

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

MEETING

VOLUME II

Friday, December 13, 2013

8:30 a.m.

Metropolitan East-West Liaison Hotel
Conference Room
415 New Jersey Avenue, N.W.
Washington, D.C. 20001

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

COMMITTEE MEMBERS PRESENT:

DR. SUSAN PHILLIPS, Chair
DR. ARTHUR KEISER, Vice Chair

MR. WILLIAM ARMSTRONG
MR. SIMON BOEHME
DR. JILL DERBY
DR. ROBERTA L. (BOBBIE) DERLIN
DR. GEORGE T. FRENCH
DR. WILLIAM 'BRIT' E. KIRWAN
MS. ANNE D. NEAL, J.D.
MR. RICHARD O'DONNELL
MR. ARTHUR J. ROTHKOPF, J.D.
MR. CAMERON C. STAPLES, J.D.
DR. CAROLYN WILLIAMS
DR. FEDERICO ZARAGOZA

COMMITTEE MEMBERS ABSENT:

DR. WILLIAM PEPICELLO
DR. LARRY N. VANDERHOEF
MR. FRANK H. WU, J.D.

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
DR. JENNIFER HONG-SILWANY
MS. ELIZABETH DAGGETT
MR. CHUCK MULA
DR. RACHAEL SHULTZ
MR. HERMAN BOUNDS
MS. KAREN DUKE
DR. JENNIFER HONG
MS. PATRICIA HOWES

MR. STEVE PORCELLI
MS. CATHY SHEFFIELD

HONORARY SPEAKER:

THE HONORABLE MARTHA J. KANTER, Undersecretary
U.S. Department of Education

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Department Staff: Ms. Elizabeth Daggett	
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 Mr. William Armstrong
 Dr. William Kirwan

Department Staff:
 Dr. Jennifer Hong

Representatives of the Agency:
 Mr. Joe Brimhall, Chair, NWCCU
 Dr. Sandra Elman, President, NWCCU
 Dr. Les Steele, Executive Vice President, NWCCU
 Dr. Pam Goad, Vice President, NWCCU

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 Dr. Susan Phillips

Department Staff:
 Dr. Rachael Shultz

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P R O C E E D I N G S

(8:30 a.m.)

DR. PHILLIPS: So good morning and welcome back to the second day of our December NACIQI meeting. A couple of announcements this morning, and then I'll ask folks to do a quick reintroduction to be on the record of who is here. Actually, I think I'll start with that. If I can start with Arthur Rothkopf. If you'd just identify yourself and your affiliation, and we'll go around to put on the record who's here.

Arthur?

MR. ROTHKOPF: You want me to identify myself?

DR. PHILLIPS: Introducing ourselves, yeah. If you want to just -- sorry. I gave you a heads-up.

MR. ROTHKOPF: Too busy sending messages, which I shouldn't be doing on company time. I'm Arthur Rothkopf, member of NACIQI and president emeritus of Lafayette College.

MR. STAPLES: I'm Cam Staples, the President of the New England Association of Schools and

Colleges.

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

DR. DERLIN: Bobbi Derlin, Associate Provost
of New Mexico State University.

MR. ARMSTRONG: Good morning. I'm Bill
Armstrong, President of Colorado Christian University.

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

DR. KEISER: I'm Art Keiser, Chancellor,
Keiser University.

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

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

MS. GILCHER: I'm Kay Gilcher, Director of
the Accreditation Group at the Department of
Education.

MS. WANNER: Sally Wanner, Office of General

Counsel, Department of Education.

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

MR. BOEHME: Simon Boehme, student at Cornell University.

MS. DERBY: Jill Derby, former Nevada Regent and higher education governance consultant with the Association of Governing Boards.

DR. WILLIAMS: Carolyn Williams, President Emeritus, Bronx Community College, City University of New York, and a university professor, CUNY Graduate Center.

MR. O'DONNELL: Good morning. Rick O'Donnell, Chief Revenue Officer, the Fullbridge Program.

DR. PHILLIPS: So welcome back, all. A couple of -- one announcement and a bit of an adjustment in our schedule today. The first one is the announcement. As you know, Kay Gilcher has been stalwart in this recognition process for a number of years. She has let us know that she is intending to

retire come January, the end of January. I wanted to let you know that. We know that she is completely irreplaceable and hope that the department is working on a clone. So we wish you the very best. This will be your last meeting.

MS. GILCHER: That's right.

DR. PHILLIPS: So, wow, thank you for your wonderful work on behalf of recognition.

We also have this afternoon -- I'm sorry, later this morning, at 11:00, Martha Kanter, Undersecretary, U.S. Department of Education, has said that she would be able to stop by for a few minutes and I hope will bring with her some news and ideas about what is happening in the department. As you may know from reading *The Chronicle*, she is off to be a professor at NYU, but that's not until later in December. So she's still the Undersecretary and will be that for another 20-odd days. So hopefully she'll be able to come and give us some greetings and some direction.

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WESTERN ASSOCIATION OF SCHOOLS AND COLLEGES,
ACCREDITING COMMISSION ON COMMUNITY
AND JUNIOR COLLEGES [ACCJC] (continued)

DR. PHILLIPS: So, in order to get to that point, to that 11:00 point, and also include some time for a bit of planning a policy agenda for us, we are going to start right off, move right through our agenda. As you know, we picked up -- we left off yesterday with hearing the public comment for the WASC ACCJC. Briefly again for the process that we follow for each agency is to have the agency introduced by the committee primary readers, have a briefing by department staff, have remarks by the agency representatives, presentations by third-party commenters, agency response to the third-party commenters, and department response to all of the above, followed by our discussion and voting.

So where we left off with yesterday at the end of the day was in the third-party comment phase of that. We have reserved time for the remaining seven commenters. We appreciate their willingness to move

over to roll over to today. The order of speaking that I have here is the following, and I will also tell you who's up next each time.

I have Loana Bonilla, Itzel Calvo Medina, Tarikhu Farrar, Lalo Gonzalez, Sharon Shatterly, Douglas Yoder, and Lizette Garcia. I think I've got everybody. And excuse me if your mother doesn't recognize your name that I just spoke.

So that would mean first up would be Loana Bonilla. And on deck would be Itzel Calvo Medina.

Good morning and welcome. Please press the mike button. Thank you.

MS. BONILLA: Good morning. My name is Loana Bonilla, and I am the Vice President of Communications of Associated Students of City College of San Francisco. When I graduated high school, I was admitted to San Francisco State University, but after several unsuccessful semesters, I dropped out from school to work full-time and help my family financially.

I knew I had a responsibility to help my

family, but I couldn't help but feel that I was being pushed away from achieving my personal and educational goals. A year later, I decided to return to school, and I enrolled as a full-time student at City College of San Francisco. I also began to do volunteer work with various resource centers at City College and became more involved with student activities.

This is when my perspective about life began to change. My experiences there opened my eyes to the reality of struggles facing youth like me every day. With the support of my professors and peers, I began to overcome my insecurities and negative perceptions of my academic career.

The City College community encouraged and inspired me to pursue my dreams. Returning to school was one of the most important decisions of my life that took strength and courage. It is because of the opportunities and chances that were given to me that I believe we can empower our communities for progress and change.

Every student has a special and unique

story, and it is important for every student to be able to find their way back into the education system.

I've been a witness to what this college has to offer and how it can change a person's life, and I know this is the same for community colleges around the state. That is why I'm here before you today. The accrediting process at City College of San Francisco has put students in fear of losing their ability to achieve their goals and dreams that are only offered at City College.

The threat of closure has caused an extra stress on top of student responsibilities and leaves us feeling insecure of our academic futures. There is a division within the student body because of the misinformation that is being put out by the media and the newly appointed administration. Students are disillusioned. ACCJC has threatened to revoke our accreditation and has not taken into consideration the amazing and successful academic programs it has to offer to over 85,000 students.

It is upsetting that I have to sit here

today and try to convince you of the unjust and biased group that ACCJC really is when the evidence is everywhere. Truth is, the Student Success Act that ACCJC has supported does not support quality education as they have said. Instead, it eliminates communities that do not follow the path of the so-called traditional student, from an education.

As a first-generation Peruvian-American student leader and an advocate for education, I urge this Board to not reauthorize ACCJC because of the lack of clarity in their standards and simply put, not working for the best interests of the student body. Thank you.

DR. PHILLIPS: Thank you very much.

Questions from the committee?

(No response.)

DR. PHILLIPS: Thank you for joining us.

Our next speaker is Itzel Calvo Medina, followed by Vi Tarikhu Farrar. Welcome.

MS. MEDINA: Good morning. My name is Itzel Calvo Medina, and I am a senator on the Associated

Student Council at City College of San Francisco. I came to the U.S. at the age of four and grew up thinking I was as regular as any other classmate. I always knew I was undocumented because my parents always told me not to tell anyone that I wasn't born in the U.S.

Until about a year ago, saying I was undocumented was not an option for me. My life dramatically changed when I started attending City College last spring semester. I joined a club called Students Advocating for Equity, a club of undocumented students and allies that helped me become undocumented and unafraid. This was the first time in my life where I felt understood and was not alone. I finally came out of the shadows.

Due to the ACCJC's threat to close down City College, undocumented students have been afraid of losing their only option for continuing their education. Last spring semester, City College held its first ever DREAM graduation for all the undocumented students at City, hosted by VIDA, Voices

of Immigrants Demonstrating Achievement, Resource Center.

City College has been a major stepping stone to all students that wish to receive a higher education by staying true to its mission of open access to the most marginalized communities. The 8 percent graduation rate stated by the *Washington Monthly* is misleading and outdated. It does not account for the population of working class, part-time students, therefore taking longer to graduate.

Our state chancellor, Bryce Harris, responds, "your story and purported rankings of community colleges, especially those in the Bay area, are based on contorted methodology that wouldn't pass muster in a community college research or statistics class." In fact, City College is proved to perform higher than the statewide average college.

Now City College has been pressured by the ACCJC to make financial changes. Students of color are finding it less accessible to continue their education. If this continues, the ACCJC will continue

to threaten California community colleges and eliminating the possibility of reaching higher education.

In this economy, the wages do not equal the amount of money required for me to pay for school. So how do we afford our education? By taking one or two classes at a time and working extensive hours and taking out loans with high interest. I am a living example of the problem with the system. Being undocumented in this country means little to no opportunity to move forward, yet we find ways of making it possible for us to become lawyers, doctors, and politicians.

City College is a vehicle for students of low-income immigrant communities to continue their education and be supported by the programs and resources specifically aimed at helping us reach our educational goals. I wish to attend City College knowing that it will be there when my brother, who is also undocumented, decides to continue his education.

Instead of relying on fictitious reports, I

urge this Board to look into the hundreds of documentations that prove that ACCJC has specific conflicts of interest. That is why I ask you not to reauthorize the ACCJC. The recommendations given to City College has nothing to do with students receiving quality education. Instead, authorize a just accrediting committee that won't punish institutions for staying accessible to all communities, not just those who can afford it. Thank you.

DR. PHILLIPS: Thank you very much.

Questions from the committee?

(No response.)

DR. PHILLIPS: Thank you for joining us.

Our next speaker is Tarikhu Farrar, followed by Lalo Gonzalez. Good morning. Welcome.

MR. FARRAR: Good morning. Madam Chairwoman, if that's the proper title, and Commission members, thank you for listening to us. You know, I sat here most of the day yesterday, and I wasn't sure what to expect, but what I did see was how carefully you listened to all of the testimony and deliberated

and thought about it, and I truly appreciate that.

I'm going to beg your indulgence. I've heard talk of the importance of standards and regulations and how we have to stick to that narrative, but in the end, standards, regulations, numbers are about human beings. They're people with faces, with names, with aspirations, with histories. And so the testimony of these students is essential. We have to hear that because if we simply, you know, put on these blinders and deal with numbers and metrics and this and that, then we become the stereotypical functionaries, you know, something from a, you know, novel about, you know, dabbling in numbers and not seeing the human element.

In all of the testimony that I've heard from ACCJC and its supporters, not once, not one time have I heard anyone say how the policies of that institution, as dramatically manifested in the situation of City College of San Francisco, is going to benefit students. How is that putting students first?

The performance of CCSF as an institution is beyond question. Even in the reports of the ACCJC, they cite the student-centered, the kind of care that we afford to students. You know, I could go on all afternoon talking about the success of the school: the fact that our radiology department does this dueling thing with Johns Hopkins University every year for first and second place; our fire academy, you know, which has graduates from New York City to Miami, all across the country.

When that tragic incident happened a few months ago at San Francisco Airport where the Air Korea airline went down, City College cadets were among the first responders. They were there. The director of the program has once said that every graduate from the fire academy when he or she finishes knows how to save a life. And that's a damned good student learning outcome.

I would go on to say that not only do graduates, but our cadets know how to do that. How do you close down an institution that has been an

economic engine, to quote *The Chronicle*, which has not been particularly friendly to City College, how do you close down an institution like this and have it make any sense?

What is at issue here is the question of the judgment of the ACCJC, and I would suggest that on the basis of that, of their judgment, their demonstrated judgment, that they do not deserve to have their license renewed. Thank you.

DR. PHILLIPS: Thank you very much.

Any questions for our speaker, Committee?

(No response.)

DR. PHILLIPS: Thank you very much.

Our next speaker is Lalo Gonzalez, followed by Sharon Shatterly. Good morning. The red light is on, and you can speak into it. Thank you. Welcome.

MR. GONZALEZ: Good morning. My name is Lalo Gonzalez. I'm a graduate of San Francisco State University with a Bachelor's degree in criminal justice, and now a second-year student at City College of San Francisco, fulfilling prerequisites for a

doctoral program in ethnic studies. As an elected Student Council representative, I stand before you with the task of providing a voice for the 85,000 predominantly low-income students of color and immigrants that rely on the crucial student services and programs provided by City College.

In California, the open-access mission outlined decades ago in the master plan for education affirmed its commitment to provide every Californian the opportunity to realize his or her intellectual, emotional, and vocational potential. For decades, this open-access mission was reflected in a state law that exempted enrollment fees for students who demonstrate financial need without regard to academic record, test scores, or other qualifications.

As a first generation college student and the son of immigrant parents, I can attest to the importance community colleges are, not only for Latinos, but, for all historically disadvantaged populations. Obtaining equitable opportunity and treatment within society has always been an uphill

struggle for communities of color, and community colleges are essentially the last line of defense for students seeking an affordable quality education.

City College of San Francisco provides an arsenal of student services and programs aimed at ensuring students of color excel in their studies. Unfortunately, the ACCJC's reckless behavior has had a detrimental impact on the ability for City College to continue this commitment. The policies and changes stemming from the accreditation process have disproportionately affected students of color.

It deeply saddens me that the accreditation process is being used now as a vehicle of destruction, forcing City College to turn their backs on the students that need them most. As a current student council member and future academic, I've lost complete faith in the ACCJC. The commission's unlawful practices have adversely impacted City College and the community it serves by forcing it to operate in an atmosphere of crisis, dramatically decreasing enrollment by nearly 26 percent, liquidating the

democratically elected Board of Trustees, and causing anxiety and uncertainty amongst the student body over the future of their educational goals.

