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Office of Postsecondary Education

National Advisory Committee on Institutional Quality and Integrity

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AGENDA

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

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

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

VICE CHAIR ROTHKOPF: Arthur Rothkopf, Vice Chair.

DR. PHILLIPS: Susan Phillips, Chair of the
subcommittee on policy.

MR. WU: Frank Wu.

MR. STAPLES: Cam Staples.

MS. WILLIAMS: Carolyn Williams.

MR. SHIMELES: Aron Shimeles.

MS. NEAL: Anne Neal.

DR. VANDERHOEF: I'm Larry Vanderhoef.

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

MR. ZARAGOZA: Federico Zaragoza.

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

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

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

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

CHAIR STUDLEY: I'm Jamienne Studley, Chair of NACIQI.

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

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

We will return to our review of the options that are before us. I would really just like to encourage you to -- members of the committee, to use this time for discussion and exploration of these options. It -- this is a valuable opportunity for us to explore these issues further, to share the nuances, to see -- to sort of search for common ground or additional solutions. What you say will be valuable both to the drafters who prepare the next iteration of
this for the committee, and to the public conversation. As I said yesterday, there are going to be many further rounds of discussion in many different settings of the next higher education reauthorization. And the more we can understand about the thoughts and experiences and perspectives of the members of this committee, the more helpful we can likely be to the evolution of that conversation. Both within the Department, where our recommendations are directed, and in the conversations that we are part of individually and collectively, with all of the people who are interested in effective higher education in this country. And in particular how the Higher Education Act can help advance that.

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

Arthur?

VICE CHAIR ROTHKOPF: Yeah, I'd like to add a comment to Jamienne's, if I might. I would hope in reviewing this document, and making tentative judgments on our options, that we recall what our advice was or charge was from Undersecretary Canter, when she met
with the policy committee. And some of you -- most of you were there, some of you were there, some of you were not.

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

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

CHAIR STUDLEY: Susan, I'm going to hand it back to you to help guide us through the options. But if you want to begin on a broader level, I invite you to do that as well.
OVERVIEW CONCERNING THE NACIQI's DRAFT REPORT

TO THE SECRETARY ON HEAL REAUTHORIZATION

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

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

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

So to plow on ahead -- questions about
process, anybody on the committee?

(No response.)

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

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

CHAIR STUDLEY: Who would like to help us
begin, as we think about this cluster of issues?

(No response.)

CHAIR STUDLEY: I sense reading and thinking.

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

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

So it may be worth exploring whether there are
other standards and expectations that we would want to,
you know, engage with the state accreditors in, as a partial step rather than just with the states as a whole. Those agencies that we have a relationship with, the federal government has a relationship with, that there might be some review of how to make that a more consistent and balanced process.

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

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

MS. GILCHER: I'd just like to give some facts here. The post-secondary vocational education agencies that come before us number four, there are only four of them. You just saw a lot of them this last time. And
then in the nurse agencies, there's only -- one, two, three, four, five. And some of those are overlapping in terms of the state. And of course, it's a narrow focus that they have in some portion of post-secondary education.

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

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

And one more realization that I had, since we wrote that, is the degree to which states might be involved for non-Title 4 related purposes. That
they're doing their own state accreditation for a state licensure or state funding program for entities that never seek federal approval. And so we may not be able to lighten the states, at least free the states from a whole function, because they're doing it for reasons of their own. And then the question becomes, how should that relate to Title 4 programs.

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

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

In Florida, the -- we've had a state -- a series of state boards that oversee licensure for a variety of different institutions, and I can speak -- if you don't mind, I'll just explain how it works in Florida. In 1970, they created the state Board of Independent Colleges and Universities, which
sole purpose was to eliminate a huge problem of diploma mills. South Florida was a centerpiece where people would just go out and sell diplomas, kind of Louisiana has been over the last few years, and Mississippi.

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

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

There is a second category which the independent colleges and universities remove themselves from that board, and they are -- they are kind of not licensed in a unique way. They are operating under the auspices of articulation in the Department of Education.
Then you have the state -- the board of governors for the state university system, and then you have the division of community colleges, which is loosely oversight of the community colleges where most of the oversight of the community colleges is done at the local boards.

So in Florida, just within the different sectors, we have a morass of regulatory oversight, depending on which bucket you fill in -- you fall into. However, it is -- has been, at least in my 30 years, 35 years there, very effective in that we have few, you know, real serious problems at any level. There is -- they follow very closely to the SAC standards, in terms of educational quality at a somewhat watered-down level, because of the variety of institutions.

But again, my experience has been, the problem has not been the lack of oversight but the lack of communication between accrediting commissions and the department, which is the triad. So the -- my interest would be to strengthen the communications between the three. And maybe set protocols or structures and how that communication becomes organized and placed in a
position where it's regular and consistent and, you know, where if a problem occurs in the state, the state calls the feds and the accreditors. If the problem occurs with an accreditor finding something, the other two are notified and operated. If the feds have a problem with a school and they go in with an IG, they notify the state and the accreditors.

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

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

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

MS. NEAL: We might want to examine some of the efforts that I understand are going on at the state level. And I know Texas has been attempting to set up
an alternative accreditation approach through the Texas higher education coordinating board that allows institutions to present their plans, what they envision they're going to offer in terms of outcomes, and a surety bond.

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

CHAIR STUDLEY: Susan?

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

And 8 is the consumer protection, desire to enhance the consumer protection function of states,
again not in a mandated way, but this one states, state
effort might usefully be directed to assuring the
adequacy of consumer information. So just to invite
coment on all three of those before we --

CHAIR STUDELEY: Frank.

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

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

MR. WU: So just a quick follow-up. It occurs
to me that those who are moving strongly toward on-line
would desire a consistency, and perhaps societally,
there is some benefit to consistency here rather than
inconsistency, since by definition on-line doesn't fall within any particular state. I think Art has spoken to this before, that it's just a morass. And that doesn't -- that doesn't help anyone or any particular cause.

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

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

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

On the other hand, there have been activities within the community to try to at least share information about what are the requirements in different states. This was started by a group called WCET, which is WIJE project and has been taken over by
the SHEO. So there is a database online at the SHEO web site that provides information on a state-by-state level about what the various requirements are.

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

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

The second is, of course, the on-line issue. And that -- you know, there is the court's stay, and then you have the house and in the senate, bills floating around that would take that, you know, and
change that to make it more palatable. Because it is
difficult for a school to get 50 state licensures, and
have 50 different disclosure rules and 50 different
catalogs and 50 different contracts. Not that many,
but it could be up to 50 so -- I don't want to
overstate.

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

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

MR. WU: May I ask a question for Kay? So is
this something that NACIQI should stay out of, because
there's enough already going on? Or should we wade
into it? What -- would it be useful for us to think about it?

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

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

CHAIR STUDLEY: Sally?

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

CHAIR STUDLEY: And while we are looking at -- and the core of our charge is recommendations related to the Higher Education Act. There are some observations here, or suggestions that are for coordination that are not necessarily statutory provisions. The, you know, model legislation, or
identifying a concern that is not best dealt with or has to be dealt with in part in the statute. And for which there are other complimentary changes.

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

I have Larry and then Frank again.

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

And now the thing that happened recently was that they lost their budget. Now they're totally gone. But it's -- and Frank you can probably speak to this
as well. It's not an issue. I don't -- I mean, it's not a part -- we don't have a triad, I guess is what it amounts to. And I don't -- I don't know how that enters into this.

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

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

So there's somebody who's supposed to be on watch, and they are staffing back up to carry out their responsibilities. But there are -- but there's a -- and they are identifying how to satisfy the state
authorization requirements under the federal law.

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

Frank, you wanted to speak?

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

CHAIR STUDLEY: You'll notice that Frank, just in the text, it's not in the language of the options, but right after -- right in the text that precedes 6, 7 and 8, there is a reference to cross-state borders and so forth that -- the HUC and the recognition of that
issue. But this conversation may increase.

Susan?

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

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

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

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

CHAIR STUDLEY: Art?

MR. KEISER: I have a thought. In our standards, under the last authorization, we were provided the requirement to evaluate on-line -- each of the accrediting commissions were to evaluate on-line education separately and get a separate recognition.

Why not that we recognize -- or recommend that the -- that we have even more structured standards? Because right now it is, you have a process to evaluate accreditors that review on-line. But flesh that out and, where it becomes the de facto -- because accreditation across the borders, it's not -- whether it be regional or national. But by really fleshing out the protections that the students need in on-line -- you know, in our standards and in our charge, that would, I think, potentially solve some of the problems. Because you're not going to force
Mississippi or Louisiana to build a strong state license board. They don't have enough schools in the state to pay for it. I mean, it becomes a challenge. Where in some states you have hundreds -- 800 schools in Florida and there's a revenue stream that allows the agencies to be effective.

