

U.S. DEPARTMENT OF EDUCATION  
Office of Postsecondary Education

National Advisory Committee  
on Institutional Quality and Integrity

Friday, December 16, 2011

Crowne Plaza Old Town  
Jefferson Ballroom  
901 N. Fairfax Street  
Alexandria, Virginia

## A G E N D A

	PAGE
Welcome and Introductions	3
Overview Concerning the NACIQI's Draft Report to the Secretary on HEA Reauthorization Presenter: Susan D. Phillips, Policy Subcommittee Chair	8
Overview Concerning the NACIQI's Draft Report to the Secretary on Hea Reauthorization	17
Policy Discussion of Public Comments	19
Break	95
Public Commenters' Oral Presentations	95
Lunch	146
Policy Discussion and Recommendations (continued)	103
Wrap-up and Adjournment	189

MOTIONS:           35, 35, 42, 61, 61, 61, 63,  
                       86, 86, 86, 95, 109, 109,  
                       109, 110, 117, 119, 139,  
                       139, 145, 146, 154, 154,  
                       154, 177, 179, 182, 189

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

## 2 WELCOME AND INTRODUCTIONS

3 CHAIR STUDLEY: Good morning. Good morning  
4 and welcome. Thank you so much for being with us for  
5 this portion of our discussion. Excuse me, good  
6 morning, thank you all.

7 We are going to resume our discussion of the  
8 policy recommendations that were under consideration.  
9 We got a start yesterday, I think we found our groove,  
10 and I am hopeful that we will have some momentum and  
11 rhythm going today for the discussion of the remaining  
12 items.

13 Let me just do a tiny bit of housekeeping, see  
14 if Melissa has any additions she would like to make.  
15 And for the record and the reporter, we will go around  
16 again, and for the sake of our audience members who  
17 might be new today, we will go around again and do  
18 introductions starting with the vice chair, and around  
19 in that direction.

20 VICE CHAIR ROTHKOPF: Arthur Rothkopf, Vice  
21 Chair.

22 DR. PHILLIPS: Susan Phillips, Chair of the

1 subcommittee on policy.

2 MR. WU: Frank Wu.

3 MR. STAPLES: Cam Staples.

4 MS. WILLIAMS: Carolyn Williams.

5 MR. SHIMELES: Aron Shimeles.

6 MS. NEAL: Anne Neal.

7 DR. VANDERHOEF: I'm Larry Vanderhoef.

8 MR. KEISER: Arthur Keiser, Chancellor, Keiser  
9 University.

10 MR. ZARAGOZA: Federico Zaragoza.

11 DR. FRENCH: George French, President of Miles  
12 College.

13 MS. GILCHER: Kay Gilcher, Director  
14 Accreditation Group, Department of Education.

15 MS. WANNER: Sally Wanner, Office of General  
16 Counsel, Department of Education.

17 EXECUTIVE DIRECTOR LEWIS: Melissa Lewis,  
18 NACIQI Executive Director, Department of Education.

19 CHAIR STUDLEY: I'm Jamiene Studley, Chair of  
20 NACIQI.

21 Many of you have asked about our time  
22 estimates today, and the last few days will tell you

1 that's very difficult to judge. I'm hoping that we  
2 will have quality and intensity of discussion, but we  
3 may, nevertheless, not need to go 'til 3:00 o'clock.  
4 We'll do a time check later in the morning, and let you  
5 know what our estimate is. We will definitely have a  
6 period of public comment at 11:00, and if you do want  
7 to make a public comment and have not yet signed up,  
8 there's a table outside where you can do so.  
9 Commenters will have three minutes apiece.

10           But I think that we will -- we will certainly  
11 accelerate our end time, we'll just -- should be in a  
12 better position in a couple of hours to make a judgment  
13 about that, or a prediction about that.

14           We will return to our review of the options  
15 that are before us. I would really just like to  
16 encourage you to -- members of the committee, to use  
17 this time for discussion and exploration of these  
18 options. It -- this is a valuable opportunity for us  
19 to explore these issues further, to share the nuances,  
20 to see -- to sort of search for common ground or  
21 additional solutions. What you say will be valuable  
22 both to the drafters who prepare the next iteration of

1 this for the committee, and to the public conversation.

2 As I said yesterday, there are going to be  
3 many further rounds of discussion in many different  
4 settings of the next higher education reauthorization.

5 And the more we can understand about the thoughts and  
6 experiences and perspectives of the members of this  
7 committee, the more helpful we can likely be to the  
8 evolution of that conversation. Both within the  
9 Department, where our recommendations are directed, and  
10 in the conversations that we are part of individually  
11 and collectively, with all of the people who are  
12 interested in effective higher education in this  
13 country. And in particular how the Higher Education  
14 Act can help advance that.

15 So I invite you to dive in and let us know how  
16 you feel about these options.

17 Arthur?

18 VICE CHAIR ROTHKOPF: Yeah, I'd like to add a  
19 comment to Jamiene's, if I might. I would hope in  
20 reviewing this document, and making tentative judgments  
21 on our options, that we recall what our advice was or  
22 charge was from Undersecretary Canter, when she met

1 with the policy committee. And some of you -- most of  
2 you were there, some of you were there, some of you  
3 were not.

4           And she urged us to be bold in our  
5 recommendations. And I would like to urge as well that  
6 we -- as we go through these, that we be bold and  
7 understand that we need to do more than simply say,  
8 gee, the current system seems to be doing just fine, is  
9 my personal view. I think the -- what's going on in  
10 terms of student learning and the evidence of that,  
11 what's -- the concerns expressed by members of the  
12 public, members of congress, about what is happening in  
13 higher education and what is not happening.

14           I think we need to keep in mind, and I think  
15 we need to look for solutions that go beyond purely  
16 incremental or satisfaction with the status quo. So I  
17 guess I'd add that personal view of mine.

18           CHAIR STUDLEY: Susan, I'm going to hand it  
19 back to you to help guide us through the options. But  
20 if you want to begin on a broader level, I invite you  
21 to do that as well.

22 //

1           OVERVIEW CONCERNING THE NACIQI'S DRAFT REPORT

2           TO THE SECRETARY ON HEAL REAUTHORIZATION

3           DR. PHILLIPS: I also would underscore, this  
4 is the opportunity for us to think through these issues  
5 together and to shape what our final recommendations  
6 are. We left off with having dealt with A, B and C and  
7 1, 2 and 3. We start up next with 4, 5 and 8. This is  
8 about the state role in quality assurance.

9           You'll see on the screen behind me just  
10 a -- the road map of where we are, as well as a  
11 shorthand of what the issue is that we're working with,  
12 for those of you in the audience who are -- who may  
13 have brought your own copy of this.

14           The next topic up, again the process is to put  
15 an option on the table, invite discussion,  
16 clarification, agreement, disagreement, whatever your  
17 preference is, to proceed through as many of the  
18 options as are in the cluster. And then to pause to  
19 take a straw poll on where we are on them. We may find  
20 that the pausing might happen more frequently during  
21 this.

22           So to plow on ahead -- questions about

1 process, anybody on the committee?

2 (No response.)

3 DR. PHILLIPS: Okay. Plowing ahead with the  
4 state role on quality assurance, we put up in  
5 the -- again, in the first up cluster consistency  
6 across the enterprise. This is an issue which concerns  
7 the expectations concerning state participation or,  
8 alternately, strengthening the federal accreditor triad  
9 to ensure consistent and coherent application of  
10 critical standards. One of the things that we heard  
11 during the testimony was that, depending on your  
12 location, an accreditor or an institution might get  
13 triple or quadruple scrutiny, and other locations might  
14 yield very little scrutiny.

15 And so this one suggests that it would be  
16 useful to determine those mechanisms that best ensure  
17 that quality assurance and eligibility expectations are  
18 met across institutions and agencies nationwide. This  
19 is original page 6, on your purple sheet it is page 5  
20 called "Consistency Across the Enterprise." Let me  
21 leave it to the chair to facilitate the discussion.

22 CHAIR STUDLEY: Who would like to help us

1 begin, as we think about this cluster of issues?

2 (No response.)

3 CHAIR STUDLEY: I sense reading and thinking.

4 MR. STAPLES: I was struck by the -- struck  
5 may be too strong. I'm interested that we obviously  
6 have -- we have the states engaged because -- because  
7 we set standards for state agencies. That's different  
8 than getting the states engaged across the spectrum  
9 when they don't have state agencies involved in  
10 accreditation decisions. But it's not as if we  
11 are -- that we don't already have in our regulatory  
12 scheme a process by which we hold states accountable  
13 for certain things. We require state agencies that get  
14 engaged in accreditation to meet certain expectations  
15 and standards, and we have quite a few that have come  
16 before us.

17 So I guess I don't have a lot more substantive  
18 about what we would do, but I -- this notion that we  
19 can't already have -- tell states to do certain things  
20 is really not the case, we do that right now.

21 So it may be worth exploring whether there are  
22 other standards and expectations that we would want to,

1 you know, engage with the state accreditors in, as a  
2 partial step rather than just with the states as a  
3 whole. Those agencies that we have a relationship  
4 with, the federal government has a relationship with,  
5 that there might be some review of how to make that a  
6 more consistent and balanced process.

7 I'm still not persuaded that we ought to be  
8 second-guessing everything the states are doing to  
9 determine the quality of institutions in their state,  
10 and maybe that's just because I was affiliated with a  
11 state for a while. I think there's a little bit of  
12 duplication in that process. And I'm not sure that  
13 that advances the cause of quality assurance, to be  
14 candid with you.

15 But whatever we engage in, there might be that  
16 set of -- that subset of actions with -- or subset of  
17 state actors that we can engage with, which are those  
18 that we already set standards for.

19 MS. GILCHER: I'd just like to give some facts  
20 here. The post-secondary vocational education agencies  
21 that come before us number four, there are only four of  
22 them. You just saw a lot of them this last time. And

1 then in the nurse agencies, there's only -- one, two,  
2 three, four, five. And some of those are overlapping  
3 in terms of the state. And of course, it's a narrow  
4 focus that they have in some portion of post-secondary  
5 education.

6 CHAIR STUDLEY: I was a little surprised that  
7 we didn't get more public reaction from some of  
8 the -- before you read the options, there are some  
9 understandings. The reference to the inconsistency of  
10 state approaches, the fact that some states are triply  
11 monitored or multiply monitored and feel like they're  
12 doing -- dealing with agencies with similar  
13 responsibilities, but different vantage points, state  
14 and federal, who were doing the same thing and some  
15 where there's very little activity.

16 And I would just invite people on the  
17 Commission to help us think about that. Because some  
18 of our, actually just understanding whether we were on  
19 the right track.

20 And one more realization that I had, since we  
21 wrote that, is the degree to which states might be  
22 involved for non-Title 4 related purposes. That

1 they're doing their own state accreditation for a state  
2 licensure or state funding program for entities that  
3 never seek federal approval. And so we may not be able  
4 to lighten the states, at least free the states from a  
5 whole function, because they're doing it for reasons of  
6 their own. And then the question becomes, how should  
7 that relate to Title 4 programs.

8 Arthur, you're probably in a terrific position  
9 to speak about this.

10 MR. KEISER: Well, Jamienne, it's true that  
11 it's very uneven. There are states that have almost no  
12 oversight of post-secondary institutions. I think  
13 Wyoming is one of those. Then what you had in  
14 California, where there was just this hiatus because  
15 the legislature couldn't figure out what it wanted to  
16 do.

17 In Florida, the -- we've had a state -- a  
18 series of state boards that oversee licensure for a  
19 variety of different institutions, and I can  
20 speak -- if you don't mind, I'll just explain how it  
21 works in Florida. In 1970, they created the state  
22 Board of Independent Colleges and Universities, which

1 sole purpose was to eliminate a huge problem of diploma  
2 mills. South Florida was a centerpiece where people  
3 would just go out and sell diplomas, kind of Louisiana  
4 has been over the last few years, and Mississippi.

5 In '74, they established a post-secondary  
6 vocational technical training business school board,  
7 which was a gubernatorial-appointed board like the  
8 colleges and universities board that would provide  
9 licensure and oversight. These boards evolved, and  
10 about seven, eight years ago, they were combined and  
11 are now called the Commission on Independent Education.

12 They license approximately 850 institutions in  
13 the state of Florida, and it's a variety of  
14 institutions. From small for-profit institutions to  
15 out-of-state public institutions like Central Michigan  
16 and Troy State University.

17 There is a second category which the  
18 independent colleges and universities remove themselves  
19 from that board, and they are -- they are kind of not  
20 licensed in a unique way. They are operating under the  
21 auspices of articulation in the Department of  
22 Education.

1           Then you have the state -- the board of  
2           governors for the state university system, and then you  
3           have the division of community colleges, which is  
4           loosely oversight of the community colleges where most  
5           of the oversight of the community colleges is done at  
6           the local boards.

7           So in Florida, just within the different  
8           sectors, we have a morass of regulatory oversight,  
9           depending on which bucket you fall in -- you fall into.

10          However, it is -- has been, at least in my 30 years,  
11          35 years there, very effective in that we have few, you  
12          know, real serious problems at any level. There  
13          is -- they follow very closely to the SAC standards, in  
14          terms of educational quality at a somewhat watered-down  
15          level, because of the variety of institutions.

16          But again, my experience has been, the problem  
17          has not been the lack of oversight but the lack of  
18          communication between accrediting commissions and the  
19          department, which is the triad. So the -- my interest  
20          would be to strengthen the communications between the  
21          three. And maybe set protocols or structures and how  
22          that communication becomes organized and placed in a

1 position where it's regular and consistent and, you  
2 know, where if a problem occurs in the state, the state  
3 calls the feds and the accreditors. If the problem  
4 occurs with an accreditor finding something, the other  
5 two are notified and operated. If the feds have a  
6 problem with a school and they go in with an IG, they  
7 notify the state and the accreditors.

8           So the problem is that I think we have the  
9 mechanisms in place in Florida, but we don't have, I  
10 think, the communications and the cooperation and the  
11 structured awareness of what each role is. So, if that  
12 helps.

13           CHAIR STUDLEY: It was very helpful to me. I  
14 think that was very useful.

15           Does anyone else want to speak to this set of  
16 things? Again, it's 4, 5 and 8 among the options. So  
17 there are two that are primarily about the  
18 coordination, and note that number 8 is about the  
19 consumer protection function. Anne?

20           MS. NEAL: We might want to examine some of  
21 the efforts that I understand are going on at the state  
22 level. And I know Texas has been attempting to set up

1 an alternative accreditation approach through the Texas  
2 higher education coordinating board that allows  
3 institutions to present their plans, what they envision  
4 they're going to offer in terms of outcomes, and a  
5 surety bond.

6           It's a much more simplified approach that  
7 doesn't -- that essentially for in-state entrants, as I  
8 understand it, no longer requires review by the  
9 regionals. It was designed to get around the  
10 regionals, at least for new entities in the state. And  
11 it might be worth our exploring some of the  
12 experimentation in -- at the state level.

13           CHAIR STUDLEY: Susan?

14

15           DR. PHILLIPS: Just a quick summary, for those  
16 of you who may not have read ahead. The others in this  
17 cluster, option 5 deploys the convening power of the  
18 feds to develop models that improve the triad  
19 articulation, and perhaps also provide opportunities  
20 for information sharing, such as Anne just mentioned.

21           And 8 is the consumer protection, desire to  
22 enhance the consumer protection function of states,

1 again not in a mandated way, but this one states, state  
2 effort might usefully be directed to assuring the  
3 adequacy of consumer information. So just to invite  
4 comment on all three of those before we --

5 CHAIR STUDLEY: Frank.

6 MR. WU: I have a question for Susan and for  
7 anyone more expert than I am in this. Isn't the big  
8 issue here on-line and -- what's the current condition  
9 of the different states and on-line? I'm foggy on  
10 that, but my sense is just about everyone's foggy on  
11 exactly what it is. So isn't that a major area of  
12 complexity? And which of these possibilities would  
13 deal with that best?

14 DR. PHILLIPS: The cross-state activity is in  
15 option 6, and it will also come up in some of the -- in  
16 option 11, mission and sector. I would leave it to the  
17 department to address the state authorization issue,  
18 which is the federal toe in that water.

19 MR. WU: So just a quick follow-up. It occurs  
20 to me that those who are moving strongly toward on-line  
21 would desire a consistency, and perhaps societally,  
22 there is some benefit to consistency here rather than

1 inconsistency, since by definition on-line doesn't fall  
2 within any particular state. I think Art has spoken to  
3 this before, that it's just a morass. And that  
4 doesn't -- that doesn't help anyone or any particular  
5 cause.

6           So if we could have some salutary effect on  
7 that, that would be good. It would be a good project  
8 for us. And since no one else is looking at this, I  
9 think it would fall to us.

10

11           CHAIR STUDLEY: I've asked Kay if she wants to  
12 speak to just the current situation, and then I see Art  
13 and Larry.

14           MS. GILCHER: Okay. I was just going to say  
15 that we did issue those regulations. And the courts  
16 have stayed that for the moment, so we are not actually  
17 fully implementing those.

18           On the other hand, there have been activities  
19 within the community to try to at least share  
20 information about what are the requirements in  
21 different states. This was started by a group called  
22 WCET, which is WIJE project and has been taken over by

1 the SHEO. So there is a database online at the SHEO  
2 web site that provides information on a state-by-state  
3 level about what the various requirements are.

4 MR. KEISER: Frank, I think there are two  
5 issues here. And one is, since the triad requires the  
6 states to be the first line of oversight, there are  
7 some states that don't do that, and there are some  
8 states that have conflicts within their state that have  
9 created problems.

10 Where the -- in California is the example  
11 where, every ten years, they change -- have a complete  
12 change of attitude and processes. And by the time they  
13 get to the tenth year, they haven't yet implemented the  
14 other nine years, at least from my perspective as an  
15 outsider. And that is a troubling situation, because  
16 that is -- you know, most of the consumer protection  
17 issues need to be at the state, because that's where  
18 things are happening.

19 The second is, of course, the on-line issue.  
20 And that -- you know, there is the court's stay, and  
21 then you have the house and in the senate, bills  
22 floating around that would take that, you know, and

1 change that to make it more palatable. Because it is  
2 difficult for a school to get 50 state licensures, and  
3 have 50 different disclosure rules and 50 different  
4 catalogs and 50 different contracts. Not that many,  
5 but it could be up to 50 so -- I don't want to  
6 overstate.

7           So those are your issues. And in the case of  
8 on-line, it wouldn't hurt to have a single federal  
9 protocol which the states could adopt or recognize. I  
10 mean, that would be an appropriate role for the feds,  
11 or to create a -- you know, what are the minimum  
12 consumer protection standards that are required for an  
13 on-line institution. And if nothing else, more model  
14 legislation, because I don't think you can tell the  
15 states.

16           So we'd have certainly a -- you know,  
17 everybody wants to be compliant with something, but we  
18 don't know what something is. And being compliant with  
19 50 different somethings is very difficult.

20           MR. WU: May I ask a question for Kay? So is  
21 this something that NACIQI should stay out of, because  
22 there's enough already going on? Or should we wade

1 into it? What -- would it be useful for us to think  
2 about it?

3 CHAIR STUDLEY: I would take that as a  
4 question for Kay, if you like, but also for the  
5 committee.

6 MS. GILCHER: Yeah, I guess I -- I think  
7 whatever advice or observations you want to send  
8 forward would be welcome. I don't think we'd want to  
9 limit you in terms of what you would explore.

10 CHAIR STUDLEY: Sally?

11 MS. WANNER: If we're talking now about  
12 statutory changes, the -- just so you know, our current  
13 anything would have to be tied to the federal student  
14 aid. And our current statutory provision is simply  
15 that states -- that schools have to be legally  
16 authorized.

17 CHAIR STUDLEY: And while we are looking  
18 at -- and the core of our charge is recommendations  
19 related to the Higher Education Act. There are some  
20 observations here, or suggestions that are for  
21 coordination that are not necessarily statutory  
22 provisions. The, you know, model legislation, or

1 identifying a concern that is not best dealt with or  
2 has to be dealt with in part in the statute. And for  
3 which there are other complimentary changes.

4 Unless you feel otherwise when you see a  
5 draft, I think we feel that we could, if we have  
6 guidance from this group, that we can add those  
7 suggestions or identify that we can even identify the  
8 pathway to a better act until groups get together and  
9 coordinate and know what they're thinking.

10 I have Larry and then Frank again.

11 DR. VANDERHOEF: Well, Jamiene, I was  
12 wondering how you think about the California  
13 circumstance and the way that that issue should be  
14 brought into this? I have not had any -- the  
15 experience that I've had with that part of the triad in  
16 California is about zip. I mean, they're -- it's not  
17 really correct to say it's temporarily out of the loop,  
18 because in fact it has been without effect for years  
19 and years.

20 And now the thing that happened recently was  
21 that they lost their budget. Now they're totally gone.

22 But it's -- and Frank you can probably speak to this

1 as well. It's not an issue. I don't -- I mean, it's  
2 not a part -- we don't have a triad, I guess is what it  
3 amounts to. And I don't -- I don't know how that  
4 enters into this.

5 CHAIR STUDLEY: The short answer is, it's a  
6 longer conversation. California does have entities  
7 that are responsible for doing something about this,  
8 but they provide exemptions or recognize -- or take the  
9 accreditation by others to allow two different strands  
10 of pass-through, in a sense, from state oversight. But  
11 there are a large number of institutions that are  
12 falling into the category I described before,  
13 California only and not Title 4.

14 So there is an activity going on. There is a  
15 bureau within the Department of Consumer Protection  
16 that currently is awaiting a -- the appointment of a  
17 regular director. And there are many think big gaps in  
18 the activity of that office.

19 So there's somebody who's supposed to be on  
20 watch, and they are staffing back up to carry out their  
21 responsibilities. But there are -- but there's  
22 a -- and they are identifying how to satisfy the state

1 authorization requirements under the federal law.

2           The fact that it doesn't feel as though there  
3 is anything happening from the state level may not be  
4 as troubling, if the perspective is from a state  
5 institution which has a different ultimate governance  
6 responsibility than if you had been in a different sort  
7 of institution that maybe should feel some state  
8 involvement, and nevertheless might not have.

9           Frank, you wanted to speak?

10           MR. WU: I think we ought to do something  
11 about this. I don't know what it is, and I don't have  
12 any knowledge other than there is an issue. So I would  
13 encourage us to, as we're working on this, say  
14 something about the on-line piece. Because if we  
15 don't, it will be conspicuously absent, and that's a  
16 huge and growing and complicated area that, at least  
17 arguably falls within our purview.

18           CHAIR STUDLEY: You'll notice that Frank, just  
19 in the text, it's not in the language of the options,  
20 but right after -- right in the text that precedes 6, 7  
21 and 8, there is a reference to cross-state borders and  
22 so forth that -- the HUC and the recognition of that

1 issue. But this conversation may increase.

