

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

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

- 1 RENEWAL OF RECOGNITION:
- 2 MIDDLE STATES COMMISSION OF HIGHER EDUCATION
- 3 (MSCHE)
- 4
- 5 NACIQI Primary Readers:
- 6
- 7 ARTHUR KEISER
- 8 ZAKIYA SMITH ELLIS
- 9
- 10 DEPARTMENT STAFF:
- 11 REHA MALLORY
- 12 AGENCY REPRESENTATIVES:
- 13 DR. DAVIE GILMOUR, MSCHE, Chair, President Emeritus
- 14 DR. KATHERINE CONWAY- TURNER, MSCHE, Vice Chair,
- 15 President, SUNY Buffalo State
- 16 DR. HEATHER PERFETTI, MSCHE President
- 17 DR. IDNA CORBETT, MSCHE Senior Vice President for
- 18 Accreditation Relations
- 19 DR. DIANA BARBU, MSCHE Senior Director Research
- 20 KATHIE JEFFRIES, MSCHE Vice President for Finance and
- 21 Chief Financial Officer
- 22 DR. AMY MOSEDER, MSCHE Vice President for Policy and
- 23 Regulatory Affairs

1 DR. STEPHEN PUGLIESE, MSCHE Senior Vice President and  
2 Chief of Staff

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

5 THIRD-PARTY COMMENTERS:

6 DR. ALISON E. VOGELAAR

7 ALLISON MUTH, Veterans Education Success

8

9 RENEWAL OF RECOGNITION:

10 NEW ENGLAND COMMISSION OF HIGHER EDUCATION

11 (NECHE)

12

13 NACIQI PRIMARY READERS:

14 DAVID EUBANKS

15 ROBERT SHIREMAN

16 ROBERT MAYES

17 DEPARTMENT STAFF:

18 NICOLE S. HARRIS

19

20 AGENCY REPRESENTATIVES:

21 LARRY SCHALL, President of the Commission

22 RUSSELL CAREY, Chair of the Commission, Executive

23 Vice President for Planning and Policy at Brown University

- 1 PAT O'BRIEN, Senior Vice President of the Commission
- 2 CAROL ANDERSON, Vice President of the Commission
- 3 LAURA GAMBINO, Vice President of the Commission
- 4
- 5 RENEWAL OF RECOGNITION:
- 6 ACCREDITATION COMMISSION FOR MIDWIFERY
- 7 EDUCATION (ACME)
- 8 NACIQI Primary Readers:
- 9 CLAUDE PRESSNELL, JR.
- 10 (CONTINUED)
- 11 ZAKIYA SMITH ELLIS
- 12 KARMON SIMMS-COATES
- 13 ANGELA SMITH, ACME Executive Director
- 14 ANNE COCKERMAN, ACME Board of Commissioners Chair
- 15
- 16 RENEWAL OF RECOGNITION:
- 17 WESTERN ASSOCIATION OF SCHOOL AND COLLEGES,
- 18 SENIOR COLLEGE
- 19 AND UNIVERSITY COMMISSION (WASCUC)
- 20
- 21 NACIQI Primary Readers:
- 22 ROSLYN CLARK ARTIS
- 23 DEPARTMENT STAFF:

1 CHARITY HELTON

2 AGENCY REPRESENTATIVES:

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

4 Elect

5 TRACY POON TAMBASCIA, Commission Vice Chair and Chair

6 Elect

7 JAMIENNE S. STUDLEY, President

8 CHRISTOPHER N. OBERG, Executive Vice President

9 STEPHANIE A. BOND HUIE, Vice President

10 THIRD-PARTY COMMENTERS:

11 ELLA AZOULAY, Student Borrowers Protection Agency

12 (CONTINUE):

13 ALLISON MUTH, Veterans Education Success

14 LEILA HUDSON

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## 1 PROCEEDINGS

2 9:00 a.m.

3 G. A. SMITH: Good morning, and welcome to the  
4 second day of the National Advisory Committee on Institutional  
5 Quality and Integrity's Winter 2023 Meeting. I'm George Alan  
6 Smith, the Executive Director and Designated Federal Official of  
7 NACIQI, which was established by Section 114 of the Higher  
8 Education Act of 1965, as amended, or HEA, and is also governed  
9 by provisions of the Federal Advisory Committee Act as amended,  
10 also known as FACA, which set forth standards for the formation  
11 and use of advisory committees.

12 Sections 101(c) and 487C-4 of the HEA and Section  
13 8016 of the Public Health Service Act, 42 U.S.C. Section 2966,  
14 require the Secretary to publish a list of state approval agencies,  
15 and nationally recognized accrediting agencies, and state approval  
16 and accrediting agencies for programs of nurse education that the  
17 Secretary determines to be reliable authorities as to the quality of  
18 education provided by the institutions and programs they accredit.

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

22 As provided in HEA Section 114, NACIQI advises



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

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

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

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

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

22 K. SULLIVAN ALIOTO: Good morning.

1 Kathleen Sullivan Alioto, whose focus now is on infants and  
2 children. Thank you.

3 W. BOSTON: Wally Boston, president Emeritus of  
4 American Public University System.

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

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

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

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

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

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

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

21 A. KEISER: Arthur Keiser, Chancellor, Keiser  
22 University.

1 CHAIR PRESSNELL: And those online. Michael  
2 Poliakoff, introduce yourself please. You're muted. Michael,  
3 you're muted, sorry. Michael are you there?

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

6 CHAIR PRESSNELL: Thank you Michael  
7 Lindsey.

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

10 CHAIR PRESSNELL: Robert?

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

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

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

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

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

22 S. MCKISSICK: Good morning. Dr. Stephanie

1 McKissic. I'm an analyst with the Accreditation Group.

2 N. HARRIS: Good morning everyone. My name is

3 Dr. Nicole S. Harris. I'm an Analyst with the Accreditation Group.

4 C. HELTON: Good morning. Charity Helton,

5 Analyst with the Accreditation Group.

6 A. SIERRA: Hi. I'm Angela Sierra, with the Office

7 of the General Counsel, and I also have with me from OGC

8 Christle Sheppard Southall, and participating virtually Donna

9 Mangold. Thanks.

10 CHAIR PRESSNELL: All right. Thank you very

11 much. For those who are just joining us today, oh my apologies.

12 Okay, go ahead. We have some staff online. I'm sorry. Elizabeth,

13 go ahead and I'll have you call.

14 E. DAGGETT: Elizabeth Daggett, Analyst with the

15 Accreditation Group.

16 CHAIR PRESSNELL: Okay. Reha?

17 R. MALLORY: Reha Mallory, Analyst with the

18 Accreditation Group.

19 P. FLOREK: Good morning. Paul Florek Analyst

20 with the Accreditation Group.

21 L. G. CORDER: L.G. Corder, Analyst with the

22 Accreditation Group.

1 K. SIMMS-COATES: Karmon Simms-Coates.

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

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

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

14 Third party comments will be allowed at that time if  
15 there are any. And then the agency will respond to the third party  
16 comments. And Department staff response to the agency and the  
17 third party comments, and then there will be discussion among the  
18 membership, and then a vote. And so, our first agency up today is  
19 the Middle States Commission on Higher Education. And our  
20 primary readers are Art Keiser and Zakiya Smith Ellis, so Art?

21

22

1 MIDDLE STATES COMMISSION ON HIGHER EDUCATION  
2 (MSCHE)

3 A. KEISER: Good morning Mr. Chair. Good  
4 morning members of the Committee, members of the staff,  
5 members of Middle States. The Middle States Commission on  
6 Higher Education is a nationally accredited agency that currently  
7 accredits 528 institutions. The agency's recognition enables this  
8 institution to establish eligibility to receive federal student  
9 assistance funding under Title IV of the Higher Education Act of  
10 1965, as amended.

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

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

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

21 Our review of the agency's petition found that the  
22 agency was not in compliance with the Secretary's criteria for  
23 recognition, specifically, at the time of the review the agency did

1 not have a policy for one criteria, 602.26 (f)(2) that speaks to  
2 institutions that allow its accreditation, or pre-accreditation to  
3 lapse.

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

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

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

22 There were no complaints filed during this period of

1 review, and there are two third party comments on today's agenda.  
2 Representatives from the agency are here to respond to your  
3 questions, and thank you.

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

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

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

16 R. MALLORY: Thank you Art. Thank you for that  
17 comment. So I'll say to start, the agency didn't have the policy, but  
18 they did have a practice that they demonstrated that you saw in the  
19 petition of making sure that before an institution even got to the  
20 point where it would lapse, they had checkpoints sufficient for the  
21 regulation, and sufficient for monitoring to ensure that that didn't  
22 happen.



1                   So, they never had an occurrence for an institution  
2 to even lapse because they had checkpoints along the way. So  
3 that's kind of their practice, and so, but they didn't have an actual  
4 policy, and so that's why I had to rate them as such. I will add that  
5 the institution did institute a policy since then, since my review,  
6 that is specific to this, to 602.26(f)(2), so they have that in place  
7 now.

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

13                   CHAIR PRESSNELL: Okay. Jen?

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

19                   I don't want to spend time on Middle States right  
20 now, but I definitely think as it relates to substantial compliance,  
21 I'm having -- at least I'm having a hard time understanding how the  
22 staff is interpreting it in certain circumstances than in others.

1                   And in the case of Middle States, which we'll get to,  
2 I definitely want to hear from the agency on this, but it strikes me  
3 that, you know, they're substantially compliant because yes, there's  
4 a technical, you know, issue of policy, but they were in practice  
5 utilizing it in the same way that they would a policy.

6                   So to me, Middle States is, you know, sort of in the  
7 same, or in a better boat, in terms of compliance, and so I'm not  
8 sure why they would be non-compliant today. So I'm just going to  
9 be, I think this is a really, in terms of consistency of decision  
10 making, and how we it gets portrayed.

11                   I just feel like they're there for conversation from  
12 the policy side.

13                   CHAIR PRESSNELL: Thanks Jennifer. Herman?

14                   R. MALLORY: Just a really --

15                   CHAIR PRESSNELL: Go ahead and then Herman.

16                   R. MALLORY: I was going to say Jennifer I  
17 immediately thought of you yesterday when this came around for  
18 HLC. Like I said, because they do have the practice in place, but  
19 you know, we have to go within our -- the timeframe of the  
20 recognition period. And so, you know, if this were a couple of,  
21 you know, months later when they have a policy then yes, they  
22 would be, you know, compliant in all areas.

1                   So that's just, you know, it's a timing issue  
2 unfortunately. Herman, I think you would understand.

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

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

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

22                   CHAIR PRESSNELL: Art?

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

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

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

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

1 today's meeting.

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

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

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

21 The challenges were many for all of us in higher  
22 education, but the Department staff ensured that any questions we

1 had were answered. This was especially critical as we faced a  
2 changing regulatory environment with new recognition procedures  
3 that we were required to understand and follow.

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

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

19 Part of that stems from changes in leadership. I  
20 have already introduced myself, but just want to provide the  
21 context of my time with the Commission. I joined the Commission  
22 in January of 2015, following years of service as a peer evaluator,

1 and with faculty and administrative experiences across a number of  
2 institutions.

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

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

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

21 Dr. Idna Corbett, Senior Vice President for  
22 Accreditation Relations, Dr. Stephen Pugliese, Senior Vice

1 President and Chief of Staff, Dr. Tracey Schneider, Senior Vice  
2 President for Legal Affairs and General Counsel. And although  
3 not presenting today, Miss Casey Bennett, Administrative  
4 Coordinator for the President's Office.

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

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

20 I could not have asked for a better team to appear  
21 before you today to share opening remarks and respond to  
22 questions that you may have about our work. Our remarks will



1 stay focused on the themes of transformation, change, and  
2 innovation. And our hope is that we will walk away today with a  
3 strong and positive recommendation from you for recognition, but  
4 also having learned new ideas about how we can look differently at  
5 our work, and improve upon it.

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

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

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

22                   We've invested in recruiting public representatives

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

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

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

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

21                   To highlight the breadth of diversity of our  
22 institutions, the smallest institution in our membership, using

1 annual head count is Reconstructionist Rabbinical College, with 32  
2 students. And our largest is the Open University, an institution in  
3 the United Kingdom with over 135,000 students.

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

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

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

22                   We have had to make some incredibly difficult

1 decisions in recent years, and we have, as you are recently keenly  
2 aware, recently taken the most severe action that an accrediting  
3 agency can take, and that was to withdraw accreditation from an  
4 institution.

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

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

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

21           We have been supporting the work of accreditation  
22 in 46 states, two U.S. territories, and the District of Columbia, 97

1 countries. The Commission as a result determined it's no longer  
2 needed to be defined by geographic boundaries. Since July 1 of  
3 2020, the date the new regulations went into effect, we've had 60  
4 inquiries for a perspective institution.

5           Those included 15 international and 16 from outside  
6 our traditional region. Of the 60, it's important to note only 26  
7 submitted the pre-application materials for consideration. Of  
8 those, the Commission declined to consider 10 pre-applications.  
9 We rejected two institutions for failing to demonstrate  
10 accreditation readiness, and five withdrew due to the challenges for  
11 them that we identified during the process.

12           That's a total of 17 out of 26 that did not make it  
13 through the very preliminary phases with us. And I think that  
14 speaks volumes about the rigor that guides our work. I want to  
15 proudly share with you the transformation and change, and the  
16 innovation that decides who we are as a Commission.

17           We've strengthened our onboarding training  
18 evaluation for the Commission. We've conducted important  
19 evaluations of the work of the Board, and we have adopted new  
20 terms, extending some three to five years for stability and  
21 continuity.

22           You've heard the commitment we hold to public

1 representatives, and this aligns with our investment of ensuring  
2 diversity across our Commission. We've established critical  
3 strategic priorities. We've adopted a new policy framework, and  
4 have worked diligently to update all policies, separate policies,  
5 separate procedures and guidelines that serve as clear information.

6           We adopted, and continue to honor a fiscal plan that  
7 controls costs for our institution, and yet accounts for investments  
8 in supporting changes in accreditation, increasing staff size, and  
9 accomplishing our strategic priorities. We have continued to have  
10 discussions about policy, data and building a future that accounts  
11 for the changing need of our agencies.

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

18           What has guided this work began with the renewed  
19 view of our mission, our vision and our values. Protecting the  
20 future, guiding for good and setting the standard. In addition to  
21 serving as Chair, as a former President of one of the Commission's  
22 institutions, I have witnessed firsthand the value of accreditation.

1                   The expectations of the Commission, the rigor and  
2 the integrity for which the work is completed, as well as the  
3 volunteers and the power of deep reflections our peer review  
4 process cannot be understated. What we do leads to institutional  
5 improvement. During the pandemic I was not only leading this  
6 Commission, but I was also leading my own institution through its  
7 reaffirmation process.

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

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

22                   The Commission has supported transformation,

1 change, innovation, in a way that directly improves student  
2 experience, educates and informs students about the work we do,  
3 and encourages them to be involved in the work of accreditation.  
4 First and foremost, our standards for accreditation place students at  
5 the center of what we do. You will hear about revisions to our  
6 2014 standards.

7           The principle that guided the development of those  
8 standards remained relevant and reiterative during the most recent  
9 standards revision process. The focus of the standards remains on  
10 the student learning experience, and student outcomes. The  
11 mission centric approach acknowledges the diversity of our  
12 institutions and their students.

13           Institutional assessment and assessment of student  
14 learning emphasize, understand and support innovation as an  
15 essential part of the continuous institutional improvement for the  
16 benefit of students and the communities served by our institutions.  
17 What we all can appreciate is that accreditation can be difficult for  
18 constituents to understand, and especially our students.

19           Our approach to accreditation brings students into  
20 the work of accreditation using a variety of mechanisms. And I  
21 think it is worth highlighting a few of the areas where students are  
22 engaged with us, and our evaluation teams. Our vice presidents



1 who serve as liaisons to every one of our institutions, meets with  
2 students during the self-study preparation visits, which occur at the  
3 start of self-study.

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

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

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

22           Changes to this process during the recognition

1 period include a move to a platform that allows for easier  
2 electronic submission of complaints or third party comments from  
3 any constituent member, and the majority of our complaints come  
4 from students.

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

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

19                   And a positive change resulted for students.  
20 Following the resolution of the student complaint, the student  
21 wrote to us, expressing appreciation for how our complaint process  
22 was able to assist her and her fellow students. I want to share with

1 you what the student conveyed to us. She wrote, "I just wanted to  
2 thank you and your team for all your help with this.

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

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

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

20           This revised policy followed the Commission's  
21 endorsement of two statements in collaboration with other  
22 organizations, which writing our own policy that sought to

1 maximize transfer credit. The guidelines were also developed to  
2 supplement the policy and procedures, and to reinforce important  
3 principals and best practices relating to transfer.

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

9 We clearly state in our expectations that institutions  
10 should seek to minimize the loss of credit for students whenever  
11 possible. Our transfer parent approach at the Commission means  
12 that we are also publicly messaging with a constant eye towards  
13 serving all of our constituents well, but especially our students.  
14 We know it's important that students understand the role we serve,  
15 and what information we publicly make available about our  
16 institutions that can be helpful to them.

17 With that said, we know we have had, and will  
18 continue to see difficult situations with institutions, in particular,  
19 when they must close. We have watched institutions support  
20 closures in admirable ways, but we have also met the challenges  
21 from time to time. When institutions do not follow the steps  
22 required, or do not follow them well, we understand that students

1 do not have the information, resources or options they need.

2                   Our Commission in those instances and  
3 circumstances, continues to press institutions so that we can  
4 receive essential information, in our most challenges circumstances  
5 our staff will work directly with, and often lead meetings with the  
6 state or federal agencies to be positioned to better inform our  
7 students, and the public to assist institutions to close with integrity.

8                   I'm especially proud to share with you the  
9 Commission's inclusion of students in our 2022 annual conference,  
10 where we invited and encouraged student poster sessions for  
11 presentation. This was really new for us. However, it reflects an  
12 important extension of the Commission's student centered  
13 commitment.

14                   This has not only created an opportunity for  
15 students to showcase their research among 1,400 colleagues who  
16 registered for the conference this past year, but it also engaged  
17 students differently in understanding accreditation. We're  
18 expecting perhaps 10 to 15 students to be interested in this  
19 inaugural opportunity, so imagine our delight when we hosted 52  
20 student scholars, including students from one of our international  
21 institutions who had visited the United States for the first time.

22                   The energy that students brought to our conference

1 mirrored the level of commitment we have for them and a  
2 responsibility to quality assurance. One student shared her  
3 conference experience on social media, and I think it is worth  
4 sharing with you today.

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

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

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

22           This reflection shows the power of students in our

1 process. I had the opportunity, along with our Chair and President,  
2 to personally meet with students during the poster presentations,  
3 and we all walked away with an experience and a reminder that  
4 this is accreditation.

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

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

17                   Dr. Perfetti will talk with you more about how data  
18 remains leveraged in the evaluation of our institutions, and how  
19 well our Commission is doing across a number of data points. My  
20 remarks were designed to share the holistic approach of the work  
21 of our Commission, through a student centered perspective, and  
22 the transformation, change and innovation centered on students.

1                   I appreciate being here with you today, and being  
2 able to share a section of this presentation with you. I'm looking  
3 forward to the discussion that follows our presentation, and now  
4 would like to ask Dr. Perfetti, President of the Commission, to  
5 share her remarks.

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

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

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

22                   So, in terms of graduation rates, and as seen through



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

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

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

19 Once this data collection process ends, staff  
20 evaluated through looking at the assignment of levels of concern  
21 with appropriate additional monitoring based on our findings. As  
22 part of this process the Commission collects and analyzes

1 graduation rates, which are essential for our student achievement  
2 indicator.

3                   Concerns are triggered during our own AIU data  
4 analysis for four year institutions, and for two year institutions, and  
5 we're using similar metrics as the guidelines from the 2018  
6 graduation rate information project of the Council of Regional  
7 Accrediting Commissions, or CRAC.

8                   Those guidelines, just as a reminder, are for  
9 institutions with bachelors as a predominant degree, the indicator  
10 was set at six year graduation rates at, or below 25 percent, and for  
11 institutions with associates as a predominant degree the indicator  
12 was set at three year graduation rates at or below 15 percent.

13                   We use a two prong approach to process the student  
14 achievement indicator through the AIU. First, we review the  
15 current data and compare it against the established indicators.  
16 Second, we conduct a trend analysis examining the variation in  
17 graduation rates during the past two years.

18                   Depending on these two elements, institutions will  
19 be assigned one of three levels of concern, serious concern,  
20 moderate concern, or no/minimal concern. The Commission's  
21 Senior Director for Research works with the AIU data, and with  
22 our Vice Presidents for institutional field relations to analyze the

1 data for institutions that have at least one flag indicating a serious  
2 concern, or a yellow flag indicating a moderate concern, in any of  
3 the three areas -- student achievement, viability and capacity, or  
4 financial help.

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

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

17                   This, coupled with our existing monitoring and  
18 evaluation processes serves as a comprehensive approach to  
19 indications of quality. We recently revisited the student  
20 achievement indicator to propose revisions to the metrics for  
21 analysis associated with the levels of concerns for our upcoming  
22 2023 AIU data analysis.

1                   While we continue to focus on graduation rates, our  
2 Commission has increased the indicator to something more  
3 aspirational, based on research conducted. As a result we will shift  
4 the indicator upward to account for, and analyze institutions that  
5 fall below 40 percent graduation rates for four year institutions,  
6 and 23 percent graduation rates for two year institutions.

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

12                   I do want to remind you of our Commission's  
13 participation in the graduation rate information project through  
14 CRAC. This was a feature during our last NACIQI appearance in  
15 2018, and Table 3 at our website shares the results of the original  
16 study, and the results of the study as replicated most recently in  
17 2022.

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

1 being examined in the CRAC project.

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

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

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

20                   When we factor in completion and transfer rates  
21 within eight years the rate is higher than the graduation rate, and in  
22 particular for associate institutions where it is almost twice as high

1 as the graduation rate. This is depicted in Table 5 at our website.  
2 The completion and transfer rates represent a more expansive  
3 student base within the data, as well as a more accurate depiction  
4 of student achievement over time.

5 An example for you will return us to that one  
6 institution whose graduation rate decreased from 22 percent in  
7 2018, to 16 percent in 2022. Our analysis of that institution reveals  
8 a 57 percent completion in transfer rate, which means that the  
9 institution has helped more than half of its students complete a  
10 degree, or transfer within eight years.

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

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

21 Beyond the data though, I want to be clear that our  
22 Commission continues to see our institutions are focused on

1 student success, with a transformational and innovative practices  
2 that are aimed at influencing student achievement. We were  
3 prepared with other remarks today about our standards review, and  
4 policy and procedure framework, but we know that you have some  
5 time to make up today, and we want to facilitate that into the  
6 dialogue with you.

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

12                   The one remaining policy issue as you have heard  
13 and as discussed earlier today, noted in the staff analyst report for  
14 602.26(f)(2) has been modified by us for clarity. We did not have  
15 a policy to provide on lapse of accreditation because our  
16 Commission simply does not allow it.

17                   We would move the institution to non-compliance,  
18 or require the surrender of accreditation, both of which are covered  
19 by other policies and procedures. However, we have made note of  
20 this most clearly where the criteria is relevant within our policy  
21 framework, and have added the reference to the specific regulatory  
22 language.

1                   Finally, I will just quickly note that we are proud of  
2 the opportunities that we have created with our constituents,  
3 whether our institutions, the public, other associations, or our  
4 regulatory partners, regular engagement and meaningful  
5 communications have been so critical, and we all truly benefit  
6 from each other.

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

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

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

22                   So, that's not a negative action on their behalf, but it



1 is still a process in which it has to be identified. In your new  
2 policy would you be able to identify what an institutions, let's say,  
3 like you would have NYU who decides to move to WSCUC?

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

9 We also have the Department guidance that was  
10 issued, and we are following the guidance as an accrediting  
11 agency. We have talked with systems and institutions beyond our  
12 traditional regional boundaries as part of the change from July 1,  
13 2020, and we have gone through our regulator front end processes  
14 with any institution, or any system that might be interested in  
15 changing accreditors.

16 We have required processes that they have to go  
17 through with us, and we also work with the Department, as well as  
18 the accreditor to which they may be trying to change, to make sure  
19 that we track our procedures in alignment. And certainly mindful  
20 of not making any change until the Department has issued its  
21 required approval until the other agency is able to recognize that  
22 new institution coming to them.

1 I hope that answers your question Art, if I missed it  
2 please let me know and we'll add more.

3 A. KEISER: That is all written in the new policy  
4 because I did not see that in the petition, or in the -- I saw you had  
5 procedures which you have, and it was also mentioned that there  
6 are benchmarks that you follow, but because of the movement  
7 from regional to national accreditation, there is going to be more  
8 institutions that may or may not switch their primary accreditor.

9 And does your policy that you have promulgated  
10 address those issues?

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

15 A. MOSEDER: Right. As Heather mentioned, that  
16 policy is in a different policy accreditation review cycle and  
17 monitoring, and the procedures are for voluntary surrender, on  
18 which we require our institutions to provide us with more  
19 information through a report, as to what their intentions are. And  
20 if necessary, we ask for a teach out plan, along with that.

21 And the reason is to get the information we need to  
22 bend accreditation properly without a gap in Title IV funding, or

1 any other repercussions for students. So those procedures are  
2 outlined. They're outlined in accreditation review cycle  
3 monitoring, and they do incorporate the new guidance related to  
4 changing accreditors.

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

11           A. KEISER: I think the answer is yes.

12           DR. MOSEDER: Yes.

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

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

22           So the changing of accreditors is a little different

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

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

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

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

20 During the annual institutional update process we  
21 do often require what are called recommendation responses, so if  
22 during the multi-level review process, institutions are presenting

1 some concerns that need monitoring. They could be reporting to  
2 us annually through that process to demonstrate how they are  
3 staying in compliance with expectations, or how they are making  
4 improvements in the areas that are of concern, and that could be  
5 student achievement.

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

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

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

20 But we do have a mechanism during those  
21 procedures where we ask the institution to report on other areas as  
22 well, so the non-compliance area, probation, show cause, the more

1 serious sanctions could be focused on other areas under our  
2 standards, but we do often require them to report on other areas as  
3 part of that reporting, which then means that teams that are  
4 evaluating the institution are also looking at those indicators as  
5 well.

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

11           A. MOSEDER: Well it depends on what the  
12 Commission is finding as the area of non-compliance. So the area  
13 of non-compliance that they might be reporting on could be, could  
14 include student achievement, but what we are often seeing is that  
15 the probation, and show cause events are tied to other standards.

16           It certainly does not mean that they are not  
17 influencing other aspects of the institution, but the Commission is  
18 honing in on identifying what are the specific areas of non-  
19 compliance, indicating that clearly in the statement of accreditation  
20 status, and also signaling we have other concerns we want you to  
21 report on, even if it appears that you are in compliance in those  
22 areas at the time of probation or show cause.

1                   A. KEISER: Thank you.

2                   CHAIR PRESSNELL: All right. Jose Luis?

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

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

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

22                   H. PERFETTI: Absolutely. So I'm going to refer

1 to Dr. Corbett, who can talk with you about what our evaluation  
2 teams look like, how they are formed, how they are trained, and  
3 also how they may evaluate any particular area out in the field.

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

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

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

22 And as Kate mentioned earlier they will engage in



1 conversation with students to determine to what extent this  
2 institution provides a climate that inspires respect for all people  
3 from all different populations. How we train them? We provide  
4 an extensive training program for our evaluators. It begins with an  
5 orientation.

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

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

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

20                   J. L. CRUZ RIVERA: Thank you. So, I know it  
21 was previously mentioned that in terms of non-compliance, or  
22 show cause actions, they tend to be in the areas of finances and

1 governance. So my question would be has a failure to possess and  
2 demonstrate a commitment to academic freedom, intellectual  
3 freedom, and freedom of expression that the Commission in recent  
4 years to issue notices of non-compliance or show cause?

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

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

18 And one of the guiding principles that we saw in the  
19 proposed new standards includes the consideration of diversity,  
20 equity and inclusion across all standards. According to the  
21 website, throughout the seven standards, institutions should reflect  
22 deeply, and share results in diversity, equity and inclusion in the

1 context of their mission, by considering that a minimum, goals and  
2 actions, demographics and policies, or processes, curriculum and  
3 services, assessment, and resource allocation.

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

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

17                   H. PERFETTI: So, you are correct that the revised  
18 standards are scheduled for a vote by our Commission at its  
19 upcoming March meeting. We are certainly very proud of the fact  
20 that our Presidents overwhelmingly voted in favor of the standards  
21 as they were presented to them and revised, including the DEI  
22 criteria that has been embedded in.

1                   And in fact, we had a significant amount of our  
2 Presidents voting this time around when compared to when we  
3 revised the standards in 2014. Dr. Corbett, who spoke just a few  
4 minutes ago about the training for evaluators, we are mapping the  
5 implementation of the new standards, the revised standards for July  
6 1, 2020, which will mean that we are updating all of our training  
7 under those revised standards as well.

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

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

19                   I. CORBETT: Yes, certainly. That is part of the  
20 entire process for the revision of the standard. The process doesn't  
21 end when those standards are approved. We follow along with  
22 training sessions for our institutions, and certainly revising all of

1 our training for our evaluators because as you can see DEI has  
2 been in use throughout the standards, and so we want to make sure  
3 that there's specific training for all of them.

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

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

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

19 Thank you.

20 J. L. CRUZ RIVERA: Thank you.

21 CHAIR PRESSNELL: Yeah. Other questions from  
22 membership? David?

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

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

17                   My impression overall of accrediting agencies is  
18 very slow to make changes with respect to philosophy and  
19 methods, and I understand that it seems you may be in Vanguard  
20 here. My first question regards the assessment of student learning.

21                   In your narrative you write, assessment student  
22 learning achievement demonstrates that the institution students

1 have accomplished educational goals consistent with the program  
2 studies and so forth. My own experience with this throughout  
3 most accreditation is that programs self-report, and they often have  
4 a small number of graduates, so the sample size is small.

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

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

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

22           We actually do plan on adding contextual

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

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

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

17                   And that second level of review is also looking at  
18 incredible amounts of data. Looking at the findings of the team.  
19 That committee is then making a recommendation to the entire  
20 Commission, which also then looks at all of those data elements,  
21 all of the team reporting, all of the information with massive  
22 amounts of information that has come forward as part of our



1 evaluation processes.

2                   So, I think it is not only the information that's  
3 available, but our processes as well that make this incredibly  
4 rigorous beyond what would be the minimal expectations that  
5 anyone might think exists. I don't know, Idna, if you have  
6 anything more to add to that.

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

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

18                   I think President Davie can vouch for that since her,  
19 you know, faculty and staff went through self-study institute over  
20 the last couple years. And one of the five major sessions is about  
21 assessment. We also provide webinars. We really enjoyed the one  
22 called Webinar for Small Institutions. We've had people think it's

1 not really very expensive, and it's very hard for small institutions  
2 to do.

