

U.S. DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

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NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL
QUALITY AND INTEGRITY
(NACIQI)

+ + + + +

WEDNESDAY
FEBRUARY 28, 2024

+ + + + +

The Advisory Committee met in Barnard Auditorium at the U.S. Department of Education Headquarters, 400 Maryland Avenue, SW, Washington, D.C., at 9:00 a.m., Claude Pressnell Jr., Chair, presiding.

ADVISORY COMMITTEE MEMBERS PRESENT

CLAUDE PRESSNELL, Chair
ZAKIYA SMITH ELLIS
KATHLEEN SULLIVAN ALIOTO
ROSLYN CLARK ARTIS
JENNIFER L. BLUM, ESQ.
WALLACE E. BOSTON
DEBBIE COCHRANE
JOSE LUIS CRUZ RIVERA
KEITH CURRY
DAVID EUBANKS
ARTHUR E. KEISER
D. MICHAEL LINDSAY
MOLLY HALL MARTIN
ROBERT MAYES
MARY ELLEN PETRISKO
MICHAEL POLIAKOFF
ROBERT SHIREMAN

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DEPARTMENT OF EDUCATION STAFF PRESENT

GEORGE ALAN SMITH, NACIQI Executive Director;

Designated Federal Official

HERMAN BOUNDS, Director, Accreditation Group

LG CORDER, Analyst, Accreditation Group

ELIZABETH DAGGETT, Analyst, Accreditation Group

PAUL FLOREK, Education Program Specialist,

Accreditation Group

ANTOINETTE FLORES, Deputy Assistant Secretary

for Policy, Planning and Innovation

MONICA FREEMAN, Program Analyst

NICOLE S. HARRIS, Analyst, Accreditation Group

CHARITY HELTON, Analyst, Accreditation Group

REHA MALLORY SHACKELFORD, Analyst, Accreditation
Group

DONNA MANGOLD, Office of the General Counsel

STEPHANIE McKISSIC, Analyst, Accreditation Group

SCOTT PRINCE, Senior Director, Policy

Development, Analysis, and Accreditation
Services

ANGELA SIERRA, Office of the General Counsel

KARMON SIMMS-COATES, Analyst, Accreditation

Group

CHRISTLE SOUTHALL, Office of the General Counsel

MICHAEL STEIN, Analyst, Accreditation Group

MONICA YASSA, Records Manager

TRANSNATIONAL ASSOCIATION OF CHRISTIAN COLLEGES
AND SCHOOLS, ACCREDITATION COMMISSION (TRACS)

DR. BENSON KARANJA, Chair of TRACS Accreditation
Commission

DR. TIMOTHY EATON, President

DR. RON CANNON, Vice President of Operations

DR. TANMAY PRAMANIK, Vice President of

Institutional Compliance

BARRY GRIFFITH, Chief Financial Officer

COUNCIL ON OCCUPATIONAL EDUCATION (COE)

JEFF SISK, Immediate Past Chair

COMELIA DUNBAR JACKSON, Executive Committee
Member

MELINDA ISAACS, Vice Chair

JULIE HA, Executive Committee Member

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WARREN HAYNES, Associate Executive Director for
Operations
KALLAN WILLIAMS, Associate Executive Director
for Compliance
KIRK NOOKS, President and CEO

THIRD-PARTY COMMENTERS

DAVID HALPERIN, Attorney
DR. EDWARD CONROY, Senior Policy Advisor, New
America Higher Education Policy Program
ALLISON MUTH, Veterans Education Success

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

9:01 a.m.

G.A. SMITH: Good morning and welcome, everyone. This is the second and last day of the Winter 2024 Meeting of the National Advisory Committee on Institutional Quality and Integrity, also known as NACIQI.

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

Sections 1018 and 487(c)-4 of the HEA, and Section 8016 of the Public Health Service Act, 42 U.S.C. Section 2966, require the Secretary to publish lists of state approval agencies, nationally recognized accrediting agencies, and state approval and accrediting agencies for programs of nurse education that the

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1 Secretary determines to be reliable authorities
2 as to the quality of education provided by the
3 institutions and programs they accredit.

4 Eligibility of the educational
5 institutions and programs who are participating
6 in various federal programs requires
7 accreditation by an agency listed by the
8 Secretary. As provided in HEA Section 114,
9 NACIQI advises the Secretary in the discharge of
10 these functions, and is also authorized to
11 provide advice regarding the process of
12 eligibility and certification of institutions of
13 higher education for participation in the federal
14 student aid programs authorized under Title IV of
15 the HEA.

16 In addition to these charges, NACIQI
17 authorizes academic graduate degrees from federal
18 agencies and institutions. This authorization
19 was provided by letter from the Office of
20 Management and Budget in 1954. This letter,
21 along with 2011 guidance is available on the
22 NACIQI website along with all other records

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1 related to NACIQI's deliberations.

2 Thank you for joining us today.

3 And I will turn this meeting over to
4 our Chairperson Claude Pressnell.

5 C. PRESSNELL: Thank you, George.

6 And I also want to welcome everyone to
7 day two of the hearings. And a special welcome
8 to the two agencies that are remaining, and we
9 look forward to hearing, hearing their comments.

10 We'd like to do some introductions.
11 And first we'll start with the introductions of
12 the NACIQI members here in the auditorium. And
13 so, Molly, do you want to introduce yourself?

14 M. HALL-MARTIN: (Native language
15 spoken.) My name is Molly Hall-Martin, and I
16 serve as the Director for W-SARA for the Western
17 Interstate Commission for Higher Education.

18 D.M. LINDSAY: Hi. I'm Michael
19 Lindsay. I serve as the President of Taylor
20 University, Indiana.

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

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1 K. CURRY: Keith Curry, President and
2 CEO of Compton College.

3 Z. SMITH ELLIS: Zakiya Smith Ellis.
4 I'm a Principal at Education Council.

5 C. PRESSNELL: All right. Thank you.

6 Now we'll introduce those who have a
7 virtual presence with us. Let's start with
8 Wally.

9 W. BOSTON: Wally Boston, President
10 Emeritus, American Public University System.

11 C. PRESSNELL: Thank you.

12 Art?

13 A. KEISER: Arthur Keiser, Chancellor
14 of Keiser University.

15 C. PRESSNELL: Mary Ellen?

16 M.E. PETRISKO: Mary Ellen Petrisko,
17 Past President of the WASC Senior College and
18 University Commission.

19 C. PRESSNELL: David?

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

22 C. PRESSNELL: Michael Poliakoff?

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1 M. POLIAKOFF: I'm Michael Poliakoff,
2 President, American Council of Trustees and
3 Alumni.

4 C. PRESSNELL: Debbie?

5 D. COCHRANE: Debbie Cochrane, Bureau
6 for Private Postsecondary Education in
7 California.

8 C. PRESSNELL: Roslyn?

9 R. CLARK ARTIS: Roslyn Clark Artis,
10 President of Benedict College in Columbia, South
11 Carolina.

12 C. PRESSNELL: Good.

13 Bob?

14 R. SHIREMAN: Bob Shireman, Senior
15 Fellow at The Century Foundation.

16 C. PRESSNELL: And Kathleen?

17 K. ALIOTO: Hello. Teacher Kathleen
18 Sullivan Alioto and advocate for infants,
19 toddlers, and restoring of Child Tax Credit for
20 America in 2024.

21 C. PRESSNELL: Thank you, Kathleen.

22 Any members online that I may have

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1 missed?

2 (No audible response.)

3 C. PRESSNELL: All right, very good.

4 I want to ask Herman Bounds to
5 introduce the Accreditation Team.

6 H. BOUNDS: Good morning, everybody.
7 I'm Herman Bounds, Director of the Accreditation
8 Group.

9 I'll with the staff that are here
10 present first.

11 Nicole?

12 N. HARRIS: Good morning. Dr. Nicole
13 S. Harris, analyst for the Accreditation Group.

14 S. McKISSIC: Good morning. Dr.
15 Stephanie McKissic, an analyst for the
16 Accreditation Group.

17 M. STEIN: Good morning. Mike Stein,
18 analyst at the Accreditation Group.

19 H. BOUNDS: All right. And then
20 we'll, we'll move on to the folks that may be
21 virtual.

22 Beth Daggett, Beth, are you out there?

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1 There she is.

2 E. DAGGETT: Yes, I'm here. Elizabeth
3 Daggett, analyst with the Accreditation Group.

4 H. BOUNDS: Reha? Reha Mallory?

5 R. MALLORY SHACKELFORD: Yes. Hello.
6 I'm Reha Mallory Shackelford, analyst with the
7 Accreditation Group.

8 H. BOUNDS: Charity Helton?

9 C. HELTON: Good morning. This is
10 Charity Helton, analyst with the Accreditation
11 Group.

12 H. BOUNDS: Karmon?

13 K. SIMMS-COATES: Good morning.
14 Karmon Simms-Coates, an analyst with the
15 Accreditation Group.

16 H. BOUNDS: L.G.?

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

19 H. BOUNDS: And Paul?

20 P. FLOREK: Good morning. Paul
21 Florek, analyst with the Accreditation Group.

22 H. BOUNDS: And we also have Monica

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1 Yassa who is our records manager. Monica, I
2 don't know if you're out there?

3 M. YASSA: I am. Good morning.

4 H. BOUNDS: And we also have Adrienne
5 Walker who is our administrative specialist.

6 All right. Thank you. That's it for
7 us.

8 C. PRESSNELL: Thank you, Herman.

9 And now, George, would you introduce
10 your team?

11 G.A. SMITH: Sure.

12 Monica Freeman.

13 M. FREEMAN: Good morning. I'm Monica
14 Freeman, the management program analyst with the
15 Office of Post-Secondary Education.

16 G.A. SMITH: And Angela.

17 A. SIERRA: Good morning, everybody.
18 I'm Angela Sierra, from the Department's Office
19 of the General Counsel.

20 And also from the Office of the
21 General Counsel we have Donna Mangold and
22 Christle Sheppard Southall appearing virtually.

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1 C. PRESSNELL: All right. Very good.

2 I also want to note that Deputy Assistant
3 Secretary Antoinette Flores is with us. And we
4 welcome her as well.

5 So, just we have two agencies for
6 review today. So, we have two agencies in a
7 policy discussion. But before we begin, let me
8 just remind the audience of the standard review
9 procedures.

10 At the beginning, the primary NACIQI
11 readers will introduce the agency application,
12 followed by the Department staff briefing on the
13 review.

14 Then the agency representative will
15 provide comments. Questions from the NACIQI
16 committee will be followed by then a comment by
17 the agency.

18 If there are thirty party comments,
19 they'll occur at this moment. And then the
20 agency will have the ability to respond to the
21 third party comments.

22 This will be followed up by the

1 Department staff, which will respond not only to
2 agency comments but also any third party comments
3 that may have been delivered.

4 Then the NACIQI committee will have a
5 discussion and then bring the final vote on the
6 recommendation that's put forward.

7 All right. So, let's start today with
8 TRACS, the **Transnational Association of Christian**
9 **Colleges and Schools.**

10 The NACIQI primary readers are Mary
11 Ellen Petrisko and Molly Hall-Martin.

12 And, Mary Ellen, I believe you're
13 going to bring introductory comments?

14 M.E. PETRISKO: Yes, I am. Thank you,
15 Claude.

16 The Transnational Association of
17 Christian Colleges and Schools, or TRACS, is an
18 institutional accreditor that accredits Christian
19 post-secondary institutions offering certificate
20 diplomas and associate, baccalaureate, and
21 graduate degrees, including institutions that
22 offer distance education (audio interference)

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1 that is 86 institutions in 21 states, two United
2 States territories, and four foreign countries.

3 TRACS accreditation provides a link to
4 Title IV funding for 43 of its institutions, and
5 a link to Title III funding for five of its
6 Historically Black Colleges and Universities.

7 TRACS was originally recognized in
8 1991, and has maintained continued recognition
9 since that time. The agency was last reviewed by
10 NACIQI for renewal of recognition at its Summer
11 2021 Meeting.

12 At that time recommendations were made
13 with which the SDO agreed, resulting in the
14 requirement for a compliance report on Regulation
15 602.15(a)(2), (3), (5), and (6), and 602.16(d).

16 Thank you.

17 C. PRESSNELL: Thank you, Mary Ellen.

18 Welcome Mike Stein, who will give us a
19 briefing on the review.

20 M. STEIN: Good morning, Mr. Chair and
21 Committee Members. My name is Mike Stein, and
22 I'm providing a summary of the compliance report

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1 for the Transnational Association of Christian
2 Colleges and Schools, also known as TRACS or the
3 agency.

4 The agency was last reviewed for
5 renewal of recognition at the Summer 2021 Meeting
6 of the National Advisory Committee on
7 Institutional Quality and Integrity.

8 Both Department staff and NACIQI
9 recommended to the senior Department official to
10 continue the agency's recognition and require it
11 to come into compliance within 12 months, and
12 submit a compliance report within 30 days
13 thereafter that demonstrates the agency's
14 compliance with the issues identified in the
15 staff report.

16 The senior Department official
17 concurred with these recommendations.

18 The agency timely submitted the
19 required compliance report.

20 Staff's recommendation to the senior
21 Department official is to accept the compliance
22 report and renew the agency's recognition as a

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1 nationally recognized accrediting agency for 2
2 years and 5 months.

3 This recommendation is based on a
4 review of the agency's petition and supporting
5 documentation related to the training of
6 representatives, including on the
7 agency's conflict of interest policy, ensuring
8 members that its appeals committees are qualified
9 for their roles, and that the agency
10 systematically and consistently applies its
11 accreditation standards related to reviews of
12 institutions that offer distance education.

13 Since the agency's last review, the
14 Department received no complaints and one third
15 party comment, which is discussed in the staff
16 analysis.

17 Therefore, as I stated earlier,
18 Department staff is recommending the senior
19 Department official accept the compliance report
20 and renew the agency's recognition as a
21 nationally recognized accrediting agency for 2
22 years and 5 months.

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1 There are representatives here from
2 the organization. I'll be happy to take any
3 questions that you may have.

4 Thank you.

5 C. PRESSNELL: Thank you, Mike.

6 Are there any clarifying or technical
7 questions? Jennifer.

8 J. BLUM: I just have one. And
9 forgive me if there were other agencies that had
10 similar timing, but I, the one thing I noticed on
11 this is they submitted their compliance report in
12 November of 2022. So, at least that's what the
13 staff report says.

14 So, is there a reason that they
15 couldn't come back before us until February of
16 2024? Like, how come they weren't up last
17 summer?

18 I mean, I'm just curious. It goes to
19 the issue about just the cycle, and the time
20 frames, and it was just -- seems like a pretty
21 straightforward compliance report.

22 So, I was just curious about the

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1 timing issues.

2 M. STEIN: Yeah. And Herman can add
3 in here.

4 But, so it was due in November 2022.
5 It has just to do with the scheduling. The way
6 that the schedule worked I'm not sure that it
7 would have been possible to get them in before
8 this meeting, given the review, and the time, and
9 the response that the agency's allowed.

10 And if Herman wants to add anything?

11 C. PRESSNELL: Yeah. Herman.

12 H. BOUNDS: Yeah. I think Mike
13 explained it well.

14 It's just, you know, when a report
15 comes in of course the analysts have to have time
16 to review it. The new -- the current regulations
17 say we have to give them 180 days to respond to
18 the draft analysis. So, then it adds another 6
19 months onto the, onto the time, so.

20 And then it's just since there's only
21 two NACIQI meetings a year, it just depends on
22 where they are and then whatever the analysts'

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1 workload is.

2 So, that's about the best answer we
3 can give.

4 J. BLUM: We probably will talk about
5 time and stuff in the policy discussion later.
6 But it just seems like, it just seems unfair to
7 the agency to sit for, what is that, a year-and-
8 a-half on a compliance report.

9 I'm not saying you were sitting. But
10 in terms of, like, finishing it up and getting
11 through because now they are up again in two-and-
12 a-half years. They would have been up again in
13 two-and-a-half years anyway.

14 H. BOUNDS: Right.

15 J. BLUM: Because that would have been
16 their regular cycle.

17 I think it's more for me about sort of
18 public perception of not getting through a
19 compliance report in a timely fashion, frankly,
20 both from perspective of both the Department and
21 for the agency in terms of what it looks like.
22 Because it is pretty straight -- this is a pretty

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1 straightforward one.

2 H. BOUNDS: Yeah. It didn't start --

3 J. BLUM: Right?

4 H. BOUNDS: Yeah. It didn't start out
5 like this. I mean, they had the --

6 J. BLUM: I remember.

7 H. BOUNDS: -- you see, they had to
8 respond. And you figure if they came in in,
9 what, was it late 2022, so 2023 was basically out
10 unless somehow we could have got them in during
11 the summer. Because then Mike had to have time
12 to analyze it. Again, you have to then add that
13 additional 6 months on.

14 So, once it rolls around, I mean, 2024
15 is about the most way.

16 And then, you know, based on the
17 regulations are now, we have agencies that maybe
18 while their compliance report is being reviewed
19 they also have to submit their renewal petition
20 because the regulations require that they submit
21 the renewals 2 years prior.

22 J. BLUM: Prior. Right.

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1 H. BOUNDS: So they're, yeah, the way
2 the regs are written now, they could be working
3 on two things simultaneously. It's just where
4 we're, where we're kind of stuck right now.

5 J. BLUM: Okay. I just wanted -- and
6 I don't mean to take away from track of time --

7 H. BOUNDS: Yeah. No, no.

8 J. BLUM: -- but I just wanted to
9 highlight that they filed their compliance report
10 now a year-and-a-half ago.

11 C. PRESSNELL: All right, thank you.

12 Any other questions for Mike before we
13 invite the agency up?

14 (No audible response.)

15 C. PRESSNELL: All right. Seeing
16 None, I'd like to recognize Timothy Eaton, the
17 President of TRACS, for introductions, and
18 introduce your guests, and then comments on the
19 review.

20 T. EATON: Thank you. As president of
21 the Transnational Association of Christian
22 Colleges and Schools I extend greetings to Dr.

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1 Claude Pressnell, the NACIQI Chair; and the
2 Department staff, particularly Herman Bounds
3 leading the Accreditation Group; specifically
4 Mike Stein for his valuable input to this
5 process.

6 I also want to thank the reader and
7 the committee for the time invested and your
8 efforts on behalf of TRACS and our students, as
9 well as our institutions.

10 I am joined by Dr. Benson Karanja, who
11 is the Chair of the TRACS Accrediting Commission.
12 He is joined on the call as well as my CFO Barry
13 Griffith, who is also in the meeting.

14 I'm joined on each side of me by my
15 COO, one of my three vice presidents, three of
16 our Vice Presidents of Compliance, Ron Cannon,
17 Dr. Tanmay Pramanik. And then we have one absent
18 V.P., Dr. Matthew Beemer, who had a cycling
19 accident over the weekend and is recovering in
20 the hospital.

21 I want to thank you for hearing us
22 today.

1 And TRACS is comprised currently of
2 over 100 independent missional institutions. I
3 think it's speaking, kind of speaks to the time
4 between our sessions. We currently, nearly half
5 of our institutions are minority-serving
6 institutions. And so we, we have a number of not
7 only Historically Black Colleges and Universities
8 that have been mentioned, but also predominantly
9 Black institutions, as well as ethnic minorities
10 such as Native Americans, Hispanics, Koreans,
11 Pacific Islanders, Eastern European populations.

12 And we also have four international
13 institutions.

14 Just by way of as a note, less than
15 half of the TRACS member institutions participate
16 in the federal Title IV student funding. And a
17 majority of those students, however, are eligible
18 for Pell Grants.

19 One reason the number is so low on the
20 dashboard is a number of our institutions also
21 are dually accredited and would show up on
22 another accreditor's information.

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1 TRACS that is the case, but a
2 significant portion of our 30,000 students
3 enrolled this fall are the first persons in their
4 family to attend college. And in my own
5 experience, I was the first male in my, in my
6 family to attend college, and then first of many
7 to graduate.

8 As an organization we're proud of our
9 role in what we used to call the democratization
10 of education. And our institutions provide
11 access to an underserved population in many
12 cases. Just from listening yesterday, I would
13 report that only 10 percent of our institutions
14 as reported on our annual report have net
15 tuitions over \$20,000. Our main net tuition is
16 right at \$13,500 for our institutions.

17 Michael Stein is to be commended for
18 his support in this effort. Even though, in
19 retrospect, our staff, through their experience
20 and careful reading of the regs followed those
21 regulations in assembling and the composition of
22 our Appeals Committee and Commission, it also has

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1 helped us really add and revise our standard
2 policies and procedures to really provide a
3 better pattern of evidence and more clearly
4 demonstrate our compliance.

5 We appreciate your attention. And my
6 team is available for your questions.

7 C. PRESSNELL: All right. Thank you
8 very much.

9 And so, we'll turn it over to the
10 primary readers for questions.

11 Mary Ellen, Molly?

12 You're muted there, Molly.

13 M.E. PETRISKO: Well, Molly will
14 begin.

15 C. PRESSNELL: Great.

16 M.E. PETRISKO: And, please, don't
17 take it as a sign of disrespect if my camera is
18 off sometimes. I've been having wonky internet,
19 and I am, I am here.

20 C. PRESSNELL: Very good.

21 And I apologize, yesterday I think we
22 missed some valuable input from you when you,

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1 when your internet disconnected. So, we'll make
2 sure that you're able to make comments.

3 Molly.

4 M. HALL-MARTIN: Thank you. Thank you
5 for being here today.

6 My question is specifically related to
7 the changes you've made and the practices you
8 adopted with your conflict of interest policies
9 and trainings.

10 So, do I have it, am I understanding
11 it correctly that for commissioners and peer
12 reviewers you added slides to an onboarding
13 training?

14 T. EATON: We did change the content
15 of our onboarding training, as well as
16 specifically previously we had presented the
17 attendance rosters and minutes as evidence. And
18 we specifically added individual verification
19 forms to all of our training.

20 M. HALL-MARTIN: And then for staff
21 you added a standalone formal training and an
22 attestation; correct?

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1 T. EATON: Yes, we did. We, we went
2 through that with our attorney, chief counsel,
3 and we have that training for that, for the
4 staff.

5 M. HALL-MARTIN: So, is there a reason
6 that you decided to have a separate formal
7 training on conflict of interest for staff but
8 just added a couple of slides to an onboarding
9 training for your commissioners and peer
10 reviewers?

11 T. EATON: We had previously have
12 already been doing conflict of interest training
13 for commissioners and appeal members. And we
14 have always included the staff in those
15 trainings.

16 But I think in trying to follow the
17 letter of the requirements, we actually decided
18 to have a specific training for the staff and an
19 attestation form.

20 M. HALL-MARTIN: Thank you.

21 And then my last question, how often
22 do you require your commissioners or evaluators

1 to update their conflict of interest
2 documentation?

3 T. EATON: At every, at every meeting.
4 We specifically meet twice a year, fall and
5 spring, and then we have a winter and summer
6 meeting. But leading up to the meeting, once the
7 agenda is published we required our commissioners
8 to declare any conflict of interest that they may
9 have.

10 M. HALL-MARTIN: Thank you.

11 I'll turn it over to Mary Ellen.

12 C. PRESSNELL: Thank you.

13 Mary Ellen.

14 M.E. PETRISKO: Thank you.

15 I'd like to continue with just one
16 question, I think, on the conflict of interest.

17 On your policy and in the training
18 materials, and handbooks, et cetera, it looks
19 like there's three different levels of
20 requirement for conflict of interest. And I'm
21 wondering -- with restricting for peer evaluators
22 -- and I'm wondering why there are

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1 differentiations between what the commission
2 members are required to do, Appeal Committee
3 members -- and I'm not saying Appeal Committee
4 members, but it doesn't seem like there should be
5 a difference in conflict of interest for
6 different roles.

7 So, can you explain why there's a
8 lesser requirement for commission members than
9 for peer evaluators?

10 T. EATON: I don't, I really don't
11 think it is lesser. It's differently focused.
12 Plus, the commissioners, you know, our staff and
13 our peer evaluators, everyone has to do a
14 conflict of interest prior to business. And our
15 staff goes through this annually with their, with
16 the verifications.

17 And the commissioners, you know, are
18 continually having to defend their conflict of
19 interests, you know, when we, when we have a
20 specific agenda item.

21 M.E. PETRISKO: Perhaps it would be
22 more helpful if I was a little more specific in

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1 my questions.

2 And that is, for peer evaluators it's
3 specified in the policy that if they are
4 graduates of an institution or have familial
5 connections, say as a spouse or child who is part
6 of that institution, that that's a conflict of
7 interest.

8 But that is not stated for
9 commissioners. And it was -- Well, so, I just
10 wonder why that is the case, why are there
11 different tiers in the policy?

12 T. EATON: I believe it's part of the
13 training. But I will just have to confess that
14 I'm, I'm not sure why there are different tiers.
15 We certainly can, we will address that prior to
16 our next submission.

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

18 I hope you can still hear me because
19 I'm getting bad messages here.

20 So, my next question is with regard to
21 an evaluation form that was submitted. And it
22 was submitted with regard to distance education.

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1 It's about an institution in Boston. And in
2 reading the evaluation, I'll just, I'll just
3 quote a couple things from the policy.

4 Regarding educational programs, the
5 form stated, the reviewer stated, interviews with
6 faculty and the chief academic officer revealed
7 that curricular development, review,
8 modification, and assessment is not led by
9 faculty.

10 And then there's a recommendation to
11 establish the process for faculty-led curricular
12 development, review, modification, and assessment
13 of educational programs.