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

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

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

MR. KEISER: Well, the statute, as I read it, is very broad and not specific to those issues. I mean, we could -- you know, it could be highlighted
that, if an accrediting agency wants to have that right
to recognize schools that offer on-line education, then
it -- there are much more specific -- there has to be
standardized consumer protection information provided
to the students, every student. For all the things
that folks believe should be appropriate to protecting
the on-line consumer, because that's what we're getting
at.

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

CHAIR STUDLEY: Melissa, Sally and Susan.

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

One of their functions that is written into
legislation is the -- congress gave them an advocacy
role, so that they can develop model legislation and advocate what their recommendations are to the states as well to the different lobbying groups, too. And I wanted to bring that to your attention to let you know what had -- what other agencies had done. And it may be something to consider in working with the states in developing better relations with them, if handled -- if the federal government were to promote this.

CHAIR STUDLEY: Interesting. Sally.

Thank you.

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

CHAIR STUDLEY: Okay. Susan?

DR. PHILLIPS: I'm mindful in the desire to
develop and apply some even process standards about on-line or distance education at this level. That that act could make the inconsistency across states worse for -- in yet another dimension.

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

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

I'm also -- just let me switch gears for a moment -- considering the challenges of thinking about how to address the two state-related issues. One being the inconsistency across states, and two being the activity that crosses state borders. A number of the options that are put on the table in the draft that we
had composed speak to the need for discussion and
clarification convening, and so forth.

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

MR. KEISER: So that would be number 5?

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

MS. GILCHER: I just wanted to remind you of
one more thing which is that we are required to engage
in negotiated rule making around any new regulations
that we could come forward. So if something is put in
the statute, we nonetheless do negotiate with the community around the actual regulations.

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

I see Art, and Frank, procedural question?

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

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

MR. WU: Right.

CHAIR STUDLEY: We think that from here forward, they are not all -- they are not alternatives, they are all options. People may see ways that they conflict, but we can say --
MR. WU: Four, five and eight?

CHAIR STUDLEY: Yeah, all of --

MR. WU: All right.

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

Arthur?

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

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

CHAIR STUDLEY: Okay. I'm sensing we're -- I see no objection to taking our straw poll on 4 and 5. So let's just indicate with a show of hands
whether -- the way we were phrasing it yesterday,
whether you are comfortable with our -- whether you
support the item, subject to developmental final
language and to greater learning as we go forward
through the rest of the document. Are you comfortable
with including option number 4 in our recommendations?
Show of hands, please?
I guess we were counting to get a sense, as we
write it, of a degree of support.

MOTION

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

MS. NEAL: I'm not voting.

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

MOTION

CHAIR STUDLEY: Ten. Ten as well.

MS. NEAL: Let me just explain why. I think
these are all very interesting issues, but at the end
of the day I think we have so many issues in front of
us, and there is a clear call for NACIQI to be looking
at federal accrediting issues. And I think rather than
taking up our time to advise the states what they need
to be doing, I think it would be better focused on
literally what is right before our nose. Which is why
I think expending effort on this is not in our best
bailiwick.

CHAIR STUDLEY: Thank you, I appreciate that
clarification.

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

Would anybody like to speak to option number
8?

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

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

So I think it's a good goal. I'm not sure that we are -- that we can say from the outset we don't think they do enough, because I'm not sure I know that. I think it may vary from state to state. Some may do a lot, some may do nothing. But I think it's a goal to have more of a clear -- of an understanding what they're doing, and perhaps of creating some minimum
level of consumer protection that we are -- that the federal government expects them to be doing, such that that might not be a focus, if that's in their review process.

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

CHAIR STUDLEY:  Arthur?

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

MS. NEAL:  And I think in that context, I mean, I raised the issue of Texas, perhaps we should take a lesson that the states are feeling they need to move around our process to expedite other delivery methods. That's a message to me that the system that we have here is cumbersome and is getting in the way of a richer varied landscape.
And I think what we don't want accreditation to do is to -- because of its privileging the bricks and mortar in the old-fashioned way, to get in the way of new ways of thinking about higher education, which may provide opportunities for students that the old bricks and mortar would not do. And I think there's ample evidence that we sometimes discourage these new methods.

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

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

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

    And so I do it partly so that I'm not tempted to ask them to do more because there's a vacuum at the state level. So it is trying to look out for accreditation being able to do what it does best, but I don't want to leave the -- that complaint handling or more systematic consumer protection homeless or stateless, if you will. So for me, they are connected up, even though it takes me to a place that doesn't have the accreditors doing, but it has the service of sensible accreditation.
Are folks ready to vote on 8 or are there additional --

DR. FRENCH: I have --

CHAIR STUDLEY: Sorry, George, go ahead.

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

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

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

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

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

DR. PHILLIPS: Yeah.

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

CHAIR STUDLEY: No problem. In that case,
let's do our straw vote related to number 8. And remember, you know, what you're saying will be captured in the writing that you see going forward, and you'll have a chance to see whether that gets issues like, you know, are we directing or encouraging or why we are involved in this.

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

MOTION

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

Susan, you want to take us into another group?

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

There are three items in this cluster, all of them addressing the questions of cost that were raised in our discussions. The first one is simply a
statement requesting the undertaking of a comprehensive study of the cost of the accreditation process.

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

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

CHAIR STUDLEY: Discussion?

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

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

DR. PHILLIPS: Sixteen, seventeen and eighteen.

CHAIR STUDLEY: Sixteen, seventeen and eighteen together.

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

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

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

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

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

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

MR. KEISER: I totally agree. I mean, I can you tell you specifically what it costs for us to maintain accreditation and protect the government through Title 4. I have 300 FTEs who do nothing but process financial aid when it used to be that I got paid for that because it was considered that we were delivering aid to students because it's their money. Now we're responsible for everything that the student does. It's a very complicated, very complex system that, from an accrediting standpoint, I have a whole department that deals with accreditation. I have a whole department that deals with assessment. And you
know, most of those things are outside of delivering education to my students.

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

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

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

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

CHAIR STUDLEY: Arthur.

VICE CHAIR ROTHKOPF: Yeah, I'm sort of torn
about these, because I think it's also related to later items that are coming up, such as outcome data number 21, further data that we do need and I happen to believe is necessary. I think it's okay to study costs as such, but I do think that the -- if we're going to continue with the current system of not -- we've already -- I think the majority of this committee wants to stick with the current accreditation system, we're not going to delink. If there were delinking, then you could have a really dramatic reduction in costs.

But on the assumption that's not going to happen, then I think the accrediting bodies are going to be given even more to do, in my judgment. I think they ought to be into consumer protection, they ought to be protecting the students. And we ought to know far more information and have far more data, which is not now collected. I think we can do a better job and look at, is there some data being collected which shouldn't be, which is useless? I think that's fine. But I think we ought to be smarter about what we're doing, but the costs are not going to go down. And the other related question is, how do the
accrediting bodies go at the institutions that they are accreditating, and it goes to the issue of sort of analyzing the risk in particular institutions. Points that have been made by various of our witnesses over time, that institutions that are relatively risk-free, or low-risk, are put to the same tests as the others that are not. And I think that really kind of goes into this question as well.

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

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

Establishing what the baseline is would be extremely, not only difficult but divisive. And the same kind of incredibly challenging, I think, to no end. I can't believe that any quality institution would do zero of the things that they do, quote, for
accreditation if they did not have to do them for accreditation purposes.

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

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

A comment about the costs of accreditation, also a great deal of it is done voluntarily, beyond the first accreditation that's done for Title 4 purposes. Much of what people are referring to is specialized or
additional accreditation that they engage in because they -- for a combination of reasons, including they find it helpful, to have the specialized accreditor's perspective or it's valuable for public understanding and marketing to have the imprimatur of specialized or programmatic accreditor in addition to the Title 4 accreditation.

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

Susan?

DR. PHILLIPS: Just to comment from an institutional perspective, and I believe this was Princeton's point also. It is the cost of the decennial review, is above and beyond what is done regularly for quality assurance. So it's not -- that $1 million figure does not include the routine work of program review improvement, whatever assessments done, site visits that are done to keep that going on a
regular basis. This is above and beyond, so it is the fact of documenting it for accreditation purposes that is the expensive part.

