

1 U.S. DEPARTMENT OF EDUCATION  
2 OFFICE OF POSTSECONDARY EDUCATION  
3 NATIONAL ADVISORY COMMITTEE ON  
4 INSTITUTIONAL QUALITY AND INTEGRITY (NACIQI)  
5 THURSDAY  
6 MARCH 2, 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 MARY ELLEN PETRISKO  
23 MICHAEL POLIAKOFF

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

1 RENEWAL OF RECOGNITION:  
2 ACCREDITATION COMMISSION FOR EDUCATION IN  
3 NURSING, INC.  
4 (ACEN)  
5  
6 NACIQI Primary readers:  
7 MOLLY HALL-MARTIN  
8 KATHLEEN SULLIVAN ALIOTO  
9  
10 DEPARTMENT STAFF:  
11 MIKE STEIN  
12 AGENCY REPRESENTATIVES:  
13 DIANE EVANS PRIOR, Board Chair  
14 KERI NUNN ELLISCON, Director  
15 NELL ARD, Director, Interim CEO  
16 SUZETTE FARMER, Director  
17 CARRIE HARRIS, CFO  
18 THIRD PARTY COMMENTER:  
19 ALLISON MUTH, Veterans Education Success  
20  
21  
22

- 1 NACIQI POLICY DISCUSSION:
- 2 NACIQI Chairperson
- 3 ACCREDITATION DASHBOARD SUBCOMMITTEE
- 4 REPORT:
- 5 WALLACE BOSTON
- 6
- 7 THIRD-PARTY COMMENTERS:
- 8 DR. EDWARD CONROY, New America Education Policy
- 9 Program
- 10 DR. BERNARD FRYSHMAN, Association of Advanced
- 11 Rabbinical and Talmudic Schools
- 12 DR. IRENE MULVEY, American Association of University
- 13 Professors
- 14 MARK LINDSAY, The Livingston Group
- 15 LACY BARNES, California Federation of Teachers
- 16 JESSIE HERNANDEZ-REYES, The Education Trust
- 17 ADJOURNMENT:
- 18 NACIQI Chairperson
- 19
- 20
- 21
- 22

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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 Thank you for joining us today for this hybrid  
13 meeting. I'll now turn the meeting over to the Committee  
14 Chairperson Claude Pressnell.

15 CHAIR PRESSNELL: Thank you George, and  
16 good morning to everybody. I appreciate your attendance this  
17 morning. Let's go ahead and get into introductions. As George  
18 mentioned I'm Claude Pressnell. I serve as the President of the  
19 Tennessee Independent Colleges and Universities Association, and  
20 currently the Chair of the committee. Kathleen?

21 K. ALIOTO: I'm Kathleen Sullivan Alioto, and my  
22 focus these days is on children first, and the legislation that will

1 support them and their families, and America.

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

4 M. E. PETRISKO: Mary Ellen Petrisko, past  
5 President the WSCUC Senior College and University Commission,  
6 educational consultant.

7 D. EUBANKS: David Eubanks, Furman  
8 University.

9 Z. SMITH ELLIS: Zakiya Smith Ellis, a Principal  
10 at Education Council, and former adviser to the Governor in New  
11 Jersey.

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

16 D. COCHRANE: Good morning. Debbie  
17 Cochrane with California's Bureau of Private Postsecondary  
18 Education.

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

21 R. SHIREMAN: Good morning. Bob Shireman  
22 with the Century Foundation.



1 R. CLARK ARTIS: Good morning. Roslyn Artis,  
2 President of Benedict College.

3 CHAIR PRESSNELL: And online Michael  
4 Poliakoff.

5 M. POLIAKOFF: Yes. Michael Poliakoff,  
6 President of the American Council of Trustees and Alumni.

7 CHAIR PRESSNELL: And Keith Curry?

8 K. CURRY: Keith Curry, President and CEO of  
9 Compton College in California.

10 CHAIR PRESSNELL: Okay. Wonderful. George,  
11 would you introduce your team please?

12 M. FREEMAN: I'm Monica Freeman from  
13 Management and Program Analyst at the Department of Ed.

14 G. A. SMITH: I'll turn it over to Herman to  
15 introduce his staff.

16 H. BOUNDS: Good morning. Herman Bounds,  
17 Director of the Accreditation Group, and we'll start with the staff  
18 that are here first.

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

21 S. MCKISSICK: Good morning. Dr. Stephanie  
22 McKissick, an Analyst with the Accreditation Group.

1 E. DAGGETT: Elizabeth Daggett. I'm an Analyst  
2 with the Accreditation Group.

3 H. BOUNDS: And I think -- oh go ahead Mike I'm  
4 sorry.

5 M. STEIN: Good morning, Mike Stein, analyst  
6 with the Accreditation Group.

7 H. BOUNDS: And L.G.?

8 L. G. CORDER: Good morning. L.G. Corder,  
9 Analyst Accreditation Group.

10 H. BOUNDS: And Reha?

11 R. MALLORY: Good morning everyone. Reha  
12 Shackelford, Analyst with the Accreditation Group.

13 H. BOUNDS: Karmon?

14 K. SIMMS-COATES: Good morning everyone.  
15 I'm Karmon Simms-Coates, I'm an Analyst with the Accreditation  
16 Group.

17 H. BOUNDS: And Paul?

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

20 CHAIR PRESSNELL: All right. Thank you all  
21 and before -- oh I didn't see you, my apologies.

22 A. SIERRA: It's okay. Good morning. I'm Angela

1 Sierra from the Department's Office of the General Counsel, and  
2 with me is Christle Sheppard Southall, and appearing virtually  
3 Donna Mangold, both from OGC. Thank you.

4 CHAIR PRESSNELL: All right. Are we good. Is  
5 Antoinette? Okay. Very good. Okay. Well thank you all very  
6 much. I apologize for the interruption. And before we get started  
7 just on behalf of the Committee, just a deep sense of gratitude for  
8 the staff that support this entire endeavor, and especially for that  
9 long night last night.

10 So we are just really deeply appreciative, so thank  
11 you all very much. All right. Just a quick review of the standard  
12 review and procedures overview. We have one agency this  
13 morning, then which will be followed up by our policy discussion.  
14 And so the standard review procedures is that the primary readers  
15 will introduce the agency application.

16 The Department staff will provide a briefing.  
17 Agency representatives then can provide comments. Questions by  
18 the NACIQI members, followed by a response and comment from  
19 the agency. Third party comments, and agency responds to the  
20 third party comments. Then the Department staff responds to the  
21 agency, and third party comments, and then there will be a  
22 discussion and a vote on the motion.

1                   And so the agency before us this morning is the  
2   Accreditation Commission for Education in Nursing, and Molly  
3   and Kathleen are our primary readers, and Molly will you be  
4   introducing the agency?

5                   M. HALL-MARTIN: I will.

6                   CHAIR PRESSNELL: Okay. Thank you.

7                   M. HALL-MARTIN: Thank you Mr. Chair. We  
8   are here today to review the petition for continued recognition of  
9   the Accreditation Commission for Education and Nursing as a  
10   nationally recognized programmatic accrediting agency. The  
11   Accreditation Commission for Education and Nursing, formerly,  
12   the National League for Nursing Accrediting Commission, is a  
13   national programmatic accrediting agency for postsecondary and  
14   higher degree nursing education programs.

15                   It's current scope of recognition is the accreditation  
16   of nursing education programs in schools, both postsecondary and  
17   higher degree, which offer a certificate, diploma or a recognized  
18   professional degree, including clinical doctoral, master's,  
19   baccalaureate, associate diploma, and practical nursing programs  
20   in the United States and its territories, including those offered via  
21   distance education.

22                   The agency's accreditation is a required element

1 enabling some of its practical nursing, and all of its hospital based  
2 programs to establish eligibility to participate in the Title IV HEA  
3 programs. Practical diploma, associate, baccalaureate, master's  
4 and clinical doctorate, nursing education programs that are not  
5 located in institutions accredited by a higher education institutional  
6 accrediting agency may use accreditation by this agency to  
7 establish eligibility to participate in Title IV programs.

8 CHAIR PRESSNELL: All right. Thank you  
9 Molly. And now for the Department staff briefing, Mike Stein.

10 M. STEIN: Good morning Mr. Chair, and  
11 committee members. My name is -- I'll start over. Good morning  
12 Mr. Chair and committee members. My name is Mike Stein, and I  
13 am providing a summary for the petition for renewal of recognition  
14 for the Accreditation Commission for Education and Nursing, also  
15 know as ACEN, or the agency.

16 The staff recommendation to the Senior Department  
17 Official is to renew the agency's recognition for five years. This  
18 recommendation is based on a review of the agency's petition and  
19 supporting documentation, as well as three virtual observations  
20 that included a review committee meeting conducted in January  
21 2022, a file review conducted during February 2022, and an  
22 agency Commission meeting conducted March 2022.

1 Department received no complaints against the  
2 agency during the review period. There was one written third  
3 party comment specific to the Department's third party comment  
4 procedures, which was addressed in the petition by Department  
5 staff. There is one oral third party comment on today's agenda.  
6 There are representatives here from the organization. I will be  
7 happy to answer any questions you may have. Thank you.

8 CHAIR PRESSNELL: Thank you Mike. Any  
9 questions from the members? Clarification questions from Mike?  
10 All right. Seeing none, we'll invite the agency representatives.  
11 The first person I have on the list is Diane Evans Prior, and Diane  
12 if you could introduce yourself, and your team. Thank you.

13 D. EVANS PRIOR: Good morning Chairman  
14 Pressnell and members of the committee. Thank you for the  
15 opportunity to speak to you today on behalf of the Accreditation  
16 Commission for Education in Nursing, also known as the ACEN.  
17 Before I begin the statements, I want to confirm that you can hear  
18 me clearly.

19 CHAIR PRESSNELL: That is correct. It sounds  
20 good.

21 D. EVANS PRIOR: Thank you. I am Dr. Diane  
22 Evans Prior. I'm the Chair of the ACEN Board of Commissioners.

1 I'm also the Dean of the School of Nursing and Patient Support at  
2 Central New Mexico Community College in Albuquerque, New  
3 Mexico.

4 I've been a registered nurse since 1993, and an  
5 educator for over 20 years. I've had the privilege of carrying the  
6 ACEN Board of Commissioners, which is composed of 17  
7 members, that includes 11 nurse educators, 3 nurse clinicians, and  
8 3 public members.

9 The Board's qualifications and knowledge of the  
10 issues facing nursing provides a foundation for sound accreditation  
11 decisions, which are supported by a comprehensive breadth of  
12 standards and criteria, which reflect best practices, mitigate bias,  
13 support students, and conduct business in the absence of real or  
14 perceived conflicts of interest.

15 With me today are four of my colleagues from the  
16 ACEN. I have Dr. Nell Ard, she is the Interim CEO at the ACEN.  
17 Dr. Ard has been with the ACEN for 11 years, and has been a  
18 registered nurse for over 40 years, with 35 years of experience as a  
19 nurse educator.

20 Dr. Keri Nunn Ellison is a Director at the ACEN.  
21 Dr. Nunn Ellison has been with the ACEN for six years, and has  
22 been a registered nurse for over 25 years, with 15 years of

1 experience as a nurse educator.

2 Dr. Suzette Farmer is a Director of the ACEN. Dr.  
3 Farmer has been with the ACEN for seven years, and has been a  
4 registered nurse for over 40, has 20 years of experience as a nurse  
5 educator, plus three years as a bureau manager for the Utah Board  
6 of Nursing.

7 Carrie Harris is the Chief Financial Officer at the  
8 ACEN. Miss Harris has been with the ACEN for nearly two years,  
9 and she came to us with eight years of experience as a CFO for  
10 other non-profit organizations, and has 30 years of accounting  
11 experience.

12 And these colleagues are joined by 17 ACEN staff  
13 members that support ACEN accredited programs and peer  
14 evaluators. We would like to express our keen appreciation to  
15 Michael Stein for his assistance in developing our petition. His  
16 guidance was absolutely invaluable during this journey, so thank  
17 you Mike, we really appreciate you.

18 The ACEN's provide specialized accreditation for  
19 practical, diploma, associate, baccalaureate, master's, and clinical  
20 doctorate nursing programs in the United States and U.S.  
21 territories. Everyone on the ACEN Board, our staff, our peer  
22 evaluators, our program leaders, and our faculty, are proud of the



1 ACEN's commitment to making nursing education, and the  
2 profession of nursing the best and strongest that it can be.

3 The ACEN accreditation process is designed to  
4 support interests of nursing education, nursing practice, and the  
5 public. Our greatest strength is the 500 plus dedicated volunteer  
6 workforce of nurse educators, administrators and clinicians that  
7 serve as peer evaluators on our site visit teams, evaluation review  
8 panels and the Board of Commissioners. I now turn the floor to  
9 Dr. Ard.

10 N. ARD: The ACEN is the programmatic  
11 accreditor for about 1,350 nursing programs, and we project  
12 continued growth for the foreseeable future. Since we are  
13 averaging 40 to 60 new programs annually. Of the 1,350  
14 programs, ACEN also serves as the institutional accrediting  
15 agency, or the Title IV gatekeeper for 61 hospital based for public  
16 K through 12 based nursing programs.

17 The dashboard reports data on 57 of the 61 hospital  
18 based for public K through 12 nursing programs. All 1,350  
19 nursing programs participate in our annual report process, and the  
20 61 hospital based for public K through 12 based also participate in  
21 an additional financial responsibility report process.

22 One purpose of the annual report process for all

1 programs is to monitor student outcomes. One purpose of the  
2 financial responsibility report process for the 61 nursing programs  
3 is to monitor whether their governing organization has the fiscal  
4 resources and financial stability necessary to provide a quality  
5 education to its students.

6                   Knowing our peer evaluators are an integral  
7 component of the ACEN accreditation process, we ensure that they  
8 are educated and trained to serve on the site visit team, the  
9 evaluation review panel, or the Board of Commissioners. ACEN  
10 policies and bylaws detail the requirements for appointment and  
11 reappointment, and for maintaining knowledge of the nursing  
12 program and the ACEN processes.

13                   In every step of the ACEN accreditation process  
14 everyone participating in the review of a program is required to  
15 attest to being free from any actual or perceived conflicts of  
16 interest, or if a person has a conflict of interest then that person  
17 must refrain from participating in the review of the program.

18                   I would like to provide some general information  
19 regarding our Title IV governing organizations, as well as our  
20 student achievement data, accreditation decisions, and support  
21 services as well as complaints.

22                   For Title IV, according to the dashboard data 7,080

1     undergraduates were enrolled in one of the 57 participating  
2     governing organizations represented on the dashboard. Of these  
3     undergraduates, 5,143 participated in Title IV program. No  
4     governing organizations are under heightened cash monitoring or  
5     cash monitoring. All governing organizations have a composite  
6     score of 1.5 or higher, and the average median earnings was  
7     \$56,000.00 annually.

8                     According to the USDE loan default website for  
9     ACEN accredited governing organizations, there was loan default  
10    data for 52 governing organizations and no data was provided for  
11    nine of the ACEN accredited governing organizations. The  
12    average loan default rate for 2019 was 2.2, and the range was from  
13    zero to 11.2 percent.

14                    The distribution had 16 governing organizations  
15    with zero loan default rates, and only three that had rates between  
16    7.5 percent to 11.2 percent. ACEN continuously monitors three  
17    student achievement indicators, licensure, examination, pass rate.  
18    For the ACEN the outcomes for licensure examination pass rate is  
19    the program's most recent annual licensure examination pass rate,  
20    will be at least 80 percent for all first time test takers during the  
21    same 12 month period.

22                    The 80 percent benchmark reflects the most

1 common benchmarks set by Boards of Nursing nationwide. For  
2 2020, 2021 and 2022, there has been a decrease in the national  
3 main licensure examination pass rates across all graduates,  
4 regardless of the program type, location, or accreditation  
5 affiliation.

6                   The impact of the pandemic is still being felt. The  
7 most recent ACEN annual report data from 2020 for undergraduate  
8 prelicensure nursing programs demonstrates that for 2020 the mean  
9 licensure examination pass rate for graduates of ACEN accredited  
10 programs decreased slightly, but exceeded the National Counsel  
11 for State Board of Nursing published nationally for all program  
12 types except for baccalaureate programs.

13                   ACEN 2021 and 2022 annual reporting data is  
14 pending, although based upon Fall 2022 site visits there seems to  
15 be some rebound to higher pass rates. Certification pass rates for  
16 our graduate programs have been 90 percent or higher for the last  
17 three years.

18                   Our second student achievement is program  
19 completion. For the ACEN the program completion rate  
20 calculation begins with all student's first day in the first nursing  
21 course. The calculation ends with nursing students completion of  
22 all requirements for conferral of a certificate, diploma, or degree.

1 The expected level of achievement for program completion is  
2 determined by the program's faculty, and reflects their student  
3 demographics.

4 The program must provide a rationale for the  
5 specified ELA, such as 70 percent within six academic terms. And  
6 the rationale must be appropriate for the program. In the second  
7 ELA the program may consider reasons such as historical  
8 completion data for the program, the governing organization's  
9 completion rate for all students, state completion rates for similar  
10 program types, a group of peer programs, as well as our ACEN  
11 data.

12 The ELA should be high enough to be considered  
13 genuine, and to encourage continuous improvement, but not so  
14 high as to be unachievable. Peer evaluators make a professional  
15 judgment regarding the appropriateness of a program's ELA. The  
16 most recent annual report for 2020 demonstrates that the majority  
17 of the undergraduate and graduate ACEN accredited nursing  
18 programs have a program completion rate of 70 percent or higher.

19 Our third student achievement is job placement.  
20 For the ACEN job placement is the percentage of all graduates  
21 typically within the first year of graduation who are employed in a  
22 position for which a nursing program has prepared them. The ELA

1 for job placement is determined by faculty based on program  
2 demographics, such as characteristics of the nursing education unit,  
3 and the region where the nursing education unit is located.

4 Program demographic considerations include, but  
5 are not limited to the program type, the local hiring practices,  
6 historical job placement rates, the governing organizations job  
7 placement rates for students at other health science programs, state  
8 job placement rates for similar groups are a group of peer  
9 programs, as well as the ACEN data.

10 The ELA should be high enough to be genuine, and  
11 encourage continuous improvement, but not so high as to be  
12 unachievable. Peer evaluators again make a professional judgment  
13 regarding the appropriateness of a program's ELA. The most  
14 recent annual report for 2020 demonstrates that job placement rates  
15 range from 76.85 percent to 93.16 percent for all programs.

16 Overall, an aggregation programs reported that  
17 87.26 percent of the 2020 to 2021 program graduates reported  
18 employment in a position for which their nursing program  
19 prepared them. All student achievement data are monitored, and if  
20 a program does not meet a benchmark, then the program must  
21 submit a report on how they intend to achieve the unmet  
22 benchmark.

1                   Based upon the data and the report, the program  
2   may be required to undergo a site visit, which may result in the  
3   program being placed on monitoring for an appropriate time period  
4   for the U.S. Department of Ed, and ACEN policy. Regardless of  
5   being on monitoring or not, every program student achievement  
6   data is closely monitored. The validity of the data is also  
7   monitored per the ACEN integrity policy, or policy number 31, as  
8   well as our peer evaluators verifying the data during the site visit.

9                   I want to share a little bit about our accreditation  
10   decisions. Program review is comprised of three independent  
11   levels of peer review. The site visit, containing peer evaluator's  
12   recommendation, the evaluation review panel, or ERP's  
13   recommendation, and the Board of Commissioner's final decision.

14                  At the end of the site visit peer evaluators make  
15   their recommendation for accreditation in the site visit report. The  
16   site visit teams recommendation is then made available to peer  
17   evaluators on the ERP who review the information available, and  
18   render their own recommendation.

19                  Finally, the site visit team's recommendation and  
20   the ERP's recommendation are available to the ACEN Board of  
21   Commissioners for consideration in reviewing the programs for  
22   initial and continuing accreditation. An accreditation cycle begins

1 with the program's site visit, and ends when the program's Board of  
2 Commissioners makes its decision.

3                   Accreditation decisions were made for 1,136  
4 programs reviewed from fall 2016 through the spring 2022 cycle.  
5 Of these programs, 822 programs were granted initial, or continued  
6 accreditation, 173 programs were granted continued accreditation  
7 and placed on monitoring. 240 programs were granted continued  
8 accreditation and monitoring was removed.

9                   Three programs were denied initial or continuing  
10 accreditation, and nine programs voluntarily withdrew before the  
11 Board made an accreditation decision. We believe that the ACEN  
12 standards and criterion have clearly demonstrated effectiveness in  
13 providing a framework and context for the ACEN accredited  
14 nursing programs, embracing quality assurance and quality  
15 improvement through the ACEN's peer review process to become  
16 stronger programs through standards of educational quality,  
17 specific to nursing education.

18                   Just a little bit about our support services. The  
19 ACEN offers multiple support services to assist our programs.  
20 And to highlight a few, the ACEN offers a self-study forum, as  
21 well as a program administrator workshop throughout the year.  
22 These are offered in a face-to-face, livestreaming and



1 asynchronous.

2                   The self-study forum focused on the ACEN  
3 standards and criteria, demystifies the accreditation process, and  
4 provides an interaction guidance in composing a self-study report.  
5 The program administrator workshop is designed for those  
6 individuals that have administrative responsibilities for leading an  
7 ACEN accredited program.

8                   Topics include roles, responsibilities for program  
9 leaders, themes from the standards and criteria, integration of the  
10 ACEN policies, and strategies to maintain ACEN accreditation.  
11 The directors are also available to our programs, both individually  
12 to support them informally through emails, telephone, or video  
13 calls, as well as formally for those programs who opt for an  
14 intensive in depth advisory review.

15                   The directors also work closely with programs  
16 pursuing initial accreditation with the ACEN as well as with our  
17 programs that may have follow-up reports that are due. Also, a  
18 representative from nursing programs may begin its initial or  
19 continued accreditation review cycle, sign up to be an observer on  
20 a site visit team.

21                   The observer accompanies the peer evaluators on a  
22 site visit team. The observer experiences offers immersive

1 learning opportunity during an actual site visit, such as attending  
2 interviews with college administrators, faculty, staff and students.  
3 The observers can review evidence, they tour the facilities and  
4 observe the site visit teams interactions.

5 We also offer an accreditation conference. This  
6 year the focus is on identifying, addressing, and overcoming the  
7 many and various barriers to success in nursing and nursing  
8 education. Conference sessions will explore innovations in the  
9 areas of diversity, equity and inclusion, the development of clinical  
10 judgment, as well as recruitment and retention of faculty and  
11 students.

12 Over the past two days we've noticed that NACIQI's  
13 concerns regarding compliance, so I'd like to provide a few general  
14 comments about this topic. The ACEN expects all programs  
15 and/or institutions to have a complaint policy, and they must  
16 follow it. Prior to an onsite review, programs must advertise for  
17 third party comments, as well as host a public meeting.

