

Policy on Public Disclosure and Confidentiality in the Accreditation Process

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Background

The ACCJC and its member institutions shall provide information about the results of institutional accreditation reviews to students, the public, employers, government agencies and other accrediting bodies. Students and others rely on accreditation status as an indicator of educational quality, and there is growing public interest in accreditation processes and the outcomes of accreditation reviews for individual institutions.

The purpose of this policy is to strengthen the ability of institutions and the Commission to fulfill their respective obligations to provide transparency in accreditation in a manner that will enhance public confidence in the educational quality of accredited institutions and protect the integrity of the accreditation process. The policy goals are:

1. to make meaningful information about institutional quality available to students and prospective students, the public, employers and government agencies;
2. to provide institutions with guidelines for communicating information about their accredited status and their response to the ACCJC's actions and recommendations; and
3. to protect the integrity and validity of the accreditation review process by maintaining appropriate levels of confidentiality about aspects of the accreditation process.

Policy

Both the Commission and the institution have responsibilities to provide information about institutional quality and the accreditation process to the public. Public confidence in higher education is enhanced by disclosure of information about the outcomes of accreditation reviews. Institutional reports prepared for the accreditation process, External Evaluation Reports of Educational Quality and Institutional Effectiveness, and the Commission's action letter stating the outcome of an accreditation review and the institution's resulting accreditation status, shall be made available to campus constituencies, students, and the public after the Commission takes action on the institution's accreditation.

However, confidentiality is also critically important during the accreditation process. The accreditation process must occur within a context of trust and confidentiality if it is to result in an accurate appraisal of institutional quality. The efficacy of the accreditation process requires that institutions provide accurate information, candid institutional self evaluation, and evidence of compliance with Accreditation Standards and Eligibility Requirements. It also requires that the external evaluation teams and the Commission provide carefully prepared, accurate, rigorous, and candid analysis of institutional quality and recommendations for improvement of quality.

The Commission's Responsibilities for Public Disclosure

I. Public Disclosure of Information about Accreditation Policies and Processes

Institutions applying for candidacy or initial accreditation and accredited institutions undergoing periodic evaluation are reviewed by the ACCJC under defined and published policies and procedures that conform to the recognition requirements of the U.S. Department of Education.

In accordance with the requirements of the Higher Education Act (34 C.F.R. § 602.27(c)), the ACCJC discloses in its *Accreditation Reference Handbook*, the *Eligibility, Candidacy and Initial Accreditation Manual*, and other appropriate publications on institutional evaluation, each type of candidacy granted by the Commission, the procedures for applying for eligibility, candidacy, or initial accreditation, and the criteria and procedures used by the Commission in determining whether to grant, reaffirm, deny, terminate accreditation or take any other action related to the accredited status of institutions. All commission policy documents and procedural manuals as well as related publications are available on the ACCJC website.

The ACCJC maintains a website which informs members and the public about the Commission and its practices (www.accjc.org). The ACCJC discloses through its website the names, academic and professional qualifications, and relevant employment and organizational affiliations of the Commissioners and the ACCJC's principal staff.

The Commission publishes a newsletter at least twice annually to provide timely information about accreditation. The newsletter includes a review of major accreditation issues in the region, a list of Commission actions, the list of institutions scheduled for educational quality and institutional effectiveness review, and updates of Commission policies. The newsletter is distributed to all member institutions, other accreditors, and appropriate higher education and government associations and agencies. The newsletter is available to the public on the ACCJC website. A list of upcoming comprehensive evaluation visits is also available to the public upon request.

The Commission publishes handbooks, manuals, and other materials which describe the Commission and its processes; these are available to all member institutions and to the public on the ACCJC website.

The Commission and Commission staff make presentations before organizations within higher education, government, and the public at large. The Commission and its staff participate in regional and national forums on subjects related to quality assurance and institutional improvement.

The Commission regularly renews its commitment to the principles expressed in its policies through a process of review by the Commission Policy Committee. When new issues in the field of higher education or changes in the U.S. Department of Education emerge, policies may be created, revised or eliminated. First reading Commission policies are sent to the field for review and comment, followed by submission to the Commission for second reading and adoption. The Commission announces all new policies and policy revisions after adoption.

II. Public Disclosure of Information about Institutions Accredited by the ACCJC

The ACCJC maintains on its website a Directory of Member Institutions currently accredited, in candidacy status, or formerly accredited by the ACCJC. The Directory includes the name of the institution, its legal address and the addresses of major additional campus sites, the name of the Chief Executive Officer (CEO), the form of control, each type of accreditation or pre-accreditation (candidacy) status held by the institution, the date of initial accreditation by the ACCJC, and the date when the Commission will next review or consider the accreditation or candidacy of each institution. Public disclosure of accreditation information about an institution by the Commission is limited to matters addressed in the Eligibility Requirements, Accreditation Standards, and Commission policies.