3                   We actually brought in and highlighted small  
4 institutions that would show that they're doing assessment well.  
5 And another piece that we're also proud of that if I may just add  
6 one more thing, is our ability to connect institutions who are doing  
7 very well with other institutions. We ask them to pay it forward, to  
8 help each other, and improve.

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

14                   D. EUBANKS: Thank you. I appreciate that. And  
15 I appreciate highlighting the difficulty that institutions have and  
16 the expense. I talked to one assessment coordinator that's paying  
17 \$100,000.00 a year in software to track the additional data that  
18 they have to gather. That may not be typical.

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

1 average liability.

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

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

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

22                   So, I think that data is one piece of what the

1 evidence is that sits before a team. But the teams are also having  
2 onsite interviews with faculty, with program directors, with deans,  
3 with academic administrators. They're talking with students about  
4 the quality of services and programs.

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

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

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

21           H. PERFETTI: I don't think any of our evaluators  
22 are dismissive of any of our investment practices used at our

1 institutions. We do encourage institutions to think through course  
2 level, program level institutional level assessment, and to leverage  
3 the kinds of assessment practices that's revealed to them, the  
4 achievement of their students, the value of their academic support  
5 services, their student services, and tie all of their assessment  
6 practices to their mission.

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

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

20                   And let me just suggest a more modern approach is  
21 to start with the data, and figure out what it says, rather than  
22 starting with assumptions about the structure, and how the data has

1 to fit into. But I don't want to minimize the good work you're  
2 doing, and I compliment you on that.

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

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

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

18 But at least it's moving in the right direction. And  
19 also, I would just like to suggest that we keep an eye on the four  
20 year graduation rate because after all, there are opportunity costs,  
21 recognizing non-traditional students and their patterns. Obviously,  
22 we want to keep our eye on the longer rates.

1                   But four years, one hopes would be four years of  
2 opportunity cost. What I really want to ask about is as a long-time  
3 college professor is much along the lines of what David has raised.  
4 To what extent does Middle States use these nationally normed  
5 measures, like the -- or advocate for the use of nationally normed  
6 measures like the CLA plus, the proficiency profile? Other ways  
7 of ensuring that we've got rigorous, comparative data.

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

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

18                   And has it ever actually give a show cause against  
19 an institution for failing to demonstrate a clear, and valid way that  
20 student success is not just graduation, but graduation with the skills  
21 and knowledge to be effective in community citizenship and  
22 career?

1                   H. PERFETTI: Thank you for that question. We  
2   certainly have standards and criteria within those standards that  
3   speak to the areas that you are asking about, so institutions are  
4   certainly addressing that as part of the work that they do for us.  
5   And they obviously are being more mindful of some of the  
6   criticisms about student preparedness in particular, after they  
7   complete a credential at their institutions.

8                   And so we are seeing that as a conversation with  
9   our institutions. In terms of show cause whether any have been  
10  placed upon show cause for that particular issue, usually if an  
11  institution is placed on show case it is for a number of different  
12  issues, which can include any of our standards for accreditation, or  
13  requirements of affiliation.

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

19                  I. CORBETT: Let me get us started. This is Idna  
20  Corbett. And to get us started with talking about usually, as  
21  Heather says, institutions there's a combination of matters that  
22  would go into having an institution show cause. We have actually



1 had a couple of institutions within the period that have had a  
2 standard four, or standard five as one of the several standards that  
3 need to be reported on as part of the show cause report.

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

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

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

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

16 D. GILMOUR: Yes. Davie Gilmour, Chair of the  
17 Commission. Prior to being Chair, I was Chair of our follow-up  
18 committee, and the committee that looked at follow-up actions to  
19 Commission actions. And I can tell you that the assessment of  
20 general education, which speaks to a little bit of what you're  
21 talking about, was the topic that was considerably a frequent  
22 discussion point in our follow-up committee action.

1                   The assessment of general education would at times  
2 provide the biggest challenge for institutions. It was a more  
3 complex abstract approach if you will, to assess them, and so it  
4 was very common for us to have that as a criteria that might not  
5 have led necessarily specifically to show cause, but it certainly led  
6 to a warning. It certainly led to the actions taken on behalf of the  
7 Commission.

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

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

19                   M. POLIAKOFF: Well it may be foreign, but it is  
20 absolutely essential part of student success. So, let me narrow the  
21 question down a little bit more. Does Middle States have any  
22 policy, or indeed any guidance about using the kinds of

1 instruments like the proficiency profile, and the CLA plus, that  
2 actually do give some measures of general education success, or  
3 lack thereof?

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

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

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

19           I know your focus is on show cause. We have other  
20 mechanisms for reporting that may not escalate to the level of  
21 show cause, but it certainly could if the circumstances warranted  
22 that an institution be placed on show cause for this particular issue.

1 With being out of compliance with any of our standards, with any  
2 criteria, with any expectation that we may have, the Commission is  
3 always free to take an action of show cause, which is our more  
4 serious non-compliance action.

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

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

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

19 M. POLIAKOFF: Okay. Thank you.

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

22 D. COCHRANE: Thank you so much. Thank you

1 all to Middle States for all the presentation, and all the data so far.  
2 I'm going to go back to ask quickly for a clarification on a data  
3 point that was said at the very, very start of this, which is I believe  
4 the staff person said that 60 institutions had expressed interest.

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

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

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

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

20 And then secondarily, is there anything more you  
21 can say about what specifically it was intimidating, or particularly  
22 challenging for those institutions?

1                   H. PERFETTI: Sure. These were not institutions  
2 that were looking to change accreditors. We have actually had  
3 very few, and the one circumstance of an institution moving from  
4 our region to the New England region is currently the only change  
5 of accreditor that we have had specific to the opportunities for  
6 institutions to be able to do that.

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

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

17                  So we had a couple that were in the pipeline for  
18 different reasons, and that is because their agency was no longer  
19 pursuing recognition. So, we can talk more about what those  
20 institutions look like, and some of the challenges. What I will say  
21 before kicking it over to a member of my team is we identified the  
22 challenges for those institutions, or we identified where they were

1 not appropriate to proceed with us.

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

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

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

22                   And that internal staff review happens in multiple

1 levels, but certainly there are staff members who are reviewing  
2 materials. The Vice President and liaison, who works with those  
3 institutions, and now we have a director of membership, who is  
4 also engaged in that process.

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

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

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

22                   We get to hear evaluators, despite the extensive



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

7 H. PERFETTI: And I will just add to that, thank  
8 you Tracey. We intentionally redesigned our front end processes,  
9 not because they were not rigorous before, but we have an entirely  
10 new committee that was established during this recognition period  
11 to help with the determination about institutions coming to us.

12 And that is our applicant and candidate institution  
13 committee, and certainly an active committee, and well aware of  
14 the changing regulations and the ways in which we want to ensure  
15 a rigorous process on the front end. So I just wanted to highlight  
16 that we have not just staff review, legal review, policy review, but  
17 also a committee dedicated to these front end processes as well.

18 D. COCHRANE: Okay. thank you very much for  
19 that. So I also just wanted to call out a couple things about  
20 complaints. First wanted to say how much I appreciated a few  
21 components of what you've shared, both in advance of the meeting  
22 and today.

1                   One was how the importance of looking for  
2 meaningful data in patterns in the complaints that are submitted. I  
3 just very much appreciate that that was called out as a goal because  
4 I believe it's a very important one. And also that you, in your oral  
5 remarks, talked about the value of appropriate complaint handling  
6 to individual students, even while focused on the standards, that  
7 any issues or complaints that would signal violations of those  
8 standards because I again, think that's a very important component  
9 of the agency's role.

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

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

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

1 despite the nearly 300 complaints.

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

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

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

20 As Heather just shared with you it is an initial  
21 review of the complaints, so our compliance officer goes through  
22 every piece of information that comes in. And I will share with

1 you that we do take a customer service oriented approach to the  
2 complaint's process, and we truly value the information that comes  
3 into us.

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

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

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

19           We then talk about the complaints process. She  
20 brings that to me, and at that point if we see perhaps a pattern that  
21 we talk about how we look at the patterns, we certainly look at the  
22 patterns from the information submitted. But individual

1 complaints across institutions, when we'll pull complaints are  
2 submitted involving the same institution, or perhaps even the same  
3 issue.

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

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

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

1 we're required to do.

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

8                   D. COCHRANE: That's great.

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

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

18                  T. SCHNEIDER: you absolutely did. So, I'll add a  
19 little bit more context to that. We do, in our complaints process --  
20 the formal complaints process, where we ask to submit through the  
21 online complaint. We do ask them to identify, and our policy says  
22 that we ask them to identify the appropriate standard.

1                   But the way we look at that is certainly not to stop  
2 complaints, because an individual hasn't identified the proper  
3 standard. So, a lot of what we receive sometimes is for individuals  
4 who don't quite know what standard might be applicable, and so  
5 they select all of the standards, and all of the requirements of  
6 affiliations.

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

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

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

1 identified as a potential violation.

2 D. COCHRANE: Wonderful. Thank you so much.

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

6 CHAIR PRESSNELL: Okay. Thank you.

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

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

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

20 I really appreciate that. One of the areas that you  
21 brought up in your overview was your public members, and I was  
22 going to raise some questions about a former CFO, and a former



1 college President that were your public members, but it looks like  
2 you've shifted your public members in a way where they are  
3 representatives of employers, and more public oriented.

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

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

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

16                   But in particular, with a local governing body using  
17 it as a reminder, and then if the situation is not corrected we are  
18 able to leverage that and use it to also indicate concerns around  
19 compliance. I don't know if Dr. Pugliese, or Dr. Moseder would  
20 like to take this particular question about the policy itself, but like I  
21 said we have had to issue reminders to institutions, and have  
22 conversations with political figures about our expectations as an

1 accreditor.

2                   And we have leaned on that policy in particular, to  
3 make some of our points about expectations for institutions, and  
4 how they need to stay in compliance. But as you all know, it is a  
5 complicated, political environment for sure, and we do value that  
6 particular policy, and how we've been able to use it when  
7 institutions or systems have needed it as well.

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

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

20                   And so, this caused a lot of issues within the  
21 institution, and so our having this political intervention practice in  
22 policy, was very helpful for the institution to begin to have that

1 separation between what the institution was saying as a challenge,  
2 as well as what the county was.

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

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

15 You brought up the importance of looking at  
16 transfer rates in addition to graduation rates when things involved  
17 community colleges, and that particular college in Michigan has a  
18 33 percent transfer out rate in addition to that graduation rate. So  
19 not as concerning as the 11 percent that was cited.

20 The \$16,000.00 in debt it turns out that only 20  
21 percent of the students at the institution borrow, so looking at the  
22 context of the debt figures is critically important there. They also

1 have a very large nursing program, and it may well be that it's the  
2 nursing program folks who are taking out that debt, and that likely  
3 have good earnings.

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

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

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

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

1 well.

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

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

15                   But then out of the remaining ones graduates from  
16 17 percent of the remaining ones earned more than high school  
17 students, and then graduates from 4 percent of the remaining  
18 programs earned less than high school students. So we do use the  
19 college scorecard information.

20                   H. PERFETTI: Thank you Diana. I will also just  
21 add that another criterion within one of our standards is about post-  
22 graduation outcomes. So, institutions are required to reflect on any

1 aspect of what they know about their students, whether that is  
2 lifelong learning opportunities, whether that is certification exams  
3 that students are needing to pass, or if it is some other element  
4 relating to their student body.

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

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

15           What's failed in this case in terms of what prevented  
16 the responsible closure that you've been trying to achieve in these  
17 kinds of situations?

18           H. PERFETTI: Thanks Bob, for that question. And  
19 I think I'm going to be a little bit more limited in what I'm able to  
20 speak to today for obvious reasons relating to the institution and  
21 potential litigation. But I do want to talk about what did work.  
22 Our Commission took unprecedented actions, as you can see on

1 the public statement of accreditation status, with an immediate  
2 withdrawal of accreditation.

3                   And that was unprecedented for our Commission.

4 We felt that it was necessary to do that in order to protect the  
5 students there, as well as to signal the seriousness with which our  
6 Commission was considering the issues with the institution. We  
7 had been trying to get good information through a teach out plan,  
8 and teach out agreements for many months with the institution.  
9 We took our second unprecedented action when we realized that  
10 was not going to happen.

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

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

22                   And we were posting that publicly through a

1 frequently asked question page, specific not just to students, but to  
2 the public and other constituents that we know have an interest.

3 We did not stop there.

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

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

16                   Hopefully, that answers your question Bob.

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

20                   R. SHIREMAN: Yes. Thank you very much for  
21 that information. I'll ask in a more general way, there have been  
22 sudden closures of both non-profit and for-profit institutions, but



1 the sudden closures are more frequent in the for-profit sector. I  
2 should say. There are great things about a for-profit institution, in  
3 terms of the ability of investors to put money on the line, and take  
4 some risk and try innovative things.

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

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

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

21           H. PERFETTI: Under our policies and procedures  
22 Bob, we will request a teach out plan with teach out agreements

1 whenever we see that it may be necessary, and that is without  
2 regard to sector for the institution. We are requiring teach out  
3 plans earlier.

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

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

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

22           We made a very public call recently to ask

1 institutions to come forward to assist us with opportunities for  
2 students, and we had 12 institutions immediately the same day of  
3 the call, come forward to provide opportunities for students. We  
4 hope in the front end that we can better support institutions who  
5 need to be providing this information in the teach out agreement,  
6 and the teach out plan, to make sure that they're accounting for all  
7 of the critical information.

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

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

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

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

21                   CHAIR PRESSNELL: Thank you Bob. Mary  
22 Ellen?

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

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

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

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

22 But the answer is yes. We rely on peer evaluators

1 from all of our institutions, and the international representative do  
2 some to our other institutions, either abroad or here.

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

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

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

20 How would you say what you're doing with those  
21 institutions does indeed ensure that they are treated in the same  
22 way, they're treated equitably, they're having the same level of

1 review as institutions that are American systems, American based.

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

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

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

17 Teams are certainly trained for nuances that they  
18 may be experiencing. We also, we no longer have the restriction  
19 on international membership, so no institutions in the international  
20 environment can come to us for accreditation, and we are certainly  
21 looking at ways that we can best prepare teams for those  
22 experiences, whether that is additional cultural sensitivity training,

1 or other kinds of preparation that we need for team members.

2 M. E. PETRISKO: Thank you.

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

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

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

20 We would like to draw your attention to a few  
21 matters. In the last few years some students from Bryant and  
22 Stratton College, one school accredited by Middle States, have

1 complained to us that they had student loans they did not expect,  
2 and that the costs are much higher, and program completion time is  
3 much longer than promised during recruitment.

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

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

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

20           We urge the Department to examine whether the  
21 Middle States and other accreditation agencies are strictly  
22 following their policies with regard to substantive change and are



1 providing sufficient review of proposed convergence before  
2 granting approval.

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

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

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

18           Finally, we appreciate that Middle States acted to  
19 withdraw the accreditation of ASA College, when it determined its  
20 standards are not being met. However, we would encourage  
21 Middle States and the Department to examine whether the Middle  
22 States could have acted sooner to protect students, based on its

1 policies, and all that it has learned after a year of warning,  
2 probation and show cause notification.

3 I appreciate your time, and the opportunity to  
4 comment today. Thank you.

5 CHAIR PRESSNELL: Thank you very much  
6 Allison. We'll go with Dr. Thomas DeVere Wolsey.

7 T. DEVERE WOLSEY: Good morning. I can't  
8 start my camera, I'm sorry about that. The purpose of this  
9 statement is to call into question the integrity of the decisions and  
10 accreditation of the Middle States Commission on the Higher  
11 Education. The accreditation industry is called into question by  
12 many other sources.

13 MSCHE has doubled down on questionable policies  
14 and processes. This statement adds to their voices. MSCHE may  
15 have exceeded the scope of its accreditation mandate by  
16 accrediting institutions whose teaching and research operations are  
17 not in, and often not subject to the laws or jurisdiction of the  
18 United States, or any of the separate and collective groups of  
19 states, demonstrated violations by member institutions whose  
20 primary activities occur outside the United States, are beyond the  
21 jurisdiction of the United States, are routinely ignored by MSCHE.

22 MSCHE does not consider itself an investigative

1 body, yet it accepts complaints, which are provided to the member  
2 institutions. At the same time the entire accreditation process,  
3 including complaint responses are shrouded in secrecy, and  
4 covered by overly broad and poorly written confidentiality  
5 provisions, in its bylaws and other governing documents.

6                   Confidentiality, constructed broadly means that  
7 MSCHE cannot be held accountable for its actions by members, or  
8 by students, faculty, staff, or the public at large. The separate and  
9 independent provisions of the Department's criteria that's  
10 compromised due to the lack of transparency, and the probability  
11 to MSCHE, and other such agencies, are incentivized to protect  
12 member institutions, rather than to hold them into account.

13                   Whether the accrediting institutions, such as the  
14 American University in Cairo, Egypt proudly proclaimed their  
15 accredited status without acknowledging that the Department of  
16 Education does not recognize that accreditation, a deception, if not  
17 a fraud, others have similarly noted the lack of transparency at  
18 MSCHE.

19                   Governing documents, particulars at AUC are just  
20 paper used to obtain accreditation. They have no intention of  
21 following them, faculty says their rights are bullied and harassed,  
22 and complaints include multiple violations of democratic

1 procedures in selecting new faculty, selecting Chairs and Deans,  
2 members at the university Senate and so on.

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

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

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

20 MSCHE's responses --

21 CHAIR PRESSNELL: Dr. Wolsey you're out of  
22 time, but thank you very much for your comments.

1 T. DEVERE WOLSEY: Okay. Thank you.

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

6 A. VOGELAAR: Hi. I'm here.

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

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

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

22 It felt like no one was watching. Fast forward 12

1 years to October 2020, when following repeated attempts to  
2 address problems internally, I filed a third party complaint with  
3 Middle States. The complaint addressed failures of leadership  
4 related to chronic issues of harassment and discrimination, and the  
5 absence of basic structures for addressing them.

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

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

17           After several attempts to get in touch with Middle  
18 States about the situation, they sent an email reminding me that I  
19 consented to providing my name -- consent is required in the  
20 system. And informed me that "The Commission does not specify  
21 the procedures an institution must follow once a complaint is  
22 forwarded."

1                   In March 2021, Middle States reaffirmed my former  
2 institution's accreditation, and two months later, after 13 years of  
3 employment I was terminated. On a personal level I feel like the  
4 collateral damage builds into this self-improvement machine. On a  
5 civic level, I think we have to do better to encourage and process  
6 third party complaints, a/k/a whistleblowing.

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

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

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

22                   The country where my institution operates has

1 limited employment protections from harassment, discrimination  
2 and retaliation. There is no Title IX, foreign faculty --

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

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

7 CHAIR PRESSNELL: Yes. Yes, you may begin.

8 A. SHCHEGOL: Okay. Thank you very much.

9 And well, I know I have three minutes, so I'm going to be very  
10 quick. I came with my parents in 1977, \$100.00 in the pocket, and  
11 I was attending -- I came with a master's degree in engineering,  
12 and I was going to a local synagogue, and the Rabbi asked me to  
13 help immigrants from former Soviet Union, to help them with -- to  
14 help them to find a job in computer programming.

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

22 But then I started to work for the school, school got



1 its accreditation from ACSGS. Three years later in 1987, and we  
2 were for a number of years an institution with ACSGS. We got the  
3 Middle States accreditation in 2010. In 2015 we were extremely  
4 very well accredited.

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

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

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

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

20 A. SHCHEGOL: All right. Thank you.

21 CHAIR PRESSNELL: You bet. So, at this time  
22 we'll invite the agency back to respond to the third party

1 comments. Dr. Perfetti?

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

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

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

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

20 It is a very vigorous and comprehensive process that  
21 we require the institution to undertake, and actually it is still  
22 ongoing as we continue monitoring today. I will not go through

1 every single step in that process in the interest of time. However, I  
2 will highlight some key components of the process, specifically as  
3 they relate to Bryant and Stratton.

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

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

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

1 their transaction, and in fact they did that.

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

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

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

19                   And at that time the peer evaluators did say in their  
20 report after reviewing this extensively, that they reviewed lease  
21 agreements, and determined that, "The nature of the real estate  
22 transaction gives the illusion that the new institution entered into a

1 lease with a third party real estate company controlled by the  
2 college President." This is not the case.

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

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

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

19           In this particular situation the Department of  
20 Education has approved the transaction with certain conditions.  
21 Those conditions were provided to the institution in August, and  
22 we as a Commission immediately began reviewing those

1 conditions, and monitoring the institution to ensure that those  
2 conditions as set forth by our federal partner are met, and we did  
3 that through supplemental information report.

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

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

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

22           We are in the process of reviewing our complaints

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

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

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

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

22           However, we do take additional steps to ensure the

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

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

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

18           It may not be anonymous to us, but whether we can  
19 keep that information confidential to the institution, it certainly has  
20 some practical implications for redaction that we need to consider,  
21 but it is something that we are considering as part of our  
22 complaints policy revisions, which will become available for



1 public and membership comment at the end of April.

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

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

8 CHAIR PRESSNELL: Herman?

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

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

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

22 So in this case again, if we would have gotten their

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

7 CHAIR PRESSNELL: Thank you Herman. Bob?

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

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

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

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

20 CHAIR PRESSNELL: Okay. Well be careful what  
21 you say, since you don't work for them anymore. Herman, do you  
22 want to introduce the --

1                   H. BOUNDS: Yeah. I want to make that clear.  
2     Mike Stein has been with FSA for quite a while. He is now with  
3     the Accreditation Group, so he's not representing FSA, but he may  
4     be able to help if the agency, you know, would like him to, you  
5     know, to talk about, you know, those qualifications or  
6     justifications, so that's all I wanted to say. He no longer works for  
7     FSA.

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

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

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

22                  R. SHIREMAN: Thank you.

1 CHAIR PRESSNELL: All right. Very good. We  
2 are now ready to entertain a motion discussion.

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

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

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

18 J. BLUM: I'll second.

19 CHAIR PRESSNELL: And Jennifer seconds. And  
20 then.

21 J. BLUM: Can I also comment?

22 CHAIR PRESSNELL: Yeah. I want to make sure

1 that we get the recommendation up.

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

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

10 A. KEISER: The recommendation was not  
11 substantially compliant.

12 A. SIERRA: Right.

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

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

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

22 J. BLUM: Yeah. And I'll be really brief. I just

1 wanted to sort of held thoughts for the last couple of hours thinking  
2 about, and Herman, thank you for what you said before earlier. I  
3 just want to be really clear about something. When I'm  
4 questioning consistency, I'm not, I totally understand. I said this  
5 yesterday too. That staff is doing a really comprehensive job, and  
6 I'm not questioning.

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

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

19                   Like that's how I'm interpreting that provision.  
20 They have in place, which is much meatier, like what to do when  
21 an institution is leaving. Because they don't have, and it was just a  
22 subsection, it's just when an institution voluntarily withdraws. It

1 doesn't happen in their agency, so they didn't have a policy that  
2 said oh, I'm going to notify the state and the Department.

3                   And so, they're rectifying that I think, right? I just  
4 want to make sure that it's such a narrow issue.

5                   CHAIR PRESSNELL: Yeah. Herman?

6                   H. BOUNDS: Yeah just one correction.

7                   J. BLUM: Okay.

8                   H. BOUNDS: So, we found them non-compliant  
9 with two.

10                  J. BLUM: With subsection two?

11                  H. BOUNDS: With allowing the accreditation to  
12 lapse.

13                  J. BLUM: Right.

14                  H. BOUNDS: They were okay with the withdrawal  
15 part.

16                  J. BLUM: Right. That's true. Sorry you're right.  
17 So, the bigger piece of it they were actually compliant with, but  
18 they don't actually let institutions lapse was their point.

19                  H. BOUNDS: Right. That was the whole concern  
20 is that.

21                  J. BLUM: Right, correct.

22                  H. BOUNDS: I think Reha pointed out that first

1 part, the policy about withdrawal wasn't an issue, it was the (f)(2),  
2 which is they didn't have a policy for allowing, you know, for  
3 notification of a lapse of accreditation.

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

6 J. BLUM: Optional.

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

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

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

22 H. BOUNDS: And just so you know, Reha and I



1 spent about two days trying to figure out which one.

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

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

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

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

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

21 I listened to that, and if I'm wrong about that correct  
22 me. But we did not have a policy. And so now we do have an

1 official written down policy, which I think is also very important  
2 because people can come and go, leaders can come and go, and the  
3 reason to have like a policy that's actually written down is so that is  
4 clear, that that's what's supposed to be happening.

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

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

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

20                   Z. SMITH ELLIS: Excuse me. I also want to say  
21 one quick thing. I want to make sure it highlights 602.26(f)(2).  
22 They were, they did have a policy and they were in compliance

1 with (f)(1), so I just want to draw that distinction for the record.

2 CHAIR PRESSNELL: We need to add the number  
3 2? F?

4 Z. SMITH ELLIS: Yes please.

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

8 J. BLUM: Can I just before we vote, I just want to  
9 ask -- Zakiya made me think of a question I wanted to ask Herman.  
10 I think I know the answer to this. So if on this it's a monitoring --  
11 they're still coming back. They're coming back with a monitoring  
12 report, just to the staff, and assuming the staff checks the box on it,  
13 we don't see it again.

14 On the first recommendation, the staff's  
15 recommendation, on a non-compliance, the compliance report --  
16 they would have to come back before us on this one item.

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

18 J. BLUM: Okay. I just wanted to point that out  
19 publicly because that seems like when David and I were talking  
20 yesterday about burdens to have to come back before the  
21 Commission on this one issue. It's not that we're saying that Art  
22 and I are saying there's nothing to be done. They're going to have

1 a monitoring report, so I just wanted to make that distinction.

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

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

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

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

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

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

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

21 CHAIR PRESSNELL: Yeah. They may be able to  
22 do it in a day.

1                   A. SIERRA: Let me just check the reg language  
2 real quick.

3                   CHAIR PRESSNELL: Okay.

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

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

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

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

21                   And I just wanted to say for the record that I think it  
22 is important, and the reasons why I think that's important. But in

1 the spirit of what they are doing feels like not necessary to kind of  
2 create the burden of a whole new thing, although we would love to  
3 see you again in 12 months probably not necessary for just the --

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

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

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

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

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

21 A. SIERRA: Okay. So we just looked at the  
22 regulation in 602.34 and it just says with a set deadline to be

1 reviewed by Department staff, to ensure that corrective action is  
2 taken, and full compliance is achieved.

3 CHAIR PRESSNELL: Okay. Within 12 months.

4 A. SIERRA: It could be periodic, but.

5 CHAIR PRESSNELL: Within 12 months. All  
6 right. We've got it. We have language. Any other comments?  
7 Let's take the vote.

8 G. A. SMITH: Kathleen?

9 K. ALIOTO: Yes.

10 G. A. SMITH: Jennifer?

11 J. BLUM: Yes.

12 G. A. SMITH: Wally?

13 W. BOSTON: Yes.

14 G. A. SMITH: Debbie?

15 D. COCHRANE: Yes.

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

17 J. L. CRUZ RIVERA: Yes.

18 G. A. SMITH: David?

19 D. EUBANKS: Yes, with a quick comment. I  
20 think the student achievement progress shown here is good, and I  
21 would hope that the Department could begin to accept that as an  
22 expectation for this committee to review such dashboards with

1 narrative.

2 I am concerned about the international question, but

3 I don't know enough about it so.

4 G. A. SMITH: Molly?

5 M. HALL-MARTIN: Yes.

6 G. A. SMITH: Art?

7 A. KEISER: Yes.

8 G. A. SMITH: Michael Lindsay? Are you still on?

9 Michael Lindsay? Robert Mayes?

10 R. MAYES: Yes.

11 G. A. SMITH: Mary Ellen?

12 M. E. PETRISKO: Yes. And my comment is that I

13 would recommend for any further reviews for accrediting bodies

14 that are accrediting institutions outside the United States, that they

15 take a particular look across all the criteria for challenges of

16 institutions operating abroad.

17 A legal issue came up in the third party comment,

18 but there are a myriad of other things that they're just -- they're

19 different institutions. They have to operate in a different way, and

20 they have specific challenges that I think the accreditors, they're

21 certainly aware of and they can be very challenged.

22 One, for example, many years ago the American



1 University in Paris had to stop offering a major in French. I won't  
2 go into why.

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

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

7 G. A. SMITH: Bob Shireman?

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

10 G. A. SMITH: Zakiya?

11 Z. SMITH ELLIS: Yes.

12 **Recommendation: Continue the agency's**  
13 **recognition as a nationally recognized accrediting agency for**  
14 **five years, and find the agency substantially compliant with 34**  
15 **CFR 602.26(f)(2) with, and submit a monitoring report within**  
16 **12 months.**

17

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1 Renewal of Recognition: Accreditation Commission for Midwifery  
2 Education

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

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

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

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

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

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

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

1 the agency please.

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

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

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

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

17                  The agency's recognition does not include access to  
18 Title IV programs. The staff recommendation to the Senior  
19 Department Official for this agency is to continue the agency's  
20 recognition as a nationally recognized accrediting agency, and  
21 require the agency to come into compliance within 12 months with  
22 the criteria.

1                   Specifically 602.26(f), and submit a compliance  
2 report due 30 days thereafter that demonstrates the agency is in  
3 compliance. This recommendation is based on a review of the  
4 agency's petition and supporting documentation, as well as three  
5 virtual observations, a Board meeting, file review and site visit.

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

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

17                   And the agency did not receive any complaints  
18 regarding -- this agency, the Department, did not receive any  
19 complaints regarding this agency during the recognition period.  
20 This concludes my presentation. The agency representatives are  
21 here today to answer any questions. Thank you.

22                   CHAIR PRESSNELL: Thank you Karmon. And

1 we'll invite the agency representatives. And Angela Smith? Can  
2 you all hear me? I'm trying to see. I have Angela Smith and then  
3 Anne Cockerham.

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

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

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

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

21 And on behalf of ACME's volunteer members of  
22 our Board of Commissioners, the Board of Review, Advisory

1 Committee, and Site Visitor Panel, I'd like to express how proud  
2 we are of ACME's commitment to ensuring that Midwifery  
3 education programs are in compliance with our carefully  
4 considered criteria, are high-quality and provide learning  
5 experiences that benefit students, and importantly the clients and  
6 communities we serve as midwives.

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

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

13 The Accreditation Commission for Midwifery  
14 Education, ACME, is very committed to ensuring that midwifery  
15 programs operate at the highest level of quality. I joined ACME in  
16 2020 during the pandemic, and I can say that it was, and has been  
17 one of the best decisions that I have made.

