



**Assuring Academic Quality
in the 21st Century:
*Self-Regulation in a New Era***

ACE American
Council on
Education™

Leadership and Advocacy



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**A Report of the ACE National Task Force on
Institutional Accreditation**

I am proud to present the report of the National Task Force on Institutional Accreditation, the result of many months of deep conversation and hard work. The Task Force was convened at the request of the American Council on Education board to undertake a careful review of the value proposition for voluntary peer review of institutional quality for the purpose of improving academic excellence.

Voluntary accreditation has served higher education well in this country for more than a century. But in an era of global competition and increased demand for public accountability, we must ensure that accreditation is more than adequately discharging its public responsibilities and benefitting from the systematic review and attention that will preserve the best of this historic approach.

The American Council on Education convened this task force with the intent of bringing together those who are most familiar with accreditation to identify issues and suggest solutions to the most serious challenges facing accreditation. This report, from the academy to the academy, responds to that charge, offering six major recommendations to strengthen and reinforce the value of this system of voluntary, non-governmental self-regulation.

It is the Task Force's hope that this report will spark productive conversations throughout the higher education community. However, because conversation will not be enough to address the challenges we face, the Task Force will issue a follow-on report in two years that will examine the progress made on its recommendations.

In closing, I wish to express sincere thanks to the Bill & Melinda Gates Foundation, which provided generous funding for this work. My thanks also to the Task Force co-chairs, Bob Berdahl, president emeritus of the Association of American Universities, and Ed Ayers, president of the University of Richmond, as well as their fellow panelists who are listed in Appendix D. I am also grateful for the work of ACE's senior vice president for government and public affairs, Terry W. Hartle, and director of national initiatives, Melanie Corrigan.



Molly Corbett Broad
President
American Council on Education

Higher education is essential to America’s long-term social progress and economic growth. Fortunately, we start with impressive strengths. The core characteristics of American colleges and universities—extraordinary diversity, institutional autonomy, and academic freedom—have produced an array of dynamic, innovative institutions that provide students of all ages with access to a huge range of opportunities. The rest of the world has noticed, and national systems in other countries often seek to emulate the American model.

But simply providing access to higher education is not enough. Academic quality—top-flight educational programs that provide value to the student—is essential. Without a central focus on quality, access is an empty promise.

For generations, American higher education has relied on accreditation as a key mechanism for institutions to assure and improve their academic quality. The key features of our model—the use of self-study and peer review to establish standards and apply them to institutions—are of widespread interest around the globe.

Past success does not guarantee future effectiveness, however. Indeed, if anything, it can too easily lead to complacency—a view that our continued level of accomplishment is a given. Such an assumption would be a grave mistake. Fundamental changes in the way instruction is delivered and the people who deliver it, student populations and patterns of attendance, learning modalities, and the global movement of students and institutions suggest that what worked in the past may not succeed in the future.

Policymakers and the public alike have raised questions about student academic achievement, the continued presence of substandard institutions, and the best way to ensure public accountability and confidence. As a result of these pressures, accrediting agencies—especially regional accrediting agencies—have been reconsidering and

changing their work. But even as they do, questions continue to be raised about the role, place, and value of voluntary accreditation.

To put the issue most directly, higher education needs to provide clear and unambiguous assurances that accreditation offers meaningful guarantees of educational quality. If the current questions go unanswered, the central role accreditors play in assuring academic quality is at risk and could be superseded by simplistic mandates defined, monitored, and enforced by government agencies.

While regional accreditors need to take serious steps to address the growing interest in public accountability, they must avoid undermining the academic autonomy and educational distinctiveness of institutions. Accreditors have historically reviewed colleges and universities in light of the missions and educational objectives specified by each school. The imposition of common standards, irrespective of institutional goals or without consultation with faculty and staff, fundamentally undermines higher education, whether it comes from government agencies or accreditors.

This complex and challenging environment led the American Council on Education (ACE) to form a Task Force on Accreditation.

The purpose of this group was to identify issues and suggest potential answers to the most serious challenges facing accreditation. The deliberations of the Task Force were built upon the widespread recognition that voluntary, nongovernmental self-regulation

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remains the best way to assure academic quality and demonstrate accountability.

We hope the report's discussion of accreditation and its place in higher education will be of interest to a wide array of readers. Our recommendations, however, are directed at higher education leaders and the accreditation community: We created accreditation and we are responsible for ensuring it continues to serve its public and private purposes. Higher education must address perceived deficiencies decisively and effectively, not defensively or reluctantly.

We do not underestimate the difficulty of the task or the challenge of balancing the interests involved. Certainly no one who sat through

our deliberations believes this will be easy, but it is important. Visible assumption of collective responsibility for educational quality is at the heart of higher education’s promise to the nation and its citizens.

The Evolution of Accreditation. Voluntary accreditation has been a central feature of the higher education landscape in the United States for more than 100 years. The first regional accrediting organizations were put in place to distinguish “collegiate” study from secondary schooling and all had begun recognizing institutions as “accredited” according to defined standards by the 1930s. Organizing on a geographic basis made sense at that time because institutions in different parts of the country had recognizably different structural and cultural characteristics, and because it made travel for peer review easier. A regional structure also meant decisions about quality were kept reasonably proximal to the institutions about which they were made.

By the mid-1950s, the current approach to accreditation was well established. The key features remained a detailed examination of each institution against its own mission, a thorough self-study conducted by the institution and organized around the accreditor’s standards, a multiday site visit conducted by a team of peer reviewers, and a recommendation about accredited status to a regional commission.¹ While accredited status thus constitutes a public statement about an institution’s quality and integrity for prospective students and the public, the process was never explicitly designed for public accountability or to inform student choice. Instead, the primary purposes were to help the schools make careful, thorough judgments about academic quality based on institutional mission, and to continually enhance that quality.

When the federal government began systematically investing in higher education with the Veterans Readjustment Assistance Act of 1952 (otherwise known as the Korean War GI Bill), it sought a way to certify the suitability of individual colleges and universities to act as stewards of taxpayer dollars and provide a quality education for students who spent federal money to enroll. Accreditation was consequently “deputized” to play this role, an assignment formalized and extended by the original Higher Education Act (HEA) of 1965. This was the origin of the current “gatekeeping” function played by

¹ Appendix B provides a succinct description of how regional accreditation works.

accreditors. Institutions must be accredited in order to participate in federal student aid programs; in turn, accreditors in this role must be “recognized” by the U.S. secretary of education on the basis of the standards and review processes they apply to institutions.

Over the years, the terms of recognition by the federal government have become increasingly specific and compliance-oriented. A decisive tilt toward requiring accreditors to play a more aggressive accountability function occurred in the Higher Education Amendments of 1992. This required accreditors to focus greater attention on explicit evidence of educational quality and review institutional compliance with a growing array of federal regulations and procedures at an increasingly fine level of detail.²

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These accountability concerns have become particularly prominent in recent years, a period in which the effectiveness of American higher education has been questioned and the nation’s ranking with respect to the educational attainment of young adults has declined according to rankings by the Organisation

for Economic Co-operation and Development (OECD). These concerns have been expressed in many forms, including the report of The Secretary of Education’s Commission on the Future of Higher Education (commonly known as the Spellings Commission), a series of congressional hearings about the practices at some postsecondary institutions, and accounts in the popular media and academic circles about how much (or little) students are learning in college. As the arbiter of academic quality, accreditation is at the center of these discussions. As such, not surprisingly, what has long been regarded as an important but quiet backwater of higher education has found itself

² The Department of Education’s 2011 decision to require accreditors to monitor institutional use of a federal definition of a “credit hour” is simply the latest in a long line of intrusions on the part of the U.S. Department of Education, by way of accreditation, into the core academic business of colleges and universities. It is important to note that in this case the requirement was imposed by regulation directly from the department without a legislative mandate; the Task Force finds this precedent particularly worrisome.

in the middle of policy discussions and debates about its role and effectiveness.