The Commission also posts a Public Disclosure Notice to the Directory of Member Institutions for every institution that is on Probation or Show Cause status, and a link to the Institution's response, if any, to a Public Disclosure Notice. The Public Disclosure Notice describes the reasons the institution has been judged to be deficient (see discussion of Public Disclosure Notice below).

The Directory of Member Institutions also lists the names of institutions that were formerly accredited by the ACCJC and withdrew from accreditation or were subject to termination or denial of accreditation or candidacy, and the date on which the Commission took adverse action on such institutions. Under the provisions of the U.S. Department of Education Secretary's Procedures and Criteria for the Recognition of Accrediting Agencies (34 C.F.R. § 602.2.), only denial or termination of accreditation or candidacy are defined as adverse actions by the Commission.

A Statement of Accredited Status is made available to each member institution and any member of the public upon request. The Statement includes information about the nature of the institution and the degrees and certificates it awards to students, its accredited status, the most recent Commission action on the accredited status of the institution, a definition of the meaning of the accredited status, a description of any follow-up reports or visits that may be required, and the institution's next comprehensive evaluation date.

If an institution conducts its affairs so that it becomes a matter of public concern, misrepresents a Commission action, or uses the public forum to take issue with an action of the Commission relating to that institution, the Commission President may announce to the public, including the press, the action taken and the basis for that action, making public any pertinent information available to the Commission.

III. Public Disclosure of Information about Commission Actions on the Accredited Status of Institutions (34 C.F.R. § 602.26(a),(b),(c),(d).)

The Commission discloses information to the public about all actions it takes on the accredited status of institutions. Actions of the Commission regarding the accredited status of institutions are defined in the "Policy on Commission Actions on Institutions." The Commission publishes the status of each institution on its entry in the Directory of Accredited Institutions and publishes a list of all institutional actions taken at each meeting of the Commission on the ACCJC website, in the Commission newsletter and in an announcement sent to interested parties, the U.S. Secretary of Education, appropriate state licensing or authorizing agencies and accrediting bodies within 30 days of the Commission's meeting as required by the Higher Education Act.

In cases where the Commission has taken final action to terminate, deny or accept the withdrawal of accreditation or to terminate, deny or accept the withdrawal of candidacy or to place an institution on Warning, Probation or Show Cause, the Commission provides written notification to the U.S. Secretary of Education, appropriate state licensing or authorizing agencies and accrediting bodies and the public within 24 hours of the notification to the institution of such an action.

In cases where the Commission has taken final action to terminate, deny or accept the withdrawal of accreditation or to terminate, deny or accept the withdrawal of candidacy or to place an institution on Probation or Show Cause, the institution's entry in the Directory of Accredited Institutions will be supplemented by a Public Disclosure Notice with a brief statement summarizing the reasons for the action taken. Institutions are permitted to provide a response to a Public Disclosure Notice. The Commission will post the Public Disclosure Notice and an electronic link to an institution's official response, on the Commission's Directory of Accredited Institutions no later than 60 days after the Commission's action.

The Commission also provides written notification to the U.S. Secretary of Education, appropriate state licensing or authorizing agencies and accrediting bodies, and upon request, the public, if an accredited or preaccredited institution decides to withdraw voluntarily from accreditation or preaccreditation or if the institution lets its accreditation or preaccreditation lapse. The notification will be provided within 30 days of receiving notice from the institution that it is withdrawing voluntarily or of the date on which accreditation or preaccreditation lapses.

IV. Public Disclosure of Information about How to File Complaints

Federal regulations require accreditors recognized by the U.S. Department of Education to receive complaints against accredited institutions and to investigate complaints that an institution has violated Accreditation Standards. The ACCJC posts information about its policy and procedures for filing complaints against institutions accredited by the Commission in a prominent position on its website. The ACCJC also requires accredited or candidate institutions to post information about how to file a complaint with the ACCJC in the institution's information for students (34 C.F.R. § 668.43.).

Member Institutions' Responsibilities for Public Disclosure

I. Disclosure of Candidacy or Accredited Status

The institution is required to describe its accredited status using the language prescribed in the Commission's "Policy on Representation of Accredited Status" and to avoid expanding that representation to include other matters such as transfer of credit. The address and telephone number of the Commission office shall be included wherever the institution references its accredited status, such as the website, institutional catalog and recruiting materials. Each institution must send a copy of the institutional catalog to the Commission office as each revised edition is published.

When the institution refers to its accredited status in any publications or advertisements during a period in which its accreditation status includes a sanction of Warning, Probation or Show Cause from the ACCJC, the institution must disclose that information.

II. Disclosure of the Results of an Accreditation Review

The CEO of the institution is responsible for informing the campus community of the accreditation action taken by the Commission and the reasons for the action. If the institution is in a multi-college system, the CEO is responsible for providing copies of college and External Evaluation Reports, and the Commission action letter, to the system CEO and members of the governing board. If the accreditation action includes a sanction of Warning, Probation or Show Cause, or if the institution's accreditation has been terminated, the institution is obligated to provide that information to all current and prospective students and staff and governing board members within five days of the CEO's receipt of the Commission's action letter informing the institution of its accreditation status.