18 The commitment to program excellence, midwifery  
19 and student achievement is unmatched. ACME fully understands  
20 that when programs are well-designed and functions at the highest  
21 level of quality it can lead to the best outcome for students. Am I  
22 frozen?

1 CHAIR PRESSNELL: No. That's fine. Thank you  
2 very much.

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

5 CHAIR PRESSNELL: Okay.

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

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

18 Therefore, we're not only looking at what we do,  
19 but as important, we looked at why we do what we do. The  
20 evidence is clear. High quality midwifery education programs is  
21 essential to improving quality of care, and reducing maternal and  
22 youth mortality and morbidity.

1                   Each day we have high-skilled, experienced,  
2   passionate and committed Commissioners, decision makers, site  
3   visitors, and more, working within ACME to advance midwifery  
4   education, and we are very proud of the outcomes.

5                   Today there are 43 ACME accredited programs, and  
6   there are several programs that are seeking for accreditation.  
7   Certification pass rates continue to increase. We have five  
8   programs that have achieved 100 percent certification rate in 2021.  
9   Graduation rates and programs exceed 88 percent, though good,  
10   we will continue to look at our processes that can lead to increases  
11   in those numbers.

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

21                  We take seriously accreditation. We operate with  
22   transparency, integrity and an undisputed commitment to advance



1 an excellent and appropriate education. And in December 2022,  
2 we received one of the best compliments ever. A group of students  
3 from an ACME accredited program reached out to ACME, and  
4 thanked ACME for our work, and what it means to them as  
5 students and future midwives. Thank you, and thank you for your  
6 time today.

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

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

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

18 A. SMITH: Our policies and procedures, as well as  
19 our criteria speak very clearly what the expectations are. We are  
20 very committed to breaking down these barriers. We lend  
21 ourselves to stakeholder meetings, to continue to advance our  
22 commitment to ensuring that the work that we do have a large

1 impact in reducing those negative statistics, and I will let Eva and  
2 Anne speak to what's happening at the program level. Eva do you  
3 want to lead off?

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

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

13 Z. SMITH ELLIS: Thank you.

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

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

1 received the actual notification that the program was going to  
2 close.

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

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

9 A. SMITH: Yes. That is correct.

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

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

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

19 A. SMITH: We are very committed to midwifery  
20 education, the success of each program. As stated, we are  
21 constantly mindful of what our work results in, not just short-term,  
22 but long-term. And so we are 100 percent committed to making

1 sure that all midwifery education programs operate at the highest  
2 level of quality.

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

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

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

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

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

16 D. COCHRANE: Could I ask a question first?

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

21 D. COCHRANE: Thanks. No. I guess I'm looking  
22 at the recommendation, and I don't know how frequently this

1 policy does come up, but it looks like the agency is intended to  
2 demonstrate the application of its policy, so I guess I'm just  
3 wondering if that's going to be an issue with the defined time  
4 period of needing to demonstrate that. How often do programs or  
5 institutions withdraw?

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

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

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

21 I totally 100 percent agree. It may not occur again  
22 during the 12 month period. We were just stuck at what we

1 thought we could apply here, and try to evaluate, you know,  
2 fairness, and ensuring we treat everybody the same way. So we  
3 went with the non-compliant. I mean everybody else can have  
4 other opinions. I mean this is just the issue with substantially  
5 compliant.

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

12 CHAIR PRESSNELL: Jennifer?

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

17 So under what you have now they're going to be  
18 required to have a compliance report and come back before us.  
19 They're likely going to -- I mean we can't predict. Maybe they'll  
20 have situations, but let's just say they don't, right? So they don't  
21 have a situation, so they can't come into compliance because they  
22 don't have a situation.

1                   So they're going to come here, you know, virtually  
2 or whatever, and we're going to be sitting here a year from now.  
3 Well first, you're going to have a conversation, then we're going to  
4 be sitting here a year from now saying okay, now what do we do  
5 with they don't have a situation, so we don't -- they haven't had the  
6 circumstance, or we don't know what to do.

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

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

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

1 you know, from one another.

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

7                   CHAIR PRESSNELL: Bob?

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

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

11 Absolutely.

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

14                  H. BOUNDS: Absolutely.

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

21                  CHAIR PRESSNELL: Thank you Bob. Mary  
22 Ellen?



1 M. E. PETRISKO: That's sort of what I was going  
2 to ask. The SDO is going to see this staff recommendation, so  
3 even if we veered wildly from the staff recommendation, the SDO  
4 is the final arbiter of this anyway, so we could just say they're fine,  
5 or whatever we want to say. Because the SDO is going to make  
6 the decision, and see both recommendations.

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

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

12 CHAIR PRESSNELL: Totally.

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

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

20 CHAIR PRESSNELL: I think that's good, and to  
21 Bob's point and Zakiya your point right now is the fact that the  
22 SDO is going to be privy to all the conversation, and our concerns

1 are now being voiced out loud and so this is going to be in record,  
2 so bring it. Any other -- a motion and a second has been made.

3 Oh, I'm sorry.

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

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

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

1 sense.

2 CHAIR PRESSNELL: Oh common sense? Okay.

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

5 D. EUBANKS: I withdraw the comment.

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

9 G. A. SMITH: Kathleen?

10 K. ALIOTO: Yes.

11 G. A. SMITH: Jennifer?

12 J. BLUM: Yes.

13 G. A. SMITH: Oh boy, Wally?

14 W. BOSTON: Yes.

15 G. A. SMITH: Debbie?

16 D. COCHRANE: Yes.

17 G. A. SMITH: J. L.?

18 J. L. CRUZ RIVERA: Yes.

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

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

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

22 K. CURRY: Abstain.

1 G. A. SMITH: I'm sorry. Eubanks?

2 D. EUBANKS: Yes.

3 G. A. SMITH: Molly?

4 M. HALL-MARTIN: Yes.

5 G. A. SMITH: Michael Lindsay is he out? Okay,

6 absent. Robert Mayes?

7 R. MAYES: Yes.

8 G. A. SMITH: Mary Ellen?

9 M. E. PETRISKO: Yes.

10 G. A. SMITH: Michael Poliakoff? Michael? I

11 don't see him.

12 M. POLIAKOFF: Yes.

13 G. A. SMITH: Okay. Bob?

14 R. SHIREMAN: Yes.

15 G. A. SMITH: Zakiya?

16 Z. SMITH ELLIS: Yes. And I would like -- can

17 you hear me? Yes. I would like to add a comment that we

18 recommend the SDO explore renewing, and just requiring the

19 monitoring report, even though that is not something that NACIQI

20 can necessarily recommend.

21 CHAIR PRESSNELL: Very good. Duly noted,

22 and so the motion passes. 12 positive votes, and so thank you all

1 very much, and thank you to the agency. I've got 12:23, so we'll  
2 start probably at one o'clock. All right. Thank you, and it will be  
3 New England will be up at one o'clock.

4 (Lunch Break 12:24 p.m.)

5 **RECOMMENDATION: We accept the staff**  
6 **recommendation to renew with a requirement that the agency**  
7 **come into compliance within 12 months, with the criteria that**  
8 **was listed on the final report.**

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1 have recently applied for accreditation through the New England  
2 Commission. Originally under another name, the Commission has  
3 been on the Secretary's list of recognized accrediting agencies  
4 since 1952.

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

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

9 CHAIR PRESSNELL: Yeah. Thank you.

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

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

22 And then submit a compliance report 30 days -- I'm

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

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

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

19 Based upon the review of the response to the draft  
20 staff analysis supporting documentation observations, file review,  
21 and follow-up communication with the agency, department staff  
22 has identified issues that remain in the final staff analysis



1 pertaining to organization and administrative requirements, and  
2 required operating policies and procedures of the petition.

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

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

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

21           CHAIR PRESSNELL: Thank you Dr. Harris. Any  
22 technical clarification questions for Nicole? Bob?

1                   B. SHIREMAN: Yes. I had one relating to rapid  
2 growth, one of the areas that you looked into was how the agency  
3 addressed rapid growth in institutions. And I think my  
4 understanding is that it had to do with rapid growth in the number  
5 of locations of institutions.

6                   And I just wanted to clarify the regulation there.  
7 Does the regulation related to rapid growth of institutions only  
8 relate to locations, or does it relate to both enrollment and  
9 locations, and they only had the problem on locations?

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

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

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

22                  CHAIR PRESSNELL: Yeah. Herman?

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

4                   R. SHIREMAN: Perfect. Thank you.

5                   H. BOUNDS: Okay.

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

9                   R. SHIREMAN: Perfect. Thank you so much.

10                  N. HARRIS: No problem.

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

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

19                  L. SCHALL: Thank you very much, and good  
20 afternoon to all of you. I have with me Pat O'Brien, our Senior  
21 Vice President, Laura Gambino, and Carol Anderson, both Vice  
22 Presidents. Russell Carey is with us all day yesterday and with us

1 this morning, but he had a meeting. I'm not sure. Russell are you  
2 with us?

3 R. CAREY: I'm here.

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

6 R. CAREY: Thank you. Good afternoon members  
7 of the Committee. As Larry referred, mentioned, my name is  
8 Russell Carey from Brown University in Providence. I serve as  
9 Executive Vice President for Planning and Policy. I served with  
10 great pride in the New England Commission of Higher Education  
11 since 2017, including two years as Vice Chair, and became Chair  
12 in July of this year, and will serve in that capacity for two years.

13 I will make my remarks as brief as I possibly can. I  
14 do want to note that the Commission is made up of approximately  
15 28 members, including 4 public members. Our criteria for public  
16 members is actually more restrictive than federal requirements, and  
17 we require that public members not have -- can't have had any  
18 association with one of our member institutions for a full decade  
19 prior to serving on the Commission.

20 The Commission of volunteers meets four times a  
21 year for two days each, and every Commissioner spends many  
22 hours in preparation for each meeting. Meetings which typically

1 include 50 to 60 agenda items.

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

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

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

21                   But we do rely on companies like NECHE,  
22 particularly around specific issues like financial reviews. They

1 only make recommendations to the Commission. The full  
2 Commission is our decision making body, deliberates and votes on  
3 all actions. As I'm sure you're acutely aware, the demographics in  
4 the New England region are challenging for higher education. Due  
5 to those trends we've seen a relatively significant number of school  
6 closures and consolidations.

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

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

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

22                   Most recently, after intense and ongoing oversight

1 at Bay State College, for example, the Commission is determined  
2 to withdraw its accreditation. That decision is the subject of an  
3 ongoing appeal, which will be cited in the coming weeks.

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

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

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

20           I thank you for your attention, and your  
21 commitment to excellence in higher education. I, and my fellow  
22 Commissioners are proud to carry out that mission with you. I am

1 pleased to return the screen to my colleague and our President  
2 Larry Schall. Thank you.

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

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

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

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



1 well before the year is up.

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

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

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

17                   What has been new for me is the tremendous  
18 amount of activity that Commissioner Carey referred to on the  
19 public side of our work, and I think that's something that does not  
20 get enough attention nationally. There's been this extremely high  
21 level of merger and consolidation activity on the public side in  
22 Connecticut and Vermont and in Maine.

1                   As Dr. Carey noted, with our scope moving to  
2 regional or national, we've been excited to welcome a number of  
3 New York schools to the New England Commission, most of them  
4 have come over from the New York State Board of Regents, which  
5 made the decision to end its accreditation activity.

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

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

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

22                   There are numerical benchmarks, sort of bright lines

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

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

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

20           I had a conversation just this past Monday with the  
21 President of an institution that we had placed on probation, and  
22 we've since removed that status that he wanted to share with us in

1 front of the Commission tomorrow, and we'll share with the  
2 Commission it was the placing of that institution on probation.  
3 That really did allow them to take the measures they needed to  
4 move forward.

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

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

17                   As a result of our oversight and work with  
18 institutions, we've seen a number of examples of schools that have  
19 been able to make significant progress and improvement. Overall,  
20 if you look at the graduation rate from all our schools collectively  
21 in the last five years, that number has moved from 57 percent to 63  
22 percent for two year schools collectively.

1                   If you look over a ten year period that graduation  
2 rate for full-time, first-time students has gone from 16 percent to  
3 22 percent. And as I looked over the list of those, particularly  
4 community colleges who've shown improvement over the last five  
5 years, I pulled a list of 36 examples.

6                   I'm not going to read them all to you know, but if  
7 you look at Community College of Rhode Island, it's gone from 12  
8 percent to 30 percent. Community College of Vermont from 17 to  
9 24 percent. Greenfield Community College in Massachusetts, 22  
10 to 28 percent.

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

17                  While we are strengthening our work in this area,  
18 the Commission also expects that institutions just aggregate data  
19 according to their student populations. There are currently two  
20 institutions, Roxbury Community College and Anna Marie College  
21 that have either a notation, or a notice of concern for educational  
22 effectiveness, and the Commission is closely monitoring them.

1                   In order to strengthen our use of data, and the  
2 institution's use of data, we have recently created a data and  
3 research advisory group. They convened just this past fall, and  
4 their report will be due to us this spring. That group is comprised  
5 of institutional research, academic and student affairs, and finance  
6 experts from peer institutions, as well as external members.

7                   And they're conducting an in-depth review of the  
8 data that we collect, how we use that data, and what are the gaps in  
9 that data. And the recommendations of that group will come to the  
10 Commission in the fall. Among the things we are looking at, and  
11 whether there is a reliable income data, that we may be able to use  
12 to help assess the effectiveness of our schools.

13                   Some of our schools currently use that data, others  
14 less so. So we've taken a look at some of the tools that have  
15 emerged recently, and while there are serious limitations to those  
16 we do think it's an important area to explore. Overall we accredit a  
17 little over 200 schools. Since 2019, we have issued a notice, a  
18 notation, or placed a school on probation to 33 institutions.

19                   That represents 15 percent of our institutions. Since  
20 2010, as a percent of our members, the New England Commission  
21 has withdrawn accreditation from a larger number of schools as a  
22 percent than any other of our regional accreditors. Five schools

1 have had their accreditation withdrawn.

2                   Another five have voluntarily withdrawn their  
3 accreditation, and here's sort of an astonishing number, and 14 of  
4 those have merged with another non-profit institution. Pine Manor  
5 merging into Boston College, Andover Newton Theological  
6 Seminary merging into Yale, Marbel merging into Emerson,  
7 Daniel Webster into South New Hampshire, Wheelock into PU and  
8 on.

9                   I know the accreditor dashboard is of interest to  
10 you, and we have spent quite a bit of time studying the results, and  
11 I want to share a few data points from what we've discovered. Not  
12 surprisingly, we are among the smallest of the group of formerly  
13 regional accreditors, especially in terms of numbers of students.

14                   We have fewer than 1 million student across all our  
15 institutions, while some of our peers are in the 5 million dollar  
16 range. We also have far fewer large institutions. We have only  
17 three that draw more than 200 million dollars in Title IV funds,  
18 compared to other regions that have 25 or 30.

19                   That's partly, of course, because we are heavily  
20 represented by private institutions as opposed to large public ones.  
21 And I'll add another data point. Just two of our schools of the 200  
22 are for profit, and both are small, and as I stated we just withdrew

1 accreditation from one of those two.

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

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

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

20                   CHAIR PRESSNELL: Thank you very much, and I  
21 appreciate that sensitivity to time. So, I'll turn it over to David  
22 Eubanks.



1                   D. EUBANKS: Yes. Thank you. I'll also try to be  
2 brief. I really appreciate your overview of student achievement,  
3 and I don't know how you feel about this, but including that  
4 evidence in the petition to the Department would flush out what  
5 seems to be overwhelmingly about procedure, documentation and  
6 procedure.

7                   I don't know if this is just a cultural shift, or what.  
8 But having the actual evidence that the procedures amount to  
9 something makes all the difference, just like it does with an  
10 institution. I had to -- this may be my limitation in trying to read  
11 through this, but I had to read down to the third party comments to  
12 even find out that there's the CRAC recommendation of 25  
13 percent, four year schools was in place.

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

20                   L. SCHALL: So that's what the data research and  
21 data the advisor group was looking at. What is the information we  
22 collect? What do we do with it? What do we make public? What

1 don't we make public? What might we share back to institutions?

2 What might we share on our website?

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

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

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

19                   I had just a couple of questions that are relevant to  
20 the rigor requirement that's sufficiently rigorous for student  
21 achievement which I've been focusing on. So the first one is kind  
22 of a weird litmus test that I've been asking, and it has relevance I

1 can explain. But four year, I think it's standard four we were  
2 looking at, student outcomes, that's right, standard.

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

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

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

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

1 would consider that in relying with the standards as well.

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

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

12                   You don't really need this artificial distinction, but it  
13 is relevant because the peer reviewers will use that as prejudice to  
14 say oh great, you're in direct, you can't use that. However, there's a  
15 lot of evidence that creates our report for all kinds of things.

16                   Of course, transcripts go out the door, right? We  
17 like to believe that they are reliable indicators of learning, so we  
18 can't get away from that. But also, evidence linking it to retention,  
19 graduation learning, and in one report recently the increase in  
20 graduation rates may be partly attributable to the rigor of the  
21 grades.

22                   So I'm making this point because in the last three

1 decades we've spent a lot of time gearing up organizations within  
2 universities spent a lot of time trying to gather data and use it,  
3 when we've already got free data that links to everything we know  
4 about students is obviously important. This may come back to the  
5 common sense idea.

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

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

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

20                   P. O'BRIEN: Certainly. I'm just looking now at  
21 standard five, and it talks about the institution's ability to admit  
22 students who can be successful in the institution's academic

1 program. So the expectation that the institution would admit those  
2 who have the potential to benefit, and to be successful in the  
3 academic programs that are being offered, yes.

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

10 Those essentially boil down to logistic regressions.  
11 When I look at the data forms all I saw was kind of raw data, like  
12 SAT averages. Do you require the institutions to do actual  
13 predictors and use those?

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

17 D. EUBANKS: Okay. I would encourage you to  
18 think about the link between does recruitment estimates of  
19 probability success, what that can tell you about causal factors that  
20 lead to retention and graduation because I think it's really well-  
21 known that all of those are interconnected, and it's not that hard to  
22 do.

1                   Institutions are already doing it when they set  
2 admission requirements, they just may not be doing it very well,  
3 and this is the way that standard I think could be extremely  
4 powerful. I'll just say that the New England Commission has just  
5 25 percent guideline, and you have the recruitment, so does Middle  
6 States.

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

12                   CHAIR PRESSNELL: Bob?

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

17                   I took note of what you had to say in your overview  
18 about your own data driven financial reviews, and the fact that it  
19 looked at multiple factors and red flags, and over a five year  
20 period. Have you found that the use of that financial review tool  
21 has been more useful than the composite score in getting you some  
22 kind of advance information about possible financial problems?

1                   L. SCHALL: Yes. To be blunt, absolutely. And  
2 what's important is that, you know, we do this quantitative screen  
3 on an annual basis for all the private institutions, but we don't stop  
4 there. So when a school screens in, and then we sort of see there's  
5 more, and we have red flags and yellow flags.

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

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

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

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



1 valuations and things like that.

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

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

15                   I.. SCHALL: Pat, do you want to pick this up if you  
16 would?

17                   P. O'BRIEN: I'm certainly happy to. The  
18 Commission annually collects information through an annual  
19 report about enrollment, and when enrollment gives an indication  
20 of rapid growth there is a follow-up. Typically Commission staff  
21 will contact the institution to request information about the reasons  
22 for the rapid growth.

1                   What I will say about the institution that you  
2   named, Southern New Hampshire University, is that it is subject to  
3   frequent monitoring by the Commission, for a number of  
4   circumstances, substantive changes, progress reports. The  
5   institution will be submitting its interim report next year, and will  
6   have a focused evaluation at the time that it submits that interim  
7   report, in large measure in response to the number of changes, and  
8   the pace of growth at the institution.

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

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

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

21                  R. SHIREMAN: Thank you, and now that you're a  
22   national accreditor you might have some more institutions that end

1 up growing rapidly. I wanted to ask about written arrangements,  
2 and your activities around written arrangements. These are related  
3 to contracts with OPM's and other third party providers of  
4 programs and support.

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

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

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

21           L. SCHALL: Yeah. I can say first I think as we all  
22 know the Department has been active in this area, and we will be

1 submitting comments along with our CRAC colleagues. Pat, do  
2 you want to share thoughts on this?

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

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

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

1 of all courses for which its credit is awarded.

2 And that would include the involvement of faculty.

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

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

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

19 The relationship of that individual to the institution  
20 is clear, so yes. The expectation is that anyone who is not an  
21 employee of the institution, interacting with those two categories  
22 would make clear that they are not an employee of the institution.

1                   R. SHIREMAN: Great. Thank you. My last  
2 question, at least for now, you I noticed a standard requiring  
3 institutions, and I think this is really an important standard, have to  
4 public faculty credentials, so making sure that there's a public  
5 place where you can find out who are the faculty that work for this  
6 institution, and why does the institution think they're qualified to  
7 do their jobs?

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

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

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

20                  And so, the specific standard is a list of its  
21 continuing faculty, along with the degrees held and the institutions  
22 granting them. So, for students who want to understand that level

1 of information about the faculty with whom they will be working,  
2 that was available to them on the institution's website.

3 R. SHIREMAN: Thank you.

4 CHAIR PRESSNELL: Thank you Bob. Okay.

5 Art?

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

11 L. SCHALL: Sure. I visited two institutions in the  
12 last week and a half that have notices. So when a Commission  
13 issues a notice, what we're saying is we believe you are in  
14 compliance with a standard, but we feel like there's some risk at  
15 some point that that compliance may, you know, is at risk.

16 And we send very detailed letters to that institution.  
17 And notices of private communication to the President and the  
18 Chair of the Board, and it is always followed up by a visit from the  
19 President of the Commission, face to face visit, with the President  
20 and the Chair of the Board to express our concern, to hear what  
21 their plans are.

22 And so, you know, from our November meeting,

1 which is our last meeting, I've had several visits, and both with the  
2 President and the Chair of the Board. We think it's important that  
3 it not just be with a President, but the Chair of the Board is aware.  
4 We get a sense if the Board is paying attention.

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

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

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

22 And that is a public notice. It goes on our website.



1 It goes on the institutions website. And again a notation can be  
2 issued coming out of a financial screen. It could be issued coming  
3 out of the complaint. It could issued coming out of an interim, a  
4 comprehensive, a focus visit.

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

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

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

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

20 L. SCHALL: Well so, you know, we find it to be  
21 really helpful, because what you don't want to do is sort of say to a  
22 school yeah, you're fine, you're fine, you're fine, you're off the

1 table you're on probation. This is sort of a warning saying we have  
2 concerns. We do it, so the notice is a private communication  
3 between the Commission and the President and the Board Chair.  
4 The notation is when we feel like you're not yet off the table, but  
5 you're very close to the edge, and the public needs to know.

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

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

18                   When I look at that and I'm saying wow, two-thirds  
19 of the students are failing, and not completing their programs.  
20 How do you justify that you're looking at the inputs saying these  
21 people are capable, yet you're being proud of the fact that two-  
22 thirds of them don't finish.

1                   L. SCHALL: Well community colleges are, you  
2 know, for the most part, open admission. Not every program, you  
3 could have seven nursing programs that need to be selective, and  
4 they should. But for the most part they're open admissions.  
5 They're meant to help students and families who probably have  
6 never been to college, the parents have never been to college, to  
7 succeed.

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

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

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

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

21                  A. KEISER: Then how do you have a policy that  
22 requires a determination of probability of student success when it's

1 open enrollment at a community college?

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

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

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

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

1 case, and?

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

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

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

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

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

21 L. GAMBINO: Again, I think that graduation rate is  
22 not as we know, always the best metric for community colleges

1 and open access institutions. And that's why we -- the  
2 Commission when it looks at graduation rates, now asks  
3 institutions to provide broad context, and to provide those  
4 additional metrics, and then as Larry was saying, our data and  
5 research advisory committee right now is in the process of putting  
6 together a more robust student success dashboard that will provide  
7 that more complete picture of both the students at the institution.

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

14                   A. KEISER: Thank you.

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

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

21                   CHAIR PRESSNELL: Thank you. Debbie?

22                   D. COCHRANE: Thank you so much. So I would

1 also like to echo some of Bob's comments and praise for the  
2 thinking around the financial aspect, and financial reporting that  
3 you all are doing. It's incredibly important work, and I think the  
4 rest of the field can learn a lot from it.

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

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

19 So, I do see that you referenced that the agency gets  
20 between 7 and 10 complaint inquiries a year -- I'm sorry, 7 to 10  
21 complaint inquiries per month, which would translate to 84 to 120  
22 per year. I understand that there's eight separate criteria that need

1 to be considered when a complaint is submitted. Not listed in  
2 those eight criteria, but also required is that the complaints are  
3 submitted by a named impacted individual, so it can't be  
4 anonymous, it can't be a parent, or other third party.

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

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

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

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

22 Complaint inquiries, complaints, public comments



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

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

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

19           And, so we handle a lot of these issues outside of  
20 the formal complaint process. If a situation comes up that comes  
21 in through an email that myself and Commission staff will  
22 evaluate, and feel it rises to the level of a complaint, we will act on

1 it immediately.

2                   A couple of examples, a student -- an institution had  
3 an off campus location out of state, and the coordinator emailed us  
4 about insufficient student services. And we thought that was very  
5 important, acted on it immediately. The Commission acted on it,  
6 and the institution was asked by the Commission to provide a  
7 report on ensuring that student services were sufficient at that off  
8 campus location.

9                   L. SCHALL: I do want to add that -- thank you  
10 Carol. We revised our complaint process in I think November of  
11 2022. We used to require complaints to sent in by hand, they had  
12 to be signed, and now we've got an online form that we think is  
13 much easier to fill out.

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

18                   C. ANDERSON: And I would just add that over  
19 the recognition period the Commission received 30 comments that  
20 were not at the time of the comprehensive, and 16 of those  
21 comments did make it to the Commission. And all 16 of those  
22 comments the Commission asked the institution for follow-up

1 reporting, either in their self-study, their interim report, or in  
2 another form of monitoring.

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

9           So, we will, you know, provide that student with  
10 additional resources. The primary category is individual  
11 grievances, and we take those very, very seriously, and as I  
12 mentioned we often contact someone at the institution to assist.  
13 And then of course, the institutional matters will fall more into the  
14 formal complaint process. So, we're handling complaints at all  
15 different levels.

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

22           I know one of the next step after what would be

1 considered by the Commission, and actually may I ask, the 22 and  
2 25 that you said would be considered by the Commission. Is that  
3 at the staff, or that's at the Commission? That would be placed on  
4 the agenda for a Commission meeting?

5 L. SCHALL: On the agenda.

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

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

14 C. ANDERSON: That's correct.

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

16 C. ANDERSON: Correct.

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

22 C. ANDERSON: Not the committees, the

1 institutions. I will call the institution directly.

2 D. COCHRANE: Okay.

3 CHAIR PRESSNELL: Okay.

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

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

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

7 discussion at some point for NACIQI.

8 CHAIR PRESSNELL: All right. Jennifer?

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

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

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

12 of what you've said during the introduction about the number of

13 mergers and transactions, I'm going to call them transactions.

14 I know they're in the non-profit space, but they're

15 still transactions. The number of transactions that are going on in

16 New England, relative to the areas of non-compliance that the

17 Department staff found. And I actually want to frame this as a

18 potential opportunity for the agency to sort of stand out, because

19 some of the mergers that are going on, I've been following some of

20 them.

21 You know, I view them as, you know, it's a little

22 depressing because of the demographics, but also, you know,

1 potentially innovative if the results are good. So, I want to ask in  
2 the situation where you're seeing for example, systems merge the  
3 community colleges in Connecticut you know, becoming a system  
4 if you will. How are you looking at that in the sub change process  
5 in particular?

6                   And I'd take it out of the context I just mentioned,  
7 the name of a system, but maybe let's make it a general question,  
8 rather than pinpointing a particular institution. How are you  
9 looking at what I presume will be shared services, which I might  
10 say might include some written agreements between the  
11 institutions for at least some services, like back office services?

12                   I assume that's part of the reason that they're doing  
13 it. Shared instruction, which also might be happening as a result of  
14 some of these mergers where if the identification of the schools  
15 remain separate, so and I don't know that that's the case.

16                   So I just kind of want to understand when you're  
17 looking at these types of transactions, how are you helping the  
18 institutions perhaps maximize efficiency and resources, but also  
19 where do they fit in to your various different standards?

20                   And then I know I'm putting a lot out there, but then  
21 I also really specifically it's a little bit ironic that you're doing a lot  
22 of -- well relatively speaking, a lot in this area, and yet you have

1 the Department has found non-compliance on two pretty important  
2 sub change policies. And so, I'm interested to hear. I know you've  
3 already sort of rectifying that with new policies, so I'm just  
4 interested in how you're coming into compliance, given everything  
5 that you're doing in the transaction space?

6                   Hopefully that's not too much of a mouthful.

7                   L. SCHALL: No. I think I got it. So let me, I am  
8 going to take Connecticut as an example because it's a public  
9 institution and there's nothing secret that's happening there. So  
10 they came to the Commission six years ago with a proposal to  
11 consolidate their 12 community colleges into a single institution  
12 with 12 campuses, 12 different locations.

13                   So it would be, you know, like any other single  
14 institution that had multiple sites. And the Commission responded  
15 to them that they came under sub change proposal that we did not  
16 believe that the new institution, if established, would meet all of  
17 our nine standards.

18                   And we gave them a very specific standard by  
19 standard where we felt like they had fallen short, and gave them a  
20 sort of marching orders in order to come into compliance about  
21 things they needed to address. And over the six years -- Pat will  
22 know this more precisely, but they have probably been in front of

1 the Commission six times, 10 times, you know, I can't remember,  
2 but in front of the Commission regularly.

3 This past year now I've been in front of the  
4 Commission three times. And the question that the Commission  
5 asked itself is will this new institution meet all of its nine  
6 standards, you know, student standards, faculty standards, financial  
7 standards, transparency standard, et cetera?

8 And it's been a long process for them. They'll be in  
9 front of the Commission this week with another report, and then a  
10 final report issued this summer, and July 1 is the date we've given  
11 them to sort of say that's the date where the switch -- if we approve  
12 it, where the switch would get switched to 12 institutions would no  
13 longer be accredited. The single institution would be accredited.

14 Maine is an interesting example because in Maine  
15 the six institutions in Maine remain separate institutions, but  
16 they're consolidated under one accreditation. And so, we did our  
17 follow-up visit to Maine. I had a team there in the fall, and that  
18 will be before the Commission this week as well, that report.

19 And it was a complex visit. I think we had 9 or 10  
20 members on that team. You've got to look at both the system, and  
21 how's the system operating? But you also want to, you know, step  
22 foot on every campus and get a sense of how the campus is



1 reacting to this single consolidation.