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

I think that would be valuable because we are trying to inform Congress, as they look at the higher education act. I do not think they have the slightest idea about the cost of this process, and I think that would help them think about what kinds of changes need to be made. So I would -- I will vote for having more data rather than anecdotes so that we can inform this discussion at a time when there's considerable concern about the rising cost of higher education.
DR. PHILLIPS: Just one other point of clarification. The -- probably the largest scope of recommendation on the cost issue is the one in 18, which is about all of the data that is -- that are asked for. Terry Hartle of ACE did a study at one point on the number of data points that are requested, that are required to be made available for an institution. I don't have the quote on it, but it was stunning how many different data points, different reporting intervals, different aspects of data are needed across the various places in which we, as a federal government, collect data. Whether it be financial aid, accreditation, recognition, consumer protection, I can think of all the reports I have to do.

It may be useful to consider that larger set, bringing to our awareness the larger set of data that is considered of which accreditation or recognition related to data is one component. Because it -- I believe the institutions would be -- while they are concerned particularly about accreditation, they're also concerned about the volume of data that they have
A colleague of mine at, I think it was North Texas, did a study of one of the Texas systems, and estimated the amount of data that was required to be collected and report through the various entities, not just accreditation but all over, over the course of a year. And determined that the amount of money that it would take would, in effect, allow the establishment of an entire other university. Again, anecdotal, but striking how much data is requested.

DR. FRENCH: Madam Chair?

CHAIR STUDLEY: Cam and then George.

DR. FRENCH: Thank you.

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

And I think what -- where we've been talking
about giving some flexibility to accreditors, and that's in our discussion later, to look differently at different types of institutions, we're not doing the same in our process. We're still in the weeds with every single accreditor. We don't necessarily encourage the staff to come and give us a general statement. How well do you think the -- this accreditor is doing and how are they doing on the big things, how are they doing on the little things? They're forced into this fairly microanalysis, which is really a checklist of whether they've got an -- within that checklist there are substantive things. But I think it's worth us considering whether our process is really getting at the larger questions. Whether this -- whether the federal requirements are so specific and picayune in their nature that we're losing the big picture. That we have very good agencies that might come before us and all they talk about is whether they have filed the right paperwork, not whether they're doing a great job. We have bad agencies who are still talking about the picayune things and why they are not,
you know, doing what they need to do.

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

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

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

I have George and Larry. Anyone else?
DR. FRENCH: Looking at number 16 again, I don't know what the value would be. I'm in favor of lowering the cost of higher education. I don't know what the value would be in the study, the cost of the accreditation process. I think the cost benefit analysis must be done, because quite frankly, being on the ground and going on reviews, you're correct. There are institutions that would not be doing assessment were it not for the accreditation process. There are organizations that would do it anyway.

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

So I find myself wondering, even if we come out with the result that the accreditation process is very costly, the question is what do we do with it then? Does the federal government supplement, does the
state supplement? What do we do with the information once we have it? I think we're going to find out it's very costly. But for institutions that are very marginal, it's costly, but I think the benefits would outweigh the costs.

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

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

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

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

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

DR. VANDERHOEF: Does it have to be some -- does it have to be stated differently than it is right now? I don't think -- the complaint is about the costs, but I don't think that Princeton is saying
we don't want to do an accreditation. What they're saying is -- and we don't want -- and I don't think they're saying, and Stanford and all of these other institutions that have done these costs. I think what they're saying is, we're having to direct money in ways that we don't think are appropriate or helpful to us.

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

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

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

CHAIR STUDLEY: Susan?

DR. PHILLIPS: If I were to capture the bulk of this discussion, I might do it by saying that you
could -- you could -- and I don't want to invite words on this, but if we could focus on the reduction of the costs, not necessarily on the study of them, that might capture the sentiment of the group better.

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

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

So there are other costs, other than just
performing a self-study or the direct costs that are to that. And some of which are not necessary and some which are, but it's still expensive to conform and to follow the pattern as the academy suggests.

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

(No response.)

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

MOTION

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

Number 17?

MOTION

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

And number 18?

MOTION

CHAIR STUDLEY: One, two, three, four, five -- just a minute. One, two, three, four, five, six, seven, eight, nine, ten, eleven. Okay.
Susan, the next group.

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

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

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

CHAIR STUDLEY: That's fine, if the group is
comfortable. Do you have comments on item number 6, the state role on quality assurance?

(No response.)

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

(No response.)

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

MOTION

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

Okay, 10 of 11.

Moving right along.

DR. PHILLIPS: Okay, moving right along. The next set of items is -- concerns the role and scope of creditors. This is item 9, 13, 14 and 15. Nine begins on page 6 of your purple handout. For those of you looking on with the original, it starts on page 7.
In these there are concerns about the risks that accreditors are -- have to take on in their decision making action. The first one, number 9, addresses the question of whether it might be advisable to assign the more risky litigation prone elements of the gatekeeping function to another quarter, or to provide resources or indemnification to the accreditors to reduce the legal risk and burden.

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

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

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

Thirteen is risk assessment -- thank you, Arthur.

Authorize a review process with -- that would allow notions of risk assessment so that there are more varied levels and durations of review, such that greater review effort is addressed to those accreditors and institutions that present greater potential cause for concern. This is one that applies to both recognition action and accreditation action.

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

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

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

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

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

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

So I don't agree with the first one.

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

So those are my three.

CHAIR STUDLEY: Arthur Rothkopf.

VICE CHAIR ROTHKOPF: Yeah, I would strongly support all three, 13, 14 and 15. I think it's, one, a matter of judgment. We are authorizing these
accrediting bodies, giving them a tremendous sense -- tremendous responsibilities here, and authority. And I think they need to be able to decide how to best use the authority they have with the resources that they do have. And risk assessment is a part of everything people do, whether in the for-profit or non-profit world generally. And I think I would support the idea that these accrediting bodies could make some of those judgments.

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

CHAIR STUDLEY: George?

DR. FRENCH: I would concur with Art Keiser.
I think to have a uniform system protects against discrimination, point blank. I think that this opens the door for discriminatory practices by accreditors, and it keeps the door closed if it's a uniform system across the board.

CHAIR STUDLEY: Anne.

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

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

So with that caveat, I would be interested in exploring all three of these, particularly the flexibility approach and the more -- the expedited, which I would hope would show that a simplified
reporting process might work just as well as the more elaborate one, and potentially lead to a realization that delinking might make sense.

(Laughter.)

CHAIR STUDLEY: Very good, Anne.

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

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

Is this turned up? Oh.

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

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

Frank, and then Cam.

MR. WU: I just want to follow up on what
Susan said. This entire process is about distinguishing between schools. So it's inherent that we will say that some meet a test and others don't meet a test. And when agencies come before us it's about distinguishing as well. So we shouldn't hesitate to draw lines. Not everyone is going to pass.

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

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

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

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

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

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

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

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

VICE CHAIR ROTHKOPF: If I can comment on that?
CHAIR STUDLEY: Kay -- just a minute. Kay wanted to say something and then Arthur and then I'll slip in.

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

CHAIR STUDLEY: Art?

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

And you can lay out those tests, whether it's default rates, whether it's outcomes of various kinds of data completion rates. If someone is falling into a particular category, regardless of the type, and it
could be a large institution, it could be a small institution, it seems to me that you're using the accrediting body, or saying is, was using its resources in a smart way rather than saying, oh, everyone, we've got to spend the same amount of time on every single institution regardless of what the data shows.

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

MR. ZARAGOZA: Madam Chair, could I --

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

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

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

CHAIR STUDLEY: And I would just like
to -- Federico, did you want to speak first?

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

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

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

I want to build on what Cam and Arthur
Rothkopf said about just reinforcing that everybody
needs to meet the same standard, whatever standards the
accreditor has set. We're not talking about different
standards, we're talking about individualized
institutional notion of what it takes for the
accreditor to be sure that that institution has met
that standard in an acceptable way.
In trying to think about how to -- how I was understanding it, I was thinking about my conversations with my dental hygienist. If you posited there is a standard of dental and oral -- gum health, I go back more often for teeth cleanings that some other people do. But she's using the same standard of what health looks like in that setting. And some people come in more often to be sure that they're able to maintain it than other people need to. 

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

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

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

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

So if a risk assessment is treated in a non-discriminatory way, I could accept that.
CHAIR STUDLEY: Other comments?

(No response.)

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

MS. NEAL: I'm not sure I understand 15. Let's just ask, that might be a question of the delinking that we've been talking about. Because we've been talking about a baseline standard that everybody needs to meet for Title 4 purposes. And then we've been talking about different levels of qualifications. Some are doing spectacularly, some are doing less well. Some are doing great. Gold star, silver star.