14 On that same form, under
15 "organizational structure" it mentions again that
16 the chief academic officer is not involved in
17 assessment, processes, or curricular development
18 and review. And there is a suggestion that the
19 chief academic officer be actively engaged in
20 assessment, curricular development, and review.

21 And, finally, in the section on
22 faculty it states again that they are not

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1 involved in the formulation of curricular and
2 academic matters.

3 So, if I understand correctly,
4 suggestions are provided when it's a collegial,
5 you know, idea of this could be, perhaps be
6 better. But it's not necessarily so tied to
7 compliance of the accreditation standards.

8 And then there are two possibilities
9 for recommended action. One is a finding, and
10 one is a recommendation. Both indicate
11 noncompliance. With the finding, if I understand
12 correctly, the perhaps the more serious in that
13 the eligibility requirements, like the most basic
14 requirements for accreditation are not being met.

15 So, in looking at your requirements it
16 seems that faculty ownership and involvement in
17 these, in these matters is required. So, number
18 one, it seemed that perhaps there should have
19 been findings rather than recommendations, even
20 though a recommendation is noncompliance.

21 But then, further, this visit occurred
22 at the end of 2021. And the institution was

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1 reaffirmed in July of 2022. So, understanding
2 how there could be noncompliance in what's a
3 pretty basic thing for the accreditor, and yet a
4 reaffirmation.

5 So, perhaps you can look, explore that
6 a little bit and, you know, what could have
7 happened between the visit and this evaluation
8 and a reaffirmation which still stands.

9 Thank you.

10 T. EATON: If you could cite those
11 standards it would be helpful. But just from a
12 general overview, in the due process of our
13 accreditation we always, after the peer reviewers
14 are on the campus, did their report, the
15 institution is provided a period of time in which
16 they come up with a remediation plan.

17 At that time they would have, they
18 would have responded to all the findings, the
19 recommendations, and the suggestions, and
20 provided a response to the staff, and a report
21 back to the commission readers as they would, as
22 they would review, review the task.

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1 And so, it would appear that the two
2 commission readers, as well as the staff and the
3 full commission, that they, they had come to the
4 conclusion that the finding was met and that
5 recommendations according to the criterion we
6 have, an institution has two years to come into
7 full compliance so that the institution had a
8 satisfactory plan of action, and that that
9 remediation could take place. And, specifically,
10 I'm remembering the institution because it goes
11 with the location. And they, they were given one
12 year to report back with full compliance.

13 M.E. PETRISKO: So, so the standards
14 in question -- and, I'm sorry, I don't even know
15 this, that they were educational programs,
16 organizational structure, and faculty. And what
17 was asked was just to establish a process for
18 faculty-led curriculum development, review and
19 modifications, et cetera.

20 So, if I'm understanding correctly,
21 within the 6 months between this finding and
22 reaffirmation, perhaps a process was developed.

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1 But that would not have met that, the fact we
2 were actually doing all of these things that is
3 required by your standards.

4 Am I understanding this correctly?

5 T. EATON: Okay. I'm going to turn,
6 turn to one of my compliance VPs. He's familiar
7 with it.

8 T. PRAMANIK: And I actually, I led
9 that team with the team.

10 T. EATON: Introduce yourself.

11 T. PRAMANIK: Yeah. My name is Tanmay
12 Pramanik, Vice President for Teaching Compliance
13 at TRACS, and the staff representative from
14 Boston Baptist College that you're questioning
15 about.

16 So, in regards to your question, yes,
17 there was two standards cited, standard 8.8 and
18 9.2. It would not just be establishment of a
19 process, but we actually also look at much of the
20 establishment of the process with the full
21 implementation for that process.

22 So, where the standard reads that we

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1 establish a process for the practical curriculum
2 development review, modification, and assessment,
3 we actually look at faculty discussion, minutes,
4 what was their involvement in the assessment
5 process, and things like that.

6 So, we look at how they're closing the
7 loop. So, it's not just the establishment of the
8 process but the implementation of that process.

9 T. EATON: Does that answer your
10 question?

11 M.E. PETRISKO: Well, no, because if
12 indeed this was a legitimate finding that there
13 was no process and the faculty were not involved,
14 and the chief academic officer was not involved,
15 I can't understand how within 6 months, not a
16 year, not 2 years, reaffirmation was possible.
17 How it could go from the faculty are not involved
18 to the faculty are involved, they're doing the
19 work of curriculum development, assessment, et
20 cetera, and that that could be evaluated.

21 I can't understand that compressed
22 schedule and how, actually, the standard is

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1 complied with in such time.

2 T. EATON: You had 6 months for the
3 plan?

4 T. PRAMANIK: Yeah. So, the 6 months
5 for the plan and then larger, then they have to
6 give us another progress report after 6 months as
7 well.

8 So, the issue is that we have
9 institutional eligibility requirements which are
10 more egregious than a recommendation. And that,
11 that comes to a finding. If there is a idea that
12 is violated by one of our institutions regarding
13 they come before the commission and address that
14 issue.

15 In this case they were given
16 recommendation about, because I was not directly
17 related to an institution that is giving a
18 finding of facts, so they do have a full maximum
19 of 2 years to come into full compliance with that
20 particular standard. And being a non-IER
21 standard, they can still get reaffirmation, they
22 can still get those standards, but they have to

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1 show us after 6 months, every 6 months in a
2 progress report that that is due to the TRACS
3 office.

4 We monitor how they are coming into
5 full compliance with that particular
6 recommendation.

7 M.E. PETRISKO: So, they're not in
8 compliance but it's okay to be reaffirmed?

9 T. PRAMANIK: With a particular --

10 M.E. PETRISKO: If they're working on
11 it, that's sufficient?

12 T. PRAMANIK: Yes. For a non-IER
13 standard.

14 So, we have 17 different Institutional
15 Eligibility Requirement standards. If they're in
16 violation of that then, no, the commission will
17 not be able to grant them status. So that is --

18 (Simultaneous speaking.)

19 T. PRAMANIK: -- to the 17 IERs of
20 TRACS.

21 And then we have standards that are,
22 yes, in noncompliance but we give them time to

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1 come into compliance. So, technically, an
2 institution could be noncompliant with a
3 particular non-related IER standard and still get
4 a status. But they have to show us in a progress
5 report every 6 months that they're coming into
6 compliance, still be ex parte of that term which
7 is maximum of 2 years.

8 M.E. PETRISKO: Well, perhaps I'm
9 mistaken then, but I thought that faculty
10 involvement in curricular matters was an
11 eligibility requirement.

12 T. PRAMANIK: No, it wasn't. No, it's
13 not, it's not an IER. It's a non-IER standard.

14 M.E. PETRISKO: Oh. Okay.

15 T. EATON: And our understanding of
16 the Department's regulations is that, that an
17 institution can have up to 2 years to come into
18 full compliance. So, --

19 M.E. PETRISKO: Okay.

20 T. EATON: And that, that's not our
21 criteria. I mean, we're conforming to that but
22 we, we brought the institution into full

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1 compliance within the following year.

2 M.E. PETRISKO: So, so where did I
3 find the standard, then, regarding faculty, that
4 their duties are to design, develop, and evaluate
5 the curriculum to identify and assess appropriate
6 learning outcomes? Where is that standard?

7 That's not an eligibility requirement
8 standard, that's a standard above and beyond the
9 eligibility requirement? Am I understanding that
10 correctly?

11 T. PRAMANIK: Yes. Yes.

12 T. EATON: That's right.

13 M.E. PETRISKO: Okay. So,
14 institutions can be out of compliance with that
15 standard but still be reaffirmed in their
16 accreditation. And then they have 2 years to fix
17 that.

18 T. EATON: That's right. And
19 typically, typically the time period is much
20 shorter because if it goes past 2 years, then you
21 have the possibility of a sanction or an adverse
22 action against the institution.

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1 M.E. PETRISKO: Okay. So, this is a
2 different understanding of noncompliance than is
3 in my history of being in noncompliance with
4 standards.

5 I have one other question, and that is
6 that I noticed -- and this is, this is
7 tremendously recently, this is just last week --
8 that the same institution was -- that there's a
9 notice on their website, on its website about the
10 state of Massachusetts getting a warning that
11 financially they may not be sufficiently
12 financially stable for to, to do other things
13 that they are required to do as an institution
14 for the state.

15 So, I'm wondering, how does that
16 happen with your agency if something like this
17 happens with an institution? Do you get this
18 automatically from the state? Is the institution
19 required to let you know? How do you follow up
20 on that?

21 T. EATON: All right, yes.
22 Massachusetts higher ed has been working through

1 these scenarios. They've had some recent
2 closures. And so, they, the latest emanation of
3 the regulation is an 18-month reserve is required
4 for all institutions, basically a liquid cash
5 reserve.

6 I will state that in the regular
7 faith-based community an 18 month reserve will be
8 pretty extraordinary. However, we did receive
9 notice, we work closely with all of our state
10 higher ed authorities, so we did receive notice
11 from Massachusetts.

12 I also received notice, at least
13 verbal, that this was coming to me, in a phone
14 call with the institutional president.

15 And so, it is, it is now a matter that
16 for us will become a financial monitoring matter.

17 And so, that's, that's late breaking within the
18 last week. And we only received, we only
19 received notice of it this week.

20 M.E. PETRISKO: Okay. Thank you very
21 much. That was my final question for now.

22 Thank you very much.

1 C. PRESSNELL: Thank you, Mary Ellen.

2 Questions from the committee?

3 Jennifer.

4 J. BLUM: I just have one that
5 doesn't, full admission, does not relate to the
6 compliance report. But since I have you here.

7 You mentioned dual accreditation, that
8 a number of your schools have dual accreditation.

9 I just, it comes up in a number of policy
10 contexts, so I'm just curious.

11 Do you see value in having your
12 schools dual accredited? Or do they, I guess --
13 I know you, I don't know if you want to speak for
14 your institutions that you accredit, but just the
15 role of dual accreditation and what that purpose
16 is?

17 Just if you could just spend a couple,
18 you know, quickly answer that, I would be
19 interested, would be interesting.

20 T. EATON: I think, I think what we
21 should, what I should say is that in the faith-
22 based community, quite frankly, the religious

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1 accreditation in many cases carries more weight
2 than the other accreditations because that
3 community is interested in the institution
4 continuing to be in line with its faith mission.

5 With the in -- they are concerned
6 about overreach. And so, they want to see that
7 the institution is still an independent national
8 institution. And so, in reality the
9 accreditation many times the constituencies that
10 are looking at those accreditations are not
11 necessarily the same, and do not value the
12 accreditation the same.

13 And so in many cases we have
14 regionally accredited institutions who seek the
15 religious accreditor as a confirmation that they
16 are still on task, still loyal to their religious
17 mission.

18 J. BLUM: That's helpful.

19 I just in your context and other
20 contexts I just feel like dual accreditation does
21 have value, if the institutions are willing to
22 put in the effort, of course. There can be

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1 meaningful value in having it.

2 So, I just wanted to hear your point
3 of view. Thanks.

4 T. EATON: And the real issue there is
5 the cost of compliance because now, obviously,
6 because of the regulations and the various
7 normative national norms in accreditation, many
8 of the standards are equivalent. In fact,
9 probably over 80, 85 percent of the standards are
10 equivalent. But, you know, every agency asks for
11 documentation in its own, it's own form.

12 So, there is, there is an added cost
13 and effort involved.

14 J. BLUM: Thank you.

15 C. PRESSNELL: All right. I've got
16 Kathleen and Bob.

17 Kathleen.

18 K. ALIOTO: Hello. Sorry.

19 C. PRESSNELL: We can hear you.

20 K. ALIOTO: Oh, okay.

21 In terms of what you were just talking
22 about with the, that there are some of your

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1 institutions choose to go with you because of
2 financial challenges. You put it more elegantly
3 than that. That you're a significant accreditor
4 for Historically Black Colleges and Universities,
5 especially those that have lost their regional
6 accreditation for failing to meet fiscal
7 sustainability obligations, how many of your
8 colleges and universities are in that kind of
9 trouble?

10 T. EATON: Well, first of all, I think
11 maybe you misunderstood my comment.

12 The cost of dual accreditation is
13 additional not less than. But, and if I
14 understand the question, in my experience we have
15 actually only had -- and this is the process
16 established by the Department -- if an
17 institution suffers an adverse action, they must
18 wait one year to apply at another accreditor.

19 In addition, currently they have to
20 have permission from the Department. That's not
21 an either/or, that's a both/and statement. So,
22 they have to wait a year. They have to have

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1 permission from the Department of Education.

2 In our process, the institution then
3 would actually have to take a step back in
4 accreditation and would be, only be eligible for
5 candidacy status, which is, you know, a much more
6 confined status in accreditation. Which would
7 also mean that there are a number of foundational
8 grants, professional licensure agencies, those
9 kinds of situations where candidacy is not
10 acceptable for the institution.

11 However, they, according to the
12 regulations, they could still be eligible to
13 apply for Title IV funds for their students. And
14 the institution then would have 5 years, up to 5
15 years to come into full accreditation.

16 I've been with the agency over 25
17 years. And in, in my 25 years that particular
18 instance has only happened twice. So, I don't --
19 I mean, we have HBCUs that are faith-based HBUs -
20 - HBCUs. In the case of our most recent HBCU,
21 they, they lost accreditation with their regional
22 accreditor more than 20 years ago. So, and we

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1 worked with that particular institution over 10
2 years to bring them to candidacy.

3 So, the institution, the institution
4 that lost their accreditation, the institution
5 that we accredited, that was not the same
6 institution. You know, they had watch-sized
7 their budget, they had reduced their programs,
8 they, in this case they had sold property and,
9 you know, eliminated debt.

10 So, so if you're speaking about an
11 institution that has been in difficulties and
12 gone to us to come in a, you know, in an effort,
13 the biggest problem that institution has is they
14 have to survive for a year without accreditation.

15 Because we cannot, we cannot even speak to, you
16 know, we can't do anything, we can't even accept
17 their application for a year, so.

18 K. ALIOTO: I'm slightly --

19 T. EATON: So, that's pretty, that's
20 pretty, it's pretty remarkable for an institution
21 to survive a year without accreditation.

22 K. ALIOTO: I'm a little confused what

1 you mean by candidacy then.

2 T. EATON: Yes.

3 K. ALIOTO: Can they apply for
4 candidacy and still receive Title IV money?

5 T. EATON: That is a, that's a pre-
6 accredited status that actually has institutions
7 are able to apply for Title IV funds.

8 K. ALIOTO: Yeah.

9 T. EATON: I mean, that's, that's the
10 Department's.

11 K. ALIOTO: That's true across the
12 board?

13 T. EATON: Yes, ma'am. I can't, I
14 really can't speak for the Department, but yes.

15 K. ALIOTO: George, how does that
16 work? If the school --

17 C. PRESSNELL: We'll ask Herman to
18 respond to that.

19 H. BOUNDS: Yeah, Kathleen, there are
20 some conditions. And I think Donna is on the
21 phone, is on the call, too. She handles a lot of
22 Title IV issues because we're not Title IV folks.

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1 But if they are, it's only applicable
2 in pre-accreditation for nonprofit institutions.

3 They can participate in federal student aid.
4 For-profit institutions cannot participate in
5 federal student aid if they're in pre-
6 accreditation status.

7 Donna, I see you're on. So, please
8 correct me if I got this wrong.

9 D. MANGOLD: You got it absolutely
10 right, Herman. That's correct.

11 H. BOUNDS: Okay. Thank you.

12 K. ALIOTO: And how many of your
13 schools are in that, in that position?

14 T. EATON: Currently we have six
15 schools that are in that pre-accreditation
16 candidacy stage.

17 K. ALIOTO: And what do you do to help
18 them deal with their challenges?

19 T. EATON: Well, most of our energy,
20 we're a developmental accrediting agency, most of
21 my staff energies are focused to assist those
22 institutions. We have -- they report annually to

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1 our office and participate in our annual
2 operational reports.

3 We do have, we do have a cycle, and
4 they will have to go through an additional self-
5 study process as well as an additional onsite
6 peer evaluation before they can come back to the
7 accreditation.

8 And they will have to be at that point
9 in time in substantial compliance with all of the
10 TRACS standards, including the institutional
11 eligibility requirements.

12 K. ALIOTO: The institutional
13 eligibility, what do you mean by that?

14 C. PRESSNELL: Yeah. The pre-
15 accreditation status is not a permanent status.
16 I mean, they have to be making movement toward
17 full recognition or not being recognized. So,
18 it's not like some permanent pre-accreditation
19 status candidacy that you can remain in.

20 So, there is a process step. Most,
21 and many accreditors have it, pre-accreditation
22 candidacy status before full accreditation is

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1 provided.

2 K. ALIOTO: No, I understand that.
3 But I had understood from the conversation that
4 this is what happens with, with schools that
5 haven't made it, and then they become. It's not
6 as if they're just starting. It's that they have
7 financially failed and they're still, they're
8 still getting Title IV money. It's a little
9 different.

10 T. EATON: We cannot control those
11 items. Basically, an institution that comes to
12 us has to start at the beginning. And they
13 cannot, they cannot just move from one accreditor
14 to another, there has to be a time frame, a gap.
15 There has to be permission from the Department.
16 And they have to start back at the beginning.

17 So, for an institution that they could
18 have been accredited for 50 years, but when they
19 come to us they have to start back at the
20 beginning.

21 And as I said, in my experience in 25
22 years we actually have only had two institutions

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1 that have gone through that process.

2 K. ALIOTO: But you have six right
3 now? I thought you had said you have six?

4 T. EATON: No. You're conflating
5 Historically Black Colleges and Universities,
6 only two of those institutions would fit in that
7 scenario. The others would not be a part of that
8 scenario.

9 K. ALIOTO: Well, what are the six you
10 were talking about?

11 T. EATON: Two HBCUs went through the
12 loss of accreditation, the survival for a year.
13 And then went through the pre-accreditation
14 process with TRACS.

15 So, of our 100 institutions, two of
16 them have gone through that process. And they
17 happen to be HBCUs.

18 K. ALIOTO: Okay. And the other six -
19 -

20 T. EATON: Two HBCUs have gone through
21 that process.

22 K. ALIOTO: And the other six?

1 T. EATON: The other six just came
2 with TRACS. They were not, they were -- they
3 were not accredited when they came through with
4 TRACS. So, we have some, some HBCUs who've been
5 members of TRACS for over 30 years.

6 K. ALIOTO: Okay. And the other
7 question that I have, is it still true that all
8 of the accredited schools, the 100 schools under
9 your aegis have to have a statement of faith that
10 affirms the inerrancy and historicity of the
11 Bible and the divine work of non-evolutionary
12 creation, including persons in God's image? Is
13 that a criteria?

14 T. EATON: Our standards require that
15 every institution have a statement of faith. And
16 we consider it a matter, a consumer protection
17 issue, that that statement of faith has to state
18 the position of the institution for its
19 constituent students and staff so that everyone
20 is aware of the condition of the institution.

21 Now, we deal with institutions that
22 have historic faith statements, some of them

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1 hundreds and hundreds, some more than a thousand
2 years old. So, we -- the institution is not
3 required to change its faith statement. We just
4 require that it publish its faith statement and
5 that it represent that to the public as a matter
6 of good practice.

7 So, those --

8 K. ALIOTO: Creationism?

9 T. EATON: Pardon?

10 K. ALIOTO: Creationism?

11 T. EATON: That is not --

12 K. ALIOTO: Non-evolutionary creation
13 is something that you consider consumer
14 protection?

15 T. EATON: No, ma'am. We don't
16 require that statement. That's not a requirement
17 of TRACS.

18 K. ALIOTO: Okay. When did that
19 change?

20 T. PRAMANIK: Early 2000s I guess.

21 T. EATON: I would, I would say
22 somewhere in the process two or three decades

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1 ago.

2 T. PRAMANIK: It remains our
3 statement.

4 T. EATON: It was the founders had a
5 statement that sometimes it's confused as a
6 requirement. And that is part of the corporate
7 papers that we, that we cannot change. But that
8 is not the accreditation standard.

9 We just, we require that an
10 institution that represents itself as an
11 evangelical Protestant institution has a
12 statement of faith that is published and publicly
13 available to everyone in their constituencies.

14 K. ALIOTO: Thank you.

15 C. PRESSNELL: All right. Bob.

16 R. SHIREMAN: Thank you so much for
17 appearing before us today. Just to follow this
18 up on the faith issues, about academic freedom
19 which, obviously, has been in the news a lot.

20 And I saw that in your standards, if
21 I'm, if I'm understanding which things are the
22 standards, that you have a pretty firm

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1 declaration that the institution ensures academic
2 freedom for faculty.

3 And so, as an accreditor of Christian
4 institutions, historically, academic freedom and
5 faith has run into issues, contradictions, et
6 cetera.

7 So, I would be interested, for our
8 edification, in the history, if you know it,
9 around you having that academic freedom
10 requirement, and how much that has come up in
11 reviews of institutions, whether it has been
12 controversial, difficult to enforce, or anything
13 like that?

14 T. EATON: Well, I think there will
15 also be perhaps a tension. But that's part of
16 the peer review interviews when they actually
17 work with faculty. And if occasionally there are
18 issue that, you know, have to be hammered out,
19 the faculty have to have an organization and
20 process to take care of those difficulties.

21 And it really has not been an issue.
22 I think probably part of that is, you know,

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1 there's a certain mindset required to actually be
2 a part off a faith-based institution. You know,
3 they're not going to receive the high salaries
4 that some public institutions are going to offer,
5 and so there's a real service commitment there.

6 But it has not been a, it has not been
7 an issue in the evaluating process, so.

8 R. SHIREMAN: Has it been something
9 where there have been any complaints that have
10 come to TRACS asking for you to intervene where
11 someone feels that their academic freedom has
12 been violated?

13 T. EATON: Not to my knowledge. So,
14 that may be before my time. Not to my knowledge.

15 R. SHIREMAN: All right. Thank you.

16 C. PRESSNELL: All right. Debbie.

17 D. COCHRANE: Hi. Thank you. I
18 actually do not have any questions about the
19 compliance report. I'm taking a page out of
20 Jennifer's book, which is to take the opportunity
21 to ask you, hopefully, very, two very quick
22 questions that just pertain to issues of interest

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1 to the committee and, hopefully, we'll pick up
2 later in discussion.

3 One is the agency provided information
4 at the very start of the presentation around
5 numbers of institutions that were Title IV
6 eligible and the number of students that were
7 Title IV recipients or Pell Grant recipients in
8 particular.

9 I just wondered if you happen to know
10 similar statistics regarding student visas, how
11 many are registered with SEVIS to enroll
12 students' F- or M-1 visas, and how many students
13 in the TRACS institutions are visa students?

14 T. EATON: That is a part of our
15 annual operational report that the I-20, you
16 know, approval and SEVIS approval authorizations.
17 But offhand I do not have that.

18 I do know we have, we do have a number
19 of institutions that participate.

20 D. COCHRANE: Understood.

21 And then my other question is we spoke
22 a little bit yesterday, if you were attending the

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1 meeting, so, my approximate of this discussion,
2 about the issue of unaccredited programs at
3 institutionally accredited institutions, and how
4 agencies look at those, those types of programs.

5 Is that a situation that TRACS allows?

6 Or do you, does TRACS require that all programs
7 offered by institutionally accredited
8 institutions fall under the scope of its
9 accreditation?

10 T. EATON: I would -- there are
11 certain programs that we believe are within the
12 scope of a higher ed institution that would not
13 receive accreditation, such as, you know, some do
14 GED, or they do language programs, and
15 remediation in certain areas -- math, English,
16 whatever.

17 So, non-collegiate programs are not
18 accredited. But we accredit the institution as a
19 whole. And, typically, if there is a program
20 that does not fit in under that umbrella,
21 typically we would ask that institution to either
22 separate that out to a different organization or

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1 to put that program in abeyance.

2 D. COCHRANE: Great. Thank you so
3 much.

4 C. PRESSNELL: All right, very good.
5 Are there any other member questions for the
6 agency? All right, seeing None, thank you.

7 M.E. PETRISKO: Claude?

8 C. PRESSNELL: Yeah, Mary?

9 M.E. PETRISKO: Claude, hand's up,
10 hand's up, sorry.

11 (Simultaneous speaking.)

12 M.E. PETRISKO: I wanted to come back
13 to the faculty issue because in the meantime I've
14 looked at the IERs, the institutional eligibility
15 requirements on faculty, and I will read it, 9.1.

16 The institution employs a sufficient number of
17 full-time and part-time academically and
18 spiritually qualified faculty for the programs it
19 offers to teach and perform related duties such
20 as advising and -- and I would underline this --
21 the curricular oversight needed for the
22 institution to fulfill its mission.

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1 So please help me understand how if
2 that is an essential requirement, an eligibility
3 requirement, this was not seen as a significant
4 compliance issue with the Boston Baptist College,
5 so that they received the recommendation and were
6 allowed to be reconfirmed, reaffirmed. I just
7 don't understand.

8 T. PRAMANIK: So --

9 T. EATON: Okay, let me -- Dr.
10 Pramanik pulled that report.

11 T. PRAMANIK: So let me answer that
12 question. This is Tanmay Pramanik once again.
13 I'm looking at the team report, evaluation team
14 report from Boston Baptist.

15 And it clearly says here that the
16 faculty have a faculty professional organization
17 which is guided by a set of regulations published
18 in the faculty handbook led by elected officers.
19 Meets at twice annually.

20 And the review of minutes indicated
21 that this faculty organization has not been
22 actively involved in the formation of clinical

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1 and academic matters. So they do -- it's a small
2 faculty, it's a small institution, so a lot of
3 things were done informally. And that is where
4 the problem was, and that's why they got cited.