2                   And Vermont is another one. So it's two different  
3 paths these states have taken. They're complicated. They've both  
4 taken -- the Maine thing took years to happen, the Connecticut  
5 state thing is six years in the making. With regard to the findings  
6 of the Department, half of the findings had to do with we did not  
7 provide ample evidence of the timeliness of our actions.

8                   So, as an example one of the standards says that  
9 when staff are making the decisions, when senior staff are making  
10 the decisions about a sub change, we have to -- that letter has got  
11 to go out within a certain number of days. In five years staff has  
12 made that decision one time, only once.

13                   We did it within the timeframe, but in the evidence  
14 that we supplied we failed to submit a time stamp for when that  
15 letter came out. So that's an example of one of those ten. So, we  
16 are confident that, you know, that over the next 12 months we'll be  
17 able to show the Department that we are in compliance with those  
18 time -- with the timeliness of our letters.

19                   J. BLUM: So that's helpful. The reason I just  
20 wanted to bring it up is -- well first of all, important to be in  
21 compliance on sub change since you're doing a lot in sub change.  
22 But to the extent that these transactions between not just public

1 institutions, but to the extent that you're seeing it because I think  
2 there have been a couple non-profit ones, non-profit private ones  
3 as well, or non-profit to public.

4 All of those scenarios to the extent that they're well  
5 done, you're -- even though you're smaller than some of the other  
6 regionals, I think that the results are, and the lessons from those  
7 sub changes, and to the extent that they're monitored closely  
8 because I don't want to minimize the shared services concept,  
9 which is something that gets some scrutiny in terms of, you know,  
10 where the efficient resources are.

11 I just think longer term it's lessons learned along the  
12 way. What we don't know about yet, are important across the U.S.  
13 because I think sadly, even though demographically it's the cliff  
14 has hit New England first. I think we'll see more of this sort of  
15 combining of resources in the non-profit and public sector, so what  
16 we learn in your region is actually hopefully potentially important  
17 both institutionally and accreditation wise nationally.

18 L. SCHALL: Yes. On the private side there's 14  
19 cases that I said. They're not -- those aren't really examples of  
20 shared services. They're an example of a larger, healthy institution  
21 consuming a smaller one, and it's not a shared services. In most  
22 cases that location closes, and faculty may come over, students

1 may come over, programs may come over.

2 Shared services is not so much the issue. What has  
3 gotten really complicated in each of those, and everyone is  
4 different, it's the governance in that transition because it's not like a  
5 school closes one day, and is part of, you know. It tends to be a  
6 multi-year process, and making sure that the governance processes  
7 are correct in those is complex and complicated, because everyone  
8 is different.

9 CHAIR PRESSNELL: Okay. Kathleen? I'm sorry  
10 Jennifer, okay? Kathleen?

11 K. ALIOTO: Thank you. I'm curious about this  
12 Connecticut situation. What is the reason, the social reason for  
13 this? For this consolidation?

14 L. SCHALL: So as you might imagine the  
15 Connecticut merger is not without controversy in the State of  
16 Connecticut. You know, it's not our job to weigh in on whether,  
17 you know, this is a decision we would have made or would not  
18 have made.

19 In this case several of the campuses in Connecticut  
20 were in severe financial stress, had no reserves, had students assess  
21 outcomes, differential to others. And I think the sort of idea  
22 behind this is this has been going on in front of us for six years, but

1 it's been the idea generated probably a decade ago is that as a  
2 single institution it would be a stronger institution than as 12  
3 smaller ones.

4           As I say, there are people who question that. And I  
5 think one of the reasons why it's taken us six years to help them get  
6 there is because it's a really complicated process, and we wanted to  
7 make sure that the minute this new institution is accredited, which  
8 would be July 1, 2023, that it fully meets all nine of our standards,  
9 and it's a high financial institution.

10           But these mergers and consolidations on the public  
11 side, again it happened in Maine, it happened in Connecticut,  
12 they've happened in Vermont, there's been a lot of conversation in  
13 New Hampshire about merging. The two year schools and the four  
14 years schools are sort of all politically charged questions.

15           And as I think you know these campuses and these  
16 sort of, you know, tend to be small towns, are fixtures in those  
17 towns, they're anchors in those towns, and so there's a lot of  
18 anxiousness around the consolidation and the loss of independence  
19 of these individual institutions.

20           K. ALIOTO: Oh, I can only imagine the faculty  
21 Senate on each of these institutions, plus the Boards. I don't know  
22 if they're elected Boards, the way the Boston School Committee

1 was at one time.

2 L. SCHALL: We've gotten a number of public  
3 comments and complaints from the faculty that we have a handful  
4 coming up at the meetings this week, so that they have a voice and  
5 they are vocal.

6 K. ALIOTO: Okay. So but the underlying thing is  
7 financial. Is it financial because of students are choosing online  
8 learning at other institutions, or is that a --

9 L. SCHALL: Yeah. The underlying challenge is  
10 demographics. There's just fewer and fewer students, so that you  
11 know, that creates financial stress, but it also if you talk to leaders  
12 of the new institution, they are committed to improve their student  
13 success metrics, which across the system have not been very  
14 pretty.

15 K. ALIOTO: Well, I'd also like to kind of stand.  
16 I'm kind of a community college woman in this -- on this Board,  
17 but 40 percent of Americans attend community colleges. So once  
18 you're done raising those graduation rates, what did you do?

19 L. SCHALL: Well, you know, we don't -- I  
20 wouldn't say we take credit. We partner with these institutions. I  
21 think that the institutions that understand that the demographics for  
22 them are incredibly challenging, and that the number of new

1 students that are coming are going to be decreasing. That they've  
2 increased their focus on retaining the students that they've been  
3 able to recruit.

4                   So we work closely with them. There's, you know,  
5 I think there's a national focus on improving outcomes in  
6 community colleges, and many of our institutions are leaders in  
7 that.

8                   K. ALIOTO: Well in terms of the demographics  
9 4.7 million students are in the academic side of it, but 4 million are  
10 in the technical certificate program, so that also skews this  
11 graduation.

12                   L. SCHALL: Absolutely.

13                   K. ALIOTO: Graduation rate debate about  
14 community college is not doing a great job because I think we are,  
15 with the population. We are the road in California, 50 percent of  
16 those who graduate from the state and university system started at  
17 a community college, so I have to give that little plug in.

18                   But I think it's helpful, and I'd like to have what you  
19 are doing in New England publicized to help on the community  
20 colleges nationally. Thank you.

21                   CHAIR PRESSNELL: Thank you Kathleen. Jose  
22 Luis, and then Kathleen or Mary Ellen, I'm sorry.

1                   J. L. CRUZ RIVERA: So thank you. My question  
2 relates to the application of the Commission's criteria related to  
3 issues of academic freedom, including for example, criteria that  
4 requires institutions to be committed to the free pursuit and  
5 dissemination of knowledge, assuring faculty and students the  
6 freedom to teach and study.

7                   To examine all pertinent data, to question  
8 assumptions and to be guided the evidence of scholarly research  
9 and criteria that requires institutions to place primary responsibility  
10 for the content, quality and effectiveness of the curriculum with its  
11 faculty.

12                  So, the question is given efforts by some Governors,  
13 state legislatures, and governing bodies across our nation to codify  
14 constraints of academic freedom, is the Commission adapting or  
15 planning to adapt the way in which it applies its relevant criteria to  
16 secure compliance against a backdrop of this type of political  
17 intervention?

18                  L. SCHALL: So, you know, we are fortunate in  
19 New England to not experience what other regions and states are  
20 experiencing. I can share with you it's no secret that when the  
21 legislation in Florida passed, the Board in Florida began to reach  
22 out to other regional accreditors to see whether we would be

1 willing to accept their 40 institutions, 40 public institutions into  
2 our membership.

3                   And so, there's some you know, obviously some  
4 very, very high quality, very fine institutions. So we brought this  
5 question to the Board. I spent many, many hours with our friends  
6 in Florida talking about this. We brought this to the Commission,  
7 and the Commission made the decision that unless the law in  
8 Florida was amended that we were not interested in accepting  
9 those 40 institutions to come our way.

10                   So, you know, we do have standards about the  
11 responsibility of the faculty to control the curriculum, but as I say  
12 we've been fortunate in New England not to run up against this.

13                   L. GAMBINO: And may I just add that in addition  
14 to placing primary responsibility for the content and quality  
15 effectiveness of the curriculum with the faculty. In standard six  
16 the institution protects and fosters academic freedom for all  
17 faculty, regardless of rank or term of appointment is included in  
18 the standards.

19                   J. L. CRUZ RIVERA: Thank you. So I guess it's  
20 fair to say that in the past few years the danger of falling off the  
21 table as you mentioned earlier, on issues related to academic  
22 freedom has not led the Commission to issue notices or notations



1 for the institution on this particular front?

2 L. SCHALL: That's correct.

3 J. L. CRUZ RIVERA: Thank you.

4 CHAIR PRESSNELL: Mary Ellen?

5 M.E. PETRISKO: Thank you. I would like to ask a  
6 question about your international operations. Institutions that are  
7 operating abroad, they may be American institutions, they may not  
8 be American institutions, but in either case they are dealing with  
9 legal cultural frameworks that are different from what we're used  
10 to in the United States.

11 There may be language issues of instruction and  
12 communications that are different. They're not plugged into the  
13 United States data system, so trying to find comparative data on  
14 how they're doing, certain success measures is not possible. So my  
15 real question there is how do you evaluate these institutions to  
16 make sure that they are in fact meeting your standards?

17 And do you look in particular at certain of your  
18 standards, or certain issues in operating abroad that are of  
19 particular concern to you where there may be more challenges for  
20 those institutions to operate than it is for institutions here to  
21 operate?

22 And my final question is are you going to continue

1 to accept international institutions? Are there some that you would  
2 say that in this context, in this country, for whatever reasons we  
3 will not consider applications from those institutions at this time?  
4 Thank you.

5 L. SCHALL: Right. So, we have requirements for  
6 international institutions that they be American style, which means  
7 that they would have to have the same amount of general ed that an  
8 American institution. That's 40 credit hours of general ed. A  
9 curriculum needs to be taught in English.

10 And that they have to have sort of an appropriate  
11 number of American educated, American educators involved. So,  
12 the international schools that we accredit, and I've been able to  
13 visit a good number of them. We accredit 12 now, 12 members,  
14 are all extraordinary institutions. We have three in Lebanon, who  
15 are obviously sort of struggling in that environment.

16 You know I would say that the challenges because  
17 they're in a different country are different, but they're not, you  
18 know, the challenges in New England are tough, so we find that  
19 that including international institutions in our membership is really  
20 it adds to our diversity.

21 We have a new Commissioner coming on from one  
22 of our international institutions. We -- to answer your question,

1 yes, we are continuing to accredit. We have institutions that have  
2 been declared eligible. We have institutions that are in the  
3 candidacy phase. Italy and France, I just came back from Rwanda  
4 visiting on a staff first initial visit to what I think is one of the most  
5 extraordinary institutions I've ever seen, African leadership  
6 university.

7 So, we're proud of that group, and we're likely to  
8 continue to add them.

9 M. E. PETRISKO: Thank you.

10 CHAIR PRESSNELL: Very good. I've got a  
11 couple of questions that I'd like to ask. One, just a point of  
12 clarification on the notice that you can put people on notice. Is that  
13 like an equivalent to warning that other accreditors have, or is it a  
14 different status because to Art's concern, once you have something  
15 publicized that could have a negative impact on enrollment, faculty  
16 contracts.

17 L. SCHALL: So, I'm most familiar with the  
18 Southern Association, because that's who put us on warning. And  
19 warning for them is a public notice. And so we appeared on the  
20 front page of the Journal Constitution. But in our case the notice is  
21 a private communication that results in the meeting, so it is -- I  
22 mean an institution could choose to make it public, but that would

1 be pretty odd.

2                   So, I think it is a nice, you know, it's an appropriate  
3 step to say to an institution you've got something that we're  
4 seriously concerned about at this stage, let's talk about it, and let's  
5 figure out a plan to move forward.

6                   CHAIR PRESSNELL: Thanks. I think that your  
7 experience puts you in a really unique position of expertise to head  
8 an accrediting agency, so very good. You know, your financial  
9 screening is really intriguing to me, and one quick question. Does  
10 it apply to all institutions, so private, not for profit, for profit and  
11 public institutions? Is it a screen for all?

12                   L. SCHALL: So it's a screen for all. All  
13 independent institutions, all private institutions. We're working  
14 this summer on figuring out how we could do a screen for public  
15 institutions because the funding of public institutions is different in  
16 every state, and you know, they don't have endowments.

17                   So we're trying to develop a separate screen, but all  
18 independents, you know, for profit, or international ones, non-  
19 profit.

20                   CHAIR PRESSNELL: Okay. So this positions you  
21 well to answer this next question related to it. You know, federal  
22 government has the FRS, the financial ratio score, that personal

1 opinion is really outdated, and outdated evaluation of financial  
2 stability of an institution. Have you seen, do these track together,  
3 or do you find different results, you know, from the FRS score, for  
4 a private non-profit versus what you're finding in your screening,  
5 or do you say no, they perfectly mesh in terms of those? Because I  
6 know you're watching the FRS score too.

7 L. SCHALL: Right, absolutely. No, they don't  
8 track perfectly. You know, they're not unrelated, but they don't  
9 track perfectly. You can have a relatively low financial  
10 responsibility score, and do okay on our screen, and vice versa. I  
11 mean our screen is much, you know, it's 12 metrics, and so it looks  
12 at variables in a way.

13 It looks at them separately as opposed to trying to  
14 put them into a single number.

15 CHAIR PRESSNELL: That sounds like something  
16 that possibly the Department of Education could take a look at as a  
17 new model. There's been ongoing discussion for decades about  
18 updating that whole process, and so this may be an opportunity.  
19 So my last question, and I really appreciate in your introductory  
20 comments you talked about how you see the ability of your agency  
21 to become compliant with the staff report.

22 You know, well short of 12 months you'll be able to

1 do it rather quickly. Are there some more challenging than others  
2 there where you feel, and I'm sure they're probably on a timeline  
3 that you will be able to get these accomplished, but you do have  
4 that confidence on all the findings?

5 L. SCHALL: Yeah. There are -- I don't think any  
6 of them are challenging. I mean there's some interesting ones  
7 where we sort of look forward to a conversation with the  
8 Department that they're asking us to be more specific with regard  
9 to certain things, and we think our language sort of meets the  
10 standard.

11 But we have no question that working together with  
12 the Department will when we come back to you, you will be  
13 pleased.

14 CHAIR PRESSNELL: Okay. Thank you. Bob?

15 R. SHIREMAN: Thanks. In Debbie's questions  
16 your answers reveal that you have made some changes to  
17 complaint handling procedures in November, just this past  
18 November, so I assume that's not part of our formal record  
19 currently.

20 And I was concerned by some of the pre-existing  
21 policies, and the question of whether they are fair and equitable,  
22 and it seems like maybe you were concerned about that as well,

1 which perhaps led to that. I am inclined to think that we should  
2 encourage the SDO to consider including a compliance for  
3 monitoring report regarding complaint policies and processes.  
4 And perhaps phrasing it that way, and recommending that the SDO  
5 consider that.

6 I'm flagging this now so that Angela, or somebody  
7 else from OGC can confirm that we don't have to actually make  
8 the decision about whether something is or is not compliant, but  
9 that we can make a recommendation that the SDO could consider  
10 something.

11 I think -- anyway, well we can talk about that a little  
12 bit later. But I did want to check on the burden standpoint. You've  
13 already made some changes to your complaint policies. Would it  
14 be a major burden, I think you've already gotten items to add, and  
15 11th item that would be checking the complaint policies and  
16 processes.

17 L. SCHALL: Yeah. I think Dr. Harris found she  
18 did a very close look at our complaint practices, and found them to  
19 be in compliance, and I think actually, you know, quite rigorous.  
20 But if there is something specific you wanted to know about our  
21 complaint policies, we're happy to provide it.

22 R. SHIREMAN: Thanks. I will layer the

1 appropriate point Dr. Harris, whether the November document was  
2 included.

3 CHAIR PRESSNELL: Debbie, do you have any  
4 comments or thoughts on that since you're --

5 D. COCHRANE: Yes, absolutely. I would  
6 certainly very much support that recommendation. I think some of  
7 the -- I know I am at this moment still a little confused about what  
8 the policy is, and you know, especially knowing even after the  
9 updates the version that's on the website still appears to include  
10 some of the complaints that we were just told no longer exist.

11 I was able to look back at the agendas for the last  
12 year and a half or so, I guess since November 2021, or the  
13 committee actions -- Commission actions about complaints, and  
14 there's only one reference to acceptance of an institutional response  
15 of the complaint. There's one other that's related to a public  
16 comment.

17 So again, I'm kind of I would very much like to see  
18 the 22 or 25, just kind of how many are actually getting to a level  
19 of substantive review because I'm not seeing that reflected. And so  
20 at this point I certainly would not feel confident saying this was a  
21 fair or equitable process. Thank you.

22 C. ANDERSON: And just a point of clarification



1 that the 21 complaints submitted by one individual in 2021, was  
2 considered by the Commission as one agenda item, as opposed to  
3 21 different agenda items. So that was true in 2021, and 2022,  
4 when that same individual submitted 25 complaints. That was also  
5 considered as one agenda item.

6 L. SCHALL: Even though each complaint was  
7 dealt with separately.

8 C. ANDERSON: Yes.

9 L. SCHALL: Individually.

10 CHAIR PRESSNELL: But it was one person.

11 L. SCHALL: It was one person who filed almost  
12 50 complaints.

13 D. COCHRANE: Against one school. Okay. So  
14 then I am reading this correctly in terms of the Commissions  
15 actions that since November of 2021, the Commission has dealt  
16 with one instance of the complaint, and it accepted the institution's  
17 response?

18 C. ANDERSON: Yes.

19 D. COCHRANE: Okay. So, my concurrence with  
20 Bob's recommendation stands.

21 CHAIR PRESSNELL: Okay. Very good. Thank  
22 you very much. Any other comments from Jennifer, Bob, I assume

1 you're done. Jennifer?

2 J. BLUM: I kind of don't want to -- I mean I know  
3 we're interested in time, but there was something said that Larry  
4 said that I can't, I just can't let it go. You said that there were a  
5 couple of the ten issues, there were a couple that you found, you're  
6 going to come into compliance quickly, but there's some that you  
7 feel like you are in compliance.

8 And I just in fairness to the Commission, I would  
9 like to ask which ones you think you're in compliance with today?  
10 And I will share that there was, I had a similar sentiment on a  
11 couple of them, so I just I'm curious to know which ones you think  
12 that you're in compliance with?

13 L. SCHALL: So, I'll be happy to specify that. I do  
14 want to make it clear that we're happy to work with the  
15 Department, and intend to do so. So, in 602.22 it's when a sub  
16 change or change is so substantial that a new comprehensive  
17 evaluation is required.

18 And we use the term -- let's see.

19 P. O'BRIEN: I think we use the term accelerate.  
20 We would accelerate the date for the next comprehensive  
21 evaluation.

22 L. SCHALL: Right. So, you know, we think that's

1 the same thing in practice. We could certainly change our  
2 language, but that's sort of an example of a way one reads the  
3 requirement. There's also this question about rapid growth in  
4 additional locations. And the Department is asking us sort of to  
5 come up with a sort of like a what's the number, what's the percent,  
6 and we think that being that specific is not necessarily required by  
7 the requirement in the way we manage that.

8                   It's preferable, but again, if need be we can change  
9 our language. And then the third one is with single purpose  
10 institutions that 602.15(a)(4) I think is, where we need to include  
11 educators, practitioners, or employers on teams, certainly our  
12 practice. And Pat, what's the word that we use?

13                   P. O'BRIEN: One of the exhibits that we used to  
14 support this had a column in it that was held over from when we  
15 used the exhibit for a different purpose. We used that same exhibit  
16 to demonstrate that we have both academics and administrators on  
17 decision making bodies and on teams.

18                   And so that column was inappropriate for this  
19 particular criterion. We added another column to indicate who was  
20 an educator, practitioner, or employer, but we neglected to delete  
21 the column academics and administrators because that applied to a  
22 different criterion.

1                   L. SCHALL: So you know that's -- so my sort of  
2 point and answer am I confident that we can do it with these  
3 things, yes. I'm confident. And if we need to change our  
4 language, we can easily change our language, but there are a  
5 couple of which, you know, where I think engaging the  
6 Department in the conversation would be helpful.

7                   J. BLUM: I really appreciate, I mean regardless of I  
8 don't think it will probably impact today, but I think it's really  
9 helpful to get that feedback. I wish I had asked it the first time an  
10 hour ago, but just because I think it informs us a little bit again for  
11 tomorrow on that level of detail is useful to know, so thank you.

12                  D. SHALL: You're welcome.

13                  CHAIR PRESSNELL: Any other comments from  
14 the members, questions from the members? All right. Seeing  
15 none. There are no third party commenters for this one, and so Dr.  
16 Harris?

17                  N. HARRIS: Yes. Thank you to the agency for  
18 your informed reply to the committee. I just wanted to address a  
19 couple of --

20                  CHAIR PRESSNELL: Could you get closer to the  
21 mic. Thank you.

22                  N. HARRIS: Oh I'm sorry. Can you hear me?

1 Okay. Sorry. I just wanted to piggyback on the questions that  
2 were just asked by Ms. Blum as well as the response to the agency  
3 in regards to 602.15. I'm not able to decipher when the agency  
4 puts in the wrong information, so I only can review the evidence  
5 that's present.

6                   So them admitting that today is wonderful, and  
7 when they get the compliance report done it will be corrected I'm  
8 sure. And as for the definitive definition that was requested, and  
9 the rapid growth. That's something that came with the new  
10 regulations.

11                   This is the language that is in here now. If the  
12 regulations change, I'm happy to change my response, but at this  
13 time this is what's being required for me to find them in  
14 compliance because of what is stated here in the petition. And as  
15 for 602.22 it asks for not the acceleration of a site visit, but if the  
16 mission, or what do they determine as so significant for a new  
17 review of the institution to be done, so that they don't continue on  
18 in a path that doesn't meet the configuration that they were already  
19 accredited and approved for.

20                   So accelerating an existing review doesn't change  
21 the fact that the criteria is asking for them to review the existing  
22 institution, which is not configured in the same manner in which it

1 was before, and in which it was accredited.

2                   So, I interpret the regulation as written to be  
3 different from the way they interpreted it today. So when  
4 substantive changes are so significant that it changes the institution  
5 to look different, be different, have a different mission,  
6 accelerating the existing accreditation review is not what this  
7 criterion is interpreted as, thank you.

8                   CHAIR PRESSNELL: Thank you, Herman?

9                   H. BOUNDS: Thanks, and I'll try not to repeat, but  
10 I did want to say one thing about that particular criterion where it  
11 talks about a new comprehensive evaluation. And we consider that  
12 when those changes exist we're looking to see that the agency  
13 requires, you know, a new study, a new site visit, and a new  
14 decision by the Commission.

15                   And we take that information from 602.17, where it  
16 talks about every -- you must do a, you know, one, conduct a site  
17 visit during the accreditation review, you must submit a self-study,  
18 and then you must also do a -- have a decision from the  
19 Commission. So that's when we say when those changes exist that  
20 changes the make up or the mission of the institution we're talking  
21 about.

22                   They have to have a pause as they conduct this new

1 comprehensive evaluation. So I wanted to clear that one up.

2 N. HARRIS: And I'm sorry, oh could I also Mr.  
3 Shireman you had a question about you said you had a question for  
4 me.

5 R. SHIREMAN: Yeah. The agency made  
6 reference to complaint policies that were updated in November  
7 2022.

8 N. HARRIS: Right. I was at the Commission  
9 meeting in September of 2020 where they updated their complaint  
10 policy, and it not being published is what I sought after the  
11 meeting, so that's something that I wouldn't have caught for this  
12 particular review, but I was present and observed, and listened to  
13 the discussion of what the changes were, so I can attest to that.

14 H. BOUNDS: The other one I'm going to mention  
15 is the enrollment growth. And we're just saying they have to  
16 define what that is. I mean so we don't know at this point, so that's  
17 the reason for the non-compliance. And then whether it's a  
18 numerical value or something, we just need to know what does the  
19 agency classify as enrollment growth.

20 And then the last thing I want to say is Bob I owe  
21 you an explanation. I think with your comment earlier that  
22 happened about an hour ago.

1 R. SHIREMAN: I'm still ongoing, I don't  
2 remember.

3 H. BOUNDS: Yeah. But based on your comment I  
4 think you know exactly where the criteria for an enrollment growth  
5 is, but just to clarify for the committee, Bob asked a question. And  
6 enrollment growth is in 602.19 (c) through (e). But then you look  
7 at rapid growth of additional locations, which is a different  
8 criterion, that's at 602.22(f)(3), so two separate ones.

9 I just wanted to make sure my answer was received.

10 B. SHIREMAN: I appreciate that you think I've got  
11 this all straight in my head.

12 H. BOUNDS: Well based on your comment it  
13 sounded like you had it down pat, so.

14 CHAIR PRESSNELL: He definitely accepted your  
15 first explanation Herman. We were in good shape. You know,  
16 don't confuse us with the numbers, you know, so. Anyway I'm just  
17 kidding. So, with that could we have a motion, and then we can  
18 open up discussion about the motion?

19 D. EUBANKS: Point of order.

20 CHAIR PRESSNELL: Sure.

21 D. EUBANKS: Is our procedure now to start the  
22 baseline recommendation to accept the staff recommendation, and



1 then offer amendments on top of that? Is that acceptable?

2 CHAIR PRESSNELL: We can do that.

3 D. EUBANKS: Is that okay with you Bob?

4 R. SHIREMAN: That's fine.

5 D. EUBANKS: Okay. So I will move to accept the  
6 staff recommendation if someone wants to amend that, go ahead.

7 CHAIR PRESSNELL: So if that could be  
8 seconded, and then it will be up for discussion on amendments.

9 A. KEISER: I'll second it, but that is not the  
10 protocol. Whatever the motion is by the maker, by the readers.

11 CHAIR PRESSNELL: So his motion is to accept  
12 the staff recommendation, and we can see where we need to go  
13 from there. Bob you had yeah. Could you?

14 R. SHIREMAN: Sorry. Yes, I will propose an  
15 amendment for consideration as either friendly amendment, or for  
16 us to discuss and vote on, and the amendment would be so if the  
17 baseline is to concur with the staff recommendation, the  
18 amendment would be to recommend that the SDO consider  
19 including a compliance or monitoring report, regarding complaint  
20 policies and processes, which I believe is 34 CFR 602.23(c).

21 I did have to look it up, just so you know.

22 CHAIR PRESSNELL: And Art accepts that as

1 friendly, if David accepts that as friendly.

2 D. EUBANKS: Yes. I'm fine with it.

3 CHAIR PRESSNELL: Okay. Jennifer?

4 J. BLUM: I likewise see the GCs, I'd like to ask the  
5 GC about this because if this is the case, which I'm okay with, then  
6 boy yesterday would have been really different. So, I'm working  
7 under -- I was working under the motions, the motions option chart  
8 yesterday, and I'll all for opening it all up to -- well not all for,  
9 because I think it creates some due process issues.

10 So I'm not sure if I'm all open to it or not, but I  
11 would like to understand from the GC's standpoint our latitude.  
12 And I understand Bob's, I mean I understand Bob's point on this,  
13 and so I'm really sympathetic to Bob's point on this, but I thought  
14 we were sort of constrained by the various different, I guess the  
15 regulatory actions of the recommendations that we can be making  
16 to the SDO.

17 So, and I would say that if we are I'm hesitant on  
18 this one. It's kind of like yesterday. It's like HLC was in  
19 compliance with student achievement. I didn't really like their  
20 form of compliance because it seems outdated. They said that they  
21 were going to do something better. It's still in the works, but they  
22 were technically speaking, you know, compliant.

1                   You know, we could go back and forth, but on this  
2 it's like they're compliant. It's not the best complaint system.  
3 They've acknowledged that, they're moving forward, so I'm just  
4 confused about what our latitude is.

5                   CHAIR PRESSNELL: If I can make one comment  
6 before you answer. This was actually a suggestion of mine to  
7 make it easier to understand. Just in a sense that if the staff  
8 recommendation can be seen as a motion from a committee, if you  
9 will, then we amend. You could just take that recommendation.  
10 You could amend it to remove an item, amend it to add an item,  
11 whatever you want to do, or you could just simply make a new  
12 motion that substitutes this completely.

13                   But just to make it a little more clear you got really  
14 confusing last time, and so I was just trying to see if we could have  
15 it a little easier that the baseline is the staff recommendation, and  
16 Bob is asking for an amendment to that full thing, so it's the whole  
17 list of everything that's in the recommendation, but now we have  
18 added this, and.

19                   J. BLUM: I mean that's helpful, but I guess I have a  
20 really fundamental question. Are we saying that they're non-  
21 compliant with the current complaint standards, or are we saying  
22 we are compliant, but we just don't think it's -- I mean I'm just not

1 sure.

2 CHAIR PRESSNELL: So, you're really addressing  
3 the amendment.

4 J. BLUM: I am.

5 R. SHIREMAN: Can we hear from Angela, and  
6 then I'm happy to respond to that question if it matters at all,  
7 depending on what Angela says.

8 A. SIERRA: Hi, everyone thank you. I appreciate  
9 you being cognizant of having a clear record here. So here's what I  
10 think. Under 602.34 there's a list of recommendations that  
11 NACIQI can make. 602.34(g), but it says these recommendations  
12 -- the recommendation may include, but is not limited to.

13 So basically, you can recommend full compliance  
14 with no type of report, continuing recognition with the compliance  
15 report, and my interpretation is that would mean that our particular  
16 criterion, the agency is out of compliance, and that's why the  
17 compliance report would be needed.

18 In conjunction with a recommendation as to  
19 substantial compliance, I'm recommending a monitoring report.  
20 And then in 602.36 there is a specification that the SDO can find  
21 full compliance, but still require a monitoring report if there are  
22 concerns about continued compliance.

1                   So I just want there to be clarity on the record. I  
2 think if you were recommending that 602.23(c) be included in the  
3 compliance report, you're saying that the agency is not compliant  
4 with that. A monitoring report would be substantial compliant, or  
5 you could recommend that they are compliant, but that the SDO  
6 consider a monitoring report to, you know, ensure continued  
7 compliance.

8                   R. SHIREMAN: So is my phrasing, so I interpret  
9 the include but not limited to, as I'm not restricted to just the  
10 examples that are there, and that we could raise this in the method  
11 that I'm suggesting, without necessarily having to decide one or the  
12 other? Is that a problem?

13                  A. SIERRA: Well, I mean I think it would be a  
14 clarity problem for the SDO in terms of what the recommendation  
15 is.