2 Susan?

3 DR. PHILLIPS: Just I want to underscore two  
4 separate but certainly related issues. One is the  
5 variability of states in their engagement in this  
6 process from California to New York, or Wyoming. A  
7 great deal of variability and certainly, you know, the  
8 base is that there is some level of state engagement  
9 before an institution emerges into an accreditable  
10 action.

11 The variability, that variability is the issue  
12 that is attempted to be captured in option 4 and 5 and  
13 8. That's the cluster that that's trying to capture  
14 the dimensions of the variability across states in  
15 engagement.

16 The second issue, which is certainly related  
17 and connected to the level of engagement, is the  
18 cross-state activity that might be reflected in the  
19 phenomenon state authorization, or might be reflected  
20 in on-line or so forth. So as Art was saying, there  
21 are two very worthy points for comment and reflection  
22 for us. One is the variability of state activity, and

1 the other one is the particular focus of cross-state  
2 and on-line activity.

3 We can preserve some of the comment that we've  
4 had, discussion we've had on the latter for when those  
5 particular items come up as well.

6 CHAIR STUDLEY: Art?

7 MR. KEISER: I have a thought. In our  
8 standards, under the last authorization, we were  
9 provided the requirement to evaluate on-line -- each of  
10 the accrediting commissions were to evaluate on-line  
11 education separately and get a separate recognition.  
12 Why not that we recognize -- or recommend that  
13 the -- that we have even more structured standards?  
14 Because right now it is, you have a process to evaluate  
15 accreditors that review on-line. But flesh that out  
16 and, where it becomes the de facto -- because  
17 accreditation across the borders, it's not -- whether  
18 it be regional or national. But by really fleshing out  
19 the protections that the students need in on-  
20 line -- you know, in our standards and in our charge,  
21 that would, I think, potentially solve some of the  
22 problems. Because you're not going to force

1 Mississippi or Louisiana to build a strong state  
2 license board. They don't have enough schools in the  
3 state to pay for it. I mean, it becomes a challenge.  
4 Where in some states you have hundreds -- 800 schools  
5 in Florida and there's a revenue stream that allows the  
6 agencies to be effective.

7           So maybe we should call to strengthen and  
8 codify the -- you know, what is appropriate standards  
9 for on-line education using the accreditation model to  
10 do that.

11           CHAIR STUDLEY: So let me first, to see if I  
12 understand your idea, which is an interesting one. And  
13 it's whether we should flesh out protections for  
14 students that an agency needs to assure in order to  
15 qualify to accredit distance education?

16           My one question there is whether that is most  
17 appropriately done as included within the statute or  
18 whether it's something that NACIQI or NACIQI and the  
19 Department should set standards for?

20           MR. KEISER: Well, the statute, as I read it,  
21 is very broad and not specific to those issues. I  
22 mean, we could -- you know, it could be highlighted

1 that, if an accrediting agency wants to have that right  
2 to recognize schools that offer on-line education, then  
3 it -- there are much more specific -- there has to be  
4 standardized consumer protection information provided  
5 to the students, every student. For all the things  
6 that folks believe should be appropriate to protecting  
7 the on-line consumer, because that's what we're getting  
8 at.

9           That's the -- and to throw it back to the  
10 state, it's not going to happen. It's not going to do  
11 anything for us. And especially those states that are  
12 not engaged.

13           CHAIR STUDLEY: Melissa, Sally and Susan.

14           EXECUTIVE DIRECTOR LEWIS: I wanted to call  
15 the committee's attention to another federal agency,  
16 the National Transportation Safety Board, and present  
17 some factual information about their responsibilities.  
18 They are responsible for investigating and analyzing  
19 traffic related accidents, and making safety  
20 recommendations to protect the public.

21           One of their functions that is written into  
22 legislation is the -- congress gave them an advocacy

1 role, so that they can develop model legislation and  
2 advocate what their recommendations are to the states  
3 as well to the different lobbying groups, too. And I  
4 wanted to bring that to your attention to let you know  
5 what had -- what other agencies had done. And it may  
6 be something to consider in working with the states in  
7 developing better relations with them, if handled -- if  
8 the federal government were to promote this.

9 CHAIR STUDLEY: Interesting. Sally.  
10 Thank you.

11 MS. WANNER: I just wanted to mention the  
12 current statutory provisions on recognition regarding  
13 distance education. They're very general. They make  
14 it clear that, at least right now, we can't require  
15 there to be different standards for distance than there  
16 are for other programs. A school can add distance to  
17 its scope by notice to the Secretary, although if there  
18 is dramatic increase in head count, then they have to  
19 come back at the next meeting and sort of explain that.  
20 But that's really all there is.

21 CHAIR STUDLEY: Okay. Susan?

22 DR. PHILLIPS: I'm mindful in the desire to

1 develop and apply some even process standards about on-  
2 line or distance education at this level. That that  
3 act could make the inconsistency across states worse  
4 for -- in yet another dimension.

5           So again, speaking from a state that is not  
6 like California, to have a set of standards,  
7 regulations, processes, whatever they are, introduced  
8 at this level would mean that Jamiene's institution in  
9 California would have none -- would have one, the one  
10 imposed here. And my institution in New York would  
11 have eight.

12           I'm exaggerating here, but to illustrate that  
13 the desire to solve distance education irregularity, or  
14 lack of consistency, can have the perverse effect of  
15 creating even more inconsistency and institutional  
16 burden because of the variability in the states.

17           I'm also -- just let me switch gears for a  
18 moment -- considering the challenges of thinking about  
19 how to address the two state-related issues. One being  
20 the inconsistency across states, and two being the  
21 activity that crosses state borders. A number of the  
22 options that are put on the table in the draft that we

1 had composed speak to the need for discussion and  
2 clarification convening, and so forth.

3           And many of the ideas that have been advanced  
4 in these conversations might well be topics for that  
5 discussion, not necessarily solutions advanced. The  
6 solution that we might advance is discussion and  
7 convening rather than trying to do it this morning.

8           MR. KEISER: So that would be number 5?

9           DR. PHILLIPS: Yeah, it might be -- number 4  
10 says there is inconsistency. Number 5 says the feds  
11 could use their convening function. And number 8 says  
12 there is concern about consumer protection. So none of  
13 those say, you know, dear states, please protect the  
14 consumers, but it does -- all of them together say we  
15 really need to think about how this is done, how  
16 consumers are protected and how there might be a  
17 greater consistency across state action, but separate  
18 again from the cross-state activity issue.

19           MS. GILCHER: I just wanted to remind you of  
20 one more thing which is that we are required to engage  
21 in negotiated rule making around any new regulations  
22 that we could come forward. So if something is put in

1 the statute, we nonetheless do negotiate with the  
2 community around the actual regulations.

3 CHAIR STUDLEY: Just procedurally, I'm sensing  
4 that we might be ready to vote on number 4 and 5. Then  
5 I'd like to invite for a moment whether there's any  
6 focus discussion on number 8. And then take the straw  
7 vote -- straw poll, as we said -- as we were doing  
8 yesterday on number 8. I don't want to cut anybody  
9 off, if there are people who still want to speak to 4  
10 and 5, but I want to be sure we sustain our energy  
11 across all the issues and don't spend it all on this  
12 one.

13 I see Art, and Frank, procedural question?

14 MR. WU: Yeah. Are these exclusive of each  
15 other?

16 CHAIR STUDLEY: No. You mean, can you vote  
17 on -- yes on both 4 and 5?

18 MR. WU: Right.

19 CHAIR STUDLEY: We think that from here  
20 forward, they are not all -- they are not alternatives,  
21 they are all options. People may see ways that they  
22 conflict, but we can say --

1 MR. WU: Four, five and eight?

2 CHAIR STUDLEY: Yeah, all of --

3 MR. WU: All right.

4 CHAIR STUDLEY: They are not exclusive. They  
5 stand alone, although they may nest.

6 Arthur?

7 VICE CHAIR ROTHKOPF: Yeah, I just -- not so  
8 much on these points, but just looking ahead, I want to  
9 be sure we keep this conversation in mind when we get  
10 to the accrediting, to the role of accreditors on the  
11 issues of one consistency, which we're talking about a  
12 lot here. And I don't actually know that we end up  
13 talking about it so much in the paper.

14 And second, the role, if any, of accreditors  
15 for consumer protection or -- I'm really raising the  
16 question, I'm not quite sure what the answer is, but I  
17 think I'd like at least to talk about consumer  
18 protection, vis-a-vis accreditors, as well as  
19 consistency among and between accreditors.

20 CHAIR STUDLEY: Okay. I'm sensing we're -- I  
21 see no objection to taking our straw poll on 4 and 5.  
22 So let's just indicate with a show of hands

1 whether -- the way we were phrasing it yesterday,  
2 whether you are comfortable with our -- whether you  
3 support the item, subject to developmental final  
4 language and to greater learning as we go forward  
5 through the rest of the document. Are you comfortable  
6 with including option number 4 in our recommendations?

7 Show of hands, please?

8 I guess we were counting to get a sense, as we  
9 write it, of a degree of support.

10 M O T I O N

11 CHAIR STUDLEY: Ten, I count ten out of  
12 eleven. Thank you.

13 MS. NEAL: I'm not voting.

14 CHAIR STUDLEY: And on number 5? This relates  
15 to the convening -- you've got the short list, just  
16 titles up there for the public to see.

17 M O T I O N

18 CHAIR STUDLEY: Ten. Ten as well.

19 MS. NEAL: Let me just explain why. I think  
20 these are all very interesting issues, but at the end  
21 of the day I think we have so many issues in front of  
22 us, and there is a clear call for NACIQI to be looking

1 at federal accrediting issues. And I think rather than  
2 taking up our time to advise the states what they need  
3 to be doing, I think it would be better focused on  
4 literally what is right before our nose. Which is why  
5 I think expending effort on this is not in our best  
6 bailiwick.

7 CHAIR STUDLEY: Thank you, I appreciate that  
8 clarification.

9 Let's go to number 8, which relates to  
10 assuring the adequacy of consumer information and  
11 consumer protection, to assure accountability at the  
12 state level. This is one that invites the states  
13 to -- states have a special role in consumer protection  
14 and fraud, typically through their attorneys general  
15 and they do this for a wide range of entities, products  
16 and services. Some -- we've seen some action recently  
17 by which attorneys general are actually applying this  
18 in the field of higher education, post-secondary  
19 education.

20 Would anybody like to speak to option number  
21 8?

22 Cam and Arthur.

1           MR. STAPLES: I guess the question I have is,  
2 I'm looking at where we're advocating for more consumer  
3 protection, and we know it's variable. We know it's  
4 variable from state to state as to what they do. My  
5 assumption is most states view this as their role, in  
6 general, and not just with institutions of higher  
7 education but that consumer protection is an essential  
8 state function.

9           So I guess my question -- I'm just thinking  
10 about, we can make this statement, but I'm not exactly  
11 sure how that would be implemented unless we were to do  
12 something like develop a model proposal, you know, a  
13 model act, or have this as a topic of conversation if  
14 there were to be a convening of entities that were  
15 engaged in this.

16           So I think it's a good goal. I'm not sure  
17 that we are -- that we can say from the outset we don't  
18 think they do enough, because I'm not sure I know that.

19 I think it may vary from state to state. Some may do  
20 a lot, some may do nothing. But I think it's a goal to  
21 have more of a clear -- of an understanding what  
22 they're doing, and perhaps of creating some minimum

1 level of consumer protection that we are -- that the  
2 federal government expects them to be doing, such that  
3 that might not be a focus, if that's in their review  
4 process.

5 But I think of it more as an item for a  
6 convening process than anything else.

7 CHAIR STUDLEY: Arthur?

8 VICE CHAIR ROTHKOPF: Yeah, I would endorse  
9 Cam's comment, we made a similar one. And I guess I'm  
10 particularly concerned with the worst -- with the  
11 expression that states should be directed to ensure in  
12 the adequacy. I don't think we're in the business of  
13 directing states to do anything. I mean, we should  
14 encourage them, we should, you know, have them talk  
15 about it. But directing them seems to be not our role.

16 MS. NEAL: And I think in that context, I  
17 mean, I raised the issue of Texas, perhaps we should  
18 take a lesson that the states are feeling they need to  
19 move around our process to expedite other delivery  
20 methods. That's a message to me that the system that  
21 we have here is cumbersome and is getting in the way of  
22 a richer varied landscape.

1           And I think what we don't want accreditation  
2 to do is to -- because of its privileging the bricks  
3 and mortar in the old-fashioned way, to get in the way  
4 of new ways of thinking about higher education, which  
5 may provide opportunities for students that the old  
6 bricks and mortar would not do. And I think there's  
7 ample evidence that we sometimes discourage these new  
8 methods.

9           If we're going to think about how  
10 accreditation needs to evolve, I would think that we  
11 need to consider students who are taking a course as  
12 opposed to enrolling in an institution. I'm not sure  
13 that, going forward, that students will necessarily  
14 view things in terms of a four-year degree. They may  
15 view them in terms of a class or a bucket of courses.  
16 And we need to have a regulatory framework that allows  
17 this kind of variation and change.

18           CHAIR STUDLEY: I think those are all good  
19 points. I thought, Anne, you made a good point about  
20 prioritizing which things we care about, and whether  
21 they go to core accreditation responsibilities of  
22 NACIQI. Are we a recognized expert on the subject on

1 which we are attempting to opine?

2           And one of the reasons I think the consumer  
3 protection piece deserves attention is if -- I'll speak  
4 for myself -- if I don't feel that there is a capable  
5 consumer protection watchdog on the job, then I will  
6 turn to accreditors and the federal government and say,  
7 what are you doing about this? And I'm sympathetic to  
8 accreditors wanting to focus on the academic quality  
9 driven questions, and wonder whether consumer  
10 protection is the best kind of work for them to get  
11 doing. And it involves a different kind of  
12 investigative function.

13           And so I do it partly so that I'm not tempted  
14 to ask them to do more because there's a vacuum at the  
15 state level. So it is trying to look out for  
16 accreditation being able to do what it does best, but I  
17 don't want to leave the -- that complaint handling or  
18 more systematic consumer protection homeless or  
19 stateless, if you will. So for me, they are connected  
20 up, even though it takes me to a place that doesn't  
21 have the accreditors doing, but it has the service of  
22 sensible accreditation.

1           Are folks ready to vote on 8 or are there  
2 additional --

3           DR. FRENCH: I have --

4           CHAIR STUDLEY: Sorry, George, go ahead.

5           DR. FRENCH: I guess my reading on this causes  
6 me to be a little cautious, especially if I'm reading  
7 this correctly, Madam Chair, unacceptably weak  
8 institutions won't be eligible for aid based on the  
9 states' determination. And is that what I'm reading?

10          DR. PHILLIPS: Are you reading a particular  
11 part of that?

12          DR. FRENCH: Yes, number 8, that would be the  
13 second sentence, accreditors carry the responsibility  
14 of demonstrating adequate rigor.

15          DR. PHILLIPS: That's the beginning of the  
16 section leading up to 9.

17          DR. FRENCH: Okay. The role and scope of  
18 accreditation? That's leading up to 9?

19          DR. PHILLIPS: Yeah.

20          DR. FRENCH: You could have whispered that to  
21 me, that's not a matter of record.

22          CHAIR STUDLEY: No problem. In that case,

1 let's do our straw vote related to number 8. And  
2 remember, you know, what you're saying will be captured  
3 in the writing that you see going forward, and you'll  
4 have a chance to see whether that gets issues like, you  
5 know, are we directing or encouraging or why we are  
6 involved in this.

7 So those who would support keeping an item  
8 along these general lines in our final recommendation.  
9 Show of hands, please?

10 M O T I O N

11 CHAIR STUDLEY: Eight. Did you count  
12 eight -- nine. Counting nine. Was that the same  
13 number you got? Okay, thank you.

14 Susan, you want to take us into another group?

15 DR. PHILLIPS: Okay. The next set, we begin  
16 talking about money. The next set is 16, 17 and 18.  
17 This, if you skip forward in your purple, this begins  
18 on page 7 of purple and in your original, it would be  
19 page 9.

20 There are three items in this cluster, all of  
21 them addressing the questions of cost that were raised  
22 in our discussions. The first one is simply a

1 statement requesting the undertaking of a comprehensive  
2 study of the cost of the accreditation process.

3 The second is to make the criteria less  
4 prescriptive, undertaking substantial modification to  
5 the existing statutory and regulatory criteria to make  
6 them less intrusive and prescriptive.

7 And 18 moves into the -- what data are needed  
8 and at what cost, to reconsider the data that are  
9 collected by all accreditation and state and federal  
10 agencies and evaluation the costs of data collection  
11 relative to their utility.

12 CHAIR STUDLEY: Discussion?

13 MR. KEISER: We're looking at number 9?

14 CHAIR STUDLEY: Sixteen and seventeen are  
15 what's up.

16 DR. PHILLIPS: Sixteen, seventeen and  
17 eighteen.

18 CHAIR STUDLEY: Sixteen, seventeen and  
19 eighteen together.

20 MR. KEISER: What is the outcome you want on  
21 studying costs?

22 DR. PHILLIPS: Just to respond from the

1 testimony that we had heard, and the discussions that  
2 the subcommittee had engaged in, there was concern  
3 ranging from the specific that it cost upwards of \$1  
4 million for an accreditation process to be undertaken,  
5 that some institutions reported. Others reported on  
6 the cost of collecting data. Others have spoken about  
7 the concerns about the -- I'll call it the burden,  
8 whether it be people, time, money, of the accreditation  
9 process on all of those dimensions. So those are the  
10 issues.

11           And the intention of those was to -- I think  
12 fairly to say is all of this necessary?

13           MR. KEISER: Well, that's a good question and  
14 it seems kind of insincere to ask to lower costs when  
15 we're increasing the demand upon accreditors to do  
16 more. So that's a big challenge. How are you going to  
17 do that?

18           MS. NEAL: I'll take issue with you Arthur.  
19 I'm not asking accreditors to do more, and I don't  
20 think that's necessarily what we're arguing. I mean,  
21 it seems to me that we really need to get a handle on  
22 how costly this is and whether this apparatus is worth

1 all of the effort.

2           If they're spending millions of dollars, and  
3 if a lot of the criteria that are currently being  
4 imposed actually add to institutional costs, I think we  
5 have a legitimate question. If we're contributing to  
6 the rising cost of higher education through the  
7 accreditation process, and then the taxpayers being  
8 asked to pay for something that we're increasing the  
9 cost, we should worry about that. We're supposed to be  
10 protecting the Title 4 dollar.

11           MR. KEISER: I totally agree. I mean, I can  
12 you tell you specifically what it costs for us to  
13 maintain accreditation and protect the government  
14 through Title 4. I have 300 FTEs who do nothing but  
15 process financial aid when it used to be that I got  
16 paid for that because it was considered that we were  
17 delivering aid to students because it's their money.

18           Now we're responsible for everything that the  
19 student does. It's a very complicated, very complex  
20 system that, from an accrediting standpoint, I have a  
21 whole department that deals with accreditation. I have  
22 a whole department that deals with assessment. And you

1 know, most of those things are outside of delivering  
2 education to my students.

3 So it's a very complicated and expensive  
4 process. And I don't know if this committee  
5 knows -- I'm sure Larry and those folks who are in the  
6 schools understand, this is -- it is a very  
7 complicated, complex process, but -- and it's getting  
8 worse, it's not getting better.

9 So you know, to say how are we going to study  
10 costs, well, it's expensive and burdensome.

11 CHAIR STUDLEY: Federico then Arthur, and I  
12 will slip myself into the lineup.

13 MR. ZARAGOZA: Madam Chair, if we're going to  
14 look at costs, I'd think we'd also want to look at  
15 areas that, you know, perhaps work well, and some that  
16 don't. And also consider benefits. I understand  
17 there's a lot of data that we need to collect and that  
18 it's a process, but the benefits are substantial as  
19 well. So somehow kind of get a balance between costs,  
20 and then return on the investment.

21 CHAIR STUDLEY: Arthur.

22 VICE CHAIR ROTHKOPF: Yeah, I'm sort of torn

1 about these, because I think it's also related to later  
2 items that are coming up, such as outcome data number  
3 21, further data that we do need and I happen to  
4 believe is necessary. I think it's okay to study costs  
5 as such, but I do think that the -- if we're going to  
6 continue with the current system of not -- we've  
7 already -- I think the majority of this committee wants  
8 to stick with the current accreditation system, we're  
9 not going to delink. If there were delinking, then you  
10 could have a really dramatic reduction in costs.

11 But on the assumption that's not going to  
12 happen, then I think the accrediting bodies are going  
13 to be given even more to do, in my judgment. I think  
14 they ought to be into consumer protection, they ought  
15 to be protecting the students. And we ought to know  
16 far more information and have far more data, which is  
17 not now collected. I think we can do a better job and  
18 look at, is there some data being collected which  
19 shouldn't be, which is useless? I think that's fine.  
20 But I think we ought to be smarter about what we're  
21 doing, but the costs are not going to go down.

22 And the other related question is, how do the

1 accrediting bodies go at the institutions that they are  
2 accrediting, and it goes to the issue of sort of  
3 analyzing the risk in particular institutions. Points  
4 that have been made by various of our witnesses over  
5 time, that institutions that are relatively risk-free,  
6 or low-risk, are put to the same tests as the others  
7 that are not. And I think that really kind of goes  
8 into this question as well.

9           So I think there's a whole group of  
10 interrelated recommendations that are -- that are at  
11 play here, and I think it's kind of hard to vote on any  
12 one unless you consider all of them together.

13           CHAIR STUDLEY: And speaking on the merits of  
14 the recommendation, I think Federico makes a good point  
15 that this is a cost benefit question, and I don't think  
16 that the notion of a comprehensive study passes the  
17 cost benefit test itself.

18           Establishing what the baseline is would be  
19 extremely, not only difficult but divisive. And the  
20 same kind of incredibly challenging, I think, to no  
21 end. I can't believe that any quality institution  
22 would do zero of the things that they do, quote, for

1 accreditation if they did not have to do them for  
2 accreditation purposes.

3           When people talk about the assessment office,  
4 I feel confident that Art's university would be  
5 assessing results, learning, using it to improve the  
6 educational process, even if it didn't have to do that  
7 for accreditors. And I think that's probably true of  
8 Princeton.

9           The question is more, are they doing it in a  
10 way that they want to, or are they being forced to do  
11 something else or additional. And I think there  
12 are -- that that's a good question that we can better  
13 address through this issue of thinking about what level  
14 of granularity, independence, flexibility in  
15 demonstrating quality programming in an  
16 institutionally-appropriate way, rather than trying to  
17 do a study that is unlikely to really yield anything  
18 useful.

19           A comment about the costs of accreditation,  
20 also a great deal of it is done voluntarily, beyond the  
21 first accreditation that's done for Title 4 purposes.  
22 Much of what people are referring to is specialized or

1 additional accreditation that they engage in because  
2 they -- for a combination of reasons, including they  
3 find it helpful, to have the specialized accreditor's  
4 perspective or it's valuable for public understanding  
5 and marketing to have the imprimatur of specialized or  
6 programmatic accreditor in addition to the Title 4  
7 accreditation.