5 It wasn't as if the faculty members
6 were not really involved, that we need to see the
7 paperwork. We needed to see the documentation,
8 and that was part of the issue. Which is why
9 they didn't get cited for the IDR violation,
10 because they in full met the IDR regulation,
11 which was 9.1, having sufficient full-time
12 faculty. And involved in material matters.

13 So that's why the team felt that this
14 could be done with just a recommendation and
15 monitoring by the -- by the TRACS staff and the
16 TRACS Office.

17 And that's why they brought the
18 recommendation and were cited two standards, 3.8
19 and 9.2, which talks about the institution
20 establishing this process for the faculty-led
21 curricular development review modification and
22 assessment of their educational programs, which

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1 they actually not only established a process,
2 they were able to demonstrate compliance by
3 showing us the documentation.

4 And we actually monitored their
5 progress. Not just a matter of six months, but
6 it took about year, year and a half for them to
7 come into full compliance for that particular
8 recommendation.

9 M.E. PETRISKO: Just focusing on the
10 staff was sufficient.

11 T. PRAMANIK: Yeah. Well, the focus
12 of 9.1, which was the IER, is faculty
13 sufficiency.

14 M.E. PETRISKO: Right, so have enough,
15 you have enough faculty. That's what it means,
16 like it's enough faculty, but it's enough faculty
17 to do the work that the faculty needs to do,
18 including curricular oversight. So all right,
19 thank you.

20 T. PRAMANIK: You're welcome.

21 C. PRESSNELL: All right, Mary Ellen,
22 is your hand raised? Your video's not on, so I

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1 can't see your hand raised, but I heard that it
2 might be up.

3 M.E. PETRISKO: Not anymore, thank
4 you.

5 C. PRESSNELL: Okay, thank you very
6 much. Any other questions for the agency?
7 Wally? Art?

8 A. KEISER: Thank you, Claude. I'd
9 just like a point of information or a -- we're
10 here on a compliance report on a specific issue
11 that's dealing with conflict of interest. And
12 we've gone all over the board.

13 And I'm not sure the reports that we
14 are receiving provide the data that we would have
15 in a full review. And it's, you know, it's
16 interesting, but I think we need to focus on what
17 our purpose is today. That's just my belief.

18 C. PRESSNELL: Thank you, Art.
19 Kathleen?

20 K. ALIOTO: Sorry, I'm glad to hear
21 that the students are not being gouged. But I
22 wanted to know if you could tell us, your student

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1 debt, the average student debt among your
2 students in your hundred institutions.

3 T. EATON: Well, if you go with our
4 average, it would be very low because, you know,
5 half of them do not participate in student loans.

6 And because of our low net tuition, the debt of
7 most of our institutions is very low, the average
8 debt. And even in those institutions that
9 participate in Title IV funds, less than half of
10 them even take the loan.

11 So I don't have before me, since this
12 was not on the agenda, I don't have before me
13 that average number. But I can tell you just
14 from the numbers who participate and our low net
15 price, I have every confidence that it's below
16 the average.

17 K. ALIOTO: Is that because the
18 religious communities help support students?

19 T. EATON: In my experience, yes.

20 K. ALIOTO: Thank you.

21 C. PRESSNELL: All right, Mary Ellen.

22 M.E. PETRISKO: Yes, just responding

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1 to Art. The reason why I've asked these
2 questions is that this was part of the compliance
3 report, was 602.15(a)(2), which is competent and
4 knowledgeable individuals as appropriate to judge
5 on the agency standards, policies and procedures
6 to conduct evaluations, etc.

7 So my question is regarding how those
8 standards were applied and how they were
9 evaluated was very much related to this
10 criterion, this regulation that was part of this
11 report.

12 C. PRESSNELL: All right, thank you,
13 Mary Ellen. Any other questions from the
14 committee? All right, seeing None, Mike Stein,
15 do you have closing comments?

16 M. STEIN: Yeah, just two quick
17 comments related to the specific issues in the
18 compliance report.

19 As it relates to conflict of interest,
20 their -- the conflict of interest policies were
21 deemed compliant in the 2020 petition for
22 recognition. What was lacking was sufficient

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1 documentation to show that all political
2 representatives were trained on conflict of
3 interest.

4 And so that showed up in two places:
5 602.15(a)(2), competency of representatives,
6 where we addressed training more globally, but
7 then also the criteria specifically related to
8 conflict of interest.

9 And so what TRACS put in place to
10 satisfy the concerns of the compliance report was
11 a more robust tracking system for training, for
12 all areas, including conflict of interest.

13 As it relates to the issues with
14 distance education, just as a reminder, the last
15 petition, I mean, there's always been evidence
16 that TRACS reviews distance education. They were
17 granted that in their scope of recognition. I
18 observed a site visit in 2019 that demonstrated
19 they reviewed institutions' distance education
20 programs.

21 What was lacking was any sort of
22 consistency in the site review reports they

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1 submitted as examples in the 2019 distance
2 education was mentioned in those site visit
3 reports sparingly or sometimes not at all. I
4 mean, I have evidence, there was training on
5 distance education, they had policies related to
6 reviewing distance education.

7 But it wasn't showing up in the site
8 reviews. So that's why it was a compliance
9 issue. In the intervening time, they have
10 sufficiently addressed that by increasing the
11 amount of training and resources to their site
12 reviewers and their site review report templates.

13 And the site report that they
14 submitted in the compliance report showed
15 consistent evaluation of distance education,
16 where there may be issues or concerns related to
17 enforcement or enforcement timelines. That was
18 not within the scope of this compliance report.

19 Those issues will be reviewed more
20 thoroughly in their next petition for
21 recognition, which is due here this July. That's
22 all I wanted to add.

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1 C. PRESSNELL: Thank you, Mike. Any
2 questions for Mike? All right, very good.

3 So return to the primary readers, Mary
4 Ellen and Molly, for comments, thoughts,
5 entertain a motion.

6 M.E. PETRISKO: I would like to ask
7 Mike a question, and that is given the time
8 that's allowed after a compliance report, which
9 in this case would be two years and five -- five
10 months, am I getting that right?

11 If a compliance report is not
12 accepted, what are the options? Because there's
13 not really much time to get any more information
14 back and then do anything else with it.

15 M. STEIN: That I'll defer to Herman
16 or George.

17 H. BOUNDS: Yeah, I mean if, you know,
18 if the compliance report is not accepted, there's
19 -- there are really not too many other options or
20 recommendations, I mean that are left. The full
21 petition review is in two years and six months.

22 If there was a compliance report for

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1 some area specific to the compliance report being
2 noncompliant, you know, you would -- it would be
3 another year to demonstrate compliance. But that
4 would run right into the, you know, the renewal
5 petition.

6 And then the only other option, if
7 they've already had a year to demonstrate
8 compliance and now as far as the staff goes, we
9 think they have demonstrated compliance, but then
10 you know, NACIQI as a whole says well, they're
11 not, you know, normally after that there are not
12 two other options.

13 We would normally go straight to
14 something more drastic because they've already
15 had their 12 months to demonstrate their -- to
16 demonstrate compliance. But that's not my call.

17 But to answer your question in a muddy
18 way, which is kind of what it sounds like I'm
19 doing.

20 M.E. PETRISKO: Yeah, no, I understand,
21 thank you, that's helpful. Do I understand
22 correctly that the petition for renewal would

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1 already be making its way to you or being with
2 you at this point?

3 H. BOUNDS: Go ahead, Mike.

4 M. STEIN: It's due this July. The
5 agency has received the notice to start preparing
6 that. They've received communication from
7 myself, selecting institutions for review. So
8 they should be well on the way of preparing that
9 petition. But it'll be due in July.

10 M.E. PETRISKO: Okay, thank you. So I
11 find myself in somewhat of a quandary here. From
12 my question, as you can see, that I have some
13 concerns. So I'm going to leave it to Molly to
14 propose an action here, and then we'll see how
15 people feel about it.

16 C. PRESSNELL: Molly?

17 M. HALL-MARTIN: Given that they're
18 already in the process of submitting their
19 materials and everything, I move that NACIQI
20 recommend that the senior department official
21 accept all the recommendations of the final staff
22 report for Transnational Association of Christian

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1 Colleges and Schools, or TRACS.

2 K. CURRY: Second.

3 C. PRESSNELL: The motion has been
4 made and seconded. Discussion?

5 Z. SMITH ELLIS: I have --

6 M. POLIAKOFF: I --

7 C. PRESSNELL: Zakiya, then Michael.

8 Z. SMITH ELLIS: I haven't said much
9 in this, I haven't said anything in this thing,
10 but I've been tracking closely, pun intended.

11 And the only point that I would make
12 to my fellow NACIQI members is to the extent that
13 you do have serious concerns that are related to
14 the actual regulations, then you should vote your
15 conscience and that will be recorded for the
16 senior department official for them to consider.

17 I do -- I don't necessarily share all
18 of the concerns, so I'm not necessarily thinking
19 -- but I do think that we shouldn't be afraid to
20 share and vote your opinion if that's warranted
21 based on what your observation in the discussion
22 was.

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1 And I say that because there have been
2 instances of this committee where we have dragged
3 on and on and on about something, and I don't
4 want you to feel like you have to kick a can down
5 the road if you feel strongly about something.

6 I'm not suggesting that I feel like we
7 need to be voting this out, but I just don't want
8 people to feel hesitant to do that because the
9 history of this has been in that vein.

10 C. PRESSNELL: I think Michael
11 Poliakoff.

12 M. POLIAKOFF: I didn't get a chance
13 to unmute quickly enough to say that I second. I
14 think the answers that we got from the
15 representatives of TRACS were really quite good.

16 And you can see which way I vote as a solution.

17 C. PRESSNELL: Thank you, Michael.
18 And Jennifer.

19 J. BLUM: I also think there's a
20 certain irony, because the amount of time that or
21 we sort of pick over all, you know, or complain
22 about the timeframes in this instance is an

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1 example where they're coming right back. They're
2 about to submit a report, and they've had the
3 benefit of hearing us.

4 So to the extent that -- and Mary
5 Ellen, I totally hear your concerns. But to the
6 extent that the concerns exist, they've now heard
7 them too. And so there's a benefit to the fact
8 that they're coming right back up.

9 And I would say, just to Art's comment
10 earlier, I think one of the great advantages of
11 NACIQI actually is to take the opportunity to
12 understand agencies better.

13 And so while I know -- and I was the
14 one who started going off message, if you will.
15 But I was very clear in my preface that I was
16 going off message, but it was for a purpose.

17 And I do think that, again, to the
18 extent that there were questions raised in other
19 areas, it informs the agency in a positive way in
20 this instance that they can incorporate in the
21 next report that they have coming up.

22 So I'm comfortable with the motion as

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1 it is, mostly in part because I know they're
2 about to file another and start their recognition
3 process soon.

4 C. PRESSNELL: All right, thank you,
5 Jennifer. I might add to Zakiya's comment, is
6 that we have added the ability for you to cast
7 your vote and then provide comment, as long as
8 the comments are brief and to the point and on
9 spot, on issue.

10 Any other points of discussion? We
11 have a motion and a second on the floor. All
12 right, hearing None, let's take the vote.

13 Yeah, go ahead and read the motion
14 into the record.

15 M. FREEMAN: And the motion is as
16 follow: I move that NACIQI recommend that the
17 senior department official accept all the
18 recommendations of the final staff report for the
19 Transnational Association of Christian Colleges
20 and Schools Accreditation Commission.

21 Okay, Zakiya, how do you vote?

22 Z. SMITH ELLIS: Yes.

1 M. FREEMAN: Zakiya votes yes.

2 Kathleen, how do you vote?

3 K. ALIOTO: No.

4 M. FREEMAN: Kathleen votes no.

5 Roslyn, how do you vote?

6 R. CLARK ARTIS: Yes.

7 M. FREEMAN: Roslyn votes yes.

8 Jennifer, how do you vote?

9 J. BLUM: Yes, and Monica, I'm not
10 sure your mic is working.

11 M. FREEMAN: Is this better?

12 J. BLUM: Yeah.

13 M. FREEMAN: Okay, thank you,
14 Jennifer. Wallace, how do you vote?

15 W. BOSTON: Yes.

16 M. FREEMAN: Wallace votes yes.

17 Debbie, how do you vote?

18 D. COCHRANE: Yes.

19 M. FREEMAN: Debbie votes yes. Jose
20 Luis is absent. Keith, how do you vote?

21 K. CURRY: Yes, yes.

22 M. FREEMAN: Keith votes yes. David,

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1 how do you vote?

2 D. EUBANKS: Yes.

3 M. FREEMAN: David votes yes. Molly,
4 how do you vote?

5 M. HALL-MARTIN: Yes.

6 M. FREEMAN: Molly votes yes. Art,
7 how do you vote?

8 A. KEISER: Yes.

9 M. FREEMAN: Art votes yes. Michael
10 Lindsay, how do you vote?

11 D.M. LINDSAY: Yes.

12 M. FREEMAN: Michael votes yes.
13 Robert Mayes is absent. Mary Ellen, how do you
14 vote?

15 M.E. PETRISKO: No.

16 M. FREEMAN: Mary Ellen votes no.
17 Michael, how do you vote?

18 M. POLIAKOFF: Yes.

19 M. FREEMAN: And Michael votes yes.
20 And Bob, how do you vote?

21 R. SHIREMAN: Yes.

22 M. FREEMAN: And Bob votes yes.

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1 C. PRESSNELL: All right, the motion
2 passes 13-2. Is that correct? Yeah, 13-2.

3 M. FREEMAN: 12-2.

4 C. PRESSNELL: Or 12-2, thank you.
5 Congratulations to the agency. We look forward
6 to seeing you again very, very soon.

7 So all right, our next compliance
8 report is with the **Council on Occupational**
9 **Education, COE.** Primary readers are David
10 Eubanks and Debbie Cochrane. I believe Debbie,
11 you're going to introduce the agency, is that
12 correct?

13 D. COCHRANE: That is correct, yes.

14 So COE, the Council on Occupational
15 Education, is a national institutional
16 accrediting agency.

17 Its current scope of recognition is
18 for the accreditation and pre-accreditation
19 throughout the United States of postsecondary
20 occupational education institutions offering non-
21 degree and applied associate degree programs in
22 specific career and technical education fields,

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1 including institutions that offer programs via
2 distance education.

3 COE currently accredits 518
4 institutions and 46 candidate institutions in 44
5 states, the District of Columbia, and Puerto
6 Rico. COE's accreditation enables the
7 institutions it accredits to establish
8 eligibility to participate in Title IV.

9 C. PRESSNELL: All right, thank you
10 very much, Debbie.

11 So the Department staff give us a
12 briefing on the review is Karmon Simms-Coates.
13 Karmon?

14 K. SIMMS-COATES: Okay, good morning,
15 Mr. Chair, and members of the committee. My name
16 is Karmon Simms-Coates, and I'm providing the
17 summary of the review of the compliance report
18 for the Council on Occupational Education.

19 The agency was first recognized in
20 1969 and the last full review was conducted in
21 2021. The SDO continued to recognize the agency
22 in October 2021 and required the agency to submit

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1 a compliance report in November 2022 to address
2 compliance issues under 602.15(a)(3), academic
3 and administrative representation.

4 The SDO also required the agency to
5 demonstrate that it meaningfully engaged with its
6 obligations under 602.20 to enforce this
7 accreditation standards with respect to
8 complaints of fraud and criminal activity at
9 Florida Career College and to provide evidence
10 that it monitored the institution's compliance
11 with the standards and actions taken to evaluate
12 compliance in light of the lawsuit.

13 The agency provided a list of
14 accreditation site visits that included both
15 academic and administrative representatives to
16 demonstrate compliance with 602.15(a)(3), to
17 demonstrate monitoring and actions taken to
18 evaluate Florida Career College compliance with
19 its -- oh sorry.

20 The agency compliance report
21 demonstrated that it conducted extensive
22 monitoring of FCC's compliance with standards.

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1 The agency provided a chronology of its
2 monitoring activities that were implemented to
3 investigate the allegations in the lawsuit.

4 The agency's monitoring activities
5 since 2020 included but were not limited to
6 requiring the institution to submit quarterly
7 reports on the progress of the lawsuit,
8 conducting a focus review, unannounced site
9 visit, comprehensive site review for
10 reaffirmation, interviewing students involved in
11 the lawsuit, and ordering a third-party audit of
12 the institution student achievement data.

13 The agency's monitoring activities
14 actually began in May 2020, which was prior to
15 the SDO's October 2021 decision letter requesting
16 a compliance report. In 2020, the agency
17 immediately issued a notice of apparent
18 deficiency to address FCC's compliance after
19 receiving notification about occasions in an
20 ongoing lawsuit against the institution.

21 This notice immediately put the
22 institution on monitoring status. COE's

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1 commission convened several times during the
2 compliance period to evaluate FCC's compliance
3 with standards and the commission continued the
4 notice of apparent deficiency for further
5 monitoring and additional information.

6 COE's commission did not find evidence
7 that FCC engaged in fraud or criminal activity
8 during the compliance period, and therefore
9 enforcement actions or timelines required under
10 602.20(a) for noncompliance were not implemented.

11 In addition, the lawsuit was
12 ultimately dismissed by the court during the
13 compliance period.

14 The staff recommendation to the senior
15 department official for this agency is to renew
16 the agency's recognition for two years and five
17 months. This recognition is based on a review of
18 agency's compliance report, supporting
19 documentation as well as three observations, a
20 board meeting, file review, and site visit.

21 The Department received two third-
22 party comments, but as agency, the first comment

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1 mostly related to the compliance and monitoring
2 of the Florida Career College, and the second
3 comment was unrelated to the agency's compliance
4 with the recognition regulations.

5 This concludes my presentation. The
6 agency representatives are here today to answer
7 any questions.

8 C. PRESSNELL: Thank you, Karmon.
9 David, do you have a clarifying question for
10 Karmon?

11 D. EUBANKS: Yes, just a quick
12 question. I couldn't tell the answer from the
13 narrative. It seems like for the 602.15 issue,
14 there was a requirement to have the visiting
15 teams must have an academic and administrator.
16 And that the tracking system made that unclear.

17 What I couldn't determine was were
18 there in fact visits that comprised peer review
19 teams that omitted one of those categories?

20 K. SIMMS-COATES: In the original, I
21 think it was basically the tracking system that
22 did not -- did not present -- they weren't able

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1 to -- it wasn't included in the tracking system,
2 so therefore they weren't able to present it in
3 the petition.

4 But in the response, I'm sorry, I have
5 a cold, so bear with me. In the response, they
6 did in fact include from 2021 to 2022 site visits
7 that had administrative and academic
8 representation.

9 D. EUBANKS: Right, thank you for
10 that. And was there any indication that before
11 2021, that would have been a problem?

12 K. SIMMS-COATES: No, there was no
13 indication. It was simply the tracking system.

14 D. EUBANKS: Great, thank you for that.

15 C. PRESSNELL: Thank you, David. Any
16 other clarifying questions for Karmon? All
17 right, seeing None, I'd like to introduce the
18 president of COE, Kirk Nooks, to open up
19 comments. Introduce your team as well, if you
20 wouldn't mind.

21 K. NOOKS: Thank you. Good morning,
22 and thank you again to the chair and members of

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1 NACIQI for -- are you getting some feedback?

2 C. PRESSNELL: Yeah. If everyone can
3 mute their mics, and then that way Kirk can be
4 on.

5 Kirk, you muted yourself.

6 K. NOOKS: Right, so is it okay now?

7 C. PRESSNELL: You're good.

8 K. NOOKS: Okay, wonderful. Good
9 morning again, and thank you to the chairman and
10 the members of NACIQI for this opportunity to
11 share some time on this morning's agenda. My
12 name is Kirk Nooks, and I've been serving as
13 president and CEO at the -- for the last nine
14 months.

15 I would like to first thank the team
16 at the Department for partnering with our agency.

17 It's been very helpful, especially for me since
18 my arrival. The team has taken the time to
19 answer questions, provide clarification and
20 explanations on various aspects of DOE
21 regulations.

22 More specifically, I'd like to

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1 acknowledge this morning Herman Bounds, Karmon
2 Simms-Coates, and L.G. Corder for always being
3 available.

4 This morning I have joining with me
5 members of the COE team as well as members of our
6 executive committee from our commission. And
7 I'll ask them just to say a word of good morning.

8 That way we can hear from them.

9 We'll start with our staff, Susan,
10 Kallan, and Warren, then we'll move to our
11 executive committee members.

12 S. WRIGHT: Good morning, my name is
13 Susan Wright, and I serve as Chief of Staff at
14 COE.

15 W. HAYNES: Good morning, Warren
16 Haynes, and I serve as Associate Executive
17 Director of Operations.

18 K. WILLIAMS: Good morning, I'm Kallan
19 Williams, the Associate Executive Director of
20 Compliance.

21 K. NOOKS: And I believe we have some
22 of our executive committee members from our

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1 commission on the line. Kim, Jeff, others.

2 K. ZIEBARTH: Good morning, my name is
3 Kim Ziebarth, I'm the Associate Commissioner for
4 Technical Education for the Utah system of higher
5 education. I've been affiliated with COE for
6 about 15 years as a team leader, team member,
7 standards and conditions committee member,
8 executive member, and now as chair.

9 J. SISK: Hey, good morning to the
10 committee and members of -- Mr. Chair. My name
11 is Jeff Sisk. I work at the Tennessee Board of
12 Regents.

13 I'm the Chief Workforce Development
14 Officer. However, prior to that I had 26 years
15 on Tennessee Colleges of Applied Technology
16 campuses all across Tennessee, the state public
17 technical colleges as an instructor, a state
18 services professional vice president, and the
19 last 18 years as president.

20 I'm the immediate past chair and been
21 a commission member for a couple of terms now.
22 Sorry for not turning my video on. I'm driving

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1 and the signal's a little spotty. But thank you.

2 K. NOOKS: Also --

3 J. HA: Hello, my name is Julie Ha.
4 I'm president of Mayfield College. We are a
5 small, two-campus school based in California.
6 And Mayfield College has been a proud member of
7 COE for over 25 years.

8 J. COTTER: Good morning, my name is
9 Josh Cotter. I am coming to you this morning
10 from beautiful West Plains, Missouri, in the
11 Missouri Ozarks. I'm the Director of Southern
12 Missouri Technical Institute.

13 I've been here since 2009. We got our
14 initial accreditation through COE in 2014, and we
15 were reaffirmed in 2020. I've served as a team
16 member on the commission, on the standards
17 committee, and I currently serve as secretary
18 treasurer.

19 And just might add that we're one of
20 Missouri's 57 area career centers controlled by a
21 local public school.

22 C. DUNBAR JACKSON: Hello, my name is

1 Comelia Dunbar Jackson. I'm the Corporate
2 Nursing Director at Delta College in Baton Rouge,
3 Louisiana. I am also a commissioner and a member
4 of the executive committee.

5 K. NOOKS: And Mr. Chair, based on all
6 the individuals you've heard from from COE, we
7 stand ready to respond to questions this morning.

8 And just pointing out one of the unique features
9 of COE, we believe, is the diversity of our type
10 of -- the institutions or members we accredit.

11 So they come not only from the
12 nonprofit sector, but also from the for-profit
13 sector, as well as the federal government,
14 register of apprenticeships. So again, we stand
15 ready to respond to questions based on the
16 compliance report.

17 C. PRESSNELL: All right, very good,
18 thank you, Kirk.

19 So let me return then to the primary
20 readers for questions. I don't know if David,
21 you want to begin, or?

22 D. EUBANKS: Sure, thank you. Thank

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1 you, Dr. Nooks, for your remarks and for your
2 colleagues'. And appreciate you being here and
3 appreciate the materials you sent for our review
4 for the Department's review. I found the
5 timeline construction to be particularly helpful
6 in understanding what was a complex sequence of
7 events.

8 So I guess my first question is kind
9 of general. Given the history over several years
10 of the attention on Florida Career College, or
11 FCC, and in particular its recruitment
12 activities, and I'm sure you're quite aware of
13 the FSA report and what seems to be the closure
14 of the college.

15 Has that been a learning experience
16 for COE? And if so, what kind of changes are in
17 the works?

18 K. NOOKS: Thank you for that
19 question. I can certainly share with you that in
20 my nine months of being here, that this has been
21 a learning experience. But based on the
22 conversation with others, commissioners and

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1 staff, we too have significant takeaways.

2 I can say leading up to our
3 recognition submission in July that there will be
4 a comprehensive overview and review of our
5 policies and our rules, our standards and
6 conditions to try to learn just a little bit more
7 on areas that may not have been, if you want to
8 call it not as clear with regards to, you know,
9 getting additional data or focus on petition --
10 on particular areas.

11 I can tell you that our monitoring
12 efforts have really increased. If you think
13 about proactive and reactive monitoring efforts
14 over the last nine months, our commission spent
15 time at each meeting reviewing the information
16 presented to us, allowing for due process of
17 course, not only notice but allow the institution
18 to respond.

19 I do think one key takeaway, and
20 again, we are part of the triad of this work, is
21 the limited information that was available to us
22 at certain times. We do understand the

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1 confidentiality that was required between the
2 institution and the government to work through
3 some of these questions.

4 But I think that was one of our key
5 takeaways on how could we gain additional
6 information inform some of the decisions that
7 could have been made.

8 So all in all, again, we're taking a
9 look at all of our policies and our rules and our
10 standards and conditions. And we want to exhaust
11 every and all options in terms of contracting
12 with other partners to, you know, see if we can
13 take a closer look at fraud and abuse and
14 anything of that nature that may be going on.