18 Onsite, site visit teams will review all complaints  
19 since the last comprehensive ACEN site visit. Additionally,  
20 ACEN policy number 20 addresses complaints about an ACEN  
21 accredited program. The policy is available on the ACEN website,  
22 and it does have an online forum.



1     that introduction and your opening remarks. In looking at 2022's  
2     Commission actions on your website, it appears that the bulk of  
3     enforcement actions were related to your outcomes standard. Is  
4     that usually the most common cause of Commission action, or do  
5     you attribute that to the lingering effects of the pandemic?

6                     N. ARD: I'm going to ask Dr. Nunn Ellison to  
7     respond to that question for you.

8                     K. NUNN ELLISON: Thank you for that question,  
9     and to answer that it really is typical, and we don't necessarily  
10    think that it is related to the pandemic, although the pandemic has  
11    had an impact, and the Board of Commissioners have taken that  
12    into consideration when they reviewed those programs.

13                    So previous to the pandemic, we had noticed  
14    patterns, which are provided in our annual report to constituents,  
15    where the most frequently cited standards for development, or for  
16    non-compliance are provided in aggregate to our programs. And  
17    historically the outcomes has been among the ones most frequently  
18    cited.

19                    And because of that information we have just  
20    reinforced our training and our education. Dr. Ard mentioned our  
21    self-study forums. We use those opportunities to help our  
22    programs prepare for that during those educational opportunities.

1 M. HALL-MARTIN: Thank you. Beyond  
2 increasing training opportunities how do you work with those  
3 institutions that have been subject to an enforcement action to  
4 remedy any deficiencies?

5 K. NUNN ELLISON: That's a good question. We  
6 actually have a follow-up process, and so any program that is  
7 struggling with their outcomes and is being monitored, we work  
8 with closely. We offer them support in reviewing the items that  
9 were identified by the cite visit team, and the decisions that were  
10 made by the Board of Commissioners, and we offer ongoing  
11 support through the submission of their follow-up report and visit  
12 if a visit is required.

13 And so we try to help them identify where the  
14 issues might be, and provide some guidance on how other  
15 programs have addressed those same challenges.

16 M. HALL-MARTIN: Thank you. And switching  
17 gears a little bit, you accredit some of the few nursing programs  
18 that are offered in tribal colleges, what sort of training, if any, do  
19 you provide to our review teams and decision making bodies  
20 related to the unique missions and historical and policy context of  
21 tribal colleges and universities as a sector?

22 Similarly, do you provide any sector specific

1 training related to historically black colleges and universities, or  
2 other minority-serving institutions?

3 N. ARD: Thank you for that question. The ACEN  
4 looks at diversity and equity across all program types. Yes we do  
5 have a number of tribal colleges, as well as we also do some  
6 international accreditation visits through our CHIA recognition.  
7 And one of the important things that all of our site visitors are  
8 encouraged to do is relative to the mission and philosophy of that  
9 institution, as well as the program itself.

10 And I think that to a certain extent as nurses, we  
11 truly look at that from an individual perspective from the very  
12 beginning. Do we have formal training relative to those particular  
13 entities of institutions? No we do not, but that is something for us  
14 to consider.

15 M. HALL-MARTIN: Thank you. And my final  
16 question before I turn it over to Kathleen, there are noted health  
17 disparities between white people and people of color. How do you  
18 ensure that the curricula in the programs you accredit are preparing  
19 future members of the nursing community to equitable serve all  
20 patients and address some of these disparities?

21 N. ARD: Thank you again for that question. When  
22 you look at our standards relative to standard four, which is our

1 curriculum, we expect all of our programs to provide contemporary  
2 evidence-based curriculum. And so we expect our programs to  
3 review the curriculum on a regular and ongoing basis to ensure that  
4 the content and the topics being covered in those -- in the  
5 curriculum are appropriate to all the current disparities as well as  
6 the different populations that they would be serving as nurses in  
7 the profession.

8 CHAIR PRESSNELL: All right. Thank you  
9 Molly. Good questions. Kathleen, do you have questions for the  
10 agency?

11 K. ALIOTO: Yes. First of all I'd like to thank you  
12 for your work. I think as a nation, and as a world, we became  
13 acutely aware of how important nurses are as the angels among us.  
14 So, your work is extremely important. And I was interested in  
15 reading about your EPLOS, end of program learning outcomes,  
16 that they are there to start right from the beginning of your  
17 programs.

18 And so, when I was reading I thought this would be  
19 wonderful if we had this for every program if teachers knew  
20 exactly what the learning outcome should be at the end. But I did  
21 have some questions. I saw that you have an increased number of  
22 distance learning. What is your percentage of programs that are

1 using distance learning now?

2 N. ARD: Thank you for that question. I would say  
3 that it depends upon the level of distance learning. We will  
4 consider our programs using a form of alternative delivery method  
5 if any nursing course has a hybrid component to it. We then have  
6 different thresholds if there's 25 to 49 percent that's offered using  
7 an alternative method of delivery, and then our programs that 50  
8 percent or more are provided by an alternative method of delivery.

9 I would say that the vast majority of our nursing  
10 programs, especially post-pandemic, have started using a variety of  
11 alternative learning delivery modalities. One of the most  
12 frequently used by many programs is synchronous  
13 videoconferencing because in some of our programs they are still  
14 practicing social distancing, secondary to the challenges in their  
15 particular location.

16 Relative to totally online programs, I don't know  
17 that we've seen an increased shift to totally online education per se  
18 with the nursing because I think we could all appreciate, especially  
19 at the undergraduate level having that hands on opportunity for  
20 role modeling as well as practice is critical to the profession.

21 K. ALIOTO: So, you're saying that the majority of  
22 your programs are using some form of simulation or synchronous



1 learning.

2 N. ARD: Simulation would not be a form of  
3 distance education for the ACEN. Simulation would be a practice  
4 learning environment that our programs have the opportunity to  
5 utilize. Sometimes this would be as an augmentation to the  
6 didactic components of the program.

7 In some cases it might be in lieu of direct hands on  
8 care. That being said, our programs are required to meet any  
9 requirements of their state regulatory agency, relative to the  
10 amount of direct hands on care that that particular state might  
11 require, and/or regulations related to the percentage of simulation  
12 that could be used in lieu of that direct patient care.

13 K. ALIOTO: Thank you. I noticed that you did  
14 this thing about different states, and different states regulations,  
15 this must be very tricky for you. But I saw that 51 percent of  
16 programs using distance education can be cross state as long as the  
17 requirements in the different states are included.

18 And I wondered if the very best programs are being  
19 used by a number of institutions. I mean if you have some real  
20 stars of learning in this sector, is that being used as more than two  
21 partners, or could all of the community colleges use these sites?  
22 How is that working out?

1 N. ARD: Dr. Evans Prior will speak to that.

2 D. EVANS PRIOR: Thank you Dr. Ard. The  
3 nuances of nursing education can be very challenging. I can speak  
4 I'm at the helm of a very, very large nursing program. We're  
5 competing with I think 15 different schools of nursing for the  
6 clinical sites in our community, and we come together as a big  
7 group, and kind of parse out which clinical sites will be available  
8 on which clinical days.

9 So obviously, logistically that's a big challenge. Or,  
10 you know, we're thinking more about the prelicensure programs in  
11 that context. When you're looking at the BSN and the post-  
12 licensure, the master's degrees, those can be a little bit different  
13 because those are already registered nurses.

14 So the scope of oversight can be different because  
15 the amount of clinical supervision can be different, because they  
16 are actually operating on their own license. So it is very  
17 complicated. Simulation has definitely been a nice, really, really,  
18 great opportunity because when we're in clinical settings, we're  
19 riding hard on our students to make sure that they don't make  
20 mistakes.

21 But we know that with adult learning theory it is  
22 really critical for adult learners to have that opportunity to make

1 mistakes, and that's what simulation really offers, is that ability to  
2 kind of go down a rabbit hole without hurting or putting a real  
3 human being at risk.

4 So your questions are deeply appreciated. The  
5 allocation of resources is incredibly complex, but that's one of the  
6 beauties of having the ACEN's standards and criteria is like for  
7 example, when all of a sudden when the pandemic first hit, we  
8 weren't allowed to go into clinical settings.

9 And, so the first thing we did, or the first thing I did  
10 was pull out my ACEN standards and criteria to figure out where  
11 was my sandbox. What were my limitations? What were the  
12 standards I needed to hold myself to, and my program to? And  
13 that was a big reason that we got through that. So, I hope that  
14 addresses your question.

15 K. ALIOTO: Sort of. I'm also interested with the  
16 nursing shortage what is ACEN doing to encourage people to  
17 become nurses today?

18 N. ARD: That is an excellent question. In my  
19 experience in nursing over the years we have had these nursing  
20 shortages periodically. We are at the -- we're in the huge crisis  
21 right now from a nursing perspective because many of our nurses  
22 are baby boomers who are reaching that mature age. Many of our

1 nurse educators are also baby boomers that are reaching that  
2 mature age.

3                   And so, I can honestly say from an ACEN  
4 perspective, any time that I personally am out visiting programs  
5 and speaking with students, I'm always talking about next steps,  
6 you know when you finish this degree you need to consider that  
7 next step. You need to consider coming into nursing academia, or  
8 minimally serving as preceptors at the bedside because we really  
9 need to touch those students as they're coming through the  
10 program.

11                   And those, the brightest and greatest should  
12 consider taking that next step and becoming nurse educators, and  
13 nurses in general.

14                   K. ALIOTO: Well I know that from my experience  
15 that nurses make more money working part-time, than they do with  
16 the community college in which I was working, so that it was very  
17 difficult to get instructors.

18                   And now I would think it would be even more  
19 difficult, so is there -- there's a commitment and that's in terms of  
20 looking at the objective, how many more nurses do we actually  
21 need, and what kind of politics is going on to get out the word, and  
22 to induce people to come into nursing?

1                   N. ARD: You make some very excellent points, and  
2   in my history with nursing education yes, I always had graduates  
3   making often times more money than I did teaching. With the  
4   COVID crisis, some of our nurse educators have gone back to the  
5   bedside, because again they can offer more money. I think what  
6   you will find is that a lot of our different states have a lot of state  
7   initiatives that are going on to recruit faculty.

8                   Many times they're providing state allocated monies  
9   that can be used for stipends specific for nursing educators to  
10  actually encourage them to stay in academe and not go back to the  
11  bedside. But as far as a national wide initiative, we're doing  
12  everything that we can, but a lot of times individuals don't see  
13  nursing to be one of those glamorous careers that you just want to  
14  go to.

15                  And while you can definitely make some very good  
16  money being a nurse, it doesn't necessarily pay as high as some of  
17  the other careers might.

18                 K. ALIOTO: Okay. And I wandered on your  
19  website. You have 147 schools or programs that had voluntarily  
20  resigned. You explained that a little, but can you clarify why  
21  Walla Walla and Vanderbilt and some of these programs  
22  voluntarily resigned from ACEN?

1                   N. ARD: Yes ma'am. Relative to voluntary  
2    withdrawal, the website provides comprehensive information about  
3    those programs who have withdrawn from the ACEN. Many of  
4    those programs actually withdrew from the ACEN to go to another  
5    nursing accrediting agency, and that specializes in baccalaureate  
6    and higher education.

7                   And so that is the rationale for the majority of those  
8    that have withdrawn. Other programs withdraw from the ACEN  
9    because sometimes accreditation becomes challenging for the  
10   institution from a money perspective. Sometimes individuals take  
11   over at nursing programs that don't see the value of accreditation.

12                  Only, currently 27 states require accreditation at  
13   some level. In some states it's every type of nursing program must  
14   be accredited, and other states there's no requirement for  
15   accreditation at all. And so, some of these components are the  
16   rationale for different programs making different decisions.

17                 K. ALIOTO: Well even in the states that don't  
18   require accreditation wouldn't Title IV be operative in those states?

19                 N. ARD: The majority of our accredited programs  
20   their Title IV eligibility comes through their institutional  
21   accrediting agency, and so from that perspective they are getting  
22   their Title IV's through the institutional accrediting agency. For

1 those Title IV programs that the ACEN has yes, definitely they  
2 would be eligible for Title IV, maintaining that accreditation,  
3 which is why at this point the ACEN is the only nursing  
4 accrediting agency that has diploma based programs, because we  
5 are able to provide that Title IV oversight.

6 K. ALIOTO: And once again thank you so much  
7 for your work on behalf of all of us.

8 CHAIR PRESSNELL: Thank you Kathleen. Jose  
9 Luis?

10 J. L. CRUZ RIVERA: Thank you and good  
11 morning. In addition to the retirements and the difficulty and  
12 recruiting enough new students to take care of the demand for  
13 nurses across the nation, my understanding is that we're also  
14 having a retention problem within the profession, with our new  
15 graduates going into the profession, and perhaps leaving a few  
16 years in.

17 This is something that I thought was unique to New  
18 York when I was there, but now I'm in Arizona, and I'm hearing it  
19 also from hospitals and other healthcare providers and executives.  
20 So when we talk about post-college outcomes for these programs,  
21 do we look at things like years in the profession of retention in the  
22 profession, or just at earnings upon placement?

1                   K. NUNN ELLISON: Let me try and answer that  
2   very good question. You know, it's interesting, and please don't  
3   quote me on this piece of data. But at one time I had heard that up  
4   to 30 percent of new nurses will leave the profession within the  
5   first three years, which is just devastating. And I know that we  
6   have seen that some of our newer nurses have struggled over these  
7   last few years with the pandemic in particular.

8                   You know, they didn't sign up for this. They went  
9   through nursing school and believed that they were going to have  
10   one type of experience, and they got into practice, and it was  
11   something completely different than many folks were not prepared  
12   for. So we are aware that new graduates are entering some very  
13   complicated work environments in healthcare where hospitals have  
14   been going through a lot of changes.

15                  Long-term care facilities have been going through a  
16   lot of changes. Communities are going through a lot of changes on  
17   how healthcare is delivered. And so, you know, this is one of the  
18   reasons why we think it's so critical that nursing education  
19   curriculum be up to date, and evidence based, and that faculty are  
20   regularly reviewing that to prepare students, and promote their  
21   resiliency for graduation.

22                  Now I think what you really wanted to know was if



1 we track retention over a period of time, and we do not formally do  
2 that. We do ask for programs to let us know about job placements,  
3 and that does typically happen within the first six to 12 months of  
4 graduation. But as far as their retention beyond that over a period  
5 of three, five, ten years, I don't have that information. We don't  
6 track that.

7 J. L. CRUZ RIVERA: Thank you.

8 CHAIR PRESSNELL: Wally?

9 W. BOSTON: Thank you. One of the things that  
10 I've read that contributes to the shortage of nurses is that we  
11 actually have a shortage of nurse instructors. I went to the ACEN  
12 website prior to this meeting, and in April of 2022 they reported  
13 that for the first time since 2001, so approximately two decades,  
14 enrollment in master's programs and nursing decreased by 4  
15 percent, which meant that there were 5,800 fewer students enrolled  
16 in 2021 than in 2020.

17 Also, enrollment in PhD nursing programs were  
18 down. In fact, enrollment in PhD nursing programs has decreased  
19 by 13 percent since 2013. And so in your role as an accreditor, and  
20 I looked at the programs that you accredit. You go all the way up  
21 to the clinical doctorate I believe. I don't know that you do the  
22 academic doctorate.

1                   What can you do to help your schools expand  
2   because it says in addition to having a shortage of instructors, that  
3   thousands of qualified applicants to graduate nursing programs are  
4   turned away each year.

5                   N. ARD: Thank you for that question. Again, as an  
6   accrediting agency we encourage our -- many of our programs,  
7   especially in the prelicensure are constrained by the number of  
8   students that can enroll secondary to the faculty to student ratios,  
9   primarily in the clinical environment. And that may be predicated  
10   by the actual agency, but often times the boards of nursing may  
11   also provide faculty student ratio maximums.

12                  But you have to remember that in a clinical learning  
13   environment, the faculty are overseeing students providing direct  
14   patient care. And so, to get a student prepared to function  
15   effectively in the profession upon graduation, most of our  
16   programs will take them from taking care of a single patient, to  
17   potentially taking care of up to three, and/or four patients, or in a  
18   precepted environment actually working with their nurse at the  
19   facility to take care of all of the patients that that individual has  
20   been assigned to.

21                  So, but as a faculty member, if I took 10 students to  
22   clinical, me overseeing the direct patient care of 30 patients would

1 be very challenging, especially because those 30 patients may be  
2 spread across multiple units within that facility. So, there are those  
3 constraints.

4                   At the graduate level one of the most likely biggest  
5 contributing factors currently to the decrease is secondary to  
6 COVID. Again, many of these nurses are working, they're getting  
7 paid substantial monies. A lot of nurses have shifted into a travel  
8 nurse mode because they're actually getting paid more. And so a  
9 lot of individuals are placing their continued education on hold as  
10 they are responding to COVID and the needs of the facilities that  
11 they're working for.

12                   So, will this trend turn around? Your guess is as  
13 good as mine. We're hopeful it will, but there's no way to predict  
14 that for sure.

15                   W. BOSTON: So I guess the one part of my  
16 question that maybe I didn't make clear enough. What can you do  
17 to, you know, help?

18                   K. NUNN ELLISON: So one of the things that, I  
19 mean we've noticed this issue too, and we're excited about the fact  
20 that this year one of the themes for our annual conference is on  
21 recruitment and retention. And it was intentionally selected as a  
22 theme in our conference, and it's not just about recruitment and

1 retention of students, it's also about recruitment and retention of  
2 faculty.

3 Because as Dr. Ard said, there are limitations.  
4 There's also competing programs for certain clinical sites, which  
5 can also inhibit the amount of students that can go through a  
6 program. But then there are also retention issues. The more  
7 students that we can retain effectively, and graduate, the more that  
8 will be available to provide care in the community.

9 So we're excited about the opportunity that we have  
10 this summer where we've invited our representatives from our  
11 programs to come and speak about the innovative things that they  
12 are doing to recruit and retain students and faculty.

13 And we plan on taking the information that's shared  
14 there, and disseminating it where we can throughout all of our  
15 accredited programs.

16 CHAIR PRESSNELL: All right. Thank you.  
17 Debbie?

18 D. COCHRANE: Thank you so much. So I --  
19 Kathleen asked a question about something that was in the  
20 materials that I hadn't quite spotted. So I want to ask a follow-up,  
21 just so I understand exactly how the agency operates on this. And  
22 it relates to state licensure.

1                   So of course, per federal regulations agencies need  
2   to make sure that the institutions have authorization from the states  
3   in which the institutions are operating, but could you just say a  
4   little bit more, and again I apologize if this is redundant with what  
5   you've already said today, or it was in your materials.

6                   But could you say a little bit more about how your  
7   agency considers the relevant licensure rules of the state in which a  
8   student is located, and whether clinical placements are available  
9   for the students in the state? So, just to put a very tangible point on  
10   it. So, may an institution enroll students in a distance education  
11   program from states in which graduates will not be able to obtain  
12   licensure, or from which clinical placements are not available?

13                  N. ARD: For our distance education programs even  
14   though they may have NC-SARA relative to the didactic  
15   component, our programs are required to approach the Board of  
16   Nursing in each state in which the student lives to verify that  
17   particular program is allowed to have students in the state,  
18   especially in practicum experiences or clinical experiences.

19                  And so, once the program has received permission  
20   to be in the state for even an individual student for that practicum  
21   experience, then they would also have to ensure that the faculty  
22   overseeing that practicum experience, as well as any preceptors

1     that might be participating in that learning environment, meet the  
2     requirements of that specific Board of Nursing.

3                     And if for some reason a state says no, we're not  
4     accepting any out of state students at this point in practicum  
5     experiences, then that nursing program would not be able to  
6     provide the practicum experiences in that state. It would not  
7     preclude them from having that student come to the primary  
8     campus and location and do their practicum experiences in the  
9     state where the program is actually located.

10                    D. COCHRANE: So, and that's helpful. So if a  
11     student then did cross state lines to go get the practicum, what if  
12     that student then went back to their home state. Would you still  
13     want to make sure that that student was able to be licensed in their  
14     home state?

15                    N. ARD: Licensure is dependent upon the State  
16     Board of Nursing. We do require that all of our programs are  
17     approved by the Board of Nursing because it's the Board of  
18     Nursing that determines whether or not an individual is eligible to  
19     sit for the licensure examination, as well as then taking that  
20     examination.

21                    It's the Board of Nursing that determines if a nurse  
22     moves from California to Texas, whether or not I would receive a

1 Texas license based upon endorsing my California license. And  
2 so, that is specific to the Board of Nursing. There are Boards of  
3 Nursing that for -- that may have requirements relative to the  
4 amount of clinical experience an individual brings to the table at  
5 the time that they're applying for that licensure.

6 And I don't know if Suzette, Dr. Farmer, would like  
7 to add something else that she actually has been in a Board of  
8 Nursing role before.

9 S. FARMER: Well I think the only thing that I  
10 would add is that programs do need to disclose what states their  
11 program would allow the student to license. Also, the National  
12 Council of State Boards of Nursing has a website which students  
13 can use to look up and just sort of see state to state what the  
14 requirements and expectations are.

15 But as part of the college, or programs  
16 responsibility they do need to disclose that information about  
17 licensure to students.

18 D. Cochrane: Okay. Thank you. My second and  
19 final question is about complaints, and I want to thank you for the  
20 comments you provided, especially the context that you do look  
21 for patterns. I also really appreciated seeing that you track very  
22 carefully both substantiated, and unsubstantiated complaints.

1 I did look at the information that you submitted, and  
2 particularly the complaints that were on the tracking sheet going  
3 back through 2019, and it looked like most of the institutions on  
4 that list had one, maybe two complaints. There was one with five  
5 complaints, and then there was one with 11 complaints. So not to  
6 pick on any individual institution, but could you just give a sense  
7 of what you as an agency do when you have, you know, in the last  
8 three or four years you've seen an institution get 11 complaints,  
9 whereas most only have one or zero. What does that mean to you?

10 K. ELLISON: Yes. The complaint process has  
11 been -- we tried to tighten that up. And we do follow that  
12 carefully. We have a staff member that logs all of the formal and  
13 informal complaints. For the formal complaints, you know, we  
14 review them internally and provide that feedback as Dr. Ard said.

15 When we prepare for the cycle, so we have two  
16 cycles a year, the fall and the spring cycle when we prepare for the  
17 cycle. The staff member does go back and look and pull. She  
18 pulls a log for me showing all the complaints for all the programs  
19 that are under review. And I look at patterns at that time as well,  
20 just to make sure if there's anything that needs to be focused on, or  
21 the team needs to be aware of, we do that.

22 Relative to, and I don't recall, but I think the



1 program that you might be referencing is a situation where it was  
2 the same complaint, but from 11 different individuals, or maybe  
3 not fully 11, but multiple different individuals. That sometimes  
4 happens when an entire class is upset about something. We might  
5 get the same complaint from different individuals because we do  
6 ask that they individually submit on their own behalf.

7 I think that might have been the case. But yes, we  
8 do look for patterns, and if one is identified we would certainly  
9 follow-up on that.