8 I think it's so confounding that I'd rather  
9 see us ask the government to spend its time doing the  
10 kinds of solution or change or the things that we talk  
11 about in 17, and not a study, a frequent Washington  
12 solution to things that is unlikely to yield real  
13 value.

14 Susan?

15 DR. PHILLIPS: Just to comment from an  
16 institutional perspective, and I believe this was  
17 Princeton's point also. It is the cost of the  
18 decennial review, is above and beyond what is done  
19 regularly for quality assurance. So it's not -- that  
20 \$1 million figure does not include the routine work of  
21 program review improvement, whatever assessments done,  
22 site visits that are done to keep that going on a

1 regular basis. This is above and beyond, so it is the  
2 fact of documenting it for accreditation purposes that  
3 is the expensive part.

4 MS. NEAL: Jamiene, I've just got to  
5 disagree. I think higher ed needs to examine itself as  
6 much as it wants higher ed, for others to examine  
7 themselves. And I think we're really talking about a  
8 massive expenditure, and we have anecdotes about how  
9 much it costs, how many new FTEs, how many hours, a  
10 million and a half by Michigan, six figures at  
11 Dartmouth, six figures at Princeton. I mean, we have  
12 anecdotes. And I think it would be valuable to have  
13 more than a few schools telling us how much they spent.

14 I think that would be valuable because we are  
15 trying to inform Congress, as they look at the higher  
16 education act. I do not think they have the slightest  
17 idea about the cost of this process, and I think that  
18 would help them think about what kinds of changes need  
19 to be made. So I would -- I will vote for having more  
20 data rather than anecdotes so that we can inform this  
21 discussion at a time when there's considerable concern  
22 about the rising cost of higher education.

1 DR. PHILLIPS: Just one other point of  
2 clarification. The -- probably the largest scope of  
3 recommendation on the cost issue is the one in 18,  
4 which is about all of the data that is -- that are  
5 asked for. Terry Hartle of ACE did a study at one  
6 point on the number of data points that are requested,  
7 that are required to be made available for an  
8 institution. I don't have the quote on it, but it was  
9 stunning how many different data points, different  
10 reporting intervals, different aspects of data are  
11 needed across the various places in which we, as a  
12 federal government, collect data. Whether it be  
13 financial aid, accreditation, recognition, consumer  
14 protection, I can think of all the reports I have to  
15 do.

16 It may be useful to consider that larger set,  
17 bringing to our awareness the larger set of data that  
18 is considered of which accreditation or recognition  
19 related to data is one component. Because it -- I  
20 believe the institutions would be -- while they are  
21 concerned particularly about accreditation, they're  
22 also concerned about the volume of data that they have

1 to report.

2 A colleague of mine at, I think it was North  
3 Texas, did a study of one of the Texas systems, and  
4 estimated the amount of data that was required to be  
5 collected and report through the various entities, not  
6 just accreditation but all over, over the course of a  
7 year. And determined that the amount of money that it  
8 would take would, in effect, allow the establishment of  
9 an entire other university. Again, anecdotal, but  
10 striking how much data is requested.

11 DR. FRENCH: Madam Chair?

12 CHAIR STUDLEY: Cam and then George.

13 DR. FRENCH: Thank you.

14 MR. STAPLES: I just want to make a comment  
15 about item 17, and I think we've become conscious in  
16 our process about the energy we're spending reviewing  
17 these reports on -- and the staff is spending on the  
18 minutia of the -- you know, of the compliance. Whether  
19 there's a broad statement or a particular statement, or  
20 whether documents are 100 percent in line with the  
21 criteria.

22 And I think what -- where we've been talking

1 about giving some flexibility to accreditors, and  
2 that's in our discussion later, to look differently at  
3 different types of institutions, we're not doing the  
4 same in our process. We're still in the weeds with  
5 every single accreditor. We don't necessarily  
6 encourage the staff to come and give us a general  
7 statement. How well do you think the -- this  
8 accreditor is doing and how are they doing on the big  
9 things, how are they doing on the little things?

10           They're forced into this fairly microanalysis,  
11 which is really a checklist of whether they've got  
12 an -- within that checklist there are substantive  
13 things. But I think it's worth us considering whether  
14 our process is really getting at the larger questions.  
15       Whether this -- whether the federal requirements are  
16 so specific and picayune in their nature that we're  
17 losing the big picture.

18           That we have very good agencies that might  
19 come before us and all they talk about is whether they  
20 have filed the right paperwork, not whether they're  
21 doing a great job. We have bad agencies who are still  
22 talking about the picayune things and why they are not,

1 you know, doing what they need to do.

2           So I guess I would suggest that this section  
3 be broadened a little bit to consider, not just the  
4 burden of all of the minutia that we might require, but  
5 also how that affects that review process here and with  
6 the department, and whether that has gotten the review  
7 process to a point where it's not able to look at the  
8 larger picture and the most significant questions that  
9 each of the agencies might be facing.

10           CHAIR STUDLEY: Cam, let me just, for the sake  
11 of everybody, point out that what you're describing is  
12 really a good fit with 17. It's got some suggestions  
13 for breadth and the perspective is helpful. But it  
14 does have a home in our recognition that this was  
15 important.

16           The -- and I will say just briefly, much of  
17 what you described was done in that balance between  
18 consistency and treating people in a predictable and  
19 consistent way, and that has driven a specificity that  
20 the group may think is -- needs to be rebalanced. But  
21 17 is a great focus for what you are describing.

22           I have George and Larry. Anyone else?

1 DR. FRENCH: Looking at number 16 again, I  
2 don't know what the value would be. I'm in favor of  
3 lowering the cost of higher education. I don't know  
4 what the value would be in the study, the cost of the  
5 accreditation process. I think the cost benefit  
6 analysis must be done, because quite frankly, being on  
7 the ground and going on reviews, you're correct. There  
8 are institutions that would not be doing assessment  
9 were it not for the accreditation process. There are  
10 organizations that would do it anyway.

11 And as the presenters pointed out yesterday,  
12 there's a wide variance of different types of  
13 institutions. And the bottom line is, okay, Princeton  
14 spends \$1 million because Princeton has \$1 million to  
15 spend. It doesn't really -- the smaller institutions,  
16 where the burden of that money is spent, unfortunately  
17 they may not find themselves doing the things that they  
18 would do, were it not for the accreditation process.

19 So I find myself wondering, even if we come  
20 out with the result that the accreditation process is  
21 very costly, the question is what do we do with it  
22 then? Does the federal government supplement, does the

1 state supplement? What do we do with the information  
2 once we have it? I think we're going to find out it's  
3 very costly. But for institutions that are very  
4 marginal, it's costly, but I think the benefits would  
5 outweigh the costs.

6           For the larger institutions, the Princetons,  
7 perhaps they don't -- perhaps they do need expedited  
8 review or something. But I think the benefit, the cost  
9 benefit analysis would be helpful, but I wouldn't be in  
10 favor of another study, to study the study, to then try  
11 to figure out where we're going to get the money.

12           DR. VANDERHOEF: Princeton keeps coming up, I  
13 guess because Shirley testified before this group that  
14 they aren't as -- as Susan was implying, they aren't  
15 the only ones that have concern about these costs. And  
16 I wonder if Susan doesn't have -- pardon me if I'm  
17 wrong about this, but I think you were implying that  
18 maybe we have to take -- we can't just say what's the  
19 cost. There are lots of things that are related to  
20 cost. And shouldn't -- I wonder if this doesn't have  
21 to be reconfigured.

22           Princeton wasn't complaining so much about the

1 cost. What they were complaining about, and what  
2 Stanford, in a very good study as well, complained  
3 about, at least within the cost region, was that they  
4 were being forced into corners where they didn't really  
5 need the data. Maybe this was good data ten years ago  
6 but it wasn't today. And it didn't seem like  
7 accreditation was keeping up with what the real need  
8 was for data.

9           And Susan is certainly right about the ongoing  
10 costs and the things that aren't necessarily included  
11 in the specific costs of an accreditation visit. Do we  
12 have this right? Are we making a mistake by  
13 taking -- by zeroing in on the costs of a particular  
14 comprehensive study? Or does it have to be different  
15 than that? It's just a point to lay out there. I  
16 don't --

17           DR. FRENCH: Does it have to be -- what did  
18 you say?

19           DR. VANDERHOEF: Does it have to be  
20 some -- does it have to be stated differently than it  
21 is right now? I don't think -- the complaint is about  
22 the costs, but I don't think that Princeton is saying

1 we don't want to do an accreditation. What they're  
2 saying is -- and we don't want -- and I don't think  
3 they're saying, and Stanford and all of these other  
4 institutions that have done these costs. I think what  
5 they're saying is, we're having to direct money in ways  
6 that we don't think are appropriate or helpful to us.

7 VICE CHAIR ROTHKOPF: Let me just respond. I  
8 think it's a multiple of items. I think, one, they are  
9 concerned with costs, I think they did give us a cost  
10 number they thought was excessive.

11 I think second, at Princeton and the research  
12 universities, they think they do it too often for  
13 schools like those, and they could do it on a more  
14 modest basis. And in many ways they think their own  
15 internal processes are such that they're dealing with  
16 these issues that the accrediting bodies are going to.

17 So I think it's cost, it's frequency, and the  
18 requirement of manpower being put into the process on  
19 too frequent a basis.

20 CHAIR STUDLEY: Susan?

21 DR. PHILLIPS: If I were to capture the bulk  
22 of this discussion, I might do it by saying that you

1 could -- you could -- and I don't want to invite words  
2 on this, but if we could focus on the reduction of the  
3 costs, not necessarily on the study of them, that might  
4 capture the sentiment of the group better.

5           So the item 17, which talks about undertaking  
6 the modification to make them less intrusive  
7 prescriptive and costly might be the ultimately written  
8 solution that, instead of as Art says, we already know  
9 it's expensive, we just don't know quite how much  
10 expensive.

11           MR. KEISER: The biggest cost item that I'm  
12 not sure that we're recognizing is in some cases the  
13 conformity to the standards that are promulgated. For  
14 example, faculty loads. Big discussion in terms of our  
15 institution and other institutions that are somewhat  
16 different in its mission. And we're having to, you  
17 know, significantly increase our faculty size in order  
18 to meet the requirements of very low faculty loads.  
19 We're not a research institution and we're not, you  
20 know, doing other things that are typical at a large  
21 research institution.

22           So there are other costs, other than just

1 performing a self-study or the direct costs that are to  
2 that. And some of which are not necessary and some  
3 which are, but it's still expensive to conform and to  
4 follow the pattern as the academy suggests.

5 CHAIR STUDLEY: Are there other comments on  
6 this set of issues, or are you ready to do the straw  
7 poll?

8 (No response.)

9 CHAIR STUDLEY: Okay. Item number 16, are you  
10 in support of including a point to that effect?

11 M O T I O N

12 CHAIR STUDLEY: One, two, three, four. Four  
13 out of eleven.

14 Number 17?

15 M O T I O N

16 CHAIR STUDLEY: One, two, three, four, five,  
17 six, seven, eight, nine, ten.

18 And number 18?

19 M O T I O N

20 CHAIR STUDLEY: One, two, three, four,  
21 five -- just a minute. One, two, three, four, five,  
22 six, seven, eight, nine, ten, eleven. Okay.

1 Susan, the next group.

2 DR. PHILLIPS: Okay. Congratulations on  
3 reaching the end of the first up section. We move now  
4 into the second up section, which we will go through  
5 briskly, I'm sure. STOP HERE 2-24-12

6 The first item on this -- Karen, if you could  
7 move to the second up section so the audience can see  
8 it? The first one is item 6, options to consider, and  
9 this one concerns the cost state activity. We've had  
10 some discussion on this item already. This one reads,  
11 "evaluate the ways in which state regulation diversity  
12 across the country might be shaped to incorporate  
13 recognition of the growth of cross-state and, indeed,  
14 cross-national educational activities."

15 This one doesn't address so much the diversity  
16 of state engagement as trying to address the  
17 cross-state activity. We've had some discussion on  
18 this already. I would suggest, Jamiene, that we  
19 complete that discussion do the straw poll on it. The  
20 next cluster, the role and scope of accreditors, has a  
21 different theme to it.

22 CHAIR STUDLEY: That's fine, if the group is

1 comfortable. Do you have comments on item number 6,  
2 the state role on quality assurance?

3 (No response.)

4 CHAIR STUDLEY: I think much of our  
5 conversation was in this general neighborhood, is that  
6 fair? Any additional comments?

7 (No response.)

8 CHAIR STUDLEY: I think we're ready for our  
9 straw poll. Susan, are you comfortable with that?  
10 Same straw vote -- straw poll considerations on option  
11 number 6. All in support?

12 M O T I O N

13 CHAIR STUDLEY: Anne, I can't, did you  
14 not -- okay, thank you. I couldn't see both of your  
15 hands, so I didn't know.

16 Okay, 10 of 11.

17 Moving right along.

18 DR. PHILLIPS: Okay, moving right along. The  
19 next set of items is -- concerns the role and scope of  
20 creditors. This is item 9, 13, 14 and 15. Nine begins  
21 on page 6 of your purple handout. For those of you  
22 looking on with the original, it starts on page 7.

1           In these there are concerns about the risks  
2   that accreditors are -- have to take on in their  
3   decision making action. The first one, number 9,  
4   addresses the question of whether it might be advisable  
5   to assign the more risky litigation prone elements of  
6   the gatekeeping function to another quarter, or to  
7   provide resources or indemnification to the accreditors  
8   to reduce the legal risk and burden.

9           Number 10 concerns accreditor accountability  
10   for institutional performance. That one states, expect  
11   NACIQI --

12           VICE CHAIR ROTHKOPF: That's in the third --

13           DR. PHILLIPS: I'm sorry, never mind. Rewind.

14   Thirteen is risk assessment -- thank you, Arthur.  
15   Authorize a review process with -- that would allow  
16   notions of risk assessment so that there are more  
17   varied levels and durations of review, such that  
18   greater review effort is addressed to those accreditors  
19   and institutions that present greater potential cause  
20   for concern. This is one that applies to both  
21   recognition action and accreditation action.

22           Fourteen concerns flexibility, allow

1 accreditors flexibility to design systems for expedited  
2 review, noting both required elements as well as  
3 triggers that indicate a full review. This is -- you  
4 can see here the support that was received by this.

5           And 15, the gradation options in the decision  
6 making process afford accreditors the opportunity to  
7 make -- to offer more gradations in their accreditation  
8 decisions. So in effect, these are -- the first two of  
9 this set concerns -- the first one concerns the  
10 indemnification for accreditors, and the next three  
11 afford them opportunities, them and NACIQI  
12 opportunities for flexibility and decision making and  
13 review.

14           CHAIR STUDLEY: I'm going to suggest that we  
15 handle this set of issues by talking about 13, 14, 15,  
16 you know, together or separately, and then come back to  
17 number 9, which is just a little different enough that  
18 we might find ourselves jumping around. So let's  
19 talk -- let's see who wants to speak on 13, 14, 15. I  
20 see Art Keiser, Art Rothkopf. Were there other hands  
21 at this point?

22           Okay, why don't you guys lead off.

1           MR. KEISER: Well, I have mixed feelings on  
2 these. In terms of the risk assessment, one of the  
3 keys to accreditation is that all institutions meet the  
4 standards. And I'm very uncomfortable that we would  
5 have some standards for some and others for others.  
6 Now there is always the opportunity to create new  
7 accrediting commissions, if the agencies feel their  
8 like issues are different. But if you're part of an  
9 agency, just because you're -- you're in a lead  
10 institution doesn't mean you don't need to follow the  
11 rules.

12           And for that matter, whether it be  
13 historically Black or a proprietary institution,  
14 because they're different and have different student  
15 body, that they don't have -- they have to meet other  
16 or more difficult standards, I don't think that's  
17 appropriate. I think the accrediting commission needs  
18 to have their process, which is a fair process, and  
19 where the -- we make sure there's a fair process.  
20 Where, if they're going to change their standards,  
21 their standards are published, everybody participates  
22 in the discussion and it's voted on by their assembly

1 and adopted by the institutions.

2 And because one institution thinks its better  
3 than the other or thinks they have, you know, their  
4 processes, if they can't prove that within the  
5 framework of the accreditation, I think they should be  
6 cited.

7 So I don't agree with the first one.

8 The second and third issues I can support. I  
9 do believe there should be flexibility for expedited  
10 review, and for other -- within the process of  
11 accreditation. And then I also believe that it  
12 wouldn't hurt for us to have, you know,  
13 either -- either have right now a grant or fail to  
14 grant or probation, which is a time limited area for  
15 some institutions. I think we could operate and  
16 increase the number of gradations that are available to  
17 accrediting commissions to help improve institutions.

18 So those are my three.

19 CHAIR STUDLEY: Arthur Rothkopf.

20 VICE CHAIR ROTHKOPF: Yeah, I would strongly  
21 support all three, 13, 14 and 15. I think it's, one, a  
22 matter of judgment. We are authorizing these

1 accrediting bodies, giving them a tremendous  
2 sense -- tremendous responsibilities here, and  
3 authority. And I think they need to be able to decide  
4 how to best use the authority they have with the  
5 resources that they do have. And risk assessment is a  
6 part of everything people do, whether in the for-profit  
7 or non-profit world generally. And I think I would  
8 support the idea that these accrediting bodies could  
9 make some of those judgments.

10           And I would -- if we've got this system, we  
11 ought to be focusing more on what we talked about  
12 yesterday as the bad apples, or the potentially bad  
13 apples. And that's, in my view, the job of the  
14 accrediting bodies. We -- that's what we are -- the  
15 direction which we've been going and continue to go.  
16 And so I would support 13, and then 14 and 15. It  
17 seems to me go forward from that, including the idea of  
18 gradations of decisions. It ought not to be a yea or  
19 nay, but there are lots of other things that could be  
20 doe. So I support all three.

21           CHAIR STUDLEY: George?

22           DR. FRENCH: I would concur with Art Keiser.

1 I think to have a uniform system protects against  
2 discrimination, point blank. I think that this opens  
3 the door for discriminatory practices by accreditors,  
4 and it keeps the door closed if it's a uniform system  
5 across the board.

6 CHAIR STUDLEY: Anne.

7 MS. NEAL: I too am not sure where I stand on  
8 13, because I think I'm viewing it in two different  
9 ways. I think for baseline eligibility for federal  
10 funds, I would envision a system that applies to  
11 everyone and potentially with the opportunity to make a  
12 special case.

13 For instance, if there were some baseline and  
14 the institution could make a special case, if it does  
15 not meet that uniform baseline. So I think that is a  
16 different issue from gradations, in terms of sector  
17 which, ideally, would be on a voluntary basis, not as  
18 part of the gatekeeping role.

19 So with that caveat, I would be interested in  
20 exploring all three of these, particularly the  
21 flexibility approach and the more -- the expedited,  
22 which I would hope would show that a simplified

1 reporting process might work just as well as the more  
2 elaborate one, and potentially lead to a realization  
3 that delinking might make sense.

4 (Laughter.)

5 CHAIR STUDLEY: Very good, Anne.

6 DR. FRENCH: Madam Chair, I forgot to -- I  
7 can't remember, Susan used a term yesterday -- I think  
8 we turned this way up. Susan used a term yesterday she  
9 said she won't use again. And I guess my concern would  
10 be for what Art said, how do you determine what a bad  
11 apple is.

12 And I think that the protection that's  
13 afforded by equality -- and I agree also, actually,  
14 with you, Anne, though that there is some  
15 baseline -- there are baseline data that could be used  
16 to make some determinations. But the bad apple, and  
17 some of the terms that we use, I think I've heard those  
18 before. And before we went to -- before what, 1958,  
19 before we went to this system, HBCUs even had a  
20 different system of accreditation, and they were  
21 forced, of course, to come into compliance and be in  
22 the system and be uniform with everyone else. And I

1 think it's actually helped tremendously.

2 Is this turned up? Oh.

3 CHAIR STUDLEY: Just to -- these are very  
4 important concerns about equity and discrimination. I  
5 think those are points very well taken. At the same  
6 time, I also wonder if the accreditation community  
7 might be called upon to consider how a differential  
8 level of scrutiny might be determined in ways that can  
9 be subjected to a discrimination challenge. So it can  
10 be monitored for that, without suggesting that it be  
11 written into this.

12 In trying to consider how to do equity and yet  
13 also recognize that there are some entities that -- for  
14 which more scrutiny is merited, again not having made  
15 those choices myself in an accreditation context, I  
16 wonder if that might be something that the  
17 accreditation community might sort of take on as its  
18 project to propose and consider. I'm not sure what the  
19 outcome would be, but I wonder if there might be a way  
20 around that problem.

21 Frank, and then Cam.

22 MR. WU: I just want to follow up on what

1 Susan said. This entire process is about  
2 distinguishing between schools. So it's inherent that  
3 we will say that some meet a test and others don't meet  
4 a test. And when agencies come before us it's about  
5 distinguishing as well. So we shouldn't hesitate to  
6 draw lines. Not everyone is going to pass.

7           The question is, how do we distinguish  
8 appropriately and not discriminate on the basis of some  
9 traits that we shouldn't be using that historically  
10 have been used? So it's important to bear in mind that  
11 there is a risk here. Any time you draw lines, there's  
12 a risk that you're going to do them unfairly. Or that  
13 even though they appear neutral to you, and are meant  
14 to be neutral so there's no bad -- there's no malice,  
15 there's no bad motive, that nonetheless when applied,  
16 maybe every HBCU falls on one side or something like  
17 that.

18           So we should be sensitive to it, but I think  
19 we can design the system that allows us to distinguish  
20 without the possibility that schools will face bias.  
21 And that's the challenge that we face.

22           CHAIR STUDLEY: Cam and then Art Keiser and

1 Kay.

2 MR. STAPLES: The way I was reading the  
3 section, it didn't suggest that all schools would still  
4 be required to meet the same standards. And I look,  
5 and I see to Art's point about differentiating. I  
6 would think of this as still requiring that they be  
7 held to the same standards. It's a question of how the  
8 process might be adjusted by institution where meeting  
9 the standards may not be the question. It may be  
10 whether there are deeper issues that need to be  
11 explored within an institution that does meet the  
12 baseline standards.

13 So I agree with the concern. I don't think  
14 this permits that, and perhaps we just need to clarify  
15 that, if we -- in our draft, that this is not  
16 suggesting that schools be held to different standards.

17 MR. KEISER: Cam, that's not how I read it,  
18 and I still don't read it that way. You know, the  
19 concept of risk assessment, because historically Black  
20 colleges tend to have higher default rates, do we say  
21 all historically Black colleges have to be treated  
22 differently? And that's the concept of risk

1 assessment.

2           There are some proprietary schools that are  
3 doing bad things, so all proprietary schools be treated  
4 the same way, even though the difference between a  
5 cosmetology school and a doctoral level proprietary  
6 school are night and day. Just that risk assessment  
7 gives -- I think will create many more problems than it  
8 will solve, and I think it's -- each institution has to  
9 be evaluated. And -- but they should all be the  
10 treated the same.