15 D. EUBANKS: Thank you for that, I
16 appreciate your forthrightness and succinctness.

17 And what I'd like to do is dig into some of
18 those issues you mentioned in the rubric of this
19 602.20 criterion. And help us see this as a
20 collegial conversation to try to root out maybe
21 some of the things that speak to your
22 introspection.

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1 When I look at the process of review
2 in general, not just for FCC, please correct me
3 if I'm wrong, I'm going to try to describe what I
4 see, and then you can correct me.

5 It looks like there's one main focus
6 of the review. Some accreditors have like multi-
7 stage reviews like an offsite-onsite board
8 review. It looks like there's one focus review,
9 so kind of one point of failure. And that the
10 committees don't have a direct representative of
11 COE there. And correct me again if I'm wrong
12 here at the end.

13 But so the scope of the review is
14 quite large because you have very detailed
15 standards and the, if I'm correct, the standard
16 two applies to each program. So when I look at
17 the self study, it's like this long section for
18 standard two for every single program. So it
19 becomes quite a large self study report.

20 And the first self study we have in
21 the documentation for FCC, not the 2022, and
22 there's one before that that was included.

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1 There's a note from the team on that report that
2 says they were limited in time because of the
3 travel between branch campuses and the size and
4 the scope. I get the impression that they're
5 just under a lot of pressure to get all this
6 done.

7 So this is my conclusion at this point
8 for you to react to, is it seems like a really
9 heavy lift for your review teams. And
10 consequently, a lot will depend on the good will
11 of the institution to reveal its own issues and
12 problems in its self study. Is this a fair
13 assessment?

14 K. NOOKS: I would say certainly, you
15 know, it's our, if you want to call it intent, to
16 make sure that there is sufficient time to review
17 any one of our member institutions. Usually it's
18 a four-day window. It is somewhat of a
19 structured timeline, so maybe that structured
20 timeline does lend itself to a little bit of time
21 constraint.

22 But the FCC being one of our larger

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1 members, I can also, again, I was not on that
2 particular team. But I could see some challenges
3 due to the size of the institution, the number of
4 programs, the number of campuses that would not
5 traditionally fit into that four-day model.

6 So there is, you know, room for
7 discussion to go back and take a look at how we
8 staff teams. And is that four-day sort of
9 guideline model that we have in place, should it
10 really be a, lack of a better phrase, one size
11 fits all? Or should it expand based on the
12 complexity and size of the institution?

13 D. EUBANKS: Thank you. And I looked
14 through the staffing list that you provided for
15 the 602.15 piece. And you've got a lot going on.

16 There are a lot of reviews and a lot of people.
17 I can't imagine the logistics in trying to
18 coordinate all those visits with travel schedules
19 and conflicts of interest and everything.

20 Is my assumption correct that you're
21 not -- that the council doesn't send a
22 representative like a vice president or liaison

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1 on each visit? It is just peer reviewers?

2 K. NOOKS: It's peer reviewers. Our
3 policy indicates that a senior staff member may
4 be included. And at times we have. But that is
5 currently not on the policy. However, again, as
6 I mentioned, we are reviewing a number of our
7 policies and rules over the next three to four
8 months.

9 This is not only because I'm new to
10 the organization and we were adding a fresh lens
11 to the work we do and how we approach it. But as
12 you mentioned, this is an opportunity for us to
13 act as a, if you want to call it, learning
14 organization and apply what we've learned from
15 the situation.

16 D. EUBANKS: Thank you. And in
17 particular, the staff roster for the 2022 flow
18 review for FCC, I think it's standard ten that
19 addresses the recruitment issues and admissions
20 issues, which were by then, you know, a long,
21 there was a long period of attention to those
22 issues at that point.

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1 And the person assigned to standard
2 ten was an academic -- I can't really tell, but
3 it didn't seem that this person would have
4 particular expertise in admissions. I know you
5 weren't, I guess you probably weren't involved
6 with that.

7 Is that an area to improve, to
8 consider, given the importance of admissions
9 issues, especially in this case, to include
10 committee members who have expertise in that
11 area?

12 K. NOOKS: Yes, sir.

13 D. EUBANKS: And I guess the same
14 thing would have applied to the focused visit. I
15 didn't see the -- the documentation there doesn't
16 tell me what the qualifications of the peer
17 review team. I think there were three people on
18 that one. I assume that one also did not include
19 someone with expertise in admissions.

20 K. NOOKS: I would have to pull that
21 report. And I can ask the team to quickly glance
22 back. But I do know that the goal is and focus

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1 is to have people on those teams with the
2 prerequisite expertise.

3 D. EUBANKS: Well, I think it's not
4 just your organization. I think generally this
5 is a blind spot with accreditation. I have never
6 been on a team visit that had a vice president or
7 even admissions director. So I don't think this
8 is an issue just solely related to COE.

9 K. NOOKS: Not that it would make the
10 situation in the past any better, however, I can
11 tell you over the last three months we've
12 conducted an internal audit on our team member
13 and team leader efforts as it relates to visits.

14 And we are, you know, really increasing the
15 amount of recruitment and training potential
16 individuals to be on those teams.

17 So we are looking to strategically
18 increase the pool of volunteers. And we have
19 some people who are very interested in going
20 through the training. Our spring accreditation
21 institution, as we call it, has been rebranded
22 and focused on providing that training.

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1 So again, we have learned one or two
2 items from that particular section of this
3 process, and we're implementing those, you know,
4 adjustments as we speak.

5 D. EUBANKS: Thank you. When I look
6 at the peer review team report, there may be more
7 to it that I didn't see that I missed or just
8 wasn't included. But all I saw was like the long
9 list of standards and then like a yes, no, or
10 good or excellent. Just like a single summary
11 word.

12 What I'm accustomed to seeing,
13 especially from like the former regional
14 accreditors, is a fairly substantial narrative
15 that describes the evidence, maybe who was
16 interviewed, and how they reached the conclusion
17 that the standard was satisfied.

18 Is that all there is, just that check,
19 what I'll call a check-box list of standards?

20 K. NOOKS: There is a check sheet that
21 is referred to. But in the full team reports,
22 sometimes there are the opportunity for

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1 narratives and additional explanation. Again,
2 not that we're trying to excuse away what's
3 currently done, but I can tell you that we have
4 made some additional investments over the last
5 three months.

6 And we have a new accreditation
7 management system rolling out in June that will
8 provide for that narrative-based type of report
9 that you're referring to.

10 D. EUBANKS: Okay. I think that
11 probably this is subjective, but I think that may
12 be challenging, given the scope of the work and
13 the, you know, the single review and so forth.
14 It's a huge amount of work to actually document
15 all that stuff. So I think that may end up being
16 one of the challenges.

17 In this case of course it looks like a
18 review, if you just take the statements
19 literally. It says we reviewed it and they're
20 fine or even excellent, when the deeper kind of
21 investigation that FSA had the resources to do
22 paints a different picture.

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1 So I think it's going to be
2 challenging probably to figure out how to make
3 that happen within the complexity of the
4 standards, the size of the committees, the time
5 we have available, and so forth.

6 So let me turn to the 2022 self study
7 for a second. There are some areas like staffing
8 that I thought were -- provided a lot of detail,
9 so that within self study, I think someone could
10 go through and get a pretty good sense of the
11 situation for those standards.

12 And the standard two narrative where
13 there's like a pretty robust list of questions
14 that every single program has to answer is
15 admirable if, you know, people have the time to
16 review it and it provides the information
17 necessary.

18 However, generally speaking, the self
19 studies seem to very thin in factual
20 presentations and arguments that standards are
21 being satisfied.

22 For example, the one on recruitment or

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1 one of the standard ten criteria on recruitment,
2 admissions requirements offer reasonable
3 expectations for successful completion of
4 programs. So that kind of gets to the heart of
5 the problem, right.

6 The institution only wrote two
7 sentences. By coincidence, I'm actually doing
8 this for my accreditor right now. And our
9 response from a similar standard is ten pages
10 long and 58 supporting documents.

11 So it seems like -- or let me just ask
12 the question. Are these self studies the way
13 they're being done now, do they have enough
14 content to be credible?

15 K. NOOKS: Well, based on our current
16 standards and conditions, you know, the team
17 members throughout here, evaluators, they have
18 enough expertise, especially during the visit, to
19 basically check and review the evidence that an
20 institution would present.

21 We do believe that there is enough,
22 you know, evidence or information there to render

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1 a decision and that would start our comprehensive
2 process of review. Again, the self study is one
3 of the initial parts, but beyond the self study,
4 we'll also have, you know, staff will review
5 that.

6 Once the report comes in, it goes to
7 our commission. Once it goes to our commission,
8 there's a first reader and a second reader. Then
9 it goes to a discussion. So there are multiple
10 layers to sort of demonstrate the adherence to
11 standards and conditions.

12 D. EUBANKS: What sort of extra
13 evidence would your peer reviewers expect to see
14 then for that standard or other standards or in
15 recruitment and admissions?

16 K. NOOKS: They would take a look at
17 records of admissions that are available through
18 their centralized filing system. They would also
19 view marketing and improvement materials.

20 They would interview, you know,
21 whether it's personnel or students to gain that
22 additional insight. You know, a number of

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1 commissioners who are on the line certainly feel
2 free as you go out to add context, what you might
3 be looking for as well.

4 K. ZIEBARTH: This Kim. And generally
5 we would be looking for policies, procedures,
6 plans, evaluations. We would be looking at
7 student records to understand that they are
8 following those policies and procedures as
9 they've been defined.

10 In an area such as recruiting, we may
11 look at some of those recruiting materials to
12 ensure that they are ethical.

13 D. EUBANKS: Kim, it sounds like
14 you've been on one of these reviews. Can I
15 follow up?

16 K. ZIEBARTH: Absolutely.

17 D. EUBANKS: So it seems like the onus
18 should be on the institution to make its case in
19 the self study and actually highlight those
20 pieces of evidence that you're talking about.
21 But they, as far as I can tell, they didn't do
22 any of that with really any of their standards.

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1 So doesn't that put all the work on
2 you to go in and sort of start over and do the
3 self study for them?

4 K. ZIEBARTH: No, generally you read
5 the self study to understand context. And then
6 the supporting documentation for that area is
7 really where we pay attention. I want to see the
8 policies, procedures.

9 Certainly they can describe those in a
10 narrative. But I want to see the evidence. I
11 want to see that they're doing what they said
12 they're doing.

13 And oftentimes there is extensive
14 evidence. There may be a brief explanation, but
15 there's extensive evidence attached to each
16 criteria.

17 D. EUBANKS: Or admissions criteria --
18 excuse me -- would you expect to see detailed
19 admissions statistics?

20 K. ZIEBARTH: Yes, I believe in that
21 area. I mean, it's going to vary between
22 institutions. You're going to see admissions

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1 policies, you're going to see any admissions
2 testing and scoring that is required. Again,
3 student results and outcomes, what that looks
4 like.

5 We absolutely look at our student
6 outcomes to ensure that the admissions
7 requirements indicate that a student has the
8 foundational -- the foundation that they need to
9 be successful in a program.

10 And so those are things that we would
11 be looking at to understand the way that the
12 institution's carrying out their compliance with
13 that criteria.

14 D. EUBANKS: Thank you. Would you
15 then expect differential outcome rates by
16 different student types? For example, in FCC's
17 case, they had the ability to benefit students as
18 a separate category, which ultimately the FSA
19 report called out.

20 Would you expect to see, just as a
21 matter of course, that the institution's breaking
22 out success statistics according to the

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1 variations in their admission report?

2 K. ZIEBARTH: Yes, you would.

3 D. EUBANKS: I guess you probably
4 don't know if FCC did that. There's nothing in
5 the self study that says anything about this.
6 It's got two sentences and no linking document.
7 So I believe you, but there's nothing in the self
8 study that shows me they really did their
9 homework here.

10 Thank you, I'll move on. Thank you
11 very much for those great responses, Kim.

12 I'm looking at my notes because I have
13 a brain like a goldfish. So the most stringent
14 and probably admirable COE requirement, you know,
15 in my review is that you have benchmarks. You
16 have student achievement benchmarks. And those,
17 as far as I can tell, you're serious about those.

18 So in kind of contrast to what I see
19 as the self study and peer review, which depends
20 an awful lot on the good will of the institution,
21 these harder numbers permit, you know, a more
22 stringent kind of a review.

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1 However, there's a -- the FSA report
2 suggested that those statistics can't be trusted
3 from FCC or couldn't be trusted. In other words,
4 there are a variety of ways in which an
5 institution might fudge its numbers.

6 One of those is that there seems to be
7 a way to use waivers to eliminate students from
8 cohorts. So you can say this student wasn't
9 really in the cohort, so it decreases the
10 denominator and increases the success rate.

11 I don't know who wants to answer this
12 question, but how do you detect the accuracy or
13 how do you ascertain the accuracy of those part
14 statistics?

15 K. NOOKS: You know, in order to
16 include students in those waiver categories,
17 there are forms that need to be filled out and
18 provided to the visiting teams as well as to COE.

19 If there is a member institution who
20 is desiring to not adhere to our integrity value,
21 then just like anything else, you know, that can
22 be used to skew numbers.

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1 We would hope that that wouldn't be
2 the case. But again, the waiver would need to be
3 documented and provided. And the institution did
4 provide waivers that were signed by institutions
5 -- I mean by students.

6 D. EUBANKS: Thank you. And I assume
7 if an institution really wants to fool everybody,
8 that they can do that for a long time. Because
9 we depend a lot on different kinds of paperwork.
10 I guess the -- there are ways, however, to use
11 experience and just looking at data to try to
12 look for red flags.

13 So are the peer reviewers, when they
14 are trying to evaluate the accuracy of these
15 critical pieces of information, are they trained
16 currently to look for certain kinds of red flags?

17 K. NOOKS: They are. You know, one of
18 -- you know, a specific example is employer
19 verification forms where we're asking about wages
20 and, you know, how students are faring upon
21 graduation or placement.

22 We not only take the institution's

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1 word for it, but the employers have to fill out
2 certain forms and sign off and send that in for
3 us to validate, you know, what we're receiving
4 from the institution.

5 So that's just one example of how we
6 validate and verify. You know, it's really a
7 challenging thing for us to say that this one
8 example is indicative of, you know, the 530 other
9 members we have. So that would be my response.

10 D. EUBANKS: Thank you. And in my
11 reading of the self study and associated
12 documents, one thing jumped out to me in that
13 they're these long and informative forms that
14 describe the outcomes for each program and then a
15 summary of those. And of about 3400 graduates,
16 all of them were employed in a field related to
17 their program.

18 In other words, what they found a job
19 in was directly related to the program that they
20 graduated with. That's an interpretation.
21 There's another column that says how many were
22 employed in other fields of study, and that

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1 column has a zero in it.

2 As a person that works with data an
3 awful lot, that just seems implausible. It
4 doesn't mean it's wrong. Maybe there's some
5 technical explanation for it. But it's the kind
6 of thing I would expect peer reviewers to pick up
7 on and discuss in their peer report, if nothing
8 else.

9 Do you agree?

10 K. NOOKS: I do agree.

11 D. EUBANKS: Is there an -- well, does
12 anybody know, is there an explanation for that?
13 Is there a technical way that that could be true?

14 K. NOOKS: I can tell you that the
15 annual reports that are submitted from
16 institutions will have some additional checks and
17 balances, you know, moving forward. As I
18 mentioned, it's difficult when you have, you
19 know, the case of one institution that, you know,
20 presented their results in a way that should have
21 raised flags and did not.

22 D. EUBANKS: Is it more attractive for

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1 an institution to have graduates that are
2 employed in their field of study? In other
3 words, does the institution have a motive to skew
4 statistics?

5 K. NOOKS: You know, why an
6 institution would do that, I wouldn't want to
7 guess why that particular institution would have
8 wanted to represent their data in that way.

9 D. EUBANKS: Okay, so there's not a
10 standard that rewards them for having graduates
11 that were employed in their field of study.

12 K. NOOKS: No.

13 D. EUBANKS: Thank you.

14 Claude, that concludes my questions
15 for now. I really appreciate your responses, Dr.
16 Nooks, thank you.

17 K. NOOKS: Thank you. Thank you for
18 the questions.

19 C. PRESSNELL: Thank you, David.
20 Debbie, do you have some follow-up questions as
21 well?

22 D. COCHRANE: I do, thank you. I'm

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1 going to try to go through my own set of notes.
2 And I know Dave covered some of the same types of
3 issues that I was going to ask about. So let me
4 just -- bear with me while I look through to try
5 to make sure I don't make you repeat.

6 C. PRESSNELL: Thank you.

7 D. COCHRANE: You know, I also was
8 reviewing some of the past records and focused, I
9 think, a lot on the 2022 team report. Because it
10 felt like a pretty foundational document in terms
11 of the agency's understanding of what was
12 happening at FCC and kind of creating its own,
13 kind of its own foundational documents while
14 knowing there was an investigation going on.

15 So a number of my questions here
16 pertain to that. I did have some questions
17 around the accuracy of statistics reported which
18 I think, you know -- already touched on a bit.

19 Jumping around a little bit, you know,
20 I heard, and I don't want to -- please correct
21 me, I'll refine this as needed. What I believe I
22 heard in the response to these questions on that

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1 where references in terms of, you know, how do
2 you assess the accuracy of, say, job placement
3 statistics, there was reference to student
4 waivers, employer attestations. So that sounds
5 reasonable.

6 I think what I'm struggling to
7 understand is how this all comes together.
8 Because there were, I think, about over 10,000
9 students who were enrolled in FCC. Those types
10 of things are very student by student, you know,
11 document reviews that would have to happen. So
12 it's very, very time consuming.

13 And there's a lot of factors in this
14 team report, right? And this team report is
15 something like almost 50 pages. Of course, some
16 note non-compliance, but it covered a lot of
17 ground with, I believe, four team members over
18 four days. How is that credible? How do you get
19 there?

20 And, you know, assessing the accuracy
21 of these numbers is one of dozens, maybe even
22 hundreds of things the team replicated, and over

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1 10,000 students, individual level documentation.

2 How does that work?

3 K. NOOKS: Well, you know, as I
4 mentioned earlier on, one of the, if you want to
5 call it lessons learned or takeaways, is the, if
6 you want to call it prescriptive, it varies to
7 the four-day window.

8 This team, you know, upon looking back
9 at it, the team could have had additional members
10 on it. You know, I can't really speak to why
11 there were only four members.

12 The second thing would be FCC. If
13 it's not, it's certainly one of the larger
14 members, and it is not typical for COE to have
15 that size of an institution. So, you know, the
16 preparation and ramp up at -- applied to handle
17 the complexity and the volume. You know, that's
18 a lesson learned. That should have happened, and
19 it likely didn't.

20 You know, some of the implementation
21 of this new accreditation management system, as
22 I'm mentioning, will have some of the more

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1 technological levers that can flag and automate
2 these concerns, and bring them to our attention
3 so we can drill down a bit more.

4 And the finally our approach to
5 working with, you know, third party agencies that
6 would help us to uncover any potential anomalies
7 or potential fraud is certainly something we will
8 make sure that's in place.

9 D. COCHRANE: Great, thank you. And I
10 will say also, I really do appreciate you, I
11 appreciate the comments you already made about
12 being a learning institution. I think you're
13 hearing in real time NACIQI is also a learning
14 organization. We're trying to learn just not
15 just about what happened in this case, but also
16 how do we do our job as best we can.

17 K. NOOKS: Sure.

18 D. COCHRANE: Because I think it
19 sounds like you share concerns with us that all
20 is not right with this situation. And how do we,
21 with our role, influence that for the better so
22 it doesn't happen again. So I appreciate your,

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1 again, those comments, and I also appreciate your
2 taking some of these questions in that same
3 light.

4 There was a comment in the 2022 team
5 report about student file review. It says
6 there's a minimum of 25 student files that got
7 reviewed on the site visit and then how many were
8 on this visit, 25. I think that's the kind of
9 thing I would have thought maybe this kind of
10 situation, if something's going to trigger you to
11 do more than the minimum, it would be this
12 institution in this instance.

13 Can you speak to how COE looks at that
14 minimum and sees opportunities to adjust it?

15 K. NOOKS: Certainly. Again, I want
16 you to know that we take this seriously. And
17 that particular area has been under discussion
18 since I've arrived. Our policies and rules, our
19 Standards and Conditions Committee just --
20 traditionally meet, you know, once, twice a year.

21 They've already committed to meeting several
22 times this year to address concerns like that.

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1 We are in discussion right now of
2 moving that, instead of a hard number, to a
3 percentage that will allow for, again, the
4 expansion as the size of an institution and
5 complexity of an institution increases. So we
6 hear you loud and clear. That is certainly on
7 our radar.

8 D. COCHRANE: Great. Also in the team
9 reports in Standard 10, which is one of the areas
10 where the institution was commended, there's a
11 question about number of complaints that have
12 been received by the institution since the last
13 site visit. There were 290 in this case. How
14 does that compare to other institutions in site
15 visits when teams go out to those institutions?
16 Where does that 290 fall on a scale?

17 K. NOOKS: That's a very good
18 question. And let me see, I'll have our team
19 take a look at that really quickly. I don't have
20 that off the top of my head. However, you know,
21 just by hearing the number 290 in context of what
22 I'm usually hearing with, you know, institutions,

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1 I would say that is on the high side.

2 D. COCHRANE: It looks like from the
3 report that the team is intended to review each
4 of the complaints that have come in, you know, to
5 make sure that it was followed and everything was
6 done properly.

7 So I just quickly did some math. If
8 on average, that review process took five minutes
9 per complaint, that would have taken up more than
10 three days of time for one of the staff people.
11 So just one component is one standard ten, you
12 know. You can see why the math, the timing
13 raises some significant questions. So I hope
14 that's also on your agenda for areas where you
15 can look for improvement.

16 K. NOOKS: We've got a nice list
17 going.

18 D. COCHRANE: Great. Okay. So I want
19 to go through a little bit of the timing, okay.
20 So this team report was September of 2022. In
21 April of 2023, the department issued their denial
22 letter documenting findings of non-compliance in

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1 certain areas, including misrepresentation in
2 job placement rates and the like.

3 With respect to whether they
4 misrepresented job placement rates or data to
5 the accrediting agency, it basically said we're
6 going to defer to the accrediting agency because
7 it's their, you know, it's their thing to
8 determine. But we're going to pass over all the
9 evidence we gathered.

10 Did that, in fact, happen? And what
11 did the agency do with that data provided by the
12 department?

13 K. NOOKS: The agency did take a look.
14 We had a third party, if you want to call it a
15 COE affiliate, who went in and reviewed all of
16 the documentation. We did not, again, we did
17 not, you know, find any particular absence of
18 information or documentation. So under our
19 current process, you know, it did not yield the
20 area of concern as indicated.

21 The challenge was also information we
22 obtained from the department was a number of

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1 former employees and a number of students who
2 alleged this action. When we contacted those
3 individuals there were a range of responses.
4 Some individuals did not want to talk about it.
5 Some individuals said it is water under the
6 bridge. Others did not return our call.

7 There was even one case where the
8 individual said I didn't say that. So as you can
9 imagine, it was very confusing with the
10 information we had available.

11 When we provided the information to
12 the institution for them to, you know, refute or
13 respond, they in turn submitted to us signed
14 affidavits by not only students, employees, and
15 two forensic auditors who suggested, you know,
16 that the information was, if you want to call it,
17 reviewed and accurate.

18 So as you can imagine, trying to move
19 through that amount of information and trying to
20 identify what actually happened was indeed
21 challenging.

22 D. COCHRANE: Okay. That makes some

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1 sense. The conclusions that you were stating,
2 was that work that the agency itself did? Or was
3 that stemming from the independent auditor that
4 was hired in July of 2023?

5 K. NOOKS: That was coming from the
6 independent, you know, COE partner, yes.

7 D. COCHRANE: Okay. I guess my last
8 question, and again thank you very much for your
9 candor, you made a comment in response to David
10 Eubanks that included a phrase of, you know,
11 about learning, about how to handle institutions
12 that present data in ways that should have raised
13 flags but did not.

14 Is there anything more you want to say
15 about that? Again, we also need -- we have a
16 role that we're trying to play here. And I know
17 there's, you know, this is one institution, and I
18 know this committee as a whole talks sometimes
19 about how much we should interpret from one
20 institution. But it is incredibly important that
21 we learn from every institution.

22 So is there anything more you want to

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1 say on that piece about how this institution
2 presented itself in ways that should have raised
3 flags but did not?

4 K. NOOKS: Well, certainly. I mean,
5 some of the things we discussed today,
6 institutions who, you know, have significantly
7 high percentage rates in areas for student
8 outcomes, institutions who have a significant
9 amount of waivers that they're presenting to make
10 their numbers or percentages appear enhanced.

11 Certainly, you know, partnering with
12 other third party partners in order to move
13 through the analysis of, if you want to call it,
14 forensic type audits to make sure we capture any
15 fraud or potential fraud. Certainly retraining
16 our team members and team leaders who go out.
17 Certainly taking a look at, again, our model so
18 we can expand the size and complexity of an
19 institution.

20 D. COCHRANE: Thank you so much. I
21 think that's the end of my opening questions.

22 K. NOOKS: Thank you, Debbie.

1 Art, I believe your hand is raised?

2 A. KEISER: Trying to get there, yes.

3 Welcome, members of the COE. Because you have
4 563 institutions, how many institutions do you
5 accredit?

6 K. NOOKS: Should be about 532.

7 A. KEISER: Five thirty-two. How many
8 visits did you do last year?

9 K. NOOKS: We should have done
10 probably right at about 100, give or take.

11 A. KEISER: And how many institutions
12 that have been either found by one of the parts
13 of the triad, whether it be COE, or one of the
14 different state licensing boards, or the
15 Department of Education, that had a similar
16 problem that FCC had?