10 D. COCHRANE: Okay. Thank you very much.

11 CHAIR PRESSNELL: Great. Next question from  
12 Bob?

13 R. SHIREMAN: Thank you. I think you said in  
14 your presentation that none of your colleges are on heightened cash  
15 monitoring by the Department of Education, but I'm pretty sure  
16 that Bay State college is -- its nursing program is accredited by  
17 ACEN, and they went on heightened cash monitoring just this past  
18 December 1st.

19 And we heard yesterday from the New England  
20 accreditor that their institutional accreditation has been withdrawn  
21 effective this August. So I just wanted to confirm the status of Bay  
22 State colleges accreditation, and ask how in a situation like this

1 where the institutional accreditor has withdrawn accreditation  
2 based on financial and other concerns, what kind of actions you all  
3 take in terms of either of helping students working with a school,  
4 does the institutional accreditor notify you? Tell us about what  
5 happens in a case like this.

6 N. ARD: Okay. Thank you. And yes, in my  
7 opening remarks my comment was specific to the Title IV  
8 programs that the ACEN oversees, and none of those programs are  
9 on your heightened or cash monitoring.

10 Relative to reporting, the ACEN does require that  
11 all of our programs report to us if there has been a change in status,  
12 not only with the Board of Nursing, but with the institutional  
13 accrediting agency. Oftentimes the ACEN will actually receive  
14 reports from the institutional accrediting agencies relative to these  
15 changes.

16 And as part of our substantive change process, we  
17 will actually reach out to that nurse administrator, reminding him  
18 or her that they must submit to us. And I'm going to get Dr.  
19 Farmer explain a little bit more about our substantive change  
20 relative to programs that institutions may be in trouble with regards  
21 to our teach outs.

22 S. FARMER: So in terms of substantive change we

1 do reach out to these programs. We don't have the same  
2 accountability per fed reg, but the example that you brought up,  
3 they state that we have actually received a teach out plan from Bay  
4 State because we are always concerned about nursing students and  
5 their ability to complete their program of study.

6 We're currently still working with Bay State,  
7 obviously it's a you know, a complicated issue. There's a Board of  
8 Nursing, there's institutional accreditation, there's Title IV, but we  
9 are seeking information and clarification from the nursing program  
10 about what they have planned, and it is my current understanding  
11 that they are not accepting any more students, and they do have a  
12 plan in place that should they lose Title IV, should they end up  
13 closing, that they have already reached out to several nursing  
14 programs in the region, in the area, for transfer.

15 R. SHIREMAN: Okay. Thank you so much. And  
16 thank you for the clarification on which schools you were talking  
17 about with ACEN. Any time there's a high profile indicator like  
18 the percentage of graduates who pass licensing exam, there are  
19 efforts to try and figure out how to game that measure.

20 We certainly have seen this around bar passage  
21 rates and law schools that will enroll students, take their tuition  
22 throughout the whole law school experience, and then figure out a

1 way to prevent students from graduating who they think will not  
2 pass the bar, and thereby reducing the denominator, and having a  
3 higher bar passage rate.

4 I'm interested in your thoughts about the extent to  
5 which that may be happening in the context of nursing programs,  
6 and I have heard about at least one school that uses the I guess it's  
7 HESI test as a standardized test, and as a graduation requirement.  
8 And my understanding of that test is it's supposed to help identify  
9 students readiness for taking the licensing exam.

10 But in this case it's used as a graduation  
11 requirement, which almost by definition is an attempt to graduate  
12 only people who will end up passing the licensing exam, and deny  
13 them a diploma for a program they otherwise completed. I saw in  
14 Exhibit 353, your report to your colleges, to your programs, that  
15 you say the use of high stakes testing for students progression or  
16 completion of a nursing program is not a best educational practice.

17 It seems like maybe it's happening though, so what -  
18 - how do you monitor and address that what may be a problem  
19 there?

20 K. NUNN ELLISON: That's a great question, and  
21 you're right. We are concerned about it. This has been a hot topic  
22 for a couple of years now. And I would say one of the ways that

1 we monitor that, and what you're referring to as HESI but there are  
2 also several other comprehensive predictor exams that are used by  
3 nursing programs.

4 And well they're used in a variety of ways.  
5 Primarily to help individual students remediate, so they are best  
6 prepared to take the NCLEX exam. They're also used in aggregate  
7 to identify curricular areas where they might be able to improve  
8 student learning, and then as you say, there could be programs that  
9 are using it in a high stakes way, which is not an educational best  
10 practice, and we try to be explicit about that.

11 In our curriculum standard we do expect programs  
12 to be participating in evidence based, formative and summative  
13 assessments, and anytime the site visit teams identify through their  
14 policy review, because we do review progression policies onsite,  
15 they identify that issue. It is called into account.

16 We also ensure that when we are at are self-study  
17 forums, at our conferences, when we're informally talking with  
18 programs that we identify that as not an educational best practice.  
19 And I'd say the way that we best monitor it is through program  
20 completion rates.

21 Because we require our programs to identify all the  
22 students that start in the first nursing course through their

1     conferral, we look at that completion rate very seriously. And so,  
2     if we see a program that has really decent pass rates, but their  
3     program completion rate is not very good, and in particular if that  
4     is related to high stakes testing, that is something that the Board  
5     does take into consideration when they make their accreditation  
6     decision.

7                     So that is where we would see it. We do also, or I  
8     should say we have in the past asked programs how they are using  
9     these comprehensive exams so we could get a sense. And the  
10    majority of them are not using them in that way, so as we are  
11    fighting those programs we are addressing it with them.

12                    R. SHIREMAN: Thank you very much.

13                    CHAIR PRESSNELL: Great question. Mary  
14    Ellen?

15                    ME. PETRISKO: Thank you. Good morning, and  
16    thank you for all the information so far. As may have noticed if  
17    you looked at our full agenda, we also had the Maryland State  
18    Board of Nursing on the agenda earlier in the meeting. And  
19    looking at that Board of Nursing, they approve a number of  
20    programs, some of which are also ACEN accredited.

21                    And it was noted, and correct me if I'm wrong on  
22    this, but it was noted that for those programs that are also ACEN

1     accredited, those site visits are joint or collaborative, that you'll be  
2     with those programs at the same time.

3                     So, my question is does that mean that you show up  
4     at the same time, and you do things independently and say hello?  
5     Because you have different requirements than they do, or are some  
6     of those meetings joint? To what extent would what you are  
7     looking at help inform them in line with their own standards?

8                     How does that really work? I mean in my  
9     experience collaborative visits don't always work very well, so  
10    how does that work, and are there other state boards that you do  
11    this as well that you really are collaborating, are sitting in the same  
12    room, et cetera? So I think you get my question. Thank you.

13                    N. ARD: That's an excellent question, and yes we  
14    do coordinated visits all the time? We have -- the states that pretty  
15    much New York, Mississippi, Minnesota, we have a lot of  
16    California programs that are coming through, initial accreditation.  
17    All of these boards of nursing are requesting these coordinated  
18    visits.

19                    Many of the regulations that our boards of nursing  
20    have used, they've actually used the ACEN's history to actual write  
21    their regulations. So you will find a lot of commonalities between  
22    their requirements, as well as the ACEN's requirements. But

1 essentially what happens is the program notifies the ACEN with  
2 their upcoming review that the Board of Nursing wants to  
3 participate in a coordinated visit.

4 As that point our team Chairs work with the  
5 representative from the Board of Nursing as well as the program  
6 nurse administrator, to develop the agenda. We do jointly  
7 participate in interviews with the entities involved in that visit  
8 because again many of the questions that ACEN would be asking  
9 are similar to the ones that our boards of nursing would be asking.

10 ACEN has gone to a cloud based repository as far  
11 as their evidence is concerned. That evidence is specific to the  
12 ACEN site visitors, and the different levels of peer review. Similar  
13 types of evidence would be provided to the regulatory agencies  
14 separate from the ACEN.

15 If the boards of nursing are writing their own  
16 compliance report that is separate from the ACEN report, it's not a  
17 joint report. Each agency is writing their own report. The  
18 conclusions of each agency may be the same. They could be  
19 different depending upon how the regulations are written for that  
20 particular state, versus what the ACEN standards are.

21 And typically, relative to like the exit meeting  
22 during a site visit the ACEN is historically the lead in that, but then



1 if the Board of Nursing has any further comments to make specific  
2 to their regulations at that point in time they would make that as  
3 well.

4 M. E. PETRISKO: Thank you. In my experience  
5 with various nursing educators and nurses has always been that  
6 nurses are really on top of what they need to be on top of. They're  
7 very clear, and they're very efficient, and you have just been a  
8 demonstration of that, so thank you.

9 N. ARD: Thank you.

10 CHAIR PRESSNELL: Kathleen?

11 K. ALIOTO: We didn't talk about your hospital  
12 programs, and I wonder has there been an expansion in the hospital  
13 programs because of COVID? I know the hospital that I've been  
14 dealing with recently is having a terrible shortage, and they are  
15 doing some training, but I imagine it's the same problem about a  
16 clinical placement when there aren't enough nurses there.

17 So what is ACEN doing in regards to that with your  
18 hospital?

19 N. ARD: As far as our hospital based programs are  
20 concerned no, the ACEN has not received any new applications for  
21 diploma based programs. In fact, in some states our diploma based  
22 programs are actually transitioning to associate degrees, in other

1 cases they're staying the same.

2 Our hospital based programs are experiencing the  
3 same challenges that our non-hospital based programs have  
4 relative to faculty as well as competition for students. One of the  
5 primary differences though is with our hospital based programs  
6 often time those nurse educators are actually being paid salaries  
7 commensurate with nurses in those facilities.

8 And so it actually can be a win for the nurse  
9 educators that are actually in our hospital based programs. That  
10 being said, the challenges of the nursing shortage within a  
11 particular facility are still that there are shortages within the  
12 facility.

13 And many of our nurse educators that work for our  
14 hospital based programs, if the nursing program is only for, you  
15 know, a traditional semester type approach, then during the  
16 summer, often times those nurse educators are actually functioning  
17 as hospital employees at the bedside, or their education  
18 departments.

19 S. FARMER: And I would just like to add that over  
20 the last year we have had three of our hospital based programs  
21 implement new off-campus instructional sites, or requests to offer  
22 a branch campus, and that is partially in response to trying to make

1 more opportunities available for those who might be interested in a  
2 diploma based program.

3 So we try to not be a barrier, I guess, is one thing.  
4 You asked how we help. I think that one thing we try to do is to  
5 not be a barrier to programs if they're seeking ways to make  
6 education more accessible, whether that's an internship program,  
7 whether it's having new off-campus instructional sites.

8 As long as they can still meet the standards and  
9 criteria and maintain their compliance, we don't want to hinder any  
10 of that, and so we have re-evaluated and thought about our  
11 substantive change processes, so that our programs don't feel that it  
12 is a burden to make changes.

13 CHAIR PRESSNELL: All right. Thank you.  
14 Zakiya?

15 Z. SMITH ELLIS: Thank you. I asked this  
16 question of other similar kinds of agencies, so I'm going to ask it to  
17 you all as well. Given the disparities and health outcomes by race  
18 and ethnicity, how do you support institutions in ensuring they  
19 have adequate and appropriate training, including regarding  
20 unconscious and implicit bias, which can adversely impact health  
21 outcomes?

22 K. NUNN ELLISON: I'm going to take that

1 question, and this is where I think we would say that we try to bake  
2 it into the cake. We have in our 2017 standards and criteria, have a  
3 criterion that is specifically devoted to ensuring that the evidence  
4 based curriculum also is explicit in including diversity and cultural  
5 components.

6                   With our newest standards that are coming out, the  
7 2023 standards, we have even been more explicit. And in this case  
8 we've expanded those expectations, not just in the curriculum,  
9 ensuring that they include a special determinates of health, the DEI  
10 concepts, but we've also expanded it into our standard two, which  
11 is about faculty, and how the faculty are developing and  
12 maintaining their competence in those areas.

13                   And so, that was an intention addition to ensure that  
14 faculty and the programs are supported in their efforts to ensure  
15 that they have the opportunities to develop that area, and ensure  
16 that it's included in their curriculum. The other thing that I would  
17 say is that we also when we look at outcomes have been  
18 encouraging programs to disaggregate their data, and look for areas  
19 where there could be disparities in student performance.

20                   So that can help them to identify where they can  
21 make additional improvements in their curriculum for their  
22 students.

1                   Z. SMITH ELLIS: Thank you. That's really  
2 helpful and I'm glad to hear it. I have two more questions just on a  
3 similar topic, but slightly different, and I'm going to ask them at  
4 the same time because they're related. One is do you track -- one is  
5 how do you work, if at all to improve diversity within the nursing  
6 profession?

7                   And the second is do you track the diversity of your  
8 Board of Commissioners and/or your staff?

9                   N. ARD: Excellent question as well. I would say  
10 that the ACEN staff itself is a very diverse staff, as well as our  
11 Board of Commissioners. Have we collected specific data? No.  
12 To this point we have not. Relative to our programs we do  
13 encourage diversity.

14                  That being said unfortunately there is a large  
15 number of white females that are nurse educators. I mean it is  
16 what it is, but many of our programs do have very -- in fact, last  
17 week I was at a program, and the diversity of their faculty mirrored  
18 the diversity of their students, and it was a quite diverse institution.

19                  And so I think that for many of our programs we do  
20 see that diversity. We are looking at our annual report because we  
21 do utilize that as an opportunity to collect additional information,  
22 and perhaps that diversity piece is one of those things that we will

1 be adding to upcoming annual reports to truly get a feel for that.

2 CHAIR PRESSNELL: Okay. Very good. I have  
3 one brief question dealing with the student loan default rates. Your  
4 overall default rate was very impressive. I think it was somewhere  
5 around 2.2 percent. You indicated though that there was a range,  
6 and some institutions have as high as 11 percent default rate.

7 Are there any common characteristics of those  
8 defaulting? Certain institutional types? Non-completers? And  
9 how do you use the loan default rate as you advise institutions who  
10 are in your institutional review?

11 N. ARD: Again, the majority of our default rates of  
12 fall less than 7 percent, and relative to that during the annual  
13 financial report that our Title IV programs are required to submit  
14 to the ACEN we do a deeper dive into why those institutions may  
15 have students who are defaulting, because as we recognize many  
16 of our programs, finding a job is not an issue for the graduates  
17 upon graduation.

18 And so, for the majority I would say that the  
19 primary reason individuals may be defaulting is because they  
20 withdraw from the program for personal reasons. And depending  
21 upon what those personal reasons are, they may or may not be then  
22 able to immediately repay any loans that they may have taken out

1 from that perspective.

2 CHAIR PRESSNELL: Great, thank you. Any  
3 other questions from the members before we go to third party  
4 comments? All right. So, we're going to move into the third party  
5 comment phase, and the first person -- I have two individuals on  
6 this list, Allison Muth with Veterans Education Success. Allison,  
7 we're going to start to move you into the Zoom here. Okay.  
8 Allison, I believe you have access to the floor. There you are.  
9 Good to see you. Thank you.

10 A. MUTH: Good morning. I'm Allison Muth, a  
11 Senior Attorney with Veterans Education Success. We work on a  
12 bipartisan basis to advance higher education success for veterans,  
13 service members and military families, and to protect the integrity  
14 and promise of the GI Bill and other federal education programs.

15 Nursing programs are required to maintain certain  
16 pass rates on the NCLEX as a measure of program quality, but  
17 schools can effectively manipulate their pass rate by removing  
18 from their cohort of test takers, students who complete all  
19 academic requirements of the program, but do not achieve a high  
20 enough score on the school's practice or exit exam.

21 This allows schools to maximize enrollments and  
22 revenues by admitting large numbers of applicants, but avoid

1 giving such students not learning enough to pass the NCLEX.

2 Standardize tests, such as the HESI exam, are used to assess

3 student preparedness for the NCLEX.

4 Some programs, however, go so far as to require

5 students to get a certain score on the test as a condition of

6 graduation. When such exams are a condition to graduating, the

7 tests are referred to as high stakes exams because everything is on

8 the line for the student.

9 Whether the student can take the NCLEX or get

10 their degree, depends on if the student gets the scores set by the

11 school. Last year the maker of the HESI exam stated in a white

12 paper an exam score alone prohibits student progression and

13 graduation where that is required for authorization to sit for a

14 licensure exam, is considered high stakes, and not recommended.

15 The National League for Nursing developed clear

16 testing guidelines in response to its concerns about high stakes

17 exams. ACEN says it does not endorse the use of high stakes

18 exam, stating in its 2021 report to constituents the years of high

19 stakes testing for students progression or completion of a nursing

20 program is not a best educational practice.

21 Yes, ACEN continues to accredit programs that

22 utilize these high stakes exams, and students are suffering the



1 consequences. A military spouse attending a program contacted us  
2 for help. She had spent \$40,000.00 on a program, hired  
3 babysitters, and made a long commute to attend training all while  
4 her husband was deployed.

5 Finally, she made it to the end of the program and  
6 passed all the requirements, except she did not receive the score  
7 her school required on the HESI, so she was not allowed to  
8 graduate, or take the NCLEX. Notably, her score on the HESI  
9 exceeded the requirements that the school had when she enrolled,  
10 but the school increased the necessary score after she enrolled.

11 The use of high stakes exams in nursing programs is  
12 an unfair practice that harms students, and protects schools from  
13 regulatory oversight. We urge the Department to examine ACEN's  
14 and other creditors policies with respect to high stakes exams.  
15 Thank you for the opportunity to comment.

16 CHAIR PRESSNELL: Thank you Allison. I did  
17 not indicate for our third party commenters that there's a three  
18 minute limit, and that you need to mute your livestream, largely  
19 because Allison's a veteran at doing this. But our next commenter  
20 is Lena Sierra, with I believe it's Academica Virtual Education.

21 She has not. Okay. So we'll just move forward, she  
22 has not logged into the system, and so we'll give the agency an

1 opportunity then to respond to the third party comment.

2 N. ARD: Thank you Miss Muth for your  
3 comments. As we've indicated previously the ACEN does not  
4 support high stakes testing with our programs, and if we identify  
5 that there is an issue we do address that with the individual  
6 program. To date we have not had any formal complaints, relative  
7 to high stakes testing, and the impact that it's had on our students.

8 CHAIR PRESSNELL: I do have one question  
9 related to the third party comment. Is it -- do you all look at -- so,  
10 typically when a student enrolls in a program the catalogue, or if  
11 you will, is kind of the contract for that student through the  
12 completion of the program.

13 So any comment on the fact that the cut score  
14 changed during, you know, during the program of study?

15 K. NUNN ELLISON: Let me think. I think I might  
16 be able to answer your question. Do we have any particular policy,  
17 or criterion that indicates that a program can't change their policies  
18 after a student has been admitted and started the program?

19 We do not. We do have a criterion that says that  
20 students must be notified in a timely and effective manner if  
21 changes are made to any of the policies. And I am aware that there  
22 are some state boards of nursing that do prohibit programs from

1 making changes like you're describing once a student is admitted  
2 to the program, and we would expect programs to follow their state  
3 policies.

4 CHAIR PRESSNELL: All right. Thank you very  
5 much. And so now any other questions for the agency? I'm going  
6 to turn it over to Mike, to respond to the agency and to the third  
7 party comment.

8 M. STEIN: I don't have any other comments.

9 CHAIR PRESSNELL: No other comments. Okay.  
10 So let's bring it back to the primary readers and Molly and  
11 Kathleen, it would be Molly?

12 M. HALL-MARTIN: I didn't know it was me. Am  
13 I supposed to make a motion?

14 CHAIR PRESSNELL: It's preferable.

15 M. HALL-MARTIN: All right. I move to accept  
16 the staff recommendation.

17 CHAIR PRESSNELL: Okay. So the motion is to  
18 accept the staff recommendation. Mike, would you mind repeating  
19 the staff recommendation for us?

20 M. STEIN: Sure. One second here.

21 CHAIR PRESSNELL: Either that or I can do it.  
22 It's staff recommendation is to renew the agency's recognition for

1 five years. Yes.

2 M. STEIN: That's correct.

3 CHAIR PRESSNELL: I just didn't want to steal  
4 your mic time away, you know, so okay, so that's the  
5 recommendation. The motion. Is there a second to that motion?  
6 Kathleen, do you second that motion? Okay. Discussion,  
7 comments about the motion? David?

8 D. EUBANKS: Yes, thank you. I just have a  
9 general comment about student achievement, and I'm not  
10 criticizing or finding fault with the agency's general. That it  
11 conformed, the presentation conforms to what we are seeing  
12 generally is that the student achievement narrative focuses on  
13 procedure.

14 And at the beginning of the presentation, again an  
15 information dump about actual outcomes. I don't know if we can  
16 find a mechanism to encourage agencies to put the outcomes part  
17 within the narrative so we have time to actually review it. They  
18 have excellent documentation online, but that's not even mentioned  
19 as far as I can tell here.

20 Again, this is not about this agency, it's about the  
21 process. Thank you.

22 CHAIR PRESSNELL: Thank you David. And I

1 think we're going to discuss some similar matters here in a  
2 moment, so thank you. Bob?

3 R. SHIREMAN: I am concerned about the  
4 standardized testing issue and the gaming of rates. I don't know  
5 that there's an issue for the Department of Education, but would  
6 encourage the SDO to do a little bit of looking to make sure that  
7 that's addressed adequately, and also encourage the agency to do  
8 some outreach, including to veterans education success, if there are  
9 specific schools that they are aware of where this is happening.

10 CHAIR PRESSNELL: Very good. Any other  
11 comments? Yes, Zakiya?

12 Z. SMITH ELLIS: My comment is just to reiterate  
13 the considerations of tribal colleges, historically black colleges,  
14 minority serving institutions, and separately but related, specific  
15 training for reviewers to look at the unique missions of those  
16 specific kinds of institutions, which have a particular legal,  
17 political history that is unique and probably deserving of special  
18 attention.

19 And then separately to consider diversity of staff, of  
20 board members in a more specific way, in terms of tracking data,  
21 and really trying to measure against that for just your own  
22 continuous improvement, and that's just a comment that I would

1 like to add. It's not, you know, one of the standards that we have  
2 here, but since we have the ability to add comments, I would like  
3 to add that comment to the record.

4 CHAIR PRESSNELL: Consider it done. Other  
5 comments? All right. Let's take the vote.

6 G. A. SMITH: All right. Kathleen?

7 K. ALIOTO: Yes.

8 G. A. SMITH: Roslyn?

9 R. CLARK ARTIS: 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: Keith?

19 K. CURRY: Yes.

20 G. A. SMITH: Eubanks?

21 D. EUBANKS: Yes.

22 G. A. SMITH: Molly?

1 M. HALL-MARTIN: Yes.

2 G. A. SMITH: Mary Ellen?

3 M. E. PETRISKO: Yes.

4 G. A. SMITH: Michael?

5 M. POLIAKOFF: Yes. And I'd like to add the  
6 comment that I very much appreciated the clarity and transparency  
7 of the agency presentation.

