

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
NATIONAL ADVISORY COMMITTEE ON
INSTITUTIONAL QUALITY AND INTEGRITY [NACIQI]

MEETING
VOLUME I

Tuesday, December 11, 2012

8:45 a.m.

Washington Marriott-Wardman Park
Wilson ABC Rooms
2660 Woodley Road, N.W.
Washington, D.C. 20008

P A R T I C I P A N T S

COMMITTEE MEMBERS PRESENT:

JAMIENNE S. STUDLEY, J.D., Chair
MR. ARTHUR J. ROTHKOPF, J.D., Vice Chair
DR. JILL DERBY
DR. GEORGE T. FRENCH
DR. ARTHUR E. KEISER
DR. WILLIAM "Brit" E. KIRWAN
MS. ANNE D. NEAL, J.D.
DR. WILLIAM PEPICELLO
DR. SUSAN D. PHILLIPS
MR. CAMERON C. STAPLES, J.D.
MR. FRANK H. WU, J.D.
DR. FEDERICO ZARAGOZA

COMMITTEE MEMBERS ABSENT:

DR. BRUCE COLE
DR. EARL LEWIS
DR. WILFRED M. McCLAY
MR. BETER-ARON (ARON) SHIMELES
DR. LARRY N. VANDERHOEF
DR. CAROLYN WILLIAMS

U.S. DEPARTMENT OF EDUCATION STAFF PRESENT:

MS. CAROL GRIFFITHS, Executive Director, NACIQI
MS. KAY GILCHER, Director, Accreditation Division
MS. SALLY WANNER, General Attorney, Postsecondary
Division, OGC
MR. HERMAN BOUND, EdS
MS. ELIZABETH DAGGETT
MS. KAREN DUKE
DR. JENNIFER HONG-SILWANY
MS. PATRICIA HOWES
MR. CHUCK MULA
MR. STEPHEN PORCELLI
MS. CATHLEEN SHEFFIELD
DR. RACHAEL SHULTZ

C O N T E N T SPAGE

NACIQI TRAINING SESSION
 NON-PUBLIC SESSION [separate transcript]

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 Ms. Elise Scanlon, Attorney

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 Dr. Elaine Molaison, Chair, ACEND

Third-Party Oral Comments:
 Dr. Ethan Bergman, President
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Mr. Ralph A. Wolff, President, WASCSR
Dr. Linda Johnsrud, President and Chair, WASCSR
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Dr. Robert Schneider, Senior Vice
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P R O C E E D I N G S

CHAIRPERSON STUDLEY: Thank you very much for your patience. We apologize for taking a little bit longer than we had expected, and we appreciate your interest in these important matters of educational quality.

Thank you to the members of the public who have just joined us. Let's begin with a round of introductions by the Committee members. Brit, would you be willing to--oh, I'm sorry. Arthur, would you please--I'm Jamiene Studley. I'm Chair of NACIQI. This is my Vice Chair.

MR. ROTHKOPF: Yes, I'm the Vice Chair, Arthur Rothkopf, and that's it.

DR. PHILLIPS: Susan Phillips, member, and Provost and Vice President for Academic Affairs at University of Albany, State University of New York.

DR. PEPICELLO: I'm Bill Pepicello. I'm the President of University of Phoenix.

MR. STAPLES: Cam Staples, President of the New England Association of Schools and Colleges.

DR. KEISER: Art Keiser, Chancellor,
Keiser University.

CHAIRPERSON STUDLEY: I'm sorry. Someone
is signaling that it's hard to hear in back. So I
don't know what combination of speaking up and
adjusting the microphones, but please be aware that
it might be difficult for people to hear in the
back.

Thank you.

DR. KEISER: Art Keiser, Chancellor,
Keiser University.

DR. KIRWAN: I'm Brit Kirwan, Chancellor
of the University System of Maryland.

DR. DERBY: Jill Derby, a consultant with
the Association of Governing Boards.

MR. WU: Frank Wu, Chancellor and Dean,
University of California, Hastings College of Law.

MS. NEAL: Anne Neal, President of the
American Council of Trustees and Alumni.

DR. ZARAGOZA: Federico Zaragoza, Vice
Chancellor, Economic and Workforce Development for
the Alamo Colleges.

DR. FRENCH: Good morning. George French, President, Miles College.

MS. WANNER: Sally Wanner. I'm with the Department of Education, Office of General Counsel.

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

MS. GRIFFITHS: Carol Griffiths, Executive Director, NACIQI.

CHAIRPERSON STUDLEY: Thank you all, and thank you all for being here. We really appreciate your hard work. I would like us to send our best wishes to our member Larry Vanderhoef who is not able to be with us. He suffered a stroke on December 1, but we hear that he is recovering well, and we're sorry that he's not able to participate, and we wish him a speedy recovery.

I'd also like to welcome as a special guest, Dr. Martin Crane, who is the Chair of the National Committee on Foreign Medical Education and Accreditation, a sister agency to ours, and we are glad that he is with us today here in the front row.

I also want to thank all of you whose interest is in the accreditation process or in your own agency's particular proceedings at this meeting for joining us, and I want to thank the staff, which I know has labored hard to help support us to this point and will do so throughout the meeting, and, in particular, Carol Griffiths, the Staff Director for NACIQI who goes to great lengths to make this go as smoothly as possible.

The purpose of this meeting is, and through much of tomorrow--how much of tomorrow remains to be seen--is to review accrediting agencies and act either on their re-recognition or other specific steps that they have requested.

We have before us a number of agencies--I believe the count is 15--in the next two days. Let me signal that we expect to end our meetings tomorrow early afternoon, and if possible, we will work straight through tomorrow so that we don't take a lunch break. That often facilitates our not losing Committee members for travel reasons.

We will let you know our time estimates as

well as possible and see how that goes. We obviously want to give full attention to agencies and public comment and to the discussion of the Committee members, and that will be our primary priority.

We are going to continue our practice of asking agencies to consider responding to a few questions that we have asked about the broader process: what they've learned; what that might know about accreditation that might be of value to other agencies? Some of you have heard agencies respond to those questions, and they have been helpful to us as we think about larger issues.

Finally, we--and I just want to clarify this--we have a small change to the agenda. After we act on the Consent Agenda, we're going to start this morning with reviewing the agency- Commission on Massage Therapy Accreditation, COMTA - and then continue into the rest of the agency reviews that are listed in your document.

So with that, we will turn to the consent procedures, and they are--the steps for this

process are listed in your agenda.

First, we will introduce the Consent Agenda; invite any third-party oral comments if there is anyone here to make such comments; and then we will address the question whether we want to remove any agencies from the Consent Agenda, which may be done by request of any member of the Committee; and then we will move any agencies that remain on the Consent Agenda at that time and vote.

CONSENT AGENDA

CHAIRPERSON STUDLEY: So let's begin with-

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DR. PEPICELLO: Madam Chair, I will need to recuse myself.

CHAIRPERSON STUDLEY: Okay. And so Dr. Pepicello will be recused from the Consent Agenda.

DR. KEISER: I need to also be recused.

CHAIRPERSON STUDLEY: And Mr. Keiser as well. Is there anyone else who will not be participating in the consideration of the Consent Agenda? Thank you.

We have received no requests to comment from members of the public on the Consent Agenda. So with that, we have five agencies listed on page two of your meeting agenda and notice.

Would any members of the Committee like to remove any agency from the Consent Agenda, or do you have any questions before you can make that judgment? Brit and Jill?

DR. KIRWAN: Aren't there six on the list? Am I misreading or maybe I have an old Consent

Agenda?

CHAIRPERSON STUDLEY: Page two I see--

DR. KIRWAN: I have maybe an old agenda.

I'm sorry.

CHAIRPERSON STUDLEY: Health Education Schools, Funeral Service Education, DETC--Distance Education.

DR. KIRWAN: Oh, I see. You've taken Massage Therapy off that list.

CHAIRPERSON STUDLEY: It has been removed from the Consent Agenda.

DR. KIRWAN: Got you. Thank you.

CHAIRPERSON STUDLEY: Right. Jill?

DR. DERBY: I would like to remove the Accrediting Bureau of Health Education Schools so that I can ask a question.

CHAIRPERSON STUDLEY: I think that if you wanted, you could ask your question and then determine whether you want to remove them; is that proper?

MS. GRIFFITHS: Yes.

DR. DERBY: Great.

CHAIRPERSON STUDLEY: So you can ask your question and then determine whether you want to leave them there or not.

DR. DERBY: Yes, and would this be the appropriate time to do that?

CHAIRPERSON STUDLEY: Yes, now. Yes.

DR. DERBY: Great. I had a question regarding Standard 602.17, application of standards and reaching an accrediting decision, and something the staff pointed to in regard to the agency's assessment of student achievement. And one of the statements around that was that the agency minimally meets the criterion regarding the provision of a detailed report on the institution's performance with respect to student achievement.

And I just didn't understand what "minimally meets the criterion" means. Is there sort of a minimum to maximum, and at what point does the minimum fall into not adequate?

MS. GILCHER: That is, let's call that a wiggle word. That is, the agency we determined was in compliance with that criterion. It's a signal

to the agency that there could be some improvement in that area, but they do meet the criterion.

DR. DERBY: Okay. Thank you. I don't think it needs to be removed from the Consent Agenda.

CHAIRPERSON STUDLEY: Okay. The next step in our process to entertain a motion to act on the Consent Agenda as a whole. Do I hear such motion?

DR. KIRWAN: So moved.

DR. FRENCH: Second.

[Motion moved and seconded.]

CHAIRPERSON STUDLEY: Moved. Seconded. Moved by Dr. Kirwan, Chancellor Kirwan. It's going to be hard. And Dr. Lewis--Dr. French. I apologize. So sorry. All in favor, please signify by saying aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: All opposed?

[No response.]

CHAIRPERSON STUDLEY: Any abstentions?

[No response.]

CHAIRPERSON STUDLEY: Thank you very much.

The motion on the Consent Agenda has passed. Thank
you very much.

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CHAIRPERSON STUDLEY: We will now move to the agency that was removed from the Consent Agenda, and could you tell us, and I will summarize the procedures, and then we will go COMTA.

The standard procedure here is also summarized in the agenda overview. Many of you are familiar with this, but I'll just recap briefly.

We begin by introducing the agency petition through the primary Committee readers. We have two people typically from the Committee who take on the responsibility as primary readers, and they will introduce the agency petition. We then receive a briefing by the Department staff person who conducted, that led the review of the particular agency. We invite remarks by the agency representatives, and then invite third-party speakers, public comment on the agency's request for approval.

The agency then has an opportunity to respond to comments made by the third-party presenters. The Department staff may respond to both what the agency said in its remarks and to any

third-party comments. And then the NACIQI discusses all of the above and the record before it and takes action with respect to the approval or other action for that agency.

Are there any additions or questions from the Committee, or, staff, is there anything that you would like to add at this point?

MS. GRIFFITHS: No.

COMMISSION ON MASSAGE THERAPY

ACCREDITATION [COMTA]

CHAIRPERSON STUDLEY: Okay. Then let's move to COMTA. Dr. Pepicello is the primary reader for us on that one.

DR. PEPICELLO: Yes. The Commission on Massage Therapy Accreditation was created in response to massage therapy and bodyworks educators' desire that rigorous standards be applied to institutions of massage therapy and bodywork.

It has conducted accrediting activities since 1992. In 1996, an elected commission was seated, and since 1996, it has granted accreditation to 61 institutions and six programs located in 25 States, District of Columbia, and Canada.

As an institutional accreditor whose accreditation enables the institutions it accredits to seek eligibility to participate in the Federal Student Financial Aid programs administered by the Department of Education, the agency must meet the

separate and independent requirements.

The agency was originally recognized in 2002 and last recognized in 2004. At that time, the Secretary granted the agency recognition for a period of five years and granted the agency's request for an expansion of scope to include its accreditation of academic associate degree programs in massage therapy.

COMTA requested, in 2009, in accordance with the requirements of the Higher Education Opportunity Act, that distance education be added to its scope. In December of 2010, the NACIQI reviewed COMTA's petition for continued recognition and recommended to continue the agency's recognition and require the Commission to submit a compliance report in 12 months that demonstrates the agency's compliance with 13 issues.

That compliance report is the subject of today's action, and there has been some discussion over the past few days about exactly what the request will entail. And I'm going to turn this now over to Chuck Mula to give us the details of

that.

MR. MULA: Thank you, Dr. Pepicello.

Good morning, Madam Chair and members of the Committee. My name is Chuck Mula, and I will be presenting a brief summary of the compliance report submitted by the Commission on Massage Therapy, hereafter referred to as COMTA, or the agency.

The staff recommendation to the Senior Department Official for COMTA is that he remove distance education from the agency's scope of recognition and renew the agency's recognition for three years.

Also require the agency to submit an updated report for staff review within six months, clarifying its expectations in its materials regarding currency of practice for those individuals it assigns to practitioner roles on site team reviews.

The report should also address the agency's success with seeking further afield for currently practicing professionals to serve in that

role.

This recommendation is based on my review of the agency's petition, supporting documentation, and an observation of a decision-making meeting in October of 2012.

My review of COMTA's compliance report found that the agency is substantially in compliance with the Criteria for Recognition. However, it has not adequately demonstrated its effective review of distance education. And although the Department has found the agency in compliance with the criteria requiring the site review teams to include educators and practitioners, we are recommending that the agency submit an updated report because it is still not clear to the Department that the agency defines a practitioner representative consistently throughout its policies, procedures and guidelines.

While COMTA's bylaws define practitioner in a way that accords with the Department's guidance, as someone whose primary work shall be in direct service provisions to clients in their

professional activities, the agency's materials related to the site team describe the practitioner somewhat differently--as someone with "experience as a massage or aesthetics practitioner, respective to the program being reviewed," with no further requirements regarding the currency of the experience.

In regards to the agency evaluation of distance education, distance education was included in the agency's scope as a result of the agency's notification to the Secretary in 2009, in accordance with the changes made in the Higher Education Act of 2008.

The current review of the agency for renewal of its recognition is the first opportunity the Department has had to review the agency's assessment of distance education based on its standards.

While the agency's compliance report satisfactorily addressed many of the issues identified during the petition review in 2010, the agency has not had the opportunity to demonstrate

the application of its revised distance education policies and procedures. In addition, staff noted that the programs that the agency accredits are clock hour programs, and the agency's compliance report and documentation do not show that the agency's review of distance education ensures that the number of clock hours required by the agency's standards is offered.

Staff notes that the agency accredits very few institutions that provide a portion of their programs by distance education. Therefore, it is highly unlikely that the agency would be able to demonstrate compliance with this criterion if it were granted an extension for good cause.

In addition, the agency's policies preclude the offering of more than 25 percent of a program via distance education.

Since the Department requires that an institution offering 50 percent or more of a program by distance education be recognized for the evaluation of distance education, removing distance education from the agency's recognition of scope

would not have an adverse impact on institutions' Title IV eligibility.

Should the agency want to have distance education included in its scope in the future, it would be advisable for the agency to submit an application for an expansion of scope as provided under 602.31(b) to safeguard against adverse consequences to its accredited entities in the event its distance education review again falls short.

This concludes my report. Representatives from the agency are present today, and I am also available to answer your questions. Thank you.

CHAIRPERSON STUDLEY: Thank you very much.

Are there any questions for Chuck on what he has said so far before we hear from the agency? Anne.

MS. NEAL: Thanks, Chuck.

A question, and this actually I think relates to a number of the applications before us. In terms of the issue over the clock hours and distance education, why is the entity not being

allowed simply to address that when it comes back on the other issue, and if, in fact, it cannot have someone in that timeframe, isn't it in a damned-if-you-do/damned-if-you-don't situation?

MR. MULA: I'd like to ask Kay to jump in on this, if I can, Anne, please. Kay.

MS. GILCHER: Okay. The staff has found them out of compliance with the criterion having to do with the effective review of distance education. That is not the case having to do with the educator and practitioners on-site review teams. We found them in compliance with that. So those are two different kinds of situations.

In terms of their distance education review, it's not only the issue of having to do, look at how they review the agency's satisfaction of their own standards regarding clock hours, although that is an important aspect of this, overall, they have not demonstrated their effective review of distance education with their revised policies and procedures.

CHAIRPERSON STUDLEY: Art.

DR. KEISER: And the reason they haven't been able to demonstrate is because they have so few distance educational programs?

MS. GILCHER: Two reasons. One is they only recently did the revisions in response to the need to do a compliance report. Secondly, they have almost no programs that offer distance education.

DR. KEISER: But doesn't that preclude them from the future of being able to offer it if it's just an issue of the clock credit hour, where I think Anne made mention they can fix that. That's a pretty easy fix. But by denying them distance learning opportunities, an institution that would want to go to them that has distance learning won't go to them because they would be ineligible; correct?

MS. GILCHER: No. The eligibility issue has to do with whether a program is offered 50 percent or more by distance education. At that point, they have to have been accredited by an agency recognized for distance education. This

agency not only does not have any of those programs, but their policies specifically preclude the offering of more than 25 percent of a program via distance education. So the Title IV issue is moot in this regard.

CHAIRPERSON STUDLEY: Cam.

MR. STAPLES: This is likely to be an issue that comes up from time to time, the question of implementation and how they may or may not--and I understand there's more to it in this case--may or may not be able to demonstrate implementation of a recently revised policy because they just haven't had the opportunity to do that.

And I guess I just would ask a question as to whether it is worth our considering having a special report of some sort be required of an agency at the time they do implement something that they're required to rather than withholding a recognition or withholding, in this case, the recognition of distance education, which, in part, is difficult for them to show compliance with because they haven't had an institution to do it?

I guess I just would ask that perhaps we consider in cases where the only thing left is an implementation issue, that we continue recognition and require them to report when they've actually complied because they've had an opportunity to do so rather than the reverse, rather than denying recognition and having them reapply in the future.

CHAIRPERSON STUDLEY: Are you ready to hear from the agency? Sounds like we are. Would the agency representatives for COMTA please come forward? Thank you. Welcome. Would you please introduce yourselves?