11           And I'm with Frank, I mean, you draw a bright  
12 line. That line, you have to be on one side of the  
13 line versus the other side of the line. Everybody has  
14 to be on the other side of the line or under the line.  
15 That's fine if everybody has to do that.

16           But if you take a risk assessment, because a  
17 certain class of institutions have certain predilection  
18 to have a problem, then -- and then you're going to  
19 treat them differently, I don't approve that. I don't  
20 think that's appropriate.

21           VICE CHAIR ROTHKOPF: If I can comment on  
22 that?

1           CHAIR STUDLEY: Kay -- just a minute. Kay  
2 wanted to say something and then Arthur and then I'll  
3 slip in.

4           MS. GILCHER: I just wanted to say that, in  
5 the monitoring activities, accreditors do, of course,  
6 nick at issues of risk, and the differential levels of  
7 monitoring as a result.

8           CHAIR STUDLEY: Art?

9           VICE CHAIR ROTHKOPF: Yeah, responding to Art  
10 Keiser's point, it's I think the standards that are  
11 being applied have got to be the same. There's no  
12 question that the standards are the same. The question  
13 is, how is the accrediting body going to use its  
14 resources? Should it be looking at every institution  
15 with the same amount of time and the same amount of  
16 effort, regardless of the fact that some institutions  
17 don't show up on -- in whatever series of tests you  
18 want to have?

19           And you can lay out those tests, whether it's  
20 default rates, whether it's outcomes of various kinds  
21 of data completion rates. If someone is falling into a  
22 particular category, regardless of the type, and it

1 could be a large institution, it could be a small  
2 institution, it seems to me that you're using the  
3 accrediting body, or saying is, was using its resources  
4 in a smart way rather than saying, oh, everyone, we've  
5 got to spend the same amount of time on every single  
6 institution regardless of what the data shows.

7 I think we ought to look at the data, agree on  
8 what's fair and non-discriminatory, and take it from  
9 there. It seems to me that's a good use of resources,  
10 and helps focus on where the problems are as opposed to  
11 focusing and spending -- spinning a lot of wheels that  
12 produces no positive result.

13 MR. ZARAGOZA: Madam Chair, could I --

14 CHAIR STUDLEY: George, go ahead. I really  
15 didn't hear what she said. Could I ask her to repeat?

16 MS. GILCHER: Okay. I just said that -- okay.

17 I just said that the concept of looking  
18 differently or more in-depth at different institutions  
19 is embedded in the monitoring processes of accrediting  
20 agencies. So that is already an aspect of  
21 accreditation.

22 CHAIR STUDLEY: And I would just like

1 to -- Federico, did you want to speak first?

2 MR. ZARAGOZA: I just -- but you wouldn't  
3 define that as a risk assessment, would you?

4 MS. GILCHER: I think that some agencies do,  
5 indeed, identify risk factors, and that might lead to  
6 annual reports and things like that. And that might  
7 lead to, you know, additional monitoring of individual  
8 institutions. Less than -- not so much by categories  
9 of institutions but at the individual institutional  
10 level.

11 CHAIR STUDLEY: Just a comment here. I think  
12 that the phrase "risk assessment" might be -- mean  
13 different things to different people, and we might want  
14 to consider whether that's distracting from the point.

15 I want to build on what Cam and Arthur  
16 Rothkopf said about just reinforcing that everybody  
17 needs to meet the same standard, whatever standards the  
18 accreditor has set. We're not talking about different  
19 standards, we're talking about individualized  
20 institutional notion of what it takes for the  
21 accreditor to be sure that that institution has met  
22 that standard in an acceptable way.

1           In trying to think about how to -- how I was  
2 understanding it, I was thinking about my conversations  
3 with my dental hygienist. If you posited there is a  
4 standard of dental and oral -- gum health, I go back  
5 more often for teeth cleanings that some other people  
6 do. But she's using the same standard of what health  
7 looks like in that setting. And some people come in  
8 more often to be sure that they're able to maintain it  
9 than other people need to.

10           But it's individualized, I don't know whether,  
11 you know, people -- there may be an age element or a  
12 gender element or a genetic element that relates to  
13 that that might have to do with how they decide, how  
14 they look -- what questions they ask about an  
15 individual institution. But the standard that we would  
16 be trying to apply would be consistent across  
17 institutions.

18           So it may be helpful if people say that there  
19 are concepts here that are comfortable, but risk  
20 assessment sounds like something that they don't want  
21 to embed without understanding better what that's  
22 about.

1 Arthur?

2 MR. KEISER: I could accept that we add a  
3 non-discriminatory kind of sentence there. But the  
4 interesting thing is, we had a very strong challenge  
5 with the chiropractors who felt that the one group of  
6 schools was being treated differently than another  
7 group of schools.

8 Accreditation has always been the subject to  
9 the good-old-boy network commentary, and when you have  
10 a group of good old boys who are, let's say, from the  
11 ivy leagues and they ask -- I don't know if that's the  
12 case, but they have -- they're treated differently than  
13 the small little liberal arts colleges in Vermont or  
14 New Hampshire. Then because they are small and they  
15 have financial issues, and then there's a risk  
16 assessment that they're not as stable as the \$50  
17 billion endowment that Harvard has, and then you then  
18 treat them differently, it will ruin the collegial  
19 aspects and the fairness aspects of the way  
20 accreditation is viewed.

21 So if a risk assessment is treated in a  
22 non-discriminatory way, I could accept that.

1 CHAIR STUDLEY: Other comments?

2 (No response.)

3 CHAIR STUDLEY: Any comments on 15, for  
4 example? I think I heard a little less within that  
5 group, so I just wanted to make sure that  
6 you're -- that we're hearing what you wanted to say  
7 about 13, 14 and 15 before we go back.

8 MS. NEAL: I'm not sure I understand 15.  
9 Let's just ask, that might be a question of the  
10 delinking that we've been talking about. Because we've  
11 been talking about a baseline standard that everybody  
12 needs to meet for Title 4 purposes. And then we've  
13 been talking about different levels of qualifications.

14 Some are doing spectacularly, some are doing less  
15 well. Some are doing great. Gold star, silver star.

16 It seems to me those are things that, as we  
17 saw in the lead process that was brought to us, are  
18 very much self-improvement and are separate and apart  
19 from the issue of who is eligible for Title 4 funds.  
20 And so again, this gets back to my belief that the  
21 delinking allows that kind of special gradations, where  
22 institutions can show how they are doing. Whereas the

1 first cut is essentially do you meet the baseline  
2 standards that we've established for financial  
3 stability, quality, so that you are entitled to federal  
4 4 funds. And I do see that those are two distinct  
5 practices that the delinking makes clearer.

6 CHAIR STUDLEY: Could I ask a question about  
7 whether anyone either remembers from the comments or  
8 has a view on -- this is related to number  
9 15 -- whether there is anything that the statute or  
10 NACIQI does that constrains accreditors who might want  
11 to do this?

12 Put another way, we've said afford accreditors  
13 the opportunity, they may already have that opportunity  
14 or ability as their -- on their voluntary peer process  
15 to give all the gold stars or other recognition that  
16 they want. So it may simply be an -- I don't know  
17 whether it's an acknowledgement here that there are  
18 those who might want to do it, and we see no problem.  
19 Or whether we had created barriers to accreditation  
20 being able to do this. So it -- and it may not be  
21 necessary to delink for them to exercise that  
22 preference, if they looked at lead-type system and said

1 they found value to doing it.

2 Title 4 needs would have been met as soon as  
3 they said, you're over the threshold, and beyond that.

4 It's like the pure conversation that we have as part  
5 of a site visit, which is, okay, we believe you will  
6 pass, but now let us share what we think about what  
7 we've -- what we have seen about the organization,  
8 because we have spent three days and want to give you  
9 the benefit of our thinking, whatever you want to do  
10 with that. But it is above and beyond the pass  
11 threshold.

12 Does anybody -- Susan, perhaps you recall.  
13 Was there a feeling that we need to get out of the way  
14 to allow accreditors to decide whether they want to do  
15 this?

16 DR. PHILLIPS: I don't believe there's  
17 anything in the statute that would prevent an  
18 accreditor from having gradations above pass to show  
19 its relative mark of approval of the quality of the  
20 school.

21 CHAIR STUDLEY: Thank you. Frank?

22 MR. WU: I did want to mention a concern,

1 maybe something that we think would be good or we don't  
2 care about. But the current process does have one  
3 benefit which is, it doesn't look like a ranking. U.S.  
4 News rankings have had all sorts of unintended  
5 consequences, not all of them good on higher education.  
6 And if we have accrediting bodies -- and this is done  
7 in other countries, where there are official rankings  
8 of schools. That might not be a path that we'd want to  
9 go down.

10 And this might potentially be regarded that  
11 way, you know, schools that are fast-track would be  
12 regarded as, well you know, those are the best schools.  
13 And this might cause some agencies to evolve into a  
14 ranking system. Maybe that's something we do want. I  
15 just wanted to raise that potential.

16 CHAIR STUDLEY: Any other comments?

17 VICE CHAIR ROTHKOPF: I guess I'd ask, is  
18 there any reason -- is there any way you could stop  
19 them? I mean, if they wanted to do it today, could  
20 they not go into that business? There's no -- I assume  
21 there's no constraint. I don't think it's particularly  
22 a good idea. I think the rankings have been generally

1 very detrimental to education and the quality of it.  
2 But I don't know that there's anything we can do to  
3 stop it.

4 MS. NEAL: Don't we think that the rankings  
5 have had a great life, because the accreditation  
6 process is so opaque that poor parents and consumers  
7 are trying to find out what's going on. So they go to  
8 U.S. News.

9 CHAIR STUDLEY: Other comments, or are you  
10 ready to -- let's do our straw poll on 13, 14 and 15,  
11 unless I see any other hands at this point?

12 EXECUTIVE DIRECTOR LEWIS: I'd like to --

13 CHAIR STUDLEY: Sure.

14 EXECUTIVE DIRECTOR LEWIS: Speaking about  
15 another federal agency, the Office of Federal -- it's  
16 Office Management and Budget in the federal enterprise  
17 architecture program. They evaluation all the major  
18 agencies across government on their enterprise  
19 architecture programs. And they do it in a way where  
20 they highlight the best practices of different  
21 agencies, the different areas. And they share that  
22 information. None of the negative information, but

1 they share the positive information so that the  
2 community as a whole rises up.

3           And if there's a way that that could be  
4 transferred to the accrediting community, this  
5 committee may want to take it under consideration. But  
6 I realize it's -- that there's also consistency  
7 concerns as well.

8           CHAIR STUDLEY: Art?

9           MR. KEISER: Actually I think, at least I can  
10 say in my region, those institutions that are  
11 outstanding are usually invited to come speak at the  
12 conferences and present the case studies of their own  
13 on how well they -- whether it be assessment, whether  
14 it be faculty retention, whatever the issues are. But  
15 the commission tends to try to take the best and  
16 highlight those folks at the conference. And so I  
17 think that happens in an informal way, but not  
18 necessarily where they would have the rankings of who  
19 has the best assessment process of the south. I'm not  
20 sure that would work. I mean, start getting like the  
21 athletic conferences, they start being -- well --

22           CHAIR STUDLEY: Any other comments?

1 (No response.)

2 CHAIR STUDLEY: Let's do 13, 14 and 15 then.  
3 All in favor of a provision along the lines of 13 with  
4 additional, you know, reflections captured here? Show  
5 of hands?

6 M O T I O N

7 CHAIR STUDLEY: Eleven. Okay, eleven. Thank  
8 you very much.

9 Fourteen, flexibility and expedition? All in  
10 favor?

11 M O T I O N

12 CHAIR STUDLEY: Eleven. Thank you.  
13 And 15, gradation options?

14 M O T I O N

15 CHAIR STUDLEY: Okay, ten. Thank you very  
16 much.

17 We have nine in this group. I heard a desire  
18 for a break. Sure, but were you planning on -- we were  
19 going to do it at 10:45 and then be able to come back  
20 at the point that we have in the program, is that okay?

21 VICE CHAIR ROTHKOPF: How many witnesses do we  
22 have?

1           CHAIR STUDLEY: We have one witness, and I'm  
2 pausing because the witness's interest is in number 10,  
3 but number 10 is related to number 9, and I just wonder  
4 whether there would be value in hearing it before 9.  
5 Which are two sides -- flip sides of a similar coin.

6           Let's do number 9 now, which we separated out  
7 a little bit. And I'd like to hear who would like to  
8 speak on the issue raised in number nine.

9 Indemnification, which was described here as just the  
10 text, consider assigning either the more risky  
11 litigation-prone elements of the gatekeeping function  
12 to a different quarter. Such as a more independent  
13 entity or process created by accreditors  
14 collectively -- if you think about something like a  
15 reinsurance pool -- or providing resources and/or  
16 indemnification to accreditors to reduce the legal risk  
17 and burden.

18           So I see Art Keiser. Anyone else want to  
19 speak on number 9?

20           MR. KEISER: This is an important issue,  
21 especially in the world today where litigation is very  
22 common on when you have bad outcomes in any kind of

1 event.

2           When I served on the accrediting commission, I  
3 served as chairman for two years. It was a constant  
4 concern. On the one hand, there's a positive side to  
5 it in that it keeps the accreditors very cautious and  
6 they follow the procedures, hopefully in a very tight  
7 and appropriate way that would protect them if there is  
8 litigation.

9           But it does cause, I think, sometimes  
10 intrepidation (sic) by an accreditor to take an action  
11 because of the cost of litigation. Litigation can cost  
12 millions of dollars. It's not -- you know, with the  
13 legal fees well over \$600, \$700 an hour, it doesn't  
14 take long before the legal fees. In the case of Sach  
15 and Edward Watters, I know it was a horrible long  
16 litigation, and it cost everybody a whole lot of money  
17 and not necessarily serving the purpose of protecting  
18 the students or even the institution.

19           So is it -- and when you talk about other  
20 resources, were you thinking along the lines of maybe  
21 even required arbitration? I mean, is there -- are  
22 there other ways of doing this where a binding

1 arbitration, which is a whole lot less expensive and  
2 establishing some kind of recognized arbitrator in this  
3 area who would intervene and give the protections to  
4 the accrediting institutions? I don't know the  
5 answers, but I do believe there needs to be some  
6 protection.

7           Because we're asking these agencies to make  
8 judgments to protect the public. But if they make  
9 those judgments, they can risk their agencies'  
10 financial health.

11           CHAIR STUDLEY: Let me just answer the  
12 specific question that you asked. Binding arbitration  
13 was not described here. It might be a method to reduce  
14 the risk of -- or scope of litigation. The notion  
15 about another process was at least asking the question  
16 whether there might be, once a certain point in the  
17 process was reached, and an accreditor said this is an  
18 especially thorny case, or one that we think should be  
19 handled a different way because of these dangers. Is  
20 there -- and to avoid -- and to get it out of the  
21 peer -- the sense that about whether peers can make  
22 that final determination.

1           But the notion of arbitration would be a  
2 little bit different. But I appreciate your comments  
3 on this.

4           George, did I see a hand? No, I'm sorry.

5           Arthur?

6           VICE CHAIR ROTHKOPF: Yeah, I have to say I  
7 think this is a -- might note this is a problem that  
8 would not exist if you delinked. And I don't have a  
9 lot of sympathy -- I mean, these are not people who are  
10 being forced to take on this responsibility. They want  
11 to be making these decisions, they all have common  
12 said, gee, they -- they feel they want to be the  
13 gatekeeper. Well, if you're the gatekeeper, you take  
14 on the risk.

15           And I don't know whether individual  
16 associations, whether they be regional or national or  
17 otherwise, have or can get insurance. I don't know,  
18 and I don't know that you'd be a lot better off setting  
19 up another entity because you have the same problem.  
20 I'm not sure what insurance or reinsurance company  
21 wants to take this issue on.

22           The one thing, I mean, I'd be absolutely

1 against, if they want to go out and set up a  
2 reinsurance pool, that's their business. Or they want  
3 to go to arbitration, but you've got to get the other  
4 party to agree to the arbitration. No one's going to  
5 give up their rights to go to court and the plaintiff,  
6 or school who gets deaccredited is going to want to go  
7 to court rather than through arbitration.

8 I think the one thing that would be absolutely  
9 bad would be if they try to fob this off on the federal  
10 government, which is probably at the end of the day  
11 what they'll try and do. Because they'll say, oh, gee,  
12 we're performing a function for the taxpayers. Well,  
13 the taxpayers shouldn't take on this risk. If these  
14 people want to be in the business of being a  
15 gatekeeper, that's a risk they're taking on.

16 So I'm very opposed to this one.

17 CHAIR STUDLEY: Frank and Cam.

18 MR. WU: A question for Sally. Do they  
19 currently benefit from any government immunity,  
20 quasi-governmental status? You know, don't they have  
21 some defense along those lines?

22 MS. WANNER: There's no official defense of

1 that nature. There is something in the statute right  
2 now which requires there to be an option to go to  
3 arbitration first, but it's not a binding arbitration,  
4 and the school can waive it.

5 Many courts or a number of courts give  
6 accreditors sort of administrative procedure at type of  
7 review. There's sort of a presumption that they're  
8 behaving in the public interest. But you can't really  
9 rely on that because it's a case-by-case basis, and it  
10 differs even among the federal courts.

11 So one thing that you could consider along  
12 these lines, and you have to consider the balance  
13 between the rights you want the institution to have  
14 versus the accreditor, is to set some standard of, you  
15 know, the presumed to be acting in good faith, unless  
16 there's evidence of willful misconduct. Or how you  
17 could have a provision for, you know -- or that they  
18 would be immune from damages as opposed to just having  
19 to reinstate the school. You know, you could do things  
20 along those lines. But there are, of course, you know,  
21 downsides for that, for the institution.

22 MR. STAPLES: Yeah, I was just going to say

1 I'm not aware that this is a big issue or concern.

2 I've never heard this raised by any accreditor. I

3 think the indemnification should come from this group.

4 And in fact, I think yesterday we heard that there

5 were over 950 or so negative actions taken in 2009. So

6 I'm not sure that this -- that the fear of litigation

7 is limiting actions people are taking.

8 But with that said, I think that something

9 like encouraging alternative dispute resolution is not

10 a bad way to go, or maybe limiting, you know, in some

11 respect. But I'm not sure this is a real issue.

12 CHAIR STUDLEY: Susan?

13 DR. PHILLIPS: The voice that spoke to this

14 issue would be I think found in CHEA's letter on behalf

15 of a number of the accrediting organizations in which

16 they did think that it would be appropriate. Maybe

17 appropriate and desirable that accrediting

18 organizations be indemnified to reduce legal risks and

19 burdens assumed by making accreditation decisions.

20 I don't know that the absence of that has

21 altered their decision making actions so far, but

22 it -- I do hear it as a concern.

1           CHAIR STUDLEY: You know here that there were  
2 three positive comments in this direction? I know we  
3 don't have full text word search to locate them, but  
4 there was some suggestion in the testimony and the  
5 responses that some other accreditors did see it as an  
6 issue.

7           Anyone else? Sally?

8           MS. WANNER: I just wanted to mildly amend  
9 what I said about what's in the statute now. It says  
10 the secretary can't recognize an accreditation of any  
11 institution unless the institution agrees to submit any  
12 dispute involving withdrawal of accreditation to  
13 initial arbitration. So the institution has to agree  
14 to initial arbitration if the accrediting agency wants  
15 it.

16          MR. KEISER: That's the first I've heard of  
17 it.

18          CHAIR STUDLEY: It's just to discover that  
19 your ideas are already, at least partially in the  
20 statute.

21          MR. KEISER: That's the first I've heard of  
22 that.

1 CHAIR STUDLEY: Any other comments on item 9?

2 (No response.)

3 CHAIR STUDLEY: Okay. Let's do our straw  
4 vote. All in favor?

5 M O T I O N

6 CHAIR STUDLEY: Six. So -- seven? Okay.  
7 Seven votes in favor.

8 With that, why don't we take a break right a  
9 minute ahead of schedule. Please come back at 11:00  
10 and we will at that time try to scope out our  
11 proceedings henceforth.

12 (A short break was taken.)

13 PUBLIC COMMENTERS' ORAL PRESENTATIONS

14 ON-SITE REQUESTERS

15 CHAIR STUDLEY: Mr. Yoder, or Professor Yoder,  
16 thank you for being with us. And we welcome your  
17 public comment. Let me just tell you that we allow  
18 three minutes for public comment, the light will go  
19 yellow when you have 30 seconds and red when the time  
20 has wrapped up. Thank you very much.

21 MR. YODER: Thank you Madam Chair and  
22 Committee members for the opportunity to address you.

1           My name is Douglas Yoder. I'm on the faculty  
2 of a certain university. I was a Rhodes Scholar  
3 finalist and attended Oxford University on a Marshall  
4 Scholarship where I studied philosophy, politics and  
5 economics. Other faculty members have financed my trip  
6 here to speak to you and support what I have to say.

7           I'm been impressed by the NACIQI's handling of  
8 the matters brought to its attention. I have also been  
9 puzzled by the absence in policy discussion of some  
10 mission critical concerns of university faculty who are  
11 on the front lines of higher education.

12           Michael Berube is the Paterno Family Professor  
13 of literature at Penn State. In the New York Times he  
14 said that Penn State has been an emphatically top-down  
15 university. Decisions, even about academic programs,  
16 are made by the central administration and faculty  
17 members are, quote, consulted, end quote, afterwards.  
18 What Berube does not spell out, but what I can tell you  
19 from my own unfortunate experience elsewhere is that an  
20 administrative culture that does not report the sexual  
21 abuse of a minor will tolerate or promote the  
22 procedural abuse of university faculty.

1           Faculty due process rights are not adequately  
2 protected by accreditors at the moment. I know of a  
3 case in which a faculty member with stratospheric  
4 student learning outcomes was falsely accused and  
5 terminated without the allegations against her even  
6 being disclosed in a process that ground on for an  
7 academic year before reaching its unfair conclusion.  
8 When the university's accreditor became aware of these  
9 well documented facts, which neither the university nor  
10 the accreditor disputes, it whitewashed the university.

11 I am familiar with this documentation because I wrote  
12 it. This matter is similar to the circumstances that  
13 led last April to the suicide of a faculty member at  
14 Princeton University.

15           To say that faculty have recourse to the law  
16 here may not be true. The law asks only, did the  
17 university follow the procedures in its faculty  
18 handbook? The law does not ask, does the faculty  
19 handbook, which can be gamed by clever administration,  
20 adequately protect faculty rights. The law does not  
21 step in here, and accreditors are currently not  
22 required to say universities, you need to fairly

1 implement policies such that faculty members are  
2 presumed innocent until proven guilty of complaints  
3 brought against them, or we will sanction you. The  
4 results are tragic.