It seems to me those are things that, as we saw in the lead process that was brought to us, are very much self-improvement and are separate and apart from the issue of who is eligible for Title 4 funds. And so again, this gets back to my belief that the delinking allows that kind of special gradations, where institutions can show how they are doing. Whereas the
first cut is essentially do you meet the baseline standards that we've established for financial stability, quality, so that you are entitled to federal 4 funds. And I do see that those are two distinct practices that the delinking makes clearer.

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

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

   Title 4 needs would have been met as soon as they said, you're over the threshold, and beyond that. It's like the pure conversation that we have as part of a site visit, which is, okay, we believe you will pass, but now let us share what we think about what we've -- what we have seen about the organization, because we have spent three days and want to give you the benefit of our thinking, whatever you want to do with that. But it is above and beyond the pass threshold.

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

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

   CHAIR STUDLEY: Thank you. Frank?

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

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

CHAIR STUDLEY: Any other comments?

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

But I don't know that there's anything we can do to stop it.

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

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

EXECUTIVE DIRECTOR LEWIS: I'd like to --

CHAIR STUDLEY: Sure.

EXECUTIVE DIRECTOR LEWIS: Speaking about another federal agency, the Office of Federal -- it's Office Management and Budget in the federal enterprise architecture program. They evaluation all the major agencies across government on their enterprise architecture programs. And they do it in a way where they highlight the best practices of different agencies, the different areas. And they share that information. None of the negative information, but
they share the positive information so that the community as a whole rises up.

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

CHAIR STUDLEY: Art?

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

CHAIR STUDLEY: Any other comments?
(No response.)

CHAIR STUDLEY: Let's do 13, 14 and 15 then.

All in favor of a provision along the lines of 13 with additional, you know, reflections captured here? Show of hands?

MOTION

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

Fourteen, flexibility and expedition? All in favor?

MOTION

CHAIR STUDLEY: Eleven. Thank you.

And 15, gradation options?

MOTION

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

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

VICE CHAIR ROTHKOPF: How many witnesses do we have?
CHAIR STUDLEY: We have one witness, and I'm pausing because the witness's interest is in number 10, but number 10 is related to number 9, and I just wonder whether there would be value in hearing it before 9. Which are two sides -- flip sides of a similar coin.

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

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

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

MR. KEISER: This is an important issue, especially in the world today where litigation is very common on when you have bad outcomes in any kind of
When I served on the accrediting commission, I served as chairman for two years. It was a constant concern. On the one hand, there's a positive side to it in that it keeps the accreditors very cautious and they follow the procedures, hopefully in a very tight and appropriate way that would protect them if there is litigation.

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

So is it -- and when you talk about other resources, were you thinking along the lines of maybe even required arbitration? I mean, is there -- are there other ways of doing this where a binding
arbitration, which is a whole lot less expensive and establishing some kind of recognized arbitrator in this area who would intervene and give the protections to the accrediting institutions? I don’t know the answers, but I do believe there needs to be some protection.

Because we’re asking these agencies to make judgments to protect the public. But if they make those judgments, they can risk their agencies’ financial health.

CHAIR STUDLEY: Let me just answer the specific question that you asked. Binding arbitration was not described here. It might be a method to reduce the risk of -- or scope of litigation. The notion about another process was at least asking the question whether there might be, once a certain point in the process was reached, and an accreditor said this is an especially thorny case, or one that we think should be handled a different way because of these dangers. Is there -- and to avoid -- and to get it out of the peer -- the sense that about whether peers can make that final determination.
But the notion of arbitration would be a little bit different. But I appreciate your comments on this.

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

Arthur?

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

And I don't know whether individual associations, whether they be regional or national or otherwise, have or can get insurance. I don't know, and I don't know that you'd be a lot better off setting up another entity because you have the same problem.

I'm not sure what insurance or reinsurance company wants to take this issue on.

The one thing, I mean, I'd be absolutely
against, if they want to go out and set up a
reinsurance pool, that's their business. Or they want
to go to arbitration, but you've got to get the other
party to agree to the arbitration. No one's going to
give up their rights to go to court and the plaintiff,
or school who gets deaccredited is going to want to go
to court rather than through arbitration.

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

So I'm very opposed to this one.

CHAIR STUDLEY: Frank and Cam.

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

MS. WANNER: There's no official defense of
that nature. There is something in the statute right now which requires there to be an option to go to arbitration first, but it's not a binding arbitration, and the school can waive it.

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

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

MR. STAPLES: Yeah, I was just going to say
I'm not aware that this is a big issue or concern. I've never heard this raised by any accreditor. I think the indemnification should come from this group. And in fact, I think yesterday we heard that there were over 950 or so negative actions taken in 2009. So I'm not sure that this -- that the fear of litigation is limiting actions people are taking. But with that said, I think that something like encouraging alternative dispute resolution is not a bad way to go, or maybe limiting, you know, in some respect. But I'm not sure this is a real issue.

CHAIR STUDLEY: Susan?

DR. PHILLIPS: The voice that spoke to this issue would be I think found in CHEA's letter on behalf of a number of the accrediting organizations in which they did think that it would be appropriate. Maybe appropriate and desirable that accrediting organizations be indemnified to reduce legal risks and burdens assumed by making accreditation decisions. I don't know that the absence of that has altered their decision making actions so far, but it -- I do hear it as a concern.
CHAIR STUDLEY: You know here that there were three positive comments in this direction? I know we don't have full text word search to locate them, but there was some suggestion in the testimony and the responses that some other accreditors did see it as an issue.

Anyone else? Sally?

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

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

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

MR. KEISER: That's the first I've heard of that.
CHAIR STUDLEY: Any other comments on item 9?

(No response.)

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

MOTION


Seven votes in favor.

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

(A short break was taken.)

PUBLIC COMMENTERS' ORAL PRESENTATIONS

ON-SITE REQUESTERS

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

MR. YODER: Thank you Madam Chair and Committee members for the opportunity to address you.
My name is Douglas Yoder. I'm on the faculty of a certain university. I was a Rhodes Scholar finalist and attended Oxford University on a Marshall Scholarship where I studied philosophy, politics and economics. Other faculty members have financed my trip here to speak to you and support what I have to say.

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

Michael Berube is the Paterno Family Professor of literature at Penn State. In the New York Times he said that Penn State has been an emphatically top-down university. Decisions, even about academic programs, are made by the central administration and faculty members are, quote, consulted, end quote, afterwards. What Berube does not spell out, but what I can tell you from my own unfortunate experience elsewhere is that an administrative culture that does not report the sexual abuse of a minor will tolerate or promote the procedural abuse of university faculty.
Faculty due process rights are not adequately protected by accreditors at the moment. I know of a case in which a faculty member with stratospheric student learning outcomes was falsely accused and terminated without the allegations against her even being disclosed in a process that ground on for an academic year before reaching its unfair conclusion. When the university's accreditor became aware of these well documented facts, which neither the university nor the accreditor disputes, it whitewashed the university. I am familiar with this documentation because I wrote it. This matter is similar to the circumstances that led last April to the suicide of a faculty member at Princeton University.

To say that faculty have recourse to the law here may not be true. The law asks only, did the university follow the procedures in its faculty handbook? The law does not ask, does the faculty handbook, which can be gamed by clever administration, adequately protect faculty rights. The law does not step in here, and accreditors are currently not required to say universities, you need to fairly
implement policies such that faculty members are presumed innocent until proven guilty of complaints brought against them, or we will sanction you. The results are tragic.

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

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

And as to the case I mentioned, I do hope that the NACIQI will consider it appropriate to be approached by a faculty member who has evidence to show that her university's accreditor is not calling her
university to account in fundamental matters of academic and institutional integrity.

Thank you.

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

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

(No response.)

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

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

Anne?

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

CHAIR STUDLEY: Would you come back, please?

Thank you.

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

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

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

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

Academic due process is sort of assumed as
something that, well, you need to have this in your student handbooks, but it doesn't actually say that faculty needs to actually -- it's meant to be -- historically, it's meant to be modeled on judicial due process. But there are no stipulations actually spelling out what that means. There's no presumption of innocence, there is no -- you know, there's no requirement that you have disclosure of allegations brought against you. There is no stipulation anywhere that somebody who is bringing charges needs to prove those charges. And there's no stipulation that administrators are responsible for making that happen.