MS. VAUGHN: Good morning. My name is LaToshya Vaughn. I am, on behalf of Kate Zulaski, here for the Commission for Massage Therapy Accreditation. I also have Elise Scanlon, who is our counsel for COMTA.

MS. SCANLON: Good morning.

CHAIRPERSON STUDLEY: Would you like to make any comments? We may have questions after that, but we certainly welcome if you have something that you wanted to bring to our

attention. Thank you.

MS. VAUGHN: The Commission would like to thank the Department staff for the ongoing guidance and support and the NACIQI for your time and consideration--

CHAIRPERSON STUDLEY: Could you either speak up or bring the microphone a little bit closer?

MS. VAUGHN: Sure.

CHAIRPERSON STUDLEY: Thank you.

MS. VAUGHN: --for the continued recognition of COMTA.

Regarding the questions posted to all agencies for input to NACIQI, we appreciate the opportunity to share our thoughts on the regulatory process. Since our Executive Director, Kate Zulaski, is unable to present here today, she will be submitting comments in writing to the Committee staff.

We are not requesting the distance education to be included in our recognition at this time. We do understand that any schools and

programs currently accredited by COMTA offering less than 50 percent of the program for distance education may continue to do so though distance education will not be part of our USDE recognition.

If we determine in the future that allowing programs to use distance methods for more than 50 percent of the program, we will at that time accept the Department's invitation to apply for an expansion of scope to include distance education programs.

Regarding the language around currency of practice of our practitioner representative for on-site teams, as noted in the staff analysis, COMTA bylaws already require the practitioners who serve on on-site evaluations must currently practice in the massage therapy field.

We are in the process of making conforming amendments to our other policies and procedures and will submit the required report of evidence of those changes to the Department within the next 30 days.

We appreciate the extension of time to

respond to concerns remaining and will do so within the timeframe suggested by the staff analysis.

That would conclude my statement. If you do have any additional questions, please let us know.

CHAIRPERSON STUDLEY: Committee members, do you have any questions? Bill. Oh, I thought you did. No. Questions anyone?

Are there any third-party commenters who would like to make comments about COMTA? Okay. No one has signed up in advance on that one.

Do the Committee members have any questions for the staff of the agency now that you have heard the agency's presentation? Bill.

DR. PEPICELLO: Yeah. Actually, I have a question for Chuck.

CHAIRPERSON STUDLEY: Chuck, would you be willing to just come back and join us? Thank you.

DR. PEPICELLO: Thanks, Chuck.

In lieu of what has just transpired, is there an amended staff recommendation?

MR. MULA: Kay.

MS. GILCHER: I don't think we are able to amend the staff recommendation at this time. Is that true? The effect is the same.

DR. PEPICELLO: All right. So we would move forward then in this case with the original recommendation or not?

DR. KEISER: Are you sure the effect is the same if we deny them something versus they voluntarily withdraw their request? I think that is a huge difference from--at least on the record, I would be very concerned.

MS. GILCHER: They're actually not making a request in this petition for expansion of scope because they notified the Secretary of expansion of scope at which point it was granted by notification.

This is any agency that's coming up for review that has been granted distance education could fall short in that review of its demonstration of its effective evaluation of distance education, and so we could at that point recommend a denial of that scope.

DR. KEISER: But I just heard the representative say that they were not looking for recognition of distance learning, and why don't we just, instead of having a, taking negative action, which is to deny something, we just accept the recommendation to withdraw their approval of distance ed?

CHAIRPERSON STUDLEY: You mean accept their request?

DR. KEISER: Correct.

MS. GILCHER: I have no problem with that, but I just wanted to be clear that they have already gotten distance education in their scope by notification.

DR. PEPICELLO: Right. So this is not a denial. It's a removal of something at this point at their request.

CHAIRPERSON STUDLEY: Right. And did you want to comment? Yes.

MS. SCANLON: Just for clarification, this is an agency that has distance education in its scope by notification so this is the first

opportunity that they've had to have their distance education procedures and standards reviewed by the Department of Education.

They have five programs, all of which have less than 25 percent of their courses offered by distance education, and part of the reason why it's been difficult for them to demonstrate compliance with new policies and procedures and standards that they've implemented is because there isn't that much interest among their membership in offering courses and programs by distance education.

And it does seem to me that their request for the Department of Education not to include distance education in their continuing scope of recognition, and for the Committee to accept that request, seems to make more sense rather than to deny recognition for distance education when the agency is not requesting it on a going-forward basis.

CHAIRPERSON STUDLEY: Is there any additional discussion or is someone prepared to make a motion?

DR. PEPICELLO: I will be happy to put a motion forward. I move that the NACIQI recommend that COMTA recognition be extended for three years; that we recommend at the request of COMTA to remove distance education from the agency's scope of recognition; and that the agency be required to clarify its expectations in its materials regarding the currency of practice for those individuals that it assigns to the practitioner role on site review teams; to seek farther afield for currently practicing professionals to serve in that role; and to submit an updated report on these issues for the staff within six months.

CHAIRPERSON STUDLEY: This is one occasion where we don't have this available for us on the screen. Oh, okay. Is there a second?

DR. KEISER: Second.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Art Keiser seconded the motion. Discussion among the Committee members? If everybody is clear on it, I'm not going to wait for the technology to catch up with

human intelligence here. Would people like to have it read or were you clear on the motion?

Otherwise, I'll call the question seeing no request for discussion.

I see no--right--it's clear. I see no questions. All in favor of the motion made and seconded, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: Abstaining?

[No response.]

CHAIRPERSON STUDLEY: The motion carries.

Thank you very much.

MS. VAUGHN: Thank you very much.

CHAIRPERSON STUDLEY: We appreciate it.

Thank you, Chuck, and thank you, Bill.

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ACADEMY OF NUTRITION AND DIETETICS,
ACCREDITATION COUNCIL FOR EDUCATION IN
NUTRITION AND DIETETICS [ACEND]

CHAIRPERSON STUDLEY: We're going to move on now to the next agency, which is ACEND, I imagine it's pronounced, the Academy of Nutrition and Dietetics, Accreditation Council for Education in Nutrition and Dietetics.

The primary readers are Susan Phillips and Frank Wu. Which of you will be introducing the agency? Susan. Thank you.

DR. PHILLIPS: The Academy of Nutrition and Dietetics, the Accreditation Council for Education in Nutrition and Dietetics, ACEND, accredits didactic and coordinated programs in dietetics at both the undergraduate and graduate levels, dietetic internships at the post-baccalaureate level, and dietetic technician programs at the associate degree level. The accreditation of these programs extends to distance education.

This is a specialized accreditor.

However, it's also the sole accreditor of certain post-baccalaureate dietetic internships sponsored by academic medical centers, and these internships are eligible to participate in Title IV programs.

Most of the programs accredited by ACEND are located in an institution that is accredited by another nationally-recognized accrediting agency.

The agency currently receives a waiver of the Secretary's separate and independent requirements and is requesting a continuation of that waiver.

It was first listed as the American Dietetic Association in 1974 as the accreditation agency. Through a number of changes in title and organization, in January 2012, the Academy and the Commission changed their names to the current Academy of Nutrition and Dietetics, and separately the Accreditation Council for Education in Nutrition and Dietetics.

It was last reviewed for recognition in Spring 2007, and at that time was granted continued recognition for five years.

The petition at this time is for continued recognition, and Dr. Jennifer Hong-Silwany will present further information about the agency.

CHAIRPERSON STUDLEY: Thank you.

DR. HONG-SILWANY: Good morning, Madam Chair and Committee members. My name is Jennifer Hong-Silwany, and I will be providing a summary of the staff recommendation for the Academy of Nutrition and Dietetics, Accreditation Council for Education in Nutrition and Dietetics, also known as ACEND.

The staff recommendation to the Senior Department Official is to continue the agency's recognition but require the agency to come into compliance within 12 months and submit a compliance report that demonstrates the agency's compliance with the issues identified in the staff analysis.

This recommendation is based on our review of the agency's petition, supporting documentation, and an observation of a decision meeting on June 13 through 15, 2012, in Chicago, Illinois.

The outstanding issues in the staff

analysis consist of the need for documentation regarding the agency's application of its policies, as well as evidence of final revisions to policies in accordance with the staff analysis.

Therefore, as I stated earlier, we are recommending to the Senior Department Official to continue the agency's recognition but require the agency to come into compliance within 12 months and submit a compliance report that demonstrates the agency's compliance with the agencies identified in the staff analysis.

Thank you.

CHAIRPERSON STUDLEY: Are there questions for Ms. Hong-Silwany? Susan?

DR. PHILLIPS: It struck me in reading this staff report that this was one of those occasions where the question of timing was relevant. All but perhaps three, four of the findings were about final documentation. So the policy had changed, but the paper wasn't done yet. And in a couple of cases, three or four cases, there was a question about evidence of the policy

being put into use, again, an issue of timing.

I think I detected only one where there was a policy that had not yet been created, which will then have to be documented and then put into use in the sequence of things.

So just a perspective on conversations that we had about the matter of timing. I wonder about your perspective on that issue, that this is an agency that just needs time?

DR. HONG-SILWANY: Yeah, absolutely. I mean this agency has demonstrated its due diligence every step of the way. In fact, they've already provided the amendment to its bylaws to resolve the waiver issue with the separate and independent provision, and, yeah, it was just a timing issue. I don't have any doubt that they will be able to remedy these issues within the 12 months and perhaps earlier. They're on their way as a matter of fact.

DR. PHILLIPS: And had they been in a sequence where it was June instead of December, they'd be on the Consent Agenda, one might imagine.

CHAIRPERSON STUDLEY: And Dr. Phillips is referring to a conversation that we've had as a continuing matter about trying to have agencies come forward at a time when we can look at as full a record as possible and how the desire to have them come forward for review sometimes is in tension with the completion of all of the steps or all of the final implementation and documentation, and trying to understand what's the best for the system overall, what's best for NACIQI's thorough consideration, and what's best for the agencies, how to think about that calendaring.

Are there other questions for the agency staff? I do have one question. With respect to the area of student support services, one of the comments was that this accrediting agency does not specify the level of service that must be provided, and I wonder what that might look like, what it might look like to define a service level in that area?

DR. HONG-SILWANY: I have to revisit that section, but I believe it was a matter of the way

that the standard was actually written. I mean it could be remedied by inserting an adjective so that there is some kind of assessment being made by site visitors with regard to quality of the student support services provided by an institution program.

CHAIRPERSON STUDLEY: I think we're ready to hear now from the agency representatives. Would you please come forward? Thank you.

Thank you very much and welcome to our meeting. Would you please introduce yourselves?

DR. MOLAISSON: Good morning. My name is Elaine Molaison. I am currently serving at the Chair of ACEND. I'm also an Associate Professor and the Director of a Dietetic Internship at the University of Southern Mississippi.

DR. CHUNG: Good morning. My name is Ulric Chung. I'm the Executive Director of ACEND.

DR. MOLAISSON: Madam Chair, members of the Committee and staff, thank you very much for giving us the opportunity to speak to you today.

Before we answer your questions, we would

like to give you a brief update on our status. In our petition, we noted that when we were trying to make bylaws change that we had discovered that any changes made to our bylaws had to be approved through the House of Delegates through our parent organization. Even though traditionally these bylaws were approved as recommended by ACEND, we realized this was not a policy that met the intent of the regulations.

We brought this to the attention of the Department staff as well as to our parent organization, and we are pleased to announce that this situation has been resolved through the House of Delegates changing its bylaws, giving ACEND full control over its governing documents as well as its finances without the need of approval by its parent organization.

Representatives from our parent organization will provide third-party comments to confirm this.

As far as the other citations in the report, we've been working very closely with our

staff reviewer as well as our Board members, and we have been very proactive in addressing the concerns. We are taking steps to address these issues, and although there are several changes to be made, we feel that these are straightforward procedural or policy issues, and that we can come into full compliance within the 12 months specified in the staff report.

Before we conclude our update, we would like to take a moment to thank Jennifer Hong-Silwany, Kay Gilcher and Carol Griffiths for their support. Their guidance has been invaluable in clarifying the regulations, helping us write our petition, and preparing for this meeting.

We have also prepared responses to your questions on challenges, issues, and best practices. And we are happy to share these with you after Dr. Chung and I answer any questions that you may have.

CHAIRPERSON STUDLEY: Do we have any questions for the agency? Then we invite your comments on those questions.

DR. CHUNG: I thought I would have more time to think about my response. So the first question that was asked was what are the two most significant issues our agency faces and how they changed since our last NACIQI review?

The first issue has to do with, actually affects all health professions. It's become increasingly difficult for programs across the health professions to get facilities to take students for experiential training. With the downturn in the economy, facilities such as hospitals are consolidating or closing. Employers are paring down their staff, and when the workload increases, they aren't hiring new staff.

And so what we're finding is that these facilities don't have the luxury to take on new students. In some cases, we find that the facilities are becoming shy or afraid of the legal risk of taking students who might be potentially dealing with patients, and so with the recent State authorization, we have an increased level of concern in that programs are confused about what

State authorization means. They're afraid of letting their students go across State lines to get internship experiences, and that again is happening with all health professions.

We're all hearing about complaints about not having enough access to practice facilities, and so that's a concern for us in general because the upshot of that is that if we don't have enough practice sites or practitioners for taking those students, we won't have health care practitioners or enough in the future. So that could be a very big concern.

The second issue is that, has to do with minority-serving institutions. What we're finding, unfortunately, is that many minority-serving institutions are not meeting our standards, and there are many, many reasons why that's occurring. However, we are faced with the dilemma of withdrawing accreditation and facing an outcry from these programs, or allowing them to remain and having graduates who may not well prepared to enter our profession.

So our strategy has really been to begin working much more closely with our programs, not just minority-serving institutions, but any program that's really having difficulty in meeting our standards regardless of the population they serve, and try to help them to improve their outcomes because what's happened now is if they don't meet our standards, we will withdraw accreditation, again, regardless of the populations that they serve because we believe it's in the best interests of the students and of the public to make sure that those practitioners are properly trained.

Did you have any questions?

CHAIRPERSON STUDLEY: Arthur.

MR. ROTHKOPF: Have you had occasion since the last recognition to withdraw accreditation from any institutions, and if so, how many?

DR. CHUNG: Absolutely. Actually, on my very first Board meeting--I consider myself a relatively new executive director. I came on board four years ago. My very first Board meeting, there was a program that came up, and my Board said, you

know, this program is really not doing very well, but they meet the letter of our standards, but we feel very uncomfortable about them, and they have a very, very low pass rate.

And so I said, well, you know, why would you want to continue to give them accreditation if they're not really meeting the standards, if they're not meeting the pass rate, and we had a loophole in our standards which basically said if you have a plan about how you will fix things, then you meet our standards.

And to me that was a problem because it did not look at the quality of the institution. It just said if you have a plan, go ahead, go forward, and if you didn't look at the plan and make sure they were making improvements, you know, the program never improved.

And so I said, you know, this may have been, you may be wanting to continue this practice for consistency sake, but you really have to look at establishing new precedents because it's not helping the students one bit, and so at that

meeting, they said, oh, we can establish a new precedent, let's withdraw their accreditation, and they did that.

And so at our most recent Board meeting, which took place in October of this year, we also withdrew accreditation from another program for very similar reasons.

MR. ROTHKOPF: So, basically, and I don't know if it's in that timeframe, there were two withdrawals of accreditation?

DR. CHUNG: In the past four years, yes.

MR. ROTHKOPF: Past four years.

DR. CHUNG: Yes.

CHAIRPERSON STUDLEY: Thank you. I want to thank you for--Federico?

DR. ZARAGOZA: Just some clarification. If you could expand a little bit on your comment that minority institutions were having problems complying with your standards?

DR. CHUNG: Correct.

DR. ZARAGOZA: Can you speak to that a little bit more and give me an idea of percentages

and how that would compare to the population as a whole?

DR. CHUNG: I would say that, well, in some cases, 95 percent of our programs are not meeting our standards. And I think that's really quite outrageous. And there are numerous factors involved. What has happened is I have gone to those programs and said, hey, how can we help you make sure that you comply with our standards but also make sure that your graduates are truly educated to be able to pass our registration exam?

And so one of the factors falls, unfortunately, potentially, on the academic training of students coming into the programs, that they may have been in communities where they didn't have the level of education and training needed to do a good job once they came into the program.

Another one is financial. Many of these students are first-generation students. They don't necessarily have the family support to help them really get through or to give them the knowledge they need to be successful in the academic

programs.

And so what we're trying to do right now is really work with those programs, again, regardless of what the ethnicity is of the student population or the background. We'll work with all programs that are having difficulty to say how can we help you work better; how can we help you to raise the level of your students so that they are where they need to be so they can be successful in the profession?

So there are many, many factors, and I don't believe it's based on ethnicity. I think it's based on history. I think it's based on experience of individuals, but the fact of the matter is that we have found these problems, and if we want to address the kinds of health problems we have with minority communities, we have to have minority practitioners in place.

DR. ZARAGOZA: Just one other question.

DR. CHUNG: Sure.

DR. ZARAGOZA: 95 percent of what? What's your "N"?

DR. CHUNG: Oh, we have, well, if we looked at the historically Spanish-speaking programs and historically black-speaking, historically HBCUs, in some cases there, 95 percent are not meeting our standards.

DR. ZARAGOZA: 95 percent of what?

DR. CHUNG: The number? Of all--

DR. ZARAGOZA: Of all institutions.

DR. CHUNG: Not of all of our institutions overall.

DR. ZARAGOZA: Okay.

DR. CHUNG: But all of the minority--

DR. ZARAGOZA: Minority serving?

DR. CHUNG: Yes, yes, yes, yes.

CHAIRPERSON STUDLEY: Art?

DR. KEISER: While I applaud your efforts at helping institutions/agencies that serve high-risk populations, I'm troubled by hearing an inconsistency in what you've just done. You said you took one agency that otherwise met all the standards but did not meet the pass rates, and you removed them from accreditation, and then you said

that the minority agencies did not meet the standards, yet they are continued in accreditation.

How do you justify that?