The Central Characteristics of Accreditation. Accreditation is a distinctively American approach to examining academic quality, and it has admirably adapted to serve the world's most diverse system of higher education. Therefore, the Task Force wishes to stress those things accreditation currently does well, and that should be preserved even as changes are designed and implemented. This list includes:

- **Accreditation is nongovernmental.** In a higher education universe in which a majority of institutions are private, a majority of students are enrolled at state-supported public institutions, and nearly 60 percent of students receive federal student aid, any approach to examining and ensuring academic quality must reflect that diversity. In particular, accreditation should not be owned or operated by any level of government. Accreditation provides federal and state governments with a rigorous and substantial quality regimen which they do not subsidize or finance. According to the Council for Higher Education Accreditation (CHEA), more than 19,000 peer reviewers participated in accreditation reviews in 2009 at a dollar equivalent value of \$98 million.
- **Accreditation is rigorous.** An accreditation review is a complex, rigorous process that involves a large number of actors from within and outside the institution who comprehensively examine all major aspects of its operation. Many colleges and universities that seek regional accreditation do not obtain it. Over the past decade, regional accreditors rejected or denied between 40 percent and 50 percent of the schools seeking initial approval. During that same time period, regional accreditors closed more institutions than the U.S. Department of Education. At the same time, significant numbers of accredited institutions have made notable improvements in their academic programs and student services as a result of reviews.
- **Accreditation protects institutional autonomy and academic freedom.** The ability of both institutions and individual scholars to pursue teaching and scholarship is a long-established and critical aspect of higher education's effectiveness. Accreditation actively protects academic freedom by ensuring insti-

tutional missions remain at the heart of the process and that faculty define what students should learn, thereby honoring the shared value of educating the diverse populations served by institutions with differing missions.

- **Accreditation is based on peer review.** Peer review relies on members of a professional community to examine one another's practices rigorously based on professional norms. As in medicine and scientific research, peer review is the foundation of professional integrity and largely defines what it means to be a profession. Unlike legislation or regulation, peer-based judgments can be applied flexibly and adjusted to local circumstances on the basis of shared expertise. Peer review also promotes the dissemination and exchange of best practices as faculty and administrators visit other institutions and provide advice designed to improve performance.
- **Accreditation serves both institutions and the public.** When done well, accreditation provides potential students, policy-makers, and the public with strong assurance that a given institution is sound, acts with integrity, and offers students an education of value. At the same time, accreditation provides institutions under review with information and advice that can be used to enhance academic quality. By contrast, examinations of institutional quality undertaken in other countries (often by centralized government ministries) have none of these advantages and are likely to be perceived as adversarial. The American approach means that institutions are active and willing participants, so reliable judgments can be expected.
- **Accreditation preserves institutional diversity.** U.S. colleges and universities are easily the most diverse in the world—they are public and private (including not-for-profit and for-profit), large and small, specialized and general, faith-based and secular, and research-intensive and teaching-focused. Because accreditation is centered on how effectively each institution is fulfilling its own mission, it preserves the diversity of American higher education, while at the same time providing valuable information about institutional quality to the public.

Accreditation at its most effective serves the public interest on two levels. By identifying and weeding out institutions of substandard

quality, it protects potential students from making bad choices and helps assure policymakers and taxpayers that resources are invested in high-quality institutions. At the same time, by demonstrating meaningful self-regulation across the enterprise as a whole, accreditation helps assure the integrity of the entire system of higher education.

A Changing Environment. Despite these virtues, major changes in the higher education environment are exerting increasing pressure on established accreditation approaches. Among the most prominent of these changes are the following:

- **Heightened demands for accountability.** The last decade has witnessed a significant increase in public demands that U.S. higher education become more accountable. This is partly because postsecondary education represents a substantial public investment. In 2011, the federal government alone made \$179 billion available to help students and families finance a postsecondary education. With high levels of financial support come heightened demands for public accountability. Policymakers rightly insist that this investment should yield high-quality educational experiences and that colleges and universities should carry out their missions with integrity.
- **New forms of instructional delivery.** New forms of instructional delivery—distance, online, asynchronous, and self-paced—have grown exponentially over the past few years. These increasingly common practices are not easy to examine using accreditation’s established toolkit, which was originally developed to look at site-based face-to-face instruction, fixed academic calendars, and traditional faculty roles. The recent growth of non-degree emblems of educational attainment (e.g. progressive certificates, “stackable credentials,” or “badges”) may represent another new development requiring different approaches by accreditors to assure quality.
- **New educational providers and programs.** New kinds of institutions in both the public and private (for-profit and not-for-profit) sectors have been established or have expanded

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greatly over the past decade. They employ different kinds of approaches to serving students than traditional colleges and universities. Accrediting organizations are learning to deal with these non-traditional providers, but examining them requires review processes that address such potential threats to quality as the acquisition of already accredited institutions by new owners and rapid growth based on distance delivery and multiple sites.

Existing institutions have also changed significantly. For example, more than 18 states have approved a community college baccalaureate, which allows community colleges to offer selective degrees in fields that are in high demand locally and nationally. In addition, the growth of concurrent enrollment of high school students in college courses offers another set of challenges for accreditors to certify the educational value and quality of the learning experience.

Furthermore, at many of these emerging institutions—and at an increasing number of established ones as well—much of the undergraduate curriculum is delivered by adjunct faculty (part-time or non-tenure track).

Accreditation standards and practices focused on such basic concerns as disciplinary expertise and active scholarship are not always suited to making sense of these disaggregated and standardized faculty roles or to ensuring

the quality of new models of curricula. Indeed, at some institutions today curricula are designed centrally by administrators and instructional designers, rather than being controlled by faculty members.

- **New students and new patterns of attendance.** For multiple reasons, today's students are not the same as those who enrolled when current accreditation practices were established. First, they are considerably more diverse with respect to race/ethnicity, age, and social background. Many are first-generation college-goers who have had little previous exposure to higher education. Second, they are increasingly under-prepared for college-level work; at many community colleges, two-thirds or

American colleges and universities do not operate in isolation from the rest of the world.

more of entering students are not college-ready.³ Third, many students attend part-time. Fourth, the vast majority of students do not live on campus. These changes demand that accreditors pay more careful attention to retention, progress toward degree, and graduation rates at the institutions they review, and devote special attention to identifying any gaps in performance among race/ethnic groups. Finally, students are attending multiple institutions on the path to earning a degree; more than two-thirds of those earning a baccalaureate degree attend two or more schools and almost a fifth attend three or more. These multi-institutional patterns of attendance complicate considerably the task of constructing and calculating meaningful graduation and retention rates.

- **The globalization of higher education.** American colleges and universities do not operate in isolation from the rest of the world. Just as our students move from institution to institution and state to state with greater frequency, larger numbers of foreign students leave home to study in the United States. The quality of U.S. institutions operating abroad must also be assured. At the same time, foreign institutions are beginning to seek and receive recognition from American accreditors. These trends may encourage greater alignment of standards across quality assurance agencies in multiple nations, as well as more partnerships among them.

The collective impact of these background trends increasingly demands changes in accreditation practice. Together they provide a major stimulus for the recommendations of this Task Force.

Criticisms of Accreditation. When done well, accreditation both improves institutions and protects the public interest. But accreditation is not always done well, and the increasingly complex world of postsecondary education has put considerable stress on established methods. This, in turn, has produced criticisms about accreditation's effectiveness.

One serious criticism focuses on accreditation's perceived failure to provide adequate guarantees of educational quality. More specifically, accreditors sometimes fail to take immediate action against

³ For example, at Valencia Community College—the first-ever winner of the Aspen Institute Prize for Community College Excellence—70 percent of entering students require remediation.

substandard institutions that provide students with little or no educational benefits. Several examples of this problem have been cited in recent congressional hearings and news articles. Clearly, obstacles that prevent accreditors from acting quickly and decisively against such schools should be identified and eliminated. However, this issue is not always as clear cut as it may appear: In some cases, the legal requirements of due process and concern for enrolled students can be at odds with the desire for quick action. While there is no defense or excuse for institutions that defraud students or taxpayers, the situation facing accreditors is more nuanced.

