



Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104-2680

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NACIQI Submits Final Report on HEA Reauthorization Accreditation Policy Recommendations

On June 7 the National Advisory Committee on Institutional Quality and Integrity (NACIQI) sent to U.S. Secretary of Education Arne Duncan its report of 24 recommendations pertaining to higher education accreditation. These recommendations are to be considered as part of the process of Congressional reauthorization of the Higher Education Act, currently expected during 2013.

NACIQI is the federal advisory panel that reviews accreditors' compliance with federal regulations and recommends to the Secretary of Education which accrediting organizations should be recognized. In December 2010, Secretary Duncan asked NACIQI to develop recommendations regarding the current system of accreditation and recognition of accreditors. The panel's draft final report, issued on February 8, outlined recommendations in such areas as the role of federal and state governments in quality assurance, the role and scope of accreditors, data as a tool in quality assurance and public information, and NACIQI's role as an advisory body.

In mid-March, the Council for Higher Education Accreditation (CHEA), in cooperation with 29 accrediting organizations that are recognized by the U.S. Secretary of Education, submitted comments to NACIQI regarding the Committee's draft final report on accreditation considerations.

In a recent *Federal Update* electronic newsletter, CHEA noted that the comments submitted to NACIQI made the case that some of the draft final report's recommendations could lead to a more active role by the U.S. Department of Education in the practices of accreditation, as well as a potential federal standardization of the expectations for academic quality. The comments urged NACIQI members to reconsider a number of their recommendations and identified proposals put forth by the accreditation community to further strengthen accreditation.

After reviewing comments submitted by multiple organizations, NACIQI voted in April on the final version of its report, which has now been sent to Secretary Duncan. The recommendations focus on three key areas—the triad of entities responsible for quality assurance in higher education; the scope, alignment, and accountability of accreditors; and regulatory burden and data needs of Title IV programs. To view the full report and its recommendations, visit www.msche.org/documents/naciqi-final-report.pdf.

U.S. Court of Appeals Strikes Down Rules on State Authorization and Misrepresentation

On June 5, 2012, the United States Court of Appeals for the District of Columbia Circuit overturned the U.S. Department of Education's state authorization regulations regarding distance education. This latest ruling was part of a Court of Appeals decision that addressed the Department's Program Integrity rules. The rules had been challenged by the Association of Private Sector Colleges and Universities, but were also unpopular with other segments of higher education. The Appeals Court ruled that because the Department's Notice of Proposed Rulemaking to establish the State Authorization rules did not specifically address distance education, nor did it solicit public comments regarding the proposed regulations, higher education institutions and others who were interested in this issue were not provided with sufficient opportunities to respond.

The June 5 Court of Appeals decision also struck down another new federal regulation. The Court ruled that new regulations regarding Misrepresentation exceeded the Department of Education's authority. While the Department previously defined Misrepresentation as "false, erroneous or misleading statements made by an institution to students, prospective students or their families," the new regulation expanded the definition to include "any statement that has the likelihood or tendency to deceive or confuse." The Court of Appeals rejected the expanded definition, stating that it was unsupported by existing law.

Commission Fields Inquiries Regarding Intensive English Language Programs

In the wake of recent comments by a representative of the U.S. Department of Homeland Security, the MSCHE has received many inquiries from member institutions regarding the accreditation status of their Intensive English Language Programs. Federal regulations now require that such programs be accredited. Since MSCHE and the other regional accreditors throughout the U.S. accredit entire institutions, but not individual programs, both the Department of Homeland Security and the Department of Education recently indicated that such programs can provide a letter from their regional accreditor indicating that the IEP is included within the scope of the institution's accreditation. Before doing so, the MSCHE staff will require the following information from any member institution that requests such a letter: (1) When did the program begin?; (2) Was the program offered by the institution at the time of the last reaffirmation of

accreditation?; (3) Does the program represent a significant departure in content or delivery from other programs offered by the institution?; (4) Is the program consistent with the institution's mission?; (5) Is the program owned, operated, or governed by a separate entity through a contractual agreement with the MSCHE-accredited institution?; (6) If the program is owned, operated, or governed by a separate entity through a contractual agreement, has the agreement been approved under the provisions of the policy on Substantive Change?; (7) Is the separate entity accredited by MSCHE?; and (8) Is the separate entity or program accredited by an agency recognized by the U.S. Department of Education?

To request a letter regarding your institution's Intensive English Program, contact Diana Bonner, Executive Assistant to the Vice Presidents, at dbonner@msche.org.