DR. CHUNG: No, that's the dilemma that we face. If regardless of the program--actually, the program that we withdrew accreditation from was a minority institution. The dilemma that we face is sort of political correctness. It looks very bad if we take accreditation away from our minority-serving institutions. It looks very, very bad, and we also need to make sure that we help all of our programs. So we are helping all of our programs.

However, if a program does not succeed, if a program does not meet our standards, we have determined that we have to remove the accreditation because they're not serving the population. They're not producing people who become registered dietitians. Does that make sense?

DR. FRENCH: How many--I'm going back to my colleague's question on the 95 percent.

DR. CHUNG: Right.

DR. FRENCH: How many MSIs are under your

accreditation purview?

DR. CHUNG: I would actually have to go back and look at the exact numbers. We have about 578 programs as a whole totally, and that's across all our program types, and I would say maybe--what--maybe 12, 13, 14 programs.

DR. FRENCH: MSIs? MSIs? You have 12 or 13 MSIs?

DR. CHUNG: Yes, yes.

DR. FRENCH: And 95 percent of those are not meeting the standard?

DR. CHUNG: Yeah.

DR. FRENCH: Of the two that were--the accreditation was revoked, are those MSIs?

DR. CHUNG: Yes.

DR. FRENCH: Both of those?

DR. CHUNG: Yes. Yes.

CHAIRPERSON STUDLEY: I appreciate your candor in helping us really understand some of these realities and also the one about field placements and the challenge of meeting experiential training expectations in circumstances

that you can't fully control. So those are both helpful to us in understanding the challenges that agencies really face.

I think there are many of us who would be interested in further exploration. You may have some comments on some of the other items.

DR. CHUNG: Yes. Sure. The second question was what are our agency's two thorniest challenges related to the Criteria for Recognition?

The first one is the timeline for programs to come into compliance, and if you recall, there are windows for programs depending on their length for coming into compliance with our standards.

So, for example, if a program is one year or less, it has one year to come into compliance with our standards. If it's less than two years, it has 18 months, and if it's two years or more, then it has two years to come into compliance.

And what we're facing in the situation is that it takes time for programs to make changes, and it takes time for programs to demonstrate that those changes have really taken effect and have

taken hold to really establish a trend, and what that forces us to do as an agency is to really look for surrogate indicators of quality as opposed to the actual indicators of quality.

So let me give you an actual example of the kinds of things, of how this might take place. The majority of our dietetic students take a minimum of five years to go through our education system, and so if there's a problem with a program's curriculum, it will take time to change the curriculum, and it will take time, many months, in fact, to actually change the curriculum and implement the curriculum.

And then it will take time for students to actually start using that curriculum, going through the system, coming out with outcomes at the end. That would take up to six years just for the first set of outcomes to show up.

So if our primary indicator is a pass rate on the exam, we may not be able to tell you if those changes have really taken effect until six years, and we can't tell you if there's a trend

until a few years after that because we only have one true point, and so I think that if we only have a two-year compliance window, that makes it very difficult for us to really look at what are the things that are really important in making change.

So we have to look at surrogate indicators. You might say, okay, well, you know, why don't you measure how well students are doing in certain courses, and if we see improvements in a certain timeframe, then we can say that you're probably making change.

What we really want to look at is the pass rate. Are we really truly improving the pass rate? And so those compliance windows, although we agree, we think it's important to not let programs kind of drag on with noncompliance and doing poorly, we think that the timeframes that we have to work with really aren't helping us in making good decisions.

The other issue we have is the system we have for uploading our reports. It's really difficult for us to work with, and so it's a much more minor issue, but it was a little clunky for

us.

CHAIRPERSON STUDLEY: Thank you.

Are there any questions for the agency staff?

DR. FRENCH: Yes, Madam Chair.

CHAIRPERSON STUDLEY: George.

DR. FRENCH: Allow me to digress. I'm trying to make sure I grasp this. You have 500 institutions, and only 12 MSIs, but you had two revocations for reaffirmation. Those were both MSIs. You're indicating that of the other 500 programs, none of those have these significant problems?

DR. CHUNG: Absolutely not, but if we look at--the major indicator is the pass rate, and those programs are below our pass rates. We have an 80 percent first-time pass rate for students, and we have a range of where our programs perform. There are some programs which have had a zero percent pass rate, and some programs have a 40 percent pass rate, a 30 percent pass rate. There are programs that have 100 percent pass rate or 90 percent pass

rates.

If you look at the distribution of our programs and where the pass rate falls, you are more likely to find our MSIs at the lower end of that scale, and so it's not that they're not producing graduates or getting employed. They are getting employment. They are not becoming registered dietitians; they're not passing the exam.

And so our role as an accrediting agency is to make sure that those individuals are eligible to sit for the exam and to pass the exam. And what we're seeing is that those individuals are not actually doing that, and so they can educate people to get employment, that's fine, and they can still keep doing that without our accreditation.

Our accreditation is a seal of quality that says you are meeting our standards, and so if they're not meeting the standards, we have to--

DR. FRENCH: So my question would be is there a sort of preliminary accreditation process that an institution would go through in order to

become accredited in the first place?

DR. CHUNG: Yes, yes.

DR. FRENCH: So those institutions that have this low passage rate, why were they even accredited?

DR. CHUNG: That's an excellent question. I think we've had to undergo a major philosophy shift in what we've done in the agency. I mentioned before that we have this policy where if you met, if you had a plan to address the problem, you would get accredited.

You would get continued in your accreditation, and what has happened is that we have seen programs with very low pass rates continue on, and so what has happened with my Board is they--I mean they were questioning themselves how can we let these programs go? And again, this is not just minority-serving institutions. We have other programs which are not minority-serving institutions that also have low pass rates.

So the Board was saying how can we fix this? What can we do to make this better? Because

they're not really serving the purpose which is to make people who can become registered dietitians.

So the Board made a tough decision. They said, you know, we can't let this continue; we have to change our policies; we have to make sure that we're serving the public; that we're protecting students. These students are paying money for their education. They're not becoming what they think they're supposed to become, and so we said we have to withdraw accreditation.

Now, there's a silver lining to this story. Our accreditation process is not you can only do it once and then you're done for good. If you can come back to us after one year, you can demonstrate that you can comply with our standards, we'll take you back into the fold, and then we'll let you take in students again to become registered dietitians and sit for the exam.

So even though we have withdrawn--the first program that we withdrew accreditation from came back to us within one year, reapplied for accreditation. They had a new program director,

and they're doing a fantastic job.

So, yes, for one year, they were without accreditation, but they were able to come back, and they were able to fix their problems, and I think that's an important thing because if we let these things continue, they will continue. So they're taking the path of least resistance. Again, this is all programs. It's not just minority-serving institutions. It's all programs. So our Board has really become much, much, much more rigorous.

Now, actually I'm going to address the third question, which is what are the things I think we do well? I think that we have established a culture change with our education programs which was not there before. If you look at the traditional kind of compliance model, it's kind of like a hit-and-run accident. It's like the accreditor goes in there, says where you're wrong, and they've run out again, and then they say, okay, go fix it; we're not going to help you anymore.

What we have said is that we have to really work with those programs because if they

don't know what accreditation is, if they don't know what the standards are, how can we expect them to really be able to comply with those standards?

So we are offering them with much more training. We are offering them sometimes hand-holding. I'll say hand-holding to help them get through the process. But we also saying at the same time, you must show compliance with our standards; you must meet our standards. Otherwise, we will not accredit you.

Now, I'm going to give you a little bit of a story about what happened in my first year with this agency. We have regional meetings of educators, and so I went to all four of these meetings of educators, and I would get in the meetings, and they would be so angry. They would say that our process is burdensome; it's all about paperwork; it's nitpicking. They had literally nothing good to say.

But we did something different that we had not done in the past as an agency, at least not before I got there. I listened. I listened to

what they had to say, and then I said you're right: our process is nitpicking; it is burdensome; it's overloaded with paperwork; we have to do something about it.

The room would go silent, and then they would applaud just because we had listened to what the educators were saying, and then we went back and we took what they said into consideration, and we've been trying to upgrade our process, tried to make it a much more user-friendly process and to demonstrate that the process is not about compliance, it's about changing people's lives, it's about really helping programs to do better because they're helping students to do better, and they're helping to protect the public and help the public. That's what the role of accreditation is. It's not about compliance.

And so, for example, we have new standards. Our standards went from 16 pages to about 76 pages, almost 100 pages, and we have all kinds of support in our standards to make improvements. So we've done a whole lot of work to

change the culture, and now the programs are coming back to us and saying how can we work with you more closely? The educators are coming back to us and saying we want to work with ACEND, and we want to do more projects with ACEND so we can improve our system.

So every time I go to these programs, it's a totally different culture now. They welcome us, they want to hear what we have to say, and we want to hear what they have to say.

CHAIRPERSON STUDLEY: Federico.

DR. ZARAGOZA: Perhaps you can indulge me one more question. 95 percent of the institutions are having some kind of problems with meeting your compliance standards. What is the pass rate for minorities in general?

DR. CHUNG: I don't have those numbers, but our pass rate is 80 percent first time for all students. So we calculate pass rate across all programs--all students who take the exam over a given period. If you take all those students together, 2,000 students, let's say, 80 percent

will pass on the first try. If you look at the minority-serving institutions, it could be 20, 40, 60.

DR. ZARAGOZA: The only observation I make, and I tend to do it because I'm sensitive on the diversity front--

DR. CHUNG: Absolutely.

DR. ZARAGOZA: --is that without looking at your standards, I mean, and just because you're serving more minorities, that in and of itself might be an indicator where you may have an issue that is systemwide. Your minority pass rates across the board may be something you want to look at as well.

DR. CHUNG: Absolutely. Absolutely. I agree. I agree. Something is going on. Something is going on in the system, and I don't think it's just us, to be quite frank, but it's something that we believe that we have to address. It's something that we have to work with with all of our programs to address this, and I think no program wants to be a bad program. No program wants to do that.

But we have to go and we have to work with them on a collegial basis. We have to understand what their issues are, and we have to not just say you're bad and leave you alone, fix it, and then come back in two years or five years.

CHAIRPERSON STUDLEY: Susan.

DR. PHILLIPS: Different topic, going back to what Jamiene Studley had mentioned before. I know that you're in the process of revising your policy on the adequacy of student services. So what can you tell us about what that might look like?

DR. CHUNG: Oh, my gosh. We don't--well, let me put it this way. I have experience with another accrediting body, and we actually did go and look at the quality of student services. When I came to this agency, I noticed that the standard said you must have a policy about student services, i.e., whether or not you have student services or not, and so what we were doing was, or our teams were doing, was saying did they have a policy; is the policy accurate? And if that's so, they're

okay.

We didn't look at it to say, okay, you have student services, let's go and see if they're really adequate to serve the students' needs? I think what we have to do now is I need to really consult with the staff about what their expectations are for those because I don't think our policy had changed in the last recognition process, and so I really want to have a better understanding of what it is, the expectation is of the staff for meeting that policy, so that we can actually come into compliance with that policy.

So I can't honestly give you a statement about what that is because I don't know really what the range is at this point.

CHAIRPERSON STUDLEY: Thank you very much. I appreciate all of your comments.

DR. CHUNG: Sure.

CHAIRPERSON STUDLEY: We have two people who have signed up to make public comment.

DR. CHUNG: Yes.

CHAIRPERSON STUDLEY: And if you would let

us hear from them, then we might have additional questions for you and/or the staff.

Mr. Bergman and Ms. McCollum, please. If you want, you can just slide over. You're close. Either way. I didn't realize your seats were so close. Thank you very much.

Mr. Bergman, you signed up first.

DR. BERGMAN: Sure. Madam Chair and members of the Committee, good afternoon. Thank you for allowing us the opportunity to speak today. My name is Ethan Bergman. I am the President of the Academy of Nutrition and Dietetics, and with me is Dr. Glenna McCollum, and she's the President-elect of our Academy.

Just a little history. The Academy of Nutrition and Dietetics was founded in 1917 as the American Dietetic Association. The intent was to help governments conserve food and improve the public's health and nutrition during World War I. Since then the Academy has become the world's largest organization of food and nutrition professionals with almost 74,000 members. It's

continued to remain committed to improving our nation's health while advancing the profession through research, education and advocacy.

Our accrediting arm, the Accreditation Council for Education in Nutrition and Dietetics, or ACEND, has beginnings in 1924, and it has helped shape our education system and our profession.

As the parent organization of ACEND, the Academy of Nutrition and Dietetics supports ACEND's efforts to be recognized by the Secretary of Education. We are prepared to do what's necessary to assure that ACEND meets Federal regulations.

So we are here today to provide assurance to the Department that the Academy has no role in making or ratifying either ACEND's accrediting decisions or ACEND's policy decisions, and that ACEND has sufficient budgetary and administrative autonomy to carry out its accrediting functions independently.

In order to meet the letter of the regulations, in answer to one of the previous questions, the Academy's House of Delegates

unanimously passed an amendment to remove the requirement that ACEND's bylaws be approved by the House of Delegates. That change went into effect December 3 of this year. We also wish to clarify that although ACEND provides its budget to the Academy to assure that it is fiscally appropriate, it is prepared--the budget is prepared, approved and managed independently by ACEND, and we provide this documentation to ACEND.

So thank you again for your time, and we would welcome any questions that you might have.

DR. McCOLLUM: Madam Chair, members of the Committee and staff, I'm Dr. Glenna McCollum, Vice-not Vice President, President-elect of the Academy of Nutrition and Dietetics, and I too am here this afternoon to echo what President Ethan Bergman has stated.

As the incoming president for next year, I will continue to support the efforts and the comments and statements and the progress that has been made under Dr. Ulric Chung's direction and with the ACEND Committee. So we want to say thank

you again, and we're here to support.

CHAIRPERSON STUDLEY: Thank you very much. Do the members of the Committee have any questions for Mr. Bergman or Ms. McCollum? Seeing none, do you have any questions for the agency staff or for ACEND at this time?

Okay. Are you prepared to make a motion?

DR. PHILLIPS: I move that the NACIQI recommend that the ACEND recognition be continued to permit the agency an opportunity to within a 12-month period bring itself into compliance with the criteria cited in the staff report, and that it submit for review within 30 days thereafter a compliance report demonstrating compliance with the cited criteria and their effective application.

Such a continuation shall be effective until the Department reaches a final decision.

CHAIRPERSON STUDLEY: Is there a second?

MR. ROTHKOPF: Second.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Is there any discussion of the motion? Seeing no hands, all in

favor, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: Thank you very much. The motion carries. We will have the formal motion available for you, but I think you're aware of it, and thank you all very much.

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CHAIRPERSON STUDLEY: We are slightly later than our original schedule, but we will take a lunch break now, and we will convene promptly at 1:30. Would the Committee members, in particular, all please be back at 1:30 so that we can pick up our business, and we appreciate the afternoon presenters rotating with us just a few minutes.

Thank you very much.

[Whereupon, at 12:24 p.m., the Committee recessed, to reconvene at 1:39 p.m., this same day.]

A F T E R N O O N S E S S I O N

[1:39 p.m.]

CHAIRPERSON STUDLEY: Thank you, all.

Thank you again for being with us. We will pick up with our agency actions in just one moment.

The Committee members asked that I share very briefly with you the topics, not the full discussion, but the topics of the session that we had this morning before we invited you to join us.

It was a training session related to ethics and a discussion of process. We are now two years into what some call the "new NACIQI," the reconstituted NACIQI, and those of us on this body who are new feel that we have gained some experience and perspective over time through our specific reviews of agency determinations that come before us and our policy process that many of you helped us conduct to think about possible subjects and approaches for a future Higher Education Reauthorization.

In the course of it, we've had the opportunity to reflect on some areas that some of

which may be on your minds as well, that we hope to pay attention to and to work with the staff and with the accrediting community to understand and perhaps think of improvements and clarifications that would be helpful to our operations.

One, for example, relates to the timing of when during the compliance process agencies actually come before us. When there are either new procedures to be developed or documentation clarification that both agency and staff feel are warranted, when during that process is it best to have the NACIQI review, and would we be better served by having more of that completed so that we could see the conclusion of that process and less remaining to be concluded than we do right now?

We, in a process session, we, of course, made no decisions. We have no action items coming out of that, but we are going to continue to watch what works best for you and for us in reaching that kind of clarity about when we can best do our oversight with regard to particular agencies.

And second, we are thinking about how best

to make our recommendations to the senior official of the Department who acts on accreditation agency determinations in the event that we and the staff have a disagreement. Our greater experience and knowledge and confidence make us realize that when we do, in those cases in which we do have a different result that we recommend to the designated agency official, we want going forward to be very clear about the basis for that decision and make sure that we are understood and the basis for those different approaches is clear.

We, as always, encourage you, if you want, to identify opportunities for improvement to us, to let Carol, our excellent director, know so that we can understand what this all looks and feels like from your perspective.

With that, we will move into the first-- let me just--is there anybody on the Committee who would like to add at this point? And then I'll take recusals for the next agenda item. Anyone from the Committee? Thank you.

WESTERN ASSOCIATION OF SCHOOLS AND COLLEGES,
ACCREDITING COMMISSION FOR SENIOR COLLEGES
AND UNIVERSITIES [WASCSR]

CHAIRPERSON STUDLEY: We're going to move now to the Western Association of Schools and Colleges, Senior Commission. Are there any recusals at this time?

DR. KIRWAN: Yes, I'd like, if I could, make a very brief comment.

CHAIRPERSON STUDLEY: Oh, sure. Sorry. I thought you were--

DR. KIRWAN: And then mention my recusals. You know, we were all rushing away to lunch at the end of the last session, and I for one didn't want the moment to pass without expressing some admiration for ACEND for their efforts to exercise very high standards or raise the standards of the institutions that they accredit, as well as to work with those institutions in a very collaborative way to help them elevate their performance to one worthy of accreditation.

It was, from my perspective, a breath of

fresh air. So I just wanted to be on record as noting that.

CHAIRPERSON STUDLEY: Thank you.

DR. KIRWAN: Secondly, I have to recuse myself not from one, but from the next two agencies, and so I will see my colleagues a little later. Thank you.

CHAIRPERSON STUDLEY: Thank you very much. We'll miss you. I think that's it with respect to WASC.