A second set of criticisms is related to the impact of accreditation on institutions. Leading this list is a concern that by over-specifying the desired educational outcomes, accreditors can intrude on institutional autonomy and academic freedom. There is no disagreement that student achievement in relation to the institution's mission should be at the heart of any judgment of institutional quality. All accreditors now hold schools to increasingly high standards and have concrete expectations for assembling evidence that documents both student achievement and institutional improvement. This is an important development and it will continue.

But the wide array of educational programs on individual campuses, coupled with the great diversity of institutions, means that no single template of educational success will work equally well for every college.⁴ For some postsecondary programs, standardized tests or similar measures may be appropriate and desirable indicators—for example, nursing programs often rely on the pass rate on state licensure examinations as a key measure of institutional performance. For others, such as a “great books” curriculum, fine arts, or performance, such a narrow metric would be highly inappropriate and undesirable. Pointing out this challenge does not mean that there should be any backing away from the effort to produce accurate and meaningful information about student achievement. We repeat: Student achievement is central to judgments about institutional quality. However, we underscore that finding appropriate measures of success is hard, challenging work. That work must be carried out jointly by campus

⁴ We note that the over-specification of educational outcomes by any central authority can too easily narrow the curriculum and undermine the institutional autonomy without providing useful information to the public. Many members of the Task Force believe the federal government is a significant threat in this regard.

administrators and faculty working with accreditors. Therefore, the Task Force calls on accreditors and institutions to ensure that appropriate, institutionally specific assessment of student achievement is at the heart of the accreditation process.

Principles for Moving Forward. Underlying the concrete recommendations offered by the Task Force are a number of cross-cutting principles for improvement. They include:

- **Emphasize assuring quality.** The first and most important theme of the Task Force recommendations is the need to make certain that accreditation standards and review processes are squarely focused on assuring educational quality. Institutional quality, in this sense, means three things: academic effectiveness apparent in the educational benefits provided to students, institutional integrity visible in the honesty and fairness of relationships with various stakeholders, and long-term sustainability manifested in the adequacy of fiscal and physical resources. When the current practices of mission-centered, peer-based review first emerged, the primary purpose of accreditation was to promote institutional improvement. This emphasis properly continues today. But pressing demands for more and better evidence of institutional quality from a range of stakeholders—government, business, and the public at large—compels higher education to place an equivalent emphasis on examining and assuring institutional quality.
- **Preserve institutional diversity and academic freedom.** A distinctive characteristic of American higher education—and one of its central strengths—is the enormous range and diversity of its institutions. Any system of self-regulation must be based on institutional mission. Accreditors must strongly support institutional autonomy and preserve academic freedom.
- **Expand existing trends.** Regional accreditors have already taken important action consistent with the demands for public

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accountability. For example, the focus on student achievement in relation to the institution’s mission has increased, the number of negative actions has grown, and transparency is a higher priority. The Task Force applauds the progress that has been made and encourages accreditors to build upon and expand these practices.

- **Build on the current structure and role of regional accreditation.** The current regional basis of accreditation is probably not the way America would structure the system if starting from scratch. There has already been discussion about the possibility of creating new accreditors based on institutional mission. While these discussions will continue, regional accreditation is the system in place. Completely replacing the current structure would be costly and would divert attention from the task at hand. As a result, the Task Force has focused its attention on changes and reforms that make existing regional accrediting organizations more effective. Similarly, the Task Force believes the current role of

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accreditation as a “gatekeeper” to Title IV funds with respect to institutional quality is appropriate and should be preserved.⁵

Elements of these themes are present in multiple Task Force recommendations, but it is important to identify them explicitly in this report as areas for future action.

Recommendations. The Task Force offers six broad recommendations and strongly encourages accrediting organizations to examine and implement changes in each of these areas in consultation with their members.

⁵ Accrediting agencies play a central role in determining institutional eligibility to participate in federal student aid programs. In brief: Institutions must be licensed by the state(s) in which they operate, judged eligible and then certified by the U.S. Department of Education (USED), and approved by an accreditor recognized as a “reliable authority” by USED. Historically, it is common to say that accreditors are the “gatekeeper” to federal student aid eligibility. They are not, however, the only ones.

1. Increase the transparency of accreditation and clearly communicate its results. Accreditation is valued within higher education, but it is largely invisible outside the academy and provides policymakers and the public with little information. If accreditation is to discharge its responsibility to the public more effectively and responsibly, more information should be made available. This is a matter that needs to be addressed carefully because accreditors gather massive amounts of information about an institution in the course of a review, and not all of it is useful to the public. Indeed, providing too much information can be just as harmful as providing too little. Excessive candor may also upset the delicate balance of trust between institutions and accreditors or lead institutions to distort the information they provide.

Several approaches to improving public disclosure might be appropriate under these circumstances and should be considered. For example, accreditors could simply make all the information and reports publicly available. Or they might prepare short public reports containing the general findings of a review in terms of strengths and weaknesses, organized around the accreditor's criteria or standards. A variation on this idea is to make commission action letters available to the public, provided they communicate items of substance the institution is expected to act upon. (Not all commissions' action letters do this.)

Another set of approaches that would move accreditation toward greater transparency would also provide clearer signals about institutional performance. One way to achieve this would be to regularly publish information about requests for special follow-up reports or focused visits to address identified areas of potential deficiency.

Accreditors should also take stronger steps to minimize any perceived conflicts that may arise from the fact that the institutions they evaluate also pay them dues. Increased use of "public members"—members of accrediting commissions with experience with the academy through service on institutional governing boards or similar contact, but who are formally unaffiliated with colleges and universities as employees—might

address these perceptions by creating more independent voices. Admittedly, individuals with the requisite qualifications and skills to be effective public members—sufficient familiarity with academic circumstances to render informed opinions, but enough experience and expertise in their home communities of practice to command broad respect—are in short supply. But greater efforts to identify and include them could pay important dividends. In parallel, deliberate strategies to recruit review team members from peer institutions located outside the region in which a particular review is being conducted might increase public confidence in the objectivity of the process.

2. Increase the centrality of evidence about student success and educational quality.

External criticisms of colleges and universities often focus on matters like low retention and graduation rates and questionable levels of student achievement. All regional accreditors give considerably more attention to these issues than they did a decade ago. For example, all accrediting organizations now consider retention and graduation rates as part of a review, and all have established standards on the need to collect and analyze evidence on student achievement as part of a review.

These efforts are commendable but so far have been neither visible nor sufficient. Students and families have always wanted information on resources (e.g., faculty and their qualifications) and student experiences (e.g., how many students have internships in what types of places). Now many students and families quite reasonably want information on real-life outcomes of higher education: loan default rates, alumni satisfaction surveys, and, where appropriate, placement data. Accreditors now require that information made publicly available be accurate and clear. However, there is room for improvement and institutions and accreditors can and should continue to look for ways to ensure that such information is available to the public and used in the accreditation process.

But such information needs to be employed carefully and cautiously in the accreditation process because the available data are not always complete. The most commonly used definition of “graduation rate,” for example, only includes first-time,

full-time students who finish their degree within a specified time frame.⁶ While this definition works reasonably well for traditional students at residential institutions, it is inaccurate and misleading for the vast majority of students. Indeed, at some colleges and universities, the “graduation rate” is based on less than 10 percent of enrollment. At such institutions, supplemental information is essential to paint a meaningful picture.