8 G. S. SMITH: Bob?

9 R. SHIREMAN: Yes.

10 G. S. SMITH: Zakiya?

11 Z. SMITH ELLIS: Yes.

12 CHAIR PRESSNELL: Very good. The motion  
13 passes with 13 yes, and so congratulations to the agency. We  
14 thank you for your presentation and your time. So next will be our  
15 policy discussion, but we are going to take a ten minute break. I  
16 have 10:30, why don't we come back here at 10:40. All right.  
17 Thank you.

18 (Break 10:30 a.m.)

19 **Recommendation is to renew the agency's**  
20 **recognition for five years.**

21

1 NACIQI Policy Discussion

2 10:44 a.m.

3 CHAIR PRESSNELL: Welcome back to the  
4 NACIQI meeting. We are finished with agency reviews, and now  
5 we're going to move into the policy discussion. And so, and we  
6 have one presentation during this session, but we have a series of  
7 topics.

8 And so I want to -- and we also have at least seven  
9 third party commenters that have lined up as well. So I wanted to  
10 discuss a little bit about how we might approach the next hour and  
11 half, two hours, two and a half hours, and we're going to try to be  
12 done by around one o'clock if we can do that at all.

13 We have added a number of very important topics  
14 to this kind of policy discussion here at the very end. So, I have  
15 taken a look at what those topics are. I want to make sure our lists  
16 are the same, just if I missed something I completely believe that I  
17 could have missed something.

18 But I've put them into two buckets, and so one  
19 bucket would be a policy discussion related to regulatory review,  
20 or the overall review system, that we would like to provide the  
21 SDO some guidance and comments on particular issues, so there's  
22 that piece.



1                   And then the other piece is more of a kind of a  
2   NACIQI procedural piece, and so let me give you some examples  
3   of what those look like. So in that policy bucket, that regulatory  
4   bucket, I've got some broad topics, transparency being one, which  
5   has been articulated definitely by Bob in his third party comments,  
6   but there's been also other comments about, you know, document  
7   availability, is there anything more that can be done there, so  
8   transparency.

9                   The other one is the whole category of outcomes,  
10   and student achievement, and how accrediting agencies look at  
11   those issues. And so I see that as something that is beyond just a  
12   simple discussion among ourselves, it's something that we  
13   probably want to be more deliberative about.

14                  The last one is really Debbie, the complaint process,  
15   and understanding that more clearly, and if there's ways that that  
16   can be improved. I see that also in that policy regulatory bucket a  
17   little bit. So, and let me just give you the other bucket. The other  
18   bucket is kind of that NACIQI procedural piece that has come up  
19   in a recurring theme throughout our time together.

20                  One is just getting clarification on recusals, and  
21   how that plays out. Also, whether or not we can provide guidance  
22   to agencies on introductory comments, and to try to maybe move

1    them more towards some brevity, and focus particularly on our  
2    report and findings. Then the issue of consistency, Jennifer, you've  
3    brought that up a series of times, a number of times, and I think  
4    that's an important topic as well, consistency.

5                   And then the last would be Michael Poliakoff's  
6    letter related to SACSCOC and some of the discussions that have  
7    taken place there. So again, the policy piece would be kind of  
8    transparency, outcomes, student achievement, the complaint  
9    process, and then the NACIQI bucket.

10                  My thinking is that this is going to be a lot to cover,  
11    especially with Wally's report, and I think that maybe hearing  
12    Wally's report, it's going to fit in well to the outcomes piece, and  
13    what we're really looking at in terms of accreditation performance  
14    and so forth.

15                  So, you know, you might have then a layover into  
16    this next issue. But my thought is I don't want to rush that  
17    discussion. I'd like to have that discussion be very deliberative.  
18    There's a lot of topics in there, but so my thought is that we  
19    hopefully would have some time to kind of vet those issues out a  
20    little bit today, but with a primary purpose of having a  
21    subcommittee really spend some time discussing those issues.

22                  So, today would be pretty brief on those, but bring

1 some clarity to what direction we would like to see the  
2 subcommittee look at that. The NACIQI issue is the other bucket,  
3 you know, the recusals, the length and guidance, the consistency in  
4 SACSCOC.

5 I'd like to see if we can't address those today during  
6 our discussion, which they're important issues -- it may add  
7 something into that policy bucket, it may not, but I think those are  
8 things we can talk about today, but I want to give sufficient time as  
9 well to Wally's report and discussion around it.

10 And just and I'll ask Wally, it was a heavy lift. You  
11 did a phenomenal work. I sat in on several of those conversations  
12 to listen in, and very, very impressed by the work that's been done  
13 there. So one thing, did I miss a key component that would not fit  
14 under one of those categories, Jennifer?

15 J. BLUM: Well under the NACIQI process can I  
16 just add I think some of us have been fielding some comments  
17 offline, and one of them is that I think it goes into the consistency  
18 piece maybe, but I just have a couple of questions for the  
19 Department about how they consider one standard versus another,  
20 or one criteria versus another.

21 It just seems like some criteria are more important  
22 than others, but they seem to be all getting equal treatment, which I

1 understand. So I wanted just to add that into the -- and maybe I  
2 can just do that in a consistency. Otherwise, I would just say is  
3 there a way to prioritize the importance of some criteria over  
4 others.

5 CHAIR PRESSNELL: Yeah. And I think it does  
6 fit under the consistency piece, and actually I probably am going to  
7 call upon you to initiate that discussion around the consistency  
8 piece. Art?

9 A. KEISER: Would that also include one of the  
10 concerns Jennifer had yesterday, and I continue to have is the focus  
11 on a single school action. I think that is one of the real challenges  
12 these four accrediting commissions will deal with, having to  
13 defend.

14 When we do not have all the information, and the  
15 information that we usually are getting from third party sources, or  
16 certainly news clips, which may or may not be accurate.

17 CHAIR PRESSNELL: So Debbie?

18 D. COCHRANE: Just on one of the components of  
19 transparency, which I understand is a much bigger issue. You  
20 referenced the comments that Bob had submitted to all of the  
21 different agencies. I just want to -- I'm not actually sure which of  
22 these buckets that one belongs in.

1                   It feels like the crux of the comment is kind of like  
2   highlighting what seems like a contraction and wondering how  
3   both can be true, and I don't know if that might just be a  
4   clarification from the department because I would be interested in  
5   hearing that clarification from the Department on the crux of his  
6   comments, and so then in which case may be can just take care of  
7   that today.

8                   CHAIR PRESSNELL: Yeah. And if we can, you  
9   know, that would be great, or at least bring some guidance as well  
10   to the committee as they take a look at that issue. So, now, I have  
11   a finite memory, so don't expect me to remember everything that  
12   we had. Kathleen did you have a comment?

13                  K. ALIOTO: Do you have a report on what's  
14   happening with ACICS?

15                  CHAIR PRESSNELL: ACICS? If we --

16                  K. ALIOTO: It says that's --

17                  CHAIR PRESSNELL: I've added it. Let's see if we  
18   can get to it today. You know, I mean we've got a lot of really  
19   important things here that could take quite a bit of time, and I  
20   really appreciate the engagement of this group, which the  
21   engagement means it takes more time.

22                  So I really do like that, but and again, we can -- I

1 want to at the end of today I want to make sure that we reach  
2 consensus on how we're going to move forward next, just based on  
3 how much we get done today. And if you -- also be thinking about  
4 the subcommittee and in your willingness to serve in a  
5 subcommittee, just look at these and just bring back.

6 But you need to bring back a report by the next time  
7 we meet, which would be in July. So, Art?

8 A. KEISER: Just one suggestion. Is there a lot of  
9 topics you just brought up. We have a lot of new members, and we  
10 haven't had a training for them, and it may be incumbent upon the  
11 staff to think about doing a training, especially going over the rules  
12 and regulations and the statute.

13 And we can include some of those topics during  
14 those discussions.

15 CHAIR PRESSNELL: Yeah. That's a great idea.

16 G. A. SMITH: Right. There was an orientation for  
17 all the new members, but they haven't receive like for example, the  
18 in-depth special training that you all asked for around the  
19 regulations, so we could do that. We could add that.

20 CHAIR PRESSNELL: Yeah. I think that would  
21 actually be -- it would be helpful. Okay. Very good. Well Wally,  
22 I'm going to turn it over to, and look forward to the report you have

1 to provide us.

2 W. BOSTON: Thank you very much Claude, and I  
3 think I'm going to -- everybody has gotten the report, and the way I  
4 would like to start with this is actually at the back. And so, I  
5 would like to thank everybody who volunteered to join the  
6 subcommittee, and our names are listed at the back, Jennifer,  
7 David, Molly, Michael, Claude, Bob, Kathleen.

8 And well I guess I get the honor of presenting this  
9 because I volunteered to Chair it. It really was a collaborative  
10 effort, and then I'd like to thank George and Brian and Herman and  
11 Angela for their really collegial and positive interactions during all  
12 the meetings.

13 We really couldn't have done it without the  
14 Department's assistance, and so my other motive for thanking  
15 everybody is this group is not shy to question things, so I figured  
16 I'd get the thanks in before I start presenting our recommendations,  
17 and getting the questions.

18 But, you know, real quick, the committee was  
19 formed after our meeting a year ago when we had a discussion  
20 about the discussion from the summer meeting where we got the  
21 reconstituted, or reimplemented dashboards that had been  
22 suspended by the previous administration.

1                   And so, I was really grateful that, you know, we had  
2   a desperate group that volunteered to participate with the  
3   Committee. George kind of prepped us. He gave us the original  
4   white paper that was, you know, used for the pilot project, for the  
5   June 2016 meeting.

6                   And he also gave us his personal notes from the  
7   summer meeting, with the comments that people had about the  
8   dashboards, and there were a few comments about things that  
9   weren't in the dashboards. And so, everybody, you know,  
10  reviewed at length that information so that we could kick off our  
11  first meeting.

12                  And you know, so we came out of the first meeting  
13  with a real consensus that we wanted to continue to consider the  
14  four foci that were singled out by the original pilot project, you  
15  know, and those four foci are in my paper, general performance  
16  and outcome of the institutions the agency accredits.

17                  Decision activities of, and data gathered by the  
18  agency, standards and practices with regard to student  
19  achievement, and agency activities in improving program and  
20  institutional quality. And so, we really noted that the pilot  
21  dashboards deal with focus number one.

22                  Data related to the other three foci are collected by



1 the Department, but they weren't published on the dashboards  
2 when we began our review activities and for the most part they're  
3 not still published on the dashboard.

4 So our first recommendation out of this was that we  
5 recommend that the subcommittee continue to work with the  
6 Department, upon items related to focus number two, which is  
7 decision activities of, and data gathered by the agency, and focus  
8 number three, standards and practices with regard to student  
9 achievement.

10 I'm just going to -- and I'm not going to read  
11 through the text here. But, then as we looked -- we went back to  
12 looking at focus one and the dashboards themselves, and I did get  
13 some critique that the language in this memo, under focus number  
14 one wasn't exactly accurate, because we had worked with Brian Fu  
15 to make some changes.

16 But this is the language from the original white  
17 paper, so we kept it, but I will say that this information is not all of  
18 the information that is in the current dashboards. And so, early on  
19 in our review in our work with the Department we asked if data  
20 related to graduate degrees could be included in the dashboards,  
21 and if the data could include data from all completers, not just  
22 students or graduates or borrowed federal loans.

1                   And if the ratio of debt to net earnings for all  
2 completers could be included. And so, the answer is yes to all of  
3 those sort of, so you know, but it's also no to part of it as well. So,  
4 we can include graduate degree data, particularly for institutional  
5 accreditors.

6                   And that data on some of the items could include  
7 data from all completers, but not on borrowing because of that  
8 unified federal database thing that drives many of us crazy. I don't  
9 understand it, and it would be lovely if we could make a  
10 recommendation one day that we really need one of those, and why  
11 doesn't Congress authorize the Department to collect it?

12                  My two cents. But anyway, so we recommended  
13 those changes. We had some prototypes that Brian gave us on  
14 looking at the graduate data. We've seen that, and we're hoping  
15 that they are included in the July 2023 dashboards that come out.

16                  Another recommendation that we had was that we  
17 wanted to flag changes from year to year, and that can be done as  
18 well. Now, the one thing that we didn't vote on, and we didn't  
19 decide because we were using, and we want to present this white  
20 paper and we wanted to make sure the full committee was in  
21 alignment with what our thinking about these recommendations.

22                  So we didn't go so far as to ask Brian and his role as

1 the keeper of the scorecards which metrics we wanted to flag. But  
2 it's totally doable according to Brian. He's glad to do it. For those  
3 of you that looked at WSCUC's dashboards yesterday, they have  
4 an excellent system. The arrow goes up or down, and they show  
5 what the percentage variance is.

6 And you know, I'm not saying we have to copy that,  
7 but I think our intention was something as simple as that. Now,  
8 when we get back to deciding which ones that are triggered, you  
9 see later in this report that it was the Department's  
10 recommendation that we suspend reporting on things like cohort  
11 default rates, since depending on what happens with student loan  
12 forgiveness and the fact that during the pandemic repayment has  
13 been suspended.

14 It turns out Brian was anticipating that those  
15 numbers are going to look really crazy this July, so we all  
16 concurred that let's suspend those metrics. So it could be that some  
17 of those metrics would normally be metrics that we would flag, but  
18 we wouldn't want to include them this year and have them flagged  
19 as really, really positive, when that would simply indicate a  
20 pandemic policy influencing that, and not actual activities.

21 So but we do, we would have a formal meeting.  
22 We would decide as a subcommittee as to which ones that we

1 wanted to flag and show the different changes from year to year.  
2 Now continuing with this one, when some of us started when the  
3 dashboard was suspended, the dashboard was not a new member  
4 orientation and training.

5                   So, and in fact, I commend some of my fellow  
6 subcommittee members for really getting up to speed on this, and  
7 grinding into the dashboard. The dashboards really contain a ton  
8 of information. Even though we're recommending some changes,  
9 there's a whole lot of information in there, the cheat sheet, the read  
10 me, I mean there's all the assumptions, there's all the sources where  
11 the data comes from.

12                   So we just thought that it would be really  
13 appropriate to have an overview of the dashboard, what's in them,  
14 how to read them, in our new member orientation and training.  
15 One of the other things we noticed there's summary dashboards for  
16 primary bachelor's, institutions, primarily associate's, primarily  
17 certificate institutions.

18                   And then if you add them up because there's also a  
19 dashboard for all institutions. There's a gap of about 50-51  
20 institutions and so another recommended change was to add the  
21 dashboard for the gap, and the gap really represents primarily  
22 graduate institutions only.

1                   So, that will be one change coming out of this, and  
2   then for those of you who are really geeks you can add up the  
3   institutions on those summary dashboards and they should add up  
4   to the numbers for all institutions.

5                   And we're also comfortable in those primary what I  
6   call the summary dashboards that there's one you may notice that  
7   shows a cut-off point of institutions listed by agency that have 200  
8   million or greater in participation and federal aid.

9                   And at this time we're comfortable with that. The  
10   data is such that if we wanted to make the cut off 20 million it  
11   would be a huge list, but we could do it. It's there. That's probably  
12   the simplest dashboard to adjust, so right now we didn't spend a lot  
13   of time on it, but I think everybody's comfortable with 200 million  
14   being in there.

15                  Probably the thing that took us the longest, and I'm  
16   really grateful. One of our members, Bob Shireman, had an  
17   associate who did some work for us, but so we're digging into the  
18   dashboards, and we realize dashboards are really good for  
19   institutional accreditors, but we accredit more specialty  
20   accreditors, or we essentially review and approve, recommend  
21   more specialty accreditors.

22                  And the only thing that shows up on the specialty

1     accreditor dashboard is when a specialty accreditor accredits an  
2     institution. And if they don't accredit an institution and we had this  
3     situation yesterday I believe, with one of our specialty accreditors,  
4     their data is meaningless because there's no borrowing information,  
5     there's no default rate, it's just -- it just says the number of  
6     institutions they accredit.

7                     And even the number of institutions they accredit is  
8     not correct if they have a mixture of institutions accredited for  
9     federal aid on a stand alone basis versus institutions they accredit  
10    for programs.

11                    So, we went through this a lot of time, we had a  
12    lengthy discussion, and fortunately some of our members were  
13    familiar with -- there's really two databases, or some FSA database  
14    that was used primarily for some of this, and then there's a date  
15    that if I'm using the correct pronunciation database, DAPIP. Okay.  
16    Got to get the long vowel versus the short vowel.

17                    But anyway Bob's colleague really did a nice job of  
18    linking publicly available data from the DAPIP database to get the  
19    CIP code related data from DAPIP to FSA and match, so that on  
20    the specialty accreditors datasets we could look at for example,  
21    using the ABA as an example, that the institutions that are  
22    institutionally accredited by WSCUC or, you know, Middle States,

1 or the HLC that have law schools that the debt data and earnings  
2 data could be reported and aggregated under the ABA for their  
3 institutions.

4 Now, as you can see from our memo, you know,  
5 there was a concern about -- there were a number of concerns.  
6 And first of all the contractor that provides data from each of those  
7 databases, it wasn't in his current contract to provide that kind of a  
8 linkage.

9 Secondly, there were some I guess subjective  
10 considerations Bob, where in reviewing which was the general CIP  
11 code that might apply to a particular degree. Bob and his  
12 colleague made an educated guess, and I think we supported their  
13 educated guesses in the three examples they gave us, but there are  
14 a lot of specialty accrediting agencies.

15 So, as we continue to work on that concept and that  
16 idea, we asked if we could have for example a meeting with the  
17 Office of General Counsel to pose certain questions on what was in  
18 our purview, and what we were allowed to do, and what we were  
19 allowed to make recommendations, and that's the memo that you  
20 have from Angela, which I thank her and her colleagues for putting  
21 that memo together and, you know, and agreeing that we could  
22 distribute it in advance with this particular document.

1                   So, where we are with these specialty -- the  
2   recommendations for the specialty dashboards is, and I believe  
3   Brian is on the call. Is Brian on the call?

4                   CHAIR PRESSNELL: Yeah, Brian is with us.  
5   Brian could you turn on your -- there you go, thanks. Welcome  
6   Brian.

7                   W. BOSTON: So where we are with that Brian is  
8   certainly going to help us work on the specialty accreditation  
9   dashboards, and he knows he has a lot of work between now and  
10   July, but the priority as recommended by our committee is to have  
11   that linkage data between the two datasets for at least the specialty  
12   accreditors who are next year's review agenda.

13                  Because I think we did a count, like 58 specialty  
14   accreditors. I mean there's a lot of agencies, so since there's some  
15   manual review, and one of our other recommendations was that the  
16   Department, or NACIQI, whoever, reach out to the agencies and  
17   you know, see which CIP codes they believe match up to these  
18   degrees, rather than making it subjective, say well you're the  
19   accreditor, tell us what CIP codes match up to your degree  
20   programs that you approved.

21                  So, I'm looking at our recommendations, and then  
22   the last one that I have down here is the subcommittee



1 recommends that the dollar base loan repayment rates, loan for  
2 variance rates and default rates be suspended for next summer. So,  
3 now that I've given you an overview, you have the memo, you  
4 have the recommendations, are there questions?

5 And I also encourage any of my colleagues. This  
6 was a collaborative effort. It wasn't Wally saying let's do this. It  
7 truly was very participative, including everybody had a shot to  
8 review this memo before we submitted it to you all, but I would  
9 ask those of you who weren't involved with us if you have any  
10 questions and would like to comment, as well as those who are on  
11 the committee.

12 CHAIR PRESSNELL: David?

13 D. EUBANKS: Yeah I'd just like to publicly thank  
14 Wally for his hard work, and his very complicated project, and  
15 thank the staff for really highly engaging on a lot of details and  
16 being very available to us, thank you.

17 CHAIR PRESSNELL: Ditto, excellent.

18 J. BLUM: And especially Brian Fu, who I mean,  
19 you know, a lot of folks say this is a lot of crunching that only a  
20 couple people really have the expertise, and Brian is really it for  
21 the purposes of the next phase that Wally's describing.

22 R. SHIREMAN: And adding on the data crunching

1     thanks, I did want to actually name Tiara Moultrie at the Century  
2     Foundation who did the marriage of CIP into DAPIP for the  
3     purposes of us figuring out what can be accomplished with these  
4     data, so thanks to Tiara for her help.

5                     CHAIR PRESSNELL: Wally, I've got a question.  
6     So talk to us about the limitations, even though if we're able to  
7     accomplish all of this, what are still the limitations of the data and  
8     what we know or don't know?

9                     W. BOSTON: Sure. And I'm going to ask Brian to  
10    chime in on this because he's really the expert. But I think one of  
11    the bigger limitations is particularly some of the graduate degrees.  
12    Because of the agreement that the Department has with the IRS,  
13    the data that we will end up displaying for some of the graduate  
14    degrees may only have 30 to 40 percent of the graduates included.

15                    And I think that's the biggest single issue of the  
16    group, other than the subjectivity on the CIP code thing, but I  
17    think, you know, the way we worked that out with Brian, it's you  
18    know, on a priority basis. Let's at least have them for the agencies  
19    that are coming in next year's approval process in advance, so that  
20    we don't, you know, so it doesn't look like we're setting anybody  
21    up for failure, and then work the rest of them into the process.

22                    But Brian, would you -- are there other deficiencies

1     that you would like to comment on that I didn't bring up?

2                     B. FU: Sure. So I think what we are talking about,  
3     and what Wally presented in terms of the recommendations was to  
4     add graduate level data. So to that point, I think Wally and I did  
5     mention that this does not cover all graduates for two reasons. One  
6     is the privacy protection that Wally just said, and also the fact that  
7     we don't have information on Title IV student.

8                     So that any earnings and that information would be  
9     restricted to that population. So that addresses sort of the  
10    dashboard institution level, and calculations that we make, that  
11    we're going to add at the graduate level, so there will be potentially  
12    it will represent potentially and well certainly, a minority of  
13    programs, and potentially a minority of students.

14                    In terms of the second recommendation, providing  
15    more information about the programmatic accreditors, the  
16    crosswalk is going to have to be done manually, and requires  
17    analyst discretion. So this is something where when you marry  
18    two datasets together with a common unit identifier, two different  
19    people may come up with two different results.

20                    Three different people may come up with three  
21    different results. So, we'll do the best we can. We'll consider this  
22    a pilot moving forward. We don't actually know, thanks to Bob

1 and his team for their work on it, but we won't really know the  
2 quality of the matches until we start really digging our hands into  
3 it. We will try to -- I vested to do at least the agencies up for  
4 evaluation by July. I think the real challenges here is that its' a  
5 mental process with a lot of analyst discretion.

6 I think those are the two main caveats to the two  
7 new recommendations.

8 CHAIR PRESSNELL: In our current dataset that  
9 we're looking at is still limited only to Title IV recipients, right?  
10 So we don't have non-Title IV, and some accrediting agencies  
11 that's the majority of students, are the non-Title IV, so I think we  
12 need to properly frame the data as we got it. Is that correct?

13 B. FU: So it depends on the data elements. So for  
14 undergraduate data elements we do have a subset of data that  
15 describe outcomes beyond title IV students. For example  
16 graduation rates.