We now turn to the primary readers, Bill Pepicello and Art Rothkopf, and I believe that you are presenting.

MR. WU: Will you be taking other recusals? I'd like to recuse myself.

CHAIRPERSON STUDLEY: With respect to WASC?

MR. WU: Yes.

CHAIRPERSON STUDLEY: Yes. I'm sorry. I thought--

MR. ROTHKOPF: I'm going to lead off, but my voice is somewhat failing so hopefully Bill will

get very actively involved. We're talking about what's known as WASC Senior. The Accrediting Commission for Senior Colleges and Universities is one of three accrediting commissions that comprise the Western Association of Schools and Colleges, or WASC.

The agency is recognized as the regional accrediting body for the accreditation and preaccreditation of senior colleges and universities in California, Hawaii, Guam, Samoa, and a whole series of islands, which presumably they go visit in the right weather.

WASC Senior currently accredits 161 institutions located throughout its region. Accreditation by WASC Senior enables these institutions to establish eligibility to participate in Title IV financial aid. It's a Title IV gatekeeper and meets the definition of separate and independent as required in the Secretary's Criteria.

The U.S. Commissioner of Education listed the Western Association of Colleges, you know, the

WASC Senior, on the initial list of recognized accrediting agencies in 1952. After establishing a successor--that was in '52--excuse me--in '62, the Secretary has continued periodically to recognize the agency.

NACIQI last considered WASC Senior for renewal at its Fall 2006 meeting. The Secretary concurred with the NACIQI recommendation and granted the agency a five-year period of recognition.

The Secretary also requested the agency to submit an interim report for review at our, or the predecessor NACIQI, at Spring 2008 meeting, and that report was accepted, and there is a petition for continued recognition that is before us.

CHAIRPERSON STUDLEY: Thank you very much. Bill, did you want to add anything at this time?

DR. PEPICELLO: No, not at this time. Thank you.

CHAIRPERSON STUDLEY: Thank you. We'll now go to the agency staff member, Rachael, for your report. Thank you.

DR. SHULTZ: Good afternoon. I'm Rachael Shultz, and I will be presenting information regarding the petition submitted by the Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities, or WASC Senior.

The staff recommendation to the Senior Department Official is to continue the agency's current recognition and require a compliance report within 12 months on the issues identified in the staff report.

This recommendation is based upon the staff review of the agency's petition and supporting documentation as well as the observation of a site visit in Irvine, California, in October 2012.

Our review of the agency's petition revealed issues in several areas of the criteria. In particular, as a result of our review of the criteria in the area of organizational and administrative requirements, the agency is in the process of changing its administrative structure in

order to meet the Department's separate and independent requirements.

The agency's appeals process will also change significantly, and there are several findings in this area that are based upon our need to analyze the agency's compliance with the criteria under their new process.

In the area of required standards and their application, the agency must provide additional information and documentation on its standards review process, analysis of student achievement and other data collected in its annual reports, review timelines, and how it reviews compliance with several of its standards.

In the area of required operating policies and procedures, the agency must provide additional information on or modify its policies related to rapid growth, teach-outs and notification requirements. It must also provide information and documentation regarding its policies related to the revised appeals process that will be implemented under its new administrative structure.

I would note that there was an issue regarding the agency's receipt of the draft staff analysis of the current petition. The message notifying the agency of the availability of the draft was apparently diverted to the agency's spam box causing a delay in the agency's response to the draft.

However, ED staff worked with the agency to ensure that it would still have 30 days to respond to the draft analysis, and despite the delay, I am pleased to report that the agency immediately took steps to start revising its policies and procedures in order to bring itself into compliance with the Secretary's Criteria.

Since many of the issues identified in the staff analysis only require the need for additional policy modifications or documentation, and since the agency has already initiated steps to address the issues related to separate and independent requirements, we believe that WASC Senior can resolve the concerns we have identified and demonstrate its compliance in a written report in a

year's time.

Therefore, as I stated earlier, we are recommending to the Senior Department Official that WASC Senior's recognition be continued and that the agency submit a compliance report in 12 months on the issues identified in the staff report.

The Department received one negative third-party comment regarding WASC Senior. Over the past year, the commenter has lodged complaints with the Department, accompanied by hundreds of pages of documentation, alleging that WASC Senior failed to comply with the Secretary's Criteria for Recognition in handling two complaints he lodged with the agency against a university where he and his wife were formerly employed.

Department staff duly considered his allegations and documentation and concluded that WASC Senior had followed its established procedures in investigating the complaints. Since the Department found no evidence that the agency did not follow its procedures, it therefore considers the matter to be closed.

There are WASC representatives here today, and we'll be happy to respond to the Committee's questions. Thank you.

CHAIRPERSON STUDLEY: Thank you.

Do Committee members have any questions for the agency staff at this time?

DR. PEPICELLO: Rachael, I don't know if this is exactly a comment or a question, but as I read through the materials, it seems to me that the issues that were identified fall into some easily identifiable buckets.

One is where there are issues related to the organizational structure change. Some are just requests for additional information. Some is additional documentation. And then the last is there are standards that are in process of being reviewed that we need to clarify.

Is that pretty much an accurate characterization?

DR. SHULTZ: I think that summarizes it very well. I think probably a fourth of the findings are related to their reorganization so

there is really no way to respond to those until that takes place, and the agency did immediately go in and start revising its policies and procedures, and some of those still need some additional tweaking, but they've certainly gotten a good start on it. So I don't think they'll have any problem completing the report in a year's time.

DR. PEPICELLO: Okay. Thank you.

MR. ROTHKOPF: As a follow-up to Bill's point, it seems to me, and something we need to discuss as we go forward, that since so many of these concerns expressed and issues presented relate to the reorganization, and there's a meeting coming up, I believe, in February of next year, which isn't very far off, that this might be, if you will, a template for thinking about should we delay the time for the recognition hearing until such time as an agency, or WASC, such as WASC, is able to implement the things.

Now we still may end up, gee, can you prove that you did what you said, but I have to say, and this is a comment really not calling for

your response, but just an overall comment, that I think this is a case that fits within what the Chair described as a subject we discussed at some length during the training session.

DR. SHULTZ: I'm sure Kay will take that under advisement.

[Laughter.]

CHAIRPERSON STUDLEY: I think Bill Pepicello's summary of categories was helpful. I wonder if there were any areas where you believe that the Department and WASC have differing views of what's appropriate or necessary? I will ask them the same question. I obviously should ask both sides, two people if they have a disagreement.

But is there anything that remains to be done where your understanding is that there's a difference of reading or interpretation of the requirements?

DR. SHULTZ: Well, I hesitate to speak for the agency, but I would suspect that they probably are not in agreement with our findings related to separate and independent necessarily, but I would

add that they've been very cooperative in immediately taking steps to start making the changes we've requested, and so I don't think, while they might not agree with us, they are certainly cooperating with us.

CHAIRPERSON STUDLEY: There was one pattern that I saw in a couple of different areas in which the agency in using an institutionally defined four-priority test. Schools that they are accrediting choose four priority areas to work on in the review, as I understand it. And it seemed that several times in answer to one of the questions from the Department of Education about how something was handled and how it received attention, if it wasn't one of those four, that there was some difference in approach.

I'm looking at recruiting and--I'm thinking of recruiting and facilities, in particular. And as I read the materials, the WASC submission, agency comments, and the back and forth over those, it seems that there was some debate between whether it was sufficient to have either

student complaints about recruiting or observations by the staff, by the WASC staff, as they looked at, as they visited a site to trigger whether they saw facilities problems or whether they came up in conversations or complaints from or concerns from somebody on campus, that there was a difference between what we go look for, what we focus on in those four priority areas, versus attending to items under each of the elements.

Is that notion that there was some difference in approach a fair reading of the review process, and was the Department ultimately satisfied that there was sufficient attention to areas that are not--let me put it another way--that for areas not within those listed priorities, that relying on concerns/complaints initiated on the campus or observation by the team in these non-priority areas was sufficient review on those topics?

DR. SHULTZ: This agency is somewhat unusual in that it has a multi-stage review process. There is a proposal that's prepared, and

then they do a capacity review, and then an effectiveness review, and I'm not remembering the full names, but those are the three stages.

In the effectiveness reviews, they focus on I think four areas that they really delve into. We had a concern that not all of the standards would be reviewed in the effectiveness in that final review, but we went through the self-study for the capacity review that the school had written, and we cross-checked to make sure that every one of the agency standards was addressed in the initial review.

So we have less concern that the final stage, the third stage, is more focused because the standards are all addressed during the capacity review.

CHAIRPERSON STUDLEY: Okay. That's very helpful. Any other questions before we hear from the agency? Thank you very much. We appreciate it.

Would the agency representatives please come forward? Thank you very much. Would you

please introduce yourselves?

DR. JOHNSRUD: Thank you very much for this opportunity to present comments. My name is Linda Johnsrud. I'm the Executive Vice President and Provost of the University of Hawaii System. I've been with the Commission since 2007. I was appointed Vice Chair in 2009, and since 2010, I have been Chair of the Commission.

And I'd like to introduce the President of our Commission, Ralph Wolff, and newly appointed Executive Director Richard Winn.

Thank you. In my remarks and those of President Wolff's, we will interweave our responses to the general questions that you have asked all agencies to address.

The Department staff have raised a number of issues where the term "noncompliance" is used. As further described by our President, Ralph, we believe that nearly all of these matters are technical and involve providing additional information.

We are committed to eliminating any

outstanding issues and do not believe there will be any instances where we will be unable to demonstrate compliance.

The Commission believes it is an effective and forward-looking accrediting agency. Our demonstrable record of effectiveness can readily be overlooked in the very technical application of the Department's interpretation of statute and regulations.

WASC Senior is the only accrediting agency in the nation that accredits only institutions that award bachelor's and graduate degrees, though an increasing number of our institutions are awarding associate degrees as well.

Our schools include a substantial number of world-class institutions, like Caltech, UC-Berkeley, UCLA, Stanford, and many more where minimal compliance with our accreditation criteria simply is not, as a practical matter, an issue.

At the same time, WASC Senior works with a substantial number of highly innovative institutions that offer new and innovative models

of delivery and are seeking our accreditation.

It is important that we be able to be responsive to this wide spectrum of institutions. Indeed, we are currently in the process of revising our institutional review process with this purpose in mind.

We have concerns that the Department's one-size-fits-all compliance focus is not sensible, may not add value, or be cost effective for many of the institutions we accredit and may inhibit our ability and that of other accrediting agencies to adapt to the rapidly changing landscape of postsecondary education.

We would also point out that as we in the accrediting community have been moving to outcomes and away from inputs, consideration should be given by the Department to allow well-established accrediting agencies to adopt a risk-based model of review and demonstrate effectiveness through the outcomes of the process.

WASC is in a period of transition, including the upcoming retirement of our President

who will speak in a moment. Importantly, we are moving to an accreditation model that strongly emphasizes accountability and transparency. There are a number of steps we have taken that demonstrate our leadership on and commitment to both transparency and accountability.

These include, as of June 2012, all site visit team reports and Commission action letters are made public on our Web site. We are undertaking a review of all of our institutions regarding student retention and graduation, and using disaggregated data that goes well beyond IPEDS.

We now expect all undergraduate institutions to demonstrate that any bachelor's degrees offered have meaning and coherence and that students demonstrate an appropriate level of competence upon the acquisition of such degrees.

As a final example, WASC Senior maintains a confidential e-mail account available to anyone who wishes to provide input during the institutional accreditation review. As far as we

know, this type of tool is unique to the Commission. It has been an incredibly useful tool. We have received information ranging from three to four e-mails to more than 1,500 regarding institutions we review.

I should note that while we present this useful tool as an important innovation of the agency and one that facilitates our emphasis on accountability and transparency, Department staff did not appear to give us any credit for the tool, presumably because it doesn't relate directly to any one Federal criterion or any one Commission standard and because we did not provide documentation related to the tool.

Finally, recognizing the Committee has now studied how to improve its own functioning, as well as the functioning of agencies like ours, we would ask the Committee to be sensitive to the cost of Departmental staff interpretations of how regulations are to be applied.

We strongly believe that flexibility is needed in our ability to focus our accrediting

process increasingly on outcomes and not require our best institutions to demonstrate minimal compliance with each and every issue at every review.

Thank you.

DR. WOLFF: Greetings, everyone. Nice to be back before you, and this may well be my final occasion to appear before you. I can't say I'm sorry about that.

[Laughter.]

MR. ROTHKOPF: That's not a nice thing to say; right?

[Laughter.]

DR. WOLFF: Well, at least not in the capacity representing WASC, and I do want to acknowledge we did have a problem receiving our materials. The material did not have ed.gov on it. It had some weird name and went into our spam filter so it did cause us some initial problems, but I want to acknowledge that Kay and Rachael were really helpful in giving us the amount of time, and we did try and did succeed, I think, in being quite

responsive.

I'd just say a little background. I've been in WASC since 1981. I like to say I was 16 when I came, but it's been a long time so after 31 years, it's really time to turn the leadership over. But it's been a privilege, and I've been President since 1996 and have tried to move WASC into an agency that's really quite responsive to innovation and to addressing increasing issues of accountability.

We've received over \$4 million in grants to continuously revise our process, and I'd like to talk in a minute. I want to first talk about just the noncompliance issues, but then if I could just give a few comments, maybe as parting reflections. Then certainly be open to any questions.

But there are 23 areas in which we were found noncompliant, and as we review them, ten involve areas that we already have policies in place or revised our policies to meet the Department's interpretations, and we just need to either demonstrate compliance or some trigger

event.

So, for example, for monitoring student growth, there was no institution. We adopted a new quantitative measure, and no institution grew to meet that measure. So we were found noncompliant for not having had the trigger.

Seven relate to our decision to separately incorporate, and let me just say that Rachael mentioned we initially did have concern about the way the Department was interpreting the separate and independent provision. The truth is that it is simply not possible to meet the California Nonprofit Integrity Act and Departmental interpretations. We had to choose one or the other, and it was very clear that in terms of the separate and independent provision, that separate incorporation was necessary.

I want to be clear that we are also making that decision on our own as the most appropriate decision for the future. So I think it is to say that we will have that completed by the end of the year, fiscal year. That's our intention, and we'll

address all of the issues that are identified there and plan to work with the staff to make sure that our bylaws and our appeals process conform to the separate and independent provision, and I foresee no problems with that.

The other citations require additional documentation or we believe can be resolved easily within the 12-month period. In some of these cases, I will say we believe appropriate documentation we thought had been provided, and it wasn't clear entirely what additional documentation is needed, or there were a few occasions where we were cited for needing a policy where our interpretation of the regulations didn't call for a policy. At least that was not clear in the formal language of the regulation.

We know that others have expressed concern about the staff becoming too granular in interpreting the regulations, and I would just say we share that concern in many of these areas, and we experienced it in a few occasions when we submitted or in the review of our petition.

So let me cite an example that we're going to meet with the Department on. The law or the regulation requires that among the things that we need to address is having a record of or reviewing the institution's record of student--excuse me--a record of complaints against an institution.

Our institutions asked us in coming into compliance, well, what's an appropriate recordkeeping period for that? And we identified six years as the best practice. In addressing this issue in our petition, I should say we look at every institution's policies on grievance. We have standards on it. We have--on having complaint policies and grievance procedures, in addition to our own, but that they have it.

And in submitting our petition, we provided both a compliance audit form that verifies those policies are in place, and that we had one multi-site institution that operates all across the country and online that we reviewed all the complaints filed against that institution that they kept a record of for one year to see if there were

patterns.

We were advised that instead of one year, we need to review all six years of complaints. Well, we consulted with some of our large comprehensive universities, what would that look like? Complaints are residential complaints, student complaints, faculty complaints. The cost of this, the burden would be extraordinary.

So either we revise our policy that says that they only have to keep records for a very limited period of time or we need some flexibility to say, just as in the credit hour rule, sampling is necessary and appropriate, and that if there is a need to dive deeper, we should, but we want to be careful about hoisted on, if we say six years, that we have to look at everything for six years as opposed to having the flexibility of seeing what's appropriate around this issue of complaints.

And certainly for a brand new institution, an online institution, we are very seriously looking at this, but I must confess when we're looking at Caltech or Stanford, we have not had any

history of problems with those institutions.

And that's where the comments that Linda made about the need, we feel the need for adaptiveness and flexibility is quite appropriate. So I just want to say that we will come into compliance on all of these issues but really want to do it within a spirit of a framework of being appropriately adaptive and responsive to the different kinds of institutions.

And we clearly take our standards seriously. We do address compliance with our standards, but we have many institutions where the interchange that we have with them needs to be much more than minimal compliance, and we need to find ways to do that that are cost effective.

And so I have no doubt that we will be able to come into compliance within a year, but I would say that we would like to work with you, with the staff, in a way that acknowledges the kind of institutions that we have, many of which, as Linda said, are world class, and that we'd like to make the process add value to them rather than expecting

people to be engaged in minimal compliance issues.

I do have some general comments, if I may, if I may take a minute, and welcome your questions. You know, I've been involved, I was trying to think when was the first time I was involved with Federal regulation and NACIQI, and I think I can go back in my memory at least to 1992, if not before, and over that time, you know, we've been through, I've been through four handbooks, but many petitions. It's enough already I say.

But over that time, I've seen an increasing drive toward increasingly I will call them micro interpretations of the regulations, and the regulatory language is written in one way, but then there is what we call sub-regulatory interpretation.

And it's been adjusted over time an increasing way that compliance has driven all reviews. And we think that it overlooks key issues of accountability and real quality because it is so focused on the granular level than on our effectiveness, and we believe we're truly an

effective agency in the impact that we have on quality and on the institutional effectiveness, as well as institutional integrity.

Linda mentioned, and I would say, we have worked really hard to shift our model from an input to an outcomes-based model, and I will tell you that has not been easy with some of our research universities, with other institutions, and I think we've made real success.

But all of that is overlooked in our review because--nor the impact that we've had on institutions. And we have really struggled to create an adaptive model that really is appropriate to each institution's context. And we believe we're rigorous within each context, and we would urge that as you all look forward, what would an outcomes-based or how could outcomes of agencies be considered, and how can you move beyond a pure input-based model that focuses only on do you have a written policy, do you have documentation, rather than is that policy effective, and what's your demonstration of that?