2012 Annual Conference Slated for December 5-7

Planning is continuing for *Accreditation in a Changing Environment*, the 2012 MSCHE Annual Conference. This year's conference is scheduled for December 5-7 at the Marriott Philadelphia Downtown Hotel, adjacent to the Pennsylvania Convention Center. Sessions will focus on meeting accreditation standards in an environment that demands increased accountability. The Commission received an outstanding response to the recent *Call for Presentation Proposals*. The concurrent sessions have been selected, and work has begun on preparation of the conference preliminary program. In addition, the conference planners are currently finalizing plenary speakers. Dr. Davie Jane Gilmour, MSCHE Commissioner and President of Pennsylvania College of Technology, is serving as this year's Conference Chair.

Watch your mailbox and the MSCHE website for registration materials in late Summer.

Higher Education Compliance Alliance is Now Online

The Higher Education Compliance Alliance, a new online resource for information on federal regulations affecting higher education, is now available at <http://www.higheredcompliance.org>. Spearheaded by the National Association of College and University Attorneys (NACUA), the Compliance Alliance was created to provide the higher education community with a centralized repository of information and resources for compliance with federal laws and regulations. Founding members include 22 organizations representing a broad cross-section of higher education interests.

Reminder About MSCHE Standards and Publications

When your institution is preparing its self-study, Periodic Review Report, monitoring report, or any other document for the Commission, please remember to use the latest edition of relevant Commission publications. [*Characteristics of Excellence in Higher Education \(2011\)*](#), the [*Handbook on Periodic Review Reports \(2011\)*](#), and the [*Handbook on Team Visits: Conducting and Hosting an Evaluation Visit \(2009\)*](#) have all been updated in the past several years.

Characteristics of Excellence, containing the 14 MSCHE accreditation standards, was updated during 2011 to reflect new requirements of the Higher Education Opportunity Act.

The Commission expects to soon release an updated version of its handbook, *Self-Study: Creating a Useful Process and Report*. It is anticipated that the booklet will be ready for distribution in September. In addition, the Commission's Periodic Review Report Working Group has developed a set of recommendations for changes to the PRR process. In the coming weeks, the recommendations will be distributed to MSCHE institutions for comment.

To ensure your institution is using the correct versions of all Commission publications, visit the [MSCHE website](#) for free downloads of the latest editions. Print copies are available for purchase.

Annual PRR Workshop



MSCHE Vice President Debra Klinman addresses participants during the 2012 PRR workshop.

The Commission held its annual Periodic Review Workshop on March 20 at the DoubleTree by Hilton Philadelphia Center City Hotel. Participants included representatives of institutions that have PRRs due to the Commission on June 1, 2014, along with volunteers who will serve as PRR reviewers/readers for the Commission. Following brief welcoming remarks by MSCHE President Elizabeth H. Sibolski, the participants listened to a series of speakers and participated in small group sessions.

Commissioner Robert Clark, Professor of Allied Health/Science at New Jersey's Cumberland County College, addressed *The Commission's Expectations for the Periodic Review Report*. Dr. Clark described the three-tiered system of accreditation, involving peer reviewers, the PRR Committee, and the full Commission. He noted that the 14 accreditation standards are applied to all institutions through this three-tiered approach, and that the standards are applied within the context of each institution's unique mission. "The Commission must make unassailable decisions and treat all institutions fairly," he said. "We do not compare institutions to each other, but instead examine how well they are meeting the 14 standards." Dr. Clark explained that once an institution submits its PRR, the document is read by two peer reviewers plus a finance associate and a Commission Vice President. They then present their report and recommendations at a meeting of the Commission's PRR Committee. Recommendations are discussed and voted on, and then submitted to the full Commission. "We strive to make decisions that are equitable to all institutions, and this requires a careful, deliberative process," he noted.

MSCHE Vice Presidents Ellie A. Fogarty and Debra G. Klinman presented a session on *Understanding Federal Compliance Expectations for the Periodic Review Report*. They addressed accreditation-relevant components of the Higher Education Opportunity Act, the signed Certification Statement that each institution must submit with its PRR, and new requirements for institutions concerning distance education programs, transfer of credits, assignment of credit hours, and the Title IV cohort default rate.

Dr. Andrea Lex, Dean of Planning, Assessment, and Institutional Research at Maryland's Prince George's Community College, and a former MSCHE Vice President, presented *The Periodic Review Report: Providing Evidence That Institutional Planning and Budgeting Are Linked*. She emphasized the need for evidence to be provided as part of the PRR and urged participants to explore the degree to which reasonable human and financial resources are available to an institution. "The PRR should show 'this is where we were, where we've come, and where we want to be,' and provide evidence that there is support from the highest institutional levels for linking resource allocation to planning priorities," she said.

Dr. Lex cautioned attendees to provide sufficient evidence in support of the PRR without overburdening the reviewers. "Do not send a 20-pound box of backup information. Provide crisp information for the reviewers" with supporting analyses, she emphasized. She also noted that it could be worthwhile for the author(s) of a PRR to provide a draft copy to a third party to provide a fresh set of eyes before the PRR is submitted to the Commission.