17 For the graduate level we have more limited  
18 information because those are limited to just kind of debt and  
19 earnings. And so for those we do have those limitations, but  
20 different data elements have different limitations for the new data  
21 that is being proposed to be added, which is debt and earning  
22 information at the graduate level that would be limited not only by

1 the Title IV, but also by the privacy protections that we need to  
2 add.

3 CHAIR PRESSNELL: Can you talk more about the  
4 earnings data and, you know, what timeframe are we looking at on  
5 earnings, and I don't know how far out you're able to go with  
6 earnings, or if it's like immediately upon graduation, it's pre-  
7 graduation earnings, or what we're talking about there?

8 B. FU: Sure. So in July we expect to have data  
9 four years after graduation, at the program level.

10 CHAIR PRESSNELL: Graduation from what?

11 B. FU: From a specific field of study. And when I  
12 say program or field of study I mean sort of the subset of programs  
13 that create what's called a four digit CIP code. I don't know if I  
14 need to get into that, but that's kind of a category of more granular  
15 programs.

16 So, to the extent that we have a Title IV completer  
17 at that graduated for example, a master's degree in nursing, we  
18 would assuming that they had prior Title IV, but we would send  
19 that information to the IRS. And IRS, if that field of study meets  
20 certain privacy criteria, will send us back a median for each of the  
21 fields of study.

22 And so, through that process we do lose quite a few

1 programs, the majority of programs, because most of the programs  
2 are very small. The earnings four years after is going to be 2019-  
3 2020 this year, so they will have some influence on by the  
4 pandemic, that's one of the key caveats.

5 We hadn't really talked about this, but now I think  
6 about it. We could use the prior year data. The prior year data  
7 which is available now is only three years after graduation, but in  
8 July we'll have four years after graduation, and will reflect  
9 earnings of the calendar years 19 and 20 combined.

10 CHAIR PRESSNELL: Yeah. I got just one last  
11 question, and then Wally if you have a comment. I believe the  
12 scorecard is still operating on six years after high school  
13 graduation as the -- is what I think the footnote still says that.  
14 Have they changed that? It's not six years after college graduation,  
15 it was six years after high school.

16 B. FU: So there's two different systems, right, so  
17 the current dashboards, and we'll have to kind of check because  
18 we've changed a few times, has the institution level metrics, which  
19 include earnings metrics. So that's based on that. We have two  
20 different calculations available on college scorecard. I think the  
21 one you're referring to is six years after entry, so college scorecard  
22 has six, eight and ten years after entry.

1                   So, that's based on you know, whenever somebody  
2 entered the school. We will potentially also have four years after  
3 completing at an institution level, and in addition to that we'll have  
4 for sure four years after completing at the field of study level. So  
5 the field of study level is the new item that's available at the  
6 graduate level.

7                   The entry cohort calculations are only available for  
8 undergraduates.

9                   CHAIR PRESSNELL: Great, thanks for that  
10 clarification. Wally and then Jennifer.

11                  W. BOSTON: Yeah. The one thing that I will add  
12 that's a bit of a pet peeve for me, and since it's a public forum, and  
13 my opinion will be expressed, when you look at specialty  
14 accrediting bodies, and I'll use law and medicine for example.

15                  For MDs, there is an issue with the data that's in the  
16 college scorecard currently that some institutions instead of  
17 reporting their MDs as first professional degrees, report them as  
18 PhD's, so you actually don't get those institutions showing up on a  
19 data query to match the income against -- and debt, against those  
20 students. I don't know that they're doing it deliberately.

21                  But it would hopefully if the -- especially if  
22 agency's know that we're looking at these dashboards and they're

1 coming due that there would be some scrubbing of the data to  
2 make sure that the members are reporting, and there's some very  
3 prominent universities who are doing this. They're not reporting  
4 their medical graduates in first professional. They're not reporting  
5 their bar graduates.

6                   It could simply be, and we have an IR person here.  
7 It could simply be they're just putting it on the wrong line. But in  
8 the case of the ABA I think it's over 30, and then the AMA I think  
9 it's over 60 that, you know, if you tried to sort through that data  
10 you can't get the match. So hopefully this will help them get that.  
11 The data is there, it's just on the wrong line, so.

12                   CHAIR PRESSNELL: Jennifer?

13                   J. BLUM: Yeah. I sort of want to combine both  
14 what Wally was just saying, and then Claude what you were asking  
15 about in terms of the accuracy of the data. And I do think it's  
16 really important to recognize around the classification of  
17 instruction, the CIP codes.

18                   And Brian spoke to this, the four digit CIP level,  
19 and we're really talking about I mean it's really important to keep  
20 in mind we're talking about fields of study, not really program  
21 level. And likewise, the biggest problem I see just in general  
22 whether it's the scorecard, the dashboard, is the schools are self-



1 reporting. As Wally was just indicating, both sort of program  
2 degree level, and also CIP codes, they assign their own programs,  
3 whatever CIP code they think is an appropriate fit.

4 And I've certainly seen mismatches over the years.  
5 The reason I'm bringing this is up is to, I think, Claude, to what  
6 you were saying, I think the narrative disclosure piece on the  
7 dashboard is going to need to be robust, because the dashboard is  
8 not just for NACIQI purposes, it sits live.

9 And so lest we -- and I have this issue with  
10 scorecard to some degree, you know, lest the Department itself not  
11 be fully representing what the data is, and what it isn't is really,  
12 really important. So you know, I think there are some follow-ups.

13 I don't know if it's sub-committee related, but I was  
14 thinking as Brian was talking, gosh I think there are going to be  
15 some areas where we will want to, you know, see how the  
16 Department follows through on the next stage of the dashboard  
17 before it goes live, so that we -- it's almost like Beta testing against  
18 us, or something, you know, to see how the disclosures look,  
19 whether we understand them, whether it's fully framing, you know,  
20 whether it's fully acknowledging the problems.

21 I'm certainly not meaning to try to sound negative,  
22 so I actually also want to say I don't think you get the good

1 databases without testing things out, and some of the other reasons  
2 that I've been supportive of this effort is it's not going to be perfect,  
3 but you can't even get too close to perfect without trying. And so  
4 Brian, I also think it's really going to be really important for us all  
5 to acknowledge this continues to be in pilot form.

6 Because but we will never get to good data unless  
7 we keep sort of peeling back at what's wrong with the existing data  
8 in trying to get to a better place.

9 CHAIR PRESSNELL: We have Debbie then Art.  
10 Debbie?

11 D. COCHRANE: Yeah. I have a question for the  
12 subcommittee about their recommendation around suspending loan  
13 repayment measures, default rates and loan repayment rates just  
14 generally. You know, it seems like they are pretty broadly used,  
15 all of those measures as an assessment of risk about an institution.

16 I feel like it's come up from agencies in the last  
17 couple days. It's come up from committee members and comments  
18 where there might be concerns about student outcomes, and clearly  
19 those measures are not going to be useful when payments are not  
20 required, so that makes a lot of sense to not be using the current  
21 data.

22 But it also seems like there's a choice between

1 either putting those measures on hold, or holding in past year's  
2 data, past year's data into the spreadsheet, or into the dashboard, to  
3 use in the impacted years. And it just feels like it ultimately boils  
4 down to whether past risk is a proxy, or an indicator of current or  
5 future risk.

6 So I'm just interested in hearing how the  
7 subcommittee thought about that.

8 J. BLUM: I mean I don't think we talk about that  
9 specific question that much, but I will tell you what my point of  
10 view is. Is that I think in part because of the way if the dashboard  
11 is going to be used, and continue to be used, to inform us about  
12 accreditation, because remember this is for in the NACIQI realm,  
13 not in the institution quality, but in the accreditation realm.

14 And accreditation is by definition almost a  
15 continuous improvement model. I'd be reticent to going back in  
16 time because the whole point is to get as close, and one without  
17 data flaws in general, not with this dashboard, but in general it's  
18 already looking back, which it has to, to some degree obviously.

19 But I wouldn't want to go back too far on loan  
20 repayment, and you'd have to go back pretty far to get sort of  
21 accurate, you know "accuracy", but then it's not accurate because  
22 you know that accreditor may not have looked at that institution,

1 even in the window of that loan repayment rate that's being  
2 disclosed.

3 So I just, I'm a little nervous, and because the  
4 dashboard has multiple levels of different types of data, and this is  
5 a scorecard issue -- current scorecard issue to. I don't love the mix  
6 and matching of years. It's confusing for the consumer, including  
7 us who's looking at it to keep that all straight, so.

8 CHAIR PRESSNELL: Wally do you want to go  
9 before Art?

10 W. BOSTON: Right. But I would add to what  
11 Jennifer had said. So the brief discussion we had, this  
12 recommendation came from Brian, and we quickly agreed with it.  
13 But the brief discussion we had was if we used an old rate when  
14 everyone knows that the suspension of payment has cleared up.  
15 You know, there's a lot of people who are no longer in default right  
16 now.

17 And we used an old rate, someone might say well  
18 gee, if the rate is this bad, when no one had to pay for the last 36  
19 months for whatever the time period is, and it would create the  
20 wrong impression. So, that's why we used the term suspended.

21 We don't want these to go away at all. We want to  
22 keep them on the dashboard, but it's part of the we dug into the

1 specialty dashboards, because we all agreed oh my gosh, you  
2 know, they only represent -- the data on them, only represents  
3 where there's an institution that that specialty accreditor accredits,  
4 and so for that reason we kind of said we're going to suck it up for  
5 now, to use an ungraceful expression.

6 But you know, we're going to suspend them, and at  
7 some point when we get better we'll reinstate them.

8 CHAIR PRESSNELL: Right. Art?

9 A. KEISER: I think the operative word is better  
10 data. And I guess I'm the gray hair of this group. I served on the  
11 SPRE in Florida. Some of you may remember. The state  
12 postsecondary review entity. And this was an effort by the  
13 government through the 92 reauthorization to establish bright line  
14 standards, and a whole group of areas.

15 And I was on the state licensing board then, and I  
16 was in charge of working with the other different groups and  
17 sectors in higher ed to come up with a standard on graduation  
18 rates. And at that time our state licensing board had a specific  
19 definition of if you did not have a graduation rate over 50 percent  
20 you have to do a graduation improvement plan.

21 Then went to a guy named Phil Day who used to be  
22 the head of the Chancellor out in San Francisco, who was head of

1 at that time the Daytona Beach Community College. And he said  
2 we can't live with that. And I said I know as well. And he said  
3 ours at the community college was 33 percent of accountably  
4 enrolled students. So I said oh, what's an accountably enrolled  
5 student?

6 They didn't count a student until the 18th semester  
7 hour. Then vo-tech stood up and said we can't live with that. Ours  
8 is 20 percent, but our average is 5 percent, but nobody pays  
9 attention anyway. So the point I'm making is we must, if we're  
10 going to have data, we must have common definitions what the  
11 data is.

12 We have a problem in Florida right now between  
13 the non-profits and the publics in terms of comparing data. They  
14 don't compare data. Let's say the SUS, until a student declares a  
15 major. And for a transfer student that's the end of the second, or  
16 the beginning of the second year is when the students are counted  
17 for graduation.

18 Whereas the independents, you know, we declare it  
19 from after drop at the first semester. Those are not fair  
20 comparisons. So, until we have common definitions I'm really  
21 skeptical of a lot of the data that's being presented.

22 W. BOSTON: Yeah. I'm going to -- you raised a

1 good point Art. But I think, and please anybody else on the  
2 subcommittee comment if I didn't get this right. I think one of the  
3 things that we found out was when we combed through the  
4 dashboards starting the process, Brian has done an excellent job of  
5 putting down assumptions where he had to make them, or putting  
6 down the sources where the data comes from.

7 And so I agree. The data. We need to have  
8 consistency. We're going to need to make decisions and I think  
9 this, our CIP code exercise, you know, Bob's colleague, and you  
10 know they did it for three different agencies, you know, so there's  
11 58 of them, or whatever the exact number is.

12 And you know, but whatever assumptions Brian  
13 makes when he pulls the ones together for the summer one, they're  
14 going to be sitting out there. They're not going to be, you know, in  
15 a vacuum.

16 A. KEISER: I totally agree with you, and I think  
17 it's important that we do it, but we have to be careful until we have  
18 common definitions.

19 CHAIR PRESSNELL: Yeah, and I think that kind  
20 of goes back to Jennifer's comment. I think we need to just clearly  
21 identify this as a pilot because we have yet to see what we're going  
22 to get, and we can have some more in-depth conversations what

1 that's going to look like. But a common definition I think is  
2 critical, you know, to do it, or at least identify the differential in the  
3 definitions. Jennifer, did you have a comment?

4 J. BLUM: Well I just want to say this might segue  
5 a little bit, but I just want to say that I think because of everything  
6 we just said, you know, how we utilize the dashboard is also sort  
7 of a pilot if you will, and I think, you know, I sort of -- I hope I'm  
8 saying this will a consensus thought.

9 But I think we all each feel a little differently about  
10 how the dashboard should get utilized, and that's okay. I think you  
11 know there are as we've discussed legally, there's some as it relates  
12 to the Department's use, there are some statutory limitations  
13 because we're talking about student achievement standards.

14 As it relates to, you know, us as individuals, it's  
15 probably different. But I do think that where there's probably a  
16 common understand is I think we all -- I think all understand the  
17 limitations of the data as it exists today. So it can be used, you  
18 know, I think for informative purposes, and to ask some questions,  
19 to maybe issue spot.

20 But I don't think, you know, the impression I have  
21 is that -- and I think that's all good, I guess is what I'm saying. But  
22 I think we all understand, you know, right now, you know, both the



1 statutory and the data limitations on, you know, relying on some of  
2 this for actual, you know, recognition purposes, or anything, you  
3 know, hard core decision making.

4 CHAIR PRESSNELL: Yeah. And I think that, you  
5 know, the current use of the scorecard is really a good  
6 demonstration on how we ought to use it. It should just raise  
7 questions for accreditors to be able to respond to, and get clarity, or  
8 kind of see where things are going, or get their interpretation.

9 One quick question for Bob and Wally and Brian.  
10 So, you used the four digit set, and not the six, and is that really  
11 complicating things to go more nuanced down the six, or do we not  
12 gain anything more by doing that? Tiara is probably saying six.  
13 You've got to be kidding.

14 B. FU: I can speak to that. So the data that we have  
15 is based on a four day CIP code for earnings and debt. So that's  
16 the hard limitation is that we actually don't have the more  
17 granulated up, and that's why we are choosing four to present the  
18 data. That's the unit of analysis.

19 CHAIR PRESSNELL: Okay.

20 R. SHIREMAN: There are definitely some  
21 circumstances where having the six level would be useful in being  
22 more certain that we're getting just the graduates that are in the

1 programs that are part of the programmatic accreditor, but we only  
2 have what we have, so we'll have to make the judgment calls, and  
3 see how it goes.

4 CHAIR PRESSNELL: Yeah, totally. I totally  
5 agree. So Wally, what's your thoughts on next step? Is the next  
6 step to, you know, obviously if we adopt this as a body, we're  
7 going to move forward with the recommendations and kind of see  
8 where we are. Is there some additional monitoring that needs to be  
9 done in the meantime, or kind of advisory role on this?

10 W. BOSTON: So, it's my belief as well as I think  
11 members of the subcommittee that the subcommittee activity  
12 should continue because refining these dashboards is going to be  
13 an ongoing activity, you know. I'm not going to volunteer  
14 everybody on the subcommittee to continue if they don't want to  
15 continue, or if they're interested in the other subcommittee we're  
16 talking about putting together.

17 But, we do think that there is work to be done,  
18 particularly in working with Brian as he works through some of  
19 these subjective decisions that are going to be made for the  
20 summer dashboard, on especially accreditors, and they're, you  
21 know, David you have some thoughts on this too, so.

22 D. EUBANKS: Yeah. I think the questions about

1 data is really an endless list that could consume us forever, and not  
2 to diminish its importance, but I think equally important is the  
3 question of how do we use that data ethically in the context of  
4 these kinds of deliberations?

5 And I would hope that perhaps we could turn to that  
6 question to inform the policy part by the July meeting. In terms of  
7 next step to take in the past we've had a formal vote to recommend  
8 to adopt and recommend if that's acceptable. I support that.

9 CHAIR PRESSNELL: Bob?

10 R. SHIREMAN: I wanted to ask about the timing  
11 of the third party commenters, since it's possible that some of them  
12 have comments about things. If they do we should hear from them  
13 before we vote.

14 CHAIR PRESSNELL: Okay. Without objection  
15 then all right let's do that. We're going to move then into the third  
16 party comments because the published agenda indicated that this  
17 document was going to be the primary discussion item, so to Bob's  
18 point, I think he's right on that. Probably the third part comments  
19 are going to relate to this project.

20 We don't know, you know, but nevertheless we're  
21 going to give them an opportunity. So let's move to third party  
22 comments. I want to remind those -- I believe I have seven

1 commenters. Remind the commenters that when you come on you  
2 will have a total of three minutes to present. And also, that if you  
3 would mute your livestream that will prevent any type of  
4 unnecessary feedback.

5 And the first third party commenter I have is Dr.  
6 Edward Conroy, the New American Education Policy Program.

7 E. CONROY: Good morning. Can everybody hear  
8 me?

9 CHAIR PRESSNELL: Yes. Thank you.

10 E. CONROY: Wonderful. Thank you for having  
11 me. I serve as a Senior Policy Advisor for Higher Education at  
12 New America. When I began preparing my comments for today I  
13 was very pleased to see the complete staff analyses of the agencies  
14 under review were available before the meeting.

15 And I was happy to in comments congratulating the  
16 Department and NACIQI for improved commitment to public  
17 transparency. Unfortunately, those reports have since been  
18 removed, and are no longer publicly available. I encourage the  
19 Department to share the complete staff analysis publicly, at least  
20 30 days ahead of NACIQI meetings to enhance transparency and  
21 help make the public comment process more meaningful.

22 Last week New America published new research

1 into the complaint process of the seven largest accrediting  
2 agencies. This research investigated how agencies receive, review  
3 and manage complaints about the institutions they approve.  
4 Unfortunately, all of those accreditors reviewed were found to  
5 have inaccessible and poorly designed complaint procedures.

6 That's partly reflected in the pre-emptive defense  
7 you were seeing by many agencies this week of their complaint  
8 procedures. The long timelines involved in accreditation mean  
9 complaints provide vital intelligence in between accreditor visits,  
10 into whether a college is succeeding or failing, or providing  
11 students with a high quality education.

12 A large number of complaints or patterns of  
13 complaints can give an early warning signal to agencies that  
14 something is amiss, and they need to investigate further. Our  
15 review of accreditors current processes found multiple barriers  
16 without grounding in regulation.

17 The regulation made clear that the accreditors must  
18 have effective processes in place, and our analysis shows that none  
19 of the seven formal regional agencies have what could be  
20 considered an effective complaint process. One accreditor has an  
21 entirely paper process, which was highlighted at the last NACIQI  
22 meeting, whereas all the agencies require complainants to identify

1     what standard has been violated, forcing non-experts to parse  
2     complex standards, and not allow anonymous complaints.

3                 Several have very short timeframes during which  
4     they will consider complaints. No accreditor makes complaint  
5     information publicly available, which also makes it hard to  
6     determine the colleges that are subject to, you know, a significant  
7     number of complaints.

8                 NACIQI and the Department can fix these problems  
9     with improved guidance around what an effective complaint  
10    process should look like, and then hold accreditors accountable for  
11    the standards during recognition reviews. In their responses to our  
12    reports, several accreditors stated how many complaints they  
13    received, suggesting they already tracked this information, so  
14    making it public should be straightforward.

15                We've also heard from multiple agency Presidents  
16    this week that they believe that complaint processes are sound, but  
17    some suggesting that receiving what amounts to less than a quarter  
18    of a complaint per college per year, means their approach is  
19    working.

20                You also heard from representatives from Veterans  
21    Education Success, who have seen almost 2,000 complaints about  
22    HLC schools just from veteran students, suggesting that

1 accreditors are missing a lot in the complaint process, likely as a  
2 direct result of these unnecessary barriers we found.

3 CHAIR PRESSNELL: Dr. Conroy thank you so  
4 much for your time. And so I do want to -- one, you've hit on a lot  
5 of issues that we're going to be discussing. I wanted to just turn  
6 our attention to Herman real quick on that. Some of the documents  
7 that he said were not available actually are available, so.

8 H. BOUNDS: Yeah, the complaint file staff  
9 analysis are still up on the website. You have to go to the Ed  
10 website, and then click college accreditation. It takes you to your  
11 accreditation webpage, and you click what's new under there. I  
12 just wanted to bring that up.

13 CHAIR PRESSNELL: Thank you. The next  
14 commenter is Dr. Bernard Fryshman, and so with the Association  
15 of Advanced Rabbinical and Talmudic studies, so is Bernie up?

16 B. FRYSHMAN: Yes I am. Can you hear me?

17 CHAIR PRESSNELL: I can hear you Bernie, go  
18 ahead.

19 B. FRYSHMAN: My comments relate to externally  
20 mandated data gathering, and they were triggered by the Federal  
21 Register of January 18, 2023. Where I read that personal  
22 identifiable information gathered by NCES, the National Center

1 for Educational Statistics, would be disclosed to researchers.  
2 These researchers will have to sign restrictive use agreements, but  
3 do we know that their records are just as susceptible to hacking as  
4 anyone else's.

5 The Federal Register notice also listed 23 locations  
6 where NCES documents are stored and processed. I venture to say  
7 it's only a matter of time before we're confronted with the story of  
8 untold numbers of student records having been compromised. So  
9 there is risk.

10 This raises the question as to why all of this data is  
11 being gathered. Consider that externally mandated data gathering  
12 has become a cost center at colleges and universities, and more  
13 important there have been no real improvements in the teaching  
14 and learning function as a result of almost 40 years of such data  
15 gathering, data manipulation, and data warehousing.

16 So we have risk, we have cost, and we have no  
17 benefits. Furthermore, there is harm. Periodically headlines  
18 emerge all pointing to a gap in college student success between  
19 certain groups. Now consider that college students must approach  
20 this study with a sense of confidence, that they too are able to  
21 match the difficult aspects of postsecondary education.

22 Students of certain groups who are exposed to a



1 steady drumbeat of headlines which speak of this gap inevitably  
2 assimilates a subliminal message that they're not good enough.  
3 This bears emphasis. This focus on gap, which is largely the result  
4 of recording numbers without real context, erodes the confidence  
5 of students.

6 So we have risk, we have cost, we have harm, we  
7 have no benefit. So my comments end with a question. What's the  
8 justification for the continued external imposed gap of data  
9 gathering? Thank you very much.

10 CHAIR PRESSNELL: Thank you Bernie. All  
11 right. The next commenter is Dr. Irene Mulvey of the American  
12 Association of University of Professors.