How can I as an elected student representative accept such lack of compassion and complete disregard towards the most vulnerable of students? The ACCJC has deceived students into accepting a toxic atmosphere by destroying the very essence of a long-time successful college through the threat of removal of accreditation. If this Board's obligation is to reserve the integrity of the accreditation process, then it's imperative to not allow the reauthorization of the ACCJC. Instead, invest in an accreditation body that actually represents students. Thank you.

DR. PHILLIPS: Thank you very much.

Any questions for our speaker, Committee members?

(No response.)

DR. PHILLIPS: Thank you for joining us.

MR. GONZALEZ: Thank you.

DR. PHILLIPS: Our next speaker is Sharon Satterly [sic], followed by Douglas Yoder.

MS. SHATTERLY: It's Shatterly. Either way.

DR. PHILLIPS: Good morning. Welcome.

MS. SHATTERLY: Good morning. I am your statistic of a student. I'm here today as an elected Vice President of the Student Council at City College of San Francisco. There is no such thing as a typical student. Although my current reflection may be more privileged than others, San Francisco is a major destination city for my people.

My parents were street kids, and I fed and raised my four siblings. I have a learning disability, and I tested at a low placement in academics upon entrance. I am your statistic, and I will be graduating with a high GPA.

Public education has always been my stable foundation. I have attended 13 different public institutions in the 20 years of my academic career in California institutions. During 18 years of that time, I lived on the street. I held onto the

emotional support of my teachers and the resources given. My first semester at City College consisted of me sleeping on campus to escape the cold and to be completely immersed in my educational goals.

During my second semester, I was able to financially support myself in housing by getting a stable job. More importantly, I found my home. I've had many challenges in my courses, but I rose to calculus II from basic mathematics in under two years.

I am inspired by my community of LGBTQ studies, the music department, and I can't wait to see myself teaching among the faculty in mathematics.

The students with disabilities program gave me confidence to live, and I am so grateful that I have the physical strength to travel here today and yesterday and this week to advocate for the students that cannot. The accreditation process has been incomprehensible to my community. The Student Success Act reform has stripped our institutions to skeletons in California. The ACCJC caused the student morale such traumatizing distraction that I watched most of

my students that I tutor drop out because they couldn't afford the stress.

I appreciate the criticisms of any sanction with proper notification that warns us in the academic merit of our institutions. Without accreditation, education and pedagogy is pointless. Prior to show cause, we received none. Yesterday I had a specific speech of sharing my success story in mind. I was excited to know that I was flying across the country to the only body with the authority to reject the authorization of the ACCJC and end this nightmare.

I'm very disappointed. I find it rather unfortunate that the ACCJC board has no actual interest in the well-being of the students' success at City College. And I don't understand how much evidence I need to present in order to prove this. The ACCJC does not have the interests of the mission of NACIQI in mind. The revising of our school's mission statement in order to set an example of a new way of accrediting only shows that their intention on a national level is to undermine the process set by

the Department of Education.

If anything, their tactics in trying to monopolize on the governance structures of our school shows that the interest is not in academic merit but instead the structures of power and money within the institutions.

I'm your future in teaching, and I'd appreciate it if you'd give me some faith within the accreditation process. Thank you.

DR. PHILLIPS: Thank you.

Any questions for our speaker, Committee members?

(No response.)

DR. PHILLIPS: Thank you for joining us.

Our next speaker is Douglas Yoder, followed by Lizette Garcia. Good morning. Welcome.

DR. YODER: Good morning. For the record, my name is Douglas Yoder. I am not associated with CCSF in any way. I have served as a faculty member and as an administrator in a university elsewhere. The department states on page 9 of the staff report

that WASC ACCJC misrepresents an issue, on page 12 that it mischaracterizes letters of support for itself, and on page 15 that its definition of the term academic "misrepresents the experience expected for an individual in this role."

Misrepresentations by an academic accreditor that are associated with the term academic appear serious. An academic institution cannot be peer-reviewed by non-academics. The accreditor on page 37 of the staff report states that none of the oppositional comments to it from academic faculty are credible because they "reflect the self-interests of the commenters in avoiding any significant action that might have an adverse financial effect on the faculty."

But if all faculty disagreement with an accreditor is due to faculty self-interest, which the accreditor implies, then no faculty complaint against any accreditor is ever credible regardless of the criteria at stake.

This is a poor way to -- this is a good way

to end peer review. Take somebody who disagrees with you and impugn their credibility. Yesterday commenters made several comments to that effect. When I was a student, I complained too. The statements you will hear are redundant and inaccurate. These words appear to dismiss dissent on principle. They convey the impression that since administrators answer to accreditors and accreditors answer to the NACIQI, everyone else should sort of let the grownups get down to business.

But the interests of administrators and accreditors who also have self-interests do not necessarily and always align with those of faculty and students. So impugning the credibility of any faculty or students who disagree with an accreditor is a strange way to guarantee the quality and integrity of what takes place between faculty and students in the form of education.

WASC ACCJC's statements in the staff report and its testimony yesterday are self-incriminating. They underline the accreditors' violations of criteria

at 602.13 and 602.15(a)(3), which go to the heart of the peer-review process. The accreditor does not comply with these criteria and will not comply with them unless it alters its approach to faculty and faculty governance.

How can an organization that quashes credible dissent be a good steward of a peer-review process? Thank you for your time and attention.

DR. PHILLIPS: Thank you.

Committee members, any questions for the speaker?

(No response.)

DR. PHILLIPS: Thank you for joining us.

Our next speaker is Lizette Garcia. Good morning. Welcome.

MS. GARCIA: Good morning. My name is Lizette Garcia, a current associated sitting council senator and first-year student at City College of San Francisco. I am the eldest of three in a family of five. My parents grew up around lots of poverty and didn't have the privilege to further their education.

Despite only completing the fifth grade, my parents never stopped providing for our family regardless of the obstacles. My father has always worked two jobs and long hours, from sunup to sundown, to be able to financially sustain my family's educational expenses.

As the eldest, completing my educational goal will be a great opportunity to give back to the two people who gave up their dreams to make ours a reality. Coming to CCSF has opened many doors and has given me the opportunity to work closely with our school's Family Resource Center, a student-run and student-funded daycare center that provides exceptional babysitting for single parents and low-income families in order for students to excel in their studies.

The FRC gives me the opportunity to work directly within my course of study, child development and psychology. When I found out about the accreditation process, I felt a great amount of confusion and disappointment in the ACCJC's reckless actions. The ACCJC is supposed to improve the

educational attainment of students, but instead they've brought down my motivation in wanting to succeed and caused other students to doubt their futures at CCSF as well.

These threats to close the school would shut out all these students who benefit from these resources. Unfortunately, given the imminent threat of school closure and the very existence of the resource center at stake, so I pose this question. Where are all these families supposed to go? Where are they going to find this huge help that the FRC provides for them that no other school offers?

Students are not enrolling because the ACCJC applied this fear of closure and this dialogue of uncertainty affects the job of student enrollment even more. So then why would we have this body in charge of accrediting a school in a way that hasn't been transparent and student-oriented? As a concerned student voice, I strongly feel that the ACCJC should not be authorized to further accredit any public school. Thank you.

DR. PHILLIPS: Thank you very much.

Any questions of our speaker?

(No response.)

DR. PHILLIPS: Thank you for joining us.

MS. GARCIA: Thank you.

DR. PHILLIPS: This concludes the third-party comment portion of our review. The next opportunity would be for the agency to respond to the third-party comment. If the agency would like to come forward. Thank you for adjusting your travel plans.

MS. JOHNS: We did, so we're not worried about time that you need.

(Pause.)

MS. JOHNS: Good morning, Committee members.

Again, I'm Krista Johns with the ACCJC. We know that the majority of the comments we've heard in public comment are outside the issue of recognition for this committee. However, because the testimony will become a public record, we must address a few of the items briefly.

I would have preferred not to talk about

CCSF, but I need to discuss a few things that came up from the third-party comment. While the commenters certainly have a right to comment and many of the concerns are understandable, I have to note that the commenters yesterday and today are not speaking on behalf of CCSF. They're speaking in their own right.

Second, while nothing we say should be taken to assume the outcome of the college's due process stages of seeking review and then the right to appeal the ACCJC commission's decision to terminate CCSF, the commission took action to terminate it based on serious deficiencies in meeting our standards.

The commission determined the deficiencies at CCSF had spanned across four eligibility requirements and 30 subsections of standards, touching on all four of our standards, accreditation standards.

We can't get into all of them, but a few of them were that the college had failed to address for each of its campuses instructional program planning, including curriculum updates, staffing requirements, provision of student and library services, and facilities

upgrades for the career technical programs.

There was a failure to implement program assessment in student learning outcomes at the course program and institutional level, and no development and reporting of performance metrics to measure institutional effectiveness, including for the noncredit students. There was a failure in general to assess improvements in student success. There was no clear plan for addressing sustained college operations in light of more than 90 percent of college revenues going to salaries and benefits and in the face of decided and significant budget cuts.

These cross-cutting issues resulted in serious deficiencies at the institution, and it undermined the quality of education provided to the students. We firmly believe that students at CCSF are entitled to an institution of high academic quality as much as are the students at all of the other public and private institutions which are accredited by the ACCJC.

We should note that the ACCJC had no

authority or involvement in the naming of a special trustee by the California Board of Governors in replacement of the governing board at CCSF. In fact, it's been recently revealed through a media public record request that the CCSF interim chancellor wrote to request the appointment of such a trustee more than a year before the state acted to appoint one, independently recognizing the problem of the institution.

Also, contrary to what was stated by third-part commenters, CCSF had been previously sanctioned with a warning, though not in connection with the issues raised in the 2012 comprehensive evaluation and then in the show-cause evaluation a year later.

There also were claims and questions raised yesterday as to whether ACCJC uses data related to student performance in its evaluation of institutions.

In fact, we look at these data on an annual basis and also in the context of the institution's self-evaluation and external evaluation. We look at the data provided by the institution as well as at

externally available sources.

For example, related to CCSF, we looked at enrollment data and student success data as reported to the state chancellor's website. Looking at enrollment, the unduplicated annual head count at the college -- this is for both credit and noncredit -- for the last four years, the last available information, it ranged from a high in 2008-'09 of 51,500 through a steady decline thereafter to a level of 47,800 in 2011-'12, the year before we, the ACCJC, took action to place the college on show-cause.

We know you've heard higher enrollment numbers for the college, but these are the official enrollment numbers of the State of California for this institution. We understand for this year, but we don't have the full numbers in, that there has been another significant drop in enrollments.

In response to challenges, the college has initiated a request that its students must actually pay for the tuition and fees of the college in order to be able to stay enrolled there.

In 2012, the state chancellor's ARC report of college-level indicators looked at student persistence rates, completion rates for a three-year period, a lot of the other numbers cited. Those numbers do appear to be quite positive, until one understands that the cohort of students used to measure those college-level indicators was never higher than 3,000 students out of more than 45,000 students.

In other words, the statistics were measured on only 6 percent of the students, the ones which met the criteria for those measures. While the ACCJC certainly takes these numbers into account, as an accreditor, we have to be concerned about the performance and learning of *all* students at the college, not just the top 6 percent. It is the analysis and evaluation of data that ACCJC requires of its institutions, and it's necessary for institutional effectiveness and academic quality, not just the reporting of the numbers.

We don't even want to dignify the accusation

that ACCJC is coercive and suppresses sharing of information, but we have to offer this rebuttal. First, there was the suggestion there was something coercive about the ACCJC requesting member institutions to write letters of support in the recognition process.

In fact, the preliminary staff report found there were not enough letters, and in response, we reached out to ask member institutions and others for expressions of support. These were absolutely not coerced. We made the request in the same way that all accrediting agencies seek evidence of support, and a large number of the responses were submitted to the department, representing thousands of faculty, staff, and administrators across our region.

Separately, we of course have a longstanding policy and an eligibility requirement that requires member institutions to comply with standards and to provide all required information for annual reports, self-evaluations, and so on. Our policies are continually reviewed, but this is a standard

requirement by accreditors and governmental agencies.

This policy bears no connection to the request for letters of support and could not have reasonably been understood to apply to such requests.

And on the accusation that the ACCJC blocked CCSF leaders from making reports prepared for the commission's due process proceedings public, it should be noted that the established rules protect against the preliminary release of documents during the review and appeals phases for the benefit of the college, not for the benefit of the accrediting institution. Unfortunately, in that case, leaders from the institution announced a fully open process before verifying the process details with ACCJC.

Of course, a college is permitted to publish reports related to the due process request for review on completion of the process, but working drafts of reports and proposals for review are not public before the action is final.

We also feel it is necessary to address the claim that educators are fearful of retaliation in

addressing issues with the ACCJC and with accreditation. It's a claim we strongly feel is specious. In the recognition process, ACCJC provided evidence of the multiple ways in which member institutions can address issues related to evaluation reports, both before a team report is final and afterwards, and before the commission considers action on the institution. And members routinely -- member institutions routinely avail themselves of these processes.

It should be noted that in the 50 years since the ACCJC has been founded, there have only been two occasions in which the agency had to terminate the accreditation of a public community college. One of those is CCSF. Most of our member colleges have been tremendously successful in addressing noncompliance and coming off of sanctions without the need for further enforcement or adverse action.

Further, the statistics presented on the percentage of schools accredited by ACCJC that are sanctioned is very misleading. Those presented

statistics count each report of a sanction review as a separate college and each followup compliance report as a separate sanction. In fact, the majority of our member institutions do not ever find themselves on sanction at all, but a lesser number of colleges are found continuously in a flux between compliance and noncompliance over a range of standards and are subject to almost ongoing monitoring and evaluation in this regard, hence the number.

Our consistent goal is to help member institutions improve, not to take enforcement actions against them, and our record bears that out. It is the federal requirement and the recognition process that now requires us to take a more aggressive role and more aggressive actions in the enforcement of standards, and we are doing that, consistent with the two-year rule.

Now I think we just need to touch on standards for a moment.

DR. AMADOR: Thank you.

DR. PHILLIPS: Name?

DR. AMADOR: Cheryl Amador.

DR. PHILLIPS: Thank you.

DR. AMADOR: Yesterday you heard some comments and today regarding our standards, and I just wanted to first say that, as you know, the department has fully vetted our standards and found us in complete compliance.

We were also criticized for not listening, and I think it's important to give you a process of what we're going through of how much public comment and comment from our member institutions is provided through our standards review process, which we're going through right now. We started that process in 2011 in March, in which our commission at a workshop discussed the 2002 standards, what we thought needed to be addressed.

Then we sent out a notice to all the field, all of our member institutions, in November 2011 to begin the process of the review. We had public comments in March, starting in March, June, and September of 2012 in which the public and the field

could comment. We've had workshops to take all those comments and review. In the meantime, we vetted with all the faculty associations, administrative associations. I mean, everybody has had a chance to look at these.

Then we had another workshop in 2013 in which the commission looked at all the work, and then we are starting in January 2014 the first reading, and there will be another six months in which we will listen.

I think it's important to note that CFT, who has criticized us for not listening, has not participated in all those processes. And I just wanted to note further that the department reviewed complaints of ACCJC's inconsistent application of its standards and of not respecting colleges' submissions in accreditation reviews, and the department found evidence that does not support that claim.

DR. BENO: There were several presenters who stated that there were many areas --

DR. PHILLIPS: Name, please.

DR. BENO: Oh, I'm sorry. Barbara Beno.

