



ACCREDITING COMMISSION for COMMUNITY and JUNIOR COLLEGES
Western Association of Schools and Colleges

Barbara A. Beno, President
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To: Chancellors, Superintendents, Presidents, and Accreditation Liaison Officers of Member Institutions, All interested Parties

From: Barbara A. Beno *Barbara A. Beno*

RE: January 5, 2016 USDE Decision on ACCJC Appeal

In January 2014, following a December hearing, the U.S. Department of Education (USDE) acted to continue the recognition of the Accrediting Commission for Community and Junior Colleges (ACCJC) and to require a compliance report addressing subcomponents of 15 regulations. In February 2014, ACCJC appealed the U.S. Department of Education decision on recognition in two areas. After a long wait of two years, USDE released its appellate decision on January 5. I am writing to inform you of that decision, its specific meanings, and ACCJC steps going forward.

1. The ACCJC appealed the USDE's 2014 final decision that it did not meet Section 602.15(a)(3) because its policies (for the USDE, "policies" means Standards, Policies and procedural documents such as protocols and manuals) did not correctly describe what would qualify a person as an academic or an administrator. Specifically, the ACCJC felt the department's determination that student services professionals should not be identified as academics went beyond the appropriate application of regulations.

Federal regulations require accreditors to have academics and administrators on teams. The protocol document that ACCJC provided USDE included as "academics" the persons who work in student services, including faculty who have librarian and counselors roles, and certain administrators with academic credentials and responsibilities, including student services deans and vice presidents. The ACCJC protocol defines as "administrators" persons who serve as president or CEO, vice president or director of administrative services, vice president or director of financial services, and other positions such as director of facilities, etc. – clearly nonacademic positions. Interestingly, our decision to include student services faculty and administrators as "academics" was based in part on their classification as such in the majority of our member colleges. USDE disagreed.

Nevertheless, while appealing the issue, the ACCJC did change its protocol in 2014. Student services faculty are still included in ACCJC's definition of academics; student services administrators are now included on teams as "administrators."

The U.S. Department of Education decision, *upheld by the USDE Secretary in the appeal decision*, determined that it was appropriate for USDE staff to find that student services personnel were not commonly considered academics in higher education in this country, and thus that ACCJC's protocol did not meet federal regulations because it included such positions. The protocol revision and its implementation will easily demonstrate the ACCJC's resolution of the deficiency noted in the USDE final decision, and compliance with the regulations in that regard.

2. The ACCJC also appealed the USDE's 2014 decision that it did not meet Section 602.13 of the regulations, as it had not sufficiently demonstrated that it had wide support for its standards and practices. This decision was based on the determination that "some of its supporting documents (i.e., letters) constituted letters of gratitude not letters of support" and almost none of the letters were from "educators." ACCJC's appeal was intended to address the narrow definition of "educators" applied by USDE staff in discounting letters from dozens of CEOs and others, including other administrators and heads of organizations. In the appeal decision, the Secretary agreed with ACCJC that the term "educator" clearly included both administrators and academics, and that the term "academic" clearly included other categories beyond faculty. However, the decision clarified that ACCJC's letters of support should have been divided into letters from educational institutions and those from educators, as "educational institutions" and "educators" were two specific categories for which support was to be demonstrated within the regulation. In addition, the appeal decision said it was appropriate for the USDE staff to request additional demonstration of support from faculty, given that a large segment of faculty (supporting City College of San Francisco) had indicated a lack of support for ACCJC's decision and processes. With the additional clarification provided in the appeal decision, ACCJC will be able to demonstrate the necessary support for its standards and practices.

The appeal decision specified that the ACCJC should submit a report by February 4, 2017, demonstrating its resolution of the two issues above. The report will be reviewed by USDE staff, and the ACCJC will have further opportunity to respond. The USDE final staff report will be considered in the June 2017 NACIQI meeting, with an anticipated decision in August 2017, signed by the Senior Department Official.

I hope this information answers questions or addresses concerns you may have.

BAB/cms