13 I. MULVEY: Hi. Can you hear me okay?

14 CHAIR PRESSNELL: Certainly can. Thank you.  
15 Go ahead.

16 I. MULVEY: Great, okay. Well I'm going to hide  
17 my face from my own view and start now and talk fast. Good  
18 afternoon. I'm Dr. Irene Mulvey, President of the American  
19 Association of University Professors. The AAUP was founded in  
20 1915, during a period in which private and governmental entities  
21 commonly pressured colleges and universities to dismiss faculty  
22 for political reasons.

1                   Higher education serves the common good only  
2   when faculty members are free to teach and conduct research  
3   without fear of external reprisal. We are testifying today to  
4   encourage greater federal oversight of accrediting agencies, with  
5   respect to principles of academic freedom, tenure and shared  
6   governance.

7                   The AAUP believes that academic freedom, tenure  
8   and shared governance are essential to institutional quality, and  
9   have helped make the U.S. system of higher education the best in  
10  the world. We are therefore profoundly disturbed by the recent  
11  attacks on higher ed that target these essential principles, and we  
12  are calling on NACIQI to exercise stronger oversight.

13                  The AAUP believes faculty members should play a  
14  key role on visiting committees during accreditation, and that  
15  accrediting organizations must affirm the protection and  
16  advancement of academic freedom, including advancing  
17  institutional policy that is consistent with major provisions of the  
18  AAUP's 1940 statement of principles on academic freedom and  
19  tenure.

20                  If an institution is found to have committed  
21  egregious violations of academic freedom, tenure and shared  
22  governance, accrediting agencies should take decisive action,

1 including withdrawing accreditation if such violations are not  
2 corrected. We ask that NACIQI revoke recognition of accreditors  
3 when they fail to uphold principles.

4 We applaud the administration's recent efforts,  
5 including the July 2022 Dear Colleague letters, however we are  
6 encouraging more direct action given the magnitude of political  
7 interference we have recently observed. We are concerned that  
8 recent attacks on higher education in Florida, have laid the  
9 groundwork for these threats to proliferate.

10 In our written testimony, which goes into much  
11 greater depth, we present -- in particular, we present Florida's  
12 numerous instances of political interference. Florida has  
13 introduced laws limiting what topics can be learned or taught,  
14 demanded institutions make an accounting of all their activities  
15 related to equity, diversity, inclusion, and issued Presidential level  
16 statements against the academic field of critical race theory.

17 The ABA has denounced these actions because they  
18 have a chilling effect on free speech, make campuses less  
19 inclusive, and threaten faculty members' ability to teach and  
20 conduct research. These are just some examples. Unfortunately,  
21 there are many others.

22 In over 40 of our 50 states, educational gag orders

1 have been introduced or passed, interfering with faculty member's  
2 ability to teach and oversee curriculum. In states such as Georgia,  
3 Texas and North Dakota, there have been unprecedented attacks on  
4 the institution that protects academic freedom -- tenure.

5 We recognize the legal authority individual states  
6 have over their higher ed systems, but we find these attacks  
7 unacceptable. We ask NACIQI and the Department of Ed to  
8 consider how oversight and accreditation can be used to uphold  
9 principles of academic, training, tenure and shared governance.  
10 Thank you. Thank you for hosting today. We look forward to  
11 working in partnership with NACIQI and the Department of Ed.

12 CHAIR PRESSNELL: Thank you very much. The  
13 next commenter is Lacy Barnes, California Federation of Teachers,  
14 Lacy?

15 L. BARNES: I'm here can you hear me?

16 CHAIR PRESSNELL: Okay. Very good. We can  
17 hear you, so please begin.

18 L. BARNES: Excellent. Good morning NACIQI  
19 members. I'm Lacy Barnes here today offering comments on  
20 behalf of President Randi Weingarten and the American Federation  
21 of Teachers, the country's largest higher education faculty unit.

22 In 2022, the four major regional accreditors on this

1 meeting's agenda controlled access to over 65 billion dollars in  
2 federal student aid. Appropriately, these accreditors have  
3 standards for the protection of academic freedom, and for the  
4 prevention of political interference, two core principles that  
5 prepare students for democracy, and are under great threat in an  
6 increasing number of states.

7                 Despite these standards, there are states where  
8 accrediting member institutions are located that are legislating  
9 higher education in ways that strongly suggest these states do not  
10 consider accrediting standards a meaningful bar to any effort to  
11 transform their education institutions into an arm of the party and  
12 power in that state's government.

13                 In West Virginia SB 33 limits any teaching about  
14 race and gender. It allows the state to strip funding from  
15 institutions found in violation. North Dakota's HB 14-46 would  
16 institute a pilot program requiring tenured faculty to be net revenue  
17 generators.

18                 Idaho's No Public Funds for Abortion's Act is so  
19 wide reaching that professors fear discussing anything related to  
20 reproductive rights, less they face felony charges. And then there's  
21 Florida. At the urging of its Governor, that legislature has passed  
22 laws systematically attacking academic freedom outlying the

1 teaching of entire subjects, requiring ideological surveillance of  
2 faculty and staff, hacking away at tenure to set the preconditions  
3 for purging those who do not conform to legislator demands, and  
4 creating boards of trustees with obvious political motivations.

5           Most relevant, Florida's set to neuter accrediting  
6 bodies that provide objective third party review of colleges and  
7 universities. NACIQI's decision, your decision, about how  
8 rigorously to review the enforcement and non-enforcement of  
9 accreditor standards will have a direct impact on student learning,  
10 and on the quality of education our institutions provide.

11           In the coming years NACIQI will play a significant  
12 role in determining whether our institutions can continue to be  
13 what they historically aim to be, institution educating free people  
14 to participate in free society. We urge you to use the full array of  
15 tools before you, including your power as a body advising the  
16 Federal Department of Education to raise an alarm about this  
17 reality and to create plan to prevent ideas.

18           CHAIR PRESSNELL: Thank you for your  
19 comments Lacy. We appreciate so much you're coming today.  
20 Thank you very much. The next commenter is Jessie Hernandez-  
21 Reyes with the Education Trust.

22           J. HERNANDEZ-REYES: Hi everyone. Can you

1 hear me okay?

2 CHAIR PRESSNELL: We can, so please begin.

3 Thank you.

4 J. HERNANDEZ-REYES: Good afternoon. My  
5 name is Jessie Hernandez-Reyes. I'm a Senior Policy Analyst for  
6 Higher Education at the Education Trust, which works to dismantle  
7 racial and economic barriers in the U.S. Education System from  
8 preschool through college.

9 I'm also a first generation college graduate, and the  
10 proud daughter of two Mexican immigrants. I know firsthand the  
11 opportunities a high-quality, higher education can afford students  
12 of color, and students from a low-income background. So I want  
13 to thank you all for your work overseeing U.S. higher education.

14 As you know, however, there is much yet to be  
15 done. Students of color, and students with Pell Grants, remain  
16 underrepresented in the nation's colleges, and they experience  
17 persistent disparities in graduation rates. I hope the next time  
18 NACIQI convenes your dashboards will display outcomes data  
19 disaggregated by race/ethnicity.

20 In the meantime, we invite you to use  
21 collegeresults.org. But as important as college access and  
22 outcomes data are, they don't tell the whole story for students. I'm

1 here to ask you all department officials, NACIQI members, and  
2 accreditors, to use your authority to ensure federally funded, higher  
3 education institutions monitor, report on, and radically improve  
4 campus racial climate for students of color.

5 ED Trust when we saw statements from colleges in  
6 support of Black Lives Matter in summer 2020, and observed  
7 increases in black student enrollment at HBCU's, we decided to  
8 learn more about the experiences of students of color at colleges  
9 with mostly white students.

10 We consulted federal data, but all the federally  
11 reported hate crimes at U.S. colleges in 2021, more than half were  
12 racially motivated. We also interviewed students to understand  
13 their experiences. They shared that it is not the most egregious  
14 acts that affect their well-being and success.

15 Too often, students of color are the only ones in  
16 their classes, and they see few, if any, faculty of color. Too often  
17 these students are scared and dismissed when they ask for help,  
18 rather than assisted. And documented students of color face anti-  
19 immigrant hatred, and bullying from peers on campus, while  
20 Muslim students of color can't find food they can eat.

21 On top of their heavy class loads and jobs, black  
22 students are often expected to assume the extra and uncompensated



1 labor of making the small share of other black students admitted  
2 annually feel safe and welcome on campus. Due to inhospitable  
3 campus racial climates, students of color often endure undue stress,  
4 doubts about belonging, and worry about their physical safety and  
5 mental health.

6                   To state the obvious, these conditions aren't  
7 conducive to college success. U.S. higher education is failing  
8 students of color who make up a growing share of the student  
9 body. But there are some reasons to be hopeful. WSCUC senior  
10 has a new equity and inclusion policy that will be applied during  
11 accreditation or reviews.

12                   Middle states is highlighting colleges like the  
13 University of Albany that are making inclusive campus racial  
14 climate a top priority. We're calling on you to build on this work  
15 with the urgency it requires. We at the Education Trust look  
16 forward to seeing progress, and are always willing to help advance  
17 equity. Thank you.

18                   CHAIR PRESSNELL: Thank you very much. And  
19 the final commenter is Tiara Moultrie. Good to see you Tiara,  
20 your name has been invoked numerous times, so I appreciate your  
21 work on the new scorecard paper. So if you could go ahead and  
22 get started.

1                   T. MOULTRIE: So thank you, good afternoon  
2   Chairman and members of the committee. I really appreciate this  
3   opportunity to provide comment on NACIQI's work. Obviously,  
4   NACIQI plays a crucial role in protecting students and taxpayers,  
5   or reviewing accreditors to ensure that they're reliably evaluating  
6   the quality of education in the schools they accredit.

7                   And thankfully, NACIQI members don't understand  
8   those process in a vacuum, but allow for public input at various  
9   points of the process. While also listening to public input is part of  
10   NACIQI'S mission, NACIQI's procedures do create unnecessary  
11   obstacles to public involvement.

12                  The Department of Education accepts public  
13   comment on accreditors a full calendar year before they appear in  
14   front of the committee. This means a person wanting to submit  
15   written third party comments as part of the official record for the  
16   agencies up for review today would have needed to submit their  
17   comments in January 2022.

18                  Third party comments submitted in response to the  
19   Federal Register related to incidents that occurred during a period  
20   that predates the current review period that the agency is being  
21   evaluated on are effectively dismissed and excluded, even if the  
22   incidents only recently came to light.

1                   An evidence based approach to agency criticism  
2   and praise is crucial to the review process, and a failure to provide  
3   key findings to the general public blocks them out of the process.  
4   This means that any new information obtained about a new agency  
5   after the deadline for public comments, including whistleblower  
6   complaints and state or federal law enforcement actions cannot be  
7   incorporated into the written record.

8                   The Department must eliminate these unnecessary  
9   exclusions and invite more public participation to ensure NACIQI  
10   members have a complete picture from which to draw their  
11   recommendations about continued recognition. One way to  
12   increase participation in the process, and just ensuring that the  
13   public has access to you, the information that they need, and  
14   quality evidence to present to NACIQI members about accreditor  
15   performance.

16                  We've already heard today and yesterday that in  
17   August 2021, WSCUC's Senior College and University  
18   Commission built a key indicator dashboard allowing users to  
19   compare student success and outcome measures across the  
20   institutions it accredits.

21                  The interactive dashboard is populated with  
22   disaggregated data, which allows users to assess equity as part of

1 the data collection process. The portal's benchmarks could be used  
2 to determine and understand institutional performance within a  
3 context, and also provides reliable data on variations of student  
4 performance by a demographic.

5 The dashboard provides useful information to help  
6 members of the public, including respective students understanding  
7 how the accredited institutions are performing, as well as how  
8 WSCUC is doing its job in ensuring educational quality.

9 But unfortunately, not all accreditors provide this  
10 type of useful information. NACIQI should ensure that all  
11 accreditors provide sufficient information to evaluate institutional  
12 performance. While many accreditors have performance  
13 benchmarks tied to specific standards for recognition, there's little  
14 uniformity in how accreditors enforce performance standards.

15 While ACEN may take formal action, such as  
16 requiring a focus visit for an institution to undergo significant  
17 decline in licensure exam pass rates, another accreditor may not  
18 take similar action when evaluating changes of student success and  
19 achievement metrics.

20 Accreditation agencies must define student success  
21 measures on their own terms, but doing so can be complicated.  
22 Quantifying student achievement and learning through traditional

1 metrics like graduation rates or completion rates, definitely doesn't  
2 paint a full picture of the institution and the students that it serves.  
3 And other markers like job placement, goal attainment and social  
4 mobility --

5 CHAIR PRESSNELL: Thank you Tiara. We  
6 appreciate your comments and your time today. Thank you.

7 T. MOULTRIE: Thank you.

8 CHAIR PRESSNELL: Do we have any others?  
9 Okay. So that completes the third party comments, and I think that  
10 several of those comments can kind of feed in to the overall policy  
11 discussion that's going to be had as we look at that subcommittee  
12 on the policy issues. Any other comments though about the third  
13 party comments that we'd like to -- Bob?

14 R. SHIREMAN: A couple of people noted the  
15 importance of disaggregated data by race and ethnicity, and it  
16 seems like an area that could be discussed further and on the  
17 dashboard subcommittee.

18 CHAIR PRESSNELL: Very good. Anything else  
19 about third party comments?

20 M. E. PETRISKO: I hope when this subcommittee  
21 is working, that when we talk about third party comments, I have  
22 no idea whether this is even possible, and don't throw anything at

1 me, but when we have people coming in and they get three  
2 minutes, and I understand that because sometimes you have a fast  
3 thing.

4                   There might be some of us who would really like to  
5 ask them some questions to get some more information from them,  
6 so I just hope we can think about the bigger picture, about how we  
7 deal with these comments, instead of we hear them, we hear them,  
8 we hear them, we can talk about them later, but they're gone after  
9 three minutes.

10                   So, I'm not going to say that we would want to  
11 interact with all of them, but if there would be an opportunity I  
12 don't -- I'm just raising a possibility. That's all. I don't want to lose  
13 it.

14                   CHAIR PRESSNELL: Yeah. And a lot of the third  
15 party commenters also submit their comments in writing, so we  
16 kind of get sometimes we get both, sometimes we don't, but Art?

17                   A. KEISER: Yeah. The challenge that Mary Ellen  
18 becomes sometimes a debate, and debates can get difficult and  
19 lengthy. It's hard enough to do these meetings in three days, but it  
20 would be impossible if we got into each and every one of the, you  
21 know, there is so many variety of views that are being discussed,  
22 certainly today. It's very hard to focus on any which one.

1 M. E. PETRISKO: I agree it would be complicated,  
2 and it might be limited to question of clarification, please provide  
3 the reference, please provide the source, something like that, but  
4 I'm just thinking, thanks.

5 CHAIR PRESSNELL: Michael Poliakoff and then  
6 Jennifer.

7 M. POLIAKOFF: If we ever were to take up the  
8 question of academic freedom and freedom of speech, I would  
9 recommend that everyone take a look at the quite nuanced article.  
10 It was actually on their checks and balances podcast from the  
11 Economist of London.

12 The problems attended with mandatory diversity  
13 statements -- John Saylor published a very important op ed in the  
14 Wall State Journal on that topic as well. I'm not saying that we  
15 necessarily need to add this to our plate, but I did want to say that  
16 there's some very important writing now that would compel us to  
17 take a much more holistic view of the problems of freedom of  
18 speech on campus. Not just for faculty, but also for students.

19 CHAIR PRESSNELL: Thank you Michael.  
20 Jennifer then Wally.

21 J. BLUM: I just wanted to on Mary Ellen's point.  
22 I've said this over the last couple of years that I've been a member,

1 we actually, and Art referred to, you know, three days. We're not  
2 here for three days. We're here for three and a half days, and I've  
3 mentioned, and I know it's easy for me to say because I'm local,  
4 but I would put -- so i acknowledge that I'm not, you know, I don't  
5 have to go anywhere to get home, so.

6 I get that I'm, you know, but I would say that if we  
7 were meeting today until 4:00 like that would provide us a bit  
8 more, it's a meaningful period of time. I feel like I mean I will say  
9 not just as it relates to third party commenters, but I do feel  
10 sometimes that, -- and Claude, you did a masterful job on making,  
11 you know, clear that we don't want to short cut anything.

12 But I think nonetheless we all feel the need that  
13 we're, you know, pressed for time. And it would be really nice not  
14 to feel pressed for time, and we've got a lot of ground to cover, and  
15 I know we're going to be talking about policy in a minute, but I  
16 feel like the statutory authority that's been given to us in terms of  
17 our role does not just include the recognition process, and we  
18 always end up with too short of a period of time to talk about the  
19 types of issues that we're talking about right now.

20 So, if the Department could respectively consider  
21 that in our July meeting that we have, you know, three complete  
22 days it would be lovely.



1 CHAIR PRESSNELL: Thank you. Wally?

2 W. BOSTON: Yeah. I would just like to sort of  
3 add to Bob's comment. I think we can look at that race and equity  
4 in particular. I think we should actually look at WSCUC's  
5 dashboards since they have them in relationship to our ongoing  
6 activity because they appear to me to be the most developed of any  
7 of the agencies that we've looked at thus far.

8 But then I do have a question about Bernie's  
9 comment. You know, in all of our work related to the dashboards,  
10 you know, we kept hearing that because of this avoidance of  
11 personally identifiable data, we're not going to get all the data that  
12 we'd like to see, so what is he talking about? Just is there anyone  
13 in his department that can help me out about that Federal Register  
14 thing on personally identifiable data that I don't know about?

15 J. BLUM: It's not specific to NACIQI. This is a  
16 long-standing position that his organization and others have in  
17 terms of, and it's not just small numbers. It's just the issue of  
18 whether there's -- you're putting risk out there in terms of privacy  
19 of data. I don't think it's something for this group to consider  
20 because to your point, Wally, especially as it relates to his, with a  
21 lot of respect to Bernie.

22 To with the respect to his schools, there won't be

1 much because the numbers are so small. And he has programs,  
2 rather, you know, I don't think that we're going to see much data.  
3 But it goes back to what Claude started with, and what I sort of  
4 agreed with, and I think we all agree with, is we have to be careful  
5 about how we use the information that we do get.

6                   You know, we have to recognize that it's going to  
7 be imperfect, and sometimes it's going to be really small numbers,  
8 even if it passes the small numbers test it might still be really  
9 small. So we just have to be really thoughtful about that, and I  
10 think we can accommodate Bernie's concerns by just being  
11 thoughtful and subjective and not, you know, I think he and others  
12 are rightfully concerned about, you know, the creation of bright  
13 line tests from our perspective.

14                   And I think that, you know, we can honor, or  
15 respect those concerns subjectively.

16                   CHAIR PRESSNELL: Yeah. Art?

17                   A. KEISER: I'm not so sure that I am addressing  
18 Bernie's concern, but there are circumstances in which the federal  
19 government does not collect the full data, specifically like in  
20 cosmetology, specifically where there are tips involved, data that  
21 they use for long-term, for salaries and for long-term salaries  
22 certainly undercut the average salary three years out, or five years

1 out, in many of the professional.

2 You know, certainly on the lower end professions  
3 where there is not just reportable data, so.

4 CHAIR PRESSNELL: Okay. I'd like to return, and  
5 help me with my memory. Do we have a motion and a second on  
6 the report? I would entertain a motion on the report? Bob go  
7 ahead.

8 R. SHIREMAN: All right. I move we adopt the  
9 report.

10 CHAIR PRESSNELL: Okay. Bob moves and  
11 Wally seconds.

12 W. BOSTON: Sure.

13 CHAIR PRESSNELL: Comments about the report  
14 and the recommendations as it stands now, and then we can talk  
15 about revisit the next step issue in just a moment, so any  
16 comments, thoughts? Okay. Does this need to be roll call, or can  
17 we do a voice? Yes, is anyone opposed to receiving the report as  
18 drafted? Okay. So it's adopted them by acclamation so that's  
19 good. So thanks.

20 CHAIR PRESSNELL: So the next step forward,  
21 and I'm sorry Kathleen if I may, but the next step forward are you  
22 talking about continuing the existing subcommittee, or a smaller

1 portion of the subcommittee? What are your thoughts on that

2 Wally?

3 W. BOSTON: Well what I know is I cannot  
4 increase the subcommittee, so I am willing to entertain everyone  
5 who was on the subcommittee if they want to continue. We do  
6 have some follow-up items. We have to do at least one call that I  
7 know of between now and July, and if additional people want to  
8 come on maybe you need to negotiate with somebody who would  
9 like to come off.

10 CHAIR PRESSNELL: Okay. And you can, and  
11 probably will end up double serving because there will be -- there's  
12 going to be the creation of another subcommittee that looks at  
13 again, those policy issues that we discussed earlier. So just to kind  
14 of recap that, you know, it's the transparency piece, which deals  
15 with advanced relation reports, some of what we heard from the  
16 third party commenters here.

17 The outcomes student achievement piece, and  
18 particularly you know, some issues that David has brought up, and  
19 I think Wally you're kind of getting in a little bit with your report.  
20 The complaint process, which came up again in the third party  
21 comments this time, and then I'm not sure again, I think Jennifer,  
22 kind of the treating all criteria the same, that's a crossover. It can

1 definitely be discussed there, but it's also kind of a NACIQI  
2 discussion that we should probably have here in just a moment as  
3 well, but your thoughts?

4 J. BLUM: Well so, I didn't want to say this earlier  
5 when you were talking. I feel like there's items that we could just  
6 talk about today as it relates to NACIQI. When I say a process,  
7 when I'm using the word process here, I mean literally like it's  
8 almost like run of show and order of process.

9 And the process that you were talking about in  
10 terms of sort of the regulatory context, to the extent that the  
11 Department is going to be looking at a negotiated rulemaking, both  
12 you know, and I don't know for sure what they're looking at. But,  
13 you know, when we use the term accreditation, which is what  
14 they're using in terms of looking at.

15 I look at that in two parts. There's the recognition  
16 criteria that they may revisit on the reg's, and I think that those are  
17 not as much process oriented as they are substance oriented, which  
18 would include for example complaints.

19 I do think that there are sections of the reg's that  
20 relate to NACIQI processes. And I would put that on the table for  
21 consideration in the subcommittee too, and then the other thing  
22 that I would put on the -- so, I actually think there are sort of three

1 buckets for this regulatory subcommittee.

2                   It's the accreditation criteria, the NACIQI regulatory  
3 process, which is slightly different than sort of run of show type  
4 stuff. And then I know this is like a really big bucket, but then  
5 almost everything else. So, and what I would use as an example  
6 about is that the Department has indicated that they are going to  
7 consider other topics, right?

8                   And one topic that they didn't say, but there's  
9 nothing that -- I'm taking a line out of Bob. There's nothing that  
10 says we can't say it. You know, Bob's been raising questions  
11 around written arrangements. You know, that does affect  
12 accreditors in how accreditors look at, you know, look at their  
13 institutions.

14                  And so, I don't think, I think as we sit down and sort  
15 of do this subcommittee, I would be reticent to sort of create a list  
16 today -- a precise list of topics that gets to the point. Because we  
17 don't know what we're going to find, and what we're all going to  
18 agree on until we actually sit down and sort of consider.

