

## Third-party Comment

*Effective August 14, 2017*

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### I. Purpose

This policy defines the purpose and scope of the Middle States Commission on Higher Education's procedures to review third party comments involving its member institutions undergoing an accreditation review activity.

### II. Statement of Policy

The Middle States Commission on Higher Education recognizes the value of the perspective of students, institutional employees, and others in the institutional community and therefore expects that the broader community be involved in accreditation and self-evaluation processes. Institutions are expected to publicize their self-study activities to all campus constituencies and to invite comments to assist in the self-study or PRR process. Appropriate opportunities for those constituencies to contribute should be provided by the institution. To further ensure that the broader community has an appropriate opportunity to assist the Commission in determining on an ongoing basis whether an institution's performance is consistent with the Commission's standards and expectations for accreditation, the Commission provides opportunities to submit individual comments through this third-party comment procedure.

Third-party comments are those comments submitted to the Commission outside of official communications between an institution and the Commission. The Commission's third-party comment procedures are created to provide the opportunity for information about an institution's compliance or ability to comply with the Commission's requirements of affiliation and accreditation standards or an institution's own standard operating procedures and policies to be shared with the institution and the Commission. Third-party comments are considered at times when an institution is completing a self-study, Periodic Review Report, or a follow-up report, such as a Monitoring Report or a Progress Report. Comments also are considered for institutions undergoing an evaluation for Candidacy or initial accreditation.

Although the Middle States Commission on Higher Education actively invites comments during the institutional self-study process for initial accreditation or reaffirmation of accreditation, or during the Periodic Review Report (PRR) process, if third-party comments are received at other times, the Commission will determine how best to proceed, including an inquiry to the institution or consideration under the Commission's policy, Complaints Involving Member and Candidate Institutions. **The Commission reserves the right to initiate an independent review of an institution if no accreditation activity is scheduled within a**

**reasonable period of time.**

Such comments must be written and signed, and cannot be anonymous to the Commission. If the comments are within the purview of the Commission's standards and requirements of affiliation, the Commission reserves the right to withhold the identity of the commenter if the Commission feels his/her student or employee status may be jeopardized if his/her identity is revealed. This decision is solely the Commission's, and not that of the commenter. All third-party comments must be addressed specifically to one or more of the Commission's requirements of affiliation or accreditation standards. These requirements and standards appear in the Commission publication [Standards for Accreditation and Requirements of Affiliation](#).

**III. Notification and Invitation by the Commission**

The Commission publishes on its website ([www.msche.org](http://www.msche.org)) a three-year evaluation schedule that lists institutions (including accredited and candidate institutions) undertaking self-study and scheduled for on-site evaluation and those institutions submitting a Periodic Review Report. The Commission also notifies state agencies by letter of those institutions within the state that will undergo an on-site evaluation during the coming year. Representatives of the state may or may not observe the visit. The Commission may invite comments through other means, such as letters or announcements to specific groups, including other regional or professional accrediting organizations. Such invitations are at the discretion of the Commission. To access the Commission's evaluation schedule, visit [http://www.msche.org/institutions\\_evaluationchedule.asp](http://www.msche.org/institutions_evaluationchedule.asp).

The Commission's notice will include at least the name of the institution, the academic year in which the on-site evaluation is scheduled, and the Commission address to which comments and information can be sent. Comments should be submitted no later than 60 days prior to an evaluation visit. Specific dates of evaluation visits are available from the affected institutions.

**IV. Areas That Can Be Addressed by Third-party Comment**

Third-party comments should relate to whether the institution's performance is consistent with the Commission's requirements of affiliation, accreditation standards and expectations for institutional conduct. Except as they relate to the Commission's accreditation standards, the Commission's third-party comment policy and procedures are not intended to be used to involve the Commission in disputes between individuals and affiliated institutions, or to cause the Commission to interpose itself as a reviewing authority in individual matters of admission, grades, granting or transferability of credits, application of academic policies, fees or other financial matters, disciplinary matters, contractual rights and obligations, personnel decisions, or similar matters. The Commission will not involve itself in matters related to collective bargaining issues or tenure. Individual issues should be reviewed and resolved through the institution's own published grievance procedures. Nor does the Commission seek any type of compensation, damages, readmission, or any other redress on an individual's or group's behalf. The Commission does not respond to, or take action on, any third-party comment or allegation that is defamatory, hostile, or contains profanity.

Effective Date: August 14, 2017

Previously Issued:

Initial Approval:

Revisions:

Related Documents: *Complaints Involving Member and Candidate Institutions; Complaints Against the Commission*

Federal Regulations: 34 CFR Part 602:23(b) The Secretary's Recognition of Accrediting Agencies

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## **How to Submit Third-party Comment**

All third-party comments must be submitted in writing (typed or printed from a computer) and signed, using the Commission's Third-party Comment Form. Handwritten comments will not be accepted. Commenters may, if they so choose, scan their original documents and submit them electronically to the Commission as PDF files. All third-party comments must include the following:

- Identification of the MSCHE accreditation standard(s) and/or requirement(s) of affiliation the institution has allegedly violated;
- Compelling, written evidence supporting the third-party comment. This evidence should be attached to the Third-party Comment Form;
- Indication whether the matter submitted to the Commission is currently in litigation or is under review by another entity;
- Indication whether the commenter has pursued the issue through the institution's official grievance procedure or that the institution has otherwise been made aware of the issues related to the Commission's accreditation requirements; and
- Name, mailing address, and e-mail address of the commenter (so the Commission can contact a commenter if additional information is needed).