I would also say that I recently attended the Innovation and Productivity Summit and actually had the ability to serve on a panel that Secretary Duncan spoke at, and he made it very clear, and so did Martha Kanter, that they are very interested in innovation.

And I would have to say there is no effort to focus on innovation. There is no effort to focus on what are the things that we have done that have been distinctive other than the general questions that you ask that are not related to our performance, but it is very clear that the changes that are going on in higher education, many of which are happening outside the Title IV and regulatory framework. We're dealing with a lot of institutions that are free, with MOOCs, with several institutions that want to go off the Title IV grid, and that we will need to accredit, and then they will go back on to it. They arguably may go on to the Title IV grid.

But we need to be responsive to these changes and how can we make this process working

with you, which is an appropriate process, respond to innovation and to be able to demonstrate how we're being responsive. But I will say many of the approaches that either the regulatory provisions provide or the way they're interpreted stifle innovation or at least make it very difficult.

And that's where I think a risk-based approach is really important, one that was talked about in your own hearings and recommendations, and very much would support that.

And I think in a way that what the Secretary and Under Secretary are saying is not matched by the way in which we interact here, and I would urge that it might be possible for you all to work together to try to see with the Higher Education Reauthorization Act, or your own conversations, how can those of us who are in the accrediting world trying to respond to these enormous changes that are happening at faster than any of us could ever have anticipated, even a year ago, how can we be responsive to those and still demonstrate quality, integrity and transparency?

So I would just say that while we would come into compliance, we would hope that the future would acknowledge the efforts of agencies like ours to truly be innovative, responsive and assure quality.

So thank you. Welcome your questions.

CHAIRPERSON STUDLEY: Thank you very much. I appreciate your comments. I appreciate your linking them to the recommendations that we made related to the Higher Ed Act because it is rare that the law and the regulations and the internal procedures lead in the universe, and so all of us are trying to incorporate all of these changes that the whole--MOOCs are an obvious one. The pressure on credit hours and the research, including in what you're participating in around the meaning of degrees, and understanding what more subtle and sensitive outcomes we can have in addition to quantitative ones. All of that work is driving all of what we do.

The one thing that I didn't hear you point out was that it's bad enough to look at inputs as

the world is looking at outcomes, but to have to do both, which is in a number of situations what the accrediting community is saddled with--we look at the inputs, but we are increasingly adding measures of outcomes--is a situation of belt and suspenders. In too many cases that compounds the problems that you spoke about.

Committee members, do you have questions for the agency on either the agency review or these broader issues? I see Cam and Arthur.

MR. STAPLES: Thanks, Jamiene. I just wanted to say to Ralph, I appreciated your commentary, and, in fact, the conversation we had this morning was a lot focused on how we as a body, even separate from the Department itself, could make this process more focused on the substantive issues around how an agency operates?

I mean I sometimes walk away from these hearings not knowing whether the agency has, if they're doing a really good job. I mean we get the list, but we don't necessarily have the qualitative sense of the biggest successes, the biggest

challenges, the larger conversation that I think this group is looking to try to have, and I don't want to get us too off track.

I know you're here for a particular purpose, but if you have suggestions about how you think the NACIQI process could evolve, I mean we have--staff is very focused on the list of issues, and I'm not sure under the current regulatory scheme, there's a huge amount of flexibility with that although a good long-term issue.

But NACIQI could have a different role. I guess I'd put that out to you. Any thoughts you have about how this process, to be more helpful in getting from accreditors what the issues are that they're confronting that mostly are relevant to how they do their work more so than the forms and the policies? How would you suggest we modify, if you have thoughts about that, modify how we approach this program?

DR. WOLFF: Well, first of all, let me say it's a longer conversation that maybe in a post-WASC world I might be able to have with some of

you. But, number one, I think you all are stuck with the--there is no concept of partial compliance, you know, that any issue requires a trigger for a 12 month. I would say one of the things that our best institutions say to us is that if we've demonstrated compliance over and over again, and nothing else has changed, shouldn't there be some credit given for that and then let's focus on the important issues?

And so I would hope there would be some flexibility to say for some of our agencies that have repeatedly demonstrated compliance, that we then work on what are the most important issues. Outcomes is a term that has so many different meanings and so many different challenges, different, the incredible range of institutions that we work with.

We, I will tell you that we commissioned an NCHEMS survey of effectiveness with our institutions and were sobered by some of the responses about costs, about burden, about repetitive compliance, and they valued the emphasis

on outcomes that really change faculty conversations, but the issue is one of the cost of other compliance issues, and I would turn that around then to say are there not ways in which some of these issues that can be demonstrated by existing policies, rather than going over repeated granularity, could be addressed by some kind of preliminary review or staff review or the like, but then to say that these are all technical issues; they can be dealt with?

And then talk about what is your evidence of effectiveness? How would you demonstrate that you are accomplishing your outcomes, and what is the impact, you know, what are the chief outcomes that you as an accrediting agency are trying to accomplish, and what are the metrics that you, qualitative and quantitative, that you're trying to achieve, and what is your evidence in achieving them?

Putting that into a statutory framework, I acknowledge is a challenge, but many of us, programmatic and regional accrediting agencies,

have a long experience with these things and even the most traditional institutions are changing before our eyes.

And so part of that is how do we figure out how to deal with the enormous budget cuts and quality within the public sector; how do we deal with the growth of online and assure quality and integrity?

And so I think that part of that is a dialogue about issues, and, you know, I don't want to--it's not pointing a finger at anyone as to saying the system doesn't work, and what I can tell you, coming in Silicon Valley or in our area, people in Silicon Valley are saying accreditation is irrelevant to the work that they want to do. It takes too long; it's too burdensome; it's too compliance oriented.

The people that we talk to are doing start-ups and the venture capitalists and the like, and they're saying the badges, something less than a degree, and I really think the whole meaning of a credential is at stake here as we look to the

future, and what are the right credentials; what does quality mean? And I understand the issues around Title IV, but it's more than the granular level that we're looking at, and I think we need to find a way to respond to those concerns without giving up the quality and coherence of a credential.

CHAIRPERSON STUDLEY: Arthur.

MR. ROTHKOPF: You indicated that, and I've heard this independently, that there was, I'm sure, considerable reaction and difficulty among your institutions as you try and focus more on outcomes, and I think they--and--because you have a variety of institutions. You don't have the community colleges, but you have senior institutions. And do you feel that the outcome results that you've come to, your policies, which I take it are going to be implemented next year, as well as your policy on requiring that accreditation reports be made public, I take it that's also going to be implemented and probably had a fair amount of comment about. Maybe it was implemented in June.

Do you see these two areas of outcomes, and let's call it transparency of the process, to be templates more broadly for accreditors, or do you think somehow it's--oh, it's what goes on in California, Hawaii and the Marshall Islands?

DR. JOHNSRUD: I think the effort around outcomes has been a real eye opener for many of us because there certainly was push back from segments of our campuses, primarily faculty. The faculty give grades, and they thought they had been assessing student learning outcomes forever, and having us tell them that, no, we need a different kind of evidence was tough.

But I think what has happened over time, and I think this is true of many of our regional accreditors, as we've done more and more training in this area, we've gotten much more sophisticated at assessment. We've brought faculty into the mix, and as they've become more comfortable with various means of assessing student learning, it has really picked up, and now some of--I won't name names, but a very elite institution in our region who was a

real critic of the whole idea and cost of putting assessment into place brags about how effective their system is and how it has added value.

So I think that, and my understanding of other regional accrediting commissions and many of the professionals is that they are equally as interested in outcomes.

The transparency conversation was a little different. Our public institutions, for the most part, had been making everything public anyway so for them it was not that much of an issue, and we had talked about it long enough in our Commission and our region that when the Commission finally acted, we didn't really get push back from the privates either.

I think people recognized that the accountability to the public, to our various publics, is where we need to be now, and I mean there is certainly concern that we don't write our letters any differently now that they're being made public, and we talk about that.

MR. ROTHKOPF: Do you require--I take it

that the reports appear on your Web site. Do you require--are institutions linking to these reports on their Web site because that's where prospective students are likely to look? They may not find out or know about you, but they certainly are looking at the particular institutions. Is there a way for them to find these reports?

DR. WOLFF: We don't require that they post our reports on their Web site. What we do post is on our Web site and the action letter and a link to any response that they may have. So I will just say--and our Web site has been hit many, many hundreds of times, particularly as a result of a very visible action that we took last June with an online institution.

But I will say that the response, not only going into this, but even after we publish, was amazingly positive within our region as well as nationally. You asked whether it should be a template, and I will say that Beth Sibolski will be up, but the Middle States is doing something different. Sylvia Manning at the Higher Learning

Commission is going to be becoming much more transparent about the HLC actions.

I don't know that there's a single template that every agency will want to adopt, but I do think, I'll just say from our standpoint, and I'm really proud that the Commission has done this, we constantly hear, as you heard in your hearings, we hear it, that accreditation is a black box. Nobody knows what we do. Nobody knows what the criteria are, what our effectiveness is.

And my view is that let's put--every other Western democracy makes their reports public. Let's put our reports out, and if we're not doing a good job, let people tell us, but they can at least see the work product.

We are not making the self-studies public. The institution may choose to, and our view is we still want candor there. But we would like to let people see what we're doing and then to comment on it, and I think there will be multiple approaches that the other agencies will take. Our experience has been very positive about that.

And if I may just say a word about outcomes. Again, we're all, certainly all the regionals have emphasized it, but what is a good outcome has got to be reflected in the context of each institution, who their students are, what their purpose is, what they're preparing students for, and within institutions, there are different outcomes for a music major, a dance major, for an English major and the like.

Where we're really driving the process is both with the meaning and coherence or what we're calling the meaning, quality and integrity of the bachelor's degree. And we're moving to require that institutions document that there is at least some core competence in written and oral communication, information, literacy, critical thinking and quantitative reasoning. Through different majors, that there is at least some common set of expectations about what a bachelor's degree involves, but that each institution needs to reflect it.

Same is true with retention and

graduation. We've just gone through a pilot with the first nine institutions around what are good outcomes; what are good completion data? And all of them have had to go beyond IPEDS, and it's been a very big eye-opening experience, both the amount of time and money to produce this data and what the data means. And they're able to produce a narrative, and we require them to benchmark against who are their comparable institutions and how are they doing?

And the goal is to weed out those that are unacceptable and totally--but it's got to be within the context of the institution, and we don't have a single bright line, and so our big concern is, and this is where transparency links in, people should see what we're doing but to know that there's not a single bright line for every institution.

And this is very much a work in progress, and I have to say that we're struggling what does it take to get the data; what is the cost? We committed to doing it at the graduate level, and all of a sudden, not all of a sudden, our

institutions have told us our templates are problematic because when you're dealing with a Berkeley or a University of Southern California that have hundreds of doctoral degrees, at what level of granularity is completion important, or master's, which is very different from an executive MBA.

So we're really trying to work that through, and this is where I'd have to say it's not that we mind some of these issues that we're here talking to you about, but when we go in, like recruitment practices, and that was asked earlier by the Chair, for some institutions, we're deeply concerned about recruitment practices, and we are going to finalize our standards in February, which will really beef up our standards on recruitment, but for other institutions we're not. And so we want to be able to put the emphasis on the right syllable.

CHAIRPERSON STUDLEY: Bill.

DR. PEPICELLO: Madam Chair, I'm sorry, I'm going to have to leave. I have to catch a

plane for a board of directors meeting, one of my other masters, but I would be remiss in not putting on the record an acknowledgement to Ralph Wolff. He won't remember this, but I first met him in the late '80s in a basement classroom at National University where he lectured me on general education.

[Laughter.]

DR. PEPICELLO: I subsequently did the general education program for University of Phoenix, but unlike many others, I have had the opportunity over the years to sit with and work with all of the regionals since we operate in all of the regions, and I've always looked to Ralph as a leader, as someone who has set the standards over the years, and I want to express my personal gratitude to him for the great contributions he's made over the years.

CHAIRPERSON STUDLEY: Thank you very much. Appreciate it, and well said. I think we only go back to 1993. So--

[Laughter.]

CHAIRPERSON STUDLEY: Anne, and is there anyone else? This isn't your last chance. Anne and Art. Okay. Anne.

MS. NEAL: Well, I too, want to thank Ralph. I know you and I have occasionally disagreed on things, but I want to say thank you very much, and I think that was a very eloquent statement about really the challenges that accreditation is currently facing because we do see lots of innovation, and I want to second your concern about the granularity.

I can tell you having been on this body in two different episodes, when I read the various staff reports, all of which are done extremely conscientiously, I can say as a member of NACIQI, I often read it all, and I have no better sense of whether you are doing a good job or not, and I ultimately keep coming back to the statutory statement that I am essentially supposed to be determining whether or not accreditors are reliable guarantors of educational quality, and we talked about this a bit this morning.

I mean, I think, and surrounded by massive pieces of paper, one really often does not have a clue about the actual universe that you oversee, the number of schools you've closed down, the number of schools, and I'm saying "you" as a generic term, number of schools which receive warnings, what the average graduation rates are, what the various default rates are, so that I find my job immensely difficult, and in that context, I just wanted to pursue in just two areas that you've touched on and look a little bit at the quality issue, which I know you all are trying to get a handle on in a sensitive way.

And you were talking about not a single bright line, and I understand that, and I was looking at your upcoming 2013 standards where you have the institution demonstrates that students make timely progress toward the completion of their degrees, and that an acceptable proportion of students complete their degrees in a timely fashion, given the institution's mission.

And so I'm just curious, in that context,

I mean as I look, for instance, at going outside the material, I mean just look at IPEDS, you can see Chaminade University is at 38 percent six-year graduation rate, National University, 38 percent, I mean as you all look at this, is there anything that is so low that it merits on behalf of the Federal dollar a determination that it's unacceptable?

DR. WOLFF: First, I want to say that I often quote the same phrase, that I really believe we are to be held accountable. Are we a reliable authority on institutional quality and integrity? And I think that it's an appropriate benchmark to start with and to really focus on.

Secondly, for the first time, in June, the Commission characterized the graduation rates of three institutions as unacceptable. And I say it's about time. We don't have a bright line. It was in the context of those institutions. This is a real challenge because some of the data that you cited I could say back to you. These are not IPEDS based institutions, and the big challenge that we

have is for Pomona College and residential institutions, the University of California, all of their campuses for the 19 to 24-year-old student, their graduation rates are really, meet national standards.

It's the part-time, it's many of the California State universities, the underrepresented students, those who work 20 hours or more a week, Pell recipients. We're trying to disaggregate data in a way that is meaningful, but not so much make the decisions for the institution, but to have them self-identify where do they see problems, what do they define as acceptable, and determine whether they've made a good case whether that rate is appropriate.

I don't think that we're going to be able to develop, and I use this term very cautiously, standards of performance without a much richer database than what IPEDS provides for those kinds of institutions.

So part of this goal is to get that database in front of us that the institutions have

really worked with adult students, with Pell students, non-full-time freshmen and the like, and to say how do you look at this data? And then to be able to make judgments.

And so I'm hoping that over the next several years that the Commission will become, if you will, more expert at this because we have much better data. We have teams of people that we're training for review panels. We have a retention and graduation committee that will look at every one of our undergraduate institutions over the next three years, and the hope is or the goal--it's not a hope--the goal is that we build the capacity to make more professional judgments about acceptability.

What I do think is inappropriate is to say that any institution below 35 percent is automatically unaccredited or ineligible without really probing what that means. But we do have institutions at 34 percent or 36 percent on IPEDS, and I question--we have questioned whether that's appropriate, and we need to get better data to make

a decision about that.

MS. NEAL: Let me also just raise the question of cost, which more and more has been raised. I know we talked about it in our policy discussions earlier in the year, and I mean I know, particularly you mentioned the research institutions have been giving a fair amount of push back, and I think it's fair to say a lot of them complaining on the record about what they perceive to be a very vast cost, and I know Stanford has certainly expressed concern about the six figures that it's already spending to deal with accreditation.

So I want to explore a little bit with you all how you're addressing that. As I look at the material for this session, for instance, Cal State Stanislaus, in a State which you know better than I is suffering from financial challenges, Stanislaus produced a 468 page self-study. It has three pages of tiny font of staff that we working on the self-study.

In the meantime, you all were approving

extra doctoral degrees and master's degrees, and it just raised in my mind a question of the cost/benefit analysis here, and how we get a handle on this because we did hear fairly consistently during the testimony that a lot of the paper that's being produced is time consuming and requiring more and more staff time at a time when there just aren't a lot of extra dollars lying around.

DR. WOLFF: Let me speak to a couple of the issues. Richard actually was staffed to Stanislaus, but let me just say, first of all, we have a 50-page limit on our self-study. So I want to ask him--

DR. WINN: It was all appendices.

MS. NEAL: Oh, well--

DR. WINN: Appendices. If I might just also add, there is also the question of how much of this is extraneous and applicable only to WASC and how much really belongs to the institution for its own sake?

And the experience at Stanislaus was that they seriously embraced this as an opportunity to

have the kind of conversations and the kind of planning that they should have been having anyway, but that the WASC review provided a structure and an occasion to do it, and they really ended up saying, you know, this is for our sake. This benefits us.

And so to ascribe a cost or human personnel overload to WASC really doesn't address the issue of where is the real benefit? It's not for WASC; it's for us.

DR. WOLFF: And I might just add, I've certainly been in conversation with both John Etchemendy and John Hennessy at Stanford about the cost issue, and they picked studies that were just exactly what Richard said, that were really of value to them. So, and John Etchemendy has just joined our Commission--the Provost of Stanford. So I'm sure the issue will continue to surface.

But some of these issues I want to say are costs that were, if you will, some of it I--which is why we're trying to look at, we're revising our process for an off-site review to reduce the cost

of the process for the right institutions. We would like to be able to do compliance based on documentation and not have to evaluate and write a report on everything that's not an issue and focus on those things that are important.

But I think it is relevant. For some institutions the cost is irrelevant. It's cost in relationship to value. And the question is, is the cost appropriate for the value received? And I think it's one we need increasingly to be sensitive to.

