQI meeting adjourned at 5:56 p.m.)