DR. PHILLIPS: Thank you.

DR. BENO: Thank you. There were several presenters that stated there were many areas of noncompliance by the ACCJC as evidenced in the very large complaints submitted by the California Federation of Teachers. However, as evidenced through the department review of our recognition application and our followup response to the initial staff analysis, the department has reviewed our processes and standards with regard to the CFT complaint and found only three areas remaining. And as I mentioned yesterday, we will be glad to address those in the coming year.

Those three items include a change in the definition of academics primarily to remove student services administrators from our list of academics. The rest were found acceptable. It includes the documentation of the new format for clearly distinguishing recommendations for improvement from recommendations for compliance and documentation of

timely enforcement of noncompliance with standards. That is the two-year rule. And as I mentioned yesterday, we will be doing that.

Finally, with due respect for the heartfelt and earnest comments of students and faculty and others from CFT and from CCSF that we heard here today and yesterday, we stand by what we stated yesterday concerning wide acceptance for ACCJC. The comments you have heard do not come from the institution as a whole but rather from certain constituents and related organizations.

I, for your information, called the state trustee of CCSF last night to ask him whether he felt that the letter he sent to us or to you was coerced, and he said, I'm curious you ask me that because a reporter called an hour ago having witnessed the commentary here at the meeting, and this is what I told him, "absolutely not. It was not coerced. I support the ACCJC, its processes, standards, and decisions." He said that he'd be willing to provide anything you might need or I might need to reiterate

that fact. So I wanted to get on the record that certainly CCSF's leadership was not coerced in the letters, in providing the letters they did provide.

We understand the concerns of people expressed here, representing students, staff, faculty and some community I think or graduates, but we do not believe they raise credible evidence that ACCJC is not widely accepted by educators and educational institutions.

We believe that numerous compelling statements provided in support of the ACCJC from wide-ranging stakeholders in the field outweigh the disaffection that you have heard in this third-party comment, and we renew our request for NACIQI to overturn the department staff's finding as to 602.13 with respect to our acceptance by educators and to otherwise support -- and we otherwise support the department's -- and urge NACIQI to support the department's recommendations as to our recognition review.

In any case, we stand ready to accept the

NACIQI decision, and we'll work hard to address the items you've decided we should address. We thank you again, NACIQI, for hearing our comments, and again we want to thank the department staff, Elizabeth Daggett, our analyst, and Kay Gilcher, who has been helping us with policy matters. And I also want to thank the staff for accommodating us and working with us on addressing the baccalaureate degree at two of our institutions so that we've kept those students and those institutions in the loop for financial aid.

We'll take any questions you may have.

Otherwise, we are done. Thank you.

DR. PHILLIPS: Thank you.

Any questions of the Committee of the response at this point? Anne Neal.

MS. NEAL: Thank you very much. I appreciate the comments. I guess my question does go to something that we heard yesterday with the chiropractors, today, and you've addressed it a bit in terms of the climate-of-fear.

Now let's assume that there's some hyperbole

in that. But is it not fair to say that since you all are gatekeepers and since you hold the purse to significant federal financial aid that whether you call it coercion or not, institutions know that they've got to click their heels and follow in line or they're not going to get those federal dollars? I mean, to my mind, whether they call it a climate-of-fear or otherwise, it makes it very difficult for institutions to push back if they're trying to operate.

DR. BENO: So that's a very good question, and I would say it is true that our ability to -- our service as a gatekeeper for federal aid creates a pressure on institutions. But I think if you look at some of those letters that were sent and the 56 letters we sent in, some of the CEOs addressed that directly, and they say that the pressure is there, but it's for the good and that meeting standards is good for the institutions and for the quality of education.

The other thing I would say is the use of the term climate-of-fear often is expressive of

people's emotions, and those can be generated by the news stories, by misinformation, or just by anxiety, not understanding the accreditation process or the prospects of the institution for meeting the accreditation standards.

So climate-of-fear I'm sure exists in every region, but that climate-of-fear does not keep our institutional representatives from speaking to us. And we've had hundreds of people talk to us about the standards. And one thing I must say, as we've been going through standards review to consider new standards, the commentary we got, nobody said eliminate standards and nobody said don't measure student achievement or student learning. In fact, some of the comments were increase your measurement of that.

So I think that the participation of folks in our review processes -- and I must say that that includes a webpage where people can just submit comments and not attend a hearing or a workshop where we're getting information. It gives people the

ability if they are fearful or anxious to submit in a safe way, and we're listening.

MS. NEAL: Thank you.

DR. PHILLIPS: Let me offer, Elizabeth Daggett, if you have as staff any additional comments or questions, reactions to the third-party comment.

MS. DAGGETT: Can I do it from here?

DR. PHILLIPS: Well, give her some space.

(Pause.)

MS. DAGGETT: Good morning again.

DR. PHILLIPS: Good morning.

MS. DAGGETT: I guess I just wanted to reflect on a couple of the issues that have been raised both by the agency in their response and then also by the third-party commenters.

First, I just want to note a couple of times it had come up that there was a heightened focus on one particular institution, the one that has been doing it, had provided quite a bit of the third-party comment. But I think if you look at the petition, that institution is only mentioned in the four

separate areas that were included within the complaint review process. And in fact, the petition itself was comprehensive to review all the information provided by the agency and that in fact decisions by the department were not based solely on the evidence provided in regards to one institution but in fact was the evidence provided throughout the petition and for, you know, a breadth and depth of, you know, the agency's compliance reviews.

The second thing I want to talk about, and this has been raised obviously by the agency, is the discussion of the wide acceptance of the educator in section 602.13. As the agency indicated, we did in the draft provide to them, saying that there was not support by educators, especially faculty, so we did request that information.

In the response, the agency did not provide documentation that would demonstrate wide acceptance in that particular area. You know, there was also discussion that in this particular area perhaps too much weight was given to third-party commenters, but

then later, within the third-party comment review, they acknowledge that we said that primarily the third-party comments were not in effect for any one specific area and therefore, you know, were outside the scope of our review.

So I'm unsure how the agency can come and say that we had too much weight in one area when we actually acknowledge that we did not give it excessive weight in another area.

Finally, the last thing I want to talk about is the academic definition. If we go back to the review, it's not just the removal of student affairs staff but making sure that the focus of an academic is somebody who is involved on a daily basis in instruction or research activities and that, you know, just like all squares are rectangles, but not all rectangles are squares, all academics are faculty, but not all people on the faculty are academics. I think that that's something that we're looking at here is that the definition isn't exactly meeting what the greater student -- the greater accrediting agency

community and higher education community define in those areas. Thank you.

DR. PHILLIPS: Thank you. I'm going to ask you to stay there -- there may be more questions -- and turn it now over to the committee for a possible motion, second, and then we'll do discussion.

DR. KEISER: Madam Chair, I'd like to make a motion. I'd like to motion --

DR. PHILLIPS: Dr. Keiser.

DR. KEISER: -- that we move that the NACIQI recommends to the Assistant Secretary to continue the agency's recognition and require the agency to come in compliance within 12 months and submit a compliance report that demonstrates the agency compliance with all issues in the staff report.

I would also add that within the report that we do not accept the staff recommendation on 602.13 and 602.15(c)(3). And I'd like to -- I have yet to make a discussion on the collegiate -- the baccalaureate scope because I have some questions. So leave it at that.

MR. ROTHKOPF: I second the motion.

DR. PHILLIPS: Okay. We have a second from Arthur Rothkopf. Discussion? Cam Staples?

MR. STAPLES: Just, Art, if you wouldn't mind just explaining what the sections are you're removing. I think I know what they are, but it might be helpful.

DR. KEISER: Okay. 602.13 is the acceptance by the community. I think there's broad-based acceptance by the community. When a community -- you have the chief educator for the State of California. You have all kinds of folks, that I think for us to start defining who and what an educator is is a little bit -- or academic. I teach every three years. I'm an administrator, but I'm also on the faculty. How do you count me?

I think we get into ridiculous debates, and I don't think that's appropriate. I think you see -- ACE, you have the California system chief executive, you have multiple community college districts within their system. You have the Northwest Accrediting

Commission has reviewed and suggested that they are reliable authorities. So I think based on what I can see the analysis of the staff is not at least compelling to me.

The second point is the academic administrative representation on the committee. Our standard clearly states we have to have representation. It doesn't say adequate representation. It doesn't say a type of amount. It just is representation. And in all cases that I was able to review it, I don't think I've ever reviewed a document as deeply as this one. There was faculty academic representation on every committee.

Now the case cited there was two out of eight. I don't -- two is representation to me, and I think we need to not be so directive and tell how many should be on a committee. I think each committee depends upon, at least in my experience, depends upon the issues that need to be solved or looked at.

So those are the two things that I would pull out. Other than that, I think the report is fair

and accurate.

Let me give you my concern about the baccalaureate because this is -- first of all, the first time I heard of the 'first' baccalaureate -- and I don't know if an institution could be effectively meeting standards if they only have one baccalaureate program. A baccalaureate, to be involved in baccalaureate education requires significant increase in resources and learning resources. It requires significant resources in terms of faculty. It requires a change in mindset for an institution.

It would be unfair to the institutions if they would be limited to only one baccalaureate program if that's where they are going and they want to improve or expand their mission. So, you know, I'd need to talk to the staff to say if they're not capable of doing the recognition of baccalaureate programs then we don't let them. If they are capable, we let them, but we don't limit -- and we're going to look at them one year anyway, so we may want to use that as just a testing period for them to expand their

scope.

But, Elizabeth, I don't know. What do you suggest on that?

MS. DAGGETT: Well, that was kind of -- I mean, the point was that the standards that they had weren't inclusive, but the substantive change protocol was. And so, in order to, as the agency had noted, to not punish the institutions and students that are currently within the baccalaureate programs at two of their institutions, that this was the way to try to continue their ability to obtain Title IV funds but also indicate at what level the agency had currently demonstrated their ability to review in that the way that the current review process precludes the review during like a renewal of accreditation or an initial accreditation when you're reviewing the entire institution, but in fact the comprehensive review would only occur during the substantive change protocol.

So the expectation was that this would just be kind of a placeholder for once they were to come

back with their compliance report, they would also request the expansion of scope to be able to demonstrate that those standards meet our requirements in those particular areas.

DR. KEISER: Yeah. I'm not aware of us having a placeholder kind of process. Do they have the standards for the baccalaureate program or do they not? And if they don't, then it's a simple process, and if they do, it's a simple process.

DR. BENO: May we respond, sir?

DR. PHILLIPS: Yes. Name, please.

DR. KEISER: It's her choice.

DR. PHILLIPS: By the way, I keep calling names so that the reporter will know who is speaking.

DR. BENO: I understand.

DR. PHILLIPS: Sorry.

DR. BENO: Thank you for doing that. I'm Barbara Beno, and we have -- as Ms. Daggett indicated, we created the new standards and put them in our sub-change process so we could accredit or review through substantive change two institutions this fall. But

that language is going into our new standards that our chair, Cheryl Amador, mentioned. We are putting out for first reading in January and we'll have hearings, and then we'll adopt in June of '14.

So by the time we come back in a year, we will have that language right in our standards, and that would enable us theoretically if our scope is expanded to take the accreditation of an institution that's first seeking accreditation or to an institution coming up for renewal of accreditation and use our standards language to review them.

MS. JOHNS: May I also add one quick thing?

You were concerned about --

DR. PHILLIPS: Name, please.

MS. JOHNS: Krista Johns.

DR. PHILLIPS: Thank you.

MS. JOHNS: -- the one baccalaureate issue.

For the two colleges, the one college has a single baccalaureate, but it comprises one-fourth of the student body. So it's significant and the resources are there, but it is a single baccalaureate program,

something similar at the second college. But the affected colleges each had one, and this was an accommodation for those colleges while we go through this process.

DR. BENO: Can I just add --

DR. KEISER: Let me ask the staff the question I still have. Historically, if we approve expansion of scope, they would have already had to have all the standards in place, correct, and approved?

MS. DAGGETT: Correct. I just want to also point out that one of -- and the agency can correct me if I'm wrong here, but one of the institutions that currently offers the baccalaureate degree is due to be reviewed next year in 2014. And in fact, they will be able to use their newly updated standards in that review process to be able to demonstrate that it's not just at the substantive change protocol that includes all of the required elements you would expect in the review of a baccalaureate degree program, but in fact it would be within the standards themselves.

DR. KEISER: And my understanding, that the reason they have two institutions that already offer baccalaureate programs is because of an agreement with WASC senior?

MS. DAGGETT: Correct, correct.

MS. JOHNS: That was a formal agreement. It was a policy that was in place.

DR. PHILLIPS: Name, please.

MS. JOHNS: Krista Johns.

DR. PHILLIPS: Thank you.

MS. JOHNS: And so the policy was in place for a little bit more than 10 years, about 12 years. And this had been used with other -- eight other institutions besides these who have since either changed their mission and moved to a four-year emphasis or otherwise changed. But we had been reviewing colleges with the senior WASC accrediting agency in a joint accreditation process that was found inappropriate.

But then subsequently, we would review those colleges in a normal, comprehensive evaluation using

our standards. But we are working to include specific language related to baccalaureate degrees for the future.

DR. KEISER: But let me understand too, does the Office of Student Financial Aid recognize those programs as accredited, and under whose accreditation are they recognizing?

MS. GILCHER: The department's Office of Federal --

DR. PHILLIPS: That's Kay Gilcher.

MS. GILCHER: -- Kay Gilcher -- Office of Federal Student Aid had indeed included those programs in the Title IV under the ACCJC's accreditation. It was a particular application that came forward where the staff recognized that actually there might be an issue there and brought it forward for consideration in the policy group. And when we became aware of it, we then took action to, you know, help address the issue but also to bring everybody in compliance with the law and the regulations.

DR. PHILLIPS: I'd like to just apologize to

those who I've acknowledged but haven't had a chance to speak. If we could -- if there's anything else we need to do to close this particular clarification, I have then also Jill Derby and Arthur Rothkopf who wanted to raise a question. Ready to move on? Okay.

All right. Jill?

MS. DERBY: Well, I cannot support the motion as it's made. I think the staff made the appropriate recommendation to us. I think to ignore the kind of third-party comment that we've had is a serious omission really. I'm referring to 602.13.

I just want to acknowledge all the students that traveled -- it's a long way from Sacramento -- to make the comments, and I appreciate the comments. And I've been on this committee less time than some others, but I've noticed that many institutions come forward with little or no third-party comment. When we have this degree of third-party comment with the kind of substance that it provides, I think we ignore it at our peril. I'll be speaking -- I'll be voting against the motion.

DR. PHILLIPS: Thank you.

Arthur, Arthur Rothkopf.

MR. ROTHKOPF: Yeah. I would support what Jill just said. I think she's correct in that. This is not an easy case, but I strongly believe that the staff has done a very good job of threading the needle on this and focusing on the real issues. We have an agency which has taken its responsibility seriously, made a very tough call, taking into account all of the relevant factors. And I think we should support that agency. The agency needs to do some things to clean up its act, and it's pledged to do that.

But I believe on the merits that the motion, which in effect leave aside the baccalaureate issue, which I'm not as comfortable with as some of the others, but basically I think the motion is correct. I would simply note that the Chairman of the Senate Help Committee yesterday was criticizing the fact that there's almost no action by accreditors in taking action against institutions that fail to meet its standards. And actually, I would commend this group

for taking action which it believes to be appropriate under all the circumstances. So I strongly support the motion.