Any metrics used to evaluate institutions must account for the differences among colleges and universities. Open-access schools that admit all applicants cannot and should not be expected to match the retention or graduation rates of schools that serve only exceptionally well-prepared students. Data are critically important, but equally valuable are nuance and sensitivity to institutional mission.

Accreditors should continue to require institutions (guided by their faculties) to identify the educational benefits they seek to provide their students, collect evidence of their success in providing these benefits, and make the results publicly available. Evidence of this kind should address what students have learned but could also include career attainment, participation in further education, civic contributions, or values development.

Evidence of student achievement is central to any judgment of institutional performance. However, this is a complex, multifaceted issue and there is no single approach that will work equally well for all institutions. This is not surprising: Learning, especially at the postsecondary level, is sufficiently complex and institutions are sufficiently diverse that no one template will fit all. Indeed, attempting to impose an approach that works

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⁶ For more information on the shortcomings of federal graduation rates, see “Why Graduation Rates Matter—and Why They Don’t” in ACE’s *The Presidency* magazine, Spring/Summer 2011.

in every case is likely to undermine American higher education, not enhance it. But institutional diversity is not an excuse for inaction. The Task Force notes that a large number of different approaches to address student achievement are already underway, and encourages further work to ensure accreditation decisions both respect institutional autonomy and are based on strong, credible, and defensible evidence.

The bottom line is simple: The Department of Education should not impose its vision of postsecondary education outcomes on colleges and universities and neither should accrediting organizations. However, all institutions of higher education must recognize that the growing demand for public accountability requires more systematic, explicit, and transparent measurement of educational outcomes.

3. Take prompt, strong, and public action against substandard institutions. The reluctance of accreditors to take strong and meaningful action against institutions that do not provide rigorous, high-quality education is often cited as a shortcoming of accreditation. Articles that describe the failure of accreditors to act in light of clear danger signals should trouble all of us in higher education.⁷ Congressional hearings that raise questions about educational value or institutional integrity are an indicator of ongoing concern with the work of accreditors.

Accreditation is designed to be a very rigorous process, but it sometimes fails to live up to its promise. In light of the increased demand for public accountability and transparency, the Task Force encourages every accreditor to examine its current policies and practices to ensure they are appropriate given the challenges that are sometimes faced in this area.

Transparency is exceptionally important in this regard. When a public event identifies a potential problem at an institution, accreditors may not routinely make a public announcement that they are investigating the issue. The failure to indicate that serious questions of educational quality or integrity are being promptly and thoroughly investigated shortchanges the public and fails to identify the important role accreditors play in safeguarding the public.

⁷ For example, Kevin Carey's piece in the March/April 2010 issue of *Washington Monthly* titled, "Asleep at the Seal."

Finally, there is a public policy dimension to this problem. Under the Higher Education Act, the Department of Education has “emergency power” that enables it to shut down an institution very quickly when presented with clear evidence of serious wrongdoing that is likely to harm students. The department does not use this authority often, but it is a serious and effective tool. Accrediting organizations do not have this authority. To the contrary, the Higher Education Act imposes extensive “due process” steps that accreditors must take before they can take decisive action. This suggests that federal policymakers prefer that accreditors err on the side of caution rather than move immediately.

- 4. Adopt a more “risk-sensitive” approach to regional accreditation.** Too often, colleges and universities with a long history of satisfactory performance and no evidence of significant deficiencies undergo essentially the same accreditation review process as institutions where serious questions of academic quality and performance are well known to the accreditor and the larger academic community. A frequent complaint about current accreditation practice is that all institutions are subject to the same review regimen despite the fact that all institutions are not at equal risk with respect to potential loss of accreditation.

To address this criticism, accreditors should consider the establishment of mechanisms to screen institutions in ways that assess key performance indicators and the levels of attendant risk and calibrate the nature and extent of the accreditation review accordingly. Long-established institutions with a consistent record of high performance may not require the same in-depth review as those that have not demonstrated a strong record of success.

For institutions with an established history of success, such initial screening might focus on a short list of key indicators

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and topics, such as evidence of student learning and accomplishment, the institution's fiscal condition, graduation/retention rates, and other key indicators as defined by the regional accreditor and its member institutions.

Institutions that do not have such a record of sustained, high-quality performance should undergo a more extensive accreditation review. Such an approach would concentrate accreditors' attention not on every institution equally and indiscriminately, or only on a handful of struggling schools, but rather on a range of institutions that cannot demonstrate a consistent record of success.

Adopting this course of action would require accreditors to develop streamlined, in-depth review processes that, while different from a full-blown traditional review, are equally reliable as a judgment of institutional quality and performance. Such a system of differentiated review would also help address the criticism that the traditional review cycle for accreditation is too long given the rapid changes occurring in postsecondary education.

While this differentiation is an important and desirable step, accreditors may not have sufficient flexibility to pursue it at present. The Higher Education Act requires accreditors recognized for Title IV purposes be "reliable authori-

ties on the quality of education." Furthermore, the Department of Education's detailed "Guidelines for Preparing/Reviewing Petitions and Compliance Reports" imposes very detailed and specific responsibility on accreditors. As a result, it is unclear whether "differentiated reviews" would be permitted by the U.S. Department of Education. We encourage accredi-

As part of its deliberations, the Task Force concluded that the leaders of many institutions do not participate significantly in accreditation activities unless their school is actually under review. This is a matter of concern.

tors to look carefully at this important issue to identify ways to balance their need (and that of institutions) for flexibility in response to the level of academic risk, while still upholding those responsibilities imposed by the law. It may be necessary to seek legislative clarification on this topic.

5. Seek common terminology, promote cooperation, and expand participation. A frequent complaint about accreditation is that accreditors have different criteria and standards with which to assess institutional quality, and that they use different language and terminology to describe similar things.

In their defense, accreditors note that because they tailor reviews to institutional missions, there are bound to be differences in emphasis and coverage across reviews. Variety across accrediting organizations with respect to standards and review processes also provides a measure of experimentation for the system as a whole.

Still, there are often significant differences across accreditors with respect to how they define similar actions. As it currently stands, “show cause” or “probation” may not mean the same thing from region to region, sending unclear signals to students, policymakers, and the public. The Task Force encourages accreditors to look for ways to reduce these discrepancies. Accreditors should also be encouraged to use a common vocabulary and associated set of definitions when doing so is consistent with respect for institutional diversity and academic freedom. In parallel, accreditors should use statistical reporting requirements that are consistent with existing state and federal definitions.⁸

As part of its deliberations, the Task Force concluded that the leaders of many institutions do not participate significantly in accreditation activities unless their school is actually under review. This is a matter of concern. Accrediting agencies have always been small organizations that have depended on campus officials to serve as volunteer members of review teams and commissions. We do not underestimate the time or energy required for active involvement in the work of accrediting agencies. However, we strongly believe that accreditation will only succeed if it is a matter of concern to all colleges and universities—from the most to the least well known—and encourage senior campus leaders at all institutions to renew their own commitment to this vitally important collaboration.

⁸ Common definitions of accreditation-related terms have been developed twice in recent years, once by the Council on Postsecondary Accreditation in 1985 and once by the Council for Higher Education Accreditation in 2000.

Finally, we encourage accreditors to communicate frequently to share review practices and develop their professional staffs. The fact that all seven regional accreditors have endorsed a common set of quality principles for distance education and meet regularly to discuss common issues and concerns is a positive indication of the steps that can be taken. These efforts ought to be continued.

- 6. Enhance the cost-effectiveness of accreditation.** In its current form, getting and keeping accreditation can cost a great deal of money. Among the costs that all institutions face are those associated with gathering and preparing the materials needed for a review, underwriting the costs of review team visits, and donated time of their own faculty and administrators who serve as peer reviewers. Some large institutions report that the cost of preparing for and executing an accreditation review can easily exceed \$1 million.