16                  R. SHIREMAN: But the SDO would still have the  
17 information?

18                  A. SIERRA: Yes, yes. So --

19                  R. SHIREMAN: And can do anything they want.

20                  A. SIERRA: That's right.

21                  R. SHIREMAN: Okay.

22                  A. SIERRA: I'm not saying it's strange in the

1 recommendation. I just meant to say that where a compliance  
2 report is recommended if you're including 602.23(c) in it, that  
3 would generally indicate a finding of non-compliance, but.

4 CHAIR PRESSNELL: So possibly, you could find  
5 then substantially compliant and require a report?

6 A. SIERRA: A monitoring report.

7 R. SHIREMAN: I'm fine with doing it that way if  
8 people are okay with that.

9 CHAIR PRESSNELL: Yeah. I'm just saying that I  
10 think that accomplishes what you're looking for.

11 R. SHIREMAN: Right.

12 CHAIR PRESSNELL: Herman?

13 H. BOUNDS: From the staff's perspective you all  
14 want to add something, or if you want a monitoring report, it's  
15 helpful to us, and I got what Angela said. It's helpful for us if we  
16 had some kind of idea of what you want us to look at when the  
17 report comes back in case the SDO does adopt what you say. It's  
18 more helpful there.

19 N. HARRIS: Right. Because I found them  
20 compliant, so if you could specifically explain what's non-  
21 compliant, because this procedure came out after the final was  
22 done, so it wouldn't have been included anyway. It wouldn't be

1 reviewed until they come up again.

2                   So, if you could let me know what you want me to  
3 look for, and this happened outside of my review, since the final  
4 was done that would be very helpful in moving forward what I'm  
5 monitoring.

6                   CHAIR PRESSNELL: And Bob and Debbie, can  
7 you clarify?

8                   D. COCHRANE: Well I think there's two separate  
9 things that are happening. One is I mean I'm just honestly have  
10 some confusion about what the policy is. So I have up in front of  
11 me the policy that was uploaded into the e-recognition portal. I  
12 have their website policy, which will presumably be the updated  
13 one.

14                   Both reference a signed, written document, which I  
15 believe agency representatives said is no longer the case. They are  
16 slightly different, both say that it must be submitted in writing, but  
17 I thought I heard the staff mention that there's complaints and  
18 information that is dealt with, handled like a complaint can be  
19 submitted in lots of different ways, including phone calls.

20                   So I'm frankly, honestly right now, I'm just  
21 confused about what the policy is, and then not sure how to  
22 determine whether the agency is compliant with the policy. So I

1 think that's one set of questions. I think there is a separate set of  
2 questions, which I understand is a new can of worms, but you  
3 know, that I am raising around the notion of being fair and  
4 equitable.

5 In many cases the NACIQI standards, or the  
6 accrediting agency standards talk about having a policy, and the  
7 policy -- we may love the policy, we may hate the policy, but if  
8 they have the policy they have the policy. This is one of the few  
9 areas where they talk about it being fair and equitable.

10 And I think then, it is incumbent on the Department,  
11 and on us, to look at something related to outcomes when it comes  
12 to determining whether something is fair and equitable. And I am  
13 not seeing, again in what was submitted, or what's available online,  
14 evidence of strong, fair and equitable outcomes from the seemingly  
15 roughly 100 or so complaint inquiries that come in.

16 So, I think those are two separate issues. It might  
17 be helpful to separate out when we think about what is -- how are  
18 we thinking about compliance.

19 R. SHIREMAN: The items that were mentioned  
20 that raised concerns for me was that the complaints could only be  
21 filed by named impacted individuals. It cannot be a third party.  
22 There's lots of situations where a third party has information, or



1 may not be directly impacted, but it's they're still seeing some  
2 questionable things going on, and have evidence.

3                   And the second item was the level of documentation  
4 required by the complainant, and was not clear to me whether they  
5 are being asked to basically be an attorney level person, figuring  
6 out which standard applies to this particular situation. And I know  
7 another agency is being reviewed on this situation, so it does seem  
8 like there's a little bit of updating of Department of Education  
9 practices around reviewing complaint policies.

10                   And given that this one has been kind of in the  
11 process of changing, it seems worthy of a check.

12                   CHAIR PRESSNELL: Art?

13                   A. KEISER: Well I was trying to be very  
14 supportive of Bob until he made that last statement. That third  
15 parties can make a complaint. That may or may not be even  
16 involved in the complaint issue. But, I do agree with Debbie that  
17 there is confusion, and in all the areas that we need to have clarity  
18 is in the complaint process because that is our front end with  
19 students from an accrediting standpoint.

20                   So I will agree with Bob's motion, but I'm not sure I  
21 agree with some of the comments, but that's okay.

22                   CHAIR PRESSNELL: And I just want to be clear.

1 So we've got -- yeah, question? Any other discussions or  
2 amendments?

3 J. BLUM: Yeah because I mean going back to the  
4 GC on this for a second. So, I think what I heard you say is that  
5 we can do it, and by the way just for the record, we should have  
6 this conversation before NACIQI meetings ever start, so that  
7 yesterday we could have handled the situation differently.

8 But as it relates to this one, I think it would be a  
9 much better motion I'll say if it said whether it's going to be a  
10 monitoring report or a compliance. And I think that guides the  
11 SDO better. I understand the SDO can do whatever they want, but  
12 I would feel -- I mean I'm just saying, I would feel better as  
13 NACIQI if we were saying they're either out of compliance, or  
14 they're doing a monitoring report.

15 And there's a big difference in the life of the  
16 accreditor.

17 R. SHIREMAN: Maybe in the discussion we  
18 actually did that and shifted.

19 J. BLUM: Right, but that's why I was saying that I  
20 didn't want to go to a vote right now because the language needs to  
21 say one way or the other. Right. That's why I was saying I didn't  
22 want to go to a vote yet because.

1                   D. COCHRANE: I would still, again I would still  
2 feel more comfortable with leaving it up to the SDO, or leaving the  
3 opportunity -- leaving it open that there's non-compliance.  
4 Because again, and it's so tricky with the timing right, because  
5 there was a period in which all of this was reviewed, and here we  
6 are what, a year later, looking at sort of the same documents, sort  
7 of different documents.

8                   And we're hearing them describe what they're doing  
9 now presumably, but those things aren't being brought in line, so  
10 it's possible that they were in compliance before, and not in  
11 compliance now. But I'm not seeing evidence of compliance, so I  
12 think I would feel uncomfortable saying for sure that's  
13 substantially compliant.

14                  J. BLUM: Can I ask Nicole, I know it's been a  
15 while probably since you actually did the review on the complaint,  
16 but I can ask a little more specifically what your process was for  
17 reviewing, and how you reached the conclusion that they were  
18 compliant?

19                  N. HARRIS: Sure. Oh okay. Well, if you're in the  
20 system they provided their compliance, their complaint policy and  
21 procedures. They provided a narrative that explained the process  
22 that was explained earlier in a little more detail. They also

1 provided exhibits of the policy that included my review.

2                   Just to give a little background, the multiple  
3 complaints that they referred to as one, it was all around the same  
4 issue. So that's why it was considered as one. It also came to the  
5 Department, and it's reviewed here in my petition. Because I  
6 reviewed their policy and procedures, their response, and their  
7 documentation submitted to me in response to the complaint.

8                   In here, based on the complaint policy, so the  
9 complaint policy was followed based on the complaints that they  
10 received from this individual, and based on the documentation they  
11 required, the documentation they submitted in exhibits 23-07 all  
12 the way through I think it's 23-8R, something like that.

13                   But they submitted the documentation based on  
14 their procedures. So I look at the policy. I look at the procedures.  
15 Maybe it's because this complaint was signed, and you're saying  
16 that they have -- they accept non-signed ones, but they explained  
17 that some of their complaints come in in different forms.

18                   This is a formal complaint. So the formal complaint  
19 I reviewed that came into the agency followed all the procedures  
20 that were explained in their policies and procedures. That's how I  
21 came to my compliance. What I think Carol had mentioned was  
22 again, a plethora of complaints from different sources.

1                    Formal complaints that was reviewed here was  
2 reviewed here, is what I came to my decision with. Does that help  
3 Jennifer?

4                    J. BLUM: I think so.

5                    CHAIR PRESSNELL: Yeah. So it's important for  
6 the committee to remember, and you guys have cited this, that this  
7 review happened some time ago. The information that we received  
8 in the interview process may post date that information, so there  
9 has not been the ability. The thorough review is done before our  
10 conversation, obviously.

11                    And so, we could ask for a report, or we could just  
12 simply put in comments that there's been new revelations about the  
13 complaint process for which you want the SDO to take a look at.  
14 So, I mean, that would be a soft approach to this. The more hard  
15 approach, and it's not overly hard, is to just add it to we would like  
16 to see a compliance for monitoring, which one would be the most.

17                    A. SIERRA: So, the SDO can only require a  
18 compliance report if he makes a finding that they are non-  
19 compliant with that criterion.

20                    CHAIR PRESSNELL: Say they're substantially  
21 compliant.

22                    A. SIERRA: Then he could require a monitoring

1 report, or he could even find them fully compliant, but if he has  
2 concerns about continued compliance, maintenance of compliance,  
3 he could also require a monitoring report.

4 CHAIR PRESSNELL: So the amendment, the  
5 friendly amendment that's been put on is to find them substantially  
6 compliant, but require a monitoring report. So we could stay with  
7 that, that's what's on there now, and I know we need to get it on in  
8 writing.

9 That's what's on there now. Or it could be  
10 withdrawn and we just had it as a comment, but we could leave it  
11 on there and then let the SDO decide what they want to do. Does  
12 that sound good? Okay. So let's work on the language, make sure  
13 we get this correct because I don't have the number Bob, and I  
14 think you had it.

15 But we are saying they're substantially compliant,  
16 but we'd like to request a monitoring report.

17 R. SHIREMAN: Correct. And it's 602.23(c).

18 CHAIR PRESSNELL: Is it all of C, or a particular  
19 subset, and do you know Nicole?

20 N. HARRIS: Can you hear me yeah. I have it up  
21 here. It's 602.23(c), so these are the three parts, review in an  
22 entirely fair and equitable manner any complaint it receives against

1 an accredited institution or program that is related to the agency  
2 standards or procedures, that's C-1.

3 But it also says that the agency may not complete  
4 it's review and make a decision regrading the complaint unless in  
5 accordance with the published procedures it ensures that the  
6 institutional program has sufficient opportunity to provide a  
7 response to the complaint, that's C-1.

8 C-2 says take follow-up action as necessary,  
9 including enforcing action is necessary based on the results of its  
10 review. And C-3 is review in a timely, fair and equitable manner  
11 and apply unbiased judgment to any complaints against itself, and  
12 take follow-up action as appropriate based on the results of its  
13 review.

14 So are you all looking to put C-1 through 3, or C-1,  
15 or 2, or 3?

16 R. SHIREMAN: I think pretty much the whole.

17 N. HARRIS: The whole thing. Okay.

18 CHAIR PRESSNELL: All right. Any other  
19 comments?

20 A. SIERRA: Yes. I need to propose some language  
21 for Monica, and I'm just trying to see if you all agree with it,  
22 because I'm trying to capture what I think you want to recommend.

1 So if you would just give me a moment I will send that to her, so  
2 she can put it on the screen, and you could all review it. Is that  
3 okay?

4 CHAIR PRESSNELL: Yeah that would be fine.

5 R. SHIREMAN: Can we cue some of that  
6 gameshow music while we're waiting.

7 CHAIR PRESSNELL: I think it just adds pressure,  
8 undue pressure. Any ticking type sounds are bad. Okay. Let me  
9 read the recommendation prior to the vote. We've had some legal  
10 clarification on language. So we -- the recommendation is to  
11 accept the staff recommendations, accept to find the agency  
12 substantially compliant with 602.23(c)(1 through 3) and require a  
13 monitoring report on 602.23(c)(1 through 3) to be submitted within  
14 one year. That's precisely it.

15 All right. Without further comments, let's take the  
16 vote.

17 G. A. SMITH: Kathleen?

18 K. ALIOTO: Yes.

19 G. A. SMITH: Roslyn?

20 R. CLARK ARTIS: Yes.

21 G. A. SMITH: Jennifer?

22 J. BLUM: Yes.



- 1 G. A. SMITH: Wally?
- 2 W. BOSTON: Yes.
- 3 G. A. SMITH: Debbie?
- 4 D. COCHRANE: Yes.
- 5 G. A. SMITH: J. L.?
- 6 J. L. CRUZ RIVERA: Yes.
- 7 G. A. SMITH: Keith?
- 8 K. CURRY: Yes.
- 9 G. A. SMITH: Dave?
- 10 D. EUBANKS: Yes.
- 11 G. A. SMITH: Molly?
- 12 M. HALL-MARTIN: Yes.
- 13 G. A. SMITH: Art?
- 14 A. KEISER: Yes.
- 15 G. A. SMITH: Michael Lindsey? I think he's out.
- 16 Robert Mayes?
- 17 R. MAYES: Yes.
- 18 G. A. SMITH: Mary Ellen?
- 19 M. E. PETRISKO: Yes.
- 20 G. A. SMITH: Michael Poliakoff? He's out, okay.
- 21 Bob Shireman?
- 22 R. SHIREMAN: Yes.

1 G. A. SMITH: Zakiya? Okay. I'll just put absent.

2 Thank you.

3 CHAIR PRESSNELL: All right very good. The  
4 motion passes with 13 positive votes, and 3 absent. So thank you  
5 again. Agency we appreciate your time and effort and the clarity  
6 on your presentation.

7 So we will take a -- let's take a five minute break,  
8 and then we'll come back and look at WSCUC, the Western  
9 Association. Thank you. Five minutes.

10 **The recommendation is to accept the staff**  
11 **recommendations, accept to find the agency substantially**  
12 **compliant with 602.23(c)(1 through 3) and require a**  
13 **monitoring report on 602.23(c)(1 through 3) to be submitted**  
14 **within one year.**

15 (Break 3:11 p.m.)

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1 if you could move the mic just a little bit closer, but I really did  
2 appreciate the speed by which you handled that, so that was great.  
3 So the Department staff is Charity Helton, so Charity if you would  
4 do your briefing please, thank you.

5 C. HELTON: Is this on? This is good. Closer.  
6 Good morning Mr. Chairman and members of the committee. My  
7 name is Charity Helton, and I am providing a summary for the  
8 petition for renewal of recognition for the Western Association  
9 Senior College and University Commission, which is called  
10 WSCUC Senior for short, but spelled out W-S-C-U-C.

11 As noted, the agency serves as an institutional  
12 accreditor for schools offering four year degrees or above  
13 throughout the United States. The staff determination identified  
14 outstanding issues in the agency's petition which I will discuss in a  
15 moment.

16 The staff recommendation to the Senior Department  
17 Official is to continue the agency's current recognition, and require  
18 the agency to come within compliance within 12 months, and to  
19 submit a compliance report 30 days after the 12 month period that  
20 demonstrates the agency's compliance in these areas.

21 For the one area that was substantially compliant,  
22 602.17(d) the staff recommendation is that the agency submit a

1 monitoring report for the next 10 staff accreditation activities,  
2 initial or renewals. I'm sorry?

3 CHAIR PRESSNELL: No, go ahead. Jamienne  
4 you may need to mute just for a moment please.

5 C. HELTON: The staff analysis was based on a  
6 review of the agency's petition and supporting documentation, as  
7 well as review of the agency's files on June 2021, staff  
8 observations at the site visit in April 2022, and a Commission  
9 meeting in June of 22.

10 The outstanding issues for this petition relate to the  
11 agency's policy and practice for returning site visitors, record  
12 keeping, substantive change reviews, review of student complaints  
13 made to the agency, the process for convening an appeal's panel,  
14 and it's notifications to the Department of certain types of  
15 decisions.

16 Additionally, there were outstanding issues related  
17 to the agency's review of the school's facilities, equipment and  
18 supplies, admissions and recruitment practices, and distance  
19 education practices.

20 The Department received two complaints about the  
21 agency during the review period, one of which is included and  
22 discussed in the relevant section of the petition. A second

1 complainant was referred back to the agency to proceed through  
2 the agency's review process.

3           The Department received three third party  
4 complaints about, or comments about the agency. One related to  
5 the Department's third party comment procedures, which did not  
6 address issues specific to this agency. Two comments raised  
7 issues around the agency's accreditation of certain schools. The  
8 agency has responded to the third party comments in the petition,  
9 as well as the staff.

10           There are representatives from the agency here  
11 today to respond to your questions. Again, the staff  
12 recommendation to the Senior Department Official is to continue  
13 the agency's current recognition, and require the agency to come  
14 into compliance within 12 months, and to submit a compliance  
15 report 30 days after the 12 months period that demonstrates the  
16 agency's compliance with these areas, as well as to submit a  
17 monitoring report in one area.

18           CHAIR PRESSNELL: Thank you Charity. And I  
19 think we may be having some technical difficulties with  
20 Jamiene's connection. I know. It looks odd. It looks like the  
21 dancing hand. Jamiene can you hear us at all? Can you not hear  
22 us Jamiene?

1                   So Jamiene, as soon as you can hear me, can you  
2 hear me? Okay. Can you go ahead and unmute yourself then.  
3 Okay. And we're going to turn it over to you here, and so we want  
4 to invite the agency up to make some introductory comments, and  
5 again we appreciate we want to hear everything that you --

6                   J. STUDLEY: You have me muted.

7                   CHAIR PRESSNELL: Okay. We don't now. We  
8 have you now.

9                   J. STUDLEY: Okay. Now I think you can hear  
10 me.

11                  CHAIR PRESSNELL: I think I'm okay. Yeah.  
12 Can you hear me okay? Is it?

13                  J. STUDLEY: I can't hear you on the main Zoom  
14 screen, but I am able to hear the room on the original Team's  
15 public access, so I think I can proceed.

16                  CHAIR PRESSNELL: Okay. Let's hold on.

17                  J. STUDLEY: Can you hear me okay Claude?

18                  CHAIR PRESSNELL: I'll be delayed if we keep  
19 doing this, so hold on one moment.

20                  (Technical difficulties.)

21                  D. COCHRANE: May I ask a procedural question  
22 as we're waiting?

1 CHAIR PRESSNELL: Yes.

2 D. COCHRANE: So I think there were a couple  
3 letters that got sent to the committee via email with instructions  
4 that we could decide as a group what to do with them. Is that? At  
5 what point would we make that?

6 CHAIR PRESSNELL: We'll just at the third party  
7 comment.

8 D. COCHRANE: Okay.

9 CHAIR PRESSNELL: Phase, is where I thought it  
10 would best fit.

11 (Audio issues.)

12 CHAIR PRESSNELL: Okay. Very good. So let's  
13 move forward then. Jamiene, your agency has been introduced in  
14 your absence I think to a large degree, but we appreciate very  
15 much you coming and being a part of this. We ask that, you know,  
16 you introduce the agency, but if at all possible, move as quickly as  
17 possible with the Q and A with the committee. So, Jamiene, we'll  
18 turn it over to you.

19 J. STUDLEY: Thank you, and I apologize that the  
20 best laid plans here didn't work. We do appreciate this  
21 opportunity, and we want to thank you for NACIQI's service,  
22 especially that of our readers, and thank Charity Helton, Herman



1 Bounds, George Alan Smith and the rest of the staff.

2 I'd like to introduce WSCUC, and let me start at a  
3 really important place. We are probably called WSCUC Senior  
4 College and University Commission, and trying to say WSCUC,  
5 but please write WSCUC. Our presentation team today is  
6 Commission Chair Phillip Doolittle, the Executive Vice Chancellor  
7 of Finance and Administration and CFO of the University of  
8 Massachusetts Global.

9 The Commission's Vice Chair is Professor Tracy  
10 Poon Tambascia, University of Southern California. She's also  
11 Chair elect, and Chair of our Equity and Inclusion Council. Two  
12 Vice Presidents are with us. Dr. Christopher Oberg, the Executive  
13 VP, and Dr. Stephanie Bond Huie.

14 WSCUC would like to end by understanding three  
15 key things about us. We place students at the center. We actively  
16 create and use evidence of student achievement, and we insist on  
17 rigor. Today, we will highlight our approach to evidence and  
18 outcomes in context with equity at its core.

19 We will explain quickly, but we hope usefully, how  
20 we express rigor through standards process, transparency and  
21 Commission composition. And we will recommit to continuous  
22 improvement in carrying out our responsibilities as a federally

1 recognized accreditor. Let me hand the baton to Chair Doolittle.

2 P. DOOLITTLE: Thank you Jamiene, and hello to  
3 everyone. We're proud to represent WSCUC in our role in  
4 promoting accountability and improvement. We accredit 208  
5 widely varying institutions around the world at the bachelor's level  
6 and above, with more than 1.2 million students.

7 And these times of challenges for higher education,  
8 accreditation plays a vital role in assuring value, equity and results  
9 for students, families and society. WSCUC is committed to three  
10 strategic goals, equity and inclusion, evidence and improvement,  
11 and national and global reach.

12 In my seven years on the Commission, and more  
13 than 20 years as a peer reviewer, I've seen the complexity of issues  
14 before the accreditors grow. WSCUC has recognized the need to  
15 adapt and enhance our data, monitoring, policies, and training. We  
16 are committed to our recruitment, and recruiting new tools to  
17 support institutions in higher education everywhere.

18 I'd like to thank the many skilled, dedicated  
19 WSCUC Commissioners, peer reviewers, and staff for their  
20 contributions to the Commission's achievement. With that, let me  
21 turn it back to Jamiene.

22 J. STUDLEY: You're hearing many common

1 themes this week across agencies about outcomes, data systems,  
2 and innovations. HLC was certainly a leader in that they led off  
3 these proceedings with a strong report. By now, I imagine you  
4 appreciate the commitment and strides that all four institutional  
5 accreditors bring to student success in our decisions as we continue  
6 developing new data and approaches.

7                   We are proud now to tell you about WSCUC's  
8 distinctive leadership for more than a decade, on innovative tools  
9 and directions to put student success at the heart of accreditation  
10 reviews. By 2012, we started requiring disaggregated students  
11 accepted more than a decade ago.

12                   In 2014, to overcome the well-known limitations of  
13 IPED's data, we introduced a graduation rate dashboard, designed  
14 by Stanford Provost John Ashumenday, a WSCUC Commissioner,  
15 and NACIQI alumnus to allow a more comprehensive picture of  
16 completion rates.

17                   In 2019, our search for effective data continued  
18 with the launch of our Better Conversations, Better Data Initiative,  
19 which funding from Lumina Foundation and yielding the key  
20 indicators dashboard. In using evidence for improvement and  
21 monitoring, we emphasized that no one metric is a definitive  
22 indicator of performance.

1                   We use multiple metrics in our institution between  
2 institutions and peer reviewers, and when the Commission asks.  
3 I'm going to ask Dr. Stephanie Huie, who came to WSCUC after  
4 creating the University of Texas system data system, to describe  
5 WSCUC's innovations.

6                   S. BOND HUIE: Thank you Jamiene. WSCUC  
7 identified the need for a uniform framework of metrics for our  
8 institutions on August 30, 2021, we believe WSCUC was the first  
9 national accreditor to offer an interactive data tool to the public on  
10 our website.

11                   Our key indicator's dashboard or KID as we call it,  
12 provides institutions and evaluators easy access to relevant and  
13 timely metrics, in numeric and visual form. Those metrics include  
14 enrollment, retention, completion, graduation rates and student  
15 debt. KID also includes extensive student demographic  
16 information.

17                   KID draws from federal datasets, including the  
18 college scorecard, and presents multiple years with comparisons to  
19 national peer and WSCUC averages. Many of the metrics overlap  
20 with the NACIQI dashboards. WSCUC also designed a group of  
21 statistical peers for each institution.

22                   Using peer benchmarking to understand

1 performance comparisons at the 25th, 50th and 75th percentile of  
2 years. WSCUC peer selection was developed in consultation with  
3 an advisory group of national experts, a Commission advisory  
4 group, and with the institutional feedback. The WSCUC  
5 methodology used the Carnegie classification system as a starting  
6 point.

7                   Groupings were further refined by matching  
8 undergraduate student characteristics, percent ERM, undergraduate  
9 enrollment, first time, full time enrollment, using a cluster analysis  
10 process. Jamieenne said we put evidence at the heart of  
11 accreditation. Here's how.

12                   KID is available to every review team and  
13 committee, and every Commission that's used and understanding  
14 the institution's performance, determining its strengths and areas  
15 for improvement, and making Commission decisions. Vice  
16 Presidents review KID with the team in preparation for the  
17 accreditation review.

18                   KID is integrated into peer reviewer training, and  
19 new Commissioner training. We see the data used in institutional  
20 reports, and discussion across campus visits, and Commission  
21 development, accommodations and recommendations for  
22 improvement. Making KID public is a demonstration of the

1 agency's commitment to transparency and quality assurance.

2                   WSCUC has widely publicized KID and  
3 encouraged it's use for understanding the institutions that we  
4 accredit. We have been gratified, and some higher ed observers  
5 have been surprised that WSCUC institutions welcomed KID, and  
6 the visibility it brings to institutional performance.

7                   Institutions within our portfolio that do not have the  
8 resources to create their own dashboard and benchmarks, find KID  
9 especially useful along with our guides and training. In 2020, the  
10 Commission implemented another new tool, annual integrated  
11 monitoring, replacing the mid-cycle review.

12                   We look at indicators for every institution every  
13 year, rather than once in the middle of the reaffirmation cycle.  
14 Staffing standards, changes and trends that bring further attention,  
15 those current risks, or threaten satisfaction standards, and  
16 incorporates the data elements in KID at its financial sustainability,  
17 and also covers qualitative issues, such as compliance, significant  
18 governance and leadership changes, and external investigations.

19                   The Commission also uses two special financial  
20 analysis tools. We created them first to identify financially fragile  
21 institutions using ratios from the KPMG Priver strategic financial  
22 analysis for higher education.

1                   The second financial tool is the stress test, which  
2 identifies trends and concern based on four variables. First time  
3 enrollment, retention, market price, and a ratio of expenses to  
4 endowment or state contributions. During the years we have used  
5 the agency generated and Zemsky tools we did not identify any  
6 institution that was financially at risk that had not already been on  
7 our radar for monitoring or watch.

8                   Using these alerts we were able to advise  
9 institutions to address concerns, and also to judge when to initiate  
10 teach out plans to assure students did not suffer unduly in closures.

11                  J. STUDLEY: Thank Stephanie. We're very  
12 pleased by the positive reaction to these tools. The Institute for  
13 Higher Education Policy said when we launched it in 2021, that  
14 students have much to gain when accreditors bring data to bear on  
15 institutional improvement conversations.

16                  And Art Mack Materia of Veterans Education  
17 Success tweeted, "This is a huge step in the right direction." Not  
18 only does a system like this serve as a diagnostic tool for the  
19 accrediting body, it also helps the schools themselves understand  
20 their performance in comparison to peers and competitors.

21                  So, with all these tools what did we see? The  
22 Commission regularly looks at the performance of the universe of

1 WSCUC institutions. Here are a few observations from our latest  
2 analysis compared to national averages. Since 2013, WSCUC  
3 accredited institutions consisted outperformed national averages,  
4 with six year bachelor level graduation rates by about 10 percent.  
5 The difference between 52 and 62 percent, along with retention  
6 rates and IPED's eight year outcomes.

7           Consistent with our focus on equity and inclusion,  
8 we also looked deeper into outcomes for high Pell institutions, and  
9 high URN institutions using the IPED's data and terminology.  
10 These WSCUC institutions as a group also outperformed national  
11 averages, the six year retention and eight year outcomes, and that  
12 performance has remained steady over time.

13           While we're pleased to see this relative strength, we  
14 also recognize that context matters here. Comparisons to other  
15 accreditors universities, which are comparisons to other part of the  
16 country should fairly be judged when you think about mix of  
17 institutions, levels of state support, and the fact that our historic  
18 region has relatively strong starting wages in the economy.

19           We also thought it was important to zero in at the  
20 other end of the spectrum, on institutions with relatively low  
21 graduation rates compared to the WSCUC averages that I  
22 mentioned of 52 -- 62 percent for WSCUC, and 52 nationally.



1 Using 2021 IPED's data we looked at our institution with six year  
2 graduation rates that are less than 40 percent.

3           The total is 6 institutions were flagged with six year  
4 graduation rates below 40. Two of those institutions are on notice  
5 of concern. One has a special visit this term focused on that very  
6 issue. A third institution has a special visit scheduled in Spring  
7 2024, that will also specifically address graduation rates.

8           Two of the six below 40 percent have high transfer  
9 populations, and so they're better understood using the IPED's  
10 eight year outcome data, and using that measure both of them  
11 exceed 60 percent graduation. The final one is a good example for  
12 why we look at context.

13           The tiny 80 percent associate degree institution that  
14 has been affected by multiple natural disasters. We know you are  
15 very interested in risk and success it's having. Let me outline two  
16 different ways that we're looking at evidence in the future. In our  
17 brand new standards, criterion for recognition 2.1 asks institutions  
18 to look beyond graduation to report on post-graduate outcomes.

19           Institutions will define what post-graduate success  
20 means for that, and tell us how they measure, achieve it. We will  
21 help institutions articulate their own definition of student success,  
22 whether it's graduate school, going employment, entrepreneurial

1 success, engagement and so on.

2                   We will help them identify new and evolving  
3 metrics around earnings, stats, alumni, employer surveys and other  
4 sources. And we sincerely at WSCUC want to contribute to  
5 designing non-financial measures of success that speak to the value  
6 of higher education, filling a void that many of us want to be met.

7                   Finally, and already the subject of discussion in  
8 these meetings, the Commission began in 2021 to study using debt  
9 and earnings by degree level and programs, sometimes called  
10 return on investment. Of course, context is critical here as well,  
11 along with data that has consistent definitions over time.

12                   Until recently, we just didn't have the program level  
13 data to support this analysis. You've heard from Assistant  
14 Secretary Paydar and from my fellow members of CRAC that we  
15 are working with the Department to develop data to do this. Used  
16 judiciously such metrics could help institutions work on factors  
17 that affect results.

18                   Looking at cost, borrowing, program length, credit  
19 mobility and career services. A final point, many of us are paying  
20 more attention than we had in the past to graduate and professional  
21 programs. And I know NACIQI and Undersecretary does as well.  
22 We look forward to collaboration on better ways to evaluate

1 graduate education.

2 Vice Chair Tambascia will now speak to our work  
3 on standards and equity.

4 T. POON TAMBASCIA: Thank you so much  
5 Jamienne. An accreditor establishes its commitment to rigor  
6 through its standards and decisions. WSCUC adopted new  
7 standards in November 2022, preserving the values and structure  
8 of the current standards, while underscoring equity and evidence  
9 for student success.

10 WSCUC began its standards review in 2019,  
11 engaging people in varied roles in meetings large and small across  
12 multiple drafts. We listened carefully to how we could honor an  
13 institutional mission and method while assuring that critical criteria  
14 are met.