Robin Beads discusses the PRR and institutional effectiveness.

Dr. Karen Frosolid Jones and Dr. Robin Beads, the Director and Assistant Director, respectively, of the Office of Institutional Research and Assessment at American University, presented *The Periodic Review Report and the Assessment of Institutional Effectiveness*. They urged participants to highlight in their PRRs the ways that assessment is valued, demonstrate that efforts have gone into making assessments do-able and useful, show evidence that assessment results, both positive and negative, are welcomed by the institution, and demonstrate how assessment is used and embedded into the fabric of the institution. They suggested that PRRs document progress in the development of learning outcomes and how assessment results have been used to improve student learning. A further suggestion was that PRRs emphasize the link between assessment and strategic planning.

At several times throughout the PRR Workshop participants broke into small groups for discussions on *Addressing Recommendations, Challenges, and Opportunities*, and on *Preparing the PRR*. Each of these small group sessions was led by a team of MSCHE Vice Presidents. MSCHE Senior Vice President Robert Schneider conducted sessions for PRR reviewers on *Reading the PRR* and *Preparing the Review*.

The Power Point presentations from the general sessions of the March 20 PRR Workshop are now available on the Commission's website. They can be viewed by [clicking here](#) or by visiting www.msche.org, clicking on Events, then clicking on Presentation Materials, and finally, clicking on 2012 PRR Workshop.

Complaints and Third-party Comments

The Commission is required by federal regulations to review complaints and third-party comments regarding member institutions. During the past year, the Commission received 113 complaints or third-party comments involving 76 institutions. When complaints concern issues that are not relevant to the accreditation standards or requirements of affiliation, they are reviewed and then dismissed. Others require further analysis and, in some cases, they involve outreach to the specific institutions for a response.

The Commission's policy on *Complaints Involving Member and Candidate Institutions* notes that individuals can submit at any time information regarding an institution's compliance with Commission requirements of affiliation, standards, or policies; or regarding an institution's compliance with its own policies or procedures. Complainants are required to submit compelling written evidence with their complaint and to grant the Commission permission to share the complaint, evidence, and the complainant's identity with the institution. Individuals interested in submitting information regarding an institution's accreditation to be considered during an upcoming accreditation review are encouraged to follow the MSCHE policy on *Third-Party Comment*.

The Commission's complaint procedures were created to address non-compliance with the Commission's or the institution's standards, policies, or procedures. They are not intended 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. Nor does the Commission seek any type of compensation, damages, readmission, or any other redress on an individual's behalf. The Commission does not respond to, or take action on, any complaint or allegation that is defamatory, hostile, or that contains profanity.

When the Commission reaches out to an institution for a response to a complaint or third-party comment, it should not be viewed by the institution as an assumption by the Commission of institutional wrongdoing. Instead, it is part of the Commission's due process procedures to ensure that both sides of an issue are reviewed. The policies on *Complaints Involving Member and Candidate Institutions* and *Third-party Comment* can be viewed by visiting www.msche.org and clicking on the Policies button.

Puerto Rico Workshops Are a Rousing Success

The Commission recently sponsored a one-day professional development workshop in San Juan, Puerto Rico. The workshop, *Evidence of Compliance: What Is The Commission Really Looking For,?* was presented by former MSCHE Chair Michael F. Middaugh.

Although a single workshop on March 7 was offered at the Sheraton Puerto Rico Convention Center Hotel, due to an overwhelming response from institutions throughout the island, the workshop was repeated on March 8. Both days were sold out.

In addition to the two Puerto Rico workshops, an April 18-19 workshop in Rochester, New York, *Integrating Higher Education Planning and Assessment: Real Strategies for Real Institutions*, was near capacity, and a May 3 workshop on *Understanding and Using Student Learning Assessment Results*, offered in Philadelphia, was sold out.

Based on the tremendous response from MSCHE institutions, workshops are now being planned for the 2012-13 academic year (see following article). The Commission hopes to offer a variety of programs at locations throughout the MSCHE region.

Two Fall Workshops Announced

The Commission has scheduled its first two workshops for 2012-13.

First will be *Becoming An Assessment Facilitator*, a popular workshop presented by Jodi Levine Laufgraben, Vice Provost for Academic Affairs and Assessment at Temple University. The session is scheduled for Monday, September 10, at the DoubleTree by Hilton Philadelphia Center City. This workshop is for those who are familiar with assessment and who want to learn how to guide others in developing plans and tools for assessing student learning. The workshop is ideal for assessment directors and assessment committee members, institutional research directors, faculty developers, and academic affairs and student affairs administrators.

For registrations received and paid on or before August 20, the cost is \$275 per person. Registrations received and paid between August 21 and September 3 will be \$355 per person. The registration fee includes a continental breakfast, refreshment breaks, lunch, and workshop materials.