And so if you have a peer review or any kind of accreditation process in which these central factors are ignored, you actually allow a sort of at-will employment environment to be induced into a university setting in which, what is stated as academic due process actually, in practice, just looks like administrative's firing whoever they want to, whenever they want to on whatever grounds they want to, which is really detrimental to the students. Because you know,
the kinds of faculty that will be hired in place of sort of passionate and creative faculty are often those who will appease administrators, and those are not often the best teachers.

CHAIR STUDLEY: Thank you.

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

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

The best estimate that Susan and I are able to make at this time is that we are likely to break at roughly 1:30, with the emphasis on the "roughly." And
with that -- Melissa, do you want -- yes. Yes.

Melissa, do you have -- want to say anything more about that?

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

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

(Laughter.)

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

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

POLICY DISCUSSION AND RECOMMENDATIONS (Continued)

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

A quick recap of those items, 19 concerns sharing of data between federal and accreditor entities. And this one states wherever possible and of value shared data provided to and analysis conducted by
the federal government, for instance regarding institutional financial responsibility to assist accreditors in reviews and risk assessment.

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

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

And third, that additional data would be provided as needed by accreditors appropriate to their philosophy and specialty, and that accreditors can and should consider what additional data they need. However, should do that with an assessment of the burdens of that data and sufficient lead time for the
data to be collected. That's in total number, item 20. Twenty-one refers to concerns about outcome data needed, suggesting that a dataset with common definitions might be beneficial to include data such as -- on outcomes such as completion and graduation, licensure where appropriate, job placement and other indices of career progress. Again, a provision in this is a notation that the consideration does not include specification of student learning outcome measures, nor of uniform thresholds.

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

And finally, 23 is a call for auditing of data elements recognizing that reliability of data is so central to eligibility and consumer decisions that some data elements may need to be independently audited
under specified circumstances.

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

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

CHAIR STUDLEY: I invite comments from the committee.

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

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

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

DR. PHILLIPS: Correct.

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

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

And to elaborate on that --

CHAIR STUDLEY: While you've got the floor.

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

So I just don't want us to pile on too many things on these accreditors if we are actually trying
to get at the quality issue.

CHAIR STUDLEY: Arthur?

VICE CHAIR ROTHKOPF: Yeah, I just have clarifying -- a question to clarify. If you look down from number 23 to some of the next items, like for example number 25, relates to developing a complete graduation data gathered through a unit record system. That really goes back, I mean it's kind of -- I would think it's sort of part and parcel of 20 (1), which is developing a set of consistent definitions in metrics. I mean, it seems to me it's -- I mean, maybe it's a separate piece, but it's all related to figuring out what the completion is of -- and graduation rates are of students.

Right now we talk about it, but we actually don't know what those rates are because of the way in which IPEDs are collected, and there's some state data, et cetera, et cetera. But it seems to me that at some point, I mean, there being -- I mean, we can consider it separately, but it seems to me that it's related -- well, it's related, as are some other data items in 24, 25 and 26.
CHAIR STUDLEY: Other comment in this whole data arena?

Art Keiser's smiling.

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

(No response.)

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

MOTION

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

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

MOTION

CHAIR STUDLEY: Ten.

Twenty-one? Hands for 21?

MOTION

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

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

This is -- we're on 22, did you want to --
MR. KEISER: Yeah, I think this kind of smacks of the spree. And that's much more complicated than just setting a threshold, because I could tell you my story about the spree, which is long and it's not worth telling you. But it -- you will have a very hard time setting thresholds that are appropriate for the various sectors within our higher education community.

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

MR. KEISER: That is correct.

CHAIR STUDLEY: Any other comment on 22?

(No response.)

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

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

MOTION

CHAIR STUDLEY: One, two, three.

Number 23, audit data elements. Oh, it's auditing of data elements. There was no direct discussion of this item. I just want to be sure that
people, in looking at the requirements for defining data, actually -- if they wanted to speak to this.

Art?

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

CHAIR STUDLEY: Art Rothkopf and then Anne.

VICE CHAIR ROTHKOPF: Yeah, I have a question. Are we talking about the data that's submitted to the government or the data that's submitted to the accrediting body? Well, to the government, I mean you've got Title 18 USC 1001, I mean, you're on a penalty of perjury. They'll put you in jail if you give the wrong -- I don't so much worry about that as I
do the data that's given to accrediting bodies and other non-governmental agencies, where there is no such compulsion. I mean, I can't believe that if you're submitting to the federal government and the CFO is doing it under penalty of perjury, that that's not good enough.

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

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

CHAIR STUDLEY: Anne?

MS. NEAL: Looking at this, I think accuracy of data is very important. But I guess what I would hope we would do, in the interest of cost, is develop some sort of self-certification mechanism, so that an
institution would self-certify that it's providing accurate data.

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

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

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

MS. NEAL: The question that Arthur was asking, presumably when you give your IEPDs data or
when you give any data, presumably you're doing it on the premise that it's accurate, and that there can be consequences. But if there's some question, I guess what I would ask is, much like we do with the SEC.

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

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

And that -- and this was -- my recollection was that it was a suggestion from you that auditing might make the numbers reliable enough that they could be used both by auditors and that the -- if the public
was relying on them, which is an important consumer

element for you, that they would have some ability

through our recognized third party models to be able to

say, they didn't just make up these graduation rates or

whatever numbers they're using.

So I was about to say, I think I agree with

you about the underlying requirement, but now I

just -- I want to understand better.

MS. NEAL: Yeah, an audited financial

statement is something that I thought, under a

simplified process, made a lot of sense, as well as a

self-certification statement with an external auditor

attesting to the accuracy. But that did not

contemplate new review panels within the accrediting

bodies to do that.

CHAIR STUDLEY: Right. I think whatever

you're hearing from other testimony is a related issue,

but it's not part of number 23. That I -- let's see if

Susan agrees, that this one was meant to capture your

suggestion that external audit validation might make it

easier for multiple players to use it. Whether it was

the agency itself or the public.
Frank, you had a comment?

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

CHAIR STUDLEY: Yes.

MR. WU: Okay, great.

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

So are there any more comments on number 23?

(No response.)

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

MOTION

CHAIR STUDLEY: Larry, is that a -- nine, ten, thank you. Okay. That was ten of eleven.
DR. PHILLIPS: And the last one in this cluster, the second up cluster, is item number 30, NACIQI gradations. Just as we have spoken about the gradations available to the accrediting agency, this one suggests that greater nuance or gradation in accreditation determination might also apply or recognition determination to NACIQI's actions.

Are there comments on this item? Art?

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

CHAIR STUDLEY: Cam?

MR. STAPLES: Thank you. And I would also add in that we might also be looking at the gradations for the department. Because if -- for example, if we want the ability to grant recognition with a report that will come later, within a year, on how they crossed the
T's and dotted the I's, that may be something we want to recommend. But the department may not be able to -- they may not be available to them under the regulations.

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

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

I just want to see if people are comfortable with that, because I think it may have evolved a little.
DR. PHILLIPS: I think with this, as with many options, there's -- any one of these can merit from a great deal of discussion and conversation across the enterprise. So whether it means -- this one means options up and down, I think remains to be discussed as we -- as this entire process goes forward.

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

(No response.)

CHAIR STUDLEY: Seeing none, are you prepared to include an item of this sort in the draft document?

Please indicate by raising your hands?

MOTION

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

Susan?

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

These items that were in the next cluster tend
to be more circumscribed, not necessarily less controversial but more circumscribed. So if we take up the first set, the role and scope of accreditors, options to consider 10, 11 and 12. And you'll find those in the original document beginning on page 7, and in your purple document beginning on page 6.

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

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

And item number 12, accreditor choice concerns the possibility of institutions being afforded the
opportunity to choose among accreditors.

CHAIR STUDLEY: Comments? Federico?

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

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

MR. ZARAGOZA: I am in support, yes.

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

MR. ZARAGOZA: That's okay, yes.

CHAIR STUDLEY: Okay.

Other comments? These obviously have -- Cam?

MR. STAPLES: I don't remember the discussion on this item, so I'm just trying to recall. When we
say that accreditors will be responsible for the performance, do you mean performance of the institutions, like how well they do, accreditors would be expected to be responsible for making them successful educational performers? I'm just not sure I understand what that really means.

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

MR. STAPLES: Right.

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

And the second is to consider mechanisms to make them accountable in some way for that performance. It's two very kinds of expectations. One is to report and one is to be responsible for.