15 WSCUC spoke with student leaders and reached out  
16 to policy and research organizations, including New America, the  
17 Century Foundation, the Institution for College Access and  
18 Success, and Veterans Education Success. We received and used  
19 valuable suggestions from all of them.

20 TEKS noted for example that the changes had gone  
21 a long way in focusing on greater accountability for academic  
22 achievement, more transparency in reporting, and demonstrating

1 institutional contribution to the public good. Those discussions  
2 yielded guiding principles for the standards. One, students will be  
3 at the center of the standards of accreditation reviews. Two,  
4 institutions will demonstrate evidence of actions and results.

5           Three, equity and inclusion are essential elements of  
6 educational and institutional effectiveness. And four, that we will  
7 adhere to the WSCUC philosophy of establishing objectives,  
8 permitting flexibility, and allowing institutions to determine how  
9 to achieve them consistent with their mission. This is WSCUC's  
10 signature value of what, not how.

11           We're moving ahead now with implementation, the  
12 standards and a new handbook on reaffirmation processes will  
13 become mandatory for institutional reviews in fall 2024. We're  
14 also streamlining institutional reports to flow naturally with the  
15 standards, and resources are in development, so institutions can  
16 readily assimilate these changes in the planning self-study and  
17 report.

18           I also want to take a couple minutes to talk more  
19 about the importance of equity and inclusion. WSCUC is  
20 committed to helping institutions achieve their objectives for  
21 diversity, equity, inclusion, consistent with their missions and  
22 unique students, faculty, staff, programs and communities.

1                   The new standards weave equity and inclusion into  
2 all four dimensions of performance. Institutions may define  
3 diversity and equity for student success to include students from  
4 historically minoritized backgrounds, and also range of learning  
5 and physical abilities, socioeconomic status, first in their families t  
6 oattend college, language skills and other considerations.

7                   At some institutions equity gaps may exist along  
8 racial or ethnic demographics. At others, the need for focused  
9 attention may include student veterans, student athletes, or working  
10 parents. The point here is that WSCUC through policies and  
11 accreditation standards asked leaders to understand their students  
12 first, using a data informed approach to identify determinant or,  
13 and barriers to student success.

14                   And to develop the capacity to respond to  
15 challenges in a systematic process of improvement. This is  
16 consistent again with the agency's commitment to what equity and  
17 inclusion, and not how it is to be achieved.

18                   We get three key activities underway that I would  
19 just want to mention. We continue to develop new data and  
20 measures to support institutions, analysis, and improvement. For  
21 example, Hawaii's institutions, we've worked in partnership to  
22 develop student population measures that match their state and

1 campus demographics.

2                   In 2017, WSCUC adopted an equity and inclusion  
3 policy to help institutions reflect equity and inclusion across all  
4 their functions. We're updating this policy and the related guide to  
5 align with new standards. And in 2021, we created an Equity and  
6 Inclusion Council, which I Chair, consisting of Vice Chairs of the  
7 standing committees and at large members.

8                   The Council has worked on integrating equity and  
9 inclusion in the new 2022 standards, provided input on our own  
10 Board self-assessment tools, and is working to bring more diversity  
11 and content experts to the pool of peer evaluators.

12                   As I look forward to Chairing the Commission, I'm  
13 committed to continuing to apply an equity lens throughout our  
14 work, and I'm especially interested in growing professional  
15 development activities on diversity, equity, inclusion effectiveness  
16 for institutions and teams.

17                   We also want to understand equity related successes  
18 and common concerns so we can help institutions succeed. Chair  
19 Doolittle will now describe two other important WSCUC values.

20                   P. DOOLITTLE: Thank you Tracy. I'm going to  
21 talk briefly about transparency. We appreciate your positive  
22 comments on the Commission's transparency values. WSCUC

1 pioneered publication of team reports, and Commission action  
2 letters starting ten years ago in 2013, allowing the public, and the  
3 whole institutional community to understand the factual context  
4 with Commission decision.

5           That practice helps hold WSCUC accountable, and  
6 makes accreditation more open. At no cost in our estimation, to  
7 the quality of the review. We're also providing confidential email  
8 portals during site visits, for comments from the students, faculty  
9 and staff, to assure that the review team has a rounded picture.

10           And finally, we hold regular public sessions at our  
11 Commission meetings. Let me talk a little about the composition  
12 of the Commission. The 35 WSCUC Commissioners take  
13 seriously our responsibilities to students and taxpayers. We are  
14 proud of the Commissioners deep attention to their roles and their  
15 wide experience, diversity and public perception.

16           WSCUC has increased members with expertise in  
17 DEI, finance and law. At least eight of the 35 Commissioners have  
18 professional expertise in finance, which is helpful as we consider  
19 financial fiscal health and business relationships. We note too the  
20 increase in the diversity of the Commission.

21           Today, 16 of the 35 Commissioners, 45 percent, are  
22 black, Latino, or Asian America. The last two new Commissioner

1 classes and the current nominating slate have between 80 and 100  
2 percent of these groups. We share with you, some of you, a  
3 particular interest in public representation. Today, 10  
4 Commissioners, about 30 percent meet the federal definition of  
5 public member.

6                   Public members Chair half of our standing  
7 committees, and half of the executive committee members are  
8 public. We appreciate our excellent public members with  
9 institutions across the world not accredited by WSCUC. At the  
10 same time, we believe it is in the spirit of public membership to  
11 include people whose experience lies beyond higher education  
12 institutions.

13                   In November 2022, the Commission reinforced its  
14 intent to have meaningful participation by those we call  
15 independent members. I sometimes refer to these as public, public  
16 members. These are people whose career, or job for the last five  
17 years is with other than an educational institution in higher  
18 education.

19                   We are proud of the five soon to be six independent  
20 members. By our definition, representing roughly one-seventh of  
21 the Commission. This includes the CEO of TEKS, employees of  
22 the California Controller's Office and the College Futures



1 Foundation, as well as the former Governor of West Virginia.

2 With that, let me turn this back to President Studley.

3 J. STUDLEY: Thank you. Switching gears a bit,  
4 let's talk about our oversight process. Once an institution has  
5 hurdled the bar to achieve accreditation, and many do not, our Vice  
6 Presidents work as liaisons with a small portfolio of institutions.  
7 This is a good point to clarify the myth of ten years between visits.

8 WSCUC can choose between six, eight, or ten years  
9 for the reaccreditation -- reaffirmation of accreditation for an  
10 institution. Half of our institutions are reaffirmed for eight years,  
11 with a quarter each at six and ten. In addition to the annual AIM  
12 review, about 95 percent of institutions have some Commission  
13 directing report or visit during their reaffirmation cycle.

14 Let me say it directly. WSCUC imposes sanctions  
15 when institutions fall short. We withdraw accreditation when  
16 necessary, and we shift these students when we organize a process,  
17 when we work with institutions who are organizing the process of  
18 closure and transition.

19 While we do not believe that an accreditor  
20 effectiveness should be measured by the frequency of sanctions or  
21 negative actions. We think quite the reverse. It is important that  
22 NACIQI and the public know that we will act when supported by

1 the facts consistent with due process.

2                   With our universe of about 200 institutions  
3 WSCUC has withdrawn accreditation three times in this  
4 recognition period, one of which is currently on appeal. It has  
5 imposed sanctions 15 times, including show cause orders to three  
6 different institutions, and 23 notices of concern.

7                   17 institutions have withdrawn voluntarily, which  
8 as you know can reflect a variety of different behaviors. WSCUC  
9 acts decisively to protect students when reorganization, merger or  
10 closure is anticipated, imminent or final. While these situations are  
11 disruptive, we work with institutions on planning and notification.

12                   We require notice to students in the campus, and  
13 teach out plans increasingly early when warning signs are ebbing.  
14 When Pacific Graduate University closed following a show cause,  
15 every interested student was placed in an alternative program  
16 across highly specialized counseling fields.

17                   In one underway right now the Vice President  
18 liaison meets with the school every Monday morning. We met just  
19 last month with the California Bureau of Private Postsecondary  
20 Education, and NACIQI member Cochrane about closure plans,  
21 and protecting access to transcripts and other records, which every  
22 fragile situation sanction and withdrawal, we learn better how to

1 monitor and manage.

2 I have two points. I'm going to speak to our  
3 response to the staff report, and then briefly look ahead. Rigor also  
4 means meeting Department requirements. WSCUC was  
5 recognized in 2018 for five years with no compliance or  
6 monitoring items. Clearly that is not the case today.

7 We acknowledge and commit to satisfying the  
8 compliance and reporting items under consideration. We have  
9 already addressed several of them that have been brought to your  
10 attention. Facilities were specifically referred to in our new  
11 standards adopted in November 2022.

12 The appeals policy was revised in September 22, to  
13 accomplish the needed change. We made our final conforming  
14 amendment last Friday. We satisfactorily addressed accrediting  
15 agency's actions by other accreditors. We regrettably failed  
16 however, to send the required notification to Secretary. We have  
17 done so, along with a plan to avoid such errors in the future.

18 Two of those would fall into the category you've  
19 asked about of things that have already been done, although they  
20 were completed after the final September report. Several other  
21 items are underway, and we will finalize them as required. Our  
22 complaint process is acceptable using a simple portal.

1                   Complainants do not need to identify the standards  
2 section at issue. We are updating our policy consistent with the  
3 staff's recommendations, and will specify our practices and  
4 timelines for a response.

5                   We do apologize for missing one 45 day deadline  
6 on a multi-part complaint. We have a one year look back period  
7 for complaints. We did not understand that that was not acceptable  
8 to the Department, and we will review it. And based on this  
9 conversation in the New America report, we will reconsider other  
10 aspects for how we might improve our complaint process.

11                   In a few situations we have Commission approved  
12 and documented guidelines and procedures that we thought  
13 satisfied requirements. We respect from the clarification of the  
14 current rules, and appreciate your questions about them. We will  
15 now adopt these conditions of improved documents and policy,  
16 and adjust our recordkeeping practices as instructed by the  
17 Department.

18                   We will align our policy and manual on sub change.  
19 This is an example of the site visit report, and make other changes  
20 as needed to come into compliance. They can be done quite  
21 quickly, with the exception of any that involve a policy that we  
22 will put out to our region for review.

1                   We typically allow enough time for thoughtful  
2 responses, but we can certainly satisfy all of this within a year, and  
3 much sooner than that, or it is already completed. However, there  
4 is one issue that we take seriously, and warrants more detail. The  
5 staff read compliance issues relating to our review and application  
6 of Ashford University, UHE students, and it's recruiting and  
7 marketing.

8                   We interrogated those practices directly, carefully  
9 and steadily. WSCUC respectfully disagrees with the accreditation  
10 staff characterization that we did not comply with our  
11 responsibility to evaluate admissions and recruiting practices at  
12 this institution.

13                   A few examples. We tracked the case against  
14 Novio in the Superior Court of the State of California. Ultimately,  
15 the court found abuses by that for service provider prior to 2017.  
16 But in its ruling it found no basis to enjoin or sanction behavior  
17 after 2017.

18                   WSCUC's awareness of that case, plus reports of  
19 students complaints not received by us, but included in the third  
20 party comments, was shared with the review team, and it led us to  
21 design a customized process to look at recruiting practices going  
22 beyond the standard federal compliance on this issue.

1                   You can find them in our website under the 2019  
2 team report at pages 51 to 53. The 2019 site visit team for  
3 reaffirmation interviewed and observed the then Jovial Call Center,  
4 and Compliance Office on two separate occasions. At the behest  
5 of the team, two staff recruiting calls responsive to a random  
6 sampling that was specified by WSCUC was made available to  
7 WSCUC staff.

8                   Our own staff randomly selected 200 of those calls,  
9 and listened to 50 of them, comparing them to approved recruiting  
10 protocols, and found that only one call could be deemed  
11 problematic. WSCUC received no complaints from students or  
12 perspective students, or their agents about marketing deception or  
13 related abuses.

14                   The site visit team in 2019 concluded on the basis  
15 of the call center and call reviews, that there was demonstrable  
16 evidence that the institution was adhering to our standards and  
17 policies. Coming forward, just a few more points.

18                   We recognize that it was possible that with  
19 structural changes that the agency approved that programs and  
20 institutions with similar names, UAGC, UA Global and the  
21 University of Arizona might cause confusion. We required UAGC  
22 and UA to conduct market research and prepare very specific

1 explanations about the differences among the institution's  
2 programs, and to monitor, including through outside agents,  
3 perspective students understanding of the unit, and of the  
4 marketing messages.

5 WSCUC continues to require the institution to  
6 conduct compliance reviews with marketing, and to direct our team  
7 to examine the institution's recruiting practices. A special visit that  
8 will take place this spring will review practices and evaluative data  
9 provided by the institution's compliance office.

10 University standards for recruitment quality control  
11 and personnel practices for people who work in recruiting. This is  
12 the agency's first opportunity to review the institution since UAGC  
13 assumed full management of the assumption and the elimination of  
14 the Jovial contract.

15 We will take advantage of the opportunity to submit  
16 a ten day letter to the staff post NACIQI, to allow the SDO, to  
17 allow it to clarify to the staff and to Senior Department Officials  
18 the status and our perspective on these compliance items.

19 On a happier note, let me close by looking ahead for  
20 just a moment. In February 2020 WSCUC opened accreditation to  
21 institutions beyond our historic U.S. region. We started by  
22 considering institutions with a connection to those we already

1 accredited, in a broadened sense to include all institutions that  
2 share our commitments to equitable student success, evidence in  
3 action, and innovation.

4                   We understand that the question of whether national  
5 scope might lead to lesser standards. These proceedings before us,  
6 before you, remind us all that federally recognized agencies must  
7 all meet the same core requirements. Some institutions have long  
8 been able to choose among specialty accreditors based on their  
9 philosophy.

10                   States based schools already have multiple  
11 institution accretor options. WSCUC believes there can be a  
12 race to the top, where top means rigor and alignment of character  
13 and priorities between institution and accretor. Like our own  
14 intentions to evidence in equity or what not how approach, and a  
15 high touch support.

16                   And while international scope is beyond the  
17 Department's focus, WSCUC's accreditation of institutions around  
18 the world has value for institutions, students, scholars, and the  
19 nation. We also look at how we can add value on challenging  
20 issues, like evaluating regions with third parties.

21                   Our policy and guide on agreements with  
22 unaccredited entities strictly defines roles that must be performed



1 by institutions themselves, and those that can be contracted under  
2 institutional supervision. These are very clear and strict rules.

3 We have heard that our policies used beyond  
4 WSCUC is a template for delineating institutional and vendor rules  
5 and controls. The Commission work group on outsourcing and  
6 third party arrangements is already looking at policy options. It is  
7 also creating a training for top leadership at our annual meeting  
8 and beyond, about negotiating, managing and mitigating risk in  
9 such arrangements.

10 Finally, WSCUC continues to relish upon broader  
11 presentation standards, new models of education. Consider for  
12 example, Minerva University. And in teacher education alone we  
13 have accredited several pioneering residency and hands on  
14 programs. One President said thank you for all you did to co-  
15 innovate with us.

16 As higher education models evolve, we look  
17 forward to evaluating quality in new shapes. And we will innovate  
18 in our own practices, as we have done with KID and AIM, and as  
19 we will do with post-graduate outcomes. We are proud of  
20 advancing conversations and tools to foster student success and  
21 equity, and we will continue to learn and improve.

22 In that spirit, we look forward to collaborating with

1 the Department and others to serve students, and contribute to  
2 public respect with the enduring value of higher education. Thank  
3 you.

4 CHAIR PRESSNELL: Thank you Jamiene, and  
5 staff members. So now we'll go questions from the membership.  
6 Roslyn, do you have any questions?

7 R. CLARK ARTIS: I do. Thank you very much.  
8 You have articulated a very comprehensive set of new standards,  
9 and new rules, by which your agency will be guided. I'm very  
10 curious to understand how your reviewers are oriented or trained as  
11 it relates to these standards.

12 So I'll start with a series of questions first. How are  
13 your reviewers recruited and selected?

14 J. STUDLEY: I'm going to ask my colleagues to  
15 help me in a moment, but our reviewers are -- we already have a  
16 universe of recruiters available to us, many of them with  
17 experience. At the same time we seek new reviewers who can add  
18 both capacity and expertise from additional kinds of institutions.

19 You heard Vice Chair Tambascia mention a  
20 particular effort to recruit, to expand folks with expertise in  
21 diversity, equity and inclusion, pedagogy analysis and program  
22 leadership, as well as population diversity. We always have a

1 challenge, and continue to work to recruit people with finance  
2 expertise, and we have an outreach activity underway that was just  
3 reported to the Commission to broaden those pools.

4                   But let me move into how we train them because we  
5 have done a lot to improve the training models from which include  
6 written and live and webinar training activities. Christopher,  
7 would you like to speak to the training of both new and continuing  
8 team members? I'm looking for -- he has fallen off the screen.

9                   S. BOND HUIE: I can add a couple things.

10                  J. STUDLEY: Thank you. Stephanie?

11                  S. BOND HUIE: So we have an LMS system  
12 where we have a kind of interactive training module, so we show  
13 videos to the reviewers, they take quizzes along the way. We have  
14 reviews for each type of review we offer, whether it's like a special  
15 visit, or reaffirmation of accreditation.

16                  We have when as Vice Presidents, when we're  
17 putting together our teams, we pick reviewers based on their area  
18 of expertise, and I know one of the things that me and my  
19 colleagues like to do is when we have new reviewers join teams,  
20 we like to have a mix of old and new.

21                  So there's kind of a peer collaboration. We all work  
22 together during that visit to make sure that the new members are

1 sufficiently supported and become aware of the processes. So,  
2 that's just a few ways that we train, and then we have, you know,  
3 of course our annual accreditation conference, which is a  
4 community for our reviewers to understand WSCUC and our  
5 processes more, and receive additional training.

6 J. STUDLEY: We are very alert to the fact that we  
7 want to prepare both our institutions and our team members, and  
8 the Commissioners when they will be making decisions under the  
9 new standards to show them the crosswalks between the current  
10 and future standards to provide a handbook of profit and guidance  
11 about how we can see them using new questions that will get into  
12 the implementation of the new standards.

13 That was discussed at the Commission meeting last  
14 week. It will be the subject of community meetings at the annual  
15 meeting that Stephanie described in April, and then we will publish  
16 with plenty of time for institutions to absorb it into their  
17 affirmation cycle.

18 And applications for new accreditation, our new  
19 approaches. It is not radically different, but there are differences  
20 of emphasis and expectations that are shifting to align with equity  
21 evidence and some of the other issues you heard us talk about, so it  
22 is important to both teams and institutions.

1 R. CLARK ARTIS: I appreciate that. And more  
2 specifically what training is required and how do you document  
3 that the training has been completed?

4 J. STUDLEY: Christopher would you like to pick  
5 that one up?

6 C. OBERG: We're in the process, and I will  
7 apologize my internet was just knocked out by a windstorm, and  
8 they now tell me it's unstable. We're in the process of migrating  
9 from in person to principally online, and the short, specifically  
10 tailored videos for each of the reviewers.

11 One of the things that we anticipate making  
12 mandatory, beginning with the reviews that will take place this  
13 coming fall is that all reviewers will have to come back, even if  
14 they have been highly experienced. Not only our new ones, and by  
15 scaffolding this with the range of the experiences we anticipate that  
16 by this time -- by the fall of this year that all of our reviewers were  
17 be -- have participated in that training lineup.

18 R. CLARK ARTIS: And as it relates to  
19 documentation of completion of such training, are you still using  
20 the Quander system? I believe that's the tracking mechanism you  
21 were using. Can you describe that and how it works?

22 C. OBERG: Well Quander is not the tracking

1 mechanism. It is actually the LMS that is being developed by a  
2 partner with us. We would be able to -- we'll have a separate  
3 tracking system for all those who complete it. In other words,  
4 when somebody is done it will feed into a separate tracking  
5 mechanism.

6 R. CLARK ARTIS: Okay. So this Quander as it  
7 currently exists provide you with any reporting capabilities?

8 C. OBERG: It provides us with the opportunity to  
9 go back and look at who has done what. We want to automate  
10 that, so that we continue to look at it in one place, so we don't have  
11 to look at each of the models separately, but yes it does track  
12 whom has participated.

13 R. CLARK ARTIS: And do your current policies,  
14 or anticipated policies require a minimum level of training and  
15 proficiency?

16 C. OBERG: The anticipated policies will require  
17 that, yes. Right now all new reviewers must do that. We will now  
18 embrace our season for reviewers.

19 R. CLARK ARTIS: Thank you. As it relates to  
20 recordkeeping, can you describe your records retention policy  
21 please?

22 J. STUDLEY: Christopher?

1                   C. OBERG: I don't have the policy right in front of  
2 me. I do know that when we amended it in 2018 or 19, it was in  
3 conformity. We maintained all records for a decade, and get rid of  
4 those after a review. So for example, if we had a reaffirmation  
5 review that was followed by a special visit, that was followed by  
6 an interim report, all of those records would be completed until the  
7 next cycle, and would be retained until the next cycle started.

8                   Is there something in particular to which I might  
9 speak?

10                  R. CLARK ARTIS: Yes. The institutional  
11 responses to agency concerns. There is some indication in the  
12 documents provided that you do not retain those in every instance.  
13 Is there a rationale for that?

14                  C. OBERG: Yes. I think that's a  
15 miscommunication. We do maintain those. What we don't  
16 maintain, but we will start doing, is the email invitation to each  
17 institution to respond to the team report at the time we share it with  
18 them before it goes to the Commission. We do have the  
19 institutional responses.

20                  R. CLARK ARTIS: And what is your protocol  
21 related to the review of institutional responses because there seems  
22 to be some lack of clarity in terms of whether those responses are

1 actually reviewed and there is substantive comment.

2 C. OBERG: Each institutional response is provided  
3 to the panel of Commissioners that reviews the institution at the  
4 time of their review. They are always forwarded to the  
5 Commission.

6 R. CLARK ARTIS: And all of these responses and  
7 documents -- go ahead.

8 J. STUDLEY: To the panel and to the full  
9 Commission.

10 C. OBERG: Yes. All materials are always  
11 available to the full Commission. They are reviewed principally  
12 by the panel.

13 R. CLARK ARTIS: And each of these documents  
14 that you're referring to both responses and review, and then any  
15 documents generated as a result of that review are retained for ten  
16 years. Is that correct?

17 C. OBERG: That is correct.

18 R. CLARK ARTIS: Thank you. Now you've been  
19 very clear that you disagree with the Department's assessment of  
20 compliance as it relates to your monitoring of Ashford, and by  
21 extension AUGC, recruiting practices. At this point, meaning  
22 subsequent to the most recent communication from Department



1 and today, have you continued to monitor, or have you  
2 discontinued your monitoring?

3 J. STUDLEY: We continue to monitor the most  
4 vivid stage of our monitoring will be the special visit that will take  
5 place this spring, and will be acted on by the Commission in June.  
6 We have other kinds of monitoring reporting to us. Dr. Oberg is  
7 also the Vice President liaison for that institution. Do you want to  
8 add anything about the other activities in addition to the  
9 Commission's -- the special visit and the Commission action this  
10 June?

11 C. OBERG: The institution reports to me on a  
12 monthly basis. The activities underway specifically in the areas of  
13 retention and graduation as you can imagine, the latter is a very  
14 slow moving metric, but we consult monthly, or they provide me  
15 with a written summary, and I query them as to how they are  
16 preparing for their next touch with the Commission, that is to say  
17 their next review.

18 R. CLARK ARTIS: And as it relates to -- please go  
19 ahead.

20 J. STUDLEY: I'm sorry. There is also, as I  
21 mentioned, continuing obligations by the institution to monitor  
22 their own recruiting and marketing activities, including external

1 monitors.

2 R. CLARK ARTIS: And as it relates to  
3 institutional.

4 J. STUDLEY: And I ask about them when they  
5 make their visit in May.

6 R. CLARK ARTIS: And are there clearly  
7 articulated timelines within which an institution must come into  
8 full compliance with your standards? There appears to be an  
9 inordinately long period of time between identification of a  
10 potential concern, and ultimate action on the part of the agency.

11 J. STUDLEY: This will invite some conversations  
12 that you had with previous agencies. Are you thinking about this  
13 specific institution?

14 R. CLARK ARTIS: I am.

15 J. STUDLEY: Let me ask this one question. With  
16 respect to a sanction an institution must come into compliance  
17 within two years, unless they establish a basis for a good cause  
18 extension. The institution we've just been talking about, the  
19 University of Arizona Global Campus is not under a sanction. It  
20 meets our standards.

21 We have identified a notice of concern that it could  
22 fall out of compliance. It's an alert, similar to what NECHE was

1 just describing. The notice of concern is an indication that we are  
2 watching, and we encourage the institution to watch its  
3 performance. There's no limit on the period of notice of concern  
4 because the institution meets our standards.

5 R. CLARK ARTIS: Thank you.

6 J. STUDLEY: Then we continue close monitoring.

7 In the case of this institution we've had 14 reviews in ten years, 10  
8 of them within the last five.

9 R. CLARK ARTIS: And do you, despite the sheer  
10 volume of the concerns over a decade, you have not elevated it to  
11 an area of non-compliance. It remains an ongoing concern for a  
12 decade?

13 J. STUDLEY: The institution meets standards in all  
14 respects. The notice of concern was instituted primarily because of  
15 the student success rates. We do not have a bright line, and we  
16 don't have -- and through this time period, ever since they were  
17 first accredited by WSCUC, we have been attentive to it.

18 And the teams that have reviewed the institution  
19 have determined that the institution is addressing the issue with  
20 programs and activities. Some of the recent review teams have  
21 seen intermediate measures, like retention improve. That in the  
22 judgment of the expert panel that was a team that was doing that

1 review, that they saw it was consistent with the potential for  
2 increased rates.

3 In November 2020, the Commission action  
4 indicated that we expected to see improvement. The special visit  
5 team that is going in this spring will have at the top of its agenda,  
6 looking at whether the progress has been made that would be  
7 consistent with removal of the notice of concern, continuation of  
8 the notice of concern, or in a position of a standard, of a section.

9 R. CLARK ARTIS: And do the new standards as  
10 articulated, and I supposed soon to be implemented, make any  
11 change, or does this nebulous notice of concern continue to be a  
12 part of your process under the new standards?

13 J. STUDLEY: It might be helpful to separate that  
14 into two pieces. The nature of the notice of concern, and your  
15 question about the standards. The standards certainly speak to  
16 evidence, and over the decade that we've been using evidence, and  
17 the field is all of us, you, we, higher education, the Department of  
18 Education, have been learning more about the application of  
19 standards, and become more systematic.

20 It's only relatively recently that we've been able to  
21 look at numbers that -- look a little better. So let me, for example,  
22 note that for this institution while it has a very low rate using a six

1 year graduation rate, that only reflect 10 percent of the institution's  
2 students.

3                   The IPED's eight year graduation rate is 21.4  
4 percent, which includes all students, and is more informative than  
5 the six year. That's you know, we told you we looked at  
6 institutions under 40, we're not saying that 21.4 is a good measure,  
7 but it has increased slightly in the last two years, while more than  
8 half of the WSCUC designated peers with this institution declined  
9 slightly.

10                   We put in the hands of the expert team that visits  
11 the institution at each time, whether they are seeing the  
12 programmatic responses, the attention to these issues, and the  
13 intermediate steps that might signal that they are on a pathway to  
14 improved outcomes, or whether they have fallen short of standards.

15                   Do you have a question about the nature of notice of  
16 a concern itself? I don't want to miss that if you do.

17                   R. CLARK ARTIS: No. It sounds like it is a  
18 warning with no finite end date. Would that be a fair articulation?

19                   J. STUDLEY: Well, we use for us warning is a  
20 sanction, so in common speak yes, but we'd like to think I think  
21 alert would be better because warning is a sanction that indicates  
22 that an institution is failing to meet a standard, and probation is the

1 next level of sanctions, which indicates more serious failure.

2                   So rather, than confuse everyday warning with our  
3 warning, let's consider a notice of concern to be an alert, a signal  
4 that if current conditions continue the institution might -- the  
5 Commission fears that the institution would fail to meet standards.  
6 We do provide a notice of concern. Those are public, and gathered  
7 agencies do these somewhat differently.

8                   We believe that our notice of concern is a way to  
9 signal to the public that we have questions. It is not a sanction, it  
10 is not a failure to meet standards, but it is something that would be  
11 worth knowing, in making an evaluation of an institution. So we  
12 put notice of concerns on our website, while we continue to work  
13 with an institution for improvement.

14                   R. CLARK ARTIS: I appreciate the distinction  
15 between notice of concern and warning given warnings use as an  
16 actual sanction. My concern is that there doesn't seem to be an end  
17 date. There is not a graduated level at any point. It can just go on  
18 infinitum. Is that correct? Or is there some period beyond which  
19 we will not allow a notice of concern to continue.

20                   J. STUDLEY: There is not a time period for notice  
21 of concern because the institution has been found to meet  
22 standards. An institution on notice of concern is likely to return to

1 the Commission for a large number of touches, reviews and  
2 evaluations of whether it is improving, notice of concern comes  
3 off, stable, or at worse stuck, still on notice of concern, but still  
4 meeting standards.

5 And that's a Commission determined evaluation, or  
6 whether it has reached the point that that category of concern has  
7 declined to the point that it failed to meet one or more standards.

8 At which point the rules that we are required to follow kick in, and  
9 the two year period applies.

10 We have some institutions that are on notice of  
11 concern and pull out of, you know, they never skid, they come  
12 back out, or come back on notice of concern. We have some that  
13 do stay at that level. The Commission reviews those with a  
14 combination of special visits and interim reports, as frequently as  
15 necessary in addition to the annual AIM review, so that we can  
16 calibrate whether it is close, but not a problem.

17 I can tell you there are some state based schools that  
18 have been on notice of concern, but have stability at that, that have  
19 not fallen beneath that level. But we also have institutions that  
20 have been on notice of concern, and the changes that they attempt  
21 to make are not satisfactory, and they do go on warning or sanction  
22 and can kick into all of what follows from a sanction.

1                   R. CLARK ARTIS: Thank you very much. As it  
2 relates to student success I might say very clearly that I appreciate  
3 and applaud your consideration of factors other than graduation  
4 rates that tend to be rather unnuanced. That can be an appropriate  
5 use of language, so thank you for that.

6                   However, as we look at third party comments, and  
7 some of the documentation provided to the Department there are  
8 ongoing concerns as it relates to the unaccredited law schools.  
9 ABA accredited law schools that are accredited by WSCUC. Can  
10 you talk to me about how you are assessing student success at  
11 those institutions in ways that allow them to continue to be  
12 recognized?

13                  J. STUDLEY: Let me make a quick statement  
14 comment so people understand you and I have obviously read all  
15 this material. We accredit institutions, and for professional  
16 programs, whether medicine, nursing or law, there's also a  
17 professional accrediting.