DR. PHILLIPS: Cam Staples.

MR. STAPLES: Thank you, Madam Chair. I just want to make a couple of points. I support the motion as made, with the carveouts. I think the staff did a very good job. That doesn't mean that we have to agree with every part of their recommendations. And I think if you look at the agency we had yesterday and the evaluation around what constituted wide acceptance and then you look at the agency today -- and I think there's an inconsistency.

Anne pointed this out yesterday. I think that the community of institutions of educators in the broadest sense of educators, which does not just include faculty, and under most readings of that term that I've done, suggest that they have wide acceptance in any way I can possibly imagine it. And I think although there's a -- the department staff consider there to have been a technical deficiency, I don't

think that that's true in my reading of the word educator.

But even if so, I think we have to stop being so caught up in every weed that we don't take a step back. The purpose of that provision, wide acceptance, is to make sure that the agency is a credible, recognized agency for the purposes of what they do. And everything we've read and seen from the community that they represent I think says that.

So I think the motion in general is important to give them time to come back to us, but I think it's also appropriate for us to make changes as were suggested in the motion.

DR. PHILLIPS: So just to be -- if we could clarify the motion on the table, is to ask the agency to come back in one year and to address those issues, and we would remove from that list of things for them to address the acceptance issue, 602.13, and the administrative representative issue, 602.15(a)(5). Is that where we are?

MULTIPLE VOICES: (a)(3).

DR. PHILLIPS: (a)(3), sorry. I'm leaving aside the scope issue for the moment.

DR. KEISER: Well, that's the 602.13 is the scope.

DR. PHILLIPS: 602.12(b) is scope.

DR. KEISER: Oh, no. I'm sorry. You're right. I'm sorry.

DR. PHILLIPS: Yeah, yeah. So I just want to be clear about what the motion is: come back in a year, address everything that the staff recommended, with the exception of the acceptance item, 602.13, and the administrative representation item, 602.15(a)(3). Is that what people are understanding? I'm keeping aside the scope issue separate for the moment.

MALE VOICE: Exactly.

DR. PHILLIPS: Okay. Just because there's many moving parts on this. So the motion at the moment is to ask the agency to come back, extend their -- written up there -- continue the agency recognition and to submit a compliance report except for the acceptance item and the administrative

representation item. I'm going to hold the scope for a second motion. So the question has been called.

Further discussion?

DR. ZARAGOZA: Just a clarification.

DR. PHILLIPS: Yes.

DR. ZARAGOZA: As I understood the acceptance issue, it also related to the scope issue.

And so we're separating them at this point? Staff comments spoke specifically as it related to the Bachelor's granting component of the acceptance.

DR. PHILLIPS: That's a good point. Mover, your call.

DR. KEISER: Well, if we take the scope out, then that's appropriate at this point. And then when we bring -- when we discuss the scope, we may need to ask for additional information on that one.

This is Art Keiser. The motion is appropriate for the motion that's up there. When we discuss the scope, then we may need to add additional information regarding acceptance.

DR. PHILLIPS: Anne, anything further?

MS. NEAL: I just wanted to --

DR. PHILLIPS: Anne Neal.

MS. NEAL: -- to join in with Jill. I think I will be opposing this motion for the reasons that -- for the concerns that I raised yesterday and the concerns that were raised by so many of the commenters. I think that I have great concern that the agency has significant numbers of standards that allow them to wield federal power in a way that second-guesses institutional mission and that intrudes seriously into details of administration and governance that are a long way from peer review and that I think threaten the institutional autonomy and the quality of our higher education institutions. And so I will be opposing the motion.

DR. PHILLIPS: Any other comment before we move to a vote on this component? Once we vote on this, then we'll go back to the scope question.

(No response.)

DR. PHILLIPS: Okay. The question has been called. I'm going to do a hand vote on this. Those

in favor of the motion that is shown on the screen,
signify by raising your hand.

(Show of hands.)

DR. PHILLIPS: Those opposed?

(Show of hands.)

DR. PHILLIPS: The motion does not pass.

DR. PHILLIPS: Okay. That leaves us with a
"what shall we do if not that." Substantive motion,
ultimate motion, recommended? Jill Derby?

MS. DERBY: I move that we accept the
recommendation of staff.

DR. PHILLIPS: Absent the two --

MS. DERBY: Yes.

DR. PHILLIPS: -- carveouts?

MALE VOICE: I'll second it.

MR. ROTHKOPF: Could I -- I want to make
sure I heard it well or understand it.

DR. PHILLIPS: The new motion on the table
is to accept the staff recommendation, period, absent
scope. Scope I'm going to take up in a minute. So no
carveout for acceptance or administrative

representation. Make sense? Okay. It's been moved and seconded. Further discussion?

(No response.)

DR. PHILLIPS: Call the question. Those in favor, signify by raising your hand.

(Show of hands.)

DR. PHILLIPS: Those opposed?

(Show of hands.)

DR. PHILLIPS: The motion carries.

NACIQI RECOMMENDATION

That the NACIQI recommends to the Assistant Secretary to continue the agency's recognition and require the agency to come in compliance within 12 months and submit a compliance report that demonstrates the agency compliance with all issues in the staff report.

DR. PHILLIPS: Let's go back to the scope question. Entertain now a motion on the question of scope, the 602.12(b). Art Keiser.

DR. KEISER: I still have one further question of staff. If we deny the request, table it,

or table it to the next meeting, would that preclude those schools from getting Title IV?

MS. GILCHER: Yes.

DR. PHILLIPS: Kay Gilcher said yes.

MS. GILCHER: Yeah.

DR. KEISER: I'll move the staff recommendation, which is to deny the expansion of scope as articulated by the agency and grant an expansion of scope as recommended by the department staff, which is below.

DR. PHILLIPS: Okay. So you got that?

MALE VOICE: I second.

MALE VOICE: Second.

DR. PHILLIPS: Second? Any discussion?

Anne Neal?

MS. NEAL: I will support this motion because obviously I don't want to hurt the students that have already been led to believe that they can receive federal financial aid. But I do think it underscores the problem of regional monopolies because there's not any real choice.

DR. PHILLIPS: Further discussion?

(No response.)

DR. PHILLIPS: Ready for a vote? The motion is on the screen. I'll ask by a show of hands, those in favor of the motion as shown?

(Show of hands.)

DR. PHILLIPS: Opposed?

(Show of hands.)

DR. PHILLIPS: I didn't ask for extensions either time, sorry. The motion passes. The motion carries. Thank you. Thank you for joining us. Thank you for changing your time schedule.

NACIQI RECOMMENDATION

To deny the expansion of scope as articulated by the agency and grant an expansion of scope as recommended by the department staff

DR. PHILLIPS: Kay Gilcher?

MS. GILCHER: This is Kay Gilcher. I have just one little technical issue here for you to address. There was another piece in the motion which I think got lost, which is that there were three

criteria that the agency had found to be not -- with which the agency had been found not to be in compliance at the time that we did the review of the complaint.

Our requirement is that they come into compliance within 12 months of the date that the finding is made. We have recommended that there be an extension for good cause to align those three criteria with the timeframe for the meeting the rest of the criteria that were cited, in part because there's been work on this already for the agency and also just to sort of more simplify the process going forward of review.

The findings were made in the letter that we sent out in August. They were found to be noncompliant in the -- they were asked to respond to those findings in the response to the draft staff report. They were still found to be noncompliant with those findings. And so the date still of initial noncompliance was in the August letter.

Would you concur with that, Sally?

DR. PHILLIPS: Sally Wanner.

MS. WANNER: Yes, Sally Wanner. I agree that an agency has only 12 months to come into compliance. I'm not certain that an additional change to the motion is necessary because findings aren't made actually until the Secretary signs the letter.

DR. PHILLIPS: Okay. So Susan Phillips. We're concluding that it's not necessary to alter the motion. There will be some administrative action to align the due dates. Fine.

Okay. We are done. Thank you.

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NORTHWEST COMMISSION ON COLLEGES AND UNIVERSITIES

(NWCCU)

DR. PHILLIPS: Our next -- I'm going to dispense with breaks. If you feel the need to take one, please do, but we're going to plow forward. Our next agency is the Northwest Commission on Colleges and Universities, NWCCU. The action for consideration is a petition for a renewal of recognition. Our primary readers are Bill Armstrong and Brit Kirwan. I note that Bill Armstrong was unable to stay with us, and so our primary reader is Brit Kirwan. We'll invite him to give an introduction to the agency, followed by staff review.

DR. KIRWAN: Madam Chair, I didn't have my document in front of me to give the preliminary.

DR. PHILLIPS: That's quite all right.

DR. KIRWAN: I apologize.

DR. PHILLIPS: We'll ask the staff review to begin to do a quick summary. Because we have a reader absent, we're not quite prepared to do our part of it, but if you'll take on yours, that will get us started.

DR. HONG: Sure.

MALE VOICE: Do you want this?

DR. PHILLIPS: We're good.

DR. HONG: Good morning, Madam Chair and Committee members. For the record, my name is Jennifer Hong, and I'll be providing a summary of the staff recommendation for the Northwest Commission on Colleges and Universities.

The staff recommendation to the senior department official is to continue the agency's current 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 in the staff analysis; extend the agency's time for coming into compliance under section 602.23(c) related to complaint procedures for good cause and require the agency to demonstrate compliance under that section in such compliance report within 12 months; deny the agency's request for an expansion of scope to include correspondence education.

This recommendation is based on our review of the agency's petition, supporting documentation, and an observation of a site evaluator training workshop on November 6, 2013, in Seattle, Washington.

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. The agency must also provide evidence of its effective review of correspondence education, and the department found that an extension for good cause was warranted for the agency's time period for coming into compliance under section 602.23(c) based on the agency's good faith effort thus shown.

Therefore, as I stated earlier, we are recommending to the senior department official to continue the agency's current 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 in the

staff analysis; extend the agency's time for coming into compliance under section 602.23(c) for good cause and require the agency to demonstrate compliance under that section in such compliance report within 12 months; deny the agency's request for an expansion of scope to include correspondence education.

There are representatives from the agency here today as well as one third-party oral commenter, and I'm available to answer any questions you might have. Thanks.

DR. PHILLIPS: Thank you.

Committee or reader questions?

DR. KIRWAN: Yes.

DR. PHILLIPS: Brit Kirwan.

DR. KIRWAN: Yes. Jennifer, could you provide us a little more detail on the deficiencies with regard to the correspondence, accreditation for correspondence education? In what ways are they deficient, and what must they do to come into compliance?

DR. HONG: Sure. I'd be happy to.

Basically, after the regulations were published in 2010, we had a new definition for distance and correspondence education as distinct entities.

Agencies were notified at that time that in their forthcoming reviews they would have to demonstrate compliance and effective review of both correspondence education and distance education as distinct entities if they wanted to continue to include those modes of delivery in their scope of recognition.

So this is Northwest's first review since the change in regulations in 2010, and they've elected through their petition to be recognized for both modes of delivery. And we asked them to show an example in the draft analysis, and they haven't shown it yet.

DR. KIRWAN: Thank you.

DR. PHILLIPS: Other Committee questions for the staff?

(No response.)

DR. PHILLIPS: We welcome the representatives of the agency to join us.

(Pause.)

DR. PHILLIPS: I believe that we're not able to accept written materials at this time.

FEMALE VOICE: Okay. It was just provided to me today, so I wasn't able to give it to them.

DR. PHILLIPS: Give it to the executive director afterwards.

FEMALE VOICE: Okay. Thank you.

DR. PHILLIPS: Good morning and welcome. If you can please identify yourself before you speak, and introduce yourselves.

DR. ELMAN: Good morning. This is Sandra Elman speaking. Good morning, Madam Chair, and congratulations on your new position. Good morning, Mr. Vice Chair.

On behalf of the Chair of the Northwest Commission on Colleges and Universities, Dr. Joe Brimhall, on behalf of Executive Vice President Les Steele, and on behalf of Vice President Pam Goad, thank you for this opportunity to appear before you today.

This is I believe my third or perhaps -- Ms.

Griffiths, you might remember better than I -- fourth time appearing as the President of the Northwest Commission on Colleges and Universities before you, and I consider it an honor to serve the institutions of higher education in the great states of Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington, and I consider it an honor, and I take it as a serious responsibility to continue to uphold our gatekeeping function for USDE with our mutual goal of serving our students and protecting the public interest.

At the outset, on behalf of my colleagues, we would like to thank and acknowledge our staff analyst, Dr. Jennifer Hong. We appreciate her guidance throughout these challenging times both for the federal government in general and specifically in light of the government shutdown, the time period that we were preparing our petition, and a challenging time for all of us as a nation. As I said in Dr. Hong's presence at the commission's November 2013 evaluator workshop in Seattle, she is a good ambassador for the department.

As you know, members of NACIQI, the final staff report regarding NWCCU's petition cited 12 issues that remain outstanding with respect to the federal regulations. Of these 12 issues, NWCCU respectfully asks that based on our petition and the accompanying documentation that you please reconsider the commission's compliance with regard to seven of these issues.

These seven issues are: 602.15(a)(3), 602.16(a)(1)(ix), 602.16(b)(c), 602.19(d), 602.19(d), 602.24(a), and lastly, 602.24(b). The commission is not requesting NACIQI's reconsideration of the final staff report findings with respect to four regulations. With respect to three of these regulations, namely, 602.15(a)(5), 602.20(b), and 602.26(d), the commission takes this opportunity to inform NACIQI and the department that it will do its due diligence to come into compliance with these regulations and will be prepared to submit supporting evidence whenever requested to do so.

With respect to the fourth regulation for

which no reconsideration is being sought, 602.23(c), complaint procedures, the commission notes that we received the letter from the department and that the commission will prepare a purposeful response and intends to demonstrate our compliance with the regulation.

Finally, members of NACIQI, with respect to the 12th cited issue, with your permission, Chair Brimhall would like to seek your guidance after my comments and your clarification if you will, please, with regard to 602.18(e).

I would like now if I may to offer very brief, two-sentence comments regarding why the commission is asking for your reconsideration with regard to the seven regulations that I posed.

DR. PHILLIPS: If you could just hold one moment.

DR. ELMAN: Surely.

DR. PHILLIPS: We had a reader question.

Brit Kirwan, did you want to inquire?

DR. KIRWAN: Yes. When you were giving the

items that you wanted removed --

DR. ELMAN: Yes, Chancellor Kirwan.

DR. KIRWAN: -- I think you said, unless I misheard, 602.19(d) twice.

DR. ELMAN: I'm sorry. 19(b) as in boy --

DR. KIRWAN: Okay.

DR. ELMAN: -- and 19(d) as in David.

DR. KIRWAN: Thank you very much.

DR. ELMAN: Thank you, sir.

DR. PHILLIPS: Please proceed.

DR. ELMAN: Thank you, Madam Chair.

602.15(a)(3), the roster of the commission's executive committee was included in the agency's original petition and inadvertently overlooked. For your reference, a current roster of the commission's executive committee, including both academic and administrative personnel, was included in our petition, and it was noted in an attachment as simply "executive committee roster." So I am just if I may, Madam Chair, just speaking to those regulations where we did submit documentation.

