

## **CHARTER**

### **NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY**

#### AUTHORITY

The National Advisory Committee on Institutional Quality and Integrity (NACIQI or the Committee) was established by Section 114 of the Higher Education Act (HEA) of 1965, as amended by Section 106 of the Higher Education Opportunity Act (HEOA) (P.L. 110-315). The Committee is also governed by provisions of the Federal Advisory Committee Act (FACA) (P.L. 92-463, as amended, 5 U.S.C. app. 2), which sets forth standards for the formation and use of advisory committees.

#### OBJECTIVES AND SCOPE OF ACTIVITIES

Sections 101(c) and 487(c)(4) of the HEA, and Section 801(6) of the Public Health Service Act, 42 U.S.C. § 296(6), require the Secretary to publish lists of State approval agencies, nationally recognized accrediting agencies, and State approval and accrediting agencies for programs of nurse education that the Secretary determines to be reliable authorities as to the quality of education provided by the institutions and programs they accredit. Eligibility of educational institutions and programs for participation in various federal programs requires accreditation by an agency listed by the Secretary. As provided in HEA Section 114, the NACIQI advises the Secretary in the discharge of these functions and is also authorized to provide advice regarding the process of eligibility and certification of institutions of higher education for participation in the federal student aid programs authorized under Title IV of the HEA.

#### **DESCRIPTION OF DUTIES**

The Committee will:

1. Advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under Subpart 2 of Part H of Title IV, HEA;
2. Advise the Secretary with respect to the recognition of a specific accrediting agency or association;
3. Advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

4. Advise the Secretary with respect to the eligibility and certification process for institutions of higher education under Title IV, HEA, together with recommendations for improvements in such process;
5. Advise the Secretary with respect to the relationship between:
  - A. Accreditation of institutions of higher education and the certification and eligibility of such institutions; and
  - B. State licensing responsibilities with respect to such institutions;
6. Carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe by regulation; and
7. By September 30 of each year, the Committee shall publish an annual report and submit the report to the Secretary, the authorizing committees, and the public. The annual report is to contain a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the fiscal year preceding the fiscal year in which the report is made; a list of the date and location of each meeting during the fiscal year preceding the fiscal year in which the report is made; a list of the members of the Committee; and a list of the functions of the Committee, including any additional functions established by the Secretary through regulation. The Committee may produce other reports as the Chair deems appropriate.

#### AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS

The Committee shall report to the Secretary of Education.

#### **SUPPORT**

The Office of Postsecondary Education will provide financial and administrative support for the performance of the Committee's functions.

#### ESTIMATED ANNUAL OPERATING COSTS AND STAFF SUPPORT

Members of the Committee may receive reimbursement for travel expenses incident to attending Committee meetings, including per diem in lieu of subsistence, as authorized by 5 U.S.C. § 5703, for persons in the government service employed intermittently.

The estimated annual cost of operating the Committee, including compensation, travel, and other operating expenses for members, but excluding staff support, is \$55,000. The estimated annual person-years of staff support are 1.34 full-time equivalents (FTEs) at an approximate annual cost of \$172,268.

## DESIGNATED FEDERAL OFFICIAL

The Secretary, through the Assistant Secretary for Postsecondary Education, appoints a Designated Federal Official (DFO) to provide management and staff services to the Committee. The DFO shall:

- Call, attend, and adjourn Committee and Subcommittee meetings as required;
- In consultation with the Chairperson, approve agendas;
- Maintain required records on costs and membership;
- Ensure efficient operations;
- Provide training for new members; and
- Maintain records for availability to the public.

## ESTIMATED NUMBER OF AND FREQUENCY OF MEETINGS

The Committee shall meet at the call of the Chairperson and the DFO not less than twice each year. The date of, and agenda for, each meeting of the Committee shall be submitted to the members of the Committee upon notification of the meeting. The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations. The Committee shall submit the date and time of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register, not later than 30 days before the meeting. Meetings are open to the public, except as may be determined otherwise by the General Counsel in accordance with Section 10(d) of the FACA. The Committee will invite interested persons to attend meetings, appear before the Committee, and file comments with the Committee, subject to the parameters published in the Federal Register as part of the invitation.

A majority of the Committee's authorized membership constitutes a quorum.

## DURATION

Continuing per the "Termination" section below.

## TERMINATION

The Committee is authorized through the termination date most recently specified in section 114(f) of the Higher Education Act of 1965, as amended, or such other date as provided in later enacted legislation.

In accordance with Section 114(d)(4) of HEA, the Committee is exempt from Section 14 of FACA.

## **MEMBERSHIP AND DESIGNATION**

The Committee shall be composed of 18 members, of which:

- Six members shall be appointed by the Secretary of Education;

- Six members shall be appointed by the Speaker of the U.S. House of Representatives, three of whom shall be appointed on the recommendation of the majority leader of the U.S. House of Representatives and three of whom shall be appointed on the recommendation of the minority leader of the U.S. House of Representatives; and
- Six members shall be appointed by the President Pro Tempore of the U.S. Senate, three of whom shall be appointed on the recommendation of the majority leader of the U.S. Senate and three of whom shall be appointed on the recommendation of the minority leader of the U.S. Senate.

The term of office of each member of the Committee shall be for six years, except for vacancies and the terms of office for initial members. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term. In addition, a vacancy on the Committee shall be filled in the same manner as the original appointment was made and not later than 90 days after the vacancy occurs.

If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy. The Secretary shall publish annually, in the Federal Register, a list containing the name of each member of the Committee, the dates of the expiration of the terms of office of the members, and the name of the individual who appointed the member.

The terms of office for the initial members of the Committee shall be:

- Three years for members appointed by the Secretary;
- Four years for members appointed by the Speaker of the U.S. House of Representatives; and
- Six years for members appointed by the President Pro Tempore of the U.S. Senate.

Committee members serve as Special Government Employees (SGEs). The members are chosen:

- On the basis of the individual's expertise, integrity, impartiality, and good judgment;
- From among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representing all sectors and types of institutions of higher education (as defined in HEA, Section 102); and
- On the basis of the individual's technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

Consistent with 5 U.S.C. app. 2 § 5(b)(2), and 41 CFR § 102-3.30(c), membership of the Committee should be balanced. In addition, 20 U.S.C. § 1011d requires that at least one member of the Committee be a student who, at the time of the appointment by the Secretary, is attending an institution of higher education.

The Committee elects the Chairperson and the Vice-Chairperson from its members at least every three years. In the case of a vacancy of an elected officer, an election for that vacant position will be held at the next scheduled meeting of the Committee.

SUBCOMMITTEES

The Committee may create subcommittees composed exclusively of members of the full committee with the concurrence of the DFO, and may assign project responsibility to such subcommittees. Each subcommittee complies with the applicable requirements of FACA and applicable Departmental regulations. Each subcommittee reports to the full Committee its preliminary findings and recommendations for deliberation and action by the full Committee.

RECORD KEEPING

The records of the Committee will be handled in accordance with the General Records Schedule 26, Item 2. The records shall be made available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.

                  /s/                    
Secretary

                  December 14, 2015                    
Date

Establishment Date: July 23, 1992

Filing Date: December 14, 2015