CHAIRPERSON STUDLEY: Art Keiser.

DR. KEISER: I'll try to be quick because we need to move, I think. Two things. We will miss you. I think one of my first meetings, you and I had a long conversation about outcomes, and you've come a long way. Thank you very much.

[Laughter.]

DR. WOLFF: Have you?

DR. KEISER: I'm much less crazy as I used to be. One of the things that does make me crazy is the notion that some schools don't need

accreditation or don't need review because they have an "elite" status, whatever that means, and I heard that a couple times today, not just with you, but with others, and yet reminds me of one of the fine, probably one of the best public universities in this country recently had serious problems with an educational integrity issue.

And I just think no matter how elite institutions are, they're not above the law, and our job is to review to make sure that they are consistent with the law, and that their policies and procedures are appropriate and follow the law.

So I just caution that we don't because of someone's reputation, we don't overlook the fact that they need to be in compliance like anybody else, and that it's our responsibility, as is everyone's, to ensure the consumer, no matter how small or unimportant that consumer is, that they get what they deserve and get what they expect and that we meet our obligations.

You don't need to comment. I had to get that off my chest.

DR. WOLFF: I'll just speak very briefly, and that is to say none of our research universities, which have challenged this or that, have ever said they want to be free of accreditation or free of some kind of oversight. It's a question of what is an appropriate level? And I will just say that that's a dialogue that I think--

DR. KEISER: That's our next conversation.

DR. WOLFF: And it's one across all the regions. But I do think that demonstration of compliance is necessary, but there's a point at which it goes too far.

DR. KEISER: With that I agree.

CHAIRPERSON STUDLEY: Do any members of the Committee have questions at this point? We do have public comments on this agency so unless you have questions--Susan.

DR. PHILLIPS: Ralph, what a pleasure it's been to work with you. I wanted to follow up with your bright line conversation about some of the institutions that are with part-time working

students whose attentions are drawn in many places, and the notion that a different kind of retention rate or graduation rate might be appropriate for them.

Could you just spin that out a little bit more? What do you imagine to be a legitimate reason for an institution to have low completion rates?

DR. WOLFF: Two come quickly to mind. A student who transfers and goes to another institution and completes is lost, may not ever be recorded and may not be gained. And the National Clearinghouse is trying to create a database that allows tracking of that, and I believe some 36 States now have some kind of tracking system, at least for public institution students.

The second issue, time to degree, 150 percent or even 200 doesn't always apply to a student who is going to school part-time. So what is the appropriate time to degree? And so I would just say those are indicators where a six-year rate may not apply. The California State University,

for example, their data shows that a ten-year rate is significantly different than their six-year rate and just because of the character of the students that they have.

And how do we get information about either of those categories, and so just a bright line at six years may not be relevant for certain kinds of students.

DR. JOHNSRUD: I'd add one other example, and thinking about Chaminade University in Hawaii, that school is a faith-based school, small school, that has a lot of first-generation Pacific Islanders who come, and it does take longer, and they don't all make it, but it's a wonderful institution that cares about its students and really tracks its students, and they keep coming back, and I mean I would guess that has a lot to do with that 35 or 36 percent graduation rate.

When the Commission discussed this, and we have discussed it at length, we always talk about we can't just talk about the numbers. You've got to have the narrative. So you take the numbers,

and you're watching them very carefully, and you want them to go up, but we ask every institution to talk about numbers in a narrative fashion so that we can understand these various factors that may make a legitimate difference.

CHAIRPERSON STUDLEY: And I would just add a third element. If there are outcomes that vary by type, history, circumstances, that's something where looking laterally could be useful, where relative to others tackling the same task or working with the same population, how is this institution doing might contextualize it so that it's not just the same number is good for somebody and not for somebody else. And I imagine you're thinking along those lines.

Anne, and then we'll take public comment.

MS. NEAL: Very quickly because we had that very fascinating discussion with the dietetic group, really talking about standards, and I just want to pursue this a little bit more because I did look at a case where you all did, in fact, determine to take accreditation away from New

College, and it was fascinating to me because in the report, it says it is largely as a consequence of its special mission that the Commission has been so forbearing in its actions. The Commission noted that New College has been on a sanction for 17 of the last 27 years.

So in that context, when is ten years is enough or 12 years is enough or 15 years is enough? And I think that goes to the question that we were talking about earlier in terms of at a certain point are you doing students a service by continuing to accredit the institution?

DR. WOLFF: I'd just respond briefly. I totally agree with you. So did the Commission, and as a result of that action, we created a compliance audit to make sure that it would never happen again. We have really steadfastly honored the two-year rule and are very rigorous about that, and one of the reasons why we want to get at different criteria about effectiveness is, notwithstanding your mission, how effective are you?

So I totally agree with you that we were

forbearing, but we want to take mission into consideration but not at the risk of lowering our standards.

CHAIRPERSON STUDLEY: Arthur has asked for the last word for the moment.

MR. ROTHKOPF: The last little one. But it's an issue that I think goes to, if you will, the future, implication of technology, et cetera, and that is to what extent do you think your institutions are ready to deal with what I believe and others believe are coming, which is that prospective students are coming with almost a cafeteria of credits, from community colleges, from for-profit institutions, from MOOCs potentially when those get accredited--

CHAIRPERSON STUDLEY: From high school experiences which have credit--

MR. ROTHKOPF: All these things, and you've got some transfer of credit rules which are, you know, generally vague, which is what most of them are. I mean how do we deal, I mean, you know, and I'm not sure this is a short question, but how

do we deal with what is absolutely coming down the pike in terms of students with these array of credits that they think are fine, but the receiving institution is saying, well, gee, you didn't do this and you didn't do that?

DR. JOHNSRUD: I would say that's exactly why we have put this language about the meaning, quality and integrity of the degree in our new standards, in our new handbook, because of this swirling. I found the data qualifications framework--

DR. WINN: Degree qualifications.

DR. JOHNSRUD: Excuse me. Degree Qualifications Framework that was put out by Lumina intriguing because it puts the emphasis on the end point of the degree. In our efforts, we talk about GEN ED, what students should get out of GEN ED. You talk about the program, what they should get out of the major, but what we realized is that who is looking out for the degree? Who is actually at the institution concerned with the degree that's awarded?

You know the faculty are most concerned about the major. The faculty in the GEN ED courses are concerned about the totality of GEN ED, but if you've got students coming in at all these points, having a coherent degree becomes very difficult, and so we want to point to the degree, the integrity and coherence of the degree, and encourage institutions to look at their output at that level, not just GEN ED and not just the major.

We haven't gotten the answer yet. How we're going to do this is going to be a challenge, but we know that that's where we have to focus our attention.

CHAIRPERSON STUDLEY: I think we all know this is a conversation that not only could but will continue for some time, and that many of us will continue to participate in it whatever hat we're wearing.

With that, I'd like to take the public comment from the two individuals who signed up, and then we may have additional questions for the staff or the agency. But if you would not mind resuming

your original seats, and would the two individuals who signed up to comment please come forward?

I forgot to do this earlier. Let me remind you that there is a three-minute limit for each person making public comment. I believe the first person is--you can pronounce it--but Ms. Nizhegorodtseva and Mr. Yoder.

MS. NIZHEGORODTSEVA: Good afternoon. My name is Anya Nizhegorodtseva. I am a concert pianist from Russia.

I went to WASC for protection when my visa was canceled without warning in a university without the complaint policy. But WASC didn't help.

DR. KEISER: Please speak up. Sorry. It's hard to hear. Bring the thing closer.

MS. NIZHEGORODTSEVA: Excuse me.

CHAIRPERSON STUDLEY: A little louder. Thank you.

MS. NIZHEGORODTSEVA: My name is Anya Nizhegorodtseva. I am a concert pianist from Russia. I went to WASC for protection when my visa

was canceled without warning in a university without a complaint policy. But WASC didn't help. To explain how this happened, I need to say some things about the university.

I came from Russia in 2009 to study on full scholarship with an excellent piano teacher at Azusa Pacific University in California. In my 20 years of studying and performing all over the world, she's one of the best teachers I ever had. She captivated me with her artistic insights and her commitment to bring out the best in her students. She inspired us to be humble, to be tolerant and to show kindness.

I was very shocked and disappointed when I found out that one of her students had gone to the Dean of the School of Music to say terrible things about her. I knew the student. She had come under the influence of an older boyfriend who was not part of the university, but who said many bad things to students about our teacher.

He said things about her that all the other students in her studio disagreed with because

they were not grounded in accurate arguments. He said things with the destructive goal of damaging this teacher's reputation, and his girlfriend repeated these things.

Soon after the student talked to the dean, I learned that the university did not want my teacher there any longer. The dean said that someone said bad things about her, but he said that he didn't need to tell her what was said. My teacher never had a chance to defend herself. This made me and many other students so upset that we wrote e-mails about what we knew to the university provost and the president.

I also wrote a long e-mail to WASC at its confidential e-mail address about the whole thing because WASC was visiting the university at that time.

None of us ever heard back from anyone. Things went from bad to worse in Fall 2011 when my teacher left the university. I had no one to study with who could teach me well. Then I was told that I needed to double my accompanying hours even

though I wouldn't be able to stay on top form as a soloist. My scholarship letter said these hours would be the same throughout the studies, but the keyboard chair and the dean didn't care, and I couldn't appeal because my program did not have a complaint policy.

Then on December 19, 2011, the dean sent me a letter terminating my immigration status without warning. I wrote back saying I was really surprised about this. Nobody had spoken to me about any visa issues. If I had known, I would not have bought a ticket to visit my fiancé and his family in Mexico over Christmas. Because my F-1 status was terminated, I couldn't travel. I lost the money I paid for the ticket, and I was not able to meet my fiancé's family before our wedding.

I wanted to bring a complaint to the university about these things, but I couldn't because my program didn't have a complaint policy.

CHAIRPERSON STUDLEY: Excuse me. You've used your three minutes. Would you complete your point and summarize for us? Thank you.

MS. NIZHEGORODTSEVA: Yes. After my visa was terminated, I wrote a complaint to WASC one more time, but WASC said it was too late, but it was not too late because my visa was terminated on December 19, and the complaint was sent on December 30, and I don't know why it was said because it was sent within two weeks after this situation happened. And I hope you can do something about this.

Thank you for the opportunity to speak you.

CHAIRPERSON STUDLEY: Mr. Yoder.

MR. YODER: Thank you. I would like for the record to correct some factual errors in the final staff report, which states on page 41 that I submitted a series of complaints about WASC Senior over the past year. In fact, only one complaint was submitted to the Department, on February 24, 2012, and I did not submit this complaint alone.

The report states also that my sending documentation to the NACIQI Chair was not in accordance with Department policy and cites the

Federal Register Notice for an agency review meeting, requesting that material not be sent directly to the NACIQI members.

In my own understanding, I acted in accordance with this request, which appears to apply only to agency review. To my knowledge, no policy prohibits the NACIQI members from ever accepting any materials sent to them directly, for example, if documentation may be relevant to the NACIQI's mission in a manner that is not agency-specific.

With regard to agency reviews, 602.32(b)(3) requires staff to review complaints involving the agency, and 602.34(c)(6) states that the NACIQI will be given any information staff relied upon in developing its analysis.

From these regulations, I would submit that it appears that a complaint would be provided to the NACIQI by the Department as part of the record on which the NACIQI bases its recommendation, given especially the requirement in the Federal Advisory Committee Act at 5 U.S.C.

5(b)(3) that the recommendation of an advisory committee will be the result of that committee's independent judgment.

It is not clear to me how the NACIQI can exercise this judgment regarding the veracity of a complaint about an accreditor, and hence the accreditor's compliance with the criteria, if the NACIQI has no access to the complaint or to any appeals of its disposition.

In these circumstances, it did not occur to me that the Department would not inform me when I submitted my written comments several days before a deadline, that the Department would expect me to resubmit a voluminous complaint to the Department in order for the NACIQI to receive it from the Department as part of my written comments pertaining to it.

I am therefore limited in what I can present to the NACIQI of my understanding of WASC's failure to comply with the criteria.

And I would ask for maybe a slight forbearance if I slightly exceed three minutes. I

will try not to.

To this day, a university accreditor like WASC neither requires the complaints against faculty members be disclosed to them, nor prevents the university from taking action against faculty on the basis of false complaints, nor allows faculty to bring grievances for due process violations. WASC is aware of these facts and has never disputed them nor taken action concerning them despite the fact that its accreditation standard CFR 1.4 specifies faculty due process protection in the Standards Guidelines, and the staff report at page 17 expects WASC to use such Guidelines in reviewing an institution.

Not coincidentally, the university has taken action against faculty on the basis of unproven complaints.

On November 26, 2012, the university sent an e-mail to all faculty, staff and students introducing and appending the university's recently amended Whistleblower Policy. Among other things, students in this e-mail are welcomed to anonymously

submit undefined academic concerns, which could range from a grade dispute to a classroom conflict, to a third-party Web site intermediary, for the university attorney's sole review.

Students are thereby encouraged to blow an academic whistle against faculty in a way that bypasses faculty governance and faculty protection all together in a university that already takes action against faculty on the basis of undisclosed and unproven student complaints.

WASC's reaccreditation review of the university over the last two years has therefore allowed its very weak protection of faculty due process in Fall 2010 to be circumvented by the Whistleblower Policy e-mail of Fall 2012. The erosion of due process is the result of WASC's continuing failure to enforce CFR 1.4, even during a reaccreditation review process.

In a second violation of the criteria, WASC's complaint policy is very similar to Middle States' complaint policy at the points given at pages 7 through 9 of the final staff report on

Middle States as evidence that Middle States does not comply with 602.23(c). The Department's critique of Middle States' procedures suggests that WASC's procedures may also not comply with the section.

Finally, WASC refused even to investigate a complaint against the university that described matters similar in key aspects to those decried by the Freeh Report. This refusal was based solely upon WASC's finding that the claim had not been timely filed, but the record shows it was filed far prior to the deadline given by WASC's complaint policy.

In light especially of the warning given by Middle States to Penn State, the unjustified failure by WASC to investigate a well-documented claim that allegations of the sexual abuse of a minor by a university administrator were not reported by the university to law enforcement authorities shows that WASC Senior has failed to comply with the criteria by failing to enforce its accreditation standards relating to institutional

integrity and transparency.

Thank you.

CHAIRPERSON STUDLEY: Thank you. The next step in our process is that the agency is entitled to an opportunity to respond to third-party presentations. Would you like to take advantage of that opportunity? The agency, any of the three of you.

DR. WOLFF: I think I would make three points. One is that these issues were reviewed by staff so I think it would be an issue, and you have the staff finding with respect to the process that we used, that we did follow our procedures, that we did conduct a review of many of the issues.

Some of the issues that were raised just in the last presentation are actually currently under review by the person that we have--it's Mr. Yoder; is that correct? Mr. Yoder just indicated that that was filed in November 2012. I am in consultation with staff so it would be inappropriate for me to comment on it, on the most recent filing of complaint, which we are reviewing.

With respect to the earlier issues, we did review them. We did follow our complaint policy, and that was verified by the staff. I don't think it would be appropriate for me to comment on the details because I do believe we followed our policy, including a complaint against WASC itself for having failed to review our policies, and we did assure ourselves that we did.

CHAIRPERSON STUDLEY: Let me recap what the next two steps are. The Department now has an opportunity to respond to both what the agency said and to the comments by third parties. So I would ask if you have any response to either of those?

No? In that case, we now have time for the Committee discussion and voting with respect to the agency. So I would release all three of you unless we have any questions for you, in which case we'll let you know. Thank you very much.

With that, now becomes time for the Committee to discuss the agency and when you're ready to make a motion with respect to WASC.

MR. ROTHKOPF: I am.

CHAIRPERSON STUDLEY: Some people are looking puzzled. Could I just ask what the nature of the puzzle? It may be that people have wrapped up, but we've also had more content since then. I'm sorry. Were there Committee members who wanted to ask questions of the third-party commenters? Was that--Carol thought that that may be the--if you have questions, I'm happy to bring them back.

Jill.

DR. DERBY: Well, let me just ask this question just because I'm new to the procedure, but, you know, we had two people who traveled some distance--

CHAIRPERSON STUDLEY: Yeah. That's right. If you have questions--

DR. DERBY: --to share the complaint, and then the process was that then we ask the agency, and they responded, and that's the end of the matter?

CHAIRPERSON STUDLEY: And I asked if the Department of Education staff had any comments, and they said they do not have any comments.

DR. DERBY: And they didn't have any comments, that they knew about the matter and didn't have any concerns or comments, I guess.

CHAIRPERSON STUDLEY: Would you like to explain that, Kay?

MS. GILCHER: Mr. Yoder's complaint had been sent to the Department. It is also reviewed to some extent in the staff analysis. Now what Mr. Yoder said was that the entire documentation of that complaint was not part of what was provided to you because that came through another avenue rather than through his third-party comment. That was one thing he was concerned about.

In that case, we did follow our process for the review of the complaint and did, indeed, find that WASC has followed its own published policies. We also followed our process for the acceptance of third-party comments.

He's unhappy understandably that those two didn't come together for your separate review.

As I understand, he had asked that those materials in the original complaint be sent to you

directly. Is that true, Carol? Yeah, that's true. Yeah.

And he was citing what we saw in the published review procedures that would have precluded things going directly to NACIQI members.

DR. DERBY: And in the case of Anya--I'm sorry--I don't remember her last name?

MS. GILCHER: That is not one that we were ever made aware of up until right now.

DR. DERBY: And is that appropriate that we wouldn't have been? In other words, if this came before us--

MS. GILCHER: It's a third-party comment that's being brought to us right now.

DR. DERBY: Just today. I see. So that we don't do anything about that; we just listen to that? Or?

MS. GILCHER: You can certainly ask questions of the individuals who were at the table.

CHAIRPERSON STUDLEY: And I would just say, maybe it would be helpful to tell us the standard. This is not--we do not ab initio handle

individual concerns about an academic institution. It would only be of concern, an issue for NACIQI, if we think it goes to WASC's ability to handle complaints made to it with regard to institutional policies that are part of the accreditation process and not part of other governance issues that are not WASC accreditation jurisdiction.