MR. STAPLES: Unless I -- they assess performance right now, but I'm not aware of them actually advocating for particular types of initiatives
that institutions would undertake to advance
performance. I'm not sure I understand, this

is -- creditors usually assess how people are doing. I
don't know how -- what we were measuring. We were
measuring how well they're doing at the assessment? Or
how well they're doing at ensuring that institutions
are successful?

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

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

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

MR. STAPLES: Okay.
DR. PHILLIPS: -- and using the accreditor as the avenue.

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

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

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

So it would be an effort to align our review of accreditors with their review of institutions on what are you trying to do and are you accomplishing it? And those measures might be determined by each accreditor. It might be determined by us. But it seemed like something we could include in our consideration of accrediting agencies that would then allow us to say, well, your methods are, you know, within the bounds, but they're a little different.

But you're doing it in a certain way, but you are achieving the goals of the credibility of the system, and they seem, if you believe that the measures
that they choose tell us something about quality and institutional effectiveness. And avoidance of problems of substandard performance, that it would be valuable information for us to have. And more concrete.

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

Susan?

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

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

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

CHAIR STUDLEY: Art?

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

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

I mean, community colleges have a whole different mission than elite private independent
institutions. And while they have a completely
performance parameter -- and that's the concern I have.
I mean, it sounds good to have it, but I'm not sure it
will get to what we want. And I mean, you know, it's
like in, you know, the Harkin letter just refers to all
for-profit institutions. Well, there are huge
difference between a cosmetology school and a level 6
accredited institution. So I mean -- a doctor level
institution.

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

CHAIR STUDLEY: Other comment? Anne?

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

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

MR. KEISER: Well, I'm not sure we're
discussing Title 4 standards. We're talking about
reporting -- if I get it correctly, that the
accrediting institutions will report their performance
data of their institutions, their whole universe of institutions. And I mean, it could be done individually, but again I'm just saying, it becomes potentially problematic. And when there are such diverse number of the types of missions of institutions, which I think we -- is one of the great hallmarks of our higher education system. They don't -- all of our institutions don't look alike.

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

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

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

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

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

Who else would like to speak to that set of things? Art Rothkopf?
VICE CHAIR ROTHKOPF:  Yeah, I'd like to address number 11.  I understand the historical basis of having at least in the regionals all kinds of institutions.  But if you really want a sophisticated and thoughtful analysis of the performance of these various kinds of institutions, it really is not based upon whether they're located in -- both institutions are in, say, Arizona or both institutions are in Florida.

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

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

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

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

So the -- with respect for the separation of those -- of the federal act and the private entity act, I do recall -- I recall the Leland of Sachs saying at one of our first hearings, we're this way because nobody ever asked us to be different. We just grew this way. And I guess what I would say in the spirit of this is, this is a good time to think about whether this is the right structure. Whether or not that comes
as a -- with a federal push behind it is another matter. But inviting that conversation or commenting that the living room furniture looks a little way this way might be a way to proceed.

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

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

Sally?

MS. WANNER: What encourages it, as far as regionals, is that there's a specific place in the statute where we can recognize an agency as a regional,
based on their accrediting activities in a region. So if that provision was removed, everybody's region would presumably be national. But there's nothing that would stop an accrediting agency from telling schools, I'm only going to accredit schools in, you know, these ten states.

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

MS. WANNER: Yes.

CHAIR STUDLEY: Okay, it could.

MS. WANNER: They could.

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

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

MR. KEISER: That also may be a challenge to the anti-trust provisions, when you're dividing up the
CHAIR STUDLEY: Excuse me.

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

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

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

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

MS. GILCHER: You mean like our saying, I'm
sor
y, you requested regional but we're going to give
you national?

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

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

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

MS. WANNER: I think maybe there was some
misunderstanding of that. I think what the staff meant
is that the accrediting agency was saying, you're
wanting us to establish that you accredit outside your
region. And yet because you won't approve us, we can't
do that. And that was a false statement because an
accrediting agency can accredit wherever they want. We
decide on the geographic scope. So they could have
gone outside their region and developed evidence of
accrediting activities and put it before the staff.
And the staff could have looked at it and said, yeah,
that establishes that they have a nationwide presence
or, no, it doesn't.

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

CHAIR STUDLEY: As long as we're on this
point, although it's a little less directed about the
option, is it also the case that an accreditor could
narrow its scope, for example to certain kinds of
institutions within the group that it has been
accrediting? If it said, I want to be specialized to
handle only the career programs or the collegiate and
graduate programs in my region? A slice that was
acceptable to us, but that they could peel off some
approval if they said this was not our best mission?
WANNER: That has happened but in very narrow circumstances. There is nothing to prevent an agency from doing that. In general, they haven't wanted to do that. But the situation where they wanted to do it is some of the professional accrediting agencies that decide that the entry level for their profession should really be at a graduate level instead of at a bachelors. And then they delete the undergraduate from their scope.

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

(No response.)

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

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

MOTION

CHAIR STUDLEY: Ten.

And item 12?
MOTION

CHAIR STUDLEY: Seven.

EXECUTIVE DIRECTOR LEWIS: Eight. I count eight.

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

MS. NEAL: Which one are we doing?

CHAIR STUDLEY: Twelve, this is choice. One, two, three, four, five, six, seven, eight. Several people do not have their hands up. Eight out of eleven.

Let's come back to item 10.

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

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

Let's go back to number 10, accreditor responsible for institutional performance. Are there any comments on that item? I think Art Keiser was the last one who spoke to the merits on that issue.
VICE CHAIR ROTHKOPF: I guess my only comment would be that I'm not sure enough as to what it means to be able to vote for it. I'm just -- I think it's too ambiguous for me.

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

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

It does seem to me that it would be useful to
have an overall understanding in this way about the
universe that an accreditor is putting out there in the
field, and making eligible for Title 4. And that the
reports, the information that we got could be very
different for different accreditors along exactly the
lines that Art was describing.

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

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

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

   Are there any other comments on this item?

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

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

   Any other comment or reaction on number 10?

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

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

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

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

CHAIR STUDLEY: Other comment?

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

So if somebody can convince the staff and us that they are moving through the steps, we don't actually know whether they are the pathway for a
disproportional number of not just questionable, failing institutions. The institutions subject to the most severe penalties the department has for people who should not be in Title 4. And that seems like a disconnect.

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

Art?

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

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

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

Are there any other comments on number 10?

(No response.)

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

MOTION

CHAIR STUDLEY: Six.

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

MOTION

CHAIR STUDLEY: Okay. Six of eleven and one of eleven. Thank you.
I am told that, at just the perfect moment, that the lunch that the committee members have ordered is available for us to pick up. We'll take a ten-minute break and reconvene to complete the remainder of this list.

Thank you very much.

(A short break was taken.)

CHAIR STUDLEY: Susan?

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

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

Twenty-five concerns a unit record system, completion, especially graduation data could be collected through a privacy protected national unit records system.
And 26, the federal -- a federal mandate for data definitions. This one refers to definitions articulated here in the discussion above, could be mandated for federally-approved accrediting agencies and encouraged for state agencies.

Those are the three data items up at this point.

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

Arthur?

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

Number 25 I think is a particularly important one because, if you're going to get graduation data, as is -- as we've already generally I think voted to do up in number 20, or 21, right now we don't have the ability to get accurate graduation data. I, as I think we've heard on numerous occasions, IPEDs don't produce it, the state systems are incomplete. And so we really
don't know graduation rates because of transfers, et cetera, in the way in which the data is now conducted or gathered together.

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

I might say I believe a -- I don't know whether it was an advisory committee or commission that was looking at community colleges and I think under the auspices of the Department of Education recently recommended that this be done. This was, I don't know, maybe one of the -- Kay or Sally may know better as to what the name of that group was. But there was a recommendation once again for a unit records system by this community college group. That recommendation came out within the last month. So I think that's a particularly good idea.
The federal mandate -- I just have to read 26.

CHAIR STUDLEY: Anne?

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

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

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

And then on 26, I think having a clear data definitions is philosophically a great idea. But of
course, it just depends on what the definition is. So I guess that's the -- that would be my concern, something that we raised in the past.

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

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

DR. PHILLIPS: As a researcher, I actually wish I had a unit data records system for many things. And in some -- some states actually have really good data systems that they protect very carefully.

My biggest worry about unit records system is what else it gets used for. And I don't know how you express that kind of worry in this kind of endorsement. Because once something is created like that then there are many uses for it, including my research interest. But perhaps including some other interests that are less benign. So that's a worry that I have about the -- about a unit record system.

CHAIR STUDLEY: Frank, did you have a comment?
(No response.)
CHAIR STUDLEY: Okay. Do I sense a readiness to do the straw poll on these items?