DR. PHILLIPS: I understand.

DR. ELMAN: Thank you.

And, Chancellor Kirwan, I don't know if you want me to stop --

DR. KIRWAN: No.

DR. ELMAN: Okay. Thank you.

602.16(b)(c), the commission again asks, please, reconsideration of this finding. In early December 2013, the commission surveyed our member institutions and found that the overwhelming majority of our institutions do not presently offer, nor do they plan on offering, correspondence education. Therefore, the commission is not out of compliance with this regulation inasmuch as NWCCU could not demonstrate any review, effective or otherwise, of correspondence education.

At this moment, the commission wishes to withdraw its request to include correspondence education in its scope of recognition.

Third item, please, 602.19(b). The commission requests reconsider of this issue insofar

as the commission's petition and our response to the draft report included multiple examples of the commission's ongoing monitoring of member institutions that occurred beyond the year seven comprehensive evaluation.

Included throughout our original petition were eight seven-year comprehensive evaluation reports, five year three evaluation reports, and four ad hoc evaluation reports. These tabs were -- and I know it's a huge petition, so we understand. But these tabs that indicated this evidence were tabs 31, 32, 45, 46, 47, 74, 96, 124, 125, 133, 140, 141, 142, 147, 148, and 160.

These numerous documents demonstrated substantial evidence of the commission's ongoing monitoring of institutions, including fiscal information and measures of student achievement. Moreover, examples of financial resource review, that is to say, financial reports and annual reports, were included in tab 68, 87, and 88.

Lastly, the schedule for all evaluations for

all our institutions was indeed included in the petition. This schedule clearly and unequivocally delineates the many evaluations that focus on fiscal information and student achievement.

602.19(d) --

DR. PHILLIPS: Ms. Elman?

DR. ELMAN: Yes.

DR. PHILLIPS: May I interrupt you for a moment?

DR. ELMAN: Sure. I'm sorry.

DR. PHILLIPS: Excuse me. Often material like this is -- you have an opportunity to address with the staff prior to the hearing. You didn't have that opportunity?

DR. ELMAN: We did. We had several issues that were cited, and we provided information, but then this, Madam Chair, came back in our very final response, a citation showing 12 areas out of compliance.

DR. PHILLIPS: Thank you.

DR. ELMAN: Thank you. 602.19(d), the

commission requests reconsideration of this issue as the commission's original petition included clear and definitive evidence of monitoring institutions experiencing growth, tabs 93, 94, 95, and 96.

Moreover, in its response to the USDE draft report, the commission submitted further evidence of monitoring an institution experiencing significant growth, and that was tab 174.

602.24(a), the commission requests respectfully reconsideration of this finding as the commission's original petition included specific evidence of the commission's monitoring of institutions starting a branch campus. The documentation was provided in tabs 124, 133, 134, and 135.

In particular, tab 124, section 602.22(c)(1), includes the institution's original substantive change proposal, a revised substantive change proposal after discussion with the commission, the institution's self-evaluation report, which was prepared specifically for the evaluation onsite visit

by an evaluation committee scheduled specifically for the review and the monitoring of the new branch campus. And the subsequent peer evaluation report was included as well following the evaluation visit to the branch campus.

602.24(b), the commission again respectfully requests reconsideration of this finding. Evidence was provided of an onsite evaluation regarding the regular monitoring of an institution undergoing a change in ownership. Note: Insofar as the institution was already scheduled for a regular onsite monitoring evaluation report and site visit within three months of the commission's action on the institution's substantive change proposal, and in concert with the department's goal of not unduly burdening institutions financially, and in keeping with the commission's own due diligence of maximizing yield and effective utilization of human and financial resources both for the institution and the commission, the evaluation committee conducting the onsite evaluation was instructed to review, deliberate its

findings, and report and take action regarding the question of ownership. This was demonstrated in tabs 8, 136, 176, and 177.

Therefore, the commission assures NACIQI and USDE that a change of ownership, though rare, though rare, does prompt a specific onsite evaluation and that had not, had not the regular evaluation been scheduled, an onsite evaluation would have been scheduled and conducted in accordance with the regulation.

We come now, ladies and gentlemen, to the final issue that the commission seeks reconsideration.

As indicated in the commission's providing both supportive narrative and documentation, with regard to 602.16(a)(1)(i)(9), the commission did provide, as the final staff report notes, evidence that it has a policy for reviewing student complaints.

However, in submitting our response, we inadvertently, we, you did not overlook, but we inadvertently did omit uploading one tab of evidence that indicated our adherence to the policy. The

evidence specifically documented an institution's compliance with the commission's policy of maintaining up-to-date record of student complaints, and it is on page 6 of the fall 2013 year three peer evaluation report, which we have with us today.

That, Madam Chair, concludes the regulations that I was going to address. I don't know if you want to stop there because those are the ones that at this point we are asking respectfully for reconsideration.

Chair Brimhall did want to seek your advice and guidance on that 602.18(e) regulation. We're not asking for reconsideration on the others.

Thank you for your time.

DR. PHILLIPS: Thank you. We're going to hear from the staff.

DR. ELMAN: Sure.

DR. PHILLIPS: Again, you're welcome to speak, Mr. Chair. we don't typically provide advice and guidance in this context but would be interested to hear what your concerns are. Before you do that --

DR. KIRWAN: Yes.

DR. PHILLIPS: -- a quick question from Brit Kirwan.

DR. KIRWAN: Just a question for information from my point of view. On one of these recommendations, the agency just acknowledged that they didn't submit the data, but they have the data. So it's I guess a technical question. If it wasn't submitted, we just have to assume that they will have to comply with that at a later time, is that correct? That's what I assumed. Thank you.

MR. BRIMHALL: Good morning. My name is Joe Brimhall. I am Chair of the Commission, the Northwest Commission on Colleges and Universities. Madam Chair, members of the Committee, department staff, thank you for the opportunity to appear this morning. We thank you for the service that you provide to higher education and to accreditation.

I have one question regarding 602.18(e) regarding the use of the term recommendations. There appears to be no explicit regulation in which the commission is out of compliance here. Northwest has a

long and successful history and practice of using the term recommendations. We have not had any reported confusion from our member institutions. They know they are to respond to all recommendations.

We believe that to make a change that was provided in the response to the staff's findings would indeed create a great deal of confusion for both our institutions and our evaluators. Insofar as the commission is not out of compliance with the regulation, but the request appears to be simply to come into greater conformity with other regional accrediting agencies, which is not a compliance issue but one of subjective interpretation and preference, we ask that NACIQI give serious reconsideration to this finding. Thank you.

DR. PHILLIPS: Thank you.

Committee questions, reader or Committee questions of the agency?

MR. ROTHKOPF: Madam Chair, could we hear from Jennifer as to how she reacts to this?

DR. PHILLIPS: Well, she's up next. She's

up next. Anne Neal?

MS. NEAL: I have a question on two things, one where on student achievement, where the staff found that you were in compliance, and then one on the point about monitoring of student achievement. And again, I express this frustration at virtually every NACIQI meeting and I'm going to express it again.

I look at pounds of paper and I come away with very little sense of whether or not you all are reliable guarantors of educational quality. So what I have done instead is then to take a look through IPEDS and others and I see that 43 of your institutions have four-year graduation rates that are below I believe 20 percent, that there are significant institutions -- institutions with significant default rates. And this gives me concern that whatever standards you have in place are not in fact ensuring academic quality and student achievement and that your monitoring is also failing in some way to address these issues, which presumably are the most critical ones. And let me just be -- I want to make certain I was fair. Forty-

three schools that had four-year graduate rates under 30 percent.

Now I know no one talks about four-year graduate rates, but it seems to me it's a very legitimate thing to be talking about since college is supposed to be completed in four years if you go to a four-year school, and this is for first-time, full-time. So would you address for me how your standards are ensuring educational quality?

DR. ELMAN: NACIQI Member Neal, I commend you because you have been steadfast over the years in pushing for student learning, evidence of student learning outcomes, student achievement on these very issues, and we have discussed this before.

I had the honor to become before you in 2010, my last time appearing on behalf of the commission here, and we were talking about our new accreditation model that was implemented in 2011. Our new model is an outcomes-based accreditation model where we now have three reports, year one, year three, and year seven, where we talk about -- not just talk

about. We require institutions in our year one report to talk about mission, core themes, and indicators for how they're going to achieve those core themes, which are directly related and incorporate of course student learning outcomes.

What we have begun to see over the last two years is institutions renewing or in some ways initially even undertaking rigorous, purposeful efforts to identify student learning outcomes from the first year of the accreditation cycle. We now have an ongoing seven-year cycle in which they will identify indicators of student achievement and which we will monitor and work with the institutions to assure that they can provide evidence of that student achievement and student learning outcomes in their year seven report.

So we are hoping that as a result of that that institutions can also increase graduation rates, increase retention rates, and ultimately graduated, better educated individuals.

I don't know if the Chair wants to add

anything.

DR. PHILLIPS: Art Keiser.

DR. KEISER: Help me understand. You want us to remove one of the recommendations -- I shouldn't use that word -- one of the concerns on 602.24. I was listening to you, and you were saying you provided us evidence on tab 176 and 177 that you said would give us the understanding of meeting that standard. And then when I look at the evidence, I see a letter that's highly redacted, but it talks about one institution developing an affiliation agreement, not a change of ownership agreement.

The second tab is a three-year peer review report, which again I didn't want to look through the entire report. I wasn't able to find the evidence that you demonstrated as part of that change of ownership visit that is required.

So unless you can explain to me how you came to the conclusions that you did versus what I did, I'm not sure I could go against staff on this.

DR. ELMAN: Thank you for that question. If

I understood you correctly, what you're saying is that you read it as the affiliation and not necessarily as the chain of ownership. Am I correct in --

DR. KEISER: Well, it says that the university of blank's subsequent --

DR. ELMAN: Right.

DR. KEISER: -- change proposal to enter into an affiliation with the national university system. Entering into an affiliation agreement is not a change of ownership that I can be -- and that's the evidence you used.

MR. BRIMHALL: Our understanding is that the affiliation dissolved their current board and formed a new board and changed the governance. In a nonprofit setting, ownership is really vested in the governance.

So we interpreted that with a new governance structure that it was actually a change of ownership.

DR. KEISER: But it doesn't demonstrate the visit, which is required under our standard. I mean, the documentation was not compelling for me to understand that you met the requirements. And I can

understand why the staff did that, because all this is a letter from the agency, not necessarily the evidence, which is what's required under the standard, of doing a visit within six months of notification.

DR. ELMAN: We did, NACIQI Member Keiser, do as I indicated. There was a three-year what we call mid-cycle evaluation visit to that particular institution already scheduled.

DR. KEISER: I couldn't tell that because of the redaction.

DR. ELMAN: Okay, no. Well, okay. We apologize if there was anything confusing. There was a three-year evaluation scheduled to that institution. The change of ownership or affiliation if you will occurred, and within three months we were already going there.

DR. KEISER: I understand.

DR. ELMAN: Okay.

DR. KEISER: But again, I'm saying the evidence, because you redacted the names of the institutions, I couldn't tell that they visited that.

It could have been X institution that wrote the letter and Y institution that there was a visit.

DR. ELMAN: Oh, okay. So you're saying that because we didn't say it was Keiser University -- okay. But we don't do that, sir.

DR. KEISER: Well, it's hard for me to tell -- I can understand from the evidence why our staff would not accept it.

DR. ELMAN: And again, this is -- you know, Dr. Hong did an incredible job in a tight time period there. This is all -- for those of you, I walk around still -- President Rothkopf probably knows me the longest around this table -- with my yellow pad. So this is all done electronically, hundreds of tabs included, uploaded, you know, et cetera, et cetera. So, when we're citing these, it's not in any way meant to have any negative connotation. We're just citing what was. And we cross out, as I think others do, perhaps not, but we don't identify the institutions in the documentation that we submit.

DR. PHILLIPS: Thank you. Other Committee

questions before we go back to the staff?

DR. ELMAN: If I may just, Madam Chair, just for one clarification. I think I'm correct here -- Executive Vice President Steele and Vice President Goad, help me here. This was the closest thing we had to an example of "change of ownership," and so we did not have any other such examples. So we included this particular example, President Keiser, as the closest if you will indication of a change of ownership because of what Chair Brimhall had indicated, because of the change in the board, the change in the governance, et cetera. I don't know if that's helpful.

DR. PHILLIPS: Thank you.

Jennifer? Back to the staff response to the information that we've heard.

DR. HONG: Jennifer Hong. I'll go ahead and just address the documentation issue generally. I think the agency will agree that we've had several conversations, especially after issuance of the draft report. We've had extensive phone conversations that

helped kind of clarify issues for me.

However, I don't know if it's an organizational issue when the response was submitted, and I'm happy to, you know, take a look at whatever documentation the agency has to provide. But at the time of the review of the response, it was hard, you know, it was difficult section by section trying to review the appropriate documentation. I know that the agency said it was provided. I don't know if it was provided in the applicable section.

There are areas in the response where we try to be very specific on what we need in the draft analysis, and they might have provided an explanation of their process. For example, in monitoring, we talked a lot about the agency's monitoring approach, and it made a lot of sense to me that the agency had kind of rehailed their whole standards to go to a more outcomes-based approach and that it was inherently a continuous monitoring process that they were employing.

However, so I was able to summarize that

after speaking with them. But at the time that they were issued the draft, they didn't attach any concrete examples, like this happens in year three. I mean, I just had to draw from the telephone conversation.

So it is a paper review, and I understand that they might have attached it in the original petition. But, I mean, as analysts, you know, we need a little bit more help in the organization of providing the response. So, I mean, that's the best I can say. I don't have the petition in front of me. I think Dr. Keiser looked up one section.

So those are the kinds of questions I had. And in particular with regard to the branch campus issue, I think it was the original documentation that was provided was that the conduct of the site visit was discretionary. Well, we require a site visit. So that was the question. Does the agency require a site visit, or is it a discretionary visit? So that's kind of the general for all these. You know, I don't have the petition right in front of me.

As far as correspondence education, I mean,

the agency elects whether or not it wants to be recognized. At the time when I asked them if they wanted to be recognized for both, they indicated that they had. So, if they want to withdraw their request, that's certainly their purview.

The issue with the recommendations, it's not conformance with the language of other accrediting agency. I mean, we don't necessarily compel the agencies to have the same terminology as we do in every case. However, the regulations specify deficiencies, you know, to be explicit to the institution or program that's being cited what deficiencies that it has. And a recommendation by definition suggests that, you know, the institution or program may or may not be subject to enforcement action, for example. Is it a noncompliance issue, or is it not?

DR. PHILLIPS: Other Committee questions?

DR. KIRWAN: Yes.

DR. PHILLIPS: Brit Kirwan.

DR. KIRWAN: Jennifer, let's just take, for

example, the very first one, 602.15(a)(3), which in some sense is a very bureaucratic sort of requirement.

They need to submit their executive committee, a list. They say the executive committee is included. But your recommendation suggests that it isn't included. It either is or it isn't. So do you have any -- just taking that one, for example, do you have any thought about that particular recommendation? I mean, are you confident they didn't include their executive committee membership?

DR. HONG: I can't say without looking at it whether -- I mean, if they had, like I said, I'm happy to look at it. At the time of the issuance of the final, you know, we didn't see it. But it's conceivable that they did attach it I suppose, but I don't know. Kay?