The Commission requires each accredited institution to make public the Self Evaluation Report of Educational Quality and Institutional Effectiveness, the External Evaluation Report, and the Commission action letter by placing the documents on the institution's website as well as other locations accessible to students and the public.

III. Information about the Institution's Accreditors, Including the ACCJC and any other Specialized or Programmatic Accrediting Bodies, and State, Tribal or other Authorizing Bodies

The institution must post to its website and include in its catalog clear and accurate information about the agencies that have accredited it. Under federal regulations, an institution must make readily available to enrolled and prospective students the names of associations, agencies or governmental bodies that accredit, approve or license the institution and its programs and the procedures by which documents describing an institution's accreditation, tribal approval or licensing will be made available to students and prospective students. 34 C.F.R. § 668.43.

IV. Information about Contact Information for Filing Complaints with the ACCJC and with the Institution's State Approval or Licensing Agency

The institution must make readily available to enrolled and prospective students the contact information for filing complaints against the institution with the agencies that accredit and that provide state licensing or approval, or tribal approval, to the institution. Enrolled and prospective students are to be referred to the Complaint Process and Complaint Policy on the ACCJC's website at www.accjc.org. 34 C.F.R. § 668.43.

V. Information about Evaluation Visits to the Institution

The Commission requires that the CEO notify the campus community of the date and purpose of each educational quality and institutional effectiveness review and any Follow-Up Reports or team visits requested by the Commission. Key elements in that notification to the campus community shall include the following:

- Notice of the opportunity for submission of third-party comments by the public and the process for doing so;
- Information regarding where and how the Accreditation Standards may be accessed;
- Information regarding the implementation of the institutional self-evaluation

process, the development of the Institutional Self Evaluation Report, and a call for widespread participation; and

- Information regarding the evaluation visit, evaluation team composition, dates of the visit, and team schedule and activities. Institutions are expected to publicize times and locations during the visit when, during educational quality and institutional effectiveness reviews, evaluation team members have scheduled open meetings to discuss with any member of the campus community any issue related to the institution's accreditation.

VI. Information about Institutional Effectiveness in achieving mission

The accreditation process requires institutions to gather and analyze information about achievement of mission. Institutions shall regularly disclose to students, prospective students and the public accurate and useful information about the institution's educational effectiveness, including student achievement and student learning.

The Commission's Responsibility for Confidentiality

- I. The Commission does not ordinarily make Institutional Self Evaluation Reports, the External Evaluation Reports or the Commission action letters public. Should the institution fail to make the Institutional Self Evaluation Report, the External Evaluation Report, or Commission action letter available to the public as per the institution's responsibilities for public disclosure contained in this policy, or if it misrepresents the contents of the reports, the Commission will release the reports to the public and provide accurate statements about the institution's quality and accreditation status.
- II. The Commission does not generally disclose information about an institution's potential accredited status before a Commission action is taken. Information about actions under review or appeal (denial of candidacy or initial accreditation, or termination of accreditation) will not be disclosed until a final decision is rendered, unless required by federal regulation. Review and appeal procedures are found in the "Policy on Review of Commission Actions," the Bylaws of the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, and the "Appeals and Hearing Procedures."
- III. The institutional file in the Commission office is part of the private relationship with the institution and is therefore not available to the public. Correspondence and verbal communication with the institution or its members can remain confidential at the discretion of the Commission President. The Commission will consider institutional requests for confidentiality in communications with the Commission in the context of this policy.
- IV. The Commission does not generally release contact information of its evaluators to the public.
- V. Upon request, the Commission will disclose the number of complaints received about the institution since the last educational quality and institutional effectiveness review, the general nature of those complaints, and their resolution or status. In accordance with its "Policy on Student and Public Complaints Against Institutions", the Commission will only include in that disclosure formal, signed complaints that are within the Commission's jurisdiction and which have been referred to the institution. Multiple complaints about a single issue will be assessed to determine how those complaints

should be recorded. The Commission informs the institution when such an inquiry is received.

- VI. In order to assure the accuracy and appropriateness of institutional information which is made public, the Commission expects evaluation team members to keep confidential all institutional information read or heard before, during, and after the evaluation visit.¹ Except in the context of Commission work, evaluation team members are expected to refrain from discussing information obtained in the course of service as an evaluation team member. Sources of information that should remain confidential include the current Institutional Self Evaluation Report; previous External Evaluation Reports; interviews and written communication with campus personnel, students, governing board members, and community members; evidentiary documents, and evaluation team discussions.

Member Institution's Responsibilities for Confidentiality

- I. The institutional CEO is sent a draft of each External Evaluation Report for purposes of correcting errors of fact. The CEO is expected to keep the draft Report confidential.
- II. The institution is expected to refrain from releasing personal contact information about evaluation team members to the public.

¹ Also refer to the Statement on the Process for Preserving Confidentiality of Documents Related to Institutional Evaluations.