The second workshop, scheduled for Friday, September 21, is *A Basic Toolbox for Assessing Institutional Effectiveness*. It will be offered at the DoubleTree by Hilton Philadelphia Center City. This workshop will focus on ways to measure the extent to which an institution is making the most effective and efficient use of its human and fiscal resources in support of the teaching/learning process. Presentations and interactive discussions will address strategies to identify those dimensions of institutional effectiveness that are appropriate for your institution. The workshop will also provide an overview of data collection tools that have been found to be demonstrably successful in assessing institutional effectiveness. The presenter will be Dr. Michael F. Middaugh, Retired Associate Provost for Institutional Effectiveness at the University of Delaware, and former Chair of the Middle States Commission on Higher Education. Dr. Middaugh currently serves as a higher education consultant. The early registration fee, for registrations received and paid on or before August 31, is \$295 per person. Registrations received and paid between September 1 and September 14 will be \$375 per person. The registration fee includes a continental breakfast, refreshment breaks, lunch, workshop materials, and a copy of Dr. Middaugh's book, *Planning and Assessment in Higher Education: Demonstrating Institutional Effectiveness*.

Participants in either workshop are responsible for their own accommodations. MSCHE has not reserved a block of rooms. The hotel can be reached at (215) 893-1600. To register for either workshop, or for further information, visit www.msche.org and click on *Events*.

A Reminder About Transfer of Credit Policies

The Commission's Standard 11: Educational Offerings lists 13 Fundamental Elements that are expected to be met by all accredited institutions. One of these Fundamental Elements covers an area about which the Commission receives many questions from students: transfer of credit policies. It notes that MSCHE-accredited institutions must have "published and implemented policies and procedures regarding transfer credit that describe the criteria established by the institution regarding the transfer of credits earned at another institution. The consideration of transfer credit or recognition of degrees will not be determined exclusively on the basis of the accreditation of the sending institution or the mode of delivery but, rather, will consider course equivalencies, including expected learning outcomes, with those of the receiving institution's curricula and standards. Such criteria will be fair, consistently applied, and publicly communicated."

On occasion the Commission receives complaints from students who claim that they were rejected for transfer into MSCHE-accredited institutions solely because their previous credits were earned at a non-accredited institution. If such claims can be verified, the institution rejecting the transfer credit could be considered out of compliance with Standard 11.

MSCHE President to Head C-RAC

Dr. Elizabeth H. Sibolski, President of MSCHE, has been selected to serve for the next two years as Chair of the Council of Regional Accrediting Commissions (C-RAC). C-RAC consists of the seven regional higher education accrediting Commissions in the United States: MSCHE, the Higher Learning Commission of the North Central Association of Colleges and Schools, the Commission on Colleges of the Southern Association of Colleges and Schools, the Commission on Institutions of Higher Education of the New England Association of Schools and Colleges, the Northwest Commission on Colleges and Universities, and the Western Association of Schools and Colleges (the Accrediting Commission for Senior Colleges and Universities and the Accrediting Commission for Community and Junior Colleges). The leaders of the regional higher education accrediting commissions meet several times per year to discuss ongoing cooperation as well as federal initiatives and proposals regarding higher education accreditation.

Commission Welcomes New Staff Members

The Commission recently welcomed two new members to its staff. Erin A. Mattson is the new Assistant Director for Accreditation Services and Kathy Melendez is the new Accreditation Services Coordinator. Erin joined the staff on June 4. Previously she served as Senior Admissions Counselor at Temple University for six years. She earned her Bachelor's degree from Temple and her Master's degree from University College Dublin. Kathy joined the staff on May 24, succeeding Yashira Tirado, who recently left the Commission staff to pursue other personal and career interests. Kathy previously worked for the University of the Arts in Philadelphia and for the Temple University Health System. She speaks Spanish fluently and will be responsible for the monitoring of the Commission's Spanish language telephone line and e-mailbox.

In addition to the two new staff members, a long-time member of the MSCHE staff has a new title and revised duties. Carmella Morrison, who previously served as Assistant Director for Accreditation Services, is now the Assistant Director for Substantive Change. This is a reflection of the increased volume of Substantive Change requests submitted to the Commission in recent

years. Carmella has been a member of the Commission staff since 1992. In her new role she is responsible for managing and refining the Substantive Change submission process; managing the Commission's Committee on Substantive Change (including membership, scheduling meetings, assigning and training reviewers, and managing the distribution and receipt of Committee materials); coordinating and conducting (as appropriate) additional location visits as required; and other duties.

Recent Commission Actions

The Commission's most recent meetings occurred on March 1 and June 28, 2012. For listings of recent Commission actions, [click here](#). The Commission's next meeting will be held on November 15 in Philadelphia.