19                  CHAIR PRESSNELL: And that's why I was trying  
20 to keep the category broad.

21                  J. BLUM: Broad.

22                  CHAIR PRESSNELL: You know, so that --

1 Kathleen I'm sorry, I went right past you.

2 K. ALIOTO: No. I just wanted to thank Wally and  
3 the group, Angela and Bob and Jen, I mean everyone. It was really  
4 such a great group. Thank you.

5 CHAIR PRESSNELL: So yeah, Wally?

6 W. BOSTON: Claude, I just wanted to sort of  
7 comment. The reason I said we're capped, has to do with we have  
8 to publish notice of a meeting if we go over a certain size, right  
9 George?

10 G. A. SMITH: Right. I mean the subcommittee  
11 can never be above half of the full NACIQI.

12 CHAIR PRESSNELL: Yes. I knew full well what  
13 you meant.

14 W. BOSTON: Right. So if you have a desire what  
15 I'll do is I'll be the funnel. So, if people have a desire to  
16 participate, they currently aren't participating, or if once we form  
17 the subcommittee someone says well yeah I think I did well for  
18 this thing, and I'm going to participate in the other one.

19 But that's the reason. It's not that we don't want  
20 you. We have to publish notice, and sometimes we're trying to get  
21 a meeting on the fly, and it just wouldn't be good to have a  
22 subcommittee with more than half the members.

1                   CHAIR PRESSNELL: And as Chairman I trust  
2   your ability to keep the number within check. I would like to  
3   actually as Bob and Jennifer if you would co-chair the  
4   subcommittee dealing with kind of that policy regulatory piece,  
5   and those who have an interest in being on that, if you could come  
6   through me so I know who all is where, and then I'll get those over  
7   to Jennifer and to Bob.

8                   I think that would be good. I think that was going  
9   to need a co-chair piece, you know, and subcommittee may turn  
10   into sub sub's, and you know, everything else just to kind of get the  
11   ground covered because I really would appreciate something to  
12   react to at our next meeting in July. Jennifer?

13                  J. BLUM: Well first of all I'm happy to do it, but  
14   secondly definitely this -- I mean just for those who are interested,  
15   I think we have to move really quickly because of the neg reg that's  
16   coming up if we want to be useful to the Department, and  
17   insightful and impactful, then we would need to actually not just  
18   report back in July, but having something like literally at the ready,  
19   unlike, and I'm just saying, unlike where we have a little bit more  
20   time on the dashboard.

21                  So I was just using it for comparison purposes as  
22   one might need to be meeting more robustly.



1 CHAIR PRESSNELL: Bob?

2 R. SHIREMAN: Ditto. Happy to do it.

3 CHAIR PRESSNELL: Okay. Thank you. And  
4 Jennifer is absolutely right. It would be something that we could  
5 actually take some action on, so all right, very good. If it's okay  
6 then I'd like to move to more NACIQI pieces. We've got  
7 unfortunately may just about 45 minutes, might be able to go  
8 longer. It's not a lot of time, and so maybe we could hit some of  
9 the seemingly smaller pieces that could move through a little bit  
10 more quickly.

11 And just real quick, the ACICS, do the Department  
12 staff have some guidance with this on why the status, and why  
13 they're -- it's gone? Okay. So evidently it's not -- oh Donna, thank  
14 you.

15 D. MANGOLD: Yeah sorry. ACICS, what  
16 happened is after the Deputy Secretary issued the decision in  
17 August ACICS did not file a challenge in federal court. And so,  
18 that left FSA with 27 schools that remained with ACICS at the  
19 time of the loss of recognition.

20 So those schools now continue for 18 months.  
21 There are some of them who already moved to another accreditor.  
22 I think that's five. There were some that -- a few that closed, a few

1 that withdrew from Title IV, and then there are 15 still in process  
2 heading towards trying to get a new accreditor.

3 The deadline is basically a year from now, next  
4 February. That's their 18 months.

5 CHAIR PRESSNELL: Thank you Donna. That's  
6 really helpful. So another quick one I think is it is possible for us  
7 to give some guidance to agencies to be able to time limit them a  
8 little bit, but focus their comments on the reports, so that we -- the  
9 reality is that a lot of the introductory comments touch on things  
10 we want to know about, but we always have to go back and revisit  
11 those issues.

12 The quicker we can get into discussion, the more  
13 they can kind of unpack, you know, some of those other issues.  
14 Yeah Art, your thoughts on that?

15 A. KEISER: It is a long time. I'd be very  
16 supportive of that. This is more like they're trying to sell  
17 themselves to us. The staff has gone through a very lengthy self-  
18 study. We have reviewed all the documents. I think it's important  
19 for them to be able to concisely highlight their issues, but more  
20 importantly address the concerns, which they don't, which really  
21 drives me crazy because we're going to have to start all over again  
22 with let's say with WSCUC there were 14 concerns I don't think

1 they addressed most of them.

2                   So it doesn't help us to help them if we don't know  
3 what their positions are, so yeah, I think if we could limit to a half  
4 hour, or the whole presentation to 45 minutes, I think it would  
5 make them more focused on what they need to be doing.

6                   CHAIR PRESSNELL: Debbie, then Bob, then  
7 Kathleen.

8                   D. COCHRANE: I agree, but I also want to flag  
9 that this feels very tied in with David's earlier recommendation  
10 around, or suggestion or question, around how do we get more of  
11 that content that they want to share in the presentations into the  
12 review earlier, so what we're looking at in advance is less  
13 procedural, or at least less exclusively procedural, and does include  
14 some of that narrative.

15                   So I think that those need to probably go hand in  
16 hand.

17                   CHAIR PRESSNELL: Bob?

18                   R. SHIREMAN: I'm fine with giving them some  
19 guidance on time. At the same time a lot of -- sometimes with  
20 some of the agencies a number of the items that are the staff items  
21 are valid and appropriate, but are pretty technical. They're just,  
22 you know, documents that weren't provided, things like that. And

1 I would much rather hear from an agency about, you know, their  
2 dashboards, and the things that are really about students and  
3 success and how they are improving, including things that are  
4 more recent than what we have from a year before.

5 So, I don't want to restrict them too much, or force  
6 them to like go through in great detail all of the items that the staff  
7 agrees because some of them are pretty minor.

8 CHAIR PRESSNELL: Kathleen, then Mary Ellen.

9 K. ALIOTO: The one thing I would suggest is that  
10 they don't need to give their biographies. If we just say we have  
11 the list of your biography, and if that weren't in the record we don't  
12 need to hear 20 minutes of I, I, I, I. We're interested in knowing  
13 about their -- but not about them personally.

14 We know that they're so qualified. I don't know  
15 how you say that, or how you put that in.

16 CHAIR PRESSNELL: I think you just did. I'm  
17 sure the accreditors are watching this saying oh my God, you  
18 know. Thank you Kathleen. I'm sorry. Okay. Mary Ellen and  
19 then Herman.

20 M. E. PETRISKO: Yes, to give us information  
21 about the important things that the staff has said, so that we're, you  
22 know, where you can anticipate we're going to be asking you just

1 to build that in, in a concise way.

2                   The other thing is because the data that we get the  
3 information. We get the petitions that we get are pretty old by the  
4 time we're actually looking at them, if there is -- and there have  
5 been agencies that have done this in a great way, you know. On  
6 the significant issues where the information is data that we have,  
7 update us.

8                   And there have been -- it's agencies that have really  
9 done that helpfully, so that I know in my case, I took some of my  
10 questions away because they already told me where they stood.  
11 So, maybe in giving them guidance, you know, with regard to  
12 time, with regard to how many people they're introducing. They  
13 may have other people there who are able to answer questions if  
14 there are, but they don't need to go through the entire staff to save  
15 time.

16                  Clarification with regard to the issues that the staff  
17 have found, so they give us information. And then important  
18 updates so that we are up to date where the agency is on important  
19 stuff that they've reported on a while back.

20                  CHAIR PRESSNELL: Yeah, precisely. I mean  
21 just even an acknowledgement that they've read through all the  
22 findings, and they feel like within 12 months they're in good shape.

1 They don't have to address all of them. But Herman, then?

2 H. BOUNDS: So I just wanted to clear up just a  
3 couple of things on what's in the petition. So it's true that say for  
4 this particular meeting, the agency submitted their information. I  
5 think it was April in 2021. That's because the new regulations say  
6 they have to submit 24 months prior to the expiration of their  
7 recognition period.

8 That was a new -- that was a new tab in there, so we  
9 don't have any choice there. But the thing to remember is that, you  
10 know, they have, you know, we have to give them 180 days to  
11 respond to the draft analysis. So in this case the draft went out on  
12 March of 2022 right?

13 They get 180 days from that date, so we got new  
14 information up to about October or so of 2020. So it's not as old as  
15 if there was no update of information from when they first  
16 submitted. And then we have to get the reports to you all 30 days  
17 prior to the meeting.

18 I don't recommend it. I'll just say that publicly, but  
19 sometimes these guys will do the extra mile, and they'll take  
20 information late in that process. It causes problems for us, but  
21 sometimes they may take information as late as three weeks before  
22 we get ready to release that information.

1                   The thing that causes this, so everything they get  
2 they have to analyze. So if they get a new policy manual that's 400  
3 pages, they've got to look at that darn thing. So that's I'm just you  
4 know, laying out, you know, everything. So I just don't want  
5 people to think that you know, when an agency says hey look, you  
6 know, we turned this -- they did turn it in two years ago, but again  
7 they have that whole 180 days to update, give us new information.

8                   We're talking to them the whole time, so you are  
9 getting again, some of the information, you're right, it is a couple  
10 three months old. That's a Tennessee saying I learned from my  
11 granddaddy, a couple three months. But it's not as old as, you  
12 know, as folks perceive.

13                  And then the other thing I'd like to say real quickly  
14 is part of that whole process is these guys conduct onsite reviews,  
15 they conduct Commission meetings, multiples, and then they  
16 conduct the final review where they're looking at you guys  
17 hundreds of pages of documentation.

18                  So, that's just the whole process. I wanted to  
19 remind people of that.

20                  CHAIR PRESSNELL: Yes. And that's well taken.  
21 I think really our particular focus here is that we don't need an  
22 agency to give us an hour and a half of introductory remarks before

1 we can get into the Q and A, so Art and then Jennifer.

2 A. KEISER: Yeah. I was just maybe it's my ADD  
3 kicking in. I'm not sure I have it, but some of them I just gloss  
4 over. And then others I'll listen, I'll identify problems that they  
5 should never have discussed. I mean it's like shoot me please.

6 I mean I don't understand why they want to give so  
7 much information when it is beyond what is required by us. And  
8 then sometimes it creates, I think, problems for themselves.  
9 Because if I felt like I wanted to be a prosecutor here, I'd attack  
10 them on there were so many issues brought up that really are  
11 problematic, which had nothing to do, you know, really to do with  
12 the standards, but they didn't even realize what they were saying,  
13 so.

14 I think we would be helping them by limiting the  
15 time and helping them focus on what they're saying.

16 CHAIR PRESSNELL: All right, great. I've got  
17 Jennifer, Roslyn and 15 topics left to discuss.

18 J. BLUM: I just wanted, so David's earlier point,  
19 and I don't know maybe this isn't the right time to bring it back up.  
20 But I do, I almost want to propose whether there's an opportunity  
21 to work with staff between now and July about sort of how that we  
22 get the information on the database.



1                   Like I just, I mean I do second what David is saying  
2   about you want student achievement is the most obvious example  
3   where it's very narratively, and I know it's how it's written I guess,  
4   by the agency, and then by the staff. But it's like, I feel like we are  
5   missing information.

6                   And it's not that the information is missing, it's that  
7   we're not seeing the information easily until we're actually doing  
8   the QA piece. I find that process piece of during the 30 days  
9   window that we have sort of a difficult process of uncovering  
10   what's most important for us to know in advance.

11                  So, I don't know how to tackle that issue, and  
12   maybe I'm alone, but it sounds like just the way David raised the  
13   student achievement question, I think that would be helpful.

14                  And then the other thing I wanted to say about  
15   process day of is what happened yesterday with GC giving us the  
16   options on motions, and explaining that we have more than what's  
17   in our motions chart. That was incredibly helpful, and I would like  
18   to propose that that be -- because it's not ADD for me, it's just I  
19   guess pure old age, or whatever. I will not remember that in the  
20   next meeting.

21                  If we literally as sort of that introductory process  
22   that you all give in the mornings, if we could just spend two

1 minutes every morning being reminded of what our options are in  
2 terms of how, what types of motions, and what our leeway is with  
3 agencies, that will help on the piece of consistency that I was  
4 talking about.

5 Our own consistency in terms of what our -- just we  
6 need that reminder. That was incredibly helpful yesterday, and I  
7 wish I had thought when Bob asked for it, I wish I had thought to  
8 ask for it the day before to be candid.

9 CHAIR PRESSNELL: Right. And I had changed  
10 that a little bit by allowing the staff recommendation to be the  
11 primary motion, and then because otherwise on all of those, we'd  
12 be relisting off everything again. I've tried to simplify the process  
13 a little bit, but yeah. I think let's give Roslyn, sorry.

14 R. CLARK ARTIS: I think this force is probably  
15 the glue factory, but I think it's important because people are  
16 watching. And our inability to focus and be clear is challenging  
17 for me sitting here, so I'm certain that it is for the audience. I  
18 might suggest that we very clearly state or provide some guidance  
19 to our agencies that our preference would be that they limit their  
20 comments or presentations to 15 to 20 minutes to include items  
21 that have changed since the submission of the application, and/or  
22 items that are specifically germane to areas of non-compliance

1 period. Moving on.

2 CHAIR PRESSNELL: Amen. Sorry. So, just  
3 from legal counsel, is there a problem with giving some general  
4 guidance to agencies like that, to say that we just prefer that you  
5 restrict your comments in the way that Roslyn described?

6 A. SIERRA: So I am not the expert on the Federal  
7 Advisory Committee Act. I'm not aware of a limitation like that in  
8 FACA. I could take that back to our FACA attorney, and just  
9 confirm it, but I'm not aware that that would be a problem.

10 CHAIR PRESSNELL: Well thanks, and that would  
11 be good if we could just get confirmation on that. And obviously,  
12 an agency may choose not to stay within those limits. You know, I  
13 do get that, but I think getting to the Q and A is far more robust  
14 than just listening.

15 R. CLARK ARTIS: Yeah, and I think Jennifer and  
16 I were side barring, but that is not a limitation on the totality of the  
17 presentation, it's simply the introductory remarks. And more  
18 importantly, it's not mandatory guidance. It is for your own good,  
19 or in your best interest we might suggest.

20 So I don't know that we would be precluded to --

21 CHAIR PRESSNELL: Which kind of brings back  
22 to Art's comment right? No, I appreciate that very much. Okay. I

1 am going to consider that horse in the glue factory, so we'll move  
2 on from there.

3                   Recusals, I don't recall who brought that up. Just  
4 need some clarification on recusals, then I want to then it leaves us  
5 with just a couple of key issues. Yeah, Jennifer?

6                   J. BLUM: Well it was me, but it's more in the  
7 context like if somebody else this morning in general talked about.  
8 I do feel like there are a couple of areas, and again I'll bring it up  
9 again, just the database. I feel like there's like a training. It can be  
10 optional.

11                  Like I'm not talking about like required training, but  
12 like for those who opt in potentially to get, there are a couple of  
13 areas that I'm just still really unclear on, in terms of how do you  
14 best use the database, how recusals work? I just feel like there are  
15 a couple spaces where we need more clarity and perhaps  
16 consistency.

17                  G. A. SMITH: Yeah. So OGC Ethics used to once  
18 a year come in to do a presentation on recusals, but what they've  
19 opted to do now is to reach out to you directly, each of you, if there  
20 was a recommended recusal, should have gotten an email directly  
21 from Nathan Mitchell in OGC. And also, well when you come  
22 aboard during orientation he spends a good hour with you. That's

1 part of the present, the orientation.

2 But he also says, and he's copied me on a few of  
3 those, and I've seen it where he's given you guidance as to how you  
4 should determine your recusal. So from their perspective that's  
5 enough for now, but it sounds like you'd like for them to go back  
6 and maybe do the annual presentation that they used to.

7 But they give you guidance directly, and the  
8 recommended recusals for each NACIQI meeting.

9 CHAIR PRESSNELL: Art?

10 A. KEISER: No. I would not like to go through  
11 that again. But they have changed their position, and that's the  
12 concern. Because some of us were institutional representative.  
13 We have multiple accreditors. I think I have 29. So, it's going to  
14 get to a point where I'll be in and out, which frankly I don't mind  
15 going over there and doing that work for the office.

16 But the question is it's not explicit. It is you can do  
17 it if you want, but we recommend that you don't. And I don't know  
18 what the legal ramifications would be if I'm in here. Would it  
19 upset a decision by the committee, or? You know, I don't have a  
20 problem doing it, but I just think we need the clarification of what  
21 that means because if I am going to step out that's fine, but if I  
22 don't have to I prefer to continue my work on the committee.

1 CHAIR PRESSNELL: All right. Yes Angela?

2 A. SIERRA: Yeah. I just wanted to add something.

3 I have had conversations with Nathan Mitchell of Ethics, who is,  
4 you know, the person who gives advice on either mandatory or  
5 recommended recusals, and members obligations. And Nathan has  
6 repeatedly told me to encourage the committee to have you all  
7 please reach out to him individually with specific questions, so that  
8 he can weigh in.

9 He's more than happy to do that. If you don't have  
10 his contact information please ask George for it.

11 CHAIR PRESSNELL: Yeah, and I think that's  
12 good. I know that at one time Keith is going to be up next, but one  
13 time it was a recommended recusal for me. I said I appreciate your  
14 advice, but I'm not going to recuse myself. Something happened in  
15 terms of third party commenters, he came back to me, and he said I  
16 really highly recommend you do it. And I took that advice.

17 So in other words, it's not a status thing. You know,  
18 it just doesn't go stagnant. He actually is watching all the time.  
19 Keith and then I don't, sorry Keith go ahead.

20 K. CURRY: Yeah, so this is my first meeting and  
21 it's been very interesting, but just the recusals. I know I've  
22 basically sent email to staff in regards to recusal. I just turn the

1 camera off and do what I have to do. But I don't know if other  
2 members know when I recuse myself, or should I tell the Chair  
3 when the item comes up?

4 Because I just did an email and I just turned  
5 everything off.

6 CHAIR PRESSNELL: It would be good to notify  
7 either George or the Chair that you're recusing yourself.

8 K. CURRY: Okay.

9 CHAIR PRESSNELL: And actually I do believe  
10 that the email indicates that you should notify George whenever  
11 you will recuse yourself, so please notify before the meeting.

12 K. CURRY: So I did that right.

13 CHAIR PRESSNELL: Yeah, that would be great.

14 K. CURRY: Thank you.

15 CHAIR PRESSNELL: Bob? Thanks Bob.

16 R. SHIREMAN: So, when NACIQI was first -- this  
17 version of NACIQI was first formulated however many years ago  
18 that was. There was a choice about whether it would be composed  
19 of representatives, or special government employees. And in the  
20 charter that was done, there's nothing in the statute that requires  
21 this, but in the charter they said special government employees,  
22 and that's why we're treated that way. It's as if we were the -- like

1 on the committee that is advising on whether a vaccine is valid,  
2 where you want people who have like absolutely no connection to  
3 the industry, you know, just really completely clean.

4 The nature of the appointees to this committee that  
5 followed that charter is much more like representatives, and not  
6 SGEs, it's a lot of people here who clearly have some connection to  
7 like the industry. And I think that's fine. As an advisory  
8 committee, we all know what our connections are.

9 I have felt like I would have loved to have, like on  
10 SACS there are people who I would have loved to hear from if  
11 they were willing to be here, but they had to recuse themselves. So  
12 that could be reconsidered. The Department has told me that their  
13 legal view is that they can't make that change. I don't think it's that  
14 clear actually. I think they could make that change, and we would  
15 not have the issues of recusals.

16 Generally I think the recusal recommendations  
17 sometimes are pretty silly, just don't like weigh into sort of  
18 undermines the credibility of it because some of them seem just  
19 too extreme.

20 CHAIR PRESSNELL: Thank you Roslyn did you  
21 have a comment on this?

22 R. CLARK ARTIS: You know I didn't really, but I



1 do now. I just find that I am on completely the opposite camp. I  
2 think where it comes to integrity and credibility, the idea of a  
3 perceived conflict we have an obligation to stand down.

4 I think we would not want an agency to ever feel  
5 disenfranchised. We would not want someone to be compromised,  
6 and I think on matters of ethics it's a bright line for me. I don't  
7 think this is negotiable, and I don't know why we're kind of  
8 battling around with this.

9 CHAIR PRESSNELL: Well, I think it was just to  
10 get clarity on it. It's all it was, and I think this horses also on the  
11 glue factory. Kathleen did you have a? You don't, okay. All  
12 right. Okay. If we could go on. So we have three more issues  
13 here that I have listed, and one deals with a single school action.

14 I've heard that from a couple folks. I know Art  
15 mentioned that, and Jennifer mentioned that. Could we talk about  
16 that a little bit, and Jennifer you want to start that conversation?

17 J. BLUM: Yeah. You know, we've seen it in a  
18 couple of meetings, and I -- it's not that I don't feel like it's a topic  
19 that should be part of a conversation at NACIQI, but to have the  
20 basis of a recognition criteria be given the thumbs up or thumbs  
21 down based on how an accreditor handled one institution. I find  
22 that to be problematic.

1                   And I think what I would say about that is I think  
2   it's incumbent. Like I said, I think it's worth inquiry, but I think it's  
3   really incumbent on the Department staff and the agency itself, to  
4   demonstrate that compliance, or what it looks like as it relates to a  
5   criteria across multiple of its institutions.

6                   So for example, if a concern is raised about one  
7   institution to an agency, I feel like the staff and we, when it comes  
8   to us, should be really inquiring about how that agency had  
9   performed as it relates to their other institutions because many of  
10   these agencies are accrediting dozens, if not hundreds, of  
11   institutions.

12                  And so, if there's a problem with one institutions  
13   that does not a bad accreditor make, or in my view it does not  
14   make non-compliance on a criteria. I also would add that the  
15   Department has other tools in its toolbox, other than recognition to  
16   address a concern with an accreditor.

17                  So if something were to rise to an extreme level  
18   with regard to how an accreditor handled, you know, an institution,  
19   a single institution, there are tools in the enforcement side of the  
20   house of the Department to address that with the accreditor that  
21   doesn't have to be in the recognition cycle process.

22                  So, I just feel like it's an issue that we've seen come

1 up before, and again, I'm not suggesting that it shouldn't be  
2 referenced as, you know, part of the conversation, or flagged, but I  
3 think to find non-compliance on a criteria based on the actions of  
4 one, you know, something that happened with one institution is not  
5 to me a full review of how the agency performed on the criteria.