18                  California has an unusual arrangement in the state  
19 that provides for law schools that only qualify a student, a  
20 graduate, to sit for the California bar and seek practice  
21 opportunities in California. The state court has a distinctive state  
22 policy that promotes those kinds of institutions and a regulatory



1 scheme that's designed to provide access to legal education in the  
2 state in a very intentional way to improve diversity in the legal  
3 profession.

4           One thing that we do with these institutions is work  
5 to be sure that they are clear what students those limitations accept.  
6 We have also looked at schools with relatively low bar pass rates.  
7 All of the ones that are either free-standing law schools, or with  
8 any university or college that we accredit that has a California, or  
9 ABA accredited law school, it is being watched.

10           Of the schools that have relatively low bar pass  
11 rates, we have one that has ceased admitting students, and is on  
12 probation with the state bar, and we've made sure that it's not  
13 adding students until it can come out of that situation and satisfy us  
14 as well.

15           One is scheduled for special visits this spring with  
16 bar performance as the topic. One recently submitted an interim  
17 report that is under review, and another has been asked to provide  
18 additional information, giving disappointing bar results in the last  
19 round.

20           And one law school mentioned in the third party  
21 comments was incorrectly characterized. It has never been  
22 WSCUC approved, and withdrew from WSCUC seeking

1 accreditation process because I believe they saw the handwriting  
2 on the wall.

3 So we watch that performance measure. We have a  
4 different approach to evidence from the American Bar Association,  
5 which has a bright line bar pass rate standard. We do not, but we  
6 do look at student success in context here as well.

7 R. CLARK ARTIS: Two brief questions. Do your  
8 new standards contemplate assessment of facilities beyond IT  
9 infrastructure, particularly as it relates to your distance education  
10 offerings?

11 J. STUDLEY: The standards do include the word  
12 facilities. We always look at overall institutional capacity to carry  
13 out its programs, but we do include in the 2022 standards the word  
14 facilities. Christopher you worked with the standards drafters  
15 would you like to add to that?

16 C. OBERG: Yes. The emphasis, it's just an  
17 overtime or more to the IT infrastructure. This will recalibrate us  
18 to make sure that any physical plant is in the appropriate state for  
19 conducting the institution's business.

20 R. CLARK ARTIS: And is that a may or a must in  
21 the new standard?

22 C. OBERG: It's a must.

1                   R. CLARK ARTIS: Okay. And as it relates to  
2 appeals and prompt review, are those also articulated in your new  
3 standards with clear definitive timelines?

4                   J. STUDLEY: Our standards document creates the  
5 expectations for institutional quality, but our appeal -- and our  
6 appeals are included in policies specifically the institutional  
7 appeals policy, which includes process and timelines. Was that  
8 responsive to your question?

9                   R. CLARK ARTIS: Yes. I just want to ensure that  
10 they are not ambiguous, but very clearly stated and well-articulated  
11 deadlines and dates for appeals.

12                  J. STUDLEY: There are deadlines within it. There  
13 are some steps that are contemplated that do not have a time limit  
14 either because of the committee needs to operate, or because the  
15 institution has certain amounts of time to perform what it wants to  
16 do, but yes there are timelines for concluding, for handling an  
17 institutional appeal, and concluding it.

18                  I'll add that since an institution on appeal remains  
19 accredited until the conclusion of the appeal, it is in our interest to  
20 reach a conclusion, as well as the institution's interest.

21                  R. CLARK ARTIS: Thank you for that. I have no  
22 further questions.

1                   CHAIR PRESSNELL: Thank you Roslyn. Robert  
2 Mayes do you have questions?

3                   R. MAYES: Yes, yes sir. I'll start with the easier  
4 items first, then we can finish up with university affairs on a global  
5 campus. So all the matter of the requirement to initiate review,  
6 which had to do with TJSJL and ABA putting them on probation,  
7 and you not initiating a review specifically to that.

8                   You did have a review that just kind of happened to  
9 be very timely early on in their process, before the probation was  
10 issued, and your team had the information, what it was, and then  
11 even before the report was finished, had the recommendation of  
12 the committee to put TJSJL on probation.

13                   So, what do you think about the staff's citation on  
14 that one, and what do you feel you should have done differently?  
15 What's your thoughts on this one.

16                   J. STUDLEY: Okay. So the most obviously thing  
17 we should have done differently was write to the Secretary after  
18 we had made a determination that the American Bar Association  
19 withdrawal of accreditation of Thomas Jefferson School of Law  
20 had been fully reviewed by us, and that we had made a  
21 determination to accredit them that took into account the ABA's  
22 reasons, and at the same time that we had a complete basis to

1 award accreditation to the institution.

2                   Coming back to the more complicated part of that,  
3 WSCUC had approved Thomas Jefferson School of Law for  
4 candidacy with WSCUC, but was still ABA approved. This  
5 happens with a number of law schools. It's not that unusual  
6 because the ABA approves only J.D. programs, and if an  
7 institution wants to have masters or doctoral or other law programs  
8 they need another institutional accreditor to do that if they want  
9 Title IV eligibility for those programs.

10                   So the University of California, formerly known as  
11 Hastings Law School, has WSCUC accreditation for that purpose.  
12 Thomas Jefferson came to us to do that. We conducted an  
13 evaluation for candidacy under WSCUC standards, and granted it  
14 in 2016 while it was still ABA accredited.

15                   The ABA placed them on probation in 2017, and  
16 withdrew accreditation in 2021. It included non-compliance with  
17 ABA standards that relate to the institution's financial resources,  
18 and the admissions requirement alignment with bar success.

19                   Throughout that period, we had a series of intensive  
20 reviews of the institution, and consistently and repeatedly reviewed  
21 them, knowing where they stood with the ABA at each step in the  
22 process. And we looked at their bar results. So, we did not need to

1 create a specific additional activity to deal with the fact that the  
2 ABA had taken a further step because we had our own series and  
3 cycle of thorough reviews.

4 In each one of them we considered its status with  
5 the ABA, and whether it satisfied WSCUC standards. We  
6 prepared a comparison chart of those reviews that is provided in  
7 the records that you have. We're trying to say that those were  
8 developed contemporaneously.

9 They draw on the team reports that are available to,  
10 if any of the public is still with us, the team reports specifically  
11 identified and addressed the ABA issues that were common to us,  
12 and the ABA issues that were ABA only, and the requirements that  
13 only we had, and identified the institution.

14 So, we don't think we needed to create a separate  
15 response process because we responded to the ABA accreditation  
16 reality at every step along the way, and those summaries were  
17 provided simply that we kept them sufficient.

18 R. MAYES: Thank you. I agree with you on that.  
19 Claude, is it okay if I ask Herman to maybe speak to this one and  
20 Charity. So the standard, you know, reads that they have to  
21 conduct a review at the schools accreditation specifically in  
22 response to the ABA's acting to withdrawal.

1                   In this case it just worked out differently, and they  
2 had kind of become aware of it in the very beginning and dealt  
3 with it along the way, but were found not in compliance because  
4 there wasn't a separate review done, because it integrated in with  
5 other reviews that had already happened and other actions, and  
6 follow-up. What's your thoughts on this, that's to Herman or  
7 Charity.

8                   C. HELTON: So I believe this is in reference to  
9 602.28(d).

10                  R. MAYES: Yes.

11                  C. HELTON: Where at an institution is subject to a  
12 diverse action plan by the recognized agency, or has been placed  
13 on probation, they must review their accreditation or peer  
14 accreditation determined. If it should also take adverse action or  
15 place the institution or program on probation or show cause it is  
16 absolutely clear that throughout WSCUC's review of Thomas  
17 Jefferson School of Law during this time period that they were  
18 very aware of the ABA's action.

19                  What is not clear is that they reviewed the causes of  
20 that action, or how it related to their accreditation of the institution.  
21 It didn't seem that the institution at any point addressed, or excuse  
22 me, it didn't seem that the agency at any point specifically

1 addressed why the ABA took the actions that it did.

2 Now they did do this in response to the petition and  
3 in response to a request for information. They created a detailed  
4 summary of why the ABA's actions were made, and how those  
5 actions differed from WSCUC's standards in ways that allowed  
6 them to proceed with the choices that they made.

7 However, it just didn't seem that while the agency  
8 was aware of the situation it did not seem that they were directly  
9 responsive or in consideration of what the ABA's choices were.

10 CHAIR PRESSNELL: Herman, do you have?

11 Yeah, Herman?

12 H. BOUNDS: Charity, was there also an issue with  
13 the notification to us at that time?

14 C. HELTON: Yes. So, that is why I asked if that  
15 was in reference to 608.28(d) in reference to 608.28(c) of course  
16 there is the issue of just the timely notification to the Secretary  
17 where if the agency chooses to act in a case where another agency  
18 has had a negative action against that school, then we expect to  
19 receive a description of the reasons for that in a timely fashion, and  
20 so I think that one is less controversial.

21 J. STUDLEY: Dr. Helton is absolutely right that  
22 we did not file the required letter. But we believe that the



1 underlying team reports do specifically address the issues of  
2 concern to the ABA. As I said, the ones that the ABA required,  
3 but we said do not relate to our standards. They have a bar pass  
4 rate, minimum requirement. We looked at bar pass rate patterns.  
5 Those are two separate ways of doing it, but we acknowledge it  
6 too.

7                   And we believed that those charts pulled out the  
8 information from the team reports that spoke to those issues, and  
9 we did a crosswalk, so that you could see overlapping ones. We  
10 both addressed financial issues, and the ABA's analysis might have  
11 been helpful, but we had to make our own analysis of financial  
12 health, so there was no relapse, and there were some others that  
13 were different.

14                   But they were acknowledged in the team report, and  
15 evaluated as the teams reached their recommendations, and as the  
16 Commission made its decision.

17                   R. MAYES: If you had not already done that  
18 process and you got the notice from ABA, there really were several  
19 notices that you began aware of where they were considering  
20 putting them on the probation, then the committee voted. They  
21 recommended it, and then later you asked about the probation, then  
22 the withdrawal.

1                   At what point would you have initiated a visit if  
2 your other actions weren't already happening?

3                   J. STUDLEY: If we didn't have a visit soon  
4 enough, when I went back to look at this when the issue arose in  
5 the staff report, through the miracles of emails I could put in PJSL  
6 because that's how we referred to it, and find my own record of  
7 emails with the Vice President liaison each time we heard about  
8 ABA actions.

9                   In which we said, are we visiting soon enough?  
10 Can we put this into the substance of the upcoming review? Did  
11 we have a recent review in which they already knew that about the  
12 ABA status because sometimes the school knows before the  
13 agency advisor.

14                   So we would ask the Secretary questions, and we  
15 would have initiated an additional review if we didn't have one  
16 coming up soon in which we could incorporate relevant  
17 conditional information.

18                   R. MAYES: Okay. Thank you. I'll move on  
19 quickly. On the evaluator training records you all mentioned earlier  
20 in remarks about a new tracking mechanism because in the current  
21 information we have it kind of set the picture that the monitors had  
22 to look at Quander, and look at Zoom to see if an evaluator has

1 been through training. Is this going to be resolved with the new  
2 system you're putting in place to track that current training?

3 C. OBERG: Yes it is.

4 R. MAYES: Okay. So going through the  
5 universities on a global campus. So, I think so you did do, you've  
6 done a thorough amount of reviews and actions, and special visits,  
7 and notices, so I commend you on that.

8 And as you mentioned earlier in the April of 2019  
9 report there was an extensive review by the team, and that was  
10 very extensive, and the monitoring and compliance efforts were  
11 impressive to say the least. Can you speak to maybe before this  
12 time, which would also be -- meet the period in which the  
13 judgment was talking about.

14 You know, we get into earlier 2017 and before, and  
15 after WSCUC accredited in 2013, so you know, after initial  
16 accreditation up unto this visit there were problems apparently, but  
17 then also at some point, which I don't have an exact date, Ashford  
18 and the University of Arizona at different points action was taken  
19 to drastically improve this issue it seems.

20 I don't exactly know when, but so could you speak  
21 to your actions about recruiting and admissions before this April  
22 2019 visit?

1                   J. STUDLEY: We focused on that time period  
2 because that's what others had asked about, and that's the point at  
3 which we had the knowledge of the state case, plus the veterans  
4 education success indication of compliance.

5                   Christopher can you speak to pre-2019 advertising  
6 issues?

7                   C. OBERG: I can't speak to all the specifics of it  
8 Jamiene. What I can say is I've been with the Commission over  
9 the last decade, is when I go back to the period let's say 2012 to  
10 2015, and I remember doing reviews for then Keel College, which  
11 was a member of the Currency Group which failed.

12                   And the Commission's growth in that period away  
13 from believing that a for profit ownership of an institution meant  
14 that we just accredited the institution. The Commission abandoned  
15 that in a period of 2015 to 2016, 2017, and said no, we have to  
16 pierce that ceiling. And we even created a for profit financial  
17 framework tool to look at that.

18                   So, Committee member Mayes there was an  
19 evolution in this time of recognition that you can't just look at the  
20 educational institution, but you have to look at the whole corporate  
21 structure. So, it was a form of a blind spot that's been rectified, as  
22 we've learned to deal with what was essentially a very large new

1 phenomenon to the accrediting world in that period.

2 J. STUDLEY: If I could add, in addition to the  
3 reviews for reaffirmation of the institution, a substantial amount of  
4 the owner's side activity took place in structural change  
5 applications. So you may have seen, but maybe not all of the  
6 Commissioners delved deeply enough to be aware that Ashford  
7 went through structural change applications three times.

8 It was three, or was it four Christopher, three times.  
9 It applied for structural changes that were deferred because the  
10 institution could not meet the standards of demonstrating that there  
11 would not be an adverse effect on its ability to continue to meet  
12 standards. There were governance issues, there were deep  
13 questions that are captured in the Commission action letters in  
14 which we explained that we needed more information about the  
15 contract.

16 And the performance indicators, the arrangements  
17 of the terms, the control of the institution, and it would have  
18 sufficient financial resources to support the educational programs  
19 all the way through. On two occasions the Commission  
20 determined that it did not have enough information to achieve the  
21 standard and the requested structural change was disapproved.

22 The institution stepped away and returned with a

1 structural change proposal to affiliate with the University of  
2 Arizona to become the school campus. And that structural change  
3 request also received very intense scrutiny with very serious  
4 follow-up actions also delineated in the Commission action letter.

5 R. MAYES: Yeah. I noticed in 2021 that's when it  
6 came up in the Commission letters, the actions letters to the June  
7 21 meeting to target. Well we'll get to accurate improvements in a  
8 minute. To focus on the marketing, monitoring marketing, and I  
9 guess auditing third party services and missions.

10 And then you went to a monthly follow-up system I  
11 believe then. And also, in December 21 identified a need to give  
12 this more time to make enrollment decisions. It appears it was a  
13 very quick method of enrollment that Ashford had, or UAGC or  
14 someone could enroll before their FAFSA was even submitted, for  
15 example I think.

16 And then in February you identified the naming  
17 issue, wanted to continue marketing enrollment process review,  
18 and then it's the first time it came up to mitigate risk with Zovio.  
19 What sparked that? I don't think we have access to the team report  
20 that was behind that one.

21 J. STUDLEY: It would be on our site, but was that  
22 the point in which we understood that there were discussions about

1 corporate changes? Christopher?

2 C. OBERG: --

3 J. STUDLEY: So, over time you've seen this  
4 institution shift from being a subsidiary of the service provider of  
5 the Zovio Corporation to then become an independent non-profit  
6 organization that purchased services from Zovio. And then the  
7 company deemed the institution as a non-profit now, with an  
8 independent Board took over all of the operations itself.

9 When we -- and the institution has always been very  
10 forthcoming about what was developing and what they saw on the  
11 horizon, which helped us to manage and seek continual updates  
12 from them.

13 When they started to think about the separation  
14 from Zovio, we recognized that it was important to the stability of  
15 the situation to know that they would be able to maintain all of the  
16 services that they had been purchasing, the learning management  
17 systems, the recruiting systems, the information that was  
18 maintained by the service provider.

19 And so, we were getting very, very detailed  
20 information about their transition plans, and how that was going to  
21 be managed, and how -- and made sure that the student's interests  
22 were protected in the conduct of the educational program, as well

1 as the more institution level finances and operational  
2 responsibilities.

3 Christopher, do you want to add to that? You were  
4 managing that day to day, hour to hour. Christopher, did you want  
5 to add anything?

6 R. MAYES: You're muted. There you go.

7 C. OBERG: I think the concern fundamentally was  
8 because the technology infrastructure was provided now by this  
9 independent third party, which also provided a lot of the  
10 curriculum development services under the jurisdiction of the  
11 OAGC faculty. That were they to fail as a company, the institution  
12 itself would be at risk, so how were they going to mitigate and  
13 create fallback plans to continue their services?

14 R. MAYES: Okay. Thank you. If I can go back to  
15 Charity for a minute. Let me find my question. So on this topic of  
16 recruiting and so, Charity did you guys mention the reason for non-  
17 compliance was -- here we go, I have it now, is that they had  
18 serious issues with recruitment regarding to UAGC you have  
19 serious issues with recruitment and admission practices at least  
20 through this agency's current review period.

21 Now I'm assuming that date would be May 2018,  
22 when they were renewed last, the agency was renewed. So what



1 time -- what documents or information kind of were you referring  
2 to, to reach that conclusion that the issues were continuing in this  
3 review period, because I want to make sure I'm not missing  
4 anything in the questions.

5 C. HELTON: That's a good question. So, the  
6 lawsuit was settled on March 3 of 2022, and as you know it's  
7 regarding misinformation provided during the school's recruitment  
8 processes, among other issues. And it was during the period that  
9 WSCUC accredited the school.

10 The details in the lawsuit definitely showed the  
11 issues tapering off. However, the agency's accreditation as they  
12 noted, the most recent accreditation review was in 2019, I believe,  
13 or excuse me a full accreditation review. They did a number of  
14 other reviews related to other issues, but their most recent review  
15 before that was 2015, at which time they were found fully in  
16 compliant with that review, and was in effect until their 2019  
17 review.

18 Typically, the Department would consider opening  
19 a 602.33 investigation in response to something like this judgment  
20 that we received a year ago, or a little bit less than a year ago. But  
21 since the timing of this judgment happened to coincide so neatly  
22 with the agency's petition, it seemed prudent to include the

1 materials in the discussion, with the NACIQI process, so that  
2 NACIQI could also have and review that information.

3 R. MAYES: Okay. And so I kind of get the picture  
4 I think that aligns with what you're seeing, that yes, we were  
5 hoping to see more scrutiny made reviewing those earlier years  
6 that the judgment was referring to, and things did get better, but it  
7 was a little bit later on.

8 You brought up the desire why wasn't the third  
9 party secret shopper documents looked at? I guess I'll switch over  
10 to agency, do you all have an answer for that one? I know a lot of  
11 times they are under kind of legal protection because they go  
12 through an attorney, but that was a question that was asked, is why  
13 didn't the agency look at those reviews that were being conducted  
14 with the same secret shopper program?

15 C. OBERG: My understanding from the institution  
16 is that there were legal issues surrounding us having direct access  
17 to them, and they could only be reported to us via the institution  
18 itself, but not the source documents. I am not -- I don't know  
19 enough to tell you what those were.

20 R. MAYES: I think -- yes?

21 J. STUDLEY: Oh go ahead.

22 R. MAYES: No. Go ahead and finish, I think I'm

1 through.

2 CHAIR PRESSNELL: Okay.

3 J. STUDLEY: I simply want to -- we were getting  
4 reports about them. We did not receive any complaints, and it's  
5 true that our time period of the five year of our recognition period,  
6 we were attempting to be. Whatever we got incoming information  
7 we incorporated it in our reviews, and we were getting, although  
8 not literally the secret shopper reports, we were getting oversight  
9 reports from the institution.

10 And we had no challenge, for example, in the form  
11 of complaints to suggest that there was any -- we had the sense that  
12 we were getting the full story about what they were working on  
13 because it seemed candid and it did address when there were  
14 problems, and we had no other indication that there were problems  
15 that would come from other tidbits.

16 I will say that this whole conversation, I know that  
17 you've identified complaints as something to think about in your  
18 policy conversations. In addition to how accreditors handle  
19 complaints, for years many of us, and I sat in a variety of different  
20 seats, have thought that improving the ability to share complaints  
21 across the entities that receive them could be helpful.

22 I don't know what complaints the FTC is getting

1 about institutions. I am able to communicate with our state  
2 agency, BPPE or the Hawaii entity, or others where at schools like,  
3 but we have 76 total complaints in five years. So we need a fuller  
4 understanding of the complaint universe in order to use what is  
5 often the best early warning concern system, to be able to be  
6 confident that we are monitoring where appropriate.

7 CHAIR PRESSNELL: All right. Thank you.

8 Thank you Robert, or do you have more?

9 R. MAYES: Yeah. Well let me ask one more that I  
10 wanted, then I need to let the team go. I know, but this is one that's  
11 going to come up, so it would be good to hit it now. So just go to  
12 graduation rates for a minute. This is regarding again Ashford and  
13 UAGC.

14 So, you in the 2019 meeting action letter there was  
15 a comment that the notice of concern due to Commission's long-  
16 standing concern about lower decreasing completion. So this  
17 probably I guess has been going on since the day they were  
18 accredited.

19 And then, that of course comes up later as let's see,  
20 I'm trying to find it. Hang on a minute. Well I won't worry about  
21 that one specifically. But it comes up later where you take that to a  
22 more serious level. Here we go. In June of 21 -- yeah June 21,

1 you mentioned that the targets for academic improvement are just  
2 inadequate, so you're seeing that there's a problem, that it's not  
3 improving.

4 I think this is the concern that others, and probably  
5 outside parties had is there is a -- it is hard to change graduation  
6 rates quickly. You're totally right, and you all kind of mentioned  
7 that earlier, and I get that totally. But then there's the flip side that  
8 these rates were really, really low, and while they were being  
9 looked at there was a lot, a lot of time given.

10 Going forward, and the point being it ended up, you  
11 know, not working out, so from 2019 then we later come up to  
12 2021, so you know, two years later, you realized that  
13 improvements are just inadequate, and they're not going where you  
14 need them to go.

15 So you know, we've lost a couple of years there.  
16 Going forward, do you see it better? Does the agency may have an  
17 idea of how to do this better and more promptly, and to maybe  
18 even begin looking at admissions earlier as how they impact the  
19 graduation rates, because I didn't see where that was really being  
20 looked at in those early concerns and write-ups.

21 J. STUDLEY: To the extent that your question is  
22 how long does this take? When does this become a failure to meet

1 standards, we ask ourself that question all the time. We've been  
2 asking about this institution, but also about others throughout. So  
3 our interim and site reports looked at all of the factions that you  
4 asked about for relevant consideration.

5           What are they doing about admissions? Are they  
6 taking people who have no chance of success, and should not be  
7 spending their time or money at this institution? They have  
8 adapted and changed a number of their practices to allow students  
9 to begin at no charge, and to drop out at no penalty in order to  
10 explore the possibility studying at this institution.

11           They redesigned programs, and prepared faculty in  
12 new ways. As I say, some of our teams have seen intermediate  
13 improvements. It makes everything a little hard to understand, and  
14 yet through that they have had slight increases in outcomes. That  
15 said, in noting and respecting the efforts that they have made, and  
16 identified by our staff look at the data that you've asked about, we  
17 do not take a position on whether the institution has made progress,  
18 and whether it continues to meet standards at this time.

19           Only the Commission can do that, and they will  
20 look at that again on the basis of a special visit report in the spring  
21 and go to them in June.

22           CHAIR PRESSNELL: All right. Thank you. Is

1 that okay Robert?

2 R. MAYES: Thank you. I'm done.

3 CHAIR PRESSNELL: Good. Jennifer?

4 J. BLUM: Yeah and I'll try to keep this tight. So,  
5 without going into because we've already done that, into UAGC  
6 and Zovio and all of that, I want to -- and somehow I missed the  
7 opportunity to talk to the staff, and so during the discussion on the  
8 vote I do have staff questions.

9 But for the agency when you're in the petition  
10 process with the Department, and discussing the recruiting  
11 standards, and your compliance with the recruiting standards, you  
12 provided information about at least one other institution. And  
13 were you asked by the Department at all about how you look at  
14 recruiting, how you analyze recruiting standards for any of the  
15 other 200 institutions?

16 It's just I am going to raise a concern here that, you  
17 know, regardless of UAGC again, putting that aside, because I  
18 think we're probably all in unison a little bit about all of that. I just  
19 the role when we're looking at the compliance with recognition  
20 criteria, to me should span more than how the agency did on one  
21 institution.

22 And of course, we can talk about triad failures, not

1 just the agency. You know, one agency, but I would like to know  
2 how WSCUC feels it does on the other 200 institutions that it  
3 accredits with regard to recruiting and advertising.

4 J. STUDLEY: So I would like to ask Christopher  
5 or Stephanie to talk about the basic compliance reporting to meet  
6 the federal requirement that we do across the board, and then I'll  
7 talk to you about your larger question, Jennifer, how are we  
8 thinking and feeling about it. Christopher, do you want to speak to  
9 the basic compliance visit elements?

10 C. OBERG: We have four federal compliance  
11 reports that are required on each of our reaffirmation reviews. One  
12 of which deals specifically with the admissions and recruitment  
13 and marketing. It is assigned to a team member who is responsible  
14 for visiting with the marketing department, and we submit those to  
15 the Commission with each full report.

16 If you were asking did we have discussions with the  
17 Department about any other institutions where we did look at  
18 those, I do not recall any.

19 CHAIR PRESSNELL: Okay. Thank you.  
20 Jennifer?

21 J. STUDLEY: Right. But his complaint if we got  
22 complaints, and so what we've asked ourself is, are we missing



1 something? Is our compliance process sufficient? And where else  
2 might we look? So we, the Vice Presidents and I actually spot  
3 check website, and have wondered whether that is an area where  
4 we can do either training or preparation for institutions, or use that  
5 as part of our compliance because we and the Department of  
6 Education, have very clear expectations for our candid and non-  
7 misleading advertising and marketing.

8                   But it's a question we can all be helpful with, but we  
9 did not have other institutions where we dug into it because we  
10 either didn't see something in the compliance issues, and our team  
11 didn't see anything in looking at what they were supposed to look  
12 at, and we didn't get any external signals that we needed to go  
13 deeper.

14                   CHAIR PRESSNELL: Are you okay Jennifer?  
15 Okay. Good. I've got Wally, Kathleen, and Bob, so it's try to keep  
16 them as tight as possible, and if the responses could be direct.

17                   W. BOSTON: Thank you. I did not know until this  
18 meeting when you guys introduced it that you had a set of key  
19 indicators published for all institutions. I quickly reviewed it, and  
20 I just want to compliment you on it. It's the most thorough set of  
21 publicly transparent data that I've seen for any of the agencies that  
22 we've reviewed.

1                   I have a list of eight questions, and in order to speed  
2 this up rather than answering them each individually, as I ask  
3 them, I guess because I think some of them are probably a single  
4 word, or you know, two or three word answers, but I heard -- I  
5 believe I heard in the introduction that you used the Zemsky  
6 College stress test as a guide.

7                   I'm pretty familiar with that. I could not find it  
8 anywhere in the dashboard, however I have made an assumption  
9 that it is in the institutional finances you've taken all the categories  
10 and put them in there. But like some other entities who were  
11 threatened to be sued for publishing the Zemsky stress test, you  
12 have not put the Zemsky score in there. So that's question number  
13 one. Don't answer it right now.

14                  Question number two is under student finances  
15 you've chosen to use median student debt for just students who  
16 borrow, and I'm wondering if there is a plan to look at that for all  
17 completers at some point?

18                  The next question that I have is in your tuition and  
19 fees, they appear to be gross, and not net, which would actually go  
20 against the Zemsky stress test, but could you tell me if they're  
21 gross or net?

22                  The next question is I noticed one of your

1 institutions, and so I don't get sued, I won't mention the name, but  
2 it had a year over year change in its composite index of minus 26.7  
3 percent, and I'm wondering if something as notable as that where a  
4 decline from it's index of 2.4 to 2.2 would get flagged, and if  
5 actions would be taken by you all?

6           The next one is I looked under post-graduate, this is  
7 question number five. I looked under post-graduate outcomes, and  
8 I didn't see income. You can get income from the college  
9 scorecard, so I was curious why income wasn't there.

10           The sixth question was is all of this data collected  
11 from databases, or are institutions responsible for submitting some  
12 of it that is unique to your institutions? And is it audited, and is it  
13 proofed just in case, and some of the inputs not being automated,  
14 there could be errors.

15           The seventh question relates to the utilization of  
16 IPED's graduation rates, first time, full time, which are now a  
17 minority of students in most regions, and I was wondering if you  
18 would actually emphasize the outcome measurements for transfer  
19 students or if students who used to be termed non-traditional, but  
20 some people say we should be terming them as traditional.

21           And then my eighth and final question is that I  
22 looked at the data dictionary, and there are some terms in the data

1 dictionary that I couldn't find in the dashboard. For example, the  
2 percent of students who were earning more than a high school  
3 graduate, and the percent of full-time, first time, full time freshman  
4 in the entering undergrad class. And I'm wondering if those are  
5 items that you are going to include in the dashboard at a future  
6 date.

7                   So those are my questions. If you can quickly  
8 answer it would be great, and once again awesome, awesome, key  
9 indicators dashboard. Thank you.

10                   J. STUDLEY: Thank you, thank you. Just one  
11 second Christopher. I'm just going to say thank you very much.  
12 The two people that you are going to hear from in just a minute are  
13 the creators of respectively the financial indicator tools, Christopher  
14 and the key indicator dashboard, Stephanie, with the collaboration  
15 of our institutions and the rest of our staff.

16                   I could guess at the answers, or give you my best  
17 answer, and I'd probably get maybe four out of five. So let me ask,  
18 which order do you want to go in? Christopher do you want to  
19 answer all the ones that are yours, and then Stephanie can answer  
20 all the KID questions?

21                   C. OBERG: Well most of the questions are  
22 Stephanie's anyway. So the answer to number one about Zemsky

1 that would be right, we do not publish them for that reason. They  
2 are used internally to help us site.

3 S. BOND HUIE: Okay. I took notes. If I forget  
4 something just let me know. Why debt just for borrowers because  
5 that's what we can get from the college scorecard. If we could get  
6 debt for all students we'd use it, so there's my play to answer that.

7 J. STUDLEY: It looks from new Department  
8 conversations that it is possible that that information may be  
9 available, but and being part of the team that built the scorecard, it  
10 was never possible to get debt -- to get earnings for all graduates,  
11 or all students. We could only get them for people who were  
12 participating in Title IV.

13 So if that change comes about it will be an  
14 important advantage. If we had it we'd use it. Back to you  
15 Stephanie.