MS. GILCHER: Kay Gilcher. I actually can get into the system here, and that piece of documentation is included.

I would like to speak to just one issue here and just ask the agency for clarification.

DR. ELMAN: Sure.

MS. GILCHER: On 602.19(d), which is the monitoring of growth of programs at institutions that experience significant growth, okay -- so the issue that was identified was it was acknowledged that indeed you do monitor growth. Okay. The question is, if you identify significant growth, that is, your trigger for institutional growth, do you then monitor the programs at institutions that experience growth, which is what the requirement is?

So here's the institution becoming really big. What is really causing that at the program level? And are you saying that you did provide evidence of your monitoring of the programs at such institutions, which is what you were cited for?

DR. ELMAN: May I respond, Madam Chair?

DR. PHILLIPS: Absolutely.

DR. ELMAN: Thank you.

Thank you, Ms. Gilcher, for that question. I won't name the name of the college. I can name maybe a state, but I maybe shouldn't do that either.

But the college we looked at in particular was experiencing exactly what you said. It's a community college, I'll say that for the record, and it was experiencing exactly, Ms. Gilcher, what you said, rapid growth. And so we went in and looked at that, programmatic, by leaps and bounds if you will. And so we provided that because it was an example with no equivocation, as opposed to your colleague, President Keiser, who mentioned the affiliation one, that we went in and looked at it.

DR. PHILLIPS: Jennifer?

DR. HONG: I just want to clarify that there were two different issues. So the issue with regarding monitoring institutions for the enrollment growth, the agency was found in compliance. But I didn't see any evidence of, you know, after the trigger was met that the programs were monitored.

DR. ELMAN: And indeed, the one that I just referenced, a college, community college, in the State of Idaho, we went in precisely because of that reason.

DR. PHILLIPS: Brit Kirwan.

DR. KIRWAN: Yes. I have a question. As we move towards a recommendation, a question for me is originally they requested expansion of scope to include correspondence work, courses. Now they're saying they don't -- orally, they've said they don't want -- is that sufficient? How do we deal with an oral request to alter their petition at this stage?

DR. PHILLIPS: Let me defer that question to Sally or Kay. Sally?

MS. WANNER: You could put something in your motion such as, you know, the agency has withdrawn their request for expansion of scope to include correspondence.

DR. KIRWAN: Okay.

DR. PHILLIPS: I'm mindful that we have a third-party commenter to address this group. If we don't have further questions right now, I would invite you to step back and invite for comment Phillip Cole from Idaho State University, who's indicated that he would like to speak.

DR. ELMAN: Thank you. Will we have an

opportunity, Madam Chair, to return?

DR. PHILLIPS: I don't know. Yes? After the comment, yes.

DR. ELMAN: Thank you.

(Pause.)

DR. PHILLIPS: Greetings. Welcome.

MR. COLE: Welcome. My name is Phillip Cole, and I'm a professor of experimental nuclear physics at Idaho State University. Madam Chair and members of the Committee, I thank you for this opportunity to speak to you today.

I will speak solely to section 602.23(c) and in detail to give measure of why the complaint was registered. I have come to you to speak to you on matters of public concern as it regards the Northwest Commission on Colleges and Universities. I am the former chair of the past two iterations of the Idaho State University Faculty Senate over the years 2010 and 2012.

Both of these Faculty Senates were dissolved prematurely and contrary to the wishes of the ISU

faculty. The first dissolution occurred one week after the faculty registered a strong vote of no confidence against the ISU president. The second dissolution occurred two weeks after the Faculty Senate formally filed a 260-page complaint to the NWCCU.

On September 21, 2012, the NWCCU dismissed the 260-page complaint without demonstrating any evidence of meaningful investigation. Approximately 11 months later, the appeal was dismissed, again with no documentary evidence.

I further come to you as one of the signatories on the complaint and on the appeal. On October 18, 2013, the complaint signatories presented to the U.S. Department of Education our experiences with the NWCCU. On November 20, 2013, the department notified the agency that the NWCCU was out of compliance with section 602.23(c) of the Secretary's criteria for recognition, which entails accountability of the accrediting agency, registering, and handling complaints.

Let me please provide you with salient background. On April 9, 2012, the duly-elected ISU Faculty Senate, representing 650 faculty members, expressed their concerns to the NWCCU in a 260-page complaint on standard two.

DR. PHILLIPS: Mr. Cole, may I interrupt you for just a moment? Forgive me, I forgot to mention that we have a three-minute limit on our testimony.

MR. COLE: It will be within three minutes.

DR. PHILLIPS: Thank you.

MR. COLE: Okay. Encompassing one, university policies and procedures; two, faculty governance; three, censorship; and four, effective leadership. We further argue that investigation would reveal additional violations.

We note that the April 13 -- may I have one more minute? We note that the April 13, 2012, Final Report on Higher Education Accreditation Reauthorization Policy Recommendation focuses on a triad of actors, which includes educational quality assurance and accountability of accreditation. We

further note that counted among these issues are mechanisms of public accountability and a broader quality improvement and assurance process.

In arriving --

DR. PHILLIPS: You're fine.

MR. COLE: In arriving at the recommendation in this document, we observe that educational quality and matters of accountability were argued.

Accreditors accept the responsibility of demonstrating adequate rigor in accountability to assure that all accredited institutions meet reasonable standards of educational performance.

In our April 9 complaint to the NWCCU, we detailed that ISU is the only public Ph.D.-granting American university to be sanctioned by the American Association of University Professors. And I'm going to come to the end. Let me read a few more points, please.

The president of Idaho State University received an 80 percent no-confidence vote on April 10, 2011, with over 76 percent of the 650 faculty members

voting. One week later, the Faculty Senate was dissolved. The students also held a vote of no-confidence, and our institution was found by the faculty to be in fundamental disarray in areas of policy, governance, and organizational structure.

If these are not issues of concern for the NWCCU to investigate and to investigate with the required due diligence, rigor, and accountability, where does that leave the 163 institutions under oversight of NWCCU? How can faculty, students, or other stakeholders in the Northwest petition this accrediting body to redress grievances?

We do hope that the NWCCU can soon come into compliance with both the letter and spirit of section 602.23 of the Secretary's criteria for recognition. One indication of NWCCU accountability and pursuit of quality assurance would be to revisit the April 9, 2012, complaint and respond to it in good faith, in a timely, fair, and equitable manner with unbiased judgment in accordance with federal standard 602.23(c). We just ask the NWCCU to do the right

thing and conduct an investigation.

DR. PHILLIPS: Thank you, Mr. Cole.

MR. COLE: I thank you.

DR. PHILLIPS: And I apologize for the odd timing and strange noises.

MR. COLE: I just want to thank the Committee for your deliberations and hearing me.

DR. PHILLIPS: Committee members, any questions for our speaker?

(No response.)

DR. PHILLIPS: Thank you for joining us.

MR. COLE: Thank you.

FEMALE VOICE: Will we have a chance to ask questions of the staff?

DR. PHILLIPS: Yes, we're coming back to it.

MALE VOICE: And also the agency?

DR. PHILLIPS: Yes. We invite the agency back. At this point, we have an opportunity for the agency to respond to the third-party comment, for the staff to respond to the third-party comment, and then we'll move to our discussion.

Agency, would you like to respond to the third-party comment?

DR. ELMAN: Yes. So, Professor Cole, thank you for coming because this is the American way and this is the way of academe. And as I said in my initial remarks, we are not asking for reconsideration of 602.23(c). The commission has received Ms. Kilcher's letter. We will respond to the letter, and we will demonstrate compliance, and we will do the right thing.

DR. PHILLIPS: Thank you.

Staff response to the third-party comment?

DR. HONG: Only that it was a good summary of what's transpired with the complainant under 602.23(c), and just to keep in mind that the agency's time period for -- our recommendation is that the agency's time period for coming into compliance is to be extended. So, you know, really the agency must demonstrate its compliance within the time period. They've had the 12 -- their 12 months will expire in April, and then they'll have an additional time period

for coming into compliance. But they must do that within that time period.

DR. PHILLIPS: Thank you.

Committee members, we can now move to discussion, possible motion, and vote. I see Brit Kirwan and Jill Derby. Brit, you're first.

DR. KIRWAN: I'd be interested in having the agency respond, maybe not to the specifics of what the third-party individual put forth, but how sensitive and by what process does the agency address issues where there appears to be a breakdown in the traditional expectations for shared governance, et cetera?

DR. ELMAN: Thank you, Chancellor Kirwan. We have standards on governance and administration. We do not in the spirit of academe and the spirit of regional accreditation stipulate or specify what governance should look like per se at, were you in my region, the counterpart, the University of Washington or Bellevue College or Reed College, a private institution.

We do of course expect, as we would with all our standards for accreditation and eligibility requirements, that our institutions comply with those standards. We don't stipulate in our governance standards what a governing board should look like, who should be on that governing board per se, and we do not stipulate exactly the parameters or configuration of shared governance. That is beyond the purview of regional accreditation in my 20-year history in it.

DR. KIRWAN: I appreciate that comment, but my question is this. Let's suppose an institution has as part of its mission statement a certain governance structure that respects a shared governance process, and if the institution was not adhering to its own mission statement, would that become a concern of your association?

DR. ELMAN: Yes, it would. Yes, it would.

DR. KIRWAN: And how would you go about addressing that?

DR. ELMAN: We would go about addressing that in one of three ways: either through the year-

three evaluation where we usually go onsite to campus; definitely during the year-seven comprehensive evaluation where a large evaluation committee goes to the campus onsite and looks at all the standards, meets with faculty. We require in the Northwest when we have a comprehensive evaluation that there has to be an open meeting for all faculty to come. Whoever shows shows. We have then specific meetings with faculty. We do the same, by the way, for students, et cetera.

So, yes, to your answer. If an institution states a goal of their own -- let me give you one example quickly if I may, Madam Chair, President Kirwan. We don't have a standard on diversity per se.

It's not in our repertoire of standards. If an institution says that one of its core themes or part of its mission is diversity, then we will hold that institution up to its own stated goal, so too as you indicated for shared governance.

DR. KIRWAN: Thank you.

DR. PHILLIPS: Jill Derby.

MS. DERBY: Well, unlike President Kirwan, I would like you to respond to the specific issue that was raised in the third-party comment. Given 602.23 -- and I understand that you're not disagreeing with the staff recommendation there, but it seems really unusual that given the circumstances at that university you would not have responded to that complaint.

DR. ELMAN: We did, NACIQI Member Derby, respond to that complaint. And what I would respectfully request if I may is that this not be the forum for further explication of the complaint situation, with respect to Professor Cole and all of his colleagues and with respect to the institution as a whole, to use this forum to go into the nature of the complaint. We did respond.

MS. DERBY: You did respond.

DR. ELMAN: We did respond. Quite frankly, they weren't "happy" with our response. I respect that sentiment if you will concerns maybe beyond the purview of regional accreditation. That is not to say

they're not legitimate concerns. And so we will do our due diligence to address the issue as appropriately -- appropriate is a key word -- as appropriately and as effectively and with our due diligence, and the Chair and I and my colleagues can promise you all that.

DR. PHILLIPS: Simon Boehme?

MR. BOEHME: Sure. One moment.

I was just -- I have to agree with my colleague here, Jill, that I think this is the forum not particularly for specific complaints, but it's my understanding that this committee is commissioned to ensure that you're in compliance with these certain issues. And while you acknowledge that you're not in compliance with this complaint process, that there's an article -- or *The Chronicle of Higher Education*, April 17, 2013, that there was another issue from Green River Community College. And so going along with what Jill has said, that this is a reoccurring theme with your agency. And so can you talk about future steps that you're going to make?

MR. BRIMHALL: This is Joe Brimhall, Chair.

We did respond to the complaint in question. We took it to another level, and then a formal complaint was filed with the department. We have received a letter from Director Gilcher, and we are in the process of responding to that and demonstrating compliance.

In the future, we will follow through the same process that we have in the past. And I believe that the reason that we've said that this may not be the venue, our understanding is that a decision has already been rendered. So we're now responding to the letter that was sent to us on November 20. So we just didn't understand that the Advisory Committee had a role where a decision now has already been rendered.

As far as future plans, we will continue to follow our complaint process, our policies, and be responsive to any concerns that are brought to us.

MR. BOEHME: Do you want to add something?

DR. PHILLIPS: Thank you. Jill Derby?

MS. DERBY: No. I just wanted to follow up on that a bit. I think part of our responsibility

here, our oversight responsibility, is to ask questions related to staff recommendations to make sure how we feel, whether we agree or don't.

MR. BOEHME: If I can just add on, I'm concerned, though, that the past complaint processing -- and correct me if I'm wrong -- is not adequate, yet you just said that you're going to continue to use this, and maybe you can comment on this, going forward.

DR. ELMAN: No. The complaint process if I may was never called into question.

MR. BOEHME: Sure. Sure.

DR. ELMAN: What was called into question, and complainants have a right because this is America, thankfully --

MR. BOEHME: Right. Right.

DR. ELMAN: -- that they can say we are not happy or pleased so to speak with the outcome.

Now, if we want to pursue something I did not want to pursue, but out of respect for NACIQI Member Derby and yourself, I will contradict my own

wisdom to myself this morning, last night, and for the last three weeks. So I apologize to Dr. Steele and Dr. Goad in advance because I'm contradicting myself here.

DR. PHILLIPS: If I could just ask the staff to clarify the question of compliance with the Secretary's criteria for complaint procedures. There may be some discrepancy about -- misunderstanding about what is on the table as a complaint.

DR. ELMAN: Thank you.

DR. PHILLIPS: So, if you could separate that out for us, that would be helpful.

DR. HONG: Right. So the agency's adherence to its own complaint procedures were found to be noncompliant. And there were some other issues with the agency's policy that were cited in the final report. It is true that the complainants weren't happy with the agency's response, and it's true that the department found the agency's procedures and handling of the complaint to be noncompliant. So something needs to change.

MR. BOEHME: Right.

DR. HONG: I mean, there's definitely an issue of sufficient documentation and providing more to the complainant.

MR. BOEHME: Well, let me jump in here. I'm not arguing with the outcome. And if I made any confusion that I'm trying to stand up for a third party or, you know, this *Chronicle*, I'm not -- I don't want to talk about the outcome. But what I'm worried about is your comment, sir, that you're going to be looking at a complaint procedure that, as our staff analyst just said, is not in compliance, and when you answered my question looking to the future, you said you're going to rely on that complaint procedure.

This is my second day on the committee, but I find it worrisome that you're moving forward in a direction that is not in compliance with the standards we are commissioned to recommend to the committee.

MR. BRIMHALL: Thank you for clarifying your question. Let me see if I can be more explicit in my response.

MR. BOEHME: Yeah.

MR. BRIMHALL: We are responding to the letter that we received. We are in the process of demonstrating compliance. As we do that, we will take whatever steps we need to, whether it's changing the way that we respond or changing our policy so that we are in compliance. So we are in that process.

My comment of saying that we will continue to respond to complaints meant that we will continue to be responsive. At the same time, we're responding to the issues that the department has raised with us, and we will demonstrate compliance.

MR. BOEHME: Thank you.

DR. PHILLIPS: Brit Kirwan.

DR. KIRWAN: Madam Chair, are we ready for a motion?