A first step toward enhancing the cost-effectiveness of accreditation is to determine more precisely what makes accreditation expensive. The Task Force urges accreditors to examine this issue carefully. One major cost driver is the traditional self-study, which requires considerable staff time to prepare, but which may contribute little useful information to a review. Reducing the frequency and intensity of site visits, especially to branch campuses and offshore locations, could also save a good deal of money and staff time without sacrificing meaningful information.⁹ Moving in this direction must be considered carefully to avoid overlooking deficiencies that can only be discovered onsite, but electronic communications now make it possible for a great deal about an institution to be reviewed at a distance. Finally, we encourage accreditors, whenever possible, to rely on existing data sources and information rather than requiring institutions to undertake special studies or new data-collection efforts.

⁹ The Task Force recognizes that undertaking such visits is currently required by federal law but, as noted, it believes much of their substance can be realized electronically.

There is also redundancy between the reporting required by accreditors and that mandated by state and federal authorities. These requirements should be systematically audited by accreditors to determine where duplication or inconsistency could be eliminated or resolved.

Another source of cost is excessive specificity in accreditors' requirements that lead to "busy work" such as specifying the detailed contents of course syllabi or requiring detailed audits of all faculty credentials in the course of a review. Consistent with Task Force Recommendation 4, institutions that are allowed more flexibility in conducting a review may incur lesser costs trying to meet excessively specific standards, or at least spend the money on something more likely to enhance institutional improvement.

Finally, a significant cost driver is the responsibility of accrediting agencies to examine topics at the behest of the federal government. These requirements have grown steadily and now include reviewing, among other things, the academic calendar, the assignment of credit hours for individual courses, student complaint policies, U.S. Department of Education findings with regard to Title IV requirements, transfer policies, and verification of student identity policies. All of these issues increase the cost of accreditation, divert attention from the primary mission of accreditors, and involve complex regulatory issues that are onerous and time-consuming to consider. The Task Force believes it is a mistake to treat accrediting agencies as an extension of the Department of Education, and calls on Congress to thoroughly review the panoply of requirements with an eye toward sharply reducing them.

A first step toward enhancing the cost-effectiveness of accreditation is to determine more precisely what makes accreditation expensive and the Task Force urges accreditors to examine this issue carefully.

Moving Forward. Effective implementation of these recommendations requires explicit consideration of the obstacles that must be overcome. Many of the challenges identified will require significant

and sustained collaboration between institutions of higher education and regional accreditors. Reforms will be meaningful and durable only if they have the full buy-in of the multiple actors needed to make them effective. Similarly, we recommend Congress and the Department of Education work closely with accreditors and institutions to make certain the work of accreditors is focused on important and serious issues related to educational quality, rather than less-important issues that divert attention.

The Task Force believes higher education needs a mechanism for implementing these recommendations. We encourage ACE, in consultation with other higher education organizations, to monitor progress and identify the inevitable obstacles as they arise. The Task Force also calls upon ACE to produce (with the help of members of this Task Force) a follow-up report in two years about the progress the community has made in implementing these reforms. The work of too many bodies like this Task Force has become ephemeral because this important step was overlooked.

Voluntary accreditation has served higher education well in this country for more than a century. It has helped institutions improve and has kept government out of the business of certifying quality, key ingredients in preserving our diverse and successful array of colleges and universities. But in an era of global competition and questions about college and university quality, accreditation requires systematic review and attention. The Task Force believes the recommendations it offers in this report will preserve the best of this historic approach while allowing it to function more effectively as a guarantor of quality for the future.

Appendix A

Regional Accrediting Organizations

Middle States Association of Colleges and Schools

Middle States Commission on Higher Education (MSCHE)

Elizabeth H. Sibolski, President

3624 Market Street, 2nd Floor Annex

Philadelphia, PA 19104

Phone: (267) 284-5000

Fax: (215) 662-5501

E-mail: info@msche.org

Web: www.msche.org

Recognized by the Council for Higher Education Accreditation, April 2002

CHEA Recognized Scope of Accreditation

Degree-granting institutions which offer one or more postsecondary educational programs at least one academic year in length in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, the Virgin Islands, and other geographic areas in which the commission now conducts accrediting activities.

New England Association of Schools and Colleges

Commission on Institutions of Higher Education (NEASC-CIHE)

Barbara E. Brittingham, President/Director of the Commission

209 Burlington Road

Bedford, MA 01730

Phone: (781) 271-0022

Fax: (781) 271-0950

E-mail: CIHE@neasc.org

Web: <http://cihe.neasc.org>

Recognized by the Council for Higher Education Accreditation, April 2002

CHEA Recognized Scope of Accreditation

Institutions that award bachelor's, master's, or doctoral degrees and associate degree-granting institutions that include degrees in liberal arts and general studies in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and other geographic areas in which the commission now conducts accrediting activities.

North Central Association of Colleges and Schools

The Higher Learning Commission (NCA-HLC)

Sylvia Manning, President

230 South LaSalle, Suite 7-500

Chicago, IL 60604-1413

Phone: (312) 263-0456

Fax: (312) 263-7462

E-mail: info@hlcommission.org

Web: www.ncahigherlearningcommission.org

Recognized by the Council for Higher Education Accreditation, January 2003

CHEA Recognized Scope of Accreditation

Degree-granting institutions incorporated in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, Wyoming, or federally authorized sovereign nations that are authorized (licensed) by the same state or nation to award higher degrees (associate, baccalaureate, master's, first professional and/or doctoral degrees (both research and professional)).

Northwest Commission on Colleges and Universities (NWCCU)

Sandra E. Elman, President

8060 165th Ave. NE

Suite 100

Redmond, WA 98052

Phone: (425) 558-4224

Fax: (425) 376-0596.

E-mail: selman@nwccu.org

Web: <http://www.nwccu.org>

Recognized Scope of Accreditation

The Northwest Commission on Colleges and Universities (NWCCU) is an independent, non-profit membership organization recognized by the U.S. Department of Education as the regional authority on educational quality and institutional effectiveness of higher education institutions in the seven-state Northwest region of Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

Southern Association of Colleges and Schools

Commission on Colleges (SACS-COC)

Belle S. Wheelan, President

1866 Southern Lane

Decatur, GA 30033

Phone: (404) 679-4500

Fax: (404) 679-4528

E-mail: bwheelan@sacscoc.org

Web: www.sacscoc.org

Recognized by the Council for Higher Education Accreditation,
January 2003

CHEA Recognized Scope of Accreditation

Regional accrediting body for degree-granting institutions in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and in Latin America.

Western Association of Schools and Colleges

Accrediting Commission for Community and Junior Colleges
(WASC-ACCJC)

Barbara A. Beno, President

10 Commercial Boulevard, Suite 204

Novato, CA 94949

Phone: (415) 506-0234

Fax: (415) 506-0238

E-mail: accjc@accjc.org

Web: www.accjc.org

Recognized by the Council for Higher Education Accreditation,
January 2003

CHEA Recognized Scope of Accreditation

Associate degree-granting institutions in California, Hawaii, the Territories of Guam and American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

Western Association of Schools and Colleges

Accrediting Commission for Senior Colleges and Universities
(WASC-ACSCU)

Ralph A. Wolff, President and Executive Director

985 Atlantic Avenue, Suite 100

Alameda, CA 94501

Phone: (510) 748-9001

Fax: (510) 748-9797

E-mail: wascsr@wascsenior.org

Web: www.wascweb.org

Recognized by the Council for Higher Education Accreditation,
January 2003

CHEA Recognized Scope of Accreditation

Baccalaureate degree or higher institutions in California, Hawaii, and the Territory of Guam; institutions incorporated within the region that do not offer degree programs in the region when such programs reviewed effectively by WASC-ACSCU processes and are American in style and offered in English; and joint accreditation for community colleges that offer one baccalaureate degree and meet the conditions of the joint policy with the Accrediting Commission for Community and Junior Colleges (WASC-ACCJC).