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

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

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

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

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

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

DR. PHILLIPS: Twenty-five and three-quarters.
CHAIR STUDLEY: Twenty-five and three-quarters. I like that.

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

MS. NEAL: Incomplete and slow.

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

MS. NEAL: Incomplete and slow.

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

MS. NEAL: Well and on the slowness, I've always been intrigued -- and this gets back to a point that was raised earlier. I've been told that it takes a long time because the data has to be audited or it has to be checked. Well, we ought to make it clear
that it's supposed to be accurate when it's submitted. I guess that's a question I would have.

CHAIR STUDLEY: Any other further comment? Otherwise, I'm going to take us back to -- Sally, sorry.

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

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

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

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

Hold on one second.

MOTION
CHAIR STUDLEY: One, two, three, four, five, six, seven, eight, nine.
And that's nine out of -- let me just get -- we're currently at ten.
Item 25, the unit records system. A show of hands, please?

MOTION
CHAIR STUDLEY: I see eight out of ten.
Twenty-five and three-quarters, IPEDs?
(Laughter.)
CHAIR STUDLEY: One, two, three, four, five, six, seven, eight, nine.
And 26, federal mandate for data definitions.
Number 26.

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

We -- as many of you know, Melissa Lewis is
retiring from federal service after 28 -- 28 years of extremely capable responsive and effective service in various ways to the federal government. She's one of those public servants that we read reports about the loss of high quality experienced talent in the federal sector. They mean people like Melissa who are going to be very hard to succeed.

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

And remember, we all have -- except for those smart enough to be emeritus, we have other jobs. And so being responsive to us means fitting into a complex of set of calendars and very differing levels of experience in this area. And people from different backgrounds in many ways.
Here in accreditation land, we know the phrase "reliable authority." And she has also been a very reliable authority. She knows what we need to do. She also has a good sense about when to help us vary from what has been done before, when we can be creative, and when it's wiser not to be. And she's a terrific problem solver.

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

Somebody retiring this young has a lot of projects and opportunities ahead of her, and so we want to wish you well. And while I give you some more tangible expressions of that, Arthur Rothkopf, and then Cameron Staples who was the chair until June, each would like to say a little something.
EXECUTIVE DIRECTOR LEWIS: Thank you so very much.

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

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

And I just think she's been a great help to us in doing what's not an easy task. She's made it all the better. She's, as Jamnienne alluded, going home to Tennessee, and I think we'll have some very interesting
options for her. My advice as someone who left the
workforce about a year and a half ago is that there
will be lots of options, and don't do the first thing
or the second thing, but think them all through and
then you'll figure out what's right for you, and the
timing of it. I think that's important.

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

EXECUTIVE DIRECTOR LEWIS: Thank you.

(Applause.)

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

But I also -- I was so struck by, as a group
we came together without really -- with the exception
of Art and Anne who had experience, we really were
feeling our way. And over the last year, I think this
group has really become a higher and higher functioning
committee. And a lot of that credit goes to you,
Melissa. You've taken a lot of strong personalities
with a lot of ideas and a lot of experience and you've
helped us understand our role, how to do it
effectively. And you know, I hope you'll be able to
look back and just have some pride that we're a good,
highly functioning body, even after you've left, based
on the way you helped set us up.

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

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

CHAIR STUDLEY: Please join me.

(Appplause.)
EXECUTIVE DIRECTOR LEWIS: A couple of things, please.

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

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

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

And I look forward to seeing how the committee
evolves in the future, and strikes your -- continues to
become more independent, because that's where the
value -- possibly because that's the value of the
NACIQI, is that diverse perspective and the breadth
and -- of your knowledge to the department that you so
willingly give. And it is so very appreciated. This is
one of the hardest working committees that the
department has, and thank you for your service.

And thank you so much for the gift. Wow.

(Opening gift.)

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

CHAIR STUDLEY: My pleasure.

EXECUTIVE DIRECTOR LEWIS: That's terrific.

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

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

I really look forward to starting off on this next
phase of life, and devoting more time to family and
also to other pursuits. Thank you.

CHAIR STUDLEY: Thank you

(Applause.)

DR. PHILLIPS: It seems anti-climactic at this moment, but our next items up are items 27 and 28. These are two items concerning data and service of public and consumer information.

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

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

CHAIR STUDLEY: Art?

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

DR. PHILLIPS: All we've got is what I read. So it doesn't specify --
CHAIR STUDLEY: What are the -- tell us more about why the question is important?

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

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

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

DR. PHILLIPS: I know that WASC's recent update has included making accreditation reports available to the public. I don't actually recall at
this moment whether it is WASC that does it or the
institution that does it. Is it WASC?

I also know that the process by which they
arrived at that point, like any process an accreditor
goes through in setting their standards, is based on
the participation of the stakeholders in that process.
So I am assuming by that, those sets of facts, that
the institutions that are engaged with accreditation in
WASC have had the opportunity to speak to that issue,
to have their voices heard on that issue, and have, I
assume, arrived at a point of agreement that that makes
sense in their quality assurance process.

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

DR. PHILLIPS: I'd have to defer you to WASC
for that. If I could finish the point that I was going
to make, was concerning this being perhaps a very noble
idea, but one that the accreditors need to address with
their institutions. In part because of, it is a
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
anything that's wrong, I think the public should see
it.

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

But if there's a problem with, they say you've
got a problem with finances or you've got a problem
with a number of faculty, you've got this program isn't
very good, I think the public's entitled to know. Even
if it puts that institution at a competitive
disadvantage. So be it. I don't think this process is
designed to protect institutions, I think it's there to
inform the public. I think it's the SHEA submission
that was made that talked about the need for
accountability. And this is, in my view, part of the
accountability that's needed.
I know associations don't like it, and some institutions may feel that it's harmful to them, but I believe it's a pretty important thing to do.

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

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

But at the end of the day, I do think the public has right to know the final outcome. So I guess a statement, a more general statement like this, which would lead to the nuances of -- you know, of the
institutions and the accrediting bodies. What that final report might include I think is probably useful, a useful statement for us to make.

CHAIR STUDLEY: Anne?

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

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

MR. KEISER: We do that now.

MS. NEAL: Well, but it's -- maybe. But I think it would be -- you all, maybe. I don't know if everyone else does it. But I just think that having
some basic, we're talking about minimal data. Having some basic data that you could look on every web site and could find it would be immensely helpful for consumers.

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

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

CHAIR STUDLEY: Art.

MR. KEISER: Well, there's the rub, and that's the challenge. Because an accreditation team process
is not a single moment in time. There are a series of documents that go back and forth, and the documents are in a state of flux, depending on the response of the institution to determine. You know, in many cases, it's not the school who is out of compliance, it just needs to provide more information or document what they have accomplished, kind of like what we do here.

The -- for a person to take, let's say -- say you have a team summary report, which would be the report of the team visiting the -- well, you have the self-study -- well, I'll use the Sachs example. First of all, you have a preliminary document, then you have the compliance report, which in our case was 41,000 pages, and it's all on computer. It's not a document. Then you have the response from the desk audit, which is looking at the paper, which is basically asking or demonstrating their concerns that they want the team to visit.

So anywhere in that time, you could take out and make an accusation or a challenge which may or may not be true. So from there, you then have the response of the compliance report, then you have the team
summary report. Then you have the response to the team summary report, then you have a final decision. So if you just take certain documents out of the sequence, they can give the wrong impression to the public.

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

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

And so one factual question is just, is there any content to the final letter, or is it up-down or 12 months, which is both available, ultimately through the accreditsor already, and not very meaningful, or is there something better than this approach? Because
Anne was raising the idea that there's something one might want to get at for public information, but is this the vehicle?

Just can you or others speak to that?

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

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

CHAIR STUDLEY: Frank?

MR. WU: Just two comments on how the public uses data. The first is, no matter what we do, every school is going to try to gain the data. That's -- no one is going to want to present themselves in the worst possible light, and we just have to live with that. So long as people aren't doing something that's affirmatively dishonest.
You know, everyone's going to do what we all do on our taxes, which I presume you do the sort of thing that I do. Which is I say to the person that's doing my taxes, look, I want to pay what I owe, I don't want to pay anything more, I don't want to get into any trouble, but I don't want to overpay. So I want you to figure out what's the best possible return you can file for me, you know. I don't think anyone goes in and says, oh, it's okay, you know, if I pay a few thousand more, I'm fine with that.