DR. DERBY: I see, and by them not taking any action or any discussion around it, by assumption, that's how we've determined this matter, that WASC handled it appropriately? Is that?

MS. WANNER: I think what we usually do with third-party commenters is when they come up, we give the Committee a chance to ask them questions. We give the agency then an opportunity to. We ask the agency questions. We can call back the staff. So if you have any concerns, I would, I would encourage you to pursue them until you're satisfied because this is the first time that this has ever been aired or--

CHAIRPERSON STUDLEY: And I apologize. If

anyone wants to speak to either or both of those individuals, I'm happy to ask them if they would return to the table.

DR. DERBY: Well, I'd be interested in WASC's response if they heard the case of the young woman who spoke, and if they took any action or how that was followed up with?

DR. WOLFF: As I understand it, there are two separate sets of issues. One is the young woman, the pianist. There were hundreds of pages of documentation submitted to us. We undertook a very extensive review. We interacted with the university. It is not our place to, nor do we have the authority, to tell the university what it should do. Our role is to determine if the university has appropriate procedures and followed the stated procedures.

Our determination was that it had in this particular case. The more recent--Mr. Yoder just raised a more recent finding. Excuse me. Let me just say with respect to that issue, there was more than one occasion in which these issues were

raised, and we repeatedly reviewed and made a determination.

So with respect to the most recent issues, they are currently in process in our review. We have 30 days to respond. Particularly the allegation of a student who, as you heard, sexual abuse, obviously, that would be a matter of concern. There are, without revealing internal institutional information, there are other sides to this story. There is other documentation. We are currently in review of it, and I think it would be inappropriate.

The concern I would have is that, as I understand, third-party comment is about our effectiveness, about our compliance with the regulatory provisions, not whether an individual complainant, whether it's about a faculty grievance or whatever, has the ability to make, go outside of an accrediting agency or the institution to file an individual complaint.

Our processes have been followed. That was reviewed by the staff, and we are currently in

review of this policy, and we have FERPA issues of student privacy and other issues that we need to consider in dealing with the current complaint, if that's helpful.

DR. DERBY: Thank you.

CHAIRPERSON STUDLEY: Thank you. Does anyone on the Committee have any questions for anyone in this process--agency, staff or third-party commenters--at this time? Anne.

MS. NEAL: Unless I heard wrong, this is probably also something that we can raise with Middle States--am I correct--when they come up--if it relates to Penn State in this complaint?

CHAIRPERSON STUDLEY: Well, first, some people didn't hear what you said. So if you would repeat it.

MS. NEAL: I thought that Mr. Yoder made some reference to Middle States and this Penn State complaint, in which case, I was asking if we could raise this when Middle States comes up? But perhaps I didn't hear--

CHAIRPERSON STUDLEY: I think we can see

if Mr. Yoder wants to make--has signed up to make a comment with respect to that agency. I thought, but maybe I misheard, that it was an analogy and not a specific complaint against the agency.

MS. NEAL: Oh. Okay. It was an analogy. All right. I apologize.

CHAIRPERSON STUDLEY: Do any Committee members want to discuss the matter before us of the reapproval of WASC under any conditions? Arthur?

MR. ROTHKOPF: Shouldn't I make the motion?

CHAIRPERSON STUDLEY: Feel free.

MR. ROTHKOPF: Okay. I move that NACIQI recommend that WASC Senior recognition be continued to permit the agency an opportunity within a 12-month period to bring itself into compliance with the criteria cited in the staff report, and that it submit for review within ten days thereafter a compliance report demonstrating compliance with the cited criteria and their effective application.

Such continuation shall be effective until the Department reaches a final decision.

CHAIRPERSON STUDLEY: Do I hear a second?

MR. STAPLES: Second.

CHAIRPERSON STUDLEY: Seconded by Cam.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Is there any discussion by the Committee of that motion? All in favor, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: Abstaining?

[No response.]

CHAIRPERSON STUDLEY: Thank you very much. The motion is passed. Thank you very much. Thank you for your presentation on both levels and thoughtful consideration of the extra-credit questions.

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MIDDLE STATES COMMISSION ON HIGHER
EDUCATION [MSCHE]

CHAIRPERSON STUDLEY: We will, given that the Committee has let our schedule slip--this is no criticism of any participants--we're going to skip the break so that we can move right to the Middle States Commission as scheduled. We did have a break on the calendar at 2:45, but I think it's more important that we move forward with the next agencies, and the Middle States Commission on Higher Education will be the next one.

The primary readers are Art Keiser and Frank Wu. Which of you gentlemen will be doing--

MR. ROTHKOPF: Madam Chair, I have indicated I'm recused on this one.

CHAIRPERSON STUDLEY: Sorry. Okay. Are there other recusals?

DR. PHILLIPS: Susan Phillips recusing also.

CHAIRPERSON STUDLEY: We have two recusals. And Brit Kirwan has also recused himself and will continue in the undisclosed location or

the back of the room as he chooses.

Thank you very much. I see that Art Keiser is going to be the reader.

DR. KEISER: And for those that are left, Madam Chair, we would like to review the Middle States Commission on Higher Education, a regional accreditor that currently accredits 523 institutions of higher education located in five States, the District of Columbia, Puerto Rico, and the United States Virgin Islands.

The agency's recognition enables its institutions to establish eligibility to receive Federal student financial assistance under Title IV of the Higher Education Act, as amended.

Middle States appeared on the first list of recognized accrediting agencies in 1952 and has received periodic renewal of recognition since that time. The agency was last reviewed for continued recognition at the May 2007 meeting of the National Advisory Committee.

At that time, no issues were identified, and the agency was granted renewed accreditation

for a period of five years.

Steve.

MR. PORCELLI: Thank you, and good afternoon. I am Steve Porcelli of the Department's Accreditation Staff.

The staff recommendation to the Senior Department Official regarding the Middle States Commission on Higher Education is to continue the agency's current recognition, require a compliance report in 12 months on the issues identified in the staff report, and extend the agency's scope of recognition to include correspondence education.

The staff recommendation is based on our review of the agency's petition, supporting documentation, and observation of an agency decision meeting.

Our review of the agency's petition found that Middle States is substantially in compliance with the Criteria for Recognition. However, there are four issues that the agency needs to address. In summary, those issues include:

The agency's financial status after it

revises its relationships with the entities that comprise the Middle States Association;

The agency's completion of its upcoming standards review process;

The agency's timely review and processing of all complaints; and

The agency's consistent review of credit hour assignments made by its institutions.

Therefore, as stated earlier, we are recommending to the Senior Department Official that he continue the agency's current recognition, require a compliance report in 12 months on the identified issues, and extend the agency's scope of recognition to include correspondence education.

Thank you. I'll answer any questions.

CHAIRPERSON STUDLEY: Art.

DR. KEISER: Steve, I have a question. I didn't understand your concern on the financial. After reading it, I assumed it was because they were going to be buying the real estate that they currently share with the other agencies, and there was a concern whether they would have enough money

to repay or to pay the note down.

First of all, I don't understand why we're concerned about that. Second of all, looking at their financials, their balance sheet is strong. They have surplus of almost a million dollars a year in their rent, and I would assume the other agencies' rents are not too dissimilar. It was less than \$150,000. So I didn't understand where the concern was.

MR. PORCELLI: Thank you. The concern is not so much with the Middle States Commission on Higher Education. It's with the Middle States Association. Our past experience has been that when it seemed like things were going according to plan, the Middle States Association would throw a monkey wrench in, and so, yes, the agency has sufficient funds right at the moment, and they do project a loss for a short period of time when they take over these other financial liabilities, and it looks on paper like everything should be fine.

But there was a hesitancy to just sign off on it, you know, should the agency have five years

of continued recognition, to just sign off on that when there is that potential from past experience of something going awry. So I guess it was more of a cautious concern.

CHAIRPERSON STUDLEY: Are there any other questions for the staff at this time? With that, let's invite the agency representatives forward. Thank you very much, Steve. Appreciate it.

DR. FRENCH: Madam Chair, just a simple procedural question. We only need the quorum to begin the meeting; is that correct?

CHAIRPERSON STUDLEY: Yes. We talked about this earlier. Do you want to recap for us, Sally, the quorum--

MS. WANNER: You need a quorum, but the quorum, you can have--recusals don't count against the quorum.

CHAIRPERSON STUDLEY: Hello, Barbara. Hi.

DR. GITENSTEIN: Thank you, Madam Chair, and thank you for allowing us to make some comments with regard to our petition. Let me introduce my colleagues who are here with me.

First, I am Barbara Gitenstein. I'm the Chair of the Commission, and I'm President of the College of New Jersey. My colleague commissioner is Vice Chair and the Vice President for External Affairs at Goldey-Beacom College, Dr. Gary Wirt. The President of the Commission, Dr. Elizabeth Sibolski; the Senior Vice President of the Commission, Dr. Robert Schneider; the Director for Planning and Policy and Chief of Staff, Mary Beth Kait; and the Director for Finance and Administration at the Commission, Joseph Pellegrini.

I'd like to begin by thanking Steve Porcelli for his thorough and thoughtful analysis of the Commission's petition, which has been very helpful, as well as the summary review by the readers, Chancellors Keiser and Wu.

Dr. Sibolski will give our introductory remarks which address the four outstanding issues which were cited by the staff analyst in order to provide you some updates and some clarification on these matters.

We are prepared, as well, if there is time, to respond to the three questions the Committee invites agencies to consider, but we thought it would be best use of our time to focus on the four outstanding issues for your consideration.

Thank you in advance for your time and your thoughtful consideration.

DR. SIBOLSKI: And from there I'll pick up, and I want to echo the thanks that Bobby has offered in recognition of the work that was done by our staff analyst Steve Porcelli. Certainly, through the years that we have worked with him, we have always found his analysis to be thorough, to the point and very professional in the way that he has carried on his responsibilities with us.

I'm also very grateful to both Carol Griffiths and Kay Gilcher for their assistance through some past issues in the preceding years that do relate to what Steve was just mentioning with regard to the relationships between our Commission and the Middle States Association.

And I think perhaps that's the best place for me to start in offering a few comments about the issues at hand. And I certainly do understand and appreciate from past history and experience Steve's cautious nature about the relationship and what might transpire. So a little bit of additional information about developments actually since we submitted our response to the staff analysis probably would serve all of us well here.

Certainly when Steve looked at our review, we were well along the way toward a separate incorporation, and I can now report to you that as of this Monday, we have all of the approvals for all of the legal documents that will be necessary to achieve that separate incorporation as of January 1, 2013.

So I think this is an achievement for us and a way that we will be able to guarantee the separation and independence that is required through the regulations.

I do want to also address the financial capacity question as it moves forward, and

certainly Dr. Keiser has already noted some of the salient issues about the strength of our financial standing, and, in fact, at this point in time, we do have reserves that would allow us to continue operations through just about a full year beyond where we are now. So substantial reserves that would take us through any unanticipated hiccups in the process, I think.

Also, I think it's important for you all to know we have been working towards this solution for a number of years, and have very carefully planned for it, have done very conservative budgeting in terms of making our preparations for all of this. I think part of the question may be whether we do have the capacity to handle both the loan payments and anything else that may come up?

We certainly have now had the opportunity to move forward with those relationships in terms of where we think the property settlement is going to come out, and all of the conditions, the conditions for the loan, are within the limits of what we had projected within our budget. So we

don't see that there's going to be a difficulty with any of that.

So, again, we've been very conservative in what we've planned on. The finances look good, and we're really absolutely on track to finish the incorporation and be an independent entity as of the first of January. So that was the first issue that Steve had pointed out in his staff analysis.

The second issue which I'd like to speak to is the issue that concerns the maintenance by this accrediting agency of a systematic review program for the standards and a review program that would be comprehensive, that would examine each standard and the standards as a whole, and that would involve relevant constituencies, and so I think it's important to show a little bit of the history of what's gone on with Middle States over the last decade, and a little bit of current information about where we are with that process and where we expect to be going with it.

First of all, I think it's important to understand that our sea change in accreditation

that took us from the snapshot descriptive kind of process that used to be prevalent in regional accreditation into an evidence-based culture that looks toward outcomes and assessment really first came to us with a review that was done of our standards in 2002. That was the publication date for the standards. They were actually not implemented until 2004.

Obviously, that space in between was to give our institutions adequate time as they developed their self-studies to be cognizant of what the new requirements were and to be able to address them appropriately. So 2004 was the implementation date. We went through a period of about two years when we had enough experience, we felt, to come back around at the standards and look at the experience from the point of view of surveys of relevant constituencies.

And in this case, those relevant constituencies would be the institutions that had experience going through the self-study and peer review process with us and the experience of our

evaluators in how they had applied those new standards, and in response to those surveys and the concerns that were raised, we did make changes to our standards in 2006 to further explicate what it was that we were expecting of our institutions through the process that had been implemented two years previously.

So 2006 is really the most recent version of the comprehensive review of our standards, and so we should be doing that process again as we speak right now, and we have begun this as a phased-in process in recognition of all of the external work that is being done, and that we should, in fact, take cognizance of as we renew our standards.

So, for example, last June with our Commission meeting, we took time to have a retreat that focused in on the results of the NACIQI report that were published in last April and also the results from the ACE Task Force on the Future of Accreditation and what it had to contribute as ideas that we might want to explore.

In addition, we knew that because the area that we're getting the greatest amount of follow-up from our institutions has to do with outcomes assessment. I guess that's no real surprise to anyone around the table that this was the area that we really needed to hone in on and really needed to do it for a couple of reasons.

First of all, we do have two standards that are independently about the assessment of institutional effectiveness and the assessment of student learning outcomes, but that's really not the end of assessment for us. Assessment pervades our standards, and there is at least one fundamental element of each and every one of our standards for accreditation no matter what that standard may address, whether it is about institutional governance or about student admissions and retention, that asks the institution in the process of looking at itself make some judgments about assessing how well it's doing in each one of those areas.

So as I said, assessment is pervasive.

It's an area that we know that we have some issues with our institutions, and so in response to those things that we knew about those areas, we put together an assessment committee at the beginning of this year, and that committee has worked through a process, has made recommendations to our Commission that were reviewed at our Commission meeting in November, and that are now appropriate for distribution to our members for their comment, and in addition to that, we are certainly cognizant of the discussion that is ongoing in many of the other higher education venues. We've had some conversations, for example, with the AAU provosts about assessment issues in their institutions.

And all of this needs to be brought together as we look at our standards and make some judgments about where we need to go next.

We do have a very aggressive schedule for the rest of the review of our standards that will pick up again in January, and that we expect to be able to complete by the end of the year. It will take a significant amount of work, but we've

already seen the assessment task force that we had impaneled do work very quickly for us, and so we expect to be able to meet the deadline that we have imposed on ourselves for the end of the year.

The other two issues that have been raised by the staff analysis, I think I would primarily put in the category of timing kinds of concerns where we, in fact, have new policies and procedures that have addressed both credit hour determinations as we do our evaluations of institutions, and where we address the issue of complaints, and the process that we use to address complaints with our institutions, and so those policies are new. We simply need to complete implementing them and document them for NACIQI and for the Department.

So that is a brief summary on the issues. Perhaps we ought to turn this back and see if there are questions that we could address about those issues now.

CHAIRPERSON STUDLEY: Committee members?
Anne.

MS. NEAL: I suffered with the materials

presented on Middle States the same way I suffered with WASC, in that as I looked at it, I really was sort of left with no concept of whether or not you were doing a good job, and this continues to be my challenge as a member of NACIQI.

So I would like to put on the table some concern that we have a checklist, if you will, and we talked about this earlier, of number of actions against institutions; number of institutions put on--suspended; those that have some sort of complaint; student default rates; graduation. I'd like to have some concept of the universe that you all are dealing with and how you are dealing with it so that I can more readily determine whether or not you are a reliable guarantor of educational quality.

One of the things that I was left with during our policy discussions earlier this year was Richard Arum talking about percentages of students that they documented that were not having any learning gains, and so faced with that information, and then faced with having to determine whether or

not accreditors are doing a good job, I need to actually have a sense of what you're doing with your universe in order to be able to make that judgment.

So this is a critique really of the Department of Education but also to a certain extent of the need to have some data that puts this in some context other than pushing paper and process. So I just raise that as a generic complaint and concern.

And I wanted to hear also from you all addressing the financial and administrative burden, a question that I raised with WASC.

DR. SIBOLSKI: Okay. So the first--I'm taking the first issue that you raised as more of a comment than a question. So should we move on to the second issue and really address that? I think that there are a lot of questions out there about value versus cost, and I guess that there is one person that I didn't thank when I came to the table, and--actually multiple people--I would thank the representatives from WASC because I think that

they presented a lot of the concepts and ideas and concerns that are common to all of the regional accrediting agencies and perhaps to all accrediting agencies, not just the regionals, in fact.

We are very cognizant of the fact that this is an activity that does cost institutions, and as Ralph noted, that many of our institutions, and particularly our public institutions from community colleges all the way up to the senior institutions, have very, very difficult budget constraint that they're facing right now, perhaps not as difficult in our region as in the State of California, but nevertheless difficult indeed.

And so we too have limits on the size of a self-study. It is very often up to an institution to decide how it wants to organize the scope of a self-study, and in many cases, the biggest of our institutions will choose to do what is in our terms known as a selected topics review.

Those selected topics reviews are intended to allow an institution not only to demonstrate compliance with all of our standards for

accreditation but to let them hone in on some particular topics that they feel will be of value to the institution so, in some cases, it may be a selected topics review that focuses on graduate education, on undergraduate education or perhaps with an institution that may be considering whether it should move from a single sex to a co-ed kind of a determination.

In those cases, institutions may choose to do something that is considerably more detailed and costly, but that certainly, we would hope, produces a result that helped them, as Ralph mentioned, move forward with their planning and with activities that will be beneficial to the institution.

I think that as we look at our standards and our processes, we're also beginning to try to come to grips with how to perhaps split up some of the process that we're engaged in, and it's that sort of bifurcating of the compliance issues, on the one hand, and institutional improvement issues on the other, and that we may be able to find some ways to streamline the compliance-based reviews so

that our teams when they're in the field can do two things.