16 C. OBERG: Stephanie I'll take the next one. It has  
17 to do with net tuition. It's net of institutional pay, that's why net is  
18 there. If you're asking us about is it net of what they actually have  
19 in a surplus sense? No. That's my understanding. Back to you  
20 Stephanie.

21 S. BOND HUIE: Okay. Post --

22 J. STUDLEY: Year after year? Was that

1 Christopher?

2 S. BOND HUIE: What?

3 J. STUDLEY: The 26 percent year over year  
4 change?

5 S. BOND HUIE: I didn't hear a question related to  
6 that.

7 C. OBERG: I'm going to have to pass with not  
8 coming back to the committee member.

9 S. BOND HUIE: Yeah, let me just answer the ones  
10 that I have written here and then you can tell us what we missed  
11 just for efficiency sake. For post-graduation outcomes, oh -- no  
12 income measure, yeah. So, you notice on our dashboard we have  
13 like six year trendlines. Well unfortunately, it's the case that the  
14 data that's available through the college scorecard is uneven at  
15 best.

16 So, you have 13-14 and 14-15 better than the high  
17 school graduate available. We used to have that on the dashboard.  
18 I need to take it off of the -- that's just a housecleaning mistake. I  
19 need to take it out of the day to day sharing. We took it down  
20 because it's the data is so old, and it's not being updated anymore  
21 in the scorecard.

22 There were no updates to income by institution

1 level between 15-16 and 17-18. And now in 18-19 there's a new  
2 threshold earnings field, which has a different calculation, which  
3 was different than the 13-14, 14-15, so you can't create any  
4 trendline. Scorecard was last updated on September 14 of 2022,  
5 and there is no update to the income level at the institution level.

6                   However, as Jamiene mentioned in her opening  
7 remarks, we are looking at the program. I know a lot of the move  
8 away from institutional income was because the Department was  
9 getting more interested in program level metrics, and that you do  
10 have data by program for three years out.

11                   So we have been, as she mentioned, exploring that  
12 data, and yes. We want a consistent income metric that we can use  
13 to put on the dashboard. Let's see. Oh yeah, how are we collecting  
14 it? So all the data is downloaded. IPED's puts out a data file  
15 where you can download all the data, and scorecard has a  
16 background data files, and then you can go into federal financial  
17 website and download all the financial aid variables.

18                   So, that's how we collect that, and we store it on our  
19 computer, so it's not reported by the institutions. We do have an  
20 annual report, but that's just like to get current enrollment data and  
21 things like that, nothing is complicated, it's really quite easy.

22                   Oh yes, you're right about first time full time IPED's

1 grad rates. About 40 percent of the students in all of our WSCUC  
2 institutions are actually transferring students. If you look on the  
3 dashboard we do have outcome measures for all students for part-  
4 time and full-time, and transfer students, and we have six year  
5 graduation rates by Pell, gender, race ethnicity, so we're trying to  
6 get in and look at those different populations, and show where  
7 performance gaps may or may not exist.

8                   And then oh, your question about percent of first  
9 time, full-time freshman in the starting cohort, that was on a day to  
10 day sharing. That's an institution size and context bucket, and it's  
11 called first time, full-time percent of entering undergraduate  
12 cohort, so I think that was probably just a name change.

13                   So, this reminds me I need to crosscheck and make  
14 sure the terminology in the KID is the same as in the data  
15 dictionary. And I think I might have missed some questions.

16                   W. BOSTON: You only missed one, so and it's  
17 kind of important to something we're hopefully going to cover  
18 tomorrow. So what I asked was one of your institutions had a year  
19 over year change in the composite rate from 2.4 to 2.2, which you  
20 indicated was minus 26.7 percent.

21                   That seems like a big change for me, and I was  
22 wondering if there are changes, if you have set levels for



1 significant changes that get flagged when they surface like that,  
2 and if you take action on them, or if you just publish these things  
3 and there's no actions.

4 C. OBERG: In that particular case that would come  
5 up in our dual track financial analysis, not necessarily generated  
6 from the dashboard.

7 J. STUDLEY: Do you want to describe,  
8 Christopher, how you flag institutions, and what follow-up we  
9 provide because a significant change would be identified.

10 C. OBERG: Well let me, in the interest of time I'll  
11 only speak about the Zemsky for the moment. We will look at any  
12 institution that pierces the alert level, and if we find on two of the  
13 four variables that there are two alerts, they will get a letter from  
14 the staff liaison, and any institution that pierces the warning level  
15 on one of four measurements will get a letter from the staff liaison  
16 if the institution hasn't already been flagged for monitoring.

17 W. BOSTON: Okay. Thank you.

18 J. STUDLEY: And then we would proceed as  
19 appropriate back from the institution to whatever action or  
20 intervention.

21 CHAIR PRESSNELL: Thanks. Okay. Kathleen,  
22 and if we at all could wrap up. We have some third party

1 commenters as well, and so we've got a little bit ahead of us, and  
2 we're getting crunched on time in terms of folks who actually have  
3 to leave the building, so.

4 K. ALIOTO: I'll try to be quick. It strikes me when  
5 you're dealing with over a million people that you have enormous  
6 impact for potential enormous impact. So I wanted to know in  
7 terms of your training of reviewers, how many of your reviewers  
8 are people who actually understand education? I.E. how many of  
9 them are teachers? What's the percentage, and do you look at  
10 teachers, or do you think that business people can do this?

11 J. STUDLEY: Our reviewers are primarily across  
12 the campus institutional board. We have faculty members who are  
13 currently teaching. We have Deans and Directors who may have  
14 mixed or administrative possibilities. We have people who  
15 specialize in areas that we are looking at, as you heard from some  
16 other agencies.

17 So we have people who are professionals, all the  
18 way up to Vice Presidents in student affairs. We have Chief  
19 University Officers and their staff. We have key financial officers,  
20 and people who work in the business affairs function to evaluate  
21 the finances within higher education.

22 We are an agency that primarily uses people from

1 the campus community and only in special circumstances for  
2 example, specialty programs where it makes sense to have  
3 somebody from the field. An educator in one of our educator  
4 programs, somebody from the clergy field for a specialized  
5 program.

6                   So all of those people -- almost all of our people are  
7 in some capacity within higher education.

8                   K. ALIOTO: Thank you. That's fine, that's fine.  
9 Do you incorporate the approach of how we garner the nine forms  
10 of intelligence in any of the learning strategies that you're looking  
11 at in your institutions?

12                   J. STUDLEY: They would be incorporated if they  
13 were important to the institution. If the institution used them as  
14 part of the way that it established its mission, or developed  
15 curriculum, or evaluated the effectiveness of the development  
16 skills and knowledge for students, then our team would meet the  
17 institution where it was.

18                   We don't bring theories to the institution. We  
19 respond to the way they design their institution program purpose.

20                   K. ALIOTO: Thank you.

21                   CHAIR PRESSNELL: All right. Thank you, Bob?

22                   R. SHIREMAN: I'd like to commend you for your

1 public member policies and practices, and for your user friendly  
2 public access to decision letters and visiting team reports for every  
3 accredited institution. I have one question. The State of Florida  
4 has enacted a law that prohibits its public colleges from having a  
5 long-term relationship with their accreditor. They must hop from  
6 one accreditor to another each time they are up for renewal.

7 Have Florida institutions inquired about being  
8 accredited by your agency, and how are you handling those  
9 inquiries?

10 J. STUDLEY: Thank you very much for your  
11 comments about the public Commissioners, and about our  
12 transparency. We would have been disappointed had you not  
13 found them worthy. With respect to Florida, we did at the request  
14 of the system heads of the Florida University System, and the State  
15 College System meet with them.

16 Vice President Maureen Maloney, who handles our  
17 eligibility processes, and I accepted their invitation to talk to them  
18 about it. We made very, very clear that all federally recognized  
19 agencies have to follow the same federal requirements, which  
20 include issues of governance independence, and that we have  
21 standards related to academic freedom, and content, and  
22 governance behaviors that any institution that came to us would

1 need to follow.

2                   We expressed some concerns about the nature of the  
3 Florida legislation, and the constraints that it would place. And  
4 our feeling that while changing accreditors to another qualified  
5 accreditor for a better fit seems like a reasonable option for an  
6 institution.

7                   That churning your accreditors did not seem like a  
8 good idea. So the premise of the legislation was a poor one.  
9 Because we do not have ten year initial accreditation, there were  
10 also some specific questions with us about how the time period of  
11 the legislation, and the duration of WSCUC's first accreditation at  
12 six years might fit within the you have to make a move.

13                   And whether their institutions would have to make  
14 two moves within the time period of the legislation. We had some  
15 thoughtful conversations about our standards and criteria with  
16 Florida, and were very clear about what would be expected to  
17 secure accreditation from WSCUC. I believe they have indicated  
18 their preference to go in a different direction.

19                   R. SHIREMAN: Thank you.

20                   CHAIR PRESSNELL: All right thank you. Any  
21 other questions from the members? Zakiya?

22                   Z. SMITH ELLIS: So sorry, but I do have one

1 question. You could just answer yes or no. I really am just asking  
2 this because I want it to be on the record, and that is I appreciate  
3 your commitment to data, and the data dashboard that you have,  
4 and you noted just in the response to the last question, that there  
5 are certain data that you wish were available on the scorecard that  
6 is not.

7                   And my question is, have you considered asking  
8 WSCUC states to share data with you about the income of college  
9 graduates since many states could potentially do that? And if you  
10 have not, that may be something that as an influential body of an  
11 accreditation agency, you may have some influence on whether or  
12 not they pursue that kind of strategy at the state level.

13                   J. STUDLEY: Let me try and answer, and I'm  
14 looking at Stephanie as well on this. My understanding is that  
15 California has an under developed state metrics system for  
16 earnings, and is only recently entering an effort to do the kind of  
17 tracking that would provide that.

18                   Hawaii is smaller and its number of institutions is  
19 more contained. I'm not as familiar with Hawaii. But you know,  
20 Stephanie did you want to add anything about whether California  
21 has what we need, having worked on Texas, and knowing what the  
22 other states are doing?

1                   S. BOND HUIE: Yeah. I mean all the states have  
2 their state workforce data, which we can request. You know, I  
3 would say an easier out would maybe be going to the Census  
4 Bureau like I did in Texas, because the Census Bureau has all of  
5 the state workforce data in one place.

6                   However, you know, we're a small agency. The  
7 data team is me and the director, that's our team, so you know, it's  
8 a little bit different than with a you know, a university system, and  
9 so I love the idea, but you know, I don't know if we have the  
10 capacity for that kind of data handling at this time, but I appreciate  
11 the suggestion, and we are always watching the space in the  
12 conversation because it's important.

13                  CHAIR PRESSNELL: Okay. Very good.

14                  J. STUDLEY: I think Zakiya that we may get --  
15 that we may make progress through the conversations that  
16 Antoinette Flores is, including us in about how we can do it on a  
17 national level.

18                  CHAIR PRESSNELL: Thank you very much. Any  
19 other questions from the members? All right. We have some third  
20 party commenters, and so we'll ask them to be ready to come in  
21 now. Those of you who are going to be offering third party  
22 comments, please mute your livestream, so that we don't have

1 feedback.

2                   And just a reminder, you have 3 minutes for your  
3 comments. The first commenter is Ella Azoulay, with the Student  
4 Borrowers Protection Agency. Ella?

5                   E. AZOULAY: Hello? Can you hear me?

6                   CHAIR PRESSNELL: Yes.

7                   E. AZOULAY: Great. Thank you so much for the  
8 opportunity to comment today. Again my name is Ella Azoulay,  
9 and I'm a research and policy analyst of the Student Borrower  
10 Protection Center. I'm here today to highlight how accreditors are  
11 currently falling short ensuring institutional quality.

12                   And even in your advisory role, students are  
13 depending on you, NACIQI, to ensure that the accreditors you  
14 oversee are living up to the standards that students and the public  
15 deserve. One clear example of an accreditor that has recently  
16 skirted best practices for the oversight of institutional quality is  
17 WSCUC.

18                   As you know, federal regulations require that the  
19 Secretary of Education, as advised by NACIQI, recognize an  
20 accrediting agency only if it demonstrates that it has sufficiently  
21 rigorous criteria for institutional approval. It is not clear that  
22 WSCUC is meeting this expectation.



1                   For example, in 2019 WSCUC announced a so-  
2                   called incubation policy, by which it would allow a Title IV  
3                   eligible schools to partner with unaccredited institutions such as  
4                   coding bootcamps, so that students could take on federal student  
5                   aid to attend these highly dubious programs.

6                   Under this policy WSCUC signed off on the  
7                   partnership between the for profit coding bootcamp Make School,  
8                   and the non-profits Dominican University of California. Make  
9                   School proved to be a fraud that got students into hundreds of  
10                  thousands of dollars of federal and private debt, without leading to  
11                  meaningful job prospects.

12                  WSCUC should have known that this would  
13                  happen. After all, even before Make School partnered with  
14                  Dominican it had already been cited for operating illegally without  
15                  the approval of California's for profit college regulator, and faced  
16                  serious questions about its program.

17                  Make School eventually collapsed, leaving students  
18                  stranded. We strongly urge NACIQI to more exhaustively  
19                  examine how WSCUC could possibly be meeting the requirements  
20                  stated above for having clear and high quality standards for  
21                  accreditation, given the obvious problems that pervaded Make  
22                  School, as well as whether WSCUC is fulfilling other relevant

1 requirements for recognition.

2                   At the very least it is not clear that NACIQI  
3 currently has the information it needs to take an informed vote on  
4 WSCUC. Of course, this is not the only example of failures by  
5 WSCUC, nor is WSCUC the only accreditor that appears to be  
6 falling short of expectations.

7                   You are all no doubt aware of the well documented  
8 problems that have arisen related to course offerings at institutions  
9 that WSCUC approves, such as the University of Southern  
10 California, that are facilitated by online program managers.

11 Overall, we urge NACIQI to carefully examine accreditor's  
12 approach to the growing pattern of for profit actors attempting to  
13 sneak into public and non-profit corners of the Title IV space.

14                   We consistently observe that the outcomes for the  
15 students who get caught up in these schemes are consistently  
16 harrowing, but that accreditors have failed to live up to  
17 expectations under the law for upholding institutional  
18 accountability.

19                   For as long as this remains the case, students will be  
20 at risk. Thank you.

21                   CHAIR PRESSNELL: Thank you very much Ella.  
22 Next is Allison Muth with Veterans Education Success. Welcome

1 back Allison.

2 A. MUTH: Thank you. As some of you have heard  
3 I'm Allison Muth, and I'm a senior attorney with Veterans  
4 Education Success. We work on a bipartisan basis to advance  
5 higher education success for veteran service members and military  
6 families, and to protect the integrity and promise of the GI Bill,  
7 and other federal education programs.

8 Accreditors must take seriously news reports,  
9 lawsuits, and allegations of wrongdoing and subpar education by  
10 schools they accredit. WSCUC must act on its responsibility to  
11 investigate schools it accredits and to withdraw accreditation for  
12 non-compliant schools.

13 WSCUC accredits at least 11 law schools in  
14 California that are not recognized by the American Bar  
15 Association. Students at these schools are generally not eligible to  
16 sit for the bar exam outside of California, and their California bar  
17 passage rates are abysmal.

18 One WSCUC approved school had a pass rate of 7  
19 percent. WSCUC even accredited two of these schools after they  
20 lost ABA accreditation. There are concerns that there is no real  
21 teaching at these law schools, and whistleblowers shared some of  
22 the schools bar grade test prep into their costs, which would be an

1 illegal use of Title IV funds.

2                   These kinds of schools are of so little value that  
3 they have been cut off from GI Bill benefits under a law enacted in  
4 2021. These schools fail to meet the minimum ABA standards of a  
5 legal education, and WSCUC has not established rigorous  
6 alternatives to credible deem the schools legitimate.

7                   WSCUC lacks legal expertise to assess law school  
8 quality and a lack of rigor calls into question whether it is reliable  
9 authority regarding the quality of the education or training  
10 provided by the institutions or programs it accredits as required by  
11 regulation.

12                   In addition we have concerns about WSCUC's  
13 oversight of the University of Arizona Global Campus. While we  
14 are aware of some efforts by WSCUC to monitor UAGC, more  
15 meaningful action is needed. UAGC's predecessor, Ashford, and  
16 it's OPM has had several red flags, including Ashford's own audit,  
17 finding rampant deceptive practices, California's lawsuit,  
18 whistleblower allegations about deception of veterans and  
19 hundreds of veterans complaints.

20                   We raised concerns in our written comments last  
21 year that misconduct may still be occurring. It appears that almost  
22 two-thirds of the Zovio employees continued at UAGC and it is

1 concerning that WSCUC did not demonstrate to the Department,  
2 excuse me, that an increased scrutiny of UAGC in response to  
3 concerns related to recruitment and admissions.

4           It appears WSCUC may be accepting UAGC's self-  
5 reports, rather than conducting its own review and verification.  
6 We ask you to examine whether WSCUC has appropriately  
7 applied its standards to ensure that the deceptive practices  
8 employed by Ashford and Zovio are indeed no longer occurring.

9           Thank you for the opportunity to comment.

10           CHAIR PRESSNELL: Thank you very much  
11 Allison. We have one last commenter, Dr. Leila Hudson, Dr.  
12 Hudson.

13           L. HUDSON: Thank you. My name is Leila  
14 Hudson. I serve as elected Chair of the faculty at the University of  
15 Arizona Proper, a role charged with statutory responsibility under  
16 Arizona revised Statute 15-16.01(b) to actively participate in  
17 policy making on behalf of the nearly 5,000 general and Emeritus  
18 faculty at my institution.

19           I thank NACIQI and the staff for the opportunity to  
20 speak. Thank you for the work you do. Tens of millions of  
21 students depend on it. My concerns and questions about WSCUC  
22 include concerns about two institutions and the relationship

1 between them.

2                   The first institution is UAGC, former Ashford  
3 University. WSCUC's ongoing notice of concern on Ashford  
4 UAGC since the University of Arizona's acquisition seems to be  
5 ineffective in changing notorious practices that hurt students.

6                   I draw your attention to the astonishing rise in  
7 graduation rates at UAGC, and the charging of graduation fees to  
8 more than 15,000 students out a total population of 28,000 enrolled  
9 students this calendar year alone. If there is a compelling  
10 explanation for this near miraculous improvement in graduation  
11 rates, I have not found it.

12                   My concern is exacerbated by UAGC charging so-  
13 called graduation fee of \$150.00 per student for associate's,  
14 bachelor's and MA degrees, and \$500.00 for doctoral students to  
15 graduate. I do not believe that this is a legitimate practice, and it  
16 continues in plain sight.

17                   Where is WSCUC? What is it doing to monitor, not  
18 only the familiar bad news from UAGC, but this improbably good  
19 news? The second institution is my university, the University of  
20 Arizona Proper. As you may know, the University of Arizona is  
21 currently in the end stages of switching its accreditor from HLC,  
22 which has accredited us for the last 117 years to WSCUC.

1                   The process was rushed, unfolding quietly between  
2 November 15, 2022, and the present. When WSCUC came to  
3 review us in January 2023, they declined to meet with me as Chair  
4 of the faculty, except in a short group meeting with student leaders.  
5 Not surprisingly, the visitors could not answer my questions about  
6 their relationship with the University of Arizona's sudden  
7 accreditation switch to UAGC's notice of concern.

8                   My early January letter to the head of WSCUC has  
9 not been answered. I'm concerned that WSCUC may be  
10 accommodating, if not coordinating, a complex interinstitutional  
11 integration project between two of its institutions, which may  
12 sidestep Arizona law.

13                   Has WSCUC's declared focus on equity evidence  
14 and national and global reach created an exploitable blind spot on  
15 governance and compliance issues? I worry, and no one has tried  
16 to reassure me otherwise, that WSCUC may be overseeing a  
17 process by which, as soon as June 30 or July 1, 2023, UAGC's  
18 long-standing notice of concern --

19                   CHAIR PRESSNELL: Dr. Hudson, thank you very  
20 much for your comments. We appreciate your time today.

21                   L. HUDSON: Thank you.

22                   CHAIR PRESSNELL: All right. Let's give the

1 agency an opportunity to respond to the third party commenters.

2 J. STUDLEY: I will be brief, but let me start by  
3 saying that having been a third party commenter, and the Chair of  
4 NACIQI, I respect the opportunity, and the perspective. All of the  
5 issues that have been raised by the commenters are on our radar in  
6 some fashion, but let me just begin by saying as to the incubation  
7 issue.

8 Under our incubation policy, the students at the  
9 program that's referred to were always students of the WSCUC  
10 accredited institution, in this case, Dominican University of  
11 California, and Title IV eligibility and responsibility for the  
12 educational program quality was Dominican's.

13 The teaching and faculty and curriculum was  
14 reviewed, adopted by the faculty of Dominican University, which  
15 at all times continued to meet our standards. I will say that the  
16 incubation policy is on pause because we decided that we want to  
17 take a look at whether it's really A, needed, and B, in the best  
18 interests of institutions and students.

19 Second, with regard to law schools, you'll see in our  
20 answers to NACIQI, and to the similar issues raised in the written  
21 comments from various education success, that we talked to many  
22 of them. For those of you who might be puzzled about the GI Bill



1 reference, for example, the federal government and the Department  
2 of Defense, or Congress, has provided the GI Bill benefit, are only  
3 available to students who attend law schools that will allow them  
4 to sit for the bar exam anywhere in the U.S.

5           That is a decision that is certainly within Congress's  
6 and the Department of Defense's authority that doesn't aggregate  
7 the right of the State of California to decide what kinds of  
8 institutions it would like, and who may sit for the California bar.

9           They're a complex set of issues, but as I said earlier,  
10 in a question I believe to President Artis, we are watching the  
11 performance of the law schools we accredit, and as with other  
12 institutions, tracking their performance, relevant factors like bar  
13 exams.

14           Finally, with respect to the third commenter, we  
15 have received correspondence from Professor, Dr. Hudson. We  
16 have also received correspondence from the university countering  
17 many of the assertions that she made.

18           Some of you may have received those as well, and  
19 some representatives of the faculty Senate at the University of  
20 Arizona indicating that the viewpoint that Dr. Hudson has shared  
21 are not official viewpoints of faculty, based on the faculty action  
22 criteria.

1 I can't comment about the University of Arizona at  
2 this point because they are -- because the mission actions with  
3 respect to their application is not finalized. We have a practice that  
4 Dr. Val has confirmed is appropriate that we announce all of the  
5 actions taken at last week's Commission meeting together when  
6 they are final. Those usually come out in about two weeks.

7 CHAIR PRESSNELL: Thank you very much.  
8 Thank you. There were as the committee members know, there  
9 were two letters that were sent to NACIQI -- were sent to the  
10 Secretary of Education directly. One member of our committee  
11 was actually copied on those.

12 Those letters were untimely filed, and did not  
13 follow the procedures for us to receive them, although you did get  
14 them. What was proper, was that one of the authors, actually just  
15 testified in a verbal, third party comment. I would caution putting  
16 those into actions simply because it would then encourage other  
17 untimely filed and inappropriately filed comments.

18 And so, but if the will of the committee is to more  
19 seriously consider them, we can. Being sent to the Secretary  
20 they're going to be under consideration of the SDO anyway. All  
21 right.

22 J. STUDLEY: May I add one additional thought?

1 CHAIR PRESSNELL: Hold on. Please wait.

2 Wait. Yeah.

3 A. SIERRA: Hi. This is Angela Sierra. The letters  
4 are not in the current record, so they would not be for  
5 consideration of the SDO.

6 CHAIR PRESSNELL: Okay. Very good. Thanks  
7 for the correction. Being sent to the Secretary do they not show up  
8 somewhere?

9 A. SIERRA: Actually we attempted to make sure  
10 the Secretary did not receive the letters in order to not potentially  
11 taint a process here.

12 CHAIR PRESSNELL: Perfect. Okay. Thank you.  
13 I stand corrected on that then. So they were emailed to us  
14 Kathleen, but they were emailed under the -- with the  
15 understanding that they were untimely filed. And were not filed  
16 through the current process, so. So my sense from the committee  
17 is to maintain our policy on proper submission of third party  
18 comments.

19 K. ALIOTO: They are included in the third party  
20 comments on each one that we have.

21 CHAIR PRESSNELL: They should not be in there.

22 R. SHIREMAN: There were some about similar

1 topics that are in, that were filed a year ago, and are in our  
2 documents. The ones that came around more recently my  
3 understanding is we can't under the regulations, add things to the  
4 record at this time, and so I would not propose that we.

5 CHAIR PRESSNELL: Very good. Thank you. All  
6 right. We're at a point now of final comments in response to the  
7 agency, and to the third party commenters as well.

8 J. STUDLEY: I simply wanted to say that with  
9 respect to the courtesy and responsiveness of the agency about not  
10 responding to the third commenter. The first letter that we  
11 received the response was to refer it to the team of the institution,  
12 so that they could consider the comments of this individual in the  
13 review process.

14 There was a correspondence that came early enough  
15 in the semester. With respect to any other correspondence we get,  
16 including the three letters that you're referring to, we will look at  
17 them and determine whether they raise issues that should be  
18 addressed in any of our various methods and proceedings.

19 As far as we're concerned, we do not have a  
20 timeliness issue, but we do have a procedure to address them to the  
21 right process and contact.

22 CHAIR PRESSNELL: Okay. Thank you very

1 much. Charity?

2 C. HELTON: Okay. So just to respond to Dr.  
3 Blum's comment earlier, the Department is not interested in the  
4 agency's action just in the case of this one school in terms of  
5 recruitment practices.

6 The agency discussed how their review of the  
7 school in 2019 included additional review elements in response to  
8 their knowledge at that time that there were issues at the school  
9 that had been long-standing.

10 So the Department's interested, and at this point in  
11 the agency's assessment of how its regular review process, without  
12 that external information would be able to find similar problems at  
13 other schools, or at this school if they should recur.

14 And it sounds as if the agency has already begun the  
15 process of assessing that in response to the situation. I also wanted  
16 to address the fact that while there are a number of areas where  
17 there were listed findings, the Department has no doubt that the  
18 agency would be able to come into compliance within the 12  
19 months recommended because in all of these areas the agency is  
20 engaged in robust activities.

21 And the requests for minor modifications in  
22 response to perhaps the July 2020 regulations, or other minor

1 modifications, in order to bring the agency in compliance with the  
2 current regulations.

3 CHAIR PRESSNELL: Thank you. Yes please.

4 A. SIERRA: I just wanted to clarify one thing.

5 Thank you. The Department staff, although they were not able to  
6 look at these late filed comments as part of this process, will have  
7 the ability to review any information there for purposes of a  
8 potential 602.33 review.

9 CHAIR PRESSNELL: Thank you. I appreciate  
10 that clarification. All right. Very good. Any questions at all for  
11 Charity? All right. Yes. Jennifer?

12 J. BLUM: So I don't want to belabor this because  
13 and the reason why I'm not going to belabor it is there are other  
14 issues on non-compliance, so you know, it doesn't really change  
15 things that much in terms of what the final is.

16 But I will say, and we've talked about this over the  
17 last couple of years too that when reviewing the compliance with a  
18 criteria, resting that determination of whether an agency is  
19 compliant with how it applies its criteria on one institution,  
20 regardless of what the criteria is.

21 In this case it happens to be recruiting. But it  
22 concerns me a bit that there's not more of a dialogue about okay,

1 show me how you're doing with other institutions, so that's my  
2 primary point. I'm totally comfortable with where we are landing  
3 today in part because there are other criteria that are, you know,  
4 clearly in non-compliance so.

5 CHAIR PRESSNELL: Okay. Roslyn, Robert, I go  
6 back to you in terms of a motion, and discussion.

7 R. MAYES: Yeah. Claude, I think the discussion  
8 is well vetted, the committee's concerns about the different areas,  
9 and about for recruiting and admissions. The staff's  
10 recommendation include a compliance report with I think 14 items  
11 on it, plus a monitoring report that has to do with recordkeeping.  
12 So I believe we're in agreement with the staff's recommendation,  
13 and believe it comprehensively covers everything and more we've  
14 talked about today. Do you agree Roslyn?

15 R. CLARK ARTIS: I will second that. I absolutely  
16 do.

17 CHAIR PRESSNELL: So Robert, we're going to  
18 take that as a motion that to affirm the staff's report, staff  
19 recommendation.

20 R. MAYES: Yes.

21 CHAIR PRESSNELL: And Roslyn is going to  
22 second that.

1 R. CLARK ARTIS: Sure am.

2 CHAIR PRESSNELL: Okay. Very good. So now  
3 let's open it for discussion. Any proposed amendments? Call the  
4 question, the question's been called. Let's take the vote.

5 G. A. SMITH: Kathleen?

6 K. ALIOTO: Yes.

7 G. A. SMITH: Thank you. Roslyn?

8 R. CLARK ARTIS: Yes.

9 G. A. SMITH: Jennifer?

10 J. BLUM: Yes. And I would just ask that on the  
11 compliance report that the Department consider asking about  
12 additional tools just to build the record on compliance with that  
13 standard or criteria.

14 G. A. SMITH: Wally?

15 W. BOSTON: Yes.

16 G. A. SMITH: Debbie?

17 D. COCHRANE: Yes.

18 G. A. SMITH: Eubanks?

19 D. EUBANKS: Yes, with a comment. I'd like to  
20 reiterate what Jennifer just said, and really expand that not just  
21 having procedural examples, but actually some outcomes in some  
22 sense for some of those standards like student achievement, is



1 highly appropriate.

2 G. A. SMITH: Molly?

3 M. HALL-SMITH: Yes.

4 G. A. SMITH: Art?

5 A. KEISER: Yes.

6 G. A. SMITH: Robert Mayes?

7 R. MAYES: Yes.

8 G. A. SMITH: Michael Poliakoff? Is he still with  
9 us. All right. Bob?

10 R. SHIREMAN: Yes.

11 G. A. SMITH Zakiya?

12 Z. SMITH ELLIS: Yes.

13 CHAIR PRESSNELL: All right. So the motion  
14 passes with 11 yesses. And I want to thank the agency and the  
15 staff for their work. I appreciate the members for your tolerance to  
16 go into the early evening.

17 Thank you also for the staff for that. We will start  
18 tomorrow morning at 9:00 a.m. and we have members need to be  
19 here at 8:30. The public will go live at 9:00, and the agency will  
20 be the Accreditation Commission for Education and Nursing,  
21 followed by the policy discussion. We will see you all tomorrow.  
22 Thank you.

1                   **The staff's recommendation include a**  
2 **compliance report with I think 14 items on it, plus a**  
3 **monitoring report that has to do with recordkeeping. So I**  
4 **believe we're in agreement with the staff's recommendation.**

5                   (Whereupon the NACIQI meeting adjourned at 5:56 p.m.)

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