17 K. NOOKS: Based on my recollection,
18 this is the only outlier at this time.

19 A. KEISER: So out of 530--some
20 institutions, over 100 visits, this one has --
21 this stands out pretty much independently?

22 K. NOOKS: Yes, sir.

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1 A. KEISER: My understanding of this
2 one, and again from the press, had to do with
3 ability to benefit students and issues with the
4 ability to benefit testing process. Do you have
5 a specific standard of policy as it relates to
6 ability to benefit?

7 K. NOOKS: Not specifically around
8 ability to benefit.

9 A. KEISER: Now, ability to benefit is
10 allowable under federal standards for Title IV
11 participation?

12 K. NOOKS: Yes, sir.

13 A. KEISER: So how would you have
14 picked that up in the standard review that the
15 issues with the testing for ability to benefit,
16 would you have been able to pick that up? Would
17 that have been a checklist item? Would that have
18 been policy or standard that you would have
19 picked up in your normal review or, for that
20 matter, with COE? Because I know they do annual
21 visits. And I assume, you know, the department,
22 of course, has their reporting functions.

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1 How would you have picked that up if
2 it hadn't been for a whistle blower that went to
3 the department?

4 K. NOOKS: Well, I've got a staff
5 member making mention. So under Standard 10,
6 under our mission standard, you know, we would
7 have it under there. So put another way, if I
8 hear your question correctly, what we can do is
9 ask for the, you know, the percentage of students
10 who may have been accessing aid under that
11 particular category and have a more focused, you
12 know, conversation on that moving forward.
13 That's one way you could probably, not
14 definitely, but probably address that.

15 A. KEISER: Thank you for that, but
16 it's not a requirement under our statutes that
17 you do that, is it?

18 K. NOOKS: No, sir.

19 A. KEISER: Are you aware of any other
20 accrediting agency that does that? I'm not.

21 K. NOOKS: Not off the top of my mind.

22 A. KEISER: Do you accredit the entire

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1 FCC, or do you accredit it by campus?

2 K. NOOKS: We, you know, we accredited
3 the entire FCC, but all of their campuses were
4 up under their main campus.

5 A. KEISER: But they're separately
6 recognized or, you know, is it just one, kind of
7 like, SACS has one accreditation for the entire
8 multiple campus institution where FCC has
9 individual recognitions for each campus? How
10 does your program work?

11 K. NOOKS: Kallan's going to answer
12 that.

13 K. WILLIAMS: This is Kallan Williams.
14 Yes, the institution itself is accredited. But
15 approval is required for each nominated campus
16 for which instruction is occurring. So
17 institutions do have to submit to the Commission
18 and receive approval from the Commission for
19 approval for their nominated campuses. They then
20 fall underneath the accreditation of the main
21 campus of the institution.

22 A. KEISER: So in your visit, you had

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1 one visit for the entire group of institutions,
2 or you had multiple visits to each of the
3 campuses?

4 K. NOOKS: Each campus should have
5 been visited.

6 K. WILLIAMS: That's correct, yes.
7 Yes, so during an accreditation visit each campus
8 is visited. Even if a majority of the
9 documentation review occurs at a main campus,
10 each campus is part of that accreditation visit.

11 A. KEISER: The same visiting team
12 visited all their campuses?

13 K. WILLIAMS: Yes.

14 K. NOOKS: Yes.

15 A. KEISER: That's a little different.
16 Okay. I don't have any more questions. Thank
17 you.

18 C. PRESSNELL: Thank you, Art. So I
19 have Kathleen, then Jennifer. Kathleen?

20 K. ALIOTO: Thank you for your
21 service. I wondered, underneath the resources
22 and commission actions it indicates that in the

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1 last six months 14 institutions have voluntarily
2 withdrawn. What is that about?

3 K. NOOKS: Why did they withdraw?

4 K. ALIOTO: Yes.

5 K. NOOKS: Well, institutions withdraw
6 from accreditation for a number of reasons. Some
7 institutions withdraw from COE because they seek
8 to go to another accreditor, if they are seeking
9 to add baccalaureate degrees, or venture out
10 into, you know, some other type of degree.
11 Because we only accredit to a certain level. So
12 we only have a certain scope. So if they want
13 something else, that's one reason for them to
14 withdraw and go somewhere else.

15 Others might want to withdraw because
16 they feel the time and effort invested in order
17 to remain compliant and, you know, in good
18 standing is something more than they anticipated.

19 So there's a wide range on why institutions
20 would withdraw from accreditation.

21 K. ALIOTO: In September, you placed
22 19 institutions on probation. Can you give us

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1 kind of a brief rationale for putting 19 of your
2 institutions on probation?

3 K. NOOKS: Certainly. Again, there
4 are, you know, multiple reasons for putting
5 institutions on probation. Some of them may be
6 financial in nature. So if you are a for-profit
7 or non-public institution, and you have a
8 prerequisite composite score that does not
9 measure up to what we believe indicates financial
10 stability, and that's happened over a period of
11 time, you might be on probation.

12 You might be on probation because of
13 other, you know, actions that occurred at your
14 institution to indicate some level of concern
15 above the normal concern. It could be that lack
16 of response, you know, due to a compliance
17 request has been received or it's been
18 unsatisfactory. So there are a number of reasons
19 why institutions would be placed on probation.

20 K. ALIOTO: I'm interested in the
21 composite score. And could you tell us what that
22 is?

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1 K. NOOKS: The composite score that
2 everyone, if you want to call it, aspires to be
3 above is 1.5.

4 K. ALIOTO: Meaning?

5 K. NOOKS: Meaning that an institution
6 is demonstrating, through their annual audit,
7 that they've got enough resources on hand to
8 operate or run the institution. And, you know,
9 there are no financial concerns there.

10 So if they have less than that, then
11 there's a different level which could include
12 warning or probation. And the institution would
13 have to demonstrate through monitoring and
14 through reporting, like a pro forma, that they
15 are making progress to get back above the 1.5
16 composite score.

17 K. ALIOTO: Does that have anything to
18 do with the 90/10 that they are basically living
19 on the fact of their student loans, that their
20 financial stability is dependent on their student
21 loans?

22 K. NOOKS: I mean --

1 K. ALIOTO: When you say a composite
2 score, what does that mean in terms of what the
3 finances of an institution are?

4 K. NOOKS: Well, put in its simplest
5 sort of frame, it's having enough operating
6 capital beyond expenses. So if an institution
7 does not have enough funds to cover a certain
8 amount of operation, then that institution is not
9 financially stable.

10 So the 90/10 conversation, you know,
11 is it sort of tangential to it? It possibly
12 could be. But the 90/10, you know, doesn't
13 factor into our, if you want to call it, decision
14 to put an institution on probation due to their
15 composite score.

16 K. ALIOTO: Well, I hear 532. How
17 many institutions do you not give accreditation
18 to a year?

19 K. NOOKS: Of the 532, how many of
20 them did not receive accreditation?

21 K. ALIOTO: What is your average
22 number of institutions that have unfortunately

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1 failed over the last three years?

2 K. WILLIAMS: Dr. Nooks, I might be
3 able to address that. This is Kallan Williams.
4 Over the -- from 2023 until the end of the 2021,
5 we've had 11 institutions that have either been
6 dropped or denied from candidacy, which is the
7 pre-accreditation status, or denied initial
8 accreditation as well. So we have a period of 11
9 institutions that were seeking accreditation and
10 were either dropped or did not make it.

11 K. ALIOTO: Thank you.

12 C. PRESSNELL: All right, Jennifer
13 then Roslyn.

14 J. BLUM: I decided to wait until we
15 have a conversation.

16 C. PRESSNELL: All right.

17 J. BLUM: I decided to not ask any
18 questions.

19 C. PRESSNELL: Okay, Roslyn?

20 R. CLARK ARTIS: Just one point of
21 clarification and follow-up to Kathleen's
22 question. Is the 1.5 the Department of Education

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1 financial stability ratio? Is that the number
2 you were referring to?

3 K. NOOKS: Yes, ma'am.

4 R. CLARK ARTIS: Okay. I just want to
5 be clear about that. Thank you.

6 K. NOOKS: You're welcome.

7 C. PRESSNELL: All right, thank you.
8 Other questions for the agency?

9 All right, seeing None, we do have
10 third party comments. And so we -- I'm sorry.
11 Okay, give me a -- okay, can we get them in? I
12 want the agency to stand by. We do have some
13 third party comments that have been requested to
14 be made on this agency. We have three different
15 individuals who will be offering those. So I'll
16 let you know when we're ready for that.

17 (Pause.)

18 C. PRESSNELL: All right, very good.
19 So we have our three third party commenters now
20 available. And so I'm just going to take them in
21 the order that they're on the agenda. We
22 appreciate your comments being restricted to

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1 three minutes and also that your comments be
2 directly related to this agency.

3 So first we have David Halperin.
4 David?

5 D. HALPERIN: Hello, thanks so much
6 for having me. Are you ready?

7 C. PRESSNELL: Yes, please go ahead.

8 D. HALPERIN: Okay, thank you. In
9 April of 2020, I wrote an article about a lawsuit
10 against Florida Career College alleging the
11 school targeted students of color with deceptive
12 high pressure sales and then left them with
13 overwhelming debt.

14 I was soon contacted by numerous FCC
15 staff. They described abuses, blatant rigging of
16 ability to benefit exams but also luring
17 perspective students with false promises of jobs,
18 admitting students whose disabilities or criminal
19 convictions would prevent them from obtaining the
20 jobs they sought and much else. One employee
21 said it's worse than you can ever imagine.
22 Another called FCC the most corrupt institution I

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1 have ever seen in my life.

2 I published a report. The Department
3 of Education investigated, and it found extensive
4 evidence of violations. Last year it announced
5 it would remove FCC from federal aid. This month
6 it reached an agreement under which the company's
7 CEO resigned.

8 What did COE do? Apparently nothing
9 until May 2020 when it placed FCC on apparent
10 deficiency status. After that, it deferred
11 action on renewing FCC until the school
12 voluntarily withdrew last month.

13 In October 2021, ratifying NACIQI's
14 recommendation, the department told COE it had
15 one year to improve its compliance including as
16 to complaints of fraud and criminal activity at
17 FCC.

18 Now the department staff finds COE in
19 compliance and recommends renewal for two years,
20 five months, which sounds like half the maximum.

21 But with the delays in the process, that adds up
22 to the same five year period that the best

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1 performing accreditors receive.

2 For too long accreditation has lived
3 in a parallel world where boxes are checked and
4 blatant failures are ignored. The department's
5 enforcement action shows FCC was long engaged in
6 violations and should not have been accredited at
7 all. COE did not detect these abuses and, once
8 they were exposed, did not properly deal with
9 them. That indicates COE's standards were not
10 effective and not effectively implemented.

11 FCC also isn't the only troubling COE
12 school. For example, in 2021, Texas-based Vista
13 College suddenly shut down leaving students
14 locked out and deep in debt.

15 If there aren't real consequences for
16 accreditor failures, then the system is failing.

17 NACIQI should vote to extend COE for one year
18 and require it to demonstrate compliance before
19 it can be renewed.

20 COE should be actively looking at
21 whether its schools are engaged in violations not
22 just checking boxes. The department should be

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1 doing the same with accreditors. Thank you very
2 much for your time. I appreciate it.

3 C. PRESSNELL: Thank you, David, that
4 was perfect timing. So the next commenter is Dr.
5 Edward Conroy, Senior Policy Advisor for New
6 America Higher Education Policy Programs.

7 E. CONROY: Good morning, thank you
8 so much for giving me the opportunity to comment.
9 New America focuses our work on creating a higher
10 education system that is accessible, affordable,
11 equitable, and most importantly accountable for
12 helping students lead fulfilling and economically
13 secure lives.

14 Given the extensive evidence that the
15 Council on Occupational Health failed to provide
16 meaningful oversight of Florida Career College,
17 NACIQI should not recommend COE for renewal and
18 recognition by the department. It's deeply
19 puzzling that the staff report recommends
20 extending COE's recognition for another two years
21 and five months after the department terminated
22 Florida Career College access to Title IV

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1 programs leading to its closure.

2 The last time COE came before NACIQI
3 for recognition, this body correctly raised
4 serious concerns about the agency's oversight of
5 Florida Career College and required a compliance
6 report.

7 Now maybe this is simply an issue of
8 timing, but a review of the staff findings in the
9 compliance report suggest that it focuses too
10 much on why the COE is abiding by its own
11 policies or ignoring the reality that those
12 policies, or at least the implementation of them,
13 are deeply flawed.

14 It makes no sense for one arm of the
15 department to say that a college has so many
16 failings that it can no longer participate in
17 Title IV programs while another says the agency
18 overseeing that institution is doing its job
19 effectively.

20 This outcome seems to be the result of
21 focusing too much on whether COE is meeting the
22 process requirements of this compliance report

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1 with no regard for the substance of its actions
2 or its effectiveness as an accreditor.

3 The staff report says the agency's
4 compliance report must demonstrate that it is
5 meaningfully engaged with its obligations under
6 Section 602.20 to enforce its accreditation
7 standards with respect to complaints of fraud and
8 criminal activity at Florida Career College.

9 In dealing with this issue, the staff
10 report appears to focus on whether COE conducted
11 an investigation of Florida Career College, not
12 whether that investigation was actually
13 effective.

14 Given the department's recent efforts
15 to consider the effectiveness of accreditor
16 standards, I urge the NACIQI to consider whether
17 COE is effective as an accreditor, not just
18 whether it has appropriate policies or conducted
19 a pro forma investigation into failings of
20 Florida Career College.

21 Given the multiple findings of fraud
22 and abuse at FCC, almost None of which were

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1 addressed by COE, it seems clear that the agency
2 was completely ineffective in its investigations.

3 If COE is unable to spot problems at an
4 institution when they are this obvious and
5 egregious, it cannot be trusted to protect
6 students by spotting or preventing similar
7 problems at the other colleges it oversees and
8 should have its recognition withdrawn.

9 Thank you so much for taking the time
10 to listen today.

11 C. PRESSNELL: Thank you, Eddie.
12 Finally is Allison Muth with the Veterans
13 Education Success.

14 A. MUTH: Thank you, the history
15 involving Florida Career College tells a story of
16 failed oversight by COE and of COE by the Office
17 of Post Secondary Education. COE was aware of
18 serious allegations at FCC.

19 As early as 2020 former students sued
20 FCC alleging false and misleading statements in
21 recruiting and enrollment. In 2021, a senior
22 department official required COE to come into

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1 compliance with its obligations to meaningfully
2 enforce its accreditation standards with respect
3 to complaints of fraud and criminal activity at
4 FCC. In 2022, FSA placed FCC on HCM2 status
5 based on serious issues regarding student
6 eligibility and misrepresentations to students.

7 We raised concerns to the department,
8 but COE had allowed FCC to enjoy the non-
9 violation status of apparent deficiency for
10 years. We urged the department to require COE
11 to provide the evidence reviewed to determine if
12 FCC misrepresented its job placement rates and
13 whether FCC violated COE standards prohibiting
14 the school from acting in an unethical or
15 untruthful manner.

16 In 2023, FSA denied FCC's
17 recertification for Title IV eligibility citing
18 substantial evidence that FCC violated ability to
19 benefit regulations. The department also found
20 evidence of falsification of attendance records
21 and misrepresentations about job placement rates
22 made to its accreditors.

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1 Even then, COE did not elevate FCC to
2 a violation status. It appears FCC held apparent
3 efficiency status for almost four years, from May
4 2020 until January 2024, when FCC voluntarily
5 withdrew from accreditation. This allowed the
6 school to avoid a compliance timeline, public
7 notice of violation, and substantive change
8 restrictions. FCC continued to recruit and
9 expand, adding a new campus in 2022.

10 The final staff report recommends
11 renewing COE's recognition. There are clear
12 problems with COE's oversight of FCC. NACIQI and
13 the department should be concerned about policies
14 that would allow a school with apparent
15 violations to remain in a non-violation
16 monitoring status for almost four years.

17 Moreover, despite evidence, including
18 FSA's, that FCC engaged in extensive misconduct,
19 COE reported to department staff that it had not
20 found any violations of standards.

21 We urge NACIQI and the department not
22 to accept COE's failed oversight and instead

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1 demand to understand the reason for the reason
2 for the failure so that appropriate measures can
3 be put in place to make sure this does not happen
4 again. Thank you.

5 C. PRESSNELL: Thank you, Allison, and
6 thank you to all of our third party commenters.
7 We appreciate it very much.

8 So now the agency has time to respond
9 to the third party commenters.

10 K. NOOKS: Thank you, Chair. The
11 weight of this situation is not lost on us who
12 are here at COE, the staff, and the commission as
13 well. I do want to remind colleagues in the room
14 that this is one institution of our entire
15 membership that has taken up the, if you want to
16 call it, atmosphere with the work we do.

17 We've got a number of institutions who
18 do incredible work and are fulfilling their
19 mission. We have learned from this lesson a
20 number of things. But we do believe that
21 following our policies and our procedures would
22 tilt the actions afforded to us under our

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1 guidelines.

2 FCC was placed on a notice of apparent
3 deficiency. FCC was responsible for submitting
4 monitored reports. We did indeed request
5 information, we reviewed documentation. A
6 commission that met on a quarterly basis did, in
7 fact, review all the information available to it.

8 But again, we want to align if there's
9 any question that we do have to have due process
10 for our members. And with that due process is
11 providing notice and the opportunity to be heard.

12 I do hear the public commenters, and I
13 know they probably desire a more speedy
14 resolution or other examples that they were, you
15 know, seeing that type of progress. But please
16 understand, we were reviewing this in the face of
17 opposing evidence and sworn statements. I might
18 add that came from students, came from employees,
19 and it came from two expert forensic auditors.

20 It's also important to note that given
21 the confidentiality of a number of conversations
22 going on between the institution and the

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1 department, that we do not have some, some of the
2 information that results in a different decision
3 as we saw just a few weeks ago.

4 I can tell you again that we are
5 reviewing policies, our rules, our standards and
6 our conditions to avoid any type of situation
7 like this moving forward into the future. Thank
8 you, Mr. Chair.

9 C. PRESSNELL: Thank you. Any
10 additional questions for the agency from the
11 members? Zakiya?

12 Z. SMITH ELLIS: I do have a question.

13 I think a variation of this question was asked
14 earlier, but given the third party comments, I
15 guess I would just like to ask it a little bit
16 differently.

17 You mentioned earlier on in your, this
18 is for the agency, you mentioned earlier on that
19 FCC was unique in the size and scope of its
20 operations from many of the institutions, other
21 institutions that you accredit.

22 So, one, I just want to make sure

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1 that I heard that correctly. And if I did hear
2 that correctly, given kind of what you just said
3 in response to the third party comments, I'm
4 wondering if you think an agency -- do you think
5 you, as an agency, has the capacity, just in the
6 way that you are structured, the staffing that
7 you have, all of the things that you have in
8 place, to accredit institutions like that?

9 Or do you feel like there is also a
10 mismatch, not only in the standards, but in the
11 kinds of institutions, like FCC, to an
12 accrediting agency like COE?

13 K. NOOKS: Well, thank you for that
14 question. I do believe we have the capacity
15 staff-wise. And our, you know, approach with all
16 the commissioners are there. I do think that,
17 again, for the standards and conditions, some of
18 our policies, there are some areas that we will
19 review, that need to be reviewed to address that.

20 I do believe the size of the team that went out
21 could have been larger.

22 Again, I don't want to ever Monday

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1 morning quarterback a situation, but I can tell
2 you that that could have been different.

3 C. PRESSNELL: All right, are there
4 any other questions for the agency?

5 Mary Ellen?

6 M.E. PETRISKO: Yes, sir, my hand's
7 up. And forgive me if I missed this, but is it
8 still possible for an apparent deficiency to be
9 continued on like this for that period of time?
10 Or has there been a depth of how long an
11 institution can have an apparent deficiency?

12 K. NOOKS: Notice of apparent
13 deficiency is, you know, sort of our early
14 detection. So that does not have a particular
15 time line. But I think, you know, the
16 institution or the agency will have just a bit
17 more, if you want to call it, rigidity built into
18 making a decision, based on the information it
19 had. In fact, changes to some of the regulations
20 that the department recently put out will forward
21 that opportunity as well.

22 C. PRESSNELL: Is that okay, Mary

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1 Ellen? I can't see you know. So I want to make
2 sure I --

3 M.E. PETRISKO: Okay, yes. That's
4 fine. Thank you.

5 C. PRESSNELL: Okay, thank you very
6 much. Any other questions for the agency?

7 All right, seeing None, we want to
8 invite Karmon back for final comments to the
9 agency's report as well as to the third party
10 commenters.

11 I'm sorry, David, did you raise your
12 hand for the agency?

13 D. EUBANKS: No, sorry. I had a
14 question for Karmon.

15 C. PRESSNELL: Okay, thank you.

16 Karmon, if you want to make your
17 comments, and then David will have a question for
18 you.

19 K. SIMMS-COATES: Okay. So as you
20 know, the SDO, I'm sorry, this cold is bothering
21 me, the SDO required the agency to monitor the
22 compliance, FCC's compliance with its standards.

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1 Excuse me, let me just get some water
2 real quick.

3 And the agency did exactly that. And
4 I just want to go over briefly some of the
5 monitoring actions that the agency took. And
6 that is they immediately issued a notice of
7 apparent deficiency. They requested a quarterly
8 report from the institution regarding the
9 lawsuit.

10 The commission met several times to
11 review the updates on a quarterly basis and make
12 a decision to continue the notice of apparent
13 deficiency as they deemed necessary. They
14 conducted several site visits to the institution
15 to get a focused review. They also did an
16 unannounced site visit as well as did a
17 comprehensive site review.

18 And with that being said, the
19 department looked at whether or not they complied
20 with their policies and procedures. And we
21 didn't question the decision that the commission
22 made after reviewing the compliance -- I'm sorry,

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1 the reports.

2 In addition to that, they didn't just
3 rely on the reports, specifically the 2022 site
4 visit report. They also did a third party -- had
5 a third party audit of the -- they put a third
6 party audit of the student achievement data.

7 So with all of this, the actions
8 taken to monitor the institution and the
9 determination of the commission to continue the
10 notice for further evaluation, again, the
11 department didn't question any of that, basically
12 because they did comply with their policies and
13 procedures.

14 Also related to the FSA denial of
15 certification, the agency took action in that
16 respect as well. They had the institution submit
17 audited financial reports. And they also had the
18 institution provide a teach-out plan per its
19 recognition regulations, because the institution
20 -- because FSA did put the institution on
21 heightened cash monitoring.

22 So, let's see, so I think that's, yes,

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1 I think that's it for my comments.

2 C. PRESSNELL: Okay, thank you,
3 Karmon.

4 David, question for Karmon?

5 D. EUBANKS: Yes, thank you. In the
6 602.20 documentation, the department required
7 that COE provide a peer review report and a self-
8 study which they did. And that led them to the
9 finding of compliance, I believe.

10 Those reports, to me, are very thin.
11 In other words, they don't have a lot of content
12 to them. They are saying things that you would
13 have to take at face value rather than having
14 evidence to support them.

15 Is there, and this is my reading, and
16 you may have other evidence that you considered,
17 but is there some process by which you ascertain
18 the credibility of such reports?

19 K. SIMMS-COATES: So there was no
20 compliance issue with the quality of the reports
21 or the manner in which the site visits were
22 conducted in the final staff analysis or the

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1 final staff report. The information provided in
2 the site visit reports, provided in the
3 compliance report did demonstrate that they
4 followed their policies and procedures.

5 Now, whether or not you can question
6 the, you know, you as the committee can question
7 the quality of how the site visits were
8 conducted, and the quality of the report, et
9 cetera, but in terms of compliance they did, in
10 fact, follow their policies and procedures.

11 And the committee did make a decision
12 based on, you know, the information provided in
13 the report and the fact that there was no
14 findings, no negative findings.

15 D. EUBANKS: Okay. So they're
16 required to submit the reports, but it kind of
17 doesn't matter what's in the reports.

18 K. SIMMS-COATES: No, it does matter,
19 but they have, you know, they have their
20 policies and procedures and how they are to
21 conduct their site visits, and they followed
22 that. So in terms of the quality of their

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1 policies and procedures, there was no issue with
2 that in the final staff analysis or the final
3 report, rather, so, yes.

4 D. EUBANKS: Got it, thank you. And
5 Claude, I think maybe the next question is maybe
6 for Herman. I'm not sure.

7 C. PRESSNELL: Well, and --

8 D. EUBANKS: I want to ask --

9 C. PRESSNELL: Yes. And, David,
10 actually Herman --

11 (Simultaneous speaking.)

12 C. PRESSNELL: -- Herman wanted to
13 make a couple of comments. So why don't we let
14 him do that. It may answer questions you had,
15 but we'll -- okay, Herman?

16 H. BOUNDS: Yes, thank you. Thank
17 you, sir. I should be used to that by now. Yes,
18 a couple of things I just wanted to address.
19 There were some general comments. One of them
20 was about the length of the site visit, and I
21 just want to put it in perspective for everybody.

22 When you look at agencies that are

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1 much --- who have institutional populations much
2 more than COE does, and have maybe accredit, you
3 know, twice as many institutions as COE does, the
4 average time for a site visit is about three to
5 four days. So that's not an unusual situation.
6 And then based on the size of their site visits,
7 three or four days might be what they need.

8 The other piece that's missing here,
9 although, you know, we didn't go out. And,
10 Karmon, I mean, I don't keep up with everybody's
11 visits and where they are. I mean, I do, but I
12 don't remember them, because you go on so many.

