



Middle States Commission on Higher Education

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Procedures

Show Cause Appearance Before the Commission Prior to Withdrawal of Accreditation

(Version 091715)

These procedures describe the Commission review process available to an institution upon receipt of a show cause action from the Middle States Commission on Higher Education (the Commission).

The Commission adopts the following procedures for an appearance before the Commission prior to withdrawal of accreditation:

1. **Notice of Show Cause Action.** The Commission sends letters of notification regarding any Commission action within 10 days of each Commission meeting, Executive Committee Meeting or other decision making meeting at which an accreditation action is taken. Notice of a show cause action shall specify the areas of non-compliance in accordance with Commission policy and shall include notice of the opportunity to appear before the Commission when the Commission meets to consider the institution's show cause status. The action letter shall be accompanied by a copy of these procedures.
2. **Confirmation of Intent to Appear.** The institution must **inform the Commission of its intent to appear** before the Commission at least 14 days prior to the Commission meeting at which the withdrawal of accreditation will be considered. The institution shall confirm its intent to appear in writing sent to the Commission's President. The confirmation should include the name, title, and role of each individual who will appear before the Commission on behalf of the institution.
3. **Cost of Appearance.** The institution shall bear the cost of its participation and attendance at the Commission meeting. Such costs may include but are not limited to travel, lodging/accommodation, meals, facilities, copying, transcript, and other costs incurred by the institution.
4. **Commission Consideration of the Record in the Absence of an Appearance.** If the institution elects not to appear before the Commission, the institution's full record on file, including the institution's written response to the most recent visiting team report, will be considered by the Commission. The Commission may elect to invite additional information or response from the institution.
5. **Procedures for the Appearance.**
 - a. An appearance before the Commission prior to withdrawal of accreditation is not a judicial proceeding or an evidentiary hearing and the parties are not permitted to

conduct discovery, present or cross-examine witnesses or exercise other evidentiary rights and privileges ordinarily provided to litigants. The appearance is an opportunity for the institution to present, in the nature of a presentation, its reasons why accreditation should not be withdrawn. The institution's presentation shall be based solely on the institution's record on file at the Commission, including the institution's written response to the most recent visiting team report, and shall not introduce new information except as described in 5b.

- b. If material events have transpired at the institution since the most recent visiting team report and institutional response were prepared, an institution may seek permission to present the new information at the appearance. If an institution wants to introduce such new information, it must obtain the permission of the Chair of the Commission in advance of the appearance by submitting a letter to the Chair at least 5 business days before the appearance date describing the new information and explaining why the information was not available or presented in the institution's written response. The decision to allow new information shall be in the sole discretion of the Chair. At or after the appearance, the Commission may elect to invite additional information or response from the institution.
- c. The proceeding shall be closed to the public and attendance shall be limited to the Commission, MSCHE staff, and only the necessary representatives of the institution.
 - i. Institutional representatives attending the appearance may include the Chief Executive Officer, senior administration officials, those responsible for or needed to address compliance with a particular standard or requirement, members of the board of trustees, and/or counsel.
 - ii. The Commission and the institution may be represented by counsel during the appearance.
- d. The procedures for the conduct of the appearance shall be the determination of the Chair of the Commission and shall be final.
- e. The institution shall have the burden of demonstrating why its accreditation should not be withdrawn by addressing its compliance with the Commission's requirements of affiliation, standards for accreditation, and any related accreditation policies.
 - i. The institution will be provided 30 minutes to present its argument to the Commission as to why the institution's accreditation should not be withdrawn.
 - ii. The members of the Commission may question the institution at the conclusion of the institution's presentation.
- f. The appearance shall be recorded and conducted with institutional representatives present. However, the discussions, deliberations and individual votes of the Commission will be conducted in closed session and shall not be recorded.
- g. At the request and expense of the institution or the Commission, a court reporter or other official stenographer may attend and record the institutional proceedings. If the institution requests the production of a transcript of the

appearance, the institution shall pay the entire cost of such transcription.

h. No post-appearance submission shall be permitted unless the Commission requests additional briefing on specific issues.

6. **Decision.** The Commission shall render its accreditation decision in accordance with its policy on *Notification of Accreditation Decisions*. The Commission may take any action available to it within the limits of Commission policy.

Number: N/A

Version: 091715

Created: December 2014

Approved: January 15, 2015 (Membership)

Previously Issued: N/A

Revisions: June 25, 2015; September 17, 2015

Related Documents: *Notification of Accreditation Decisions; Accreditation Actions; Appeals from Adverse Actions*

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