5           Handfisted administrators recruit faculty who  
6 are better at appeasing administrators than they are  
7 teaching students. In order to replace faculty of  
8 excellence and passion who are fired, when they refuse  
9 to bow down to the creeping academic corporatism that  
10 seeks to implement at-will employment practice in any  
11 way it can. And students learn from those who teach  
12 them, in more ways than one.

13           Option 10 of the current discussion draft  
14 should be adopted to have the NACIQI hold accreditors  
15 accountable to meaningfully protect the right of  
16 faculty to academic due process in every university in  
17 this country. This is not difficult. It costs  
18 nothing, and it is absolutely necessary.

19           And as to the case I mentioned, I do hope that  
20 the NACIQI will consider it appropriate to be  
21 approached by a faculty member who has evidence to show  
22 that her university's accreditor is not calling her

1 university to account in fundamental matters of  
2 academic and institutional integrity.

3 Thank you.

4 CHAIR STUDLEY: Thank you very much, I  
5 appreciate your comments.

6 Do any of the members of NACIQI have questions  
7 for this commenter?

8 (No response.)

9 CHAIR STUDLEY: Seeing none, thank you for  
10 joining us.

11 And I'll just repeat that all of the public  
12 comment that we've received over the last -- invited  
13 yesterday and today, that we have accommodated everyone  
14 who has requested the opportunity to speak to us.

15 Anne?

16 MS. NEAL: I'd like to ask a question.

17 CHAIR STUDLEY: Would you come back, please?  
18 Thank you.

19 MS. NEAL: Sorry about that. I'm intrigued by  
20 your comment about the -- how the accreditation process  
21 is not adequately providing -- is not giving due regard  
22 to faculty rights and faculty input.

1           MR. YODER: Right.

2           MS. NEAL: While I think we are often advised  
3 that accreditation is, in essence, a peer review  
4 faculty-based process. So could you square those two  
5 perspectives for me?

6           MR. YODER: Sure. I think what peer review  
7 actually looks like in practice, from how I've seen it  
8 function, is a little bit open to question as to how  
9 much it actually takes people outside of a certain kind  
10 of quasi-nepotistic box. And I think you especially  
11 see this with this question about faculty rights,  
12 because we're not talking here about a kind of -- I  
13 know that sometimes faculty can be a little bit  
14 politicized about this, it almost becomes a kind of  
15 management versus labor kind of dispute.

16           That's not the kind of thing I'm talking  
17 about. I'm talking about a really basic protection of  
18 what is called academic due process, but is never  
19 spelled out in a way that actually means anything in  
20 many of the documents that I've seen in many  
21 universities.

22           Academic due process is sort of assumed as

1 something that, well, you need to have this in your  
2 student handbooks, but it doesn't actually say that  
3 faculty needs to actually -- it's meant to  
4 be -- historically, it's meant to be modeled on  
5 judicial due process. But there are no stipulations  
6 actually spelling out what that means.

7           There's no presumption of innocence, there is  
8 no -- you know, there's no requirement that you have  
9 disclosure of allegations brought against you. There  
10 is no stipulation anywhere that somebody who is  
11 bringing charges needs to prove those charges. And  
12 there's no stipulation that administrators are  
13 responsible for making that happen.

14           And so if you have a peer review or any kind  
15 of accreditation process in which these central factors  
16 are ignored, you actually allow a sort of at-will  
17 employment environment to be induced into a university  
18 setting in which, what is stated as academic due  
19 process actually, in practice, just looks like  
20 administrative's firing whoever they want to, whenever  
21 they want to on whatever grounds they want to, which is  
22 really detrimental to the students. Because you know,

1 the kinds of faculty that will be hired in place of  
2 sort of passionate and creative faculty are often those  
3 who will appease administrators, and those are not  
4 often the best teachers.

5 CHAIR STUDLEY: Thank you.

6 We will now continue our discussion of the  
7 items listed on our agenda. The -- let me just  
8 describe the arrangements going forward. Rather than  
9 take a lengthy break for lunch, which would both delay  
10 our end point and potentially jeopardize our momentum,  
11 we are going to continue to work straight through.

12 And the members of the committee will receive  
13 a menu from which you can place an order that will be  
14 available to us. We'll take a short break at 12:15 to  
15 bring our lunch back to our place and having a working  
16 lunch. And during that short break, the members of the  
17 public can, if you want, get something to eat. We  
18 certainly invite you to munch along with us if you  
19 would like to do so.

20 The best estimate that Susan and I are able to  
21 make at this time is that we are likely to break at  
22 roughly 1:30, with the emphasis on the "roughly." And

1 with that -- Melissa, do you want -- yes. Yes.  
2 Melissa, do you have -- want to say anything more about  
3 that?

4 EXECUTIVE DIRECTOR LEWIS: Just a little bit  
5 more detail to add. Members, this is the same menu you  
6 had the other day. If you could again, please circle  
7 the entree you'd like and sign your name.

8 CHAIR STUDLEY: We will be billed individually  
9 for this, so sign your own name.

10 (Laughter.)

11 CHAIR STUDLEY: With that -- Uncle Sam is not  
12 an eligible name.

13 With that, Susan, the ball is back to you.

14 POLICY DISCUSSION AND RECOMMENDATIONS (Continued)

15 DR. PHILLIPS: Okay. The next set of items up  
16 are data as an essential tool in quality assurance. I  
17 note that there is an error in the material up there.  
18 There should be items 19, 20, 21, 22 and 23.

19 A quick recap of those items, 19 concerns  
20 sharing of data between federal and accreditor  
21 entities. And this one states wherever possible and of  
22 value shared data provided to and analysis conducted by

1 the federal government, for instance regarding  
2 institutional financial responsibility to assist  
3 accreditors in reviews and risk assessment.

4           Item 20 concerns defining the minimum dataset  
5 needed. This one proposes following a presumed study  
6 of costs, data and costs which we spoke about earlier,  
7 that there would be an effort to develop a set of  
8 consistent definitions and appropriate metrics for use  
9 in the accreditation process.

10           The example here is the word "completion,"  
11 which has many different meanings. That the data be  
12 accurate and consistent and to articulate provisions to  
13 ensure that the data is accurate, reliable, valid and  
14 consistent across institutions without specifying  
15 minimum thresholds to be applied across all  
16 institutions. That's an important provision in that.

17           And third, that additional data would be  
18 provided as needed by accreditors appropriate to their  
19 philosophy and specialty, and that accreditors can and  
20 should consider what additional data they need.  
21 However, should do that with an assessment of the  
22 burdens of that data and sufficient lead time for the

1 data to be collected. That's in total number, item 20.

2           Twenty-one refers to concerns about outcome  
3 data needed, suggesting that a dataset with common  
4 definitions might be beneficial to include data such  
5 as -- on outcomes such as completion and graduation,  
6 licensure where appropriate, job placement and other  
7 indices of career progress. Again, a provision in this  
8 is a notation that the consideration does not include  
9 specification of student learning outcome measures, nor  
10 of uniform thresholds.

11           A quick summary of data of option number 22 is  
12 outcome data thresholds, the determination of the  
13 appropriate thresholds in a common dataset. A question  
14 here is, is this good enough for this sector, for this  
15 institution, for this time, would be set by an  
16 accrediting agency, which would be expected to justify  
17 its application of thresholds in review for  
18 recognition.

19           And finally, 23 is a call for auditing of data  
20 elements recognizing that reliability of data is so  
21 central to eligibility and consumer decisions that some  
22 data elements may need to be independently audited

1 under specified circumstances.

2 That's a batch of the data as an essential  
3 tool in quality assurance items. Again, this is in the  
4 context of the discussion that we had earlier about the  
5 volume and cost of data collection.

6 I pause at that and not do NACIQI gradations  
7 until the last point. So I'll had it back to you,  
8 Melissa -- Jamienne, sorry.

9 CHAIR STUDLEY: I invite comments from the  
10 committee.

11 Yes, take a moment. When I teach, I always  
12 give people a few minutes to gather their thoughts.

13 MS. NEAL: Jamienne, we're starting with 19?

14 CHAIR STUDLEY: Right. It's the cluster from  
15 19 through 23, is that correct Susan?

16 DR. PHILLIPS: Correct.

17 MS. NEAL: Again, I raise the same question  
18 with 19 that I've raised before about the accreditors  
19 focusing on institutional financial responsibility.  
20 Again, it seems to me that that issue was already  
21 handled by the ed department, and I don't know what  
22 value the accreditors add to that. And so I wonder why

1 that's -- why that's significant.

2           And I also think it goes to the issue of  
3 streamlining the criteria that accreditors look at to  
4 focus them more on educational quality, quality as  
5 academic matters, versus these other areas where I'm  
6 not sure they bring the expertise that could be found  
7 in either the trustees or the ed department or the  
8 other entities.

9           And to elaborate on that --

10           CHAIR STUDLEY: While you've got the floor.

11           MS. NEAL: -- looking at some of the criteria,  
12 we're looking at governance mechanisms, institutional  
13 capacity, these sorts of things again which I think are  
14 pretty far afield from academic issues, in terms of  
15 student achievement. And I think there's often been a  
16 focus more on that than there has been on whether or  
17 not students are coming away with skills and knowledge  
18 they need, which was presumably why we empowered  
19 accreditors to begin with to be guarantors of  
20 educational quality.

21           So I just don't want us to pile on too many  
22 things on these accreditors if we are actually trying

1 to get at the quality issue.

2 CHAIR STUDLEY: Arthur?

3 VICE CHAIR ROTHKOPF: Yeah, I just have  
4 clarifying -- a question to clarify. If you look down  
5 from number 23 to some of the next items, like for  
6 example number 25, relates to developing a complete  
7 graduation data gathered through a unit record system.

8 That really goes back, I mean it's kind of -- I would  
9 think it's sort of part and parcel of 20 (1), which is  
10 developing a set of consistent definitions in metrics.

11 I mean, it seems to me it's -- I mean, maybe it's a  
12 separate piece, but it's all related to figuring out  
13 what the completion is of -- and graduation rates are  
14 of students.

15 Right now we talk about it, but we actually  
16 don't know what those rates are because of the way in  
17 which IPEDs are collected, and there's some state data,  
18 et cetera, et cetera. But it seems to me that at some  
19 point, I mean, there being -- I mean, we can consider  
20 it separately, but it seems to me that it's  
21 related -- well, it's related, as are some other data  
22 items in 24, 25 and 26.

1 CHAIR STUDLEY: Other comment in this whole  
2 data arena?

3 Art Keiser's smiling.

4 Going once, going twice -- are you prepared to  
5 do a straw poll on these items?

6 (No response.)

7 CHAIR STUDLEY: Okay, number 19. All in  
8 support of an item like this in the report?

9 M O T I O N

10 CHAIR STUDLEY: One, two, three, four, five,  
11 six, seven, eight, nine, ten.

12 Number 20? This is minimum dataset. Hands,  
13 please?

14 M O T I O N

15 CHAIR STUDLEY: Ten.

16 Twenty-one? Hands for 21?

17 M O T I O N

18 CHAIR STUDLEY: Six. I saw six out of eleven  
19 for number 21.

20 Number 22? Hands -- would you like to  
21 discuss? Sure. Do you have a comment on this one?

22 This is -- we're on 22, did you want to --

1           MR. KEISER: Yeah, I think this kind of smacks  
2 of the spree. And that's much more complicated than  
3 just setting a threshold, because I could tell you my  
4 story about the spree, which is long and it's not worth  
5 telling you. But it -- you will have a very hard time  
6 setting thresholds that are appropriate for the various  
7 sectors within our higher education community.

8           MS. NEAL: I have a question. Isn't this  
9 exactly what congress told the accreditors not to do  
10 last time around? Just as a point of clarification.

11          MR. KEISER: That is correct.

12          CHAIR STUDLEY: Any other comment on 22?

13          (No response.)

14          CHAIR STUDLEY: How many would support putting  
15 an item along these lines in our recommendations, item  
16 number 22? Hands, please? Would; this is yes.

17          MR. KEISER: I think it's admirable, possibly.

18                           M O T I O N

19          CHAIR STUDLEY: One, two, three.

20                   Number 23, audit data elements. Oh, it's  
21 auditing of data elements. There was no direct  
22 discussion of this item. I just want to be sure that

1 people, in looking at the requirements for defining  
2 data, actually -- if they wanted to speak to this.

3 Art?

4 MR. KEISER: Yeah, I think this is  
5 appropriate. There is -- as long as we come to the  
6 definition what the data is. One of the things that  
7 data creates problems is people find it suspect. So I  
8 know certain of groups that I'm affiliated with have  
9 advocated for, as part of our annual audit, that the  
10 CPA firms audit the data that's presented by  
11 institutions to the government or to whatever. So I  
12 would support that, because I think it's critical that  
13 the data we get is real and is defined correctly,  
14 otherwise we can't compare.

15 CHAIR STUDLEY: Art Rothkopf and then Anne.

16 VICE CHAIR ROTHKOPF: Yeah, I have a question.  
17 Are we talking about the data that's submitted to the  
18 government or the data that's submitted to the  
19 accrediting body? Well, to the government, I mean  
20 you've got Title 18 USC 1001, I mean, you're on a  
21 penalty of perjury. They'll put you in jail if you  
22 give the wrong -- I don't so much worry about that as I

1 do the data that's given to accrediting bodies and  
2 other non-governmental agencies, where there is no such  
3 compulsion. I mean, I can't believe that if you're  
4 submitting to the federal government and the CFO is  
5 doing it under penalty of perjury, that that's not good  
6 enough.

7 CHAIR STUDLEY: Susan, do you want to say  
8 anything about what you understand the scope of this to  
9 be, or what you need to -- whoever writes this might  
10 find helpful?

11 DR. PHILLIPS: I don't recall in the  
12 subgroup's -- subcommittee's discussion that the scope  
13 was defined. I believe that the issue came out of a  
14 concern about the reliability of data, without  
15 reference to its reporting location. So the audit was  
16 a notion that would address the potential reliability  
17 problems.

18 CHAIR STUDLEY: Anne?

19 MS. NEAL: Looking at this, I think accuracy  
20 of data is very important. But I guess what I would  
21 hope we would do, in the interest of cost, is develop  
22 some sort of self-certification mechanism, so that an

1 institution would self-certify that it's providing  
2 accurate data.

3           Because I think what otherwise will happen is  
4 what Ralph Wolff has been suggesting in his new  
5 configuration of WASC, that he wants to set up review  
6 panels and they're going to evaluate graduation  
7 retention data, and they're going to assess and  
8 externally validate. I mean, to my mind again, that is  
9 the accreditors taking on all sorts of new enforcement  
10 roles far from the peer review.

11           And so I would urge us to come up with easier  
12 self-certifying and cheaper mechanisms that would allow  
13 you to go after somebody if you think they're in fraud,  
14 but would not necessitate more bureaucrats and more  
15 review teams.

16           CHAIR STUDLEY: Anne, could you just explain  
17 what you mean by self-certification? Because now, when  
18 somebody submits something, aren't they saying these  
19 are my data? What's the difference between  
20 self-certification and audit?

21           MS. NEAL: The question that Arthur was  
22 asking, presumably when you give your IEPDs data or

1 when you give any data, presumably you're doing it on  
2 the premise that it's accurate, and that there can be  
3 consequences. But if there's some question, I guess  
4 what I would ask is, much like we do with the SEC.

5 I mean, people put out the information and the  
6 CEO signs off on it, and then perhaps there's a third  
7 party that signs off on the accuracy, or -- but some  
8 way that you don't have to have external bodies looking  
9 at it. You pledge your life and your honor, and then  
10 if you've been dishonest then an action can be taken  
11 against you.

12 CHAIR STUDLEY: I think Arthur's point was,  
13 you do swear your life and your honor and put yourself  
14 in criminal jeopardy when you sign the forms for the  
15 federal government because we both did, when we were  
16 college presidents. But the accreditors tell us that  
17 they are not able to look behind the truth of the data  
18 that they receive.

19 And that -- and this was -- my recollection  
20 was that it was a suggestion from you that auditing  
21 might make the numbers reliable enough that they could  
22 be used both by auditors and that the -- if the public

1 was relying on them, which is an important consumer  
2 element for you, that they would have some ability  
3 through our recognized third party models to be able to  
4 say, they didn't just make up these graduation rates or  
5 whatever numbers they're using.

6 So I was about to say, I think I agree with  
7 you about the underlying requirement, but now I  
8 just -- I want to understand better.

9 MS. NEAL: Yeah, an audited financial  
10 statement is something that I thought, under a  
11 simplified process, made a lot of sense, as well as a  
12 self-certification statement with an external auditor  
13 attesting to the accuracy. But that did not  
14 contemplate new review panels within the accrediting  
15 bodies to do that.

16 CHAIR STUDLEY: Right. I think whatever  
17 you're hearing from other testimony is a related issue,  
18 but it's not part of number 23. That I -- let's see if  
19 Susan agrees, that this one was meant to capture your  
20 suggestion that external audit validation might make it  
21 easier for multiple players to use it. Whether it was  
22 the agency itself or the public.

1 Frank, you had a comment?

2 MR. WU: I didn't understand this to be about  
3 what's reported to the government. I understood this  
4 to be about what institutions report to the accrediting  
5 agency. So I just want to be clear on that. Is it  
6 just --

7 CHAIR STUDLEY: Yes.

8 MR. WU: Okay, great.

9 CHAIR STUDLEY: Is that the shared  
10 understanding of what you're going to be expressing  
11 interest in or otherwise. And remember, I -- this is  
12 throughout. But the options we have are to put it in  
13 as a recommendation or to explore further, if that were  
14 the preference.

15 So are there any more comments on number 23?

16 (No response.)

17 CHAIR STUDLEY: How many would be in favor of  
18 including a provision of this sort in the draft  
19 document that you will have another chance to see?

20 M O T I O N

21 CHAIR STUDLEY: Larry, is that a -- nine, ten,  
22 thank you. Okay. That was ten of eleven.

1 DR. PHILLIPS: And the last one in this  
2 cluster, the second up cluster, is item number 30,  
3 NACIQI gradations. Just as we have spoken about the  
4 gradations available to the accrediting agency, this  
5 one suggests that greater nuance or gradation in  
6 accreditation determination might also apply or  
7 recognition determination to NACIQI's actions.

8 Are there comments on this item? Art?

9 MR. KEISER: I support that. I mean, that's  
10 one of the challenges we faced yesterday, and made the  
11 decision very difficult. So if we had greater options,  
12 certainly different timelines, I think that  
13 would -- and I would add that in there, just not only  
14 gradations but timelines that might be different that  
15 we could be more effective, and certainly tend to be  
16 more precise in our ability to assist the agencies.

17 CHAIR STUDLEY: Cam?

18 MR. STAPLES: Thank you. And I would also add  
19 in that we might also be looking at the gradations for  
20 the department. Because if -- for example, if we want  
21 the ability to grant recognition with a report that  
22 will come later, within a year, on how they crossed the

1 T's and dotted the I's, that may be something we want  
2 to recommend. But the department may not be able  
3 to -- they may not be available to them under the  
4 regulations.

5           So I guess NACIQI needs to have some  
6 flexibility, but also that the -- under the statutes,  
7 the department may also have the ability to reach some  
8 determination around substantial compliance with  
9 reports that would follow rather than have everybody  
10 have to be 100 percent compliant to get renewed.

11           CHAIR STUDLEY: There is -- I think when -- I  
12 thought when originally written, that this was about  
13 the same kind of gradations in above-passing. I'm  
14 hearing now that it -- the lead standard or what Anne  
15 at one point called gold stars. I'm hearing it now  
16 encompassing as well more variations, both up and down,  
17 or relooking -- maybe a broader question of relooking  
18 at the whole notion of capturing more than just yes/no,  
19 or yes for 12 months, yes or no.

20           I just want to see if people are comfortable  
21 with that, because I think it may have evolved a  
22 little.

1 DR. PHILLIPS: I think with this, as with many  
2 options, there's -- any one of these can merit from a  
3 great deal of discussion and conversation across the  
4 enterprise. So whether it means -- this one means  
5 options up and down, I think remains to be discussed as  
6 we -- as this entire process goes forward.

7 CHAIR STUDLEY: Are people ready to -- are  
8 there any additional comments on item 30?

9 (No response.)

10 CHAIR STUDLEY: Seeing none, are you prepared  
11 to include an item of this sort in the draft document?  
12 Please indicate by raising your hands?

13 M O T I O N

14 CHAIR STUDLEY: One, two, three, four, five,  
15 six, seven, eight, nine, ten, eleven. That's an 11.  
16 Susan?

17 DR. PHILLIPS: Okay. Third up. These  
18 items -- these items are clustered by their location in  
19 the document, role and scope of accreditors, quality  
20 assurance, tool and quality assurance, tool as public  
21 information, state role and the role of NACIQI.

22 These items that were in the next cluster tend

1 to be more circumscribed, not necessarily less  
2 controversial but more circumscribed. So if we take up  
3 the first set, the role and scope of accreditors,  
4 options to consider 10, 11 and 12. And you'll find  
5 those in the original document beginning on page 7, and  
6 in your purple document beginning on page 6.

7           Item number 10 concerns accreditor  
8 accountability for institutional performance. This  
9 entails two components. One is an expectation that  
10 NACIQI would ask accreditors to report on the  
11 performance of their institutions or programs. And  
12 second, to consider mechanisms to make accreditors  
13 responsible in some tangible fashion for that overall  
14 performance.

15           Item number 11, again these are not linked  
16 other than in role and scope of accreditation. Item  
17 number 11 concerns the diversity of educational  
18 activity, perhaps calling for a system of accreditation  
19 that's aligned more closely with mission or sector or  
20 some other variable, rather than geography.

21           And item number 12, accreditor choice concerns  
22 the possibility of institutions being afforded the

1 opportunity to choose among accreditors.

2 CHAIR STUDLEY: Comments? Federico?

3 MR. ZARAGOZA: Madam Chairperson, on item  
4 number 11, I think from a community college  
5 perspective, we always struggle with the accreditation  
6 process in terms of definitions -- definitions that may  
7 or may not apply, given our mission. And I'll raise  
8 the cord to develop higher education. For example,  
9 looking at an aggregate indicator, not recognizing the  
10 open door mission that we have has been problematic in  
11 the past.

12 CHAIR STUDLEY: And how does that comment cut?  
13 Are you in support?

14 MR. ZARAGOZA: I am in support, yes.

15 CHAIR STUDLEY: Yeah, I don't want to put you  
16 on the spot, but I'm just trying to understand how  
17 that --

18 MR. ZARAGOZA: That's okay, yes.

19 CHAIR STUDLEY: Okay.

20 Other comments? These obviously have -- Cam?

21 MR. STAPLES: I don't remember the discussion  
22 on this item, so I'm just trying to recall. When we

1 say that accreditors will be responsible for the  
2 performance, do you mean performance of the  
3 institutions, like how well they do, accreditors would  
4 be expected to be responsible for making them  
5 successful educational performers? I'm just not sure I  
6 understand what that really means.