13 The one thing that we look at too is
14 just not the content of a site visit report, it's
15 that when we're out on those observations, while
16 a site visit report may in some instances, you
17 know, it may be in a check list form, and there
18 may be some light discussion.

19 What we want to see though, I think,
20 is maybe what one of the COE members, you know,
21 stated was that when you get to that standard,
22 when we're at those observations, now we want to

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1 see what the commission does in relationship to
2 their review.

3 So while the site visit report may
4 have this, you know, this check list, when we're
5 observing we see, okay, how much documentation
6 did the commission look at? You know, what were
7 some of those discussions that were going on?
8 And then at the end, what was the decision, you
9 know, based on the information in the decision
10 letter.

11 So it's a roundabout thing, and I
12 think we have been on several COE site visits in
13 the past, and we have kind of seen their
14 processes and what they do at those commission
15 meetings and how much documentation that they
16 actually review. So we have an idea of that.

17 And then the last thing that I want to
18 bring up, you know, Karmon is correct in that our
19 regulations require the agency to conduct some
20 sort of review once something occurs or something
21 happens. You know, COE conducted several
22 reviews. We really didn't substitute our

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1 thinking-making process. We may have said maybe
2 you should have -- maybe I thought you should
3 have put them on probation.

4 You know, we didn't substitute our
5 judgement for the 20-member commission that they
6 have and how those people came up to the
7 determinations that they made.

8 We would have been more concerned if
9 the commission didn't do anything at all. And I
10 think Karmon kind of laid out that time line. We
11 just, again, we want to see, you know, we want to
12 see that the agency took some sort of action,
13 that it seemed to be, you know, their effort
14 trying to get to this situation.

15 And I said that was it. The last
16 thing that I want to say as part of our review,
17 sorry, is that when an institution loses Title IV
18 eligibility regarding our regulations there's not
19 a requirement that they automatically remove
20 accreditation from an institution that loses
21 Title IV eligibility.

22 Now, I will say that we would hope

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1 that an accrediting agency would go out and
2 conduct some sort of financial viability review
3 when an institution does lose Title IV
4 eligibility.

5 Because I would agree the way some
6 institutions are structured, they aren't going to
7 make it if they lose eligibility. In this case,
8 COE conducted a review of the institution's
9 financial, you know, viability.

10 I will just say one other thing about
11 our review of this particular situation. You
12 know, Karmon and I have talked previous about
13 this, and if the institution would not have, you
14 know, voluntarily withdrawn as part of our review
15 for today, we probably would have said that they
16 met the compliance report requirements, and asked
17 for some additional monitoring of this particular
18 situation. But the institution has withdrawn,
19 so that meant that, you know, that was basically
20 a moot thought that we had.

21 But I just wanted to make some of
22 those clarifying comments. And for us it's

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1 fortunate that we get to see an entire process.
2 We actually get to see commission meetings, and
3 actions, and what's being deliberated at those
4 meetings. So that's all I need to say. Thank
5 you.

6 C. PRESSNELL: Thank you, Herman.
7 David, you --

8 D. EUBANKS: I can wait until the
9 general discussion. I think Debbie's got a
10 question.

11 C. PRESSNELL: All right, thanks.
12 Debbie?

13 D. COCHRANE: Yes, I would like to
14 hear, before we turn to committee discussion,
15 from the department on two things that have just
16 come up in conversation.

17 One is a commenter raised the
18 distinction between a policy and an effective
19 policy, or effective application of that policy.

20 And then secondarily, Herman's comment just now
21 kind of referred to, you know, not second
22 guessing the judgement of an agency with respect

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1 to an institution.

2 So I think there's a tension there.
3 And I guess I would like to hear from the
4 department on what you see as the role of the
5 department or the role of this process in
6 determining effectiveness.

7 K. SIMMS-COATES: I'm going to defer
8 to Herman.

9 K. ALIOTO: Wow.

10 H. BOUNDS: Did I get --

11 C. PRESSNELL: No, go ahead.

12 H. BOUNDS: Oh, okay. All right. I
13 mean, we look at -- so let's just take an agency
14 in general. We look at the overall application
15 of a policy, so if we have -- or how effective an
16 agency is. I think Art or maybe somebody else
17 made reference to it.

18 If we're conducting an accreditation,
19 I mean, a recognition review of an accrediting
20 agency, and we look at their overall processes
21 and procedures, the overall situation within
22 their institutions, and then maybe we look at

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1 some situations where there may be an issue at a
2 specific or, you know, maybe one institution.

3 That's all taken into consideration.
4 But as far as effectiveness, you have to look at
5 it on an overall scale of how well is this
6 accrediting agency overseeing its total portfolio
7 of institutions.

8 Now, you know, I will say too that
9 there are certain situations, and I think we all
10 remember some. I won't mention that whole
11 process of an accrediting agency that, you know,
12 really did not do any reviews at all or, I mean,
13 there were multiple, multiple occurrences of, you
14 know, maybe non-application of standards. And
15 those are easy to see.

16 You know, they don't need me to brag
17 on them, but the staff is pretty talented. And
18 when they go on these site visits -- sorry, guys,
19 I didn't mean to say that in front of you, but I
20 will -- they can look at these things, and they
21 can understand how well an agency looks at a --
22 not how well, but how in-depth an agency looks at

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1 a particular situation and how much time and
2 effort they put into that evaluation.

3 Again, whether I think that, as far as
4 FCC, bounds things, I might would have done a
5 probation on that particular issue. You know,
6 I'm just one person.

7 And, Kirk, I'm sorry if I got the
8 number of commissioners wrong, I'm just saying
9 that if an agency, not only yours or anybody
10 else's, has a 20-member group of folks that are
11 trying to make this decision, if it seems
12 meaningful and there's in depth discussion in
13 that decision, then yes, I don't want to impose
14 my thought on that particular position. I hope
15 that's a long drawn-out way of answering that
16 question.

17 C. PRESSNELL: You okay, Debbie?

18 D. COCHRANE: (No audible response.)

19 C. PRESSNELL: Okay. All right, any
20 other questions for Department Staff? All right,
21 then let's move to discussion among the members,
22 and thoughts from our lead readers.

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1 D. EUBANKS: Yes. Thank you. Thank
2 you, Claude. I had asked, Debbie and I asked
3 Claude if we could have a discussion before we
4 make a motion to sort of take the temperature of
5 the room. And I'll just preface that with some
6 thoughts of my own and then you all can take
7 over.

8 I hope that for the moment we can
9 separate the discussion about whether or not COE
10 is in compliance from the consequences and
11 actions we might take because otherwise we might
12 take more TBD. But my sense of this is that,
13 accreditation and enforcement in general lies on
14 a spectrum. And at one end we got kind of a
15 checklist, more policy, did they do the thing
16 they said they were going to do approach. And on
17 the other hand is more of a watchdog approach
18 where it's more intrusive.

19 The first version, the checklist, is
20 going to be way more efficient if we have
21 institutions that all operate in good faith. And
22 so most of the onus of compliance lies with the

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1 institution. And that's probably true for most
2 institutions.

3 And I think here in the checklist
4 version of that CEO is in compliance as the
5 Department found. And the watchdog version,
6 which is what I think we hear from the third-
7 party comments, and where we tend to want to go,
8 because we don't want mistakes to happen, whether
9 or not they're in compliance that's up for the
10 committee discussion to determine I think.

11 Since the Department's feedback to CEO
12 over the years has been uniformly positive that
13 you're doing a good job. I think the NACIQI is
14 defined, and out of compliance this would be a
15 sudden and traumatic event.

16 So I'm going to suggest a middle path
17 and then I'll shut up. Which is that we accept
18 the staff recommendation, but for the Department
19 to consider how it can help, help these agencies
20 detecting the red flags as a collaborative
21 effort, instead of the only tool that we have
22 being wacking people with a stick, I think what

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1 one of the things we've discovered in our NACIQI
2 subcommittees is that we can effectively
3 collaborate and reach joint solutions that
4 benefit everybody without wacking people with a
5 stick.

6 This is a challenge that all agencies
7 face, not just COE. I mean, we've seen disasters
8 happen with big agencies that are well resourced
9 as well. So I'll stop there and see what other
10 people have to say.

11 C. PRESSNELL: All right. Before we
12 go to Jennifer, Debbie, do you have any comments
13 you want to make before we open it up further?
14 No?

15 D. COCHRANE: (No audible response.)

16 C. PRESSNELL: Okay. Jennifer?

17 J. BLUM: Yes, I decided to wait to
18 comment because I realized I didn't really have a
19 question for the Agency but I did have something
20 to say. And so, David, I really appreciate,
21 because I think it's a really good what that
22 you've sort of set forth what our question is

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1 today in terms of how to vote.

2 I think this is a really interesting
3 exercise in looking at the Triad. And I want to
4 point out that if you look at the, and I sort of
5 sat here just to double check myself, and I think
6 I'm right about this.

7 The Agency took immediate action when
8 they got news reports back in 2020. It was a
9 monitoring action and we can have a big debate
10 about whether that was the right action, whether
11 they should have improved that action. But in
12 the meantime, so they took a monitoring action
13 pretty much right away.

14 The Department of Ed didn't put the
15 institution on HCM2 until July of 2022. Okay?
16 Two years later. Now granted, they also have due
17 process issues. So in fairness to the Department
18 they started an investigation, it takes a lot of
19 time.

20 So in fairness to the Department we're
21 also dealing with due process issues, which is
22 all fair. But I just want to point out that on a

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1 violation that was fundamentally a Title IV
2 violation, because we're talking about ability to
3 benefit, I know there were other violations, but
4 ability to benefit is a Title IV violation housed
5 in FSA, not the accrediting agency's
6 responsibility to unpack ability to benefit,
7 that's the Department of Ed's job. Department of
8 Ed ultimately did the right thing and put the
9 school on HCM2.

10 At that point could COE have gone an
11 extra step, maybe. But the Department of Ed, at
12 that point, was really on top of its Title IV
13 issue and did its job. And so we're watching the
14 Triad. Now, could we have all wished that the
15 Triad did better in terms of time flow, maybe.

16 But COE actually was the first one to
17 take an action. They put them on monitoring
18 status. And so if anything, I kind of think they
19 did their job. Now, it's not perfect. We're not
20 in a perfect situation.

21 But the other thing I want to say is,
22 if we start getting into the practice of taking

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1 actions on one institution when an agency
2 accredits 532, we have a much bigger Title IV
3 problem because we are putting at jeopardy a
4 whole bunch of students with the 500 other
5 institutions, granted a lot of them are Title IV,
6 but some of them have Title IV students, and
7 we're taking action on one institution. I find
8 that really problematic.

9 And if we were to transfer that
10 precedent to other agencies we could have a long
11 conversation about closures in New England right
12 now. Which are not the fault of the accreditor,
13 but there is some financial struggles going on up
14 in New England with a bunch of small schools that
15 are Title IV. Smaller numbers of students, but
16 I'm not blaming New England NECHE for what's
17 going on in New England it's just a, it's a
18 really difficult situation what's going on in New
19 England.

20 But we could have conversations, I
21 started looking at when NECHE started taking
22 actions against, on financial responsibility for

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1 some of the institutions then closed. They
2 didn't.

3 Same with middle states on, there is
4 one up where I have a house in New York. It's
5 closing in Albany. And middle states didn't take
6 an action on that until very recently, and
7 they're closing.

8 I just think that this, we have to be
9 very careful about taking actions on single
10 events. This is a big event, but in this case
11 the agency was the first to act. So I would, I
12 wholeheartedly support the Staff recommendation
13 on this one.

14 C. PRESSNELL: Yes, thank you,
15 Jennifer. And you know too, when I read the
16 folder on this one, you know, it's unusual that
17 an institution, that FSA withdraws aid from an
18 institution. Typically what you see is that the
19 accreditor withdrawals accreditation and the FSA
20 follows.

21 And so this is a little different.
22 And so I think sometimes it's harder to unpack

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1 what is not a normal way that the Triad actually
2 works, but I would say that the Triad did work in
3 this situation for sure.

4 Michael Poliakoff and then Zakiya.
5 And then Keith.

6 M. POLIAKOFF: What I'm hearing is
7 something that's really, really important, which
8 is that we keep the playing field level. And
9 what I would have said at that meeting when SACS
10 was up for recognition, from which I was barred
11 and I still haven't gotten the completion of the
12 FOIA, why?

13 But SACS had nothing to say for years,
14 I think about 18 in fact, when UNC Chapel Hill
15 had this paper course scandal going on, largely
16 for the benefit for athletes. And of course it
17 was mostly, the accreditor jumped in after the
18 press, wrote the story.

19 Which was all but saying that we're
20 recognizing that there are some things that
21 happen that we don't have control over and the
22 accreditor perhaps doesn't have the processes

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1 for. But I don't remember that anybody jumped on
2 SACS for example. And raising the issue from New
3 England is also quite valid. We can't look at
4 one small, smaller accreditor, and not look at
5 the whole universe. Thanks.

6 C. PRESSNELL: All right, thank you.
7 Zakiya then Keith.

8 Z. SMITH ELLIS: Thank you. Sorry, I
9 was going to say something, but I will just note
10 that there was a considerable scrutiny of SACS
11 during their time. I don't know if you had a
12 chance to look at it afterwards. And that
13 scandal got text a lot of other scrutiny, so,
14 there is a through line here but --

15 (Simultaneous speaking.)

16 Z. SMITH ELLIS: There is a through
17 line here to what I was going to say though which
18 is, and I do see this a bit differently than
19 Jennifer, and I have shared this perspective in
20 the past. It's what message do you take when
21 there is a really bad thing that happens with an
22 institution.

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1 Do you take that as, this is an
2 outlier and this just, oh my goodness, how did
3 this happen, or do you take this as an indication
4 that there are other challenges that you may not
5 be seeing that are beneath the surface but
6 because you don't have the ability to look at all
7 the institutions for any one accreditor, that you
8 should take notice. And I take the message, oh
9 not, this is probably not like some outlier that
10 just happened to happen, this is probably a
11 pattern that represents that there are challenges
12 and deficiencies in the oversight.

13 And I would actually note that the
14 commentary we heard today from the Agency
15 suggested that. They said, yes, we had problems
16 in our processes. There were things that we
17 didn't have and that were now shoring up in
18 response to this.

19 And I applaud you all for doing that
20 and saying that. But I don't take the, oh my
21 goodness, this is just one one-off institution
22 that we shouldn't take anything from.

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1 Similarly, I would say the same thing.

2 There are many colleges in the northeast part of
3 the nation where I was, for some time, that are
4 probably in financial distress that are not being
5 picked up.

6 And when I think about the purpose of
7 us, well I wouldn't say all of us, but for me
8 being here, and I think about the students that
9 don't know that their college may close within a
10 year that are making decisions. I think it is
11 the responsibility of folks to look into that and
12 figure out what are the systems and processes
13 that we have in place.

14 And the through line that I will say
15 is that institutions that have something to hide,
16 whether they be UNC Chapel Hill or small
17 northeast institution in New England that doesn't
18 want their families and parents to know as
19 they're trying to yield a new class, that they
20 are at the brink of closure, will find ways to
21 hide it from those who are in power.

22 And the question for agencies of

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1 oversight is, do we have the right processes in
2 place to be able to find that. And I think David
3 raised a really good point. It's not
4 logistically or substantively possible to go into
5 that much depth on every single institution.
6 It's not possible. But that is why you need to
7 figure out, how do you identify the biggest areas
8 of risk are and go to those.

9 So I don't know that we have those in
10 place, but I just want to acknowledge that if we
11 do have that responsibility then we do need to
12 figure out, do we have the right procedures in
13 place to identify where the biggest risk is so we
14 can put our attention on that in terms of, I'm
15 saying, are the royal we, and I really mean
16 agencies, do they have processes in place to be
17 able to see, this is a place where there is
18 likely something that we should be looking into
19 more so that they don't have to just use the same
20 checklist for everyone. Or on the flip side, go
21 into an in-depth process with everyone that's not
22 going to be feasible.

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1 C. PRESSNELL: All right, Keith
2 passes, so I've got Bob, Debbie, Art and
3 Jennifer. Bob?

4 R. SHIREMAN: Thank you. And I really
5 appreciate the primary readers and other members
6 of the Committee. And the ACAHM Staff, Karmon
7 and others, for a really detailed review on this
8 Agency.

9 I would recommend that the SDO,
10 whatever way we end up voting as a Committee,
11 that the SDO consider whether, I think it was a
12 third-party commenter who suggested a 12-month
13 approach, 12-month compliance review approach,
14 again here. And consider whether something like
15 that might make sense.

16 I think from a timeline perspective
17 it's quite likely that if we did that that it
18 would come back, at the same time, as the Agency
19 renewal. And I know that's happened in the past
20 where the Agency has kind of had both. And I
21 think that can be, you know, that can work out as
22 a good way to take a detailed look at the

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1 compliance review issue at the same time that the
2 full Agency is being reviewed.

3 So I'm not suggesting a particular
4 motion or anything like that, but just that
5 whatever way we go that the SDO consider that
6 possibility.

7 C. PRESSNELL: Thank you, Bob.
8 Debbie?

9 D. COCHRANE: Thank you, Claude. I
10 just, I have a couple of comments. One, I just
11 want to push back a bit or add some context
12 perhaps around this whole question of, what do we
13 do with a single institution and when we're
14 looking at an institution because I know this has
15 come up before with other agencies, it's come up
16 multiple times today.

17 And I just think that the conversation
18 is lacking, the level of nuance that we need. I
19 mean, I think obviously if there is one error out
20 of, you know, hundreds and hundreds of issues are
21 we going to, you know, vote to shutdown the
22 Agency or do you recognize the Agency? Probably

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1 not that would seem quite extreme.

2 Yet also, can individual examples,
3 that's all we're looking at ever is individual
4 examples, are those individual examples, you
5 know, evidence of a broader problem. I think
6 that's what we're trying to get at.

7 I would say also in this particular
8 case the SDO letter particular pointed to one
9 institution, right? The compliance report was
10 actually focused on the Agency's compliance
11 regarding a particular set of circumstances for
12 one institution. So I think the fact that we're
13 digging into this one institution, with this one
14 agency, is very much in line with what the entire
15 intent of this compliance report that we're
16 reviewing today was.

17 So that's, I think on the institution.

18 I think we also have to learn whether or not it
19 even speaks to how we vote or what the motion
20 should be for COE. We have to learn from these
21 sense of situations. If we don't learn and apply
22 those lessons to our recommendations for the

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1 Department's accreditation rules or for the
2 Department Staff, or for our own understanding of
3 how agencies are operating, we, I don't know what
4 the point of what we're doing is. We have to
5 understand some of this.

6 And I think for me, one of the
7 takeaways from this discussion, and it, you know,
8 to be fair it probably has very little to do with
9 FCC or even COE, but just my understanding of how
10 these review processes work. I mean, I'm looking
11 at this 2022 team report for FCC, which happens
12 to be for FCC, which happens to be from COE, but
13 there is, the Agency reviewed over 250 standards
14 for the Agency with four staff and four days.

15 You know, one of those 250 standards
16 was an individual review of 290 complaints that
17 they reviewed. Each one of those 290 complaints
18 to make sure that the institution was compliant
19 with its own policies.

20 Another one of those 250 was ensuring
21 the accuracy of data that was reported to it,
22 which includes individual student level

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1 attestations and the like. So that's two of 250,
2 there's 248 others. Again, four people, four
3 days. I think I'm just wondering how in the
4 world are we supposed to interpret when we see a
5 situation like this, how are we supposed to
6 interpret findings, like no findings of non
7 compliance.

8 It's presented that we're supposed to
9 understand that to be that the institution is
10 fully compliant. But it feels like a much more
11 likely situation when you do just the math. The
12 math of how many minutes there are in a day, how
13 many people on the site visit, that there may
14 well have been noncompliance that just wasn't
15 found. So for me this was really about the
16 credibility of the process and how are we taking
17 lessons and applying them moving forward.

18 C. PRESSNELL: Thank you, Debbie.
19 Art?

20 K. ALIOTO: Mute.

21 C. PRESSNELL: Art, we can't hear you.

22 A. KEISER: I'd rather be there with

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1 you guys. I'll try to be brief. Debbie has some
2 very good points. And it's really heard.

3 I've been on both sides. I served as
4 chairman over the Accrediting Commission, I've
5 served on over a hundred and some visits. And
6 you're not going to pick up stuff, some of the
7 things, especially in this particular case. But
8 I would have to say, in some respects the Triad
9 worked here.

10 I know COE was involved in the FCC
11 situation. I know, you know, for COE to hire a
12 third-party auditor review the data, which found
13 it compliant was, you know, was extra ordinary.
14 The fact that the Department came to an agreement
15 with the company, and the fact was that the
16 school trained out every student. There were no
17 students left without, with a precipitous
18 closure.

19 So in some respects we have to look at
20 this particular incident even though it was, I
21 think, horrible. The end result kind of was, is
22 what the purpose of the Triad is. But in the

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1 issue of complaints, Debbie, I mean, the
2 creditors are not, as David tried to say, they're
3 not a police force. It doesn't work that way.
4 It cannot work that way. They're not --

5 And in this case, which is a
6 proprietary school, which of course brings up all
7 kinds of emotions, which I have a hard time.
8 Right now there is a community college in Ohio
9 that's shut, it's closing for the moment, but it
10 had 4,000 students or 40,000 students thinking
11 Pell Grants weren't eligible.

12 You know, there are differences in the
13 way we handle different types of schools, which I
14 think is a problem, not all schools are the same.

15 But in this particular case, you know, this was
16 a really unique situation. And it was one that
17 would not normally bubble up to the surface even
18 doing an accrediting visit or the state would
19 have picked it up, or the feds would have picked
20 it up. So I think we should go with the Staff
21 recommendation and move on from this topic.

22 C. PRESSNELL: Thank you, Art.

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1 Jennifer?

2 J. BLUM: Yes, I just wanted to
3 respond to something that Zakiya said. So I
4 totally agree with her in terms of sort of, if I
5 think I understood it correctly, with regards to
6 agencies. This would be really different if I
7 saw a trend line within COE of issues. But
8 Department Staff isn't indicating that there is a
9 trend line of issues of other institutions that
10 have been a problem.

11 And in fact, COE, and I also applaud,
12 the way Zakiya said, I applaud that COE is
13 taking, and I give, and that factors in, their
14 response to the situation to improve themselves
15 definitely factors into my decision making on
16 this. And they're taking, I think appropriate
17 steps. And it seems like they're being pretty
18 active with their institutions right now. And so
19 I think they're doing all the right things.

20 But part of what's informing me here
21 is that, or two things. One is that this was one
22 institution, granted a big one, but one

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1 institution. And then I'm just going to repeat
2 it. The major violation was a really complex
3 title, nuance Title IV issue of ability to
4 benefit which I just, I really don't think is,
5 would be very hard for an accrediting agency to
6 be the one who became the watchdog on that one.

7 So I also agree with Debbie, this is a
8 complete learning exercise and I think that this
9 whole dialogue is incredibly helpful in informing
10 us, you know, broadly. Sadly, I'm not sure that
11 the situation of having four, and Herman has
12 already spoke to this, but four days with four
13 site visitors is that uncommon across
14 accreditation.

15 So I'm definitely not prepared to have
16 a negative opinion on COE for what I actually
17 think is somewhat the norm on, and based on my
18 own experience of having worked with schools,
19 whether it's good or bad. I think that's
20 somewhat the norm. So I'm really reluctant to
21 take an action on an accrediting agency based on
22 what I kind of think is somewhat the norm.

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1 C. PRESSNELL: All right, thank you,
2 Jennifer. So I want to be real careful that we,
3 and we haven't done it but we've teased at kind
4 of repeating our positions, and so I want to make
5 sure that we kind of bring it to some level of
6 closure at some point in time here in the very
7 near future, but David, then Zakiya.

8 D. EUBANKS: Thank you, Claude. I was
9 hoping to bring it to, or send it that direction
10 anyway. So my summary on it is that the CEO
11 accreditation process, it involves the least
12 amount of evidence, at least in their reporting,
13 and hence puts the most emphases on trust and the
14 institution. And probably most of them are fine
15 with that.

16 My understanding is they'll be back
17 with their full petition not too long from now.
18 And I hope they will address that condition.

19 I think it's essential that we detect
20 red flags. And I disagree a little bit with
21 Jennifer, and maybe Art. I think it is quite
22 possible for a well trained peer review team to

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1 detect certain kinds of deception in admission
2 statistics by looking for internal
3 contradictions.

4 And Zakiya and Debbie both mentioned
5 looking for the broader problem. You know, what
6 do we learn from this. I think this is a
7 learnable thing, because one blind spot and most
8 reviews is this kind of admission's expertise.
9 So with that I will put a motion on the floor,
10 Claude, that we accept the Department
11 recommendation and we can go from there.

12 C. PRESSNELL: All right, very good.
13 There's been a motion to accept the SC, or the
14 Staff report.

15 J. BLUM: Second.

16 K. CURRY: Second.

17 C. PRESSNELL: And it has been
18 seconded. And so there's a motion on the floor.

19 Zakiya, do you have comments?

20 Z. SMITH ELLIS: Yes. I would just
21 note we're talking about one institution, but I
22 just realized there's another institution. I

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1 haven't gone through all 500.

2 But Vista College closed in 2021. No
3 one realized it's a COE institution. They did
4 not realize that this college had problems until
5 the moment it closed. It was a similar
6 situation, not similar in the ability to benefit,
7 but similar in that it suddenly had a problem for
8 all of its students. The State of Texas did not
9 receive notification until the moment it closed.