DR. PHILLIPS: Any other discussion of interest? We're ready for a motion.

DR. KIRWAN: Okay. So I move that NACIQI recommend that the Northwest Commission on Colleges and Universities' 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, with the exception of 602.15(a)(3) and 602.16(b)(c) -- and I'll explain the exception when I finish my motion -- with the exception of those two recommendations. So the agency should respond within a 12-month period and bring itself into compliance with the criteria cited in the staff report and that it submit for review within 30 days or after 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.

Further, I recommend that we extend the agency's time for coming into compliance under section 602.23(c) for good cause and recognize the agency to demonstrate compliance under that section in such compliance report within 12 months.

The two exceptions from the staff recommendation, the first is I think we now have evidence that the documentation on the executive

committee has been submitted, so there's no reason for them to resubmit that. And then secondly, we heard today that orally they are withdrawing their application for correspondence -- authority to accredit correspondence courses, and so there's no reason for them to respond to that particular section.

So, Madam Chair, that is my recommendation.

DR. PHILLIPS: Thank you.

Do we have a second?

MALE VOICE: I do.

DR. PHILLIPS: Okay. Discussion?

(No response.)

DR. PHILLIPS: Ready to vote?

MALE VOICE: Yes.

DR. PHILLIPS: Let's get it up on the screen so that people can see it. Bear with us.

(Pause.)

DR. PHILLIPS: Okay. We have the motion on the screen now. Brit, you want to verify that that's the motion that you did?

(Pause.)

FEMALE VOICE: Extend the agency's time
for --

DR. KIRWAN: Then there's the piece on
section 602.23(c). Oh, you got that, okay.

DR. PHILLIPS: Can you see that? Is that
all right?

DR. KIRWAN: I'm not sure why it says with
the exception of 60 -- why do we have with the
exception -- in the first paragraph, with the
exception of 602.23, because it shouldn't be there.
It was with the exception of 602.15(a)(3).

FEMALE VOICE: That's up there.

(Simultaneous discussion.)

DR. KIRWAN: Okay. Take that out, yeah.
Okay. Now you've got it. Thank you. I'm satisfied.

DR. PHILLIPS: Okay. We have now the
correct motion on the screen. The vote's been called.
Those in favor signal by raising your hand.

(Show of hands.)

DR. PHILLIPS: Those opposed? Abstention?
Opposed?

MS. NEAL: I'll explain that I'm opposing the motion because I do not believe that I can -- that it is likely I'll be assured in 12 months that they have become a reliable authority regarding the quality of education, for the reasons I outlined previously.

DR. PHILLIPS: The motion carries. Thank you for joining us.

NACIQI RECOMMENDATION

That NACIQI recommend that the Northwest Commission on Colleges and Universities' 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, with the exception of 602.15(a)(3) and 602.16(b)(c). The agency should respond within a 12-month period and bring itself into compliance with the criteria cited in the staff report and that it submit for review within 30 days or after 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.

Further, that we extend the agency's time for coming into compliance under section 602.23(c) for good cause and recognize the agency to demonstrate compliance under that section in such compliance report within 12 months.

DR. ELMAN: Madam Chair, may I have two minutes? I know that Secretary Kanter is sitting behind us. It has not to do with the petition. Two minutes. We've come 10,000 miles, the four of us, from Seattle, Washington and from Salt Lake City, Utah. I just want two minutes to just say a couple words to good colleagues around this table if I may.

DR. PHILLIPS: Please.

DR. ELMAN: With deference. President Obama and every President of the United States has an opportunity in January to address the state of the Union, so I take two minutes of your time, with great deference as I look around the wisdom of this table at higher education-leaders and public servants who have

given years of service to the United States of America, to ask you, NACIQI members, to give serious attention to the union, the partnership, the alliance between the federal government, regional accreditation, and higher education.

I would venture to say that all of us in this room, those behind me and those in front of me, love this country and cherish its freedoms and its values. Our best hope, our best hope as President Obama and his predecessors have said, is a higher education and the freedoms that regional accreditation seeks to defend, institutional autonomy and academic freedom.

Members of NACIQI, so long as you ask us to be your gatekeepers and we're in this union and in this partnership together, there has to be trust. There has to be trust that we will ensure you that we're doing the very best to our ability with all our colleagues, hundreds and thousands who are our evaluators, to do our gatekeeping function in the best spirit of America.

We take that responsibility very, very seriously, and we aim to do, Ms. Neal, what you fight for here and constantly remind us about, educational quality for our students. But there has to be a fundamental trust, and you have to have, as they say in the military, you have to have our backs. You have to have our backs. You have to have -- if any of you served in the military, then you'll know this expression. You have to have our six. Go and Google it. You have to have our six.

We don't do everything right. We're not perfect. We know that. This is America. I hope you are -- you are our hope around this table to make sure that America and our higher ed system sustains the freedoms that we all care about.

Madam Chair, the best to you. Vice Chair, the best to you. And thank you, Chancellor Kirwan, for your questions.

DR. PHILLIPS: Thank you for joining us.

DR. PHILLIPS: We have a moment of recalculation right now. Undersecretary Kanter has joined us. I'd like to be able to provide her time in her schedule to speak now. We have one more agency to review, the Oklahoma Department of Career and Technology Education. With appreciation to Oklahoma, if we would ask you to stand tight, and we'll ask Undersecretary Kanter to join us. Thank you for coming. And let me get you a space.

(Pause.)

REMARKS BY UNDERSECRETARY MARTHA J. KANTER

MS. KANTER: Thank you so much for taking the time to let me just share some things with you. I brought over -- we had -- the department had a party for me Wednesday night, and I made some brief remarks, and they are all on one two-sided page. So I was going to give these to you to take a look and just take with you because I won't say what I said then. You can read it and would appreciate that.

MS. KANTER: I do want to first just talk about a couple of things. My last day at the department will be Friday, the 27th of December, and at that time, I will then go to New York. I will be welcomed as a distinguished visiting professor of higher education at NYU, and yesterday they named me a senior fellow in January. So I'll be really located at the Steinhardt Institute and hopefully doing work on access, equity, student success, all of the things that you look at when all of the people come before you.

So I'm very excited about that. We're expecting that Ted Mitchell will be confirmed by the Senate. We know they come back in January, and we are expecting hopefully that confirmation to take place this spring, the sooner the better as far as everyone is concerned. But we are really delighted to announce, and maybe you've already heard this, that Jamie Studley will be named the Acting Undersecretary of Education until Ted assumes the responsibility in his position.

So I'm very excited that the succession planning seems to be working really well. She'll be working with Jim Runcie, who is the head of federal student aid; Brenda Dann-Messier, who is the Assistant Secretary of the Office of Vocational and Adult Education; also assume the Acting Assistant Secretary role for Postsecondary Education and has worked with Kay and so many of you. And I just want to, you know, say a moment, you know, just about the leadership for accreditation in the Office of Postsecondary Education. I can't think of, you know, better people around the table who are sitting next to Susan Phillips to thank, you know, profusely for all of the hours and all of your work as leaders in the Advisory Committee to really try to think about where we go next, what we have now, and how we can continue to improve a system that developed over so many years.

So I'm just delighted that, you know, great people will be in place. Certainly, you know, count on Jamie Studley. She will come over and talk with you. We also have six White House initiatives that

now all have executive directors. I'm pleased that that's in place for Historically Black Colleges and Universities. That's a great resource. African-American Educational Excellence, those commissioners will be appointed hopefully this spring as soon as possible.

We've got the White House Commission on Asian-American and Pacific Islanders. They've been doing great work around the country, and I think Kiran Ahuja, their leader, has really done a phenomenal job; Bill Mendoza for Native-American Educational Excellence, Indian and Alaska Native -- American Indian and Alaska Native. So that's one of ours. And then faith-based and neighborhood partnerships under Brenda Gordon Mitchell. Any of those program directors are just doing an incredible job. Our Hispanic initiative, led by Alex Ceja, who was my chief of staff.

So there are six White House initiatives. They are working very, very hard. You'll hear more about them. They all have monthly newsletters if

you're interested. And I just wanted to mention that because they'll be working with obviously Jamie Studley and Ted Mitchell in the transition. And I can't say enough good things about all the work that you have done, and I'm thrilled at the new appointments and the reappointments because I think the stability of NACIQI is essential to tackle what we're looking at, you know, this spring, summer, next year, the higher ed reauthorization recommendations.

So that leads to I think the work ahead of you. You presented recommendations to the Secretary back in 2010, 2011. Those recommendations have been really a boilerplate for us to look at where were we then, where do we need to go next, and I think the HEA recommendations need to be updated. And so there will be lots of public conversation. You'll see a lot coming from the department this spring and summer, you know, what have been our thoughts.

If you look at all the studies that are coming in, the HEA reauthorization should do this, and federal student aid should do this, and accreditation

should do this, and competency-based delivery should do this, and distance learning should do this, and state authorization -- all the pieces of program integrity, which is really first and foremost on your list ahead.

So we're very excited to really engage the conversation, and Jamie will be the resource for you for that engagement. And where do the NACIQI members who represent the nation's best of the best in terms of the quality recommendations that could lead us forward, what do you all think together, and do you have divergence of opinion, do you agree on some things. That would be just so helpful to Secretary Duncan, President Obama, and the nation.

So we hope you'll engage that conversation.

I know last time you had, you know, a retreat, and you looked back and forth with recommendations, and it took a lot of extra time. I remember lots of conversations in the office just sort of poring over everything that you're doing. And I don't know if you've read these two books that sort of are my latest

bible books, *Simpler* and *Nuanced*, by Cass Sunstein, who was head of OIRA in the first term. And, you know, the book *Simpler*, he profiles what we did in federal student aid, which is sort of one of my greatest in retrospect points of pride that I was announcing in this little sheet that I handed out.

We actually in the first term provided more than three million students a year, additional students a year, from low-income families, Pell grants and the opportunity to go to college and the enrollment and their success than we had, you know, previously. And that's just a remarkable thing when you think about 28 million undergraduates and graduate students in the country and how important it is to really have the full spectrum of Americans participating in higher education.

So, when I look at those recommendations and ways that, you know, we think about academic progress and ways that we think about can we get more performance out of the system and can we, you know, help the institutions who are recovering from, you

know -- I don't know, this is my fifth economic downturn, and this was a really, really bad one and a really slow climb out. And when you've got public institutions that took anywhere from a 10 to a 50 percent cut in state authorization and state funding and they're climbing back up, and we've got actually our -- a great source of pride is, you know, we've moved up in the rankings, in the OECD rankings when we look at college attainment rates, and we've got the highest graduation rates that we've had in many, many years.

So I think we're poised in the next five to 10 years to really move the needle forward, and those recommendations are going to be really central to our success.

So simplification, burden reduction. We were at a meeting with reporters this morning. Secretary Duncan was talking about, you know, how many recommendations have come in from the country on burden reduction. And I think, you know, the action that you took this last year to really simplify the

process, you know, of application and the kinds of things that the institutions will be looking at, that is just really a source of a way that we can use the simplification example for other things that we may need to further simplify because we've got cumbersome processes, and so anything we can do on the one hand to simplify and anything we can do to reduce burden will be I think greatly appreciated.

So I'm not just saying this to NACIQI. I'm saying this to everyone. We have to think hard because we've got a great opportunity with the reauthorization. Last time the reauthorization spanned, you know, administrations, so it takes a long time to have those recommendations come through and actually get acted upon. So, you know, I think good thinking now is really opportune.

And then finally I just want to say how excited I am that we have a student appointee on NACIQI. We've heard great things already, and we're just thrilled that you could join. Also to have Roberta join, Roberta Derlin, as our new appointee

from New Mexico. Just really, really pleased that you stepped up to the plate. And then the reappointments of Susan and Frank and Federico. You know, it's just really fantastic to have I think the continuity and the knowledge with the new ideas coming in.

And I think everything should be on the table. You know, we do things the way we do them, and the status quo is probably, you know, one of the biggest challenges that we face as a nation.

So again, I'm here to thank you and look forward to working with you a new capacity when I figure out what restrictions I still have and which ones I -- I have reduced my burden and look forward to just being available to help in any way. So thank you very much.

DR. PHILLIPS: Thank you so much. It will be a big loss to have you out of Washington, but we welcome you in New York. Brit Kirwan?

DR. KIRWAN: I just would like to take a moment to express on behalf of every colleague I know our great appreciation for the role you've played as

Undersecretary. Your commitment, your passion, your energy, your responsiveness have been such a wonderful experience for all of us in higher education. We are better because of the role you played as Undersecretary. We're going to miss you in that capacity but look forward to you joining us as a colleague in years ahead.

MS. KANTER: Thank you, Brit, very much.

MR. ROTHKOPF: Let me just add a comment. Public service these days is not an easy task, as you've learned in these years. And I just want to echo Brit's comments and say that at least in my experience you've been one of the most open and responsive public officials. You've always been open to whatever comments we make, whether through NACIQI or otherwise. So just speaking for myself and many people in this world, we want to thank you.

DR. PHILLIPS: Cam Staples.

MR. STAPLES: I'll try not to be redundant, but I want to thank you specifically for engaging us. I remember when we formed three years ago and you

came to our very first meeting and surprised many of us by saying we want your policy recommendations, we want NACIQI to play an active role, and we did that. And I guess the one question I have for you is we have that report that is a year and a half old. Do you have any particular recommendation about what process, what product might be of value?

I mean, we could go back and review and revise it. I guess the question I wanted to ask you, and I think it would help us, is what would you like us to do to reengage in that process as the higher education reauthorization starts?

MS. KANTER: I mean, I think, you know, I'm restricted on the specifics right now just because I can't advantage any institution by what I say, but I won't have the restrictions hopefully too much longer.

But I do think in the engagement, taking a look at every recommendation, asking the Department of Education to respond on where we are now with each one. Some of them we have moved on, others we haven't. And I think, you know, we're doing this in

the civic learning sphere. We have nine recommendations. We're following each one. We're reporting on which ones we've moved, which ones we haven't, why or why not. And maybe NACIQI would want to do the same.

Some we've -- you know, so I think that would be one thing to start. I think reminding people in the country of those recommendations as a first step would be very helpful because we have so much -- in fact, I was hearing a bunch of student -- we had student leaders come in last week, and they were saying, yeah, we're just overwhelmed by the information. We don't know how to choose among our colleges because we're overwhelmed. There's just so much. Can you simplify, can you simplify?

And so I think even just reengaging a whole conversation about, you know, what happened, why these recommendations are important, maybe distilling them down into something that's readable, having the department give kind of a status on them, having a retreat and, you know, certainly bringing Jamie in. I

think she's an ideal person to have, you know, a kickoff of a policy development process that NACIQI could revisit one by one. You might want to break up into committees or whatever. I mean, you'll have to manage that with the great leadership of Susan and Arthur. I think you've got great people that, you know, have -- you've all been through this before.

But I do think one of our big challenges is clear communication. And I think, you know, we just need to remember, as the communications people tell me, you need to hear the same thing 17 different times before you really understand it. And we sort of put it out once or twice or three times and have a meeting and figure out everybody knows where to go next.

And so it's the where-to-go-next, and I think having a pathway from those recommendations and who is going to be the leader in recommendation one versus recommendation five so that things actually don't fall off the radar screen and can be put into the HEA. I think it's very important. Gabby Gomez is the acting Assistant Secretary for Policy Development,

and I think that would be another resource.