7 DR. PHILLIPS: The definition of performance  
8 is, of course, the detail that isn't specified here.  
9 There are, however, two very distinct parts in this  
10 sentence. One is the expectation of reporting, how are  
11 your institutions doing --

12 MR. STAPLES: Right.

13 DR. PHILLIPS: -- on whatever that performance  
14 metric is. And one would assume that the accreditors  
15 would be asked to define that.

16 And the second is to consider mechanisms to  
17 make them accountable in some way for that performance.

18 It's two very kinds of expectations. One is to report  
19 and one is to be responsible for.

20 MR. STAPLES: Unless I -- they assess  
21 performance right now, but I'm not aware of them  
22 actually advocating for particular types of initiatives

1 that institutions would undertake to advance  
2 performance. I'm not sure I understand, this  
3 is -- creditors usually assess how people are doing. I  
4 don't know how -- what we were measuring. We were  
5 measuring how well they're doing at the assessment? Or  
6 how well they're doing at ensuring that institutions  
7 are successful?

8 DR. PHILLIPS: Just to -- this may not respond  
9 to exactly your question, but let me recap some of the  
10 thinking that went into this item.

11 I believe that it arose out of a concern about  
12 the array of institutions, some of which seem to be  
13 doing extremely well, and some of which don't. And how  
14 the don't category could either be brought further or  
15 there be some responsibility assigned for their  
16 failures to the accreditor.

17 So it was again, out of concern about the  
18 lower end of -- I hate to use a continuum like that,  
19 but the -- those institutions that were not performing  
20 in the way expected, and wanting to have some kind of  
21 way of getting at that --

22 MR. STAPLES: Okay.

1 DR. PHILLIPS: -- and using the accreditor as  
2 the avenue.

3 MR. STAPLES: Okay. I guess I understand it.  
4 I'm just not sure that that's the mission of  
5 accreditors. And I'm not sure that asking them to be  
6 responsible for how schools do -- I'm just not sure  
7 they're equipped for that. But that's -- that's just  
8 my -- I don't know if that's part of their process or  
9 their mission.

10 CHAIR STUDLEY: Perhaps I can frame this in a  
11 different way. When I think about the schools, the  
12 accreditors who have appeared before us so  
13 far -- although memory is imperfect -- I can only  
14 recall one accreditor telling us that -- telling us the  
15 default rate and the departmental compliance record of  
16 its schools taken as a group, not about an individual  
17 program or institution. But that it said,  
18 we -- collectively, the schools that we have approved  
19 are performing well on certain measures.

20 Whether those would be the measures we would  
21 choose, whether we would allow our accreditors to give  
22 us those measures, it would add to our capacity to

1 understand how an accreditor was doing globally and  
2 across the board. It might simplify their -- it might  
3 be part of simplifying their presentations that they  
4 had to make to us, because it would give us a flavor of  
5 Art Keiser's good point yesterday about the risk that  
6 we were taking. Or take us away from the inputs. We  
7 study every document, here's what we do as accreditors  
8 on the input side. It would let us do the same thing  
9 for accreditors and say, tell us how you're doing, then  
10 accreditors are asking institutions increasingly.

11           So it would be an effort to align our review  
12 of accreditors with their review of institutions on  
13 what are you trying to do and are you accomplishing it?

14       And those measures might be determined by each  
15 accreditor. It might be determined by us. But it  
16 seemed like something we could include in our  
17 consideration of accrediting agencies that would then  
18 allow us to say, well, your methods are, you know,  
19 within the bounds, but they're a little different.

20           But you're doing it in a certain way, but you  
21 are achieving the goals of the credibility of the  
22 system, and they seem, if you believe that the measures

1 that they choose tell us something about quality and  
2 institutional effectiveness. And avoidance of problems  
3 of substandard performance, that it would be valuable  
4 information for us to have. And more concrete.

5 That really goes to the first part. As Susan  
6 said, they are two parts here. How would we make them  
7 responsible? Responsibility might just come in if your  
8 schools can't do better than that, it raises a question  
9 for us about whether you are a capable accreditor for  
10 this scope of authority.

11 Susan?

12 DR. PHILLIPS: Having described it, I also  
13 want to speak about it a bit. The second part, the  
14 responsibility, I -- I don't think that accreditors  
15 have either the resources or the mission to do -- to  
16 direct their institutions to spend money in ways that  
17 would arrive at a different outcome or to achieve a  
18 different outcome. I think it's a different mission.

19 But probably the word that is the most  
20 concerning for me is the word "performance." I'm not  
21 quite understanding what that means, who chooses it, or  
22 what then that means for the institutions that are

1 being accredited.

2           The -- there's been a -- I think an ongoing  
3 debate in this enterprise about what -- what outcomes  
4 ought to be. And the word "performance" implies that,  
5 you know, going into that arena in another way.

6           CHAIR STUDLEY: Art?

7           MR. KEISER: It's an interesting question  
8 because it's -- on the one hand, my -- I agree that to  
9 have that -- those performance measures and that data  
10 is -- will help us in making good comparisons and  
11 judgments. And on the other hand, the diversity of  
12 institutions within an accrediting agency might drive  
13 that data to be incomprehensible and not good for us to  
14 evaluate.

15           In a regional, we'll have so many types of  
16 institutions with varying missions that, you know,  
17 you're back to the spree concept. We're going to set  
18 one threshold for graduation rate, placement rate, all  
19 those, you know, measures that everybody's comfortable  
20 with. And once size doesn't fit all.

21           I mean, community colleges have a whole  
22 different mission than elite private independent

1 institutions. And while they have a completely  
2 performance parameter -- and that's the concern I have.

3 I mean, it sounds good to have it, but I'm not sure it  
4 will get to what we want. And I mean, you know, it's  
5 like in, you know, the Harkin letter just refers to all  
6 for-profit institutions. Well, there are huge  
7 difference between a cosmetology school and a level 6  
8 accredited institution. So I mean -- a doctor level  
9 institution.

10 But the -- when you put a once-size-fits-all,  
11 you create possibly more problems than you have. I'm  
12 not sure I will vote on this, but it's -- it is  
13 attractive, but it's troubling.

14 CHAIR STUDLEY: Other comment? Anne?

15 MS. NEAL: Yeah, just a question, Arthur, and  
16 then to add some.

17 So you -- are you suggesting that for Title 4  
18 purposes, there are different standards?

19 MR. KEISER: Well, I'm not sure we're  
20 discussing Title 4 standards. We're talking about  
21 reporting -- if I get it correctly, that the  
22 accrediting institutions will report their performance

1 data of their institutions, their whole universe of  
2 institutions. And I mean, it could be done  
3 individually, but again I'm just saying, it becomes  
4 potentially problematic. And when there are such  
5 diverse number of the types of missions of  
6 institutions, which I think we -- is one of the great  
7 hallmarks of our higher education system. They  
8 don't -- all of our institutions don't look alike.

9           And so I don't think this has to do with Title  
10 4. I think this has to do with just us trying to  
11 gather the information for us to make better judgments  
12 in whether the institution -- the agency is a reliable  
13 authority of equality.

14           MS. NEAL: And I wanted to address the choice  
15 for which I am adamantly in favor. I think giving  
16 institutions an opportunity to choose among accreditors  
17 makes a lot of sense. I think that potentially could  
18 help schools negotiate in terms of the cost, a more  
19 businesslike relationship. I think it could  
20 potentially could address some of the conflict coziness  
21 issues that have been raised about the nature of the  
22 accrediting bodies. So I would vigorously endorse the

1 opportunity for institutions to pick the accreditor  
2 that they would like.

3           And this may lend itself also under the  
4 discussion really of opening up regionals to the entire  
5 national market and then allowing institutions to pick  
6 and choose.

7           CHAIR STUDLEY: I think in the interest of  
8 clarity, it would make sense for us talk about 11 and  
9 12 together. Since Anne's last comment relates to  
10 number 12 I think the two of them fit together. And  
11 then pick up the thread about number 10 separately,  
12 because if we try and go across those two issues, I  
13 think it will not serve the development of the  
14 conversation as effectively. I apologize for not  
15 seeing that procedural possibility a little bit  
16 earlier.

17           But why don't we take additional comment on  
18 the accreditor choice item that Anne has just spoken  
19 to, number 12, and number 11, and stay with those two  
20 topics together for as long as you would like.

21           Who else would like to speak to that set of  
22 things? Art Rothkopf?

1           VICE CHAIR ROTHKOPF: Yeah, I'd like to  
2 address number 11. I understand the historical basis  
3 of having at least in the regionals all kinds of  
4 institutions. But if you really want a sophisticated  
5 and thoughtful analysis of the performance of these  
6 various kinds of institutions, it really is not based  
7 upon whether they're located in -- both institutions  
8 are in, say, Arizona or both institutions are in  
9 Florida.

10           It really seems to me the more sophisticated  
11 and the better analysis would be that they ought to not  
12 be based on geography but on the sector they're in, the  
13 mission of the institution. And if we're talking  
14 Arizona, maybe, or a particular area, it ought to be  
15 based upon, okay, you're looking at community colleges,  
16 you're looking at research universities, you're looking  
17 at liberal arts institutions.

18           And it seems to me to get -- at the end of the  
19 day, to get a better result than trying to keep all  
20 these varying institutions in the same place. And so I  
21 would be favorably disposed to number 11.

22           CHAIR STUDLEY: Susan?

1 DR. PHILLIPS: Also speaking on number 11, I  
2 think there's an added complication wave considering  
3 this. I also think that mission is a -- or sector or  
4 something like that is -- makes more sense for many of  
5 the reasons that Arthur just mentioned.

6 I'm also mindful that the accreditation  
7 enterprise is a private entity. It's a -- the  
8 accreditors are not part -- they're not subject  
9 to -- other than what our regulation or our recognition  
10 criteria say. And so the idea that there might be a  
11 different way of organizing them is -- probably needs  
12 to be taken on a, you know, can we invite you to  
13 consider how the living room furniture is arranged,  
14 rather than put your couch over here.

15 So the -- with respect for the separation of  
16 those -- of the federal act and the private entity act,  
17 I do recall -- I recall the Leland of Sachs saying at  
18 one of our first hearings, we're this way because  
19 nobody ever asked us to be different. We just grew  
20 this way. And I guess what I would say in the spirit  
21 of this is, this is a good time to think about whether  
22 this is the right structure. Whether or not that comes

1 as a -- with a federal push behind it is another  
2 matter. But inviting that conversation or commenting  
3 that the living room furniture looks a little way this  
4 way might be a way to proceed.

5 CHAIR STUDLEY: I just have a question. I  
6 think that point is very well taken about this being a  
7 voluntary arrangement that the accreditor -- and  
8 accreditors have sought recognition on a geographic  
9 basis.

10 Susan and I did discuss, when we thought about  
11 what the choice was that was actually being put before  
12 you, is whether this is something that has a statutory  
13 element related to the higher education act. This is  
14 going to be a question for you, Sally, in a moment,  
15 whether there's anything that constrains different  
16 alternatives or tells accreditors how to handle it. Or  
17 whether it simply is an invitation to make observations  
18 about furniture placement.

19 Sally?

20 MS. WANNER: What encourages it, as far as  
21 regionals, is that there's a specific place in the  
22 statute where we can recognize an agency as a regional,

1 based on their accrediting activities in a region. So  
2 if that provision was removed, everybody's region would  
3 presumably be national. But there's nothing that would  
4 stop an accrediting agency from telling schools, I'm  
5 only going to accredit schools in, you know, these ten  
6 states.

7 CHAIR STUDLEY: Just to be sure we understand  
8 that. Could a regional accreditor keep its regional  
9 scope if it wanted to, as long as we don't take out the  
10 option of regional accreditation?

11 MS. WANNER: Yes.

12 CHAIR STUDLEY: Okay, it could.

13 MS. WANNER: They could.

14 CHAIR STUDLEY: And could regional accreditors  
15 today ask for national scope as long -- and be reviewed  
16 on the same standards for national scope?

17 MS. WANNER: Yes, they could. I think in that  
18 case it would be an expansion of scope and we had one  
19 yesterday that was doing that. NCA Cassie was asking  
20 for that.

21 MR. KEISER: That also may be a challenge to  
22 the anti-trust provisions, when you're dividing up the

1 country.

2 CHAIR STUDLEY: Excuse me.

3 MR. KEISER: You know, this gives the  
4 regionals the authority to do that. I know there have  
5 been challenges in the past, and so the elimination of  
6 that regional designation would potentially open up  
7 institutions from applying to regions where they are  
8 not basically have, you know, the loci of control,  
9 which is the basis for that decision.

10 MS. NEAL: I have a question for Sally. Is  
11 there anything that would preclude the secretary from  
12 simply saying a national authority, and then the  
13 accreditor could do whatever it wanted?

14 MS. WANNER: Well at this point, an agency has  
15 to define its requested scope of recognition. And we  
16 don't say what are the parameters that are possible to  
17 request. The statute does say regional or national.

18 Does that answer the question?

19 MS. NEAL: Well, I'm just saying, I'm  
20 not -- does that restrict the discretion, just because  
21 it's a smaller area as requested?

22 MS. GILCHER: You mean like our saying, I'm

1    sorry, you requested regional but we're going to give  
2    you national?

3            MS. NEAL:  You can -- you're authorized to  
4    perform -- to do your duty wherever you want.

5            MS. WANNER:  Yeah, I don't think we could do  
6    that right now.  I think for one thing, you know, we  
7    look at -- when we review in scope, we look at where  
8    they're accrediting.  And that would be erroneous  
9    finding.  If they were asking for regional scope and we  
10   accredit -- we recognize them nationally and they  
11   didn't do any accreditation outside their geography.

12           MS. NEAL:  But in the document we received  
13   yesterday, it said there didn't need to be any  
14   evidenced of their accrediting outside of their region,  
15   that they already had experience doing it regionally,  
16   and that that would have been sufficient to expand  
17   their scope nationally.  That was in the dicta that I  
18   referenced I believe yesterday.

19           MS. WANNER:  I think maybe there was some  
20   misunderstanding of that.  I think what the staff meant  
21   is that the accrediting agency was saying, you're  
22   wanting us to establish that you accredit outside your

1 region. And yet because you won't approve us, we can't  
2 do that. And that was a false statement because an  
3 accrediting agency can accredit wherever they want. We  
4 decide on the geographic scope. So they could have  
5 gone outside their region and developed evidence of  
6 accrediting activities and put it before the staff.  
7 And the staff could have looked at it and said, yeah,  
8 that establishes that they have a nationwide presence  
9 or, no, it doesn't.

10 MS. GILCHER: It would just mean we don't  
11 go -- we would not recognize those accreditation  
12 actions for Title 4 purposes.

13 CHAIR STUDLEY: As long as we're on this  
14 point, although it's a little less directed about the  
15 option, is it also the case that an accreditor could  
16 narrow its scope, for example to certain kinds of  
17 institutions within the group that it has been  
18 accrediting? If it said, I want to be specialized to  
19 handle only the career programs or the collegiate and  
20 graduate programs in my region? A slice that was  
21 acceptable to us, but that they could peel off some  
22 approval if they said this was not our best mission?

1           WANNER: That has happened but in very narrow  
2 circumstances. There is nothing to prevent an agency  
3 from doing that. In general, they haven't wanted to do  
4 that. But the situation where they wanted to do it is  
5 some of the professional accrediting agencies that  
6 decide that the entry level for their profession should  
7 really be at a graduate level instead of at a  
8 bachelors. And then they delete the undergraduate from  
9 their scope.

10           CHAIR STUDLEY: Are there any other comments  
11 on 11 and 12?

12           (No response.)

13           CHAIR STUDLEY: With that, let's then take a  
14 straw poll on -- oh, well, we'll take the straw poll on  
15 11 and 12, and then we will decide -- then we'll come  
16 back to number 10. Does that seem workable?

17           Okay, item 11. Who would like to support  
18 that? Show of hands, please?

19                           M O T I O N

20           CHAIR STUDLEY: Ten.

21           And item 12?

22    //

1 M O T I O N

2 CHAIR STUDLEY: Seven.

3 EXECUTIVE DIRECTOR LEWIS: Eight. I count  
4 eight.

5 CHAIR STUDLEY: Okay, I'm sorry. Could you  
6 put your hands back up?

7 MS. NEAL: Which one are we doing?

8 CHAIR STUDLEY: Twelve, this is choice.

9 One, two, three, four, five, six, seven,  
10 eight. Several people do not have their hands up.  
11 Eight out of eleven.

12 Let's come back to item 10.

13 DR. FRENCH: Will the numbers be based on  
14 attendance at today's meeting?

15 CHAIR STUDLEY: Yes. We realize that that  
16 is -- that we will have other members of the committee  
17 who will weigh in when they see the draft stage. But  
18 we will incorporate their reactions at that point.

19 Let's go back to number 10, accreditor  
20 responsible for institutional performance. Are there  
21 any comments on that item? I think Art Keiser was the  
22 last one who spoke to the merits on that issue.

1           VICE CHAIR ROTHKOPF: I guess my only comment  
2 would be that I'm not sure enough as to what it means  
3 to be able to vote for it. I'm just -- I think it's  
4 too ambiguous for me.

5           CHAIR STUDLEY: I'll just speak to this one  
6 briefly. I certainly respect Susan's comment about  
7 what performance is it that we're asking about. And  
8 Art Keiser's comments were also helpful. Especially  
9 that someone with his degree of accreditation  
10 experience felt that it would help us make good  
11 decisions to know that about an accrediting agency.

12           It seems to me there's a natural tendency to  
13 envision that a request for information will quickly  
14 slide to or default to a threshold or a bright line or  
15 a one-size-fits-all or a rigidity that forces you to  
16 miss. And while that's an appropriate caution, that's  
17 not what's suggested here. That it does make us  
18 anxious about gathering the information or requesting  
19 that view in the first place because we're so worried  
20 about it, the slippery slope or the harm that it could  
21 do.

22           It does seem to me that it would be useful to

1 have an overall understanding in this way about the  
2 universe that an accreditor is putting out there in the  
3 field, and making eligible for Title 4. And that the  
4 reports, the information that we got could be very  
5 different for different accreditors along exactly the  
6 lines that Art was describing.

7           That it would -- since there's no suggestion  
8 for a bright line or a threshold test, that it might  
9 say, here is the performance of our universe, and it is  
10 up from the last time we appeared before you. Or  
11 relative to other accreditors in our field, the people  
12 we accredit perform more strongly on whatever measures  
13 they chose to use.

14           It would give both us and people looking at  
15 choice of accreditor some greater information, and  
16 might be a more manageable intermediate step than the  
17 idea of grading the accreditors, which we'll come to a  
18 little bit later. But if we rate the accreditors, then  
19 we would have to have some standards. It could either  
20 be a step on the way to doing that or a substitute,  
21 because it would let people make their own judgments  
22 about what the level of rigor or overall accomplishment

1 of the programs approved there.

2           It is indeed one of the -- while many of these  
3 are not terrifically specific, this one is in the  
4 category of those that are not tremendously specific.  
5 There may be some interest in exploring it further.

6           Are there any other comments on this item?

7           DR. PHILLIPS: Just a thought, it might be  
8 worth consider the two parts of this item separately.

9           CHAIR STUDLEY: And by separately, expect  
10 NACIQI to ask accreditors to report and then a space,  
11 consider mechanisms for responsibility. That's a good  
12 idea. Are people comfortable with that division  
13 between the two?

14           Any other comment or reaction on number 10?

15           MS. NEAL: Are we not holding them responsible  
16 now? I mean, how does this differ from what we  
17 presumably are supposed to be doing now?

18           CHAIR STUDLEY: I think the sense here is that  
19 we -- that accreditors' responsibility now is to follow  
20 process and walk -- let's leave it that. Is to follow  
21 a process with the entities they accredit. And not to  
22 look at their accredited universe as a group.

1           Is that how you would understand it?

2           So then we don't ask accreditors to report  
3 even the graduation rates of their institutions  
4 or -- nor do we wonder about them if their graduation  
5 rates are low? And I'm not even defining low at the  
6 moment. We hold them accountable for having a standard  
7 that speaks to student achievement, but we don't hold  
8 them accountable for what that standard is.

9           VOICE: Well, I think we can do that now, but  
10 I'm certainly in favor of it.

11          CHAIR STUDLEY: Other comment?

12          When I think about a sort of irreducible item,  
13 it just -- a light bulb just went on that we don't know  
14 when an accredit comes before us what the departmental  
15 compliance record is. If the department had sued  
16 school after school for Title 4 abuses, has thrown them  
17 out of the Title 4 system for compliance problems, we  
18 never hear about it, even in the most aggregate sort of  
19 way.

20          So if somebody can convince the staff and us  
21 that they are moving through the steps, we don't  
22 actually know whether they are the pathway for a

1   disproportional number of not just questionable,  
2   failing institutions. The institutions subject to the  
3   most severe penalties the department has for people who  
4   should not be in Title 4. And that seems like a  
5   disconnect.

6           It may be that it doesn't require a statutory  
7   change. It might be as simple as saying, aha, can the  
8   department tell us, give us that crosswalk, so that we  
9   know at least what to ask the agency. I'm not even  
10   saying there should be a threshold number, but is that  
11   information that would help us ask an accreditor about  
12   its capability to determine the quality of an  
13   institution.

14           Art?

15           MR. KEISER: I don't see that as being a  
16   statutory -- it's one of the challenges that the triad  
17   has, is even within the department they don't talk  
18   among each other on those issues. I mean, I would  
19   assume that, if there was a -- you know, a rash of LSNT  
20   actions, which are -- I don't hear about. But if there  
21   were, and they were all concentrated to accrediting,  
22   they would bring it to Melissa or to our team to say

1 there is a problem here.

2 I would assume -- you know, that would just  
3 be -- it shouldn't -- certainly it shouldn't be  
4 statutory. It should be certainly procedural within  
5 the department.

6 CHAIR STUDLEY: It may be worth our looking  
7 into because I don't know if those crosswalks are being  
8 made.

9 Are there any other comments on number 10?

10 (No response.)

11 CHAIR STUDLEY: Then let's do a straw poll on  
12 the first half, about reporting on the performance of  
13 the university, of institutions that an accreditor,  
14 accrediting agency accredits. Show of hands, please?

15 M O T I O N

16 CHAIR STUDLEY: Six.

17 And for the second portion of that item,  
18 considering mechanisms for responsibility. Show of  
19 hands?

20 M O T I O N

21 CHAIR STUDLEY: Okay. Six of eleven and one  
22 of eleven. Thank you.

1           I am told that, at just the perfect moment,  
2   that the lunch that the committee members have ordered  
3   is available for us to pick up. We'll take a  
4   ten-minute break and reconvene to complete the  
5   remainder of this list.

6           Thank you very much.

7           (A short break was taken.)

8           CHAIR STUDLEY: Susan?

9           DR. PHILLIPS: Okay. So next up, between your  
10   munching on french fries and sandwiches and so forth,  
11   are three items concerning data as an essential tool in  
12   quality assurance. These are items 24, 25 and 26.