Appendix B

A Brief Summary of U.S. Accreditation

THE OPERATION OF U.S. ACCREDITATION

Accreditation of institutions and programs takes place on a cycle that may range from every few years to as many as 10 years. Accreditation is ongoing; the initial earning of accreditation is not entry to indefinite accredited status. Periodic review is a fact of life for accredited institutions and programs. Self-accreditation is not an option.

An institution or program seeking accreditation must go through a number of steps stipulated by an accrediting organization. These steps involve a combination of several tasks: preparation of evidence of accomplishment by the institution or program, scrutiny of this evidence and a site visit by faculty and administrative peers and action by the accrediting organization to determine accreditation status.

- **Self-study.** Institutions and programs prepare a written summary of performance, based on accrediting organizations' standards.
- **Peer review.** Accreditation review is conducted primarily by faculty and administrative peers in the profession. These colleagues review the self-study and serve on visiting teams that review institutions and programs after the self-study is completed. Peers constitute the majority of members of the accrediting commissions or boards that make judgments about accrediting status.
- **Site visit.** Accrediting organizations normally send a visiting team to review an institution or program. The self-study provides the foundation for the team visit. Teams, in addition to the peers described above, may also include public members (non-academics who have an interest in higher education). All team members are volunteers and are generally not compensated.
- **Judgment by accrediting organization.** Accrediting organizations have decision-making bodies (commissions) made up of administrators and faculty from institutions and programs as well as public members. These commissions may affirm accred-

itation for new institutions and programs, reaffirm accreditation for ongoing institutions and programs and deny accreditation to institutions and programs.

- **Periodic external review.** Institutions and programs continue to be reviewed over time. They normally prepare a self-study and undergo a site visit each time.

Accreditation is a trust-based, standards-based, evidence-based, judgment-based, peer-based process.

Appendix C

Higher Education Opportunity Act

PART H—PROGRAM INTEGRITY

Subpart 1—State Role

SEC. 495. [20 U.S.C. 1099a] STATE RESPONSIBILITIES.

- (a) STATE RESPONSIBILITIES.—As part of the integrity program authorized by this part, each State, through one State agency or several State agencies selected by the State, shall—
- (1) furnish the Secretary, upon request, information with respect to the process for licensing or other authorization for institutions of higher education to operate within the State;
 - (2) notify the Secretary promptly whenever the State revokes a license or other authority to operate an institution of higher education; and
 - (3) notify the Secretary promptly whenever the State has credible evidence that an institution of higher education within the State—
 - (A) has committed fraud in the administration of the student assistance programs authorized by this title; or
 - (B) has substantially violated a provision of this title.
- (b) INSTITUTIONAL RESPONSIBILITY.—Each institution of higher education shall provide evidence to the Secretary that the institution has authority to operate within a State at the time the institution is certified under subpart 3.

Subpart 2—Accrediting Agency Recognition

SEC. 496. [20 U.S.C. 1099b] RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

- (a) CRITERIA REQUIRED.—No accrediting agency or association may be determined by the Secretary to be a reliable authority as to the quality of education or training offered for the purposes of this Act or for other Federal purposes, unless the agency or association meets criteria established by the Secretary pursuant to this section. The Secretary shall, after notice and opportunity for a hearing, establish criteria for such determinations. Such criteria shall include an appropriate measure or measures of student achievement. Such criteria shall require that—
- (1) the accrediting agency or association shall be a State, regional, or national agency or association and shall demonstrate the ability and the experience to operate as an accrediting agency or association within the State, region, or nationally, as appropriate;

- (2) such agency or association—
 - (A)(i) for the purpose of participation in programs under this Act, has a voluntary membership of institutions of higher education and has as a principal purpose the accrediting of institutions of higher education; or
 - (ii) for the purpose of participation in other programs administered by the Department of Education or other Federal agencies, has a voluntary membership and has as its principal purpose the accrediting of institutions of higher education or programs;
 - (B) is a State agency approved by the Secretary for the purpose described in subparagraph (A); or
 - (C) is an agency or association that, for the purpose of determining eligibility for student assistance under this title, conducts accreditation through (i) a voluntary membership organization of individuals participating in a profession, or (ii) an agency or association which has as its principal purpose the accreditation of programs within institutions, which institutions are accredited by another agency or association recognized by the Secretary;
- (3) if such agency or association is an agency or association described in—
 - (A) subparagraph (A)(i) of paragraph (2), then such agency or association is separate and independent, both administratively and financially of any related, associated, or affiliated trade association or membership organization;
 - (B) subparagraph (B) of paragraph (2), then such agency or association has been recognized by the Secretary on or before October 1, 1991; or
 - (C) subparagraph (C) of paragraph (2) and such agency or association has been recognized by the Secretary on or before October 1, 1991, then the Secretary may waive the requirement that such agency or association is separate and independent, both administratively and financially of any related, associated, or affiliated trade association or membership organization upon a demonstration that the existing relationship has not served to compromise the independence of its accreditation process;
- (4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution

of higher education, including distance education or correspondence courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

- (B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education or correspondence education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—
 - (i) the agency or association’s standards effectively address the quality of an institution’s distance education or correspondence education in the areas identified in paragraph (5), except that—
 - (I) the agency or association shall not be required to have separate standards, procedures, or policies for the evaluation of distance education or correspondence education institutions or programs in order to meet the requirements of this subparagraph; and
 - (II) in the case that the agency or association is recognized by the Secretary, the agency or association shall not be required to obtain the approval of the Secretary to expand its scope of accreditation to include distance education or correspondence education, provided that the agency or association notifies the Secretary in writing of the change in scope; and
 - (ii) the agency or association requires an institution that offers distance education or correspondence education to have processes through which the institution establishes that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the program and receives the academic credit;
- (5) the standards for accreditation of the agency or association assess the institution’s—
 - (A) success with respect to student achievement in relation to the institution’s mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations, consideration of course completion, and job placement rates;

- (B) curricula;
 - (C) faculty;
 - (D) facilities, equipment, and supplies;
 - (E) fiscal and administrative capacity as appropriate to the specified scale of operations;
 - (F) student support services;
 - (G) recruiting and admissions practices, academic calendars, catalogs, publications, grading and advertising;
 - (H) measures of program length and the objectives of the degrees or credentials offered;
 - (I) record of student complaints received by, or available to, the agency or association; and
 - (J) record of compliance with its program responsibilities under title IV of this Act based on the most recent student loan default rate data provided by the Secretary, the results of financial or compliance audits, program reviews, and any such other information as the Secretary may provide to the agency or association; except that subparagraphs (A), (H), and (J) shall not apply to agencies or associations described in paragraph (2)(A)(ii) of this subsection;
- (6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings, which comply with due process procedures that provide—
- (A) for adequate written specification of—
 - (i) requirements, including clear standards for an institution of higher education or program to be accredited; and
 - (ii) identified deficiencies at the institution or program examined;
 - (B) for sufficient opportunity for a written response, by an institution or program, regarding any deficiencies identified by the agency or association to be considered by the agency or association—
 - (i) within a timeframe determined by the agency or association; and
 - (ii) prior to final action in the evaluation and withdrawal proceedings;
 - (C) upon the written request of an institution or program, for an opportunity for the institution or program to appeal any

adverse action under this section, including denial, withdrawal, suspension, or termination of accreditation, taken against the institution or program, prior to such action becoming final at a hearing before an appeals panel that—

- (i) shall not include current members of the agency’s or association’s underlying decisionmaking body that made the adverse decision; and
 - (ii) is subject to a conflict of interest policy;
- (D) for the right to representation and participation by counsel for an institution or program during an appeal of the adverse action;
 - (E) for a process, in accordance with written procedures developed by the agency or association, through which an institution or program, before a final adverse action based solely upon a failure to meet a standard or criterion pertaining to finances, may on one occasion seek review of significant financial information that was unavailable to the institution or program prior to the determination of the adverse action, and that bears materially on the financial deficiencies identified by the agency or association;
 - (F) in the case that the agency or association determines that the new financial information submitted by the institution or program under subparagraph (E) meets the criteria of significance and materiality described in such subparagraph, for consideration by the agency or association of the new financial information prior to the adverse action described in such subparagraph becoming final; and
 - (G) that any determination by the agency or association made with respect to the new financial information described in subparagraph (E) shall not be separately appealable by the institution or program;
- (7) such agency or association shall notify the Secretary and the appropriate State licensing or authorizing agency within 30 days of the accreditation of an institution or any final denial, withdrawal, suspension, or termination of accreditation or placement on probation of an institution, together with any other adverse action taken with respect to an institution; and
 - (8) such agency or association shall make available to the public, upon request, and to the Secretary, and the State licensing or authorizing

agency a summary of any review resulting in a final accrediting decision involving denial, termination, or suspension of accreditation, together with the comments of the affected institution.