So, you know, how would the work of NACIQI in terms of recommendations that you would make inform the policy development process for the department? I think that's a conversation Susan and Arthur perhaps can have with Gabby once you decide exactly, you know, how much time you would have and where you think you need to go next. So I hope that helps a little bit.

Thank you all.

DR. PHILLIPS: Thank you so much for coming.

(Applause.)

DR. PHILLIPS: We really appreciate the opportunity to have Undersecretary Kanter join us and to give us some suggestions about where we might take our policy agenda forward.

I realize as we go forward today, I feel like I'm constantly one of those GPS things recalculating the route through our agenda. We'll probably not have an opportunity to map out our policy agenda path today, but I would like to suggest that we get a conversation going. Perhaps through a

subcommittee I'll ask for some people to start talking about that and then convene either a conference call, some public forum in which we can at least speak about what path forward we want to take.

So I had hoped to get to that during our time, but I think that's not going to happen. So let me move next to the final item on our agenda, which is the Oklahoma Department of Career and Technology Education. I appreciate your patience, Oklahoma.

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OKLAHOMA DEPARTMENT OF CAREER & TECHNOLOGY EDUCATION

(ODCTE)

DR. PHILLIPS: The action for consideration here is a renewal of recognition based on a compliance report. The primary readers are Rick O'Donnell and me. As such, I will step aside and ask Art Keiser to chair this portion of the meeting.

DR. KEISER: Who's going to introduce? Richard, would you please do the introduction of the agency?

MR. O'DONNELL: Yep. We are looking at the Oklahoma Department of Career and Technical Education.

As Susan mentioned, it's mostly a compliance report.

I think staff will talk about there were a number of issues that it appears they were in the process of fixing in the timeline between the staff report and when they can get them fixed are kind of intersecting.

But I don't think the issues are too major. There's a few issues around distance education that we'll want to hear about and talk through.

DR. KEISER: Rachael?

DR. SHULTZ: Good morning. I'm Rachael Shultz, and I will be presenting information regarding the report submitted by the Oklahoma Department of Career and Technology Education. The original staff recommendation to the senior department official, which we would now like to revise, was to deny the agency's request for an expansion of scope to include distance education, to continue the agency's current recognition for good cause, and to require the agency to submit a full petition for renewal of recognition for consideration during the spring 2015 review cycle.

Although the agency was unable to completely address the six findings cited in the fall 2011 petition and its current report, it did take steps to begin making changes to address the findings immediately upon receiving the draft staff analysis. However, many of those changes required agency review and approval at multiple levels and therefore have not yet been formally accepted and implemented.

Because these circumstances were unavoidable, we felt that an extension for good cause

was justified. It should be noted that four of the six outstanding issues are related to the agency's review of distance education, which is why staff recommended that the request for an expansion of scope to include distance education be denied at this time.

While it appears likely that the proposed changes to address the two remaining findings, which are related to standards review and information collection, will satisfy the Ed requirements related to this report, Ed staff was unable to accept the agency's response until they've been formally adopted.

Based upon our analysis of the information provided, we developed the original staff recommendation that was included in the final staff report. However, after the staff recommendation had been developed, we received additional information from the agency indicating that it plans to substantially revise its review standards, processes, and procedures, with implementation projected for the 2014-2015 academic year.

Therefore, in order to bring closure to the

two outstanding issues that are not related to distance education, we would like to revise the staff recommendation. Our revised recommendation is that the agency's expansion of scope to include distance education be denied, that the agency's recognition be extended for good cause, and that the agency submit a compliance report on the two issues related to standards review and information collection within six months following the decision of the senior department official.

We feel that it is important that the agency bring closure to these two remaining issues prior to the submission of its next full petition since that petition will instead focus on its revised standards, processes, and procedures.

That concludes my presentation. The new director of the state's Department of Career and Technology Education is here today, and we will be happy to answer your questions. Thank you.

DR. KEISER: Thank you, Rachael.

Are there questions for the staff?

(No response.)

DR. KEISER: Sensing none, I'd like to invite Mr. Robert Summers, State Director of the Oklahoma Department of Career and Technology Education, to the front. Mr. Summers.

MR. SUMMERS: Good morning. I have the distinct feeling that after following the Undersecretary and between you and lunch, it's probably best to be brief. I appreciate the opportunity. It's typical -- it's not typical for us to come here, but we had the privilege of being in another conference and was able to fit this in. I want to thank you for the consideration that you're undertaking today.

I wanted to clarify. I was hired in April to be the Director of the Department of Career and Technology Education, and in July, I was appointed by the Governor to be the Secretary of Education and Workforce Development. So it's been a very high-speed introduction to Oklahoma. I had no particular connection prior to that other than some schools in

Oklahoma that we worked with with national benchmarking on performance data.

We're embarking as a state agency in a dramatic focus on performance-driven, aspiration-focused agenda, which we're hoping to transform our agency to one of compliance and regulatory control, to one of support and accountability around student performance and organizational success. We are embarking on that in a very aggressive way, and our accrediting process for our 29 tech centers is a very important and critical part of that.

So you'll see that we're making very rapid adjustments and improvements in our materials, and we appreciate the staff recognizing that. And we take seriously our need to cover not only the regulatory things but also an approach that makes sure that our students are succeeding, they're graduating, they're being employed, they're leading productive lives that our educational process has promised them at the beginning.

At this point, I'd be happy to answer any

questions.

DR. KEISER: Mr. O'Donnell.

MR. O'DONNELL: Rick O'Donnell. Mr. Summers, I just have a question. The staff is recommending that we do not grant your expansion of scope to include distance education until you've done some more work around that. Do you have any comments on that, the implications that may or may not have for your agency?

MR. SUMMERS: Yes. First of all, we appreciate the staff's approach to give us a little more time. I have to admit I have personal experience with a lot of personalized blended learning schools both in Ohio, Indiana, and soon to be Texas. So my notion of distance education versus regular education, it all blends together. I find it difficult to separate the two, especially with the dramatic increase of educational technology.

You could well be having a full-distance education program that's operating inside a building with faculty that are working with people in a whole

range of things. We respect, though, that we need to have specific issues addressed. I can assure you that we will be doing that because we're working very, very diligently to provide a much more aggressive virtual environment both for the bricks and mortar schools as well as for any distance education.

Oklahoma, the reason for the distance education, just so you're clear, in Oklahoma, 77 percent of our schools are 500 students or less. Many of them are as small as 150 to 200 students. And so the ability to move people across the state -- to give you an idea, I come from Ohio. Oklahoma is twice the land mass and one-third the population of Ohio. And so much of our distance learning has been maturing much as Montana and some of the other sparsely populated states. It's been very aggressive because otherwise the students and the adults that we serve simply couldn't have any access at all to education.

So we take distance education very seriously, but it's not a -- it's not what I think of in the past as distance education. It's really

geographically driven. So the sooner we have that approved, the more likely we will have relatively poor financially rural communities to receive education and to be able to have Pell grants. In the meantime, our schools will continue to grow in that area as we need to and subsidize the funding for the young people and the adults as we need to make sure that they're served.

DR. KEISER: Any other questions from the reviewers?

(No response.)

DR. KEISER: Anybody from the Committee?
Anne.

MS. NEAL: Thank you. I just want to --

DR. KEISER: Anne, your name?

MS. NEAL: Anne Neal. I just want to make certain I understand. You are happy with the revised staff recommendation vis-à-vis distance education. You don't think that's going to impinge or hurt what you're trying to do in any way? And is this something that you can address within the six months? Is that

your understanding?

MR. SUMMERS: I'll answer it -- the ideal world, we'd be able to provide Pell grants for students in distance learning, but we also have a great deal of respect for the institutions and the staff. The staff have been fantastic to work with in a very short period of time and making sure that we meet needs. So the question of happiness, I'd be thrilled if we could offer distance education. I am happy with the staff's recommendations, and I am very confident that we'll be able to meet those needs in six months. In fact, we have reorganized the entire agency, which is a fairly large agency within Oklahoma, to focus on this performance-driven environment. We're engaging in significant changes in policy, funding, and approach to do that. And the distance education policies will be a part of that reorganization and a larger issue.

MS. NEAL: A followup question. Am I correct in understanding that the staff feels that you need to address distance education distinctly, whereas

your approach has been to view it in the same context as you view the provision of education generally? Is this a distinction without merit?

MR. SUMMERS: I'd avoid using the word merit. I think there's two levels. There's two levels of this. There's, one, the regulatory kind of environment that does have a distinction between distance and regular. From a practical and policy standpoint, I see the two merging to almost nonexistence. I mean, I only look at some of the more aggressive designs of universities, for example, the one that plans to have digital virtual faculty, but resident students that move about the world to have the cultural experiences that you can't virtualize.

So, in my mind, I think the two worlds are going to come together very, very tightly. Carpe Diem is one of the schools, a school of the arts at Bowler Tech, heavy use of digital instruction. It didn't mean that the teachers were somewhere off-distance. In fact, our students would schedule the academic teachers on demand in Outlook to receive the

instruction when they needed it, not when we thought they would be useful. And we've had dramatic improvements in engagement, student passion and excitement, and also just quite frankly success in employment and continuing higher -- in our case, we do a lot of industry credentials. We have a very high transition rate to university learning beyond ours.

Many of our young people and adults, this is the first entry into higher education, the first chance for them to succeed. And so that was a long answer to a short question. I don't see the distinction over the long term.

DR. KEISER: Anyone else have a question?

(No response.)

DR. KEISER: Sensing none, was there a motion to be made?

MR. O'DONNELL: We can do that. Do you need to offer the staff a chance to respond if they want to? I'm not sure they want to, but do you want to give them the --

DR. KEISER: Rachael, do you have any

comments? The vote is pretty clearcut, so --

DR. SHULTZ: Regarding the distance education, we typically look for standards that include specific references to distance to make sure that the students are receiving the same level of services, that the curriculum is being examined. We had concerns not that they -- they have done a good job of knowing which programs are offering distance and of tracking those programs.

We would like to see specific references to distance in their standards, training of evaluators who are going onsite so that they know what they're looking at, assistance, technical assistance for the schools in addressing distance education and their self studies. So those kinds of things that run the full gamut of the review process. And I believe Kay has something to add.

MS. GILCHER: I just wanted to clarify that we're not requiring separate standards for distance education, but what we do ask is that there be enough in the materials that are provided to the institutions

and also to site reviewers, et cetera, about how to apply those standards in the context of distance education.

DR. KEISER: This is Art Keiser. Any further questions for the staff?

(No response.)

DR. KEISER: Sensing none, I'd recognize a motion.

MR. O'DONNELL: This is Rick O'Donnell. I'm making a motion to -- which is the revised staff recommendation. I move that the NACIQI recommend that the Assistant Secretary continue the agency's current recognition for good cause and require the agency to come into compliance within six months and submit a compliance report that demonstrates the agency's compliance with the two issues related to standards review and information collection.

I further move that the NACIQI recommend that the Assistant Secretary deny the agency's request for an expansion of scope to include distance education.

DR. KEISER: Is there a second?

DR. PHILLIPS: Second.

DR. KEISER: Second by Susan Phillips.

Further discussion? Anne?

MS. NEAL: I'm still trying to understand.

So are you going to be able to come back -- is he going to be able to come back in six months and get an extension for distance education?

MS. GILCHER: If -- well, six months. It's six months from the date of the Secretary's letter, okay? So it really -- or the Assistant Secretary's letter. It depends upon how long it takes the Assistant Secretary to make the decision. So the Assistant Secretary has 90 days. If that were the case, then that would be -- December, January, February, March -- mid-March, and then the meeting would be in June. So it's unlikely there would be sufficient time for them to submit and for staff to review that material in time for a June meeting.

MS. NEAL: Again, my question is to you, given the fact that you understand and are dealing

with distance education, is there some -- I'm trying to make certain that we're being fair to you so that you can provide this to the students in Oklahoma.

MR. SUMMERS: The way that I think it's developed is actually we've done a great deal of distance education in Oklahoma for many, many years. So most of the standards -- it was assumed that you would see iTV and digital and eventually internet-based. For whatever reason, the staff never clarified that in any great detail.

It's only recently that the courses have shifted to where they're actually purely distance education in a few cases where Pell grant requirements were met. The sooner we can offer Pell grants to citizens of Oklahoma through programs we have great confidence in, the better we'll be. But again, we certainly respect the staff's need to meet the regulatory requirements to have those things put in place or whatever provisions. We would certainly appreciate being able to get it done by June because that would affect people in the coming year.

DR. KEISER: Susan?

DR. PHILLIPS: Susan Phillips. Kay, am I right in thinking that if the Secretary's notice comes out in March, letter comes out in March, they can still be working on it? March 2, they could get their response back in and potentially be on the agenda? Or is that impossible?

MR. SUMMERS: Just a point of clarification also that most of the work that I think we need to do is pretty well along the way. The problem was is that we didn't have a board approval of a number of those documents, which, you know, very legitimately the staff here could not accept. We had missed that step.

So most of the work I think we're virtually done or well along the way. It's just a formal approval process for much of it.

MS. GILCHER: In response to your question, certainly it's conceivable. We've never had this happen, but it's conceivable that an agency could ask to submit information even in advance of the letter on the basis of recommendations that are the same from

NACIQI and the staff, which would make it more likely we could review it in June.

FEMALE VOICE: That makes no sense.

MR. SUMMERS: Makes sense to me.

MALE VOICE: Can we call the question?

DR. KEISER: There's a request to call the question. Any further discussion? I don't think there is.

(No response.)

DR. KEISER: Call the question. All in favor of the motion, signify by saying aye.

(Chorus of ayes.)

DR. KEISER: All opposed?

(No response.)

DR. KEISER: The motion carries. I turn it back to you.

NACIQI RECOMMENDATION

That the NACIQI recommend that the Assistant Secretary continue the agency's current recognition for good cause and require the agency to come into compliance within six months and submit a compliance

report that demonstrates the agency's compliance with the two issues related to standards review and information collection.

Further, move that the NACIQI recommend that the Assistant Secretary deny the agency's request for an expansion of scope to include distance education.

DR. PHILLIPS: Thank you very much for joining us and for your patience for being the last one.

MR. SUMMERS: It's my pleasure. It's been a learning experience.

DR. PHILLIPS: Yes. So, members of the Committee, before we completely exit, we are now at actually only seven minutes past our advertised closing time, which is not bad given all the detours that we took during the day and yesterday. I really appreciate your hanging in there with us and your good work in preparing for this meeting today and for your work on behalf of quality assurance in higher education.

We wish Kay the best in her next stages of

her journey.

(Applause.)

DR. PHILLIPS: We are looking forward to your clone being back, really appreciate the work that you have done, as well as all the staff in putting together the background for this meeting. Very much enjoy that.

On the policy agenda, I will send you out an email inviting additions to a subcommittee to be formed to talk about agenda-setting, and then we'll set up a subcommittee to develop some policy processes. Probably not going to happen over the holiday. I think we're a bit too close. But I'm going to try to do that as early in January as we can to set up at least a phone call. So if you'd watch your email for something from me. Have a good holiday, safe travels, enjoy the new year, and I will see you on the other side. Take care.

(Whereupon, at 11:41 a.m., the meeting in the above-entitled matter was concluded.)

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