13           The first one concerning -- 24 concerns data  
14   privacy. This is in recognition that some of the types  
15   of data that have been under discussion might require  
16   systems that need to be developed in order to compile  
17   information in a manner that protects the privacy of  
18   individuals appropriately.

19           Twenty-five concerns a unit record system,  
20   completion, especially graduation data could be  
21   collected through a privacy protected national unit  
22   records system.

1           And 26, the federal -- a federal mandate for  
2 data definitions. This one refers to definitions  
3 articulated here in the discussion above, could be  
4 mandated for federally-approved accrediting agencies  
5 and encouraged for state agencies.

6           Those are the three data items up at this  
7 point.

8           CHAIR STUDLEY: Who would like to speak to any  
9 of these?

10          Arthur?

11          VICE CHAIR ROTHKOPF: Yeah, I think that  
12 taking them one at a time. Number 24 I think is simply  
13 saying that, if we're going to get this additional  
14 data, that it ought to be compiled in a way that  
15 maintains maximum privacy for the individuals.

16          Number 25 I think is a particularly important  
17 one because, if you're going to get graduation data, as  
18 is -- as we've already generally I think voted to do up  
19 in number 20, or 21, right now we don't have the  
20 ability to get accurate graduation data. I, as I think  
21 we've heard on numerous occasions, IPEDs don't produce  
22 it, the state systems are incomplete. And so we really

1 don't know graduation rates because of transfers, et  
2 cetera, in the way in which the data is now conducted  
3 or gathered together.

4           The idea of actually having a privacy  
5 protected unit records system, which means that you  
6 indeed track individuals as they move, say, from a  
7 community -- one community college to another to a  
8 four-year institution, and is increasingly is the case  
9 they may also -- you know, may be at an independent  
10 school, an for-profit school along the way. I think we  
11 need a system like this.

12           I might say I believe a -- I don't know  
13 whether it was an advisory committee or commission that  
14 was looking at community colleges and I think under the  
15 auspices of the Department of Education recently  
16 recommended that this be done. This was, I don't know,  
17 maybe one of the -- Kay or Sally may know better as to  
18 what the name of that group was. But there was a  
19 recommendation once again for a unit records system by  
20 this community college group. That recommendation came  
21 out within the last month. So I think that's a  
22 particularly good idea.

1           The federal mandate -- I just have to read 26.

2           CHAIR STUDLEY: Anne?

3           MS. NEAL: Well, I'm just going to address 26  
4 and then an additional issue.

5           I know we've talked about IPEDs in the past,  
6 and I think Arthur has raised it, which I think we all  
7 find to be an inadequate system. Not only is it often  
8 old information, it's not complete insomuch as it  
9 doesn't deal with transfers.

10           Is there a way we can call upon the Education  
11 Department to make IEPDs a system that's actually  
12 valuable, as opposed to what it is now? I know a lot  
13 of people turn to the National Clearinghouse, but as I  
14 understand it you have to pay to get into that  
15 database. It seems to me that the federal database  
16 that we have should be one that's workable and timely  
17 and IPEDs is neither. And so I'm wondering if we might  
18 add that in as something that we care about, since it  
19 does directly go to a correct picture on graduation  
20 rates.

21           And then on 26, I think having a clear data  
22 definitions is philosophically a great idea. But of

1 course, it just depends on what the definition is. So  
2 I guess that's the -- that would be my concern,  
3 something that we raised in the past.

4 And by way of example, credit hour, for  
5 instance. I mean, I just think that's a good example  
6 of where we cannot agree on definitions.

7 CHAIR STUDLEY: Comments? Everybody's ready  
8 to -- Susan?

9 DR. PHILLIPS: As a researcher, I actually  
10 wish I had a unit data records system for many things.

11 And in some -- some states actually have really good  
12 data systems that they protect very carefully.

13 My biggest worry about unit records system is  
14 what else it gets used for. And I don't know how you  
15 express that kind of worry in this kind of endorsement.

16 Because once something is created like that then there  
17 are many uses for it, including my research interest.  
18 But perhaps including some other interests that are  
19 less benign. So that's a worry that I have about  
20 the -- about a unit record system.

21 CHAIR STUDLEY: Frank, did you have a comment?

22 (No response.)

1           CHAIR STUDLEY: Okay. Do I sense a readiness  
2 to do the straw poll on these items?

3           MS. NEAL: IPEDs, is there any desire, at  
4 least, to vote on it?

5           CHAIR STUDLEY: IPEDs? Susan, do you see a  
6 spot where it either fits or do you want to see it as a  
7 special separate item?

8           DR. PHILLIPS: It's worth having a sentiment  
9 from the group about whether or not they want to see it  
10 in the final, and then we can figure out how to put it  
11 in if it does.

12          CHAIR STUDLEY: Anne, could you just  
13 articulate the way that you'd make IPEDs better?

14          MS. NEAL: I think in the interest of having  
15 accurate information about graduation rates for  
16 purposes of analyzing student success and accreditor  
17 value, a timely, accurate IEPDs could be indeed  
18 helpful. And at the current time, it's not.

19          CHAIR STUDLEY: Susan, I can add it as an A to  
20 one of the others. Do you see -- or Anne, do you see  
21 the one that it seems most like a cousin of?

22          DR. PHILLIPS: Twenty-five and three-quarters.

1           CHAIR STUDLEY: Twenty-five and  
2 three-quarters. I like that.

3           VICE CHAIR ROTHKOPF: If I can comment on  
4 that, I think the problem would be -- and I'm no data  
5 expert -- is that the -- it's not the IPEDs is not  
6 accurate, but it only collects a limited amount of  
7 information. Which is first time --

8           MS. NEAL: Incomplete and slow.

9           VICE CHAIR ROTHKOPF: Incomplete. I mean,  
10 it's --

11          MS. NEAL: Incomplete and slow.

12          VICE CHAIR ROTHKOPF: Yeah, right. It's -- it  
13 doesn't get enough information and I thought that -- I  
14 don't know, some of the experts we heard way back when  
15 were saying that it's really not -- I don't know if  
16 it's not possible to fix it, but that there needed to  
17 be other ways to gather the information.

18          MS. NEAL: Well and on the slowness, I've  
19 always been intrigued -- and this gets back to a point  
20 that was raised earlier. I've been told that it takes  
21 a long time because the data has to be audited or it  
22 has to be checked. Well, we ought to make it clear

1 that it's supposed to be accurate when it's submitted.

2 I guess that's a question I would have.

3 CHAIR STUDLEY: Any other further comment?

4 Otherwise, I'm going to take us back to -- Sally,  
5 sorry.

6 MS. WANNER: I just want to make the point  
7 that, for what it's worth, the IEPDs data are  
8 first-time takers and, you know, full-time  
9 undergraduates, all that is spelled out by statute.  
10 And that's why it is what it is. But that doesn't mean  
11 that we couldn't ask for more data, but any type of  
12 thing like that is, you know, under federal law, is a  
13 huge problem.

14 It's in the consumer information portion of  
15 the higher education act.

16 MS. NEAL: Okay. So it would not be  
17 irrelevant then to recommendations to the secretary?

18 CHAIR STUDLEY: Okay. We're on item 24 and by  
19 show of hands, who would include this in the  
20 recommendations?

21 Hold on one second.

22 M O T I O N

1           CHAIR STUDLEY: One, two, three, four, five,  
2 six, seven, eight, nine.

3           And that's nine out of -- let me just  
4 get -- we're currently at ten.

5           Item 25, the unit records system. A show of  
6 hands, please?

7                           M O T I O N

8           CHAIR STUDLEY: I see eight out of ten.

9           Twenty-five and three-quarters, IPEDs?

10          (Laughter.)

11          CHAIR STUDLEY: One, two, three, four, five,  
12 six, seven, eight, nine.

13          And 26, federal mandate for data definitions.  
14 Number 26.

15                           M O T I O N

16          CHAIR STUDLEY: One.

17          Okay. We are going to take a short breather  
18 because -- there's two reasons. Because there's only  
19 so much data that you can do in a row, and because we  
20 have what is traditionally but appropriately called a  
21 bittersweet moment.

22          We -- as many of you know, Melissa Lewis is

1 retiring from federal service after 28 -- 28 years of  
2 extremely capable responsive and effective service in  
3 various ways to the federal government. She's one of  
4 those public servants that we read reports about the  
5 loss of high quality experienced talent in the federal  
6 sector. They mean people like Melissa who are going to  
7 be very hard to succeed.

8           We have been the beneficiaries of somebody who  
9 is simply a pleasure to work with, and when you're in  
10 NACIQI, you need all the pleasures you can get. She is  
11 graceful and as I said, responsive and capable. Just a  
12 pleasure to -- and well, what many of us have seen is  
13 Melissa working yet again with a new group of people  
14 who needed to learn some very complicated things, and  
15 she has been incredibly helpful in our doing all of  
16 that, cooperative.

17           And remember, we all have -- except for those  
18 smart enough to be emeritus, we have other jobs. And  
19 so being responsive to us means fitting into a complex  
20 of set of calendars and very differing levels of  
21 experience in this area. And people from different  
22 backgrounds in many ways.

1           Here in accreditation land, we know the phrase  
2 "reliable authority." And she has also been a very  
3 reliable authority. She knows what we need to do. She  
4 also has a good sense about when to help us vary from  
5 what has been done before, when we can be creative, and  
6 when it's wiser not to be. And she's a terrific  
7 problem solver.

8           It is a real, real treat to have had  
9 this -- for all of us to have had this chance to work  
10 with you. And we are excited for you for the next  
11 stage of your life. You're going to be figuring out  
12 what you want that to include. It may -- we may learn  
13 that you haven't strayed very far from the  
14 accreditation sector, but you're moving home, and are  
15 very excited about that. And we wish you all the very  
16 best.

17           Somebody retiring this young has a lot of  
18 projects and opportunities ahead of her, and so we want  
19 to wish you well. And while I give you some more  
20 tangible expressions of that, Arthur Rothkopf, and then  
21 Cameron Staples who was the chair until June, each  
22 would like to say a little something.

1 EXECUTIVE DIRECTOR LEWIS: Thank you so very  
2 much.

3 VICE CHAIR ROTHKOPF: Let me add my own  
4 congratulations and good wishes to Melissa who has been  
5 a extraordinary help to this group of 18, with varying  
6 members and varying agendas and sometimes difficulty of  
7 bringing us all together. But Melissa has been  
8 terrific. I've worked a great deal with her, having  
9 living within about a mile of her office. We have  
10 extensive -- have had extensive contact over the last  
11 18 months.

12 She's been -- just echo what Jamiene said,  
13 extremely responsive, always getting back and dealing  
14 with all the questions, even as limited as what do I do  
15 when I forget my password, so I can't get into the web  
16 site, to arranging telephone calls that we've had among  
17 the leadership of the committee, but also among all  
18 committee members.

19 And I just think she's been a great help to us  
20 in doing what's not an easy task. She's made it all  
21 the better. She's, as Jamiene alluded, going home to  
22 Tennessee, and I think we'll have some very interesting

1 options for her. My advice as someone who left the  
2 workforce about a year and a half ago is that there  
3 will be lots of options, and don't do the first thing  
4 or the second thing, but think them all through and  
5 then you'll figure out what's right for you, and the  
6 timing of it. I think that's important.

7 But Melissa, thanks very much from all of us.  
8 We really appreciate it.

9 EXECUTIVE DIRECTOR LEWIS: Thank you.

10 (Applause.)

11 MR. STAPLES: You can't talk yet. You can't  
12 talk yet. I just have to add my thoughts, too, and I  
13 second everything that was just said.

14 But I also -- I was so struck by, as a group  
15 we came together without really -- with the exception  
16 of Art and Anne who had experience, we really were  
17 feeling our way. And over the last year, I think this  
18 group has really become a higher and higher functioning  
19 committee. And a lot of that credit goes to you,  
20 Melissa. You've taken a lot of strong personalities  
21 with a lot of ideas and a lot of experience and you've  
22 helped us understand our role, how to do it

1 effectively. And you know, I hope you'll be able to  
2 look back and just have some pride that we're a good,  
3 highly functioning body, even after you've left, based  
4 on the way you helped set us up.

5           And you were tremendously helpful to me  
6 personally. As with Arthur, you know, all the calls,  
7 all the advice, feeling my way at the beginning trying  
8 to figure out process and everything else, you did a  
9 great job. And you were always there. I wasn't as  
10 responsive to you as you were to me, I don't know when  
11 I -- when you needed material from me, but anyway, I  
12 really appreciate personally, and on behalf of all of  
13 us, what you did to help us become, I think, a pretty  
14 highly functioning group, which is a challenge.

15           So thank you, and I wish you all the best. I  
16 can't believe you're retiring, and I know that  
17 retirement is a term of art. And you'll move on to new  
18 exciting challenges, but I hope you'll keep us in mind  
19 and send us emails and updates and tell us what you're  
20 doing.

21           CHAIR STUDLEY: Please join me.

22           (Applause.)

1 EXECUTIVE DIRECTOR LEWIS: A couple of things,  
2 please.

3 The highlight of my job is working with the  
4 members. I appreciate it so much. Thank you. Thank  
5 you for all those very meaningful and very touching  
6 comments.

7 Also, I just wanted to emphasize that I am  
8 only the face that you see here, that there's a  
9 wonderful staff that helps support me and back me, and  
10 does so much of the work behind the scenes, not just  
11 here. And the committee would not run nearly as  
12 efficiently without them. And I appreciate each and  
13 every one, from Kay on down -- or across, whatever it's  
14 supposed to be. Everybody, they've always treated me  
15 as an adjunct member of the staff, and that was very  
16 appreciated.

17 Sally, thank you since the day I walked in the  
18 door here. Thank you so much for your support as well.  
19 That was just so touching. Thank you very, very much.  
20 I appreciate it. And I'm going to miss you guys, too,  
21 and I will keep in touch. Thank you.

22 And I look forward to seeing how the committee

1 evolves in the future, and strikes your -- continues to  
2 become more independent, because that's where the  
3 value -- possibly because that's the value of the  
4 NACIQI, is that diverse perspective and the breadth  
5 and -- of your knowledge to the department that you so  
6 willingly give. And it is so very appreciated. This is  
7 one of the hardest working committees that the  
8 department has, and thank you for your service.

9           And thank you so much for the gift. Wow.

10           (Opening gift.)

11           EXECUTIVE DIRECTOR LEWIS: Thank you. Thank  
12 you. It's beautiful, thank you so much.

13           CHAIR STUDLEY: My pleasure.

14           EXECUTIVE DIRECTOR LEWIS: That's terrific.

15           CHAIR STUDLEY: And there's a -- two other  
16 pieces.

17           EXECUTIVE DIRECTOR LEWIS: I got a very nice  
18 gift certificate as well, and thanks guys, again. This  
19 is wonderful. I will make lots of notes and capture  
20 lots of good memories in here. Thank you all so much.

21           I really look forward to starting off on this next  
22 phase of life, and devoting more time to family and

1 also to other pursuits. Thank you.

2 CHAIR STUDLEY: Thank you

3 (Applause.)

4 DR. PHILLIPS: It seems anti-climactic at this  
5 moment, but our next items up are items 27 and 28.

6 These are two items concerning data and service of  
7 public and consumer information.

8 The first one of these 27, public -- concerns  
9 public accreditation reports, and it states that  
10 accreditation reports about institutions should be made  
11 available to the public.

12 The second one is number 28, concerning public  
13 membership. And it speaks that the public interest  
14 will be better served by increasing the number of  
15 knowledgeable public members on accreditation decision  
16 making boards.

17 CHAIR STUDLEY: Art?

18 MR. KEISER: What are you defining reports?  
19 Are you talking about, let's say, interim actions or  
20 are you talking about final determinations?

21 DR. PHILLIPS: All we've got is what I read.  
22 So it doesn't specify --

1           CHAIR STUDLEY: What are the -- tell us more  
2 about why the question is important?

3           MR. KEISER: Because if, you know, there  
4 are -- like we take interim actions, or we used to.  
5 And accreditation, let's say it would be for a  
6 community college, that they would have, you know, a  
7 whole series of issues that would be, in many cases,  
8 personal or two individuals who would not meet  
9 qualifications. And there are not final  
10 determinations. And could harm individuals, and leave  
11 a wrong impression to the public.

12           I do not have a problem with final  
13 determinations, but I think interim or non-final  
14 actions should not be made to the public until there  
15 is, you know, due process that's allowed, and the final  
16 determination is made.

17           I mean, it would be from a public -- from some  
18 institutions, it would be very challenging, and very  
19 hurtful.

20           DR. PHILLIPS: I know that WASC's recent  
21 update has included making accreditation reports  
22 available to the public. I don't actually recall at

1 this moment whether it is WASC that does it or the  
2 institution that does it. Is it WASC?

3 I also know that the process by which they  
4 arrived at that point, like any process an accreditor  
5 goes through in setting their standards, is based on  
6 the participation of the stakeholders in that process.

7 So I am assuming by that, those sets of facts, that  
8 the institutions that are engaged with accreditation in  
9 WASC have had the opportunity to speak to that issue,  
10 to have their voices heard on that issue, and have, I  
11 assume, arrived at a point of agreement that that makes  
12 sense in their quality assurance process.

13 MR. KEISER: Is that like annual reports and  
14 all the information that's submitted to an accrediting  
15 commission, or is it a determination letter, final  
16 determination letter of WASC?

17 DR. PHILLIPS: I'd have to defer you to WASC  
18 for that. If I could finish the point that I was going  
19 to make, was concerning this being perhaps a very noble  
20 idea, but one that the accreditors need to address with  
21 their institutions. In part because of, it is a  
22 standard setting activity, a procedure activity as

1 well.

2           So if there were a way to describe this as an  
3 encouragement for accreditors to take up that question  
4 with their stakeholders, I would have less concern  
5 about it. As a mandate from the federal level to  
6 institutions or accreditors, I think it's a bit more  
7 problematic.

8           CHAIR STUDLEY: Arthur.

9           VICE CHAIR ROTHKOPF: Yeah, I'm not sure what  
10 WASC has done, but I start from the premise that the  
11 accreditation process is not just for the benefit of  
12 the institution, but it's for the benefit of what I  
13 know sometimes schools don't like to talk about, but  
14 the consumer. I.e, the students who are either  
15 attending the institution or would like to attend the  
16 institution. And if it's simply saying we're just  
17 going to give you the final report, which is often  
18 sanitized and just what's coming out of the commission,  
19 I don't think that's good enough. I think there -- and  
20 I can't identify the exact terminology of each report,  
21 but a report that goes from the accrediting team to the  
22 institution, and let's say the corrections are made for

1 anything that's wrong, I think the public should see  
2 it.

3 I don't know, I mean the biggest complaint  
4 that many people have with the accreditation system is  
5 that it is so opaque, and that it's a bit of a black  
6 box. And I think the public is entitled to know, the  
7 consumers are entitled to know and prospective students  
8 are entitled to know, even if it shows some side -- I  
9 wouldn't include, you know, some reference to an  
10 individual, that can all be -- you know, would be  
11 protected and shouldn't be there.

12 But if there's a problem with, they say you've  
13 got a problem with finances or you've got a problem  
14 with a number of faculty, you've got this program isn't  
15 very good, I think the public's entitled to know. Even  
16 if it puts that institution at a competitive  
17 disadvantage. So be it. I don't think this process is  
18 designed to protect institutions, I think it's there to  
19 inform the public. I think it's the SHEA submission  
20 that was made that talked about the need for  
21 accountability. And this is, in my view, part of the  
22 accountability that's needed.

1           I know associations don't like it, and some  
2 institutions may feel that it's harmful to them, but I  
3 believe it's a pretty important thing to do.

4           MR. STAPLES: I think it's an important  
5 statement. And I guess the question I have, or maybe  
6 this is sufficient, because the more detail you get,  
7 the more you realize that it might vary by institution  
8 or vary by type of accreditor as to what their reports  
9 include.

10           And I think I agree with both Art and Arthur  
11 that it's important to have public information. But I  
12 think it's also -- you've got to be careful of the  
13 confidentiality of perhaps the interim workings of the  
14 process, as well as making sure the people are candid  
15 in the process. And I think that's the balance where  
16 you want people in their self-study, and you want  
17 people in their peer review to be very candid. Which  
18 is why a lot of peer review processes are confidential.

19           But at the end of the day, I do think the  
20 public has right to know the final outcome. So I guess  
21 a statement, a more general statement like this, which  
22 would lead to the nuances of -- you know, of the

1 institutions and the accrediting bodies. What that  
2 final report might include I think is probably useful,  
3 a useful statement for us to make.

4 CHAIR STUDLEY: Anne?

5 MS. NEAL: I wholeheartedly support the  
6 premise behind this particular suggestion, insomuch as  
7 it wants to make more transparent and more consumer  
8 friendly what accreditors do. And I guess I share some  
9 concern that the final accrediting reports may or may  
10 not be the best vehicle to do that.

11 And what I would prefer instead is for an  
12 encouragement as, across the board, that accredited  
13 institutions have on their web sites certain key data  
14 as a condition of being accredited that relates to  
15 retention rates, grad rates, student demographics so  
16 that you can see how certain parts are doing, and  
17 others are not doing. I just think that we should  
18 assume that that goes on everybody's web site.

19 MR. KEISER: We do that now.

20 MS. NEAL: Well, but it's -- maybe. But I  
21 think it would be -- you all, maybe. I don't know if  
22 everyone else does it. But I just think that having

1 some basic, we're talking about minimal data. Having  
2 some basic data that you could look on every web site  
3 and could find it would be immensely helpful for  
4 consumers.

5 VICE CHAIR ROTHKOPF: It has to be  
6 consistently prepared. Because I can tell you, when  
7 you deal with things like U.S. News and other rankings,  
8 institutions will game the system to show themselves in  
9 the best possible light. And I think the definitions  
10 have to be consistent.

11 But again, I'd come back and say I think that  
12 if this report is simply saying make final the public  
13 report that says yea or nay, then that's useless,  
14 because that's known. But if -- but I'm saying you've  
15 got to get behind that. Now I don't think you have to  
16 go back to, you know, every document that's exchanged  
17 between the committee and the institution, but I think  
18 you -- I think it would have to show once and all, even  
19 for an institution that does get reaccredited.

20 CHAIR STUDLEY: Art.

21 MR. KEISER: Well, there's the rub, and that's  
22 the challenge. Because an accreditation team process

1 is not a single moment in time. There are a series of  
2 documents that go back and forth, and the documents are  
3 in a state of flux, depending on the response of the  
4 institution to determine. You know, in many cases,  
5 it's not the school who is out of compliance, it just  
6 needs to provide more information or document what they  
7 have accomplished, kind of like what we do here.

8           The -- for a person to take, let's say -- say  
9 you have a team summary report, which would be the  
10 report of the team visiting the -- well, you have the  
11 self-study -- well, I'll use the Sachs example. First  
12 of all, you have a preliminary document, then you have  
13 the compliance report, which in our case was 41,000  
14 pages, and it's all on computer. It's not a document.