10 So I just wanted to push back on the
11 idea that this is just one college of COE and all
12 of the rest of them are great. That happened in
13 2021. I'm happy to send the news article from
14 the local college station piece around.

15 But it only provides the point that
16 I'm making that there are probably others that we
17 just don't know about because of, you can't go
18 into detail. And I would love to think about
19 what those systemic things are. I realize
20 there's a motion on the floor but I just wanted
21 to raise that point.

22 C. PRESSNELL: No, that's good. Other

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1 comments, discussion about the motion on the
2 floor? Yes, Zakiya.

3 Z. SMITH ELLIS: I guess it's a
4 question about the timing because I think that's
5 probably the biggest. If anyone were to vote in
6 opposition to the motion to accept the staff
7 recommendation it seems like the other thing that
8 folks were talking about was whether a more
9 frequent compliance report would be reasonable.
10 But I just know we've talked so much about the
11 timing of how these things happen, and I just
12 don't know what is possible or reasonable in --

13 C. PRESSNELL: Yes, I'll let Herman --
14 okay, Jennifer and then --

15 J. BLUM: Just so he can answer them
16 at once because it's a related question. So
17 there's a timing issue but in this instance the
18 compliance report was related to an institution
19 that's now withdrawn and is, I think closing. So
20 I'm not sure what the compliance report, legit
21 I'm not sure what we would be asking for which
22 was, I'm literally just a question because I'm

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1 not sure what the what would be on the part of
2 the agency to have to do in the next year.

3 H. BOUNDS: No, that is a good point.

4 Remember I talked about earlier we were going
5 to, you know, make a recommendation for some
6 continued monitoring but the institution has
7 already closed so there wouldn't be anything to
8 do in relationship to that.

9 And a compliance report in this
10 particular situation, you know, in my mind you
11 wouldn't get more information on their renewal
12 petition because you figure their compliance
13 report, the COE has 90 days to make the decision,
14 then you got one year and 30 days from decision
15 for them to submit a compliance report. By that
16 time they would have already submitted their
17 renewal petition and there would be a much
18 broader review of anything to do with 602.20 or
19 any of the accreditation standards in 602.16, or
20 in general, all of the regulatory requirements.

21 So I'll just leave it at that. I
22 mean, that's kind of how that process would work.

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1 I think we had the same discussion about the
2 Agency the other day related to that same
3 timeline.

4 C. PRESSNELL: Jennifer?

5 J. BLUM: Can I make a point that just
6 occurred to me as you were talking? Herman said
7 it was helpful.

8 The other point is, is so they'll be
9 issuing, I mean, they'll be submitting a
10 petition. If you were to see anything between
11 now and the two, this is true of any agency by
12 the way, but if you were through that position
13 process and review process were to see something
14 before our meeting in two and a half years when
15 they're actually up, you have the authority to do
16 an LSNT. You can do some form of limitation. I
17 mean like, if there were something --

18 H. BOUNDS: Sure.

19 J. BLUM: -- you always have the
20 authority in an intervening time period. So the
21 key is point, if there were other trend lines
22 that surface during that petition review and you

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1 needed to escalate something, you also have the
2 authority to escalate something, is that correct?

3 H. BOUNDS: Yes. The other thing to
4 remember too is doing a full accreditation review
5 the staff has to conduct a file review. In
6 addition to that file review, using our data
7 warehouse we select specific institutions for the
8 agency to supply documentation for in their
9 petition for recognition.

10 But moreover, back to the file review,
11 they look at documentation for many, many
12 schools. Those file reviews can take up to a
13 month to do broken up over time. And they can
14 look at anywhere from documentation of one
15 institution to, you know, 20 institutions if they
16 see something that's a little shady. So the
17 renewal petitions would pick up any other trends
18 if there are other, you know, if there are other
19 trends out there.

20 But again, the timeline to submit the
21 compliance report, again, would put them right
22 into when they have already submitted their

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1 petition for recognition and to have them then
2 try to schedule an appearance here based on the
3 compliance report timeline and then the renewal
4 petition timeline. I don't know.

5 C. PRESSNELL: All right, very good.
6 Kathleen on the motion?

7 K. ALIOTO: Could, when the Department
8 does do that, could they look at the 19 schools
9 that were put on probation? There might be some
10 little kernels in there.

11 C. PRESSNELL: Yes, that will be under
12 the full review.

13 K. ALIOTO: Yes. Not the -- thank
14 you.

15 C. PRESSNELL: You're welcome. Any
16 other questions about the motion?

17 Z. SMITH ELLIS: To reclarify, I think
18 the, I know it's not up there anymore, but the
19 staff recommendation is recognition for two years
20 and five months, which is shorter than what would
21 normally be the case, is that right or am I
22 misunderstanding?

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1 H. BOUNDS: Yes that's, the two years
2 and five months is what's left of the current
3 five year recognition period. So that's why they
4 have to come in within two years and five months
5 because they have to be reviewed before, yes,
6 before that expiration date.

7 C. PRESSNELL: All right. Could,
8 Monica, could you read the motion for the record
9 please?

10 M. FREEMAN: The motion is as follows.

11 I move that the NACIQI -- I move that NACIQI
12 recommend that the Senior Department Official
13 accept all recommendations of the final Staff
14 report for the council of educational education.
15 Occupational education.

16 C. PRESSNELL: All right, very good.
17 Seeing no other comments we'll take the vote.

18 M. FREEMAN: Zakiya how do you vote?

19 Z. SMITH ELLIS: No.

20 M. FREEMAN: Kathleen how do you vote?

21 K. ALIOTO: Yes, with the hope that
22 the department will look at the 19 schools that

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1 have been placed on probation, and others, to see
2 if there is any kind of story there.

3 M. FREEMAN: Thank you. Kathleen?
4 Kathleen votes yes. Roslyn, how do you vote?

5 R. CLARK ARTIS: Yes. And I would
6 simply comment that 19 institutions being placed
7 on probation is the best. The process is
8 working.

9 M. FREEMAN: Thank you. Roslyn votes.
10 Yes. Jennifer, how do you vote?

11 J. BLUM: Yes.

12 M. FREEMAN: Thank you, Jennifer.
13 Jennifer votes yes. Wallace, how do you vote?

14 W. BOSTON: Yes.

15 M. FREEMAN: And Wallace votes yes.
16 Debbie, how do you vote?

17 D. COCHRANE: Yes.

18 M. FREEMAN: And Debbie votes yes.
19 Jose Luis is absent. Keith, how do you vote?

20 K. CURRY: Yes.

21 M. FREEMAN: Keith votes yes. David,
22 how do you vote?

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1 D. EUBANKS: Yes.

2 M. FREEMAN: And David votes yes.
3 Molly, how do you vote?

4 M. HALL-MARTIN: Knowing that their
5 process for the full review has already started
6 and they're going to do all the digging, yes.

7 M. FREEMAN: So that is a no?

8 M. HALL-MARTIN: Yes.

9 M. FREEMAN: Yes, ok. Molly votes
10 yes. Art, how do you vote?

11 A. KEISER: Yes.

12 M. FREEMAN: And Art votes yes.
13 Michael Lindsay, how do you vote?

14 D.M. LINDSAY: Yes.

15 M. FREEMAN: Michael Lindsay votes
16 yes. Robert is absent. Mary Ellen, how do you
17 vote?

18 M.E. PETRISKO: I vote yes. And two
19 comments. One, I would note that the Agency said
20 that there was information that the Department
21 had that they did not have with regard to the
22 HCM2 status. We've seen this before. And this

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1 raises the issue with the Triad collaboration
2 that Jennifer raised before.

3 The other thing I would like to say is
4 I think I would advise the Agency to take a
5 another look at the parent efficiency policy and
6 how that's dealt with because of a deficiency, if
7 a deficiency is apparent it should take less than
8 four years to know whether it is or not. It is
9 or is not a deficiency.

10 M. FREEMAN: Thank you, Mary Ellen.
11 Mary Ellen votes yes. Michael, how do you vote?

12 M. POLIAKOFF: Yes.

13 M. FREEMAN: Michael votes yes. And
14 Bob, how do you vote?

15 R. SHIREMAN: I am concerned about the
16 box checking, evidence of the box checking
17 approach and will vote no.

18 M. FREEMAN: Thank you, Bob. Bob
19 votes no.

20 C. PRESSNELL: All right the vote is
21 12 in favor, 2 against so the motion passes.
22 Congratulations to COE. And we thank you for

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1 taking seriously the deliberations of the
2 Committee. We look forward to your full report
3 here in two and a half years.

4 We are going to take a 15 minute
5 break, and we will come back and begin the policy
6 discussion. So at 12:50. At 12:50 we will begin
7 the policy discussion. Thank you.

8 (Whereupon, the above-entitled matter
9 went off the record at 12:36 p.m. and resumed at
10 12:50 p.m.)

11 C. PRESSNELL: All right, welcome
12 back. I appreciate everybody's willingness to
13 come back. And also do appreciate the
14 Committee's work on the two agencies that we
15 reviewed today. I thought the discussion was
16 just really very enriching and very helpful.

17 So this will be our policy discussion
18 session. At this point in time I have got five
19 issues on the agenda.

20 The first one is the process. What is
21 the process for the approval of new accreditors?

22 The next one is a discussion of where we are

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1 with negotiated rulemaking. So an update on
2 that. Then the third item will be on academic
3 freedom. That Bob Shireman is going to share
4 some research that he's currently doing on that
5 issue.

6 The fourth item is what we were
7 talking about yesterday with nursing board
8 program exclusions. And then the final issue on
9 my list, at this point in time, is the whole idea
10 of policy post the practice issue that we were
11 talking about. In other words, the accreditors
12 having the practice in place but not the policy
13 and how we want to have some clarity on that who
14 issue.

15 So the first two, dealing with the
16 process of approval of the new accreditors and an
17 update on negotiated rulemaking I've asked Herman
18 to lead those discussions. So Herman.

19 H. BOUNDS: All right, thanks
20 everyone. I will try to be brief. I'll start
21 with the initial recognition process. I'll give
22 a little history, and that should also cover the

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1 timeline.

2 So we'll say the initial recognition
3 process takes about four to six years to
4 complete. Since I have been in the accreditation
5 group since 2012, three agencies have actually
6 obtained initial accreditation.

7 The first one is the Association of
8 Institution of Jewish Studies. They began the
9 process in 2010, and they gained recognition, I
10 believe, in 2015.

11 The National League for Nursing,
12 Commission for Nursing Education accreditation in
13 LN, CNDA. They originally started in 2013. And
14 they gained recognition in 2022.

15 Now there was an appeal of an SDO
16 decision. If it would not have been for that
17 they would have got it in 2020. And then there
18 was the Nurse Practitioner Residency and
19 Fellowship Training Consortium. And they began
20 the process in around 2016. And they gained
21 recognition in January of 2022.

22 Same issue, there was an appeal of

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1 that initial decision which caused the delay. If
2 not for that appeal it would have been four years
3 for them. So that's kind of like the standard
4 process.

5 Currently we have one agency who's
6 currently in the seeking initial recognition.
7 And they are the Accrediting Counsel for
8 Nutritional Professional Education. And it's
9 ACNPE. Yes, accrediting, the Accreditation
10 Council for Nutrition Professional Education.

11 There's another agency also in the
12 queue, I won't say their name because they're
13 kind of, they're kind of stalled at this point so
14 I don't want to put that out there for them. And
15 we have had discussions with ten agencies since
16 around 2018, but you know, None of those have
17 come forward.

18 Process usually begins with a phone
19 call to me. Some sort of a, or either an email
20 inquiry, or we have a Dropbox, which is ASL
21 records manager. And we'll get some inquiries
22 from there.

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1 Once I get the inquiry I kind of give
2 a brief explanation of the recognition process
3 and general information. And at that point I
4 turn that whole process over to my highspeed low
5 drag new accrediting agency onboarding team.

6 That consists of three analysts,
7 Nicole, Stephanie and Mike Stein. And then they
8 take the process from there. And again, they ask
9 for things initially like summary of, they want
10 to see what their accreditation standards are,
11 general discussion about their federal link,
12 state approval of their, any of their accrediting
13 institution, the programs and so on.

14 And to summarize everything, once that
15 new agency team feels that the agency has some of
16 the systems in place then they will invite them
17 in and they will meet with, actually the entire
18 Accreditation Group Staff will ask the Agency
19 some additional questions. And at that point
20 I'll make a decision on whether they are ready to
21 start demonstrating basic eligibility. And
22 that's what we look at first.

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1 Before we continue we open up e-
2 recognition and have them address some of the
3 basic eligibility criteria. They don't proceed
4 any further until that is addressed.

5 And lastly I would say, the largest
6 obstacle is the federal link related to
7 programmatic accrediting agencies. If they're
8 coming in as an institutional accreditor that's
9 an easy link. They just have to demonstrate that
10 an institution who's going to use their
11 accreditation is going to participate in Title
12 IV.

13 But for the programmatic it can be a
14 difficult process. And that's really the reason
15 for some of those ten that I refer to is not
16 progressing any further because they just can't
17 come up with a valid federal link. So open to
18 any questions you all may have.

19 C. PRESSNELL: Thank you, Herman. Any
20 questions from the Committee? Yes, Bob.

21 R. SHIREMAN: Thanks. Thank you,
22 Herman, that was very helpful. My recollection

1 is that to okay and to an accreditor they need to
2 demonstrate experience in that they have been
3 accrediting institutions. Can you say a little
4 bit more about what that experience is supposed
5 to be composed of?

6 For example, before they are an
7 institutional accreditor do they need to show
8 that they have been accrediting some institutions
9 in compliance with all of the federal recognition
10 criteria, and then that some of those
11 institutions intend to then use them as their
12 institutional accreditor once they get approved.

13 There's, I'm trying to get at some of the sort of
14 cart before the horse or something there in terms
15 of what happened, what the sequence of events
16 are.

17 H. BOUNDS: Yes, I just want to make
18 sure I'm going to answer all, all of the events
19 of the 602.12 here. So, you know, in that initial
20 process to kind of demonstrate, excuse me, to
21 kind of demonstrate their accrediting experience
22 we look, again, we look to see, we want to see

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1 what their processes were in accrediting the
2 portfolio of institutions or programs that they
3 have.

4 Now at that point they probably have,
5 they probably don't. And that's another reason
6 for the delay. They probably haven't reviewed
7 those institutions and programs based on all of
8 our regulator requirements.

9 But we do look to see what the
10 structure of their organization is. You know, do
11 they have a decision making body, is there one
12 person making the accreditation decision or is it
13 a group, both. Do they actually conduct site
14 visits, do they require the self study. So we're
15 looking at some of the basic, basic processes in
16 order to determine if that experience is valid.

17 You know, we have had a couple of
18 agencies that have come up and they say, yes, we
19 have accrediting experiences, experience, excuse
20 me. They don't conduct site visits, they don't
21 require self studies. You have one person making
22 the accreditation decision overall.

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1 So it's really a review to see how
2 similar their processes are to those processes
3 that they're requiring. Not that they're going
4 to be perfect because they're just not, that's
5 just not going to be the case.

6 C. PRESSNELL: Is there a --

7 R. SHIREMAN: That's all, thanks.

8 C. PRESSNELL: Yes.

9 R. SHIREMAN: Yes, thanks.

10 C. PRESSNELL: Okay. Michael
11 Poliakoff?

12 M. POLIAKOFF: Yes, thank you, Herman,
13 that was very illuminating. My question is going
14 in slightly a different direction. Is there any
15 way to make this process faster?

16 You know, I think in particular with
17 the end of the regional structure of
18 institutional accreditors. But if it works well
19 there will be new faces on the market pretty
20 soon. They'll be more segmentation
21 specialization within institutional
22 accreditation.

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1 And I just wanted to get your thoughts
2 on how this can be more streamlined to get some
3 worthy people who are showing that they
4 understand the process on into the mix quicker.

5 H. BOUNDS: Yes. One of the problems
6 with initial recognition is that the accrediting
7 agency has to demonstrate compliance with all
8 regulations. Because a new agency can't have a
9 compliance report. So we have to hold them at
10 bay, right, until we have a good determination
11 that they have met all of the, all of the
12 regulatory requirements. So that's one, that's
13 one reason for the delay.

14 We've been lucky because all new
15 agencies that we have brought before in NACIQI,
16 NACIQI has thought, yes, I think you guys got it
17 right. And they have, you know, they have
18 initially approved them.

19 The other problem is really not the
20 process it's the preparedness of the
21 organization. You know, many of these
22 organizations, they take a glance, they may take

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1 a glance at the recognition criteria, but they
2 really don't dive in and try to understand the
3 recognition criteria and what it takes to
4 demonstrate an action. And that is really what
5 causes the slow up.

6 So, you know, the one agency that I
7 just talked about that took four years, they were
8 actually one of the most prepared when they came
9 in initially. They had a really good
10 understanding of the recognition criteria and
11 only had to clean up a few things before we
12 brought them to NACIQI.

13 But the only way that we can
14 streamline, Number 1, is it's really more
15 preparation of the organization, not so much as,
16 you know, not so much as our process.

17 M. POLIAKOFF: Okay, thank you.

18 C. PRESSNELL: Good. Other questions
19 for Herman? All right, let's go on to the next
20 topic which is an update on the negotiated
21 rulemaking. Herman?

22 H. BOUNDS: Sure. And I know we've,

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1 that we've all heard the comment that we really
2 can't have an open discussion about the, you
3 know, the regulations that we are discussing at
4 rulemaking. But I will, I will just say, you
5 know, we've already had a couple of sessions.

6 The next session is March 4th through
7 7th. And I think you all have links to the issue
8 papers and to the, if not we'll try to get those
9 to you. Because you can go to the negotiated
10 rulemaking site and you can click on Session 3,
11 which is March 4th through 7. You have to kind
12 of weed down into there but we can get you the
13 document.

14 And it will at least give you a copy
15 of the, you can see the issue paper. And you can
16 see the reg text. The actual proposed changes.
17 And that will kind of give you an idea of where
18 the Department is versus the negotiators and some
19 of the regulatory language that has been
20 suggested.

21 Again, I think for, you know, I guess
22 legal reasons, and other things with the

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1 rulemaking process, I think that's probably about
2 as far as I can go. But again, I think looking
3 at the documents will at least show you some of
4 the, you know, some of the changes that we have
5 recommended, some of the comments from the
6 committee, and then some of the language that
7 we've come back with in consideration of all of
8 the discussion at the table.

9 G.A. Smith: Links to those documents
10 that he just mentioned, I just sent to all of
11 you.

12 H. BOUNDS: Okay.

13 G.A. SMITH: The NACIQI Members.

14 C. PRESSNELL: Great. Yes, thank you,
15 George, for getting that in so quickly.
16 Jennifer?

17 J. BLUM: (No audible response.)

18 C. PRESSNELL: You're muted.

19 J. BLUM: Okay, sorry.

20 C. PRESSNELL: Yes.

21 J. BLUM: Just getting used to the
22 being out of the room part now. Really quickly

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1 in the car.

2 So, and I know, I totally understand
3 the reasons behind not going into the details,
4 given that the next session is next week, but I
5 guess what I would like to do is say two things.

6 One is, to really encourage, I'm glad, because
7 Herman I was going to say, I actually haven't
8 thought that the issue papers were distributed
9 across our member, the NACIQI membership, and so
10 I'm glad that you're doing that.

11 Accreditation is a big subject matter
12 in the conversations for the rulemaking. And as
13 are other issues that are actually, I think
14 relevant to us given that our statutory
15 responsibilities if were, as NACIQI members, is
16 our policy. And policy members relating to Title
17 IV.

18 So not just the accreditation section,
19 but I would really encourage all of us to take a
20 hard look at the Department's proposals.
21 Department in some regards is responsive in it's
22 proposals to some of the policy conversations

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1 that we've had over time, which is nice to see.

2 There are other areas though where,
3 and where I feel that, and I'll just say that one
4 of the things is that we, as members I think have
5 a very unique perspective on recognition criteria
6 because we, with the Department Staff, are the
7 ones who sort of weave through the process of
8 compliance with those criteria and we don't want
9 to be rubber stamping. It's a really hard
10 process to not rubber stamp and so we, I'm very
11 mindful, as I'm looking at the language of how
12 the department and we are going to be able to
13 cover all the basis being discussed.

14 So I just would really recommend that
15 the, that we all take a close look because, and
16 this is the second thing I wanted to say, because
17 there are opportunities to input. I wish there
18 were a way actually that the Department could
19 provide an opportunity for NACIQI as a whole to
20 provide reaction to the Department's proposal
21 after the 3rd rulemaking session.

22 Timing wise that probably doesn't work

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1 for the Department well, but I would ask the
2 Department to think about, because of our sort of
3 unique perspective as a whole how, if there is an
4 appropriate way to input, but if there is not, we
5 each as individuals, or as a group, there are
6 going to be other opportunities to provide
7 comment in the form of notice and comment, which
8 should be out with the notice of proposed
9 rulemaking sometime this summer after they finish
10 the NegReg process.

11 So I just want to put in a plug for us
12 because we all have gained, I think a lot of
13 perspective and experience in the area of
14 accreditation, but also in other areas, to be
15 able to provide input. I want to be careful
16 because I know that there are standards about how
17 we represent ourselves. We would be representing
18 ourselves, unless the Department seeks our
19 official input, I think we would all be
20 commenting as individuals.

21 But I just wanted to put in that plug.
22 These are really, really important policy

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1 matters that I think we all should spend time
2 with and care a lot about. That was it.

3 C. PRESSNELL: Yes, thank you,
4 Jennifer. And I think that's great advice. It's
5 really also good to note that the Department did
6 take serious consideration of the policy paper
7 that we submitted that was chaired by you and
8 Bob. So that was really a helpful exercise. And
9 I think it has benefitted the Department as well.

10 Any other questions for Herman about,
11 yes, Kathleen?

12 K. ALIOTO: I'm wondering about the
13 subcommittee on data report and if any of those,
14 and if the Committee, I don't think the Committee
15 voted to accept it. But I think that the
16 recommendation that there would be a submission
17 to Congress in regards to H.R.2957, the College
18 Transparency Act, and I don't know if the
19 Committee wants to do something like that or if
20 the acceptance of the report, if people have had
21 time to digest it or, anyway, that's my question.

22 C. PRESSNELL: Do we --

1 K. ALIOTO: What are we going to do
2 with it?

3 C. PRESSNELL: Yes, there, as you
4 noted there was not a vote taken to receive the
5 report officially. And I don't think our
6 deliberations were around wordsmithing a report
7 in order for an official vote on it. But it
8 obviously is in the record and the SDO, you know,
9 it was brought to the SDO's attention about the
10 report as well. And the report is public on the
11 NACIQI website as well.

12 But you're right, we did not take an
13 official vote. And I don't think the
14 deliberations led to an official vote.

15 K. ALIOTO: Well, should we make an
16 official vote? Should we take an official vote
17 with --

18 C. PRESSNELL: Well, we'd have to
19 revisit the paper completely. And I don't, I'm
20 not in the position to call for a special vote on
21 the report. Wally, comment?

22 W. BOSTON: Yes. So thanks for your

1 comments, Kathleen, as a member of the
2 subcommittee. We didn't talk in advance about
3 asking for a vote, so I guess where we are with
4 this we wanted to be informative, but certainly
5 we haven't been given any indication that the
6 Committee wants us to stand down our activities.

7 So I think that, you know, by our next committee
8 meeting if there is specific items that we want
9 to vote on we'll be glad to put that forward in a
10 document.

11 I would tell you that, you know, we
12 strongly worded that we'd really like some
13 budgetary assistance to get the reports that we
14 had recommended before done, we're just, you
15 know, our dashboard is super weak. You know,
16 there are entities out there that have better
17 data than we have. And, you know, we're arguing.

18 We're promoting a stronger, you know, asking for
19 a stronger dashboard.

20 So, you know, if it's this Committee's
21 prerogative we're glad to tighten up that memo
22 and put something specifically up for our next

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1 meeting.

2 K. ALIOTO: Well I just wondered, in
3 terms of negotiated rulemaking if there was
4 anything about that in having the budget, if
5 that's even part of the negotiated rulemaking or
6 not.

7 C. PRESSNELL: Yes, I'm not under the
8 impression that negotiated rulemaking is dealing
9 with budgetary requests. So it's policy in
10 nature. But, Jennifer, did you have a comment?

11 J. BLUM: I was just going to say
12 that, so, Kathleen, if you take a look, not now
13 but after the fact, the part that's interesting
14 is on, if you do look they are, they do, the
15 Department is proposing changes on student
16 achievement and what the expectations are on the
17 power of accreditors that could have some
18 tangential, but it's very tangential to the
19 dashboard. So I don't think it's directly
20 related at all. But it is, if you're interested
21 in the area, which I know you are, you should
22 look at the issue paper on that piece.

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1 K. ALIOTO: Thank you.

2 C. PRESSNELL: Thank you, Kathleen,
3 thank you, Jennifer. Any other questions for
4 Herman about negotiated rulemaking?

5 All right, that moves us to the next
6 topic, academic freedom. And, Bob, we'll let you
7 take this issue. Thank you.

8 R. SHIREMAN: Thank you so much,
9 Claude. It is a tumultuous time on college
10 campuses. Lots of debates going on, sometimes
11 protests. And almost every day these days there
12 will be a news article quoting people
13 complaining or making allegations about
14 violations academic freedom or free speech. And
15 sometimes accreditors get involved either because
16 someone asks them to get involved or they start
17 discussing the issues.

18 The law school accreditor has been in
19 the news recently because they just updated their
20 standards on academic freedom and campus speech.