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

And the second thing that's going to happen if we make all this public -- this isn't a reason to not do it, but it's, I think, a likely outcome that we should be mindful of, is the way data is presented and the way reports are written will change. Because once people know that everyone's going to read it, it will then be written in a way that perhaps makes it less useful.
So it will be couched in different terms, and they will just be, I would predict over the course of years, a gradual shift in the language. Because some of what you read now is really critical and not necessarily reflective of bad quality. It's just the style of writing that's evolved. And institutions doing this, because they know that it's a peer process, and what goes around comes around, everyone's going to pull back a little bit. Because no one's going to be as harsh when they know that the whole world's watching you say something to a peer. And that may just be how it is.

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

DR. PHILLIPS: Going back to my way of thinking about -- and again, I don't know what WASC, what -- the conversations that WASC had, but I wonder
if the principle rather than the product is something that attracts agreement. The principle being that there needs to be some information for consumers about the outcome of a quality review.

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

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

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

I guess I'd submit that, if this is good enough for WASC, I think it's not -- gee, it's up to each accrediting body to think about it and get
approval and water it down. I think this is -- ought
to be a minimum, this is what we ought to do. And this
is what we ought to say every accrediting body should
do.

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

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

I notice that Princeton, in talking about an expedited review process, set forth various metrics of
transparency and student learning that might be used in the expedited process, and those might be worthy of our
consideration for this purpose.

CHAIR STUDLEY: Other comments?

(No response.)

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

MOTION

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

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

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

EXECUTIVE DIRECTOR LEWIS: Art just left.

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

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

EXECUTIVE DIRECTOR LEWIS: Eight members.

MR. STAPLES: Eight, right.
CHAIR STUDLEY: Okay. Susan, 28?

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

CHAIR STUDLEY: Arthur?

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

CHAIR STUDLEY: Other comments?

(No response.)

CHAIR STUDLEY: I'm sorry, there are more folks who have different kinds of accreditation
experiences to speak to the effectiveness of this. Anyone have a comment on -- comment or question on this provision?

(No response.)

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

MOTION

CHAIR STUDLEY: Seven. Thank you.

Susan, next item.

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

So it calls for working towards a convergence of agreement about definitions. It really fits with our data conversations as well.
MS. NEAL: Where are we?

DR. PHILLIPS: This is item number 7.

MS. NEAL: Seven.

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

CHAIR STUDLEY: I invite your comments.

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

CHAIR STUDLEY: Any other comments?

(No response.)

CHAIR STUDLEY: It seems to me that this one, while we've teased it out as congruence across states, could also be related to federal-state congruence, or federal-accreditor-state congruence about definitions, and be part of the data burden issues at the same time. Because the more consistent the definitions are, the more easily you can prepare your reports for everyone, and that would also serve some of the comparability issues that go to the kind of data that Anne and Arthur and many others have suggested would be valuable to make judgments.
Even Frank's last comment, kind of the notion of I'll do what I'm supposed to do. The clearer you are about what I have to do, the more you will get things that match other people. The more open-ended you are, the more variability you'll get in tax deductions or data reporting.

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

Anyone else?

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

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

Any other comments on this item?

DR. FRENCH: Is it only definitions?

CHAIR STUDLEY: Susan?

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

CHAIR STUDLEY: Any other comments?

Let's do a straw vote on item 7.

MOTION

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

Susan?

DR. PHILLIPS: Last item, number 29, NACIQI's
role in policy. This one you'll find on page 11 of the
original document and the last page of the purple
document.
In this one, it is stated to continue to ask NACIQI to play a role in system review, monitoring and policy analysis and recommendations to advise the secretary. The role could include developing standards to meet changing realities in education, identifying needed flexibility in accreditation standards, and assessing system-wide outcomes and consistency.

CHAIR STUDLEY: Discussion?

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

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

CHAIR STUDLEY: Susan, do you want to say a little bit more about why you think it's worthy of -- what you think the group meant when you said it
was worthy of being an option?

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

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

I'd defer to the other folks who were on the committee about their -- the subcommittee about their recommendations, their recollections of that time. I
put it in the context of novelty, I guess.

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

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

MS. WANNER: Yeah, in addition to provisions
about your general -- about your advising about agencies it says, "carry out such other advisory functions relating to accreditation and institution eligibility as the secretary may prescribe by regulation."

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

So that's pretty general authority.

CHAIR STUDLEY: So we --

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

MS. WANNER: I read that.

EXECUTIVE DIRECTOR LEWIS: Oh, I'm sorry. I missed that.
CHAIR STUDLEY: So as I understand it, we have that authority to make those recommendations. The secretary specifically asked us to share a set with him, but we have a statutory authority to advise. Always better if the secretary tells you he's going to listen when you do that.

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

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

DR. PHILLIPS: This is a -- jogging my memory, one of the issues in raising this was also as a signal to us to include -- consider including a portion of our meeting time, specifically directed to that set of activities. Right now, we have -- had we not this subcommittee, we wouldn't be necessarily having this
assigned time, but we definitely have the assigned agency review time. And so the -- as I remember, it was a -- also an interest in making sure that that was a placeholder in the kind of time that we allocated.

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

CHAIR STUDLEY: Any other comment?

(No response.)

CHAIR STUDLEY: So should we -- Susan, should we put this forward as an option to consider along with the others, or do we think it is more general? Why don't we take a straw vote on the item and we'll go from there. Could I see a show of hands on inclusion of a recommendation in the general area of number 29 on NACIQI's role in policy?

MOTION

CHAIR STUDLEY: Eight out of eight.

Thank you very much. That is 1:35, the
conclusion of the discussion portion related to this report.

WRAP-UP AND ADJOURNMENT

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

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

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

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

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

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

DR. PHILLIPS: I'd just add that as a total committee, we number 18. I believe that one seat is
not currently occupied. We'll -- even though the
members who weren't able to be here for all of the
discussion, or even for any of the discussion, we'll
give them the opportunity to participate in that straw
poll as needed. So that if there are voices that would
shift our emphasis one way or another, it's important
to include that in the topic. So I'll make sure that
that happens.

VICE CHAIR ROTHKOPF: I have a question
perhaps of the department people. Is there a date,
sort of outside date at which the department officials,
secretary, assistant secretary, would like to receive,
has indicated he would like to receive the report? I
mean, I know he's going to want it sooner rather than
later, but lots of other things are going on right now
in the education field. I don't know the extent to
which they're putting this together. Do we have a
date?

CHAIR STUDLEY: We have a general timeframe.
I've spoken to the department, and they encouraged us
to come forward with it sooner than would be possible
if we had left this to the June meeting. Largely
because of the budget-related analysis they have to do for any provisions that have budgetary consequences. But the general timeframe I just described, that we would move from here to a written draft for circulation and receive comment on it.

Moving forward as soon as we reasonably could seemed workable to them. It is possible that they -- that the department, as it develops its recommendations and its policy positions, might come back to us again later, as they come further down the road, and talk to us about accreditation related matters. So we may see this as it evolves. But we would be -- if we move forward and get the same level of responsiveness and cooperation that we did from the committee members before, we would be within their comfort zone for when we got additional comments.

VICE CHAIR ROTHKOPF: Thank you.

CHAIR STUDLEY: Let me also say that, while Melissa is unique and outstanding, we will attempt to fill -- we will fill these shoes. The department will fill these shoes, and we will have the support of, I'm confident, a fine person to work with us as executive
director. That announcement has not been made yet, so you will learn about it when the department is prepared to do that. But they understand the value to us of continuity, and we look forward to welcoming somebody equally talented who can help us as we go forward.

Along with -- this is a good moment for me to thank all of the staff who support us in all of these activities. The ones you've seen on stage, the ones who work on our behalf behind the scenes, and the ones who join us here at the head table, they and many other colleagues at the department make this job informative, make it possible for us to be effective in this job.

And I want to thank all of you sturdy troopers who have been with us to the end, and you as surrogates for everyone else who has participated in this process, for your thoughtfulness, your respect, your belief in the value that educating us and sharing your thoughts with us would have advantages and benefits down the road for the post-secondary students of the United States, the taxpayers, and the credibility of the work of the Department of Education, all of which I for one take very seriously. And I'm grateful to the rest of
the committee for doing so as well, and taking substantial amounts of time to do this work as thoughtfully and thoroughly as you do.

I don't think any of us imagined -- had we only known to call Art or Anne, how much work would be involved in doing these accreditation reviews, and in addition this policy work in a responsible way. But I'm glad that people this distinguished and thoughtful agreed to those invitations and participate.

With that, happy holidays, travel safely.

(The Committee was adjourned at 1:43 p.m.)

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