- (b) **SEPARATE AND INDEPENDENT DEFINED.**—For the purpose of subsection (a)(3), the term “separate and independent” means that—
- (1) the members of the postsecondary education governing body of the accrediting agency or association are not elected or selected by the board or chief executive officer of any related, associated, or affiliated trade association or membership organization;
 - (2) among the membership of the board of the accrediting agency or association there shall be one public member (who is not a member of any related trade or membership organization) for each six members of the board, with a minimum of one such public member, and guidelines are established for such members to avoid conflicts of interest;
 - (3) dues to the accrediting agency or association are paid separately from any dues paid to any related, associated, or affiliated trade association or membership organization; and
 - (4) the budget of the accrediting agency or association is developed and determined by the accrediting agency or association without review or resort to consultation with any other entity or organization.
- (c) **OPERATING PROCEDURES REQUIRED.**—No accrediting agency or association may be recognized by the Secretary as a reliable authority as to the quality of education or training offered by an institution seeking to participate in the programs authorized under this title, unless the agency or association—
- (1) performs, at regularly established intervals, on-site inspections and reviews of institutions of higher education (which may include unannounced site visits) with particular focus on educational quality and program effectiveness, and ensures that accreditation team members are well-trained and knowledgeable with respect to their responsibilities, including those regarding distance education;
 - (2) monitors the growth of programs at institutions that are experiencing significant enrollment growth;
 - (3) requires an institution to submit for approval to the accrediting agency a teach-out plan upon the occurrence of any of the following events:

- (A) the Department notifies the accrediting agency of an action against the institution pursuant to section 487(f);
 - (B) the accrediting agency acts to withdraw, terminate, or suspend the accreditation of the institution; or
 - (C) the institution notifies the accrediting agency that the institution intends to cease operations;
- (4) requires that any institution of higher education subject to its jurisdiction which plans to establish a branch campus submit a business plan, including projected revenues and expenditures, prior to opening the branch campus;
- (5) agrees to conduct, as soon as practicable, but within a period of not more than 6 months of the establishment of a new branch campus or a change of ownership of an institution of higher education, an on-site visit of that branch campus or of the institution after a change of ownership;
- (6) requires that teach-out agreements among institutions are subject to approval by the accrediting agency or association consistent with standards promulgated by such agency or association;
- (7) makes available to the public and the State licensing or authorizing agency, and submits to the Secretary, a summary of agency or association actions, including—
 - (A) the award of accreditation or reaccreditation of an institution;
 - (B) final denial, withdrawal, suspension, or termination of accreditation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution; and
 - (C) any other adverse action taken with respect to an institution or placement on probation of an institution;
- (8) discloses publicly whenever an institution of higher education subject to its jurisdiction is being considered for accreditation or reaccreditation; and
- (9) confirms, as a part of the agency’s or association’s review for accreditation or reaccreditation, that the institution has transfer of credit policies—
 - (A) that are publicly disclosed; and

- (B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.
- (d) LENGTH OF RECOGNITION.—No accrediting agency or association may be recognized by the Secretary for the purpose of this Act for a period of more than 5 years.
- (e) INITIAL ARBITRATION RULE.—The Secretary may not recognize the accreditation of any institution of higher education unless the institution of higher education agrees to submit any dispute involving the final denial, withdrawal, or termination of accreditation to initial arbitration prior to any other legal action.
- (f) JURISDICTION.—Notwithstanding any other provision of law, any civil action brought by an institution of higher education seeking accreditation from, or accredited by, an accrediting agency or association recognized by the Secretary for the purpose of this title and involving the denial, withdrawal, or termination of accreditation of the institution of higher education, shall be brought in the appropriate United States district court.
- (g) LIMITATION ON SCOPE OF CRITERIA.—Nothing in this Act shall be construed to permit the Secretary to establish criteria for accrediting agencies or associations that are not required by this section. Nothing in this Act shall be construed to prohibit or limit any accrediting agency or association from adopting additional standards not provided for in this section. Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution’s success with respect to student achievement.
- (h) CHANGE OF ACCREDITING AGENCY.—The Secretary shall not recognize the accreditation of any otherwise eligible institution of higher education if the institution of higher education is in the process of changing its accrediting agency or association, unless the eligible institution submits to the Secretary all materials relating to the prior accreditation, including materials demonstrating reasonable cause for changing the accrediting agency or association.
- (i) DUAL ACCREDITATION RULE.—The Secretary shall not recognize the accreditation of any otherwise eligible institution of higher education if the institution of higher education is accredited, as an institution, by more than one accrediting agency or association, unless the institution submits to each such agency and association and to the Secretary the

reasons for accreditation by more than one such agency or association and demonstrates to the Secretary reasonable cause for its accreditation by more than one agency or association. If the institution is accredited, as an institution, by more than one accrediting agency or association, the institution shall designate which agency's accreditation shall be utilized in determining the institution's eligibility for programs under this Act.

- (j) **IMPACT OF LOSS OF ACCREDITATION.**—An institution may not be certified or recertified as an institution of higher education under section 102 and subpart 3 of this part or participate in any of the other programs authorized by this Act if such institution—
 - (1) is not currently accredited by any agency or association recognized by the Secretary;
 - (2) has had its accreditation withdrawn, revoked, or otherwise terminated for cause during the preceding 24 months, unless such withdrawal, revocation, or termination has been rescinded by the same accrediting agency; or
 - (3) has withdrawn from accreditation voluntarily under a show cause or suspension order during the preceding 24 months, unless such order has been rescinded by the same accrediting agency.
- (k) **RELIGIOUS INSTITUTION RULE.**—Notwithstanding subsection (j), the Secretary shall allow an institution that has had its accreditation withdrawn, revoked, or otherwise terminated, or has voluntarily withdrawn from an accreditation agency, to remain certified as an institution of higher education under section 102 and subpart 3 of this part for a period sufficient to allow such institution to obtain alternative accreditation, if the Secretary determines that the reason for the withdrawal, revocation, or termination—
 - (1) is related to the religious mission or affiliation of the institution; and
 - (2) is not related to the accreditation criteria provided for in this section.
- (l) **LIMITATION, SUSPENSION, OR TERMINATION OF RECOGNITION.**—(1) If the Secretary determines that an accrediting agency or association has failed to apply effectively the criteria in this section, or is otherwise not in compliance with the requirements of this section, the Secretary shall—
 - (A) after notice and opportunity for a hearing, limit, suspend, or terminate the recognition of the agency or association; or