21 So I wanted to just state that I did a
22 dive into the standards of 40 accreditors and

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1 also looked at the ways that various outside
2 organizations define academic freedom. And I
3 wanted to just take a few minutes to share since
4 the issue sometimes comes up here to share what I
5 found and then whatever discussion folks want to
6 have about that. So I am going to hopefully
7 share my screen.

8 So there are -- let me see. Just a
9 second. I think I need to share a different
10 screen. Okay. Well, no. Sorry.

11 C. PRESSNELL: That's the one with
12 your notes.

13 R. SHIREMAN: Yeah. I'll put the
14 other one --

15 C. PRESSNELL: You're looking at the
16 presentation note, aren't you?

17 Z. SMITH ELLIS: You showed the right
18 screen the first time but --

19 R. SHIREMAN: Okay, great. I guess I
20 didn't see that it was moving. So, oh well, it
21 looks like --

22 Z. SMITH ELLIS: We're seeing it in

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1 PDF now.

2 R. SHIREMAN: Okay. That is not
3 right. Sorry.

4 C. PRESSNELL: That will work, Bob.

5 R. SHIREMAN: Okay. That's not the
6 right one. Okay. Sorry. One more try here.
7 Okay. There. All right. Is that seeing it
8 without my notes?

9 C. PRESSNELL: No. That's still your
10 note view. You could back to the PDF and just
11 page down per slide.

12 R. SHIREMAN: Okay. Is that working?
13 You're able to see?

14 C. PRESSNELL: Yeah, that's perfect.

15 R. SHIREMAN: Okay. Great. Let's just
16 keep trying that. So I looked at a bunch of
17 different definitions of academic freedom. I'm
18 not going to show all of them to you. But this
19 historical organization, they emphasize what
20 happens in the classroom and what scholars do in
21 the classroom as the area that is protected in
22 terms of academic freedom.

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1 The American Federation of Teachers
2 goes a little bit further talking about faculty
3 members as individuals and as a collective. That
4 kind of gets to faculty senates and a faculty
5 role in kind of enforcing academic freedom.

6 The follow-up line to this particular
7 quote from the AFT is that these rights are
8 supported by two institutional practices, shared
9 governance and tenure. So the issue of tenure in
10 the literature about academic freedom often comes
11 up because obviously tenure helps to protect
12 faculty members from kind of summary dismissal.

13 Pen America, kind of a free speech,
14 free writing organization brings in the issue of
15 speech outside of the campus, the idea being that
16 a college shouldn't be firing somebody because of
17 something they say on Facebook or in a political
18 campaign or something like that.

19 And then the AAUP, University
20 Professors, is the organization that has been
21 involved in this topic since they began. It's
22 why they started in 1915. And they too, even

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1 with their 1915 statement, bring in that
2 extramural speech or speech outside of the
3 context of the classroom as being important.

4 In terms of accreditor standards, I
5 found three different types of standards that
6 seem to relate to academic freedom, one being
7 protecting the institution from intrusion from
8 the outside. Sometimes also protecting the
9 institution inside so kind of carving out a
10 territory for different stakeholders. And then
11 the more general affirming free inquiry like what
12 was mentioned with regard to TRACS earlier today.

13 In terms of protecting from outsiders,
14 I found that of the former regional accreditors,
15 five of them have happenings that relate to that.
16 And I didn't see any among the other accreditors.

17 I phrase it that way -- I didn't -- you know, I
18 might have failed to catch things.

19 Here's an example of one of the
20 standards related to outsiders preventing
21 influence by external persons or bodies. There
22 are some accreditors that name, you know, that

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1 say -- that give examples like, you know,
2 politicians or ownership interests, I think, one
3 accreditor uses. Others, it's more vague. Like
4 this one just says that the Board is independent
5 or it has appropriate autonomy.

6 Insider pressures, I'm not going to
7 show you examples. But in one case they just say
8 external or internal, but they don't really
9 explain what that means. Obviously, it would be
10 up to an agency to figure out what would be
11 inappropriate internal pressures. But sometimes
12 that would relate to it says in the standards.
13 And I guess this kind of relates to what Mary
14 Ellen was pointing out earlier that the faculty
15 own the curriculum, need to be involved in or
16 leading on the curriculum, and it might involve a
17 failure to do that.

18 The other more general area is
19 standards that affirm free inquiry or say, you
20 know, must have academic freedom.

21 There is some mention of academic
22 freedom in the standards of all of the former

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1 regional accreditors, five of the six medical
2 accreditors, three of the five religion based
3 accreditors, None of the other agencies.

4 One type of example just says you have
5 to have a policy on academic freedom. It
6 actually doesn't even say that it has to support
7 academic freedom. It needs to exist.

8 I don't know whether in this case, for
9 example, a visiting team would go and see
10 something that didn't -- that was a statement
11 about academic freedom that didn't affirm it,
12 whether that would be a violation or not. It's
13 not clear from this particular standard.

14 Another example of a somewhat more
15 robust affirmation of academic freedom and also
16 it goes on to what I think is -- what we all kind
17 of think of as what we would like to see at an
18 institution, kind of this idea of commitment to
19 free pursuit of knowledge and dissemination of
20 knowledge rather than the very technical elements
21 of it all. And then several agencies kind of
22 couched their affirmation of academic freedom as

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1 being within the context of institutional
2 mission.

3 This one in particular is from a
4 religion based accreditor that requires all of
5 its institutions to teach a biblical world view,
6 including that the Bible is the only infallible
7 authoritative word of God. So it raises an
8 interesting question about what is academic
9 freedom when there is kind of this context
10 requirement.

11 The American Bar Association with law
12 schools, they used to have a standard that just
13 said you have to have a standard on academic
14 freedom. It didn't say anything more than that.

15 They just adopted earlier this month a new
16 standard that requires law schools to protect
17 academic freedom in research, publishing,
18 governance, et cetera.

19 They have established a -- there has
20 to be a process for reviewing claims of violation
21 on each campus. And that also includes campus
22 speech beyond academic freedom issues. There

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1 were some pretty major protests and things like
2 that, cancellation kinds of things of speakers
3 that became an issue at some law schools.

4 The title here is actually from
5 something called the Princeton Principles, and
6 the quote is from the Chicago Principles. And
7 those are two documents that our colleague,
8 Michael Poliakoff, is well familiar with, kind of
9 affirming free inquiry on campuses.

10 That is everything. I teed up just a
11 few possible discussion questions if people
12 wanted to talk about any of this. Thanks.

13 C. PRESSNELL: You bet. Thank you,
14 Bob. I appreciate that. So questions for Bob?
15 And Michael, your name was invoked. I don't know
16 if you want to respond or not, but.

17 M. POLIAKOFF: Sure. If I'm not
18 jumping the queue. Bob, thank you for raising
19 something of such importance. The country is
20 impatient, for good reason. Every time people
21 read about a shutdown or a de-platforming, it
22 raises questions about the whole enterprise of

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1 higher education. And since we oversee
2 accreditation, this is a really appropriate
3 discussion for us to have.

4 I think we want to be careful to
5 distinguish, as you've done nicely, how these
6 things are defined. Academic freedom and freedom
7 of expression are not entirely coterminous. You
8 know, that's to say academic freedom is not
9 protected by the Constitution or by natural law
10 whereas freedom of speech for public institutions
11 is protected in the First Amendment, sometimes in
12 remarkably robust ways.

13 So to cut to the chase, just as we
14 would call into question and perhaps even claim
15 non-compliance with our standards, an accreditor
16 that was failing to oversee financial issues, it
17 seems to me that we should come up with some
18 resolution that this body will take into serious
19 account failures of accreditors to address
20 instances, most of which are not in any way
21 difficult to determine -- they're in the
22 newspaper -- and see whether the accreditor has

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1 done its due diligence in following up when there
2 are such offenses. When they affect public
3 universities, they are actually violations of
4 federal law.

5 R. SHIREMAN: Thank you, Mike. And
6 just to clarify that I'm not actually proposing
7 or suggesting any kind of NACIQI action at this
8 point. I think Michael probably is not either.
9 But these are issues that we should be thinking
10 about, talking about. And, you know, to the
11 extent that there are ways that we could or
12 should get involved, we can consider that. Yeah,
13 but really appreciate Michael's feedback on this.

14 C. PRESSNELL: Thank you, Bob.
15 Zakiya?

16 Z. SMITH ELLIS: Yes. I'm going to
17 say something and then I have to step out for a
18 minute so I apologize. But I will look to others
19 to hear what the ensuing discussion was.

20 I really appreciate you, Bob, for
21 raising this and something that we should
22 consider as part of a policy discussion given

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1 current events and just the current political and
2 sociopolitical environment.

3 I wholeheartedly agree with Michael
4 that, not that we need to have a resolution, but
5 that this is something that we should be looking
6 out for in terms of something that is happening
7 that if accreditors have in their own bylaws that
8 they protect academic freedom in various ways,
9 which as Bob noted they do, and there are, as
10 there are right now, a wave of states that are
11 taking actions to prohibit really freedom of
12 inquiry on college campuses in various ways,
13 particularly related to how colleges can promote
14 diversity, equity and inclusion in their
15 programming as is happening now. I think that is
16 directly in violation of the principles that Bob
17 just described.

18 And so to the extent that institutions
19 are seeing, and I think they are, public
20 institutions are seeing that they are being
21 discouraged from studying certain topics with
22 which people disagree, like critical race theory,

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1 that would be a violation of academic freedom.
2 And I do think, and agree with you, Michael, that
3 we should ensure that accreditors are looking
4 into that in due form.

5 C. PRESSNELL: Thank you, Zakiya.
6 Art, I believe your hand is raised.

7 A. KEISER: Yes, folks -- well, I
8 don't disagree with the philosophy behind it.
9 However, we are obligated to follow the statute
10 that we operate under. And we need to be careful
11 that we don't stray from that in asking
12 accreditors to do things that are not required of
13 them under law.

14 So we have a specific purpose and
15 that's not a social purpose but kind of an
16 oversight purpose and a recommendation purpose.
17 So just be careful that if we want to make a
18 recommendation to the Congress, especially in the
19 new -- if they ever, ever have a new Higher Ed
20 Act, I would be supportive of that. But we do
21 have to be careful that we stay within the bounds
22 of our statute.

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1 C. PRESSNELL: Yeah. Well noted.
2 Thank you. Michael?

3 M. POLIAKOFF: All right. I just
4 wanted to add another nuance to this. As I
5 looked at the good examples Bob provided us with,
6 I will give a specific for instance. Berkeley
7 and a few other University of California
8 universities have been using a rubric to
9 determine, as a gateway to consideration of
10 academic and pedagogical qualifications, the
11 candidate's adherence and fealty to a particular
12 standard of diversity.

13 And that has been brought under
14 scrutiny as compelled speech, which is another
15 way that academic freedom can really be
16 abrogated. So we might actually want to spend a
17 little time before the next meeting talking about
18 the various ways that we can see violation either
19 of the accreditors own standards or in some cases
20 violation of federal law.

21 C. PRESSNELL: All right. Thank you,
22 Michael. Bob?

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1 R. SHIREMAN: Thanks. Yeah, thank
2 you, Michael, for that, and I agree with your
3 statement earlier about free speech and public
4 institutions and the particular way that things
5 like compelled speech might have an impact there.

6 One part that was interesting about
7 looking through all of the standards at different
8 institutions was that -- or at different
9 accreditors was the way that certain accreditors,
10 as part of their standards, have essentially
11 compelled faith requirements. And the way that
12 we kind of accommodate diversity of institutions
13 federally is by allowing for that, allowing for
14 accrediting agencies that are about believing in,
15 either actually faith-based or a particular
16 approach to medicine or a particular approach to,
17 you know, care or things like that.

18 So, again, I'm not sure what, if
19 anything, we should be doing, but most states
20 seem to come under the when an accreditor has a
21 standard, they should be enforcing it. And
22 that's an area that we can be looking into as

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1 NACIQI anyway. Thanks.

2 C. PRESSNELL: You bet. Thank you,
3 Bob. Any other comments or questions on this
4 topic? All right. Thank you again, Bob. I
5 appreciate your work on this and welcome any
6 additional thoughts you might have in the future
7 on that.

8 All right. That takes us to the next
9 issue, which dealt with nursing board and program
10 exclusion. And so, Jennifer, did you raise this
11 issue?

12 J. BLUM: No. But I would note that I
13 think on the nursing issue -- I can't remember if
14 I did or didn't to be completely honest, Claude.
15 But I will say something about it, if you like,
16 which is that, you know, I know this was sort of
17 a different meeting. Because we had the nursing
18 boards and then we had the state agencies.

19 And the Department -- and again,
20 without going into the details -- I would urge on
21 the NegReg issue the Department, one of the major
22 proposals that the Department has in the

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1 accreditation sections on NegReg is actually
2 creating regulations, so beyond that Federal
3 Register Notice from 1969 or whenever, the
4 Department is proposing regulation relating to
5 the approval on nursing.

6 So it may have been just to make a
7 point on that, Claude that there is more coming
8 on -- well, assuming that they become final regs
9 at some point. So I would, again, just to
10 reiterate what I said before, but specific on the
11 nursing, within the accreditation
12 recommendations, there is, like, several pages of
13 proposed regulation on accreditation or approval,
14 recognition approval, of state nursing boards.

15 So I would just say that I personally
16 kind of think we should reserve conversation
17 perhaps until everybody knows what that all looks
18 like in the coming months.

19 C. PRESSNELL: Yeah. I think that's
20 good advice. Anybody else have a comment on
21 that. Yeah, go ahead, Jennifer.

22 J. BLUM: Actually, Claude, sorry. I

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1 do have a question, and I meant to ask it during,
2 like, this just triggered it. But I did have a
3 question, and I know it's a little early to ask.

4 But of Herman, with regard to NegReg, and these
5 are going to be pretty substantial regs across
6 the Board and clearly for the nursing community.

7 If they go into effect -- I mean, a couple years
8 before -- you don't have to give me an exact
9 answer, but am I correct that only a couple of
10 years before we would have agencies or state
11 entities or nursing boards, before of -- under
12 any new regulation that were to go into effect?

13 C. PRESSNELL: Yeah, Herman?

14 H. BOUNDS: Yeah. I think you're
15 right about that depending on, you know, when
16 everything is done. And then I think they have
17 another year to become effective. I'm looking at
18 Scott here. He's more of the expert. But throw
19 something at me if I didn't get that right so.
20 But you're right, yes.

21 C. PRESSNELL: All right.

22 J. BLUM: It's something that's worth

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1 noting in the process, just that accreditors and
2 state agencies -- like we don't want -- I mean, I
3 don't think it's in anybody's best interest to
4 have any agency that's coming up within a certain
5 time period have to all of a sudden -- I know
6 we've been through this before, and it gets
7 confusing for us and for the Department staff.
8 But we wouldn't want anybody to have to all of a
9 sudden, you know, recognition that's coming up
10 have to comply with new standards. We sort of
11 want that to be rolling. That's just in my own
12 view, I guess, but.

13 C. PRESSNELL: Yeah, Herman?

14 H. BOUNDS: I think if everybody
15 remembers, we had this kind of retro process, you
16 know, when the new regulations in 602 were made.
17 So we probably have to come up with something
18 like that again although we'd only be dealing
19 with, you know, five, you know, state boards of
20 nursing versus, you know, 53 accrediting
21 agencies. But it still would be -- you're right,
22 Jennifer, it still might be a little confusing in

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1 the beginning.

2 C. PRESSNELL: All right. Thank you.

3 Any other comments on that topic?

4 All right. The other item that I had
5 was this kind of recurring issue of drafting
6 policies, post the activity of the procedure. So
7 the procedures were in place, but there was no
8 policy around it.

9 And I know -- Jennifer, I think you
10 had made the point on this that it doesn't
11 communicate well to the general public if there's
12 a practice in place that's kind of a shadow
13 practice when there's no active policy. And so
14 there was kind of confusion around that yesterday
15 and more so yesterday than today. But, Jennifer,
16 you got some comments on that one?

17 J. BLUM: Yeah, so again, I've been
18 spending a lot of time going over the
19 Department's issue papers for next week. So,
20 again, not to sort of talk about something that
21 we're not supposed to talk about, but the
22 Department actually -- and I will say I

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1 appreciate that the Department obviously listens
2 pretty closely to what we struggle with. And
3 this is one area where they also are suggesting
4 some changes.

5 And I'm not voicing an opinion because
6 I actually haven't spent enough time with these
7 issues to form one yet, but I did take note when
8 reviewing the issue paper that they are making
9 changes to sort of be consistent with regard to
10 policies versus practices and to sort of clarify
11 what it is the Department staff and we should be
12 looking for.

13 And so I appreciate that. So I,
14 again, sort of encourage all of us to take a look
15 and see what we think.

16 C. PRESSNELL: Thanks. Bob?

17 R. SHIREMAN: Yeah. It seemed like
18 maybe there has been an issue with state agencies
19 and some of them having a particularly hard time
20 just kind of creating a policy and getting, you
21 know, an agency chief to be able to sign off on
22 it as opposed to having to go through a quite

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1 complicated and lengthy regulatory process.

2 I don't know how much that really has
3 been a problem or not, and whether there is some
4 solution in between but would welcome if anybody
5 knows.

6 C. PRESSNELL: Yeah. I think that
7 anytime that there is an agency attached to a
8 state governing body, there is going to be a
9 whole lot more red tape to go through to get a
10 policy approved than some type of an independent
11 reviewer. Debbie, do you have a comment,
12 question?

13 D. COCHRANE: Yeah, I just wanted to
14 clarify. I think there's actually a couple
15 questions that are intertwined. One is, you
16 know, when non-compliance with a lack of
17 sufficient documentation of a policy, rule,
18 practice, procedure is found, can an institution
19 -- I'm sorry -- can an agency just kind of write
20 down what they've been doing and be deemed
21 compliant? I feel like there's that kind of what
22 constitutes compliance from the point of the

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1 review.

2 I know Jennifer made the point about,
3 you know, the need for clarity. And I'm sure we
4 would all agree, you know, institutions,
5 agencies, the government needs to know what
6 standards they are going to be held to. But I
7 think that's a separate question from how much
8 hassle is it for the agency?

9 And it felt like some of the agencies
10 that were coming to us were being held to
11 different standards with regard specifically to,
12 can they just write down their current practice
13 or did they have to go through a regulatory
14 process? And I didn't really hear convincing or,
15 you know, thorough responses for why the agencies
16 that we were discussing were treated so
17 differently.

18 And I think Bob actually brought up
19 just in that general context that these are
20 really important since we're talking about the
21 NegReg.

22 If states had need to respond to some

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1 of this by going through a regulatory process,
2 that's a very, very important implementation
3 question because it vastly, you know, impacts
4 timing.

5 C. PRESSNELL: Yeah. Thanks, Debbie.

6 Herman's got some comments on that and then
7 Jennifer.

8 H. BOUNDS: Yes, I think what we saw
9 yesterday was a difference between the state
10 agencies that approve vocational education and
11 the state boards of nursing.

12 So what we have seen traditionally
13 with the state boards of nursing is that most of
14 their approval standards are determined by the
15 state legislature to govern. I mean, it's in a
16 state statute.

17 And that's kind of traditional with
18 the state boards of nursing. Whereas with the
19 state vocational agencies, they may have some
20 pieces that are in statute, but across the board,
21 normally they are free to establish their own
22 accreditation criteria.

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1 I think there was a question yesterday
2 to the New York vocational. I think somebody
3 asked them, do you need a regulation or do you
4 have purview to just write your standard? And
5 the young lady said yes. And that's kind of what
6 we see, you know, between the state boards of
7 nursing and the state vocational agencies. The
8 state of boards of nursing are just -- they're
9 just highly regulated.

10 The other thing I wanted to comment
11 on, too, is I take -- you know, we take all these
12 comments back, and we have meetings. And we try
13 to figure out how we can get at stuff.

14 The issue with how much documentation
15 is enough, it's easy for us if the agency doesn't
16 have a policy, right, in the draft? So then they
17 have to develop the policy and then we need to
18 see application of the policy in cases where we
19 think that might reoccur. You know, if something
20 weird like a -- if it's something like a
21 termination, you know, we may in the final
22 comeback and say they've adjusted their policies.

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1 They are now compliant.

2 But in the five year recognition
3 period, we kind of feel it's unfair if we hold
4 them noncompliant because they may not have
5 another termination.

6 The other part of it is difficult when
7 they actually have a policy in place, right, and
8 they're doing -- not a policy, excuse me. They
9 have a practice in place. They're doing
10 everything that the regulations say. But we look
11 at them and say, well, you really don't have this
12 written down anywhere.

13 So now we look at that, and we will
14 go, okay, now they have the policy. They've kind
15 of demonstrated application. You may see some
16 nuances if, say, they adopt a policy, and they
17 add something to it. Then we might, you know,
18 say, hey, look, you added this. Now this is
19 something that you haven't been doing and require
20 some additional information.

21 So that's the kind of conundrum that
22 we're in. And I understand that that was some

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1 questions that came up yesterday. All I can say
2 on that point, we kind of look at, is there a
3 full cycle of policy and application of policy,
4 kind of no matter which way it happens, you know,
5 when we're kind of conducting our review.

6 And we do it with consistency. It's
7 not just one time. If we can see multiple
8 applications, that's kind of what we look at too.

9 C. PRESSNELL: Thank you, Herman.

10 D. COCHRANE: Can I ask a follow-up
11 question?

12 C. PRESSNELL: Yes, please.

13 D. COCHRANE: And I did that -- you
14 know, exactly, of course, what you said just now,
15 Herman, is what I put in my notes. But then I
16 was reading them and I was realizing I don't
17 actually understand them because it seems like
18 for a state agency or any sort of government
19 entity, you know, you need clarity in the rules,
20 which directly impacts the enforceability of
21 those rules, and you need them to be promulgated
22 or developed in some sort of transparent process

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1 that befits a government agency.

2 So if a Kansas -- if the board of
3 nursing has standards that are legislatively set,
4 and then the state board of nursing is just kind
5 of implementing the standards someone else
6 developed, that seems like the kind of situation
7 that would not require regulations because the
8 clarity is already there and therefore the
9 enforceability is there versus the vocational
10 education state agency where the actual
11 accreditation or approval terms and standards are
12 deferred to the agency. That seems like the kind
13 of place you would want that agency to have
14 regulations so that they would have the force of
15 law and be enforceable. So I think I am confused
16 because that seems opposite from what it should
17 be in my mind. Just a comment.

18 C. PRESSNELL: Jennifer? You're
19 muted.

20 J. BLUM: All right. So hopefully
21 what I'm about to say will help. And Debbie, I
22 totally understand because I don't disagree on

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1 what you just said, which is it's a little
2 counterintuitive that the board of nursing would
3 need regulation and CTE wouldn't.

4 But I think what's really going on
5 here, and I think we sort of have called this out
6 a number of times and including in the policy
7 report last summer, the 1960 whatever law, you
8 know, the board -- the only reason the boards of
9 nursing are coming to us is because of a nursing
10 education law.

11 They're not coming to us because of
12 anything having to do with the Higher Ed Act.
13 Whereas the Higher Ed Act has sort of
14 consistently established sort of what is
15 necessary and laid out -- although the state
16 criteria under 603 are different than under 602 -
17 - but they are sort of laid out in a way that I
18 think provides more clarity to the state
19 institutional bodies that decide that they want
20 to be recognized in terms of what they're
21 supposed to do.

22 And whether it's by reg or whether

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1 it's by statute I don't think is actually as
2 relevant as the what to do piece where I think
3 the nursing piece has to date been vague to be
4 honest with you, which makes it, I think, less
5 certain how the administrators within the boards
6 of nursing, this is just me talking, I feel badly
7 for them because I don't think they know what
8 compliance necessarily on any given day looks
9 like because it's just a federal notice, you
10 know, fairly, you know, general notice from 1969.

11 So I think that's -- I mean, I'm
12 hoping that this gets a little bit solved by what
13 the Department, and, again without making
14 judgment on the actual language, but at least the
15 Department is recognizing that the nursing boards
16 probably need more clarity than they've been
17 getting about what it is that they need to do,
18 which I then in turn hope means that the nursing
19 boards will know whether they could do this
20 without, perhaps, regulation and some other way
21 themselves. I don't know if that's helpful. But
22 I'm hoping that they -- I'm hoping that these new

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1 regs, in whatever form they end up taking, might,
2 you know, provide that clarity and then,
3 therefore consistency for all of us in the
4 Department.

5 C. PRESSNELL: Yeah, Herman has a
6 comment.

7 H. BOUNDS: Yeah. Thanks, Jennifer.
8 I think you've gotten to the point. I want to,
9 you know, kind of make sure, you know, for the
10 state vocational agencies, you know, they may
11 have some requirements that the state comes down
12 and says, you will have these things in your
13 accreditation standards. There may be some
14 broad-based -- you know, there could be some
15 broad-based state law that they have to adopt
16 into their policies.

17 We have just seen with the state
18 agencies, the ones that we recognize, they have a
19 little more autonomy to come up with
20 accreditation standards. And they can write some
21 of the policies to address things without having
22 some big -- you know, some legislative change.

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1 That's what makes the state agencies so unique
2 and different. I think we'll see those things,
3 you know, with any of them as they come up. We
4 have a couple other, I think, state agencies
5 coming up -- or state boards of nursing coming up
6 for review.

7 C. PRESSNELL: Thank you, Herman. Any
8 other questions, comments on this issue? All
9 right. Are there other issues that members would
10 like to raise for discussion?

11 All right. Seeing None, then I want
12 to thank everybody for their participation and
13 for devoting the amount of time necessary to
14 complete the reviews.

15 But great job. Thanks, everybody.
16 We'll see you soon.

17 (Whereupon, the above-entitled matter
18 went off the record at 1:51 p.m.)
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21
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