If there are questions that remain about the compliance, those can be addressed face-to-face and on the ground, but so that the main bulk of their time can get back to the kind of a review that helped an institution like Princeton have the kind of collegial process that Shirley Tilghman has spoken very fondly in her reminisces about.

So Bobby, do you want to add anything to that?

DR. GITENSTEIN: I think this discussion, which was brought up earlier, and if I were to be speaking of the biggest challenges that we're looking at and that have changed since our last review by you, it would be this now, this conflict between the dual purpose of regional accreditation, of the compliance questions and the accountability questions, and the institutional improvement questions, both of which we embrace, and we see it as our responsibility, but it's very hard to figure out how to manage that track in such a way and use

people's time most wisely.

The conversation that we've had recently that Beth has just referenced I think is a wise path for us to consider, to figure out how are there ways for us to do a lot of the compliance piece by paper or electronically and use people's time, including people's time on the campus, focused on the institutional improvement, and these more substantial kinds of personal interaction kind of topics.

But I do think that, and I speak of this not just as the chair, but as a president who does these self-studies for an institution, I think the question has to be not the cost of it but the value of it, and that's partially, and I can say this, and I hope this will not bother the other president here, but it really is the responsibility of the president of the institution to figure out a way to make it valuable, and then it is not a question of cost; it is a question of value.

MS. NEAL: Just one other quick question. Looking at your scope, you obviously are asking for

approval of regional scope, Puerto Rico right next to Maryland and New Jersey.

[Laughter.]

MS. NEAL: Do you also accredit international institutions?

DR. SIBOLSKI: We do. We have a double handful of institutions, some of which we've accredited for quite a long time. We began in the '70s to accredit American style institutions located abroad but chartered in one of the States within our region, and so we began to pick up institutions like the American University in Cairo and the American University in Paris and so on.

In more recent years, we did do a little bit of experimentation to see whether we could work with some institutions that weren't of an American style, and had a pilot project, took in a few institutions, discovered that it is sometimes a bit tricky to deal with other institutional methods and systems from other countries, but found that we could do it with a little bit of forbearance and a little bit of ability to work together to

understand how things came together within an institution.

Right now we're not doing that, and we did stop the pilot project, more as a recognition of the costs that are involved in doing international accreditation, and how we would manage those costs, than because we didn't continue to think that it was valuable to other institutions.

So this was a decision made by the Commission that really was to focus in on what was our primary mission and then to come back to the rest of it at some later date.

MS. NEAL: So you are or you aren't?

DR. SIBOLSKI: We still are accrediting the institutions that we had already brought into the fold. We are not accepting new applications from international institutions right now.

DR. FRENCH: So is American University Paris accredited now by you?

DR. SIBOLSKI: Yes, it is.

DR. FRENCH: Thank you.

MS. GILCHER: Just a point of information.

The review process here does not encompass any of the international activities of agencies.

MS. NEAL: I thought they could ask for international scope.

[Laughter.]

DR. KEISER: Time to make a motion?

CHAIRPERSON STUDLEY: Do we have any third-party comments on this agency? No. Yes, you may make a motion.

DR. KEISER: You can make it, Frank.

MR. WU: I'll make the standard motion.

DR. FRENCH: Second the standard--no, go ahead, Art.

DR. KEISER: That's okay.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: It's also before you on the screen. A motion has been made and seconded by Frank and George. Is there any final discussion of the motion?

All in favor, then, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: Abstaining?

MS. NEAL: I'm going to abstain just by way of my earlier protest.

CHAIRPERSON STUDLEY: Thank you. Thank you very much.

MS. NEAL: Not understanding the full picture.

CHAIRPERSON STUDLEY: Thank you very much. We appreciate you coming before us and thank you very much. Good to see you again.

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MISSOURI STATE BOARD OF NURSING [MOSBN]

CHAIRPERSON STUDLEY: The next agency is the Missouri State Board of Nursing, and we'd appreciate your coming forward, and I'll give the Committee members two minutes if you need a personal break, and Susan Phillips needs to return and will be acting as primary reader here having been pressed into service. So not a full-scale break, but I understand people need to step out occasionally.

[Whereupon, a short break was taken.]

CHAIRPERSON STUDLEY: Okay. We are going to resume our meeting, and the next agency on our docket is the Missouri State Board of Nursing.

Susan Phillips has kindly agreed to step in for two absent members, both for excused absences. Susan.

DR. PHILLIPS: Thank you.

The Missouri Board of Nursing currently approves 57 professional nursing degree programs, including baccalaureate, associate and diploma programs. It approves 47 licensed practical nurse

programs, LPNs. Although the agency is responsible for all programs in the State leading to initial licensure, its scope of recognition by the U.S. Department of Education applies only to the 57 professional nursing programs, not to the 47 LPN programs.

This has been a recognized State approval agency for nursing education since 1970. Their last full petition was considered at the Spring 2007 NACIQI meeting, and at that time, the Committee recommended that the agency be granted continued recognition for a period of four years, which is the maximum recognition period allowable for State approval agencies.

They had at that time an interim report due in spring of 2008 on two criteria. NACIQI got around to reviewing it in Fall 2010 because of the changeover of NACIQI. No issues were found, and the report was indeed accepted.

The current action item is a petition for continued recognition, and I'll ask Rachael Shultz, the staff member, to review.

DR. SHULTZ: Good afternoon. I'm Rachael Shultz, and I'll be presenting information regarding the Missouri Board of Nursing. The staff recommendation is that the Senior Department Official continue the agency's recognition and require the agency to come into compliance within 12 months and submit a compliance report that demonstrates the agency's compliance with three issues.

This recommendation is based upon the staff review of the agency's petition and supporting documentation as well as the observation of a site visit in Kansas City in August 2012.

In its report, the agency is requested to provide additional information regarding agency staffing, to provide information about the revision of its annual reporting requirements, and to submit additional documentation related to its review of audited fiscal reports and school catalogs.

Therefore, as I stated initially, we are recommending that the Senior Department Official continue the agency's recognition and require the

agency to come into compliance within 12 months and submit a compliance report that demonstrates the agency's compliance with the issues identified.

There are agency representatives present today, and we'll be happy to answer your questions. Thank you.

CHAIRPERSON STUDLEY: Are there any questions for agency staff? In that case, let's hear from the agency representatives. Thank you.

MS. SCHULTZ: Good afternoon. I'm "Bibi" Schultz. I'm the Education Administrator for the Missouri State Board of Nursing, and this is Dr. Roxanne McDaniel, and she is the President of our Board currently.

We would like to thank the Committee and the staff, especially Dr. Rachael Shultz, for the review of our petition for continued recognition, and we appreciate the feedback and the guidance that we have received in this important process.

We would like the Committee to know that we are taking recommendations extremely seriously, and we have looked at documentation that we can

provide to make it clear to the Committee and to the staff that we are, indeed, in compliance with the regulations, and so we appreciate your review and we appreciate your consideration for our Board.

Thank you.

CHAIRPERSON STUDLEY: Are there any questions from the Committee members? Anyone? No.

Did we have any third-party comments for this agency? In that case, would you like to make a motion?

DR. PHILLIPS: With compliments to the agency, I'd make the standard motion, that I move that NACIQI recommend that the Missouri State Board of Nursing's recognition be continued to permit the agency an opportunity to within a 12-month period bring itself into compliance, et cetera, et cetera, up there.

[Laughter.]

CHAIRPERSON STUDLEY: Is there a second?

DR. PHILLIPS: Whatever you had up there before.

DR. ZARAGOZA: Second.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Thank you, Federico. The motion has been made and seconded and is listed on the Board. Is there any discussion of the motion?

All in favor, please signify by saying aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: Abstaining?

[No response.]

CHAIRPERSON STUDLEY: Thank you very much. The motion carries. Is there anything that you would like to add? I think because this was a compressed quite specific process, we're not going to ask you about the three questions, but you should feel free to send us any comments.

Thank you very much. With that--

MS. SCHULTZ: Thank you.

CHAIRPERSON STUDLEY: We appreciate your being here, and thank you for your cooperation.

DR. McDANIEL: Thank you.

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MONTESSORI ACCREDITATION COUNCIL FOR
TEACHER EDUCATION [MACTE]

CHAIRPERSON STUDLEY: The final agency on today's docket is the Montessori Accreditation Council for Teacher Education, MACTE.

I, just for the procedural sake of the Committee members, sometimes we're in a position to begin the next day's agenda if people are available, and we can continue on until our allotted time, but given that we expect public comment on at least one of these, and the members were not, the individuals were not here today, we are not able to do that even if we end this final agency early.

The primary readers are George French. Well, George French, I imagine is presenting as Dr. Williams is not here. Thanks, George.

DR. FRENCH: Thank you, Madam Chair.

The Montessori Accreditation Council for Teacher Education is a national programmatic institutional accreditor. It accredits 80 independent freestanding institutions; 13

institutions which are imbedded within colleges.

The Secretary of Education first recognized this organization in 1995. It actually came back in 2009 and requested that distance education be added to the scope of recognition. The request was granted in August 2009. NACIQI actually reviewed this organization again last December, and the Secretary extended the last grant of recognition, and required a compliance report on two issues which were cited in the staff analysis, which issues I'm sure that the staff representative, Mr. Steve Porcelli, will cover.

Mr. Porcelli.

MR. PORCELLI: Thank you. Good afternoon. I am Steve Porcelli of the Department's Accreditation Staff.

The staff recommendation to the Senior Department Official regarding the Montessori Accreditation Council for Teacher Education, or MACTE, is to grant the agency an extension for good cause, continue its current recognition for a period of six months, and require the agency to

submit a compliance report 30 days thereafter that demonstrates compliance with the following issue:

MACTE needs to finish and implement its revised requirements for the consistent evaluation of an institution or program's use of distance education. This consistent evaluation needs to clearly include the ten areas specified by the Secretary's Criteria, including student achievement, curriculum, faculty, et cetera, as appropriate.

In addition, MACTE needs to document how its decision-makers are trained to consistently evaluate the effectiveness of an entity's use of distance education.

The staff recommendation is based on our review of the agency's compliance report, supporting documentation, and extensive conversations with agency personnel.

We believe that extraordinary reasons exist to grant a brief extension for good cause. They include the fact that the agency underwent a significant change in personnel when its

headquarters moved from Wisconsin to Virginia.

The agency has only two schools that have a significant distance education component, and in both cases, distance education involves less than half of the education program, and no Title IV money is involved.

In addition, the agency is presently undertaking a significant change to its evaluations and training when distance education is involved.

Alternatively, if MACTE does not satisfactorily demonstrate its effective evaluation of distance education when it is next reviewed, then Department Staff will recommend that distance education be removed from the agency's scope of recognition.

Therefore, as stated earlier, we are recommending to the Senior Department Official that he grant the agency an extension for good cause, continue its current recognition for a period of six months, and require the agency to submit a compliance report 30 days thereafter that demonstrates the agency's compliance with the issue

identified in the staff report.

And thank you. I'll be happy to answer questions.

CHAIRPERSON STUDLEY: Art.

DR. KEISER: Why are we treating this agency differently than COMTA because it seems like neither of them had eligible programs that would meet the criteria? Why are we doing something different here?

MR. PORCELLI: I believe it's apples and oranges, but I don't know the details on COMTA. It seemed to me theirs was a problem with their clock hour calculations. In this particular case, the agency wants to keep their--as opposed to COMTA--they want to keep their distance education recognition. They've engaged a task force of a number of people to look at the whole process from top to bottom to see how they can really strengthen this and do an excellent job. And they're on track to accomplish those things. So I guess that would be the key.

DR. KEISER: But if they have no agencies

that would meet the definition of what we determine is a distance educational institution, how can they demonstrate, you know, compliance within the next six months?

MR. PORCELLI: It's not 50 percent, but they still use significant portions of--it can be almost half, less than half of the program can be distance using distance methods. I'm not aware of any requirement that they have to have a full distance education program in order to be recognized for their use of distance education unless I'm mistaken.

MS. GILCHER: That's true. That's not a requirement. The reason we were talking about that is that there would be no negative impact on institutions that were offering distance education that were accredited by that agency because for the Title IV requirement, it's 50 percent or more.

Now, an agency can always accredit outside its recognized scope so they can still evaluate distance education as part of their regular activities. We just don't recognize them for that,

and our recognition for that is really only meaningful in terms specifically of the Title IV eligibility.

The other issue in terms of the difference between these two is there was no real basis for a good cause extension for COMTA. In this case, we determined that there were extraordinary circumstances that would warrant a good cause extension.

DR. KEISER: But since they don't have any institutions that are Title IV at risk, why wouldn't we just approve them for as many years, and when they're ready with the distance learning provisions, they just come back for that?

MS. GILCHER: That's certainly something you could do, recommend.

CHAIRPERSON STUDLEY: Could you, Art, just play out the consequences of doing this differently and maybe Kay as well? Your suggestion would require them to come back in and request it?

DR. KEISER: Well, they're going to have to come back in anyway with all the documentation

to demonstrate their compliance. The problem is they're going to be now--again, we could talk to the agency, but there will be a six-month window where they have to get somebody to, you know, they have to get everything in compliance. Well, here everything else is in compliance, get the approval, and then worry about the distance education. It doesn't have immediate impact on them, but that's I guess up to them.

CHAIRPERSON STUDLEY: Okay. So let's ask the agency as well whether they, what procedural difference do they see.

Are there any other questions for Steve at this time? Okay.

Then let's hear from the agency representatives, and we'll continue this conversation. Thank you very much.

DR. PELTON: Good afternoon, Madam Chair, Committee, staff. My name is Rebecca Pelton, and I am the President for MACTE, the Montessori Accreditation Council for Teacher Education.

I would like to take a moment to thank my

analyst, Steve Porcelli, along with Carol and Kay. They have been instrumental in guiding MACTE through the recognition process. MACTE recognizes and is pleased with the feedback it has received from the Department in the process, and we agree with the findings.

MACTE, as Steve stated, is well on its way to making the corrections based on the recommendations. We believe that the six months will give us the opportunity to complete and implement the process and submit our documentation for review.

MACTE has had in place an accreditation task force since March of 2012 that has focused on distance education along with the accreditation process on the whole. Our hope is to give greater weight in the MACTE accreditation system to evidence of the graduate's learning and accomplishments. The task force will meet the second week of January to finalize and complete their work.

CHAIRPERSON STUDLEY: Thank you. Are

there questions for Ms. Pelton?

DR. FRENCH: Just to follow up on, if you would--did you hear--you heard Dr. Keiser's question?

DR. PELTON: I did. Yes, and we have been working on this since, as I said, March of 2012, when we felt that there was some urgency to review the process, and we do want to keep the distance focus, distance ed. So I would prefer to go with the recommendation rather than not.

CHAIRPERSON STUDLEY: Are there any other questions or comments at this time based on this agency for this agency's representative? Were there any public comments on this agency?

MS. GRIFFITHS: No.

CHAIRPERSON STUDLEY: Thank you. Any questions for Ms. Pelton or for Steve? In that case, would you like to make a motion?

DR. FRENCH: Madam Chair, I move that NACIQI recommend that we grant the agency an extension for good cause and continue its current recognition for a period of six months.

Additionally, require the agency to submit a compliance report 30 days thereafter that demonstrates the agency's compliance with the issue identified in the staff report.

DR. ZARAGOZA: And I would second that.

[Motion made and seconded.]

DR. FRENCH: Thank you.

CHAIRPERSON STUDLEY: Is there any discussion of the motion? I would flag that we are addressing a question of extension for good cause, and while the staff found a standard that they applied for good cause extension, you are certainly free, if you want, to establish your own standard, explore the standard. I would suggest it might be helpful to just hear from the staff was it the transition in staff and location that was the basis for the good cause extension? I guess I'm looking for either Steve or Kay to speak to that.

MR. PORCELLI: That was, I guess, the primary reason because the previous director was at the NACIQI meeting and understood what was being expected. Then when she left, the interim

personnel, I spoke to them for hours, and they understood what was going to be necessary, and they said they would pass this on to the new Executive Director, and I come to find out that Rebecca, who is the new Executive Director, was not informed of all the expectations.

And once, as she had mentioned, in March of this year, once it was clear how much time had been lost because of this bad communication when they moved and lost people with institutional memory, that we felt if there's ever an opportunity for a good cause extension, this would be it.

And, again, all the work they put into bringing themselves into compliance, and it's just a matter of finishing it up, which also would help probably the whole agency and not just distance education, but they're finding ways to strengthen other parts of their processes at the same time. So it's been--I believe they'd agree that it's been helpful to them.

CHAIRPERSON STUDLEY: Is there any discussion on any aspect of the motion, either that

standard or anything else?

I for one would just mention that, while I leave to the voters whether you want to pass this motion, and I have no problem with that, that I would not, I would prefer that it not enter the record that poor internal communication is an excuse or an easy out. So while I'm sympathetic in this particular case, I think we would not want to be heard as--Anne can tell me what verb I would like to use--

DR. KEISER: Or the loss of institutional memory.

CHAIRPERSON STUDLEY: Right. That's just asking a lot of the staff. And so this is not a criticism of you or the agency, but I think we do need--our staff spend a lot of time working individually with agencies, and I would just like, for the record, to say that we hope that people will value that and be business-like in retaining it.

If there are no other comments, I will take the vote. All in favor, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: Abstaining?

[No response.]

CHAIRPERSON STUDLEY: The motion passes.

Thank you very much. Thank you, Steve. Thank you
to the agency.

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CHAIRPERSON STUDLEY: And with that, our agenda for today is completed. We will resume tomorrow. My thanks to those of you who made special heroic efforts to be here. Susan Phillips is in that category, and people who will not be able to be with us--Susan is in that category as well--and to any of you who are not going to be able to join us tomorrow, thank you very much.

Happy holidays to any of you in the audience who won't be with us tomorrow. For those of you who are, we will resume at 9:00 a.m., here in this room. Thank you very much. 9:00 a.m.

[Whereupon, at 4:18 p.m., the NACIQI meeting recessed, to reconvene at 9:19 a.m., Wednesday, December 12, 2012.]