## **Review and Response**

The Commission staff will review all third-party comments that are received. Those comments that are deemed relevant to the requirements of affiliation or accreditation standards will be shared with the appropriate peer reviewers and/or the institution. Comments that may be defamatory, in restraint of trade, or addressed to matters not relevant to the accreditation or candidacy of the institution will not be shared with the institution or peer reviewers.

Third-party comments may provide the Commission with information or evidence regarding an institution's ability to comply with the accreditation standards that is not otherwise available through a paper review and/or on-site visit. Institutions are therefore afforded the opportunity to respond and to provide evidence relative to the requirements of affiliation, the accreditation standards, and relevant regulations as appropriate. For this reason, those who submit third-party comments must provide to the Commission written permission for the comments to be shared with the institution. Third-party comments cannot be anonymous to the Commission, although, at the Commission's sole discretion, a commenter's identity may be withheld from the institution.

When responding to third-party comments, the institution will have the opportunity to respond through the self-study report, Periodic Review Report, a Commission-requested follow-up report, or separately. The Commission will determine the means through which the institution will respond. If third-party comments are received after the institution has submitted its decennial self-study or Periodic Review Report, the Commission will provide the comments to the institution and invite it to respond, if time permits. If this is not possible, the Commission will inform the institution that the self-study

evaluation team or Periodic Review Report reader(s) will receive a copy of the comments and the institution will be invited to respond at an appropriate time.

## Evaluation Team Review

The third-party comments received and the institution's response (if submitted) are provided to the chair of the peer evaluation team to be considered as part of the information that guides the team during the evaluation review. If time does not allow the institution to respond prior to the team visit, the team chair will be informed that the institution has received the comments, and that the matter may be discussed during the team visit. If third-party comments cannot be reviewed during the on-site evaluation, the Commission will determine how best the comments can be considered.

The team chair should consider the comments to be supplemental information, but it is not the responsibility of the team chair or the team as a whole to resolve the concerns outlined in the third-party comments. The Commission's concern is regarding the ability of the institution to comply with the accreditation standards.

The team chair may designate one or more team members to review the third-party comments within the context of the team visit and self-study materials to determine whether the comments raise concern as to whether the institution fails to meet the accreditation standards or has failed to follow its own policies or procedures. If the team identifies any areas of concern, it is the responsibility of the visiting team to recommend to the Commission an appropriate course of action. However, the team should not suggest an action based solely on the comments. Any areas of concern must be verified through the visit process or in the self-study document.

### **Third-party Comment for a Monitoring Report, or Progress Report**

Third-party comments submitted while an institution is preparing a Monitoring Report, or a Progress Report, and the institution's response, will be forwarded to the evaluators as appropriate and relevant. If the evaluator(s) identify any areas of concern, it is their responsibility to recommend to the Commission an appropriate course of action. However, the evaluator(s) should not suggest an action based solely on the third-party comments. Any area of concern must be verified with compelling evidence.

Version: v. 080417 (technical amendment)Effective Date:

Previously Issued:

Approved: June 2013

Revisions:

Related Documents: *Complaints Involving Member or Candidate Institutions*

Federal Regulations: 34 CFR Part 602.23(b)

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**Middle States Commission on Higher Education**

Third-party Comment Form

All persons submitting third-party comments to the Commission must use this form. Additional documentation should be attached, using this as the cover sheet.

Please print or type

Name of Commenter \_\_\_\_\_

Street Address \_\_\_\_\_

City/town \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail Address \_\_\_\_\_

Name of Institution \_\_\_\_\_

Your Relationship to the Institution (check all that apply):

Administrator       Faculty       Staff       Student       Alumni

Other (Please specify) \_\_\_\_\_

The issues addressed by these third-party comments are related to Collective Bargaining:

Yes       No

The issues addressed by these third-party comments are currently the focus of litigation:

Yes       No

The issues addressed by these third-party comments pertain to the following MSCHE accreditation standards:

\_\_\_\_\_

Your comments about the institution's quality or effectiveness (attach additional pages if necessary):

What is the basis for your comment(s)? Please attach compelling, written evidence.

I hereby grant the Middle States Commission on Higher Education permission to share my third-party comments and accompanying documentation with the institution.

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Signature of Commenter

Mail completed form and attachments to:

Third-party Comment  
Middle States Commission on Higher Education  
3624 Market Street, Second Floor  
Philadelphia, PA 19104