- (B) require the agency or association to take appropriate action to bring the agency or association into compliance with such requirements within a timeframe specified by the Secretary, except that—
 - (i) such timeframe shall not exceed 12 months unless the Secretary extends such period for good cause; and
 - (ii) if the agency or association fails to bring the agency or association into compliance within such timeframe, the Secretary shall, after notice and opportunity for a hearing, limit, suspend, or terminate the recognition of the agency or association.
- (2) The Secretary may determine that an accrediting agency or association has failed to apply effectively the standards provided in this section if an institution of higher education seeks and receives accreditation from the accrediting agency or association during any period in which the institution is the subject of any interim action by another accrediting agency or association, described in paragraph (2)(A)(i), (2)(B), or (2)(C) of subsection (a) of this section, leading to the suspension, revocation, or termination of accreditation or the institution has been notified of the threatened loss of accreditation, and the due process procedures required by such suspension, revocation, termination, or threatened loss have not been completed.
- (m) **LIMITATION ON THE SECRETARY'S AUTHORITY.**—The Secretary may only recognize accrediting agencies or associations which accredit institutions of higher education for the purpose of enabling such institutions to establish eligibility to participate in the programs under this Act or which accredit institutions of higher education or higher education programs for the purpose of enabling them to establish eligibility to participate in other programs administered by the Department of Education or other Federal agencies.
- (n) **INDEPENDENT EVALUATION.**—(1) The Secretary shall conduct a comprehensive review and evaluation of the performance of all accrediting agencies or associations which seek recognition by the Secretary in order to determine whether such accrediting agencies or associations meet the criteria established by this section. The Secretary shall conduct an independent evaluation of the information provided by such agency or association. Such evaluation shall include—

- (A) the solicitation of third-party information concerning the performance of the accrediting agency or association; and
 - (B) site visits, including unannounced site visits as appropriate, at accrediting agencies and associations, and, at the Secretary's discretion, at representative member institutions.
- (2) The Secretary shall place a priority for review of accrediting agencies or associations on those agencies or associations that accredit institutions of higher education that participate most extensively in the programs authorized by this title and on those agencies or associations which have been the subject of the most complaints or legal actions.
 - (3) The Secretary shall consider all available relevant information concerning the compliance of the accrediting agency or association with the criteria provided for in this section, including any complaints or legal actions against such agency or association. In cases where deficiencies in the performance of an accreditation agency or association with respect to the requirements of this section are noted, the Secretary shall take these deficiencies into account in the recognition process. The Secretary shall not, under any circumstances, base decisions on the recognition or denial of recognition of accreditation agencies or associations on criteria other than those contained in this section. When the Secretary decides to recognize an accrediting agency or association, the Secretary shall determine the agency or association's scope of recognition. If the agency or association reviews institutions offering distance education courses or programs and the Secretary determines that the agency or association meets the requirements of this section, then the agency shall be recognized and the scope of recognition shall include accreditation of institutions offering distance education courses or programs.
 - (4) The Secretary shall maintain sufficient documentation to support the conclusions reached in the recognition process, and, if the Secretary does not recognize any accreditation agency or association, shall make publicly available the reason for denying recognition, including reference to the specific criteria under this section which have not been fulfilled.
- (o) REGULATIONS.—The Secretary shall by regulation provide procedures for the recognition of accrediting agencies or associations and for the appeal of the Secretary's decisions. Notwithstanding any other provision

of law, the Secretary shall not promulgate any regulation with respect to the standards of an accreditation agency or association described in subsection (a)(5).

- (p) **RULE OF CONSTRUCTION.**—Nothing in subsection (a)(5) shall be construed to restrict the ability of—
 - (1) an accrediting agency or association to set, with the involvement of its members, and to apply, accreditation standards for or to institutions or programs that seek review by the agency or association; or
 - (2) an institution to develop and use institutional standards to show its success with respect to student achievement, which achievement may be considered as part of any accreditation review.
- (q) **REVIEW OF SCOPE CHANGES.**—The Secretary shall require a review, at the next available meeting of the National Advisory Committee on Institutional Quality and Integrity, of any change in scope undertaken by an agency or association under subsection (a)(4)(B)(i)(II) if the enrollment of an institution that offers distance education or correspondence education that is accredited by such agency or association increases by 50 percent or more within any one institutional fiscal year.

SEC. 114. [20 U.S.C. 1011c] NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

- (a) **ESTABLISHMENT.**—There is established in the Department a National Advisory Committee on Institutional Quality and Integrity (in this section referred to as the “Committee”) to assess the process of accreditation and the institutional eligibility and certification of institutions of higher education (as defined in section 102) under title IV.
- (b) **MEMBERSHIP.**—
 - (1) **IN GENERAL.**—The Committee shall have 18 members, of which—
 - (A) six members shall be appointed by the Secretary;
 - (B) six members shall be appointed by the Speaker of the House of Representatives, three of whom shall be appointed on the recommendation of the majority leader of the House of Representatives, and three of whom shall be appointed on the recommendation of the minority leader of the House of Representatives; and
 - (C) six members shall be appointed by the President pro tempore of the Senate, three of whom shall be appointed on the recommendation of the majority leader of the Senate, and three of

whom shall be appointed on the recommendation of the minority leader of the Senate.

- (2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee—
 - (A) on the basis of the individuals’ experience, integrity, impartiality, and good judgment;
 - (B) 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 section 102); and
 - (C) on the basis of the individuals’ technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.
- (3) TERMS OF MEMBERS.—Except as provided in paragraph (5), the term of office of each member of the Committee shall be for six years, except that 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.
- (4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made 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.
- (5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—
 - (A) three years for members appointed under paragraph (1)(A);
 - (B) four years for members appointed under paragraph (1)(B); and
 - (C) six years for members appointed under paragraph (1)(C).
- (6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.
- (c) FUNCTIONS.—The Committee shall—
 - (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;
 - (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, 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; and
 - (6) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe by regulation.
- (d) MEETING PROCEDURES.—
- (1) SCHEDULE.—
 - (A) BIENNIAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.
 - (B) PUBLICATION OF DATE.—The Committee shall submit the date and location 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.
 - (2) AGENDA.—
 - (A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.
 - (B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee’s deliberations.
 - (3) SECRETARY’S DESIGNEE.—The Secretary shall designate an employee of the Department to serve as the Secretary’s designee to the Committee, and the Chairperson shall invite the Secretary’s designee to attend all meetings of the Committee.
 - (4) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.
- (e) REPORT AND NOTICE.—
- (1) NOTICE.—The Secretary shall annually publish in the Federal Register—

- (A) a list containing, for each member of the Committee—
 - (i) the member’s name;
 - (ii) the date of the expiration of the member’s term of office; and
 - (iii) the name of the individual described in subsection (b)(1) who appointed the member; and
- (B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.
- (2) REPORT.—Not later than the last day of each fiscal year, the Committee shall make available an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—
 - (A) 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;
 - (B) a list of the date and location of each meeting during the fiscal year preceding the fiscal year in which the report is made;
 - (C) a list of the members of the Committee; and
 - (D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.
- (f) TERMINATION.—The Committee shall terminate on September 30, 2014.

Appendix D

National Task Force on Institutional Accreditation

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President, University of Richmond

Robert Berdahl (chair)

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Michael Brintnall

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Molly Corbett Broad

President, American Council on Education

John Casteen III

President Emeritus, University of Virginia

Carol Christ

President, Smith College

Dario Cortes

President, Berkeley College

Judith Eaton

President, Council for Higher Education Accreditation

Christopher Eisgruber

Provost, Princeton University

Rodney Erickson

President, The Pennsylvania State University

Peter Ewell

Vice President, National Center for Higher Education Management Systems

Mary Fifield

President, Bunker Hill Community College

Bobby Fong

President, Ursinus College

Barbara Gitenstein

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Frank Gornick

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Sylvia Manning

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Patricia McGuire

President, Trinity Washington University

Charlie Nelms

Chancellor, North Carolina Central University

George Pernsteiner

Chancellor, Oregon University System

Mohammad Qayoumi

President, San José State University

Gary Rhoades

Professor of Higher Education, University of Arizona

Jerry Sue Thornton

President, Cuyahoga Community College

Lesley Wilson

Secretary General, European University Association

Ralph Wolff

President, Western Association of Schools & Colleges (Senior Commission)