6 CHAIR PRESSNELL: Okay. I've got Bob,  
7 Herman, Art and Zakiya. Nope sorry, not we're to Herman.

8 H. BOUNDS: So, I'll try to get through this as  
9 quick as I can. You know, when we do staff analysis we'll get  
10 questioned whether we find somebody compliant, or whether we  
11 find somebody non-compliant. I mean that's just the nature of our  
12 work.

13 And I am not, you know, against, you know,  
14 NACIQI, you know, really taking that into consideration. But  
15 sometimes when we go out on these reviews, you know, I want to  
16 make clear we don't just, you know, when we do these  
17 observations, and we do these file reviews, we were looking at tons  
18 of stuff.

19 And sometimes something will kick up, and for us  
20 our determination of that is hey, this is something that we need to  
21 bring forward. Some of these things we would take up in a 602.33  
22 investigation and you wouldn't see it. The problem is in some

1 cases when that aligns perfectly with the agency's submission, and  
2 they submit that information to you, we put that in the analysis.

3 Now it may sound like we're just picking on one  
4 incident, but in all honesty, you guys would probably see that  
5 again anyway because it's something that comes up that we say as  
6 staff, you know, we need another objective look, or we need an  
7 SDO decision on this particular issue.

8 I will say, and I think these guys will agree, we take  
9 everything you guys tell us to heart. We'll kind of look at those,  
10 and try to manage that, but you know, at this point for the staff  
11 review, you may continue to see these one off things come up in  
12 the petition. I mean I don't know any other way to do it. If we see  
13 something that we think, you know, based on our decision, you  
14 know, we consult with our Counsel and with other folks.

15 Again, you just may see things that come up again  
16 in the petition, but I have no issues with you all being concerned  
17 about that point. Not at all.

18 CHAIR PRESSNELL: Thanks Herman. Art, and  
19 then Zakiya.

20 A. KEISER: My concern is especially when we're  
21 responding to third party or certain press releases. We've had over  
22 the last few years, some of you were not part of this. We had one

1 agency that had one school that had one faculty member who was  
2 accused of human trafficking.

3 Now that's terrible. We all agree with that, but  
4 that's not the accreditation accrediting Commission's fault. And  
5 we really jumped all over that accrediting agency. Do you  
6 remember that Mary Ann? And today we had one on obviously, or  
7 yesterday, you know, on the Global University of Arizona State  
8 Global, whatever it was.

9 They had -- what did she say 14 visits? I mean, and  
10 they did not find issues. We are not an accrediting agency. I've  
11 served as the Chairman of an accrediting agency. I know the  
12 members of the accrediting agency are -- they do look at the data.  
13 They do look at the facts. They do send in an evaluating team.

14 And I think we have to be able to not second guess  
15 these people on specific individual actions because hundreds of  
16 people, especially in the one yesterday, looked at the evaluation.  
17 And I also, again I'm going to speak personally because I was  
18 obviously attacked at the last meeting based on an individual's  
19 concern that my sell of my institution to a non-profit 13 years ago  
20 was not evaluated by SACS 13 years ago.

21 And then reaffirmed and revisited multiple times  
22 during that period of time. And it calls into question their

1 evaluating process but multiple times. So, you know, and it  
2 becomes a political issue we need to stay away from that. It is not  
3 our job to be political.

4 And if we become political this thing becomes a  
5 joke, and nobody is going to pay attention to us.

6 CHAIR PRESSNELL: Zakiya?

7 Z. SMITH ELLIS: I'm going to try to keep what I  
8 was initially going to say in my head, and then come back to  
9 something else. But about this issue, I'm having trouble  
10 understanding how you evaluate actions of accreditors if not for  
11 when they show the action in place.

12 So, it's like, and I do think it's actually important  
13 when we talk about whether it's just one time because if you didn't  
14 adhere to your policy one time with a particular instance, that's not  
15 -- I've got to tell you I've ran the stop sign just that one time. And  
16 that's the time the police caught me.

17 But you shouldn't just pay attention to when I ran it  
18 on C Street. But probably if I followed you around, you ran it on  
19 D Street, you ran it on E Street, and we just happened to catch you  
20 on C Street, so it's not the one time.

21 So, I'm having some issue with us saying oh, it's  
22 just how they responded to one thing. The whole point of the like

1 staff analysis is to go in and see do they have a policy in place?  
2 Was there something that was out of line with that one policy, and  
3 then share that with us.

4 But yeah, like you violating compliance one time is  
5 a thing even if it's with an institution that we need to take into  
6 consideration, and that's why sometimes I think we have to  
7 substantially compliant. We say oh no, there was a unique thing  
8 with this one institution. I think we actually saw that with the San  
9 Diego State things.

10 No, it was a unique thing. It's one thing,  
11 substantially compliant otherwise. But that like indicator is what  
12 then causes you to say is there an issue here that we need to look  
13 into more broadly where they don't have a policy in place?

14 I'm not going to speak about like all the specific  
15 stuff there, but I just the spirit of I think what I'm saying, I just  
16 want to make sure that we understand that like yes, if an accreditor  
17 is not adhering to a stated policy of the rules of accreditation, it  
18 will show up with how they interact with a particular institution,  
19 and that's okay. That's part of what we do.

20 And the second piece of what I do want to say, kind  
21 of the point of this body as I see it is to not shy away from, like  
22 you know, there was another issue brought up with a specific

1 institution, that institution serves, you know, 30,000 students, and  
2 if you know, front page news. I think it would be kind of weird if  
3 we didn't acknowledge and address in some way and have a public  
4 debate.

5 I think part of the reason we have public comment  
6 is for people to bring things to us that we may not have otherwise  
7 seen. So yes, if something, somebody shares a public comment,  
8 and that is something that we then also news stories about, it to me  
9 is not a distraction for us to address those things.

10 I would feel like members of the public would  
11 question the validity of NACIQI if something is being widely  
12 discussed, and we're like oh, nope, we don't think that's an issue for  
13 us to raise. We may think about other ways to be fair, and you  
14 know, whatever, and bringing in other concerns.

15 But it's just the general idea that because it's one  
16 institution we're not going to look at it, and that somehow biases us  
17 in one way. I just want to push back on a bit.

18 CHAIR PRESSNELL: Yeah. And I think that's the  
19 advantage of the diversity of using a broad area. It's going to be a  
20 higher concern to some, and a lower concern for others. Ooh, let's  
21 make sure we're not repeating ourselves in any comments here,  
22 because we've got two other big things to talk about before we



1 leave. Jennifer?

2 J. BLUM: This is a suggestion. Zakiya, I appreciate  
3 your comment. I would say that if you're stopping at the stop sign  
4 90 percent and not once, that's a different situation, as it relates to  
5 the accreditor. But my suggestion is, and I think I said this at the  
6 start and I'll say it again.

7 But it's actually maybe a more concrete suggestion,  
8 is that when the Department, whether through third parties, or on  
9 its own, uncovers a problem with an institution I think as it relates  
10 to how the agency is performing across all of its institutions with  
11 regard to a criteria.

12 And this may have happened with regard to their  
13 staff may have gone back and then said okay, well that was, and I'll  
14 just use the institution's names.

15 That's University of Arizona Global, how's every  
16 like let me, you know, test, you know, what has the agency done  
17 with regard to five other institutions in the market? Because it's a  
18 big criteria, it's the recruiting criteria. So there's going to be other  
19 evidence to look at, and it would be very helpful for us, and in the  
20 narrative to not have the narrative speak entirely to the infraction  
21 of one institution.

22 It could be that they have problems with the other

1 five, in which case that would be really informative. It could be  
2 that they don't, in which case, for example, substantial compliance  
3 might be an option.

4 I just feel like relying on what has gone on with one  
5 institution is not a strong enough analysis in my view of how to,  
6 and I think it can be resolved in a more clear kicking of the tires  
7 during the review process by the staff, and then a reflection of that  
8 in the report.

9 Part of the problem is how the report was reflected I  
10 think.

11 CHAIR PRESSNELL: Okay. I don't think we're  
12 going to get done today if just keep -- if you have something new  
13 to add to this conversation then we'll add it. If we have nothing  
14 new to add -- please, yeah, and it's okay to disagree on this, but I  
15 have Art, Debbie and Mary Ellen.

16 A. KEISER: I do disagree. And I would not pull  
17 your license if I was the policeman. Okay. Remember it's for  
18 pests making one stop sign. We don't have the information when it  
19 is brought to us in a third party comment.

20 We do not have the evaluative processes, or the  
21 ability at this level, at this debate, to be able to make a judgment  
22 which we have done in the case of ACCSC.

1                   We made a decision based on a complaint about the  
2     committee. I don't know what the name of that school was Carl  
3     Barney School. And we took one. The school did not have any,  
4     the agency did not have any issues, but because it was brought up  
5     we then, you know, they only got a three year recognition. I have  
6     a real problem with that.

7 CHAIR PRESSNELL: Debbie?

8 D. COCHRANE: Just very briefly. The only new  
9 point I want to add in is that as a reflection of my first meeting,  
10 there's an absolutely overwhelming amount of material that is  
11 uploaded for each of these agencies that the staff has to review.  
12 And if they had to then say well one run stop sign is not sufficient,  
13 so let's go watch for ten?

14 I just can't even imagine how they or we would ever  
15 get through any of the agencies.

16 CHAIR PRESSNELL: Very good. Jennifer, I  
17 assume that's up from a previous, okay. Let's move on to a related  
18 topic. Thank you Mary Ellen for ceding your time. So there are  
19 two other things we need to talk about. One is the consistency  
20 issue we've been hitting at a little bit here, and I want to hear from  
21 that.

22 And then the SACSCOC piece which Michael

1 brought up, so I want to hit those two. So let's see how quickly we  
2 can move through the consistency piece. Jennifer?

3 J. BLUM: I'll make it really quick. I think we've  
4 covered it just by talking through a number of these issues along  
5 the way. I mean, you know, and I articulated my concerns during  
6 the meeting, so I'll make it really fast. But I'm not taking it off the  
7 table.

8 I do think there's a concern, or I have a concern  
9 about not just the staff, about our own consistency, but like I said, I  
10 think if GC literally, you know, if we consider our options sort of  
11 before the conversation starts each day, I think that action will go a  
12 long way as it relates to our consistency, so.

13 G. A. SMITH: We can work on that.

14 CHAIR PRESSNELL: Yeah, so George is going to  
15 work on integrating that into that initial discussion. All right,  
16 Michael Poliakoff --

17 M. HALL-MARTIN: Mr. Chair?

18 CHAIR PRESSNELL: Oh yes, I'm sorry.

19 M. HALL-MARTIN: Just before we move on this  
20 SACS/UNC topic, in the name of I guess recusals. As a very  
21 proud alumna of UNC who has very strong opinions about this, I'm  
22 going to not participate in this particular part of the discussion.

1 CHAIR PRESSNELL: Recusals are not necessary  
2 for a discussion, but if you so choose then that's fine.

3 M. HALL-MARTIN: Yeah. This is something I'm  
4 going to choose to remove myself from.

5 CHAIR PRESSNELL: Okay. That will be fine.  
6 Michael?

7 M. POLIAKOFF: Yeah. I promise to be absolutely  
8 as fast as I can. In some ways this really proceeds from something  
9 that Zakiya just said about the validity of NACIQI, and the public  
10 trust in us. Namely, that an accreditor can in the off cycle for the  
11 review of any institution say something has come up. We are  
12 going to investigate that. We could put you on warning, and so  
13 forth.

14 My question to the Department of Education staff is  
15 what vehicle do we have when we see something that is -- that  
16 seems as the action of the President of SACS seems to be to be  
17 unprofessional or improper, what vehicle do we have in the spirit  
18 of public trust to say it might be in the middle of a five year  
19 recognition cycle, but we need to bring this to attention.

20 I've written to you about what happened in my  
21 vision, my perspective at North Carolina. I'd also just want to  
22 bring up something from a little bit more distant past. I'm sorry, I

1 had to go to a doctor's appointment, I couldn't finish the discussion  
2 with HLC.

3 But in 2018, HLC floated a beta version of their  
4 standard on inclusion that would have put orthodox Christian  
5 institutions in jeopardy of losing their Title IV funding, were they  
6 not to go along with the new policy, namely one that could call  
7 into question their adherence to biblical sexual morality.

8 Now the DeVos administration made it clear in  
9 negotiated rulemaking that that should never happen. But I don't  
10 even know, I wasn't on NACIQI at the time, whether this was  
11 anything that the committee took up.

12 And so what this brings me to is this asymmetry  
13 between the way we respond to things that happened off cycle, and  
14 the ability of the accreditor to respond to things that are out of the  
15 cycle of the review of an institution. This issue with SACS has  
16 risen to, not just to the level of the Wall Street Journal, but just  
17 yesterday, as far as I can see, the entire republican Congressional  
18 delegation wrote.

19 I can read you that. "As members of the North  
20 Carolina Congressional delegation we expect accreditors not to  
21 pre-judge actions of governing boards, follow normal processes, be  
22 attentive to such matters of public importance." I'll leave it there.

1                   This is all by way of saying that we are being  
2   watched as an organization, as a committee. And when we are not  
3   able to respond it is something that is going to really lessen public  
4   credibility, so that's why I bring this to your attention. Both,  
5   because of the issue involved in SACS and UNC, and the larger  
6   issue of whether we need to somehow create procedures where by  
7   we can be more agile and more attentive.

8                   Thank you. I realize it's been a long day.

9                   CHAIR PRESSNELL: And Michael, I appreciate  
10   you taking it out of the strictly out of the SACS's COC context into  
11   the larger issue, so Jennifer has hers up, Mary Ellen I think as well,  
12   so Jennifer do you want to start?

13                  And if I may, do we have guidance from legal or  
14   anybody in terms of mid-term actions, you know, between meeting  
15   type stuff that we need to hear first? Can you Angela, help us?

16                  A. SIERRA: Yes, yes. And Herman may want to  
17   weigh in as well, but there is a regulation that provides for the  
18   Department to review whether an agency is in compliance with the  
19   criteria for recognition at any time during the recognition period.

20                  And under the current regulation the Department  
21   staff, which is really the accreditation group can do that based on  
22   the submission of a required monitoring report by the SDO.

1                   So if anything comes up there they can do this  
2   review, or based on any information that is determined by  
3   Department staff appears credible, and raises concerns relevant to  
4   the criteria for recognition.

5                   You know, NACIQI, there's nothing that would  
6   prohibit a NACIQI member, or NACIQI as a whole from raising  
7   credible information that raises, you know, could raise compliance  
8   concerns to the accreditation group.

9                   Whether there would be any recusal concerns at all  
10   if an individual member did that, or used their NACIQI title in  
11   doing that, I would encourage you again to reach out to Nathan  
12   Mitchell for specific advice if you have questions about that.

13                  CHAIR PRESSNELL: Okay. So, point of  
14   clarification, and then Herman. It sounds like then that action is  
15   going to be taken by SDO and the accreditation group. NACIQI  
16   can collectively, or individually, individual members can raise a  
17   concern, but the action is going to be taken via SDO and  
18   accreditation group. Is that correct?

19                  A. SIERRA: Well I mean I would like to point out  
20   that the Higher Education Act addresses NACIQI, and its role in a  
21   separate area of the statute as to the role of the Department. And  
22   the provisions in 20 U.S.C. 10.99(b) provide that it's, you know,



1 the Secretary, which is really the Department staff, does a  
2 comprehensive review, and independent evaluation of whether  
3 each agency is in compliance with the criteria.

4 The statute doesn't provide a parallel role for  
5 NACIQI, although it has broad advisory functions, including  
6 advising the Secretary of Education on, you know, anything related  
7 to accreditation, and the recognition of specific agencies.

8 So, you know, I think the statute sort of  
9 contemplates and builds in a due process concern where the agency  
10 has a chance to respond, and the Department has promulgated  
11 regulations under 602.32 and 602.33, whereby there's a process.  
12 The Department staff would engage with the agency under 602.33  
13 if there was a credible concern about compliance.

14 It could, you know, rise to the level of a draft staff  
15 analysis that the agency could respond to, and then at some point if  
16 it remained a compliance concern would be presented before  
17 NACIQI, so yes. And then, NACIQI could make a  
18 recommendation, and then the SDO would make a decision.

19 That decision could be appealed to the Secretary.  
20 Does that help?

21 CHAIR PRESSNELL: It helps a lot. Thank you.  
22 Herman?

1                   H. BOUNDS: Angela summed it up well. The only  
2    thing that I would remind folks is what Angela spoke about  
3    relevant to the criteria for recognition. So that's what we look at  
4    when we see outside information complaints, news articles, we  
5    have to evaluate them first to see if it's relevant to the criteria, or in  
6    a case where an agency is not following its own, blatantly  
7    disregarding its own policies and procedures.

8                   We don't get into any of the other optics that may be  
9    going on with the particular situation.

10                  CHAIR PRESSNELL: Thank you. Jennifer, and  
11    then Mary Ellen and Bob.

12                  J. BLUM: Yeah. I mean I was going to say a lot of  
13    what Angela said. I mean there is a -- and I sort of alluded to this  
14    earlier in the other context. There is -- the Department has  
15    enforcement tools, and so if there were to be a concern that would  
16    be the appropriate place to go and not, you know, NACIQI.

17                  I mean that doesn't mean we, as individuals,  
18    couldn't raise them, but so I would like to stay in the lane of you  
19    know, with the exception of egregious something or other, you  
20    know, I would like to stay in the lane of the recognition process in  
21    general.

22                  And then I do, you know, I like the fact that we

1 were talking in generalities, and not just specifically about this  
2 situation, but I do feel the need to say that as it relates to this  
3 situation I'm kind of glad the accreditors said something because  
4 setting aside the topic of the new college and programs, an  
5 institution that decides that they're creating a new college or  
6 programs, that's a sub change.

7                   So, the agency, they may not have handled it sort of  
8 in the PR realm the way they should have, but from a pure  
9 compliance standpoint that is within the recognition criteria, it's a  
10 governance question, and it's a change in control question, and a  
11 sub change question, and so.

12                   Well it's not a change in control, it's a sub change  
13 question. So it's totally within the wheelhouse, and in fact we -- I  
14 would want an accreditor to be well aware, and then in the loop on  
15 the creation of a new college at a university, that's very squarely in  
16 there.

17                   Setting aside the topics at hand, that is squarely in  
18 the wheelhouse. So in this particular case, and I'm just maybe pre-  
19 empting. I don't think this is a situation where as a body I would  
20 feel, or at least as a person, I would feel comfortable suggesting a  
21 review by the SDO, although I'm sure that others might put that  
22 forward to the SDO, and the SDO can make the decision.

1 CHAIR PRESSNELL: Mary Ellen, then Bob.

2 M.E. PETRISKO: A couple things. One, we pretty  
3 recently had a case where there were three news reports, concerns  
4 raised about whether or not a certain accreditor was doing its job.  
5 Those complaints came to the attention of the Department, the staff  
6 did their work, it came to this body, and action was taken.

7 So that already happens. It doesn't happen in a  
8 minute because there's a lot that has to happen with getting  
9 information, with analyzing the information, et cetera. But that has  
10 happened in the past and in the recent past.

11 I would also just say as a matter of course with  
12 regard to how accreditors deal with these kinds of issues that come  
13 up to them, they do need to follow their own processes, their own  
14 standards to make sure that institutions are following their own  
15 processes, their own goals and et cetera.

16 With regard to governance questions I think the  
17 traditional view of that has to be that there are different areas of  
18 authority and responsibility. And authority and responsibility go  
19 together. And when there is sort of a question about where the  
20 authority is to do something, whether they actually have the  
21 responsibility to do that, there are questions raised.

22 What the accreditor I believe should do, and I

1 believe accreditors do do this, is when those questions are raised  
2 what they first do is say we need information on this. So, the way  
3 they would ordinary ask for that information is to send a formal  
4 letter to the institution saying this has come to our attention, please  
5 give us information so that we can determine whether or not you  
6 are, you know, coloring within the lines, or staying to what you're  
7 say you're doing and how you should say you're doing it.

8                   And what we believe as accreditors you should be  
9 doing. So, that's the first step, and then there are questions of  
10 where the responsibilities and authority lay -- lies, and those things  
11 can be worked out, but the first step is to say what are you doing,  
12 how are you doing it, and is this the way you should be doing it?

13                   We need to know that to be doing our work as an  
14 accreditor. It would not be appropriate for an accreditor to have  
15 these questions raised, and not to ask for that information, which  
16 could lead to action if what they find out is it's not going the way  
17 that it's supposed to. So that's all I'll say.

18                   CHAIR PRESSNELL: Great. I've got Bob and  
19 then Michael.

20                   R. SHIREMAN: This is obviously a highly  
21 politicized issue right now, and I anticipate that there will be a  
22 push from Wall Street Journal, perhaps, others for documents

1 about what the Department of Education is or is not doing about  
2 this topic, and delays in providing documents will become a  
3 political issue.

4 So I wanted to get into the public record that  
5 documents about the disposition of the staff analyses in these two  
6 33 situations, they are subject to FOIA, but it is taking a very, very  
7 long time for documents to come back. I raised a concern about an  
8 accreditor almost two years ago.

9 It was discussed at a meeting a year and a half ago,  
10 and I filed a FOIA request for the disposition, and I have still not  
11 gotten those documents after asking several times. So if the Wall  
12 Street Journal complains about not getting documents, I haven't  
13 gotten any documents either, so it may take a while, yes.

14 CHAIR PRESSNELL: Michael, please.

15 M. POLIAKOFF: Yeah. I will only add to that Bot  
16 that I'm still trying to get a response to my FOIA about why I was  
17 not permitted to participate in the previous meeting, but leaving  
18 that aside. I think there are some issues here that we might want to  
19 take up again of what the expectations are.

20 I quite agree with Mary Ellen that we do want  
21 inquiry when things are happening that seem to call for accreditor  
22 attention. But to go immediately into the public with the threat of

1 a warning letter is reputationally damaging to an institution,  
2 especially and this came out in the discussion, that the President of  
3 SACSCOC hadn't yet even read the resolution, which said  
4 accelerate the development. That's all. Accelerate the  
5 development.

6 So, I mean there are issues here, and I guess I want  
7 to get back to our larger procedural question, when do we as a  
8 group want to say that the public trusts us to ensure that this  
9 process in which so much power is vested in the accreditor is  
10 something that's being done meticulously, and carefully, and even  
11 dare I say respectfully?

12 So that is what I want to share. If we want to take  
13 this up at another meeting, I will happily recuse myself if it looks  
14 as if I have a prejudgment. But I do think this is something that is  
15 far from trivial.

16 CHAIR PRESSNELL: Thank you Michael. Are  
17 there any other comments? This concludes our meeting and so we  
18 have, like I say, we've created with co-chairs the subcommittee to  
19 deal with policy regulatory issues. Wally's going to continue his  
20 work on the scorecard piece, on the data piece. And so, we look  
21 forward George, to notification of our next meeting.

22 And there's a motion to adjourn. Is there a second?

1 All right. All in favor catch you later. All right. Thank you all  
2 very much, and thanks to those who have been online with us.

3 (Whereupon the NACIQI meeting adjourned at 1:07  
4 p.m.)

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