15 Then you have the response from the desk audit, which  
16 is looking at the paper, which is basically asking or  
17 demonstrating their concerns that they want the team to  
18 visit.

19           So anywhere in that time, you could take out  
20 and make an accusation or a challenge which may or may  
21 not be true. So from there, you then have the response  
22 of the compliance report, then you have the team

1 summary report. Then you have the response to the team  
2 summary report, then you have a final decision. So if  
3 you just take certain documents out of the sequence,  
4 they can give the wrong impression to the public.

5           That's my concern here. I do believe once the  
6 process is gone through, what are the remaining issues,  
7 and what the public should be concerned about are what  
8 is the -- needs to be fixed.

9           CHAIR STUDLEY: And is there a document in  
10 which those appear? I don't think this is trying to  
11 get at the back-and-forth of drafts or stages of a  
12 process that might be revised. But I think the people  
13 who suggest it believe there is something that would  
14 say, this school does a good job of this, and not so  
15 good at that. Or that it would have you're approved  
16 for this, but not for the expansion of, because you're  
17 not ready.

18           And so one factual question is just, is there  
19 any content to the final letter, or is it up-down or 12  
20 months, which is both available, ultimately through the  
21 accreditor already, and not very meaningful, or is  
22 there something better than this approach? Because

1 Anne was raising the idea that there's something one  
2 might want to get at for public information, but is  
3 this the vehicle?

4 Just can you or others speak to that?

5 MR. KEISER: The final letter usually is  
6 descriptive of the action the agency took. And if  
7 there are areas of non-compliance, they're usually  
8 articulated in the final letter. And that those are  
9 what the agency is concerned about and would want  
10 follow-up reports.

11 But you know, I mean you put everything out  
12 there. I'm just saying, you know, because it's a point  
13 in time, is that reflective of -- that the public -- or  
14 is that the perspective that the public needs to see?

15 CHAIR STUDLEY: Frank?

16 MR. WU: Just two comments on how the public  
17 uses data. The first is, no matter what we do, every  
18 school is going to try to gain the data. That's -- no  
19 one is going to want to present themselves in the worst  
20 possible light, and we just have to live with that. So  
21 long as people aren't doing something that's  
22 affirmatively dishonest.

1           You know, everyone's going to do what we all  
2 do on our taxes, which I presume you do the sort of  
3 thing that I do. Which is I say to the person that's  
4 doing my taxes, look, I want to pay what I owe, I don't  
5 want to pay anything more, I don't want to get into any  
6 trouble, but I don't want to overpay. So I want you to  
7 figure out what's the best possible return you can file  
8 for me, you know. I don't think anyone goes in and  
9 says, oh, it's okay, you know, if I pay a few thousand  
10 more, I'm fine with that.

11           And the same thing's going to happen with  
12 every college. They're all going to look at this and  
13 ask how close can we get, right up to the line, without  
14 crossing the line.

15           And the second thing that's going to happen if  
16 we make all this public -- this isn't a reason to not  
17 do it, but it's, I think, a likely outcome that we  
18 should be mindful of, is the way data is presented and  
19 the way reports are written will change. Because once  
20 people know that everyone's going to read it, it will  
21 then be written in a way that perhaps makes it less  
22 useful.

1           So it will be couched in different terms, and  
2 they will just be, I would predict over the course of  
3 years, a gradual shift in the language. Because some  
4 of what you read now is really critical and not  
5 necessarily reflective of bad quality. It's just the  
6 style of writing that's evolved. And institutions  
7 doing this, because they know that it's a peer process,  
8 and what goes around comes around, everyone's going to  
9 pull back a little bit. Because no one's going to be  
10 as harsh when they know that the whole world's watching  
11 you say something to a peer. And that may just be how  
12 it is.

13           The other thing that's going to happen is  
14 institutions will just dump reams of data onto the web,  
15 and it will be hard to figure out what's going on. So  
16 not a reason not to do it, just some thoughts about how  
17 it will play out. These sorts of rules never play out  
18 as well as we expect them to, and we just have to bear  
19 that in mind.

20           DR. PHILLIPS: Going back to my way of  
21 thinking about -- and again, I don't know what WASC,  
22 what -- the conversations that WASC had, but I wonder

1 if the principle rather than the product is something  
2 that attracts agreement. The principle being that  
3 there needs to be some information for consumers about  
4 the outcome of a quality review.

5 My sense is that there would be no dissension  
6 on that point. The question is what constitutes that  
7 information. And that, I wonder -- I wonder if we  
8 might be able to consider as a expectation for  
9 accrediting agencies, that they take up the question of  
10 providing public information about the results of their  
11 quality review, and ask them to consider how they would  
12 define that, as opposed to us saying what it should be.

13 VICE CHAIR ROTHKOPF: I actually have what  
14 Ralph's submission, and this is what he says about it  
15 so we can say this is at least what WASC is doing.

16 "Effective with actions from June 2012  
17 forward, all team reports and commission action letters  
18 will be made public on the WASC senior web site, and  
19 will include a link to any institutional response."

20 I guess I'd submit that, if this is good  
21 enough for WASC, I think it's not -- gee, it's up to  
22 each accrediting body to think about it and get

1 approval and water it down. I think this is -- ought  
2 to be a minimum, this is what we ought to do. And this  
3 is what we ought to say every accrediting body should  
4 do.

5 MS. NEAL: I'd like to go one step further,  
6 insomuch as suggesting a certain set of data that we  
7 would expect institutions to make publicly available.  
8 I do think if we send it back to the accreditors for  
9 study, we'll be here in another 20 years and we'll  
10 still be studying it.

11 I just think that consumer information on data  
12 such as graduation rates, which are already supplied to  
13 IPEDs, potentially indicators of financial health,  
14 student loan default rates, let the consumer decide by  
15 giving the consumer information. And it doesn't have  
16 to be extensive, because I agree with Frank, it  
17 shouldn't be the entire universe. It should be a  
18 discreet set of helpful bits of information.

19 I notice that Princeton, in talking about an  
20 expedited review process, set forth various metrics of  
21 transparency and student learning that might be used in  
22 the expedited process, and those might be worthy of our

1 consideration for this purpose.

2 CHAIR STUDLEY: Other comments?

3 (No response.)

4 CHAIR STUDLEY: Let's take our vote on item  
5 27. Show of hands for including such a recommendation  
6 in the document.

7 M O T I O N

8 CHAIR STUDLEY: One, two, three, four, five,  
9 six. I'm seeing six of -- one, two, three, four, five,  
10 six, seven, eight -- eight. Did I miss -- you're  
11 counting me, I guess nine. That doesn't sound right.  
12 No, it just -- my count before didn't have me.

13 I've said eight, I've been counting eight  
14 voting members all along. I've been counting without  
15 myself.

16 MR. STAPLES: Leaving you out, there are nine,  
17 I think.

18 EXECUTIVE DIRECTOR LEWIS: Art just left.

19 CHAIR STUDLEY: Art's not here for the vote.

20 MR. STAPLES: I know. I think it's --

21 EXECUTIVE DIRECTOR LEWIS: Eight members.

22 MR. STAPLES: Eight, right.

1 CHAIR STUDLEY: Okay. Susan, 28?

2 DR. PHILLIPS: Twenty-eight is an item that  
3 suggests that the public interests would be better  
4 served by increasing the number of knowledgeable public  
5 members on accreditation decision making boards.

6 CHAIR STUDLEY: Arthur?

7 VICE CHAIR ROTHKOPF: Yeah, I have kept this  
8 item on there along the way. It was originally  
9 suggested by Peter Ewell way back when. And when we  
10 started this, I think it's a good idea. These are  
11 private organizations imbued with public  
12 responsibilities. And I think the number now is, what,  
13 one-seventh? I think that strikes me as pretty low for  
14 groups that are performing such important public  
15 functions. So I would -- I think we ought to consider  
16 raising that number. I think Peter or someone has  
17 thought a whole lot about this, and it was one of his  
18 recommendations, and I thought it was a good one.

19 CHAIR STUDLEY: Other comments?

20 (No response.)

21 CHAIR STUDLEY: I'm sorry, there are more  
22 folks who have different kinds of accreditation

1 experiences to speak to the effectiveness of this.

2 Anyone have a comment on -- comment or question on this  
3 provision?

4 (No response.)

5 CHAIR STUDLEY: Straw vote for including it in  
6 the recommendations? All in favor?

7 M O T I O N

8 CHAIR STUDLEY: Seven. Thank you.

9 Susan, next item.

10 DR. PHILLIPS: The next item is the state role  
11 in quality assurance. I have to confess I -- this one  
12 arrived in group three out of an interest in trying to  
13 balance both groups. It's quite similar to some of the  
14 other cross-state issues that we discussed before. It  
15 concerns -- original page 7, you can find it in your  
16 purple -- it concerns the issue of achieving congruence  
17 of agreement about definitions without altering  
18 anything about state regulation authority or interest.

19 It might help states become more congruent.

20 So it calls for working towards a convergence  
21 of agreement about definitions. It really fits with  
22 our data conversations as well.

1 MS. NEAL: Where are we?

2 DR. PHILLIPS: This is item number 7.

3 MS. NEAL: Seven.

4 DR. PHILLIPS: You'll find it on page 5 of  
5 purple or page 7 of the original.

6 CHAIR STUDLEY: I invite your comments.

7 MS. NEAL: I just renew my concern that we  
8 have lots to do, and telling the states what to do is  
9 not one of my high priorities.

10 CHAIR STUDLEY: Any other comments?

11 (No response.)

12 CHAIR STUDLEY: It seems to me that this one,  
13 while we've teased it out as congruence across states,  
14 could also be related to federal-state congruence, or  
15 federal-accreditor-state congruence about definitions,  
16 and be part of the data burden issues at the same time.

17 Because the more consistent the definitions are, the  
18 more easily you can prepare your reports for everyone,  
19 and that would also serve some of the comparability  
20 issues that go to the kind of data that Anne and Arthur  
21 and many others have suggested would be valuable to  
22 make judgments.

1           Even Frank's last comment, kind of the notion  
2 of I'll do what I'm supposed to do. The clearer you  
3 are about what I have to do, the more you will get  
4 things that match other people. The more open-ended  
5 you are, the more variability you'll get in tax  
6 deductions or data reporting.

7           So I think that it may look a little odd  
8 standing alone now in our consideration of it separate  
9 from the other items, but I think it fits with both  
10 data burden reduction and coordination between -- among  
11 all elements of the triad, with the possibility that  
12 will help institutions do the job we need, but not more  
13 than that. And that the consistency would help with  
14 decision making.

15           Anyone else?

16           MR. ZARAGOZA: Just a question. Will there be  
17 an effort at some point to do some consolidation,  
18 pretty much along the cluster of what we're taking? I  
19 know we're voting separately, but it appears to me that  
20 that would give this a lot more focus, and kind of  
21 amplify the major issues for us.

22           CHAIR STUDLEY: That raises a point that we

1 were going to discuss at the very end about how we were  
2 going to get from here to something else to bring back  
3 to you. But I think it's fair to say that we're going  
4 to take the like-kind things to which there's  
5 agreement, and try and, you know, knit them together  
6 and make it actually look like a sweater when we're  
7 done.

8 Any other comments on this item?

9 DR. FRENCH: Is it only definitions?

10 CHAIR STUDLEY: Susan?

11 DR. PHILLIPS: That's all that was included  
12 here, was definitions, right. Not thresholds, not  
13 anything else.

14 CHAIR STUDLEY: Any other comments?

15 Let's do a straw vote on item 7.

16 M O T I O N

17 CHAIR STUDLEY: One, two, three -- five.

18 Susan?

19 DR. PHILLIPS: Last item, number 29, NACIQI's  
20 role in policy. This one you'll find on page 11 of the  
21 original document and the last page of the purple  
22 document.

1           In this one, it is stated to continue to ask  
2 NACIQI to play a role in system review, monitoring and  
3 policy analysis and recommendations to advise the  
4 secretary. The role could include developing standards  
5 to meet changing realities in education, identifying  
6 needed flexibility in accreditation standards, and  
7 assessing system-wide outcomes and consistency.

8           CHAIR STUDLEY: Discussion?

9           I think this one is worth some thought on our  
10 part. And one reason we put it last was that it's  
11 broad and there's room within it. But also because we  
12 thought that the more we -- that it would give us these  
13 two opportunities to -- this opportunity to think after  
14 we had discussed the other items, and after our two  
15 days of accreditation actions.

16           MS. GILCHER: I'm not quite sure. You have  
17 already in the committee description, in the statute,  
18 things that speak to this. So I'm not sure what you're  
19 looking at.

20           CHAIR STUDLEY: Susan, do you want to say a  
21 little bit more about why you think it's worthy  
22 of -- what you think the group meant when you said it

1 was worthy of being an option?

2 DR. PHILLIPS: I'll put this into the context  
3 in which it was written. As we were speaking about  
4 these matters, the group had had initially one  
5 accreditation -- agency review session, and one policy  
6 session. And as Cam said, I think it was feeling its  
7 way.

8 At the same time that that -- it had had  
9 that -- those two brief moments of experience, as a  
10 committee I know that there are some much more  
11 experienced members on the group. There was some  
12 question, this is new NACIQI, new NACIQI rule, new  
13 NACIQI set of responsibilities. We'd been given a  
14 charge by the secretary to give him advice. My sense  
15 is that this was the voice of the NACIQI, at least the  
16 subcommittee saying, yes, this seems like an  
17 appropriate rule for us to continue to develop policy,  
18 without necessarily having the policy document in the  
19 statute right next to us saying this is good.

20 I'd defer to the other folks who were on the  
21 committee about their -- the subcommittee about their  
22 recommendations, their recollections of that time. I

1 put it in the context of novelty, I guess.

2 VICE CHAIR ROTHKOPF: I just would say I'm not  
3 sure exactly what the statute said. But I think it's  
4 basically that our responsibilities are to review, you  
5 know, the agencies as they come up for recognition.  
6 And to respond to any requests by the secretary or  
7 others in the department for advice. I think this  
8 is -- and we've gotten one and that's what we're  
9 working on. But I think this is maybe a suggestion  
10 that we make recommendations, even if asked not to make  
11 recommendations. If we see some things that are going  
12 on that the group could say, well gee, there's a  
13 problem here, or there's a -- we can think of a  
14 potential improvement in the way the overall system  
15 works. And we can do that, even if not specifically  
16 asked. That's sort of my best recollection of it.

17 CHAIR STUDLEY: Well, we're going to cheat,  
18 and we're going to ask Kay and Sally, who carry the  
19 statute with them. I think there was some room. Have  
20 you found a provision that would tell us what our  
21 current -- remind us what our current --

22 MS. WANNER: Yeah, in addition to provisions

1 about your general -- about your advising about  
2 agencies it says, "carry out such other advisory  
3 functions relating to accreditation and institution  
4 eligibility as the secretary may prescribe by  
5 regulation."

6           And it also says, "advise the secretary with  
7 respect to the eligibility and certification process  
8 for institutions of higher education under Title 4  
9 together with recommendations for improvements in such  
10 process. Advise the secretary with respect to the  
11 relationship between accreditation and certification  
12 eligibility of such institutions and state licensing  
13 responsibilities with respect to such institutions."

14           So that's pretty general authority.

15           CHAIR STUDLEY: So we --

16           EXECUTIVE DIRECTOR LEWIS: And any other  
17 advisory function related to accreditation and  
18 institutional eligibility that the secretary may  
19 prescribe.

20           MS. WANNER: I read that.

21           EXECUTIVE DIRECTOR LEWIS: Oh, I'm sorry. I  
22 missed that.

1           CHAIR STUDLEY:  So as I understand it, we have  
2   that authority to make those recommendations.  The  
3   secretary specifically asked us to share a set with  
4   him, but we have a statutory authority to advise.  
5   Always better if the secretary tells you he's going to  
6   listen when you do that.

7           But it sounds as though it doesn't take a  
8   statutory change, but at the time we wanted to signal  
9   our interest in doing so, or taking up that mantle in  
10  addition to doing the accreditation functions.

11           Is there anything about that, with the passage  
12  of time, anything that we want to do to amend it, or do  
13  we think it's not necessary to say that, or it could be  
14  incorporated not in an option but in -- elsewhere in  
15  our document?  So let's just think about how we want to  
16  describe where we think we're headed going forward.

17           DR. PHILLIPS:  This is a -- jogging my memory,  
18  one of the issues in raising this was also as a signal  
19  to us to include -- consider including a portion of our  
20  meeting time, specifically directed to that set of  
21  activities.  Right now, we have -- had we not this  
22  subcommittee, we wouldn't be necessarily having this

1 assigned time, but we definitely have the assigned  
2 agency review time. And so the -- as I remember, it  
3 was a -- also an interest in making sure that that was  
4 a placeholder in the kind of time that we allocated.

5 MS. NEAL: At the risk of being facetious at  
6 the end of the day, I think one of the questions was  
7 after our experience with this body, if we felt that it  
8 was of benefit to the public and the taxpayers for its  
9 continued existence. I mean, I think that was one of  
10 the other issues behind this question.

11 CHAIR STUDLEY: Any other comment?

12 (No response.)

13 CHAIR STUDLEY: So should we -- Susan, should  
14 we put this forward as an option to consider along with  
15 the others, or do we think it is more general?

16 Why don't we take a straw vote on the item and  
17 we'll go from there. Could I see a show of hands on  
18 inclusion of a recommendation in the general area of  
19 number 29 on NACIQI's role in policy?

20 M O T I O N

21 CHAIR STUDLEY: Eight out of eight.

22 Thank you very much. That is 1:35, the

1 conclusion of the discussion portion related to this  
2 report.

3 WRAP-UP AND ADJOURNMENT

4 CHAIR STUDLEY: The natural question is, where  
5 do we go from here with all of this discussion and how  
6 do we build on the contributions that you and others  
7 have made to us through your comments orally and in  
8 writing?

9 We now will take this guidance and the straw  
10 votes about the intensity of your thinking, and the  
11 further reflection, and develop, naturally, another  
12 draft. The three of us at the front table are prepared  
13 by virtue of our experience, and now reputation in  
14 Susan's case, and titles, in the case of Arthur and me,  
15 to take this to the next step.

16 This is not a subcommittee project at this  
17 point. In part the subcommittee was coming so close to  
18 being the full committee that the distinction didn't  
19 seem valuable at this stage. We've all been  
20 participating and all the members of the committee will  
21 review the draft.

22 Susan has very generously offered to be the

1 lead person of the trio on the writing on our behalf,  
2 and Arthur and I will work with her to develop  
3 something that we send out to all of you. We will get  
4 back to you as soon as we assess the difficulty of that  
5 dive with a timeframe, and that will then drive the  
6 timing for the publication, once you are content with  
7 it as a committee product. And then we will have an  
8 open period of public comment before we receive it back  
9 and can share our recommendations with the secretary.

10 For anyone who's here now and wasn't here  
11 yesterday, I did also comment that the department will  
12 also have its own traditional -- traditional in the  
13 sense of they always do it, the format, you know, they  
14 could be radical and new -- opportunity for the public  
15 to weigh in on the department's own development of its  
16 recommendations for the higher education act, the next  
17 time it's reauthorized.

18 Are there any questions from the committee  
19 about the -- that procedural plan? Or Susan, is there  
20 anything that you would like to add to that?

21 DR. PHILLIPS: I'd just add that as a total  
22 committee, we number 18. I believe that one seat is

1 not currently occupied. We'll -- even though the  
2 members who weren't able to be here for all of the  
3 discussion, or even for any of the discussion, we'll  
4 give them the opportunity to participate in that straw  
5 poll as needed. So that if there are voices that would  
6 shift our emphasis one way or another, it's important  
7 to include that in the topic. So I'll make sure that  
8 that happens.

9           VICE CHAIR ROTHKOPF: I have a question  
10 perhaps of the department people. Is there a date,  
11 sort of outside date at which the department officials,  
12 secretary, assistant secretary, would like to receive,  
13 has indicated he would like to receive the report? I  
14 mean, I know he's going to want it sooner rather than  
15 later, but lots of other things are going on right now  
16 in the education field. I don't know the extent to  
17 which they're putting this together. Do we have a  
18 date?

19           CHAIR STUDLEY: We have a general timeframe.  
20 I've spoken to the department, and they encouraged us  
21 to come forward with it sooner than would be possible  
22 if we had left this to the June meeting. Largely

1 because of the budget-related analysis they have to do  
2 for any provisions that have budgetary consequences.  
3 But the general timeframe I just described, that we  
4 would move from here to a written draft for circulation  
5 and receive comment on it.

6           Moving forward as soon as we reasonably could  
7 seemed workable to them. It is possible that  
8 they -- that the department, as it develops its  
9 recommendations and its policy positions, might come  
10 back to us again later, as they come further down the  
11 road, and talk to us about accreditation related  
12 matters. So we may see this as it evolves. But we  
13 would be -- if we move forward and get the same level  
14 of responsiveness and cooperation that we did from the  
15 committee members before, we would be within their  
16 comfort zone for when we got additional comments.

17           VICE CHAIR ROTHKOPF: Thank you.

18           CHAIR STUDLEY: Let me also say that, while  
19 Melissa is unique and outstanding, we will attempt to  
20 fill -- we will fill these shoes. The department will  
21 fill these shoes, and we will have the support of, I'm  
22 confident, a fine person to work with us as executive

1 director. That announcement has not been made yet, so  
2 you will learn about it when the department is prepared  
3 to do that. But they understand the value to us of  
4 continuity, and we look forward to welcoming somebody  
5 equally talented who can help us as we go forward.

6           Along with -- this is a good moment for me to  
7 thank all of the staff who support us in all of these  
8 activities. The ones you've seen on stage, the ones  
9 who work on our behalf behind the scenes, and the ones  
10 who join us here at the head table, they and many other  
11 colleagues at the department make this job informative,  
12 make it possible for us to be effective in this job.

13           And I want to thank all of you sturdy troopers  
14 who have been with us to the end, and you as surrogates  
15 for everyone else who has participated in this process,  
16 for your thoughtfulness, your respect, your belief in  
17 the value that educating us and sharing your thoughts  
18 with us would have advantages and benefits down the  
19 road for the post-secondary students of the United  
20 States, the taxpayers, and the credibility of the work  
21 of the Department of Education, all of which I for one  
22 take very seriously. And I'm grateful to the rest of

1 the committee for doing so as well, and taking  
2 substantial amounts of time to do this work as  
3 thoughtfully and thoroughly as you do.

4 I don't think any of us imagined -- had we  
5 only known to call Art or Anne, how much work would be  
6 involved in doing these accreditation reviews, and in  
7 addition this policy work in a responsible way. But  
8 I'm glad that people this distinguished and thoughtful  
9 agreed to those invitations and participate.

10 With that, happy holidays, travel safely.

11 (The Committee was adjourned at 1:43 p.m.)

12

13

\* \* \* \* \*

14

15

16

17

18

19

20

21

22