



**ACCREDITING  
COMMISSION  
for COMMUNITY and  
JUNIOR COLLEGES**

*Western Association  
of Schools and Colleges*

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**Date:** June 15, 2015

**Memo to:** Member Institutions: Chief Executive Officers, Chancellors,  
Accreditation Liaison Officers

**Copy:** Interested Others: Accreditors, Governmental Agencies, and  
Other Organizations

**From:** Krista Johns, Vice President for Policy and Research

**Subject:** Commission Actions on Policy, Policy Committee Activities

We request that you publicize the information in this memo at your institution. Please note that comment is invited from the field on the first reading policy listed below in section one. A window of time through August 31, 2015 has been established for comment. Information about how to submit comment is included below.

The Policy Committee is a standing committee of the Commission. Through Commission processes, the Policy Committee oversees the ongoing review and updating of Commission policy. Commission procedures require that proposed institutional policy changes and/or new policies be considered by the Commission in a two-meeting process. At the first meeting, new policies and policy changes are discussed and modifications are made as appropriate (i.e., "First Reading"). These policies are then circulated to ACCJC accredited institutions via email, and to other interested parties via the online posting of Recent Commission Actions, for review and comment before presentation at the next Commission meeting for second reading and adoption.

When policy changes are needed in order to align with federal regulations or guidelines, they must be made expeditiously; these changes can be made by the Commission without the normal First Reading/Second Reading process for institutional policies. If these changes are made by Commission action between regular meetings, then the changes are reported to the field at the next Commission meeting.

New or revised operational policies of the ACCJC are adopted by a vote of the Commission in Public Session. Amendments to ACCJC Bylaws are made in accordance with Bylaws requirements.

The institutional policies and operational policies of the Commission are published annually in the *Accreditation Reference Handbook (ARH)* along with Eligibility Requirements and Accreditation Standards. The publication is completed after the June Commission meeting each year. The ARH is available online at [www.accjc.org](http://www.accjc.org).

Changes to existing policies are noted in bold italic font and strikethrough. New policies are all bold italic font.

**1. The following revised institutional policy was approved by the Commission for first reading.**

- **Policy on the Rights and Responsibilities of the Commission and Member Institutions**

The substantive revision clarifies when Third Party Comment must be submitted to the ACCJC so that it may be included as part of an external evaluation team's evaluation of an institution. In other cases, the regular process for addressing Third Party Comment is followed. A few additional edits were made for understandability.

Comment Invited

The policy considered for first reading as well as the adopted policies and organizational documents were attached to an electronic version of this correspondence emailed to Chief Executive Officers and Accreditation Liaison Officers. The policies can also be found online at [www.accjc.org](http://www.accjc.org) under 'Recent Commission Actions,' 'Actions on Policy.'

*Please note:* The Commission invites comment on the first reading policy through August 31, 2015, 5:00 p.m. Pacific Time.

There is no special form for comments on policy. Comments may be made in written form and mailed, FAXed, or emailed to one of the following addresses:

- Email: [kjohns@accjc.org](mailto:kjohns@accjc.org)
- FAX: 415-506-0238
- Mail: ACCJC, ATTN: Krista Johns, 10 Commercial Blvd. Suite 204,  
Novato, CA 94949

**2. The following new institutional policy was adopted by the Commission.**

- **Policy on Eligibility to Apply for Accredited Status**

This policy provides information that has been contained in the Eligibility, Candidacy, and Initial Accreditation Manual, for reference by institutions seeking to begin the process for gaining accredited status.

**3. The following revised institutional policies were adopted by the Commission.**

- **Policy on Commission Actions on Institutions**

In accordance with direction from the Commission in June 2014, the Policy Committee undertook revisions to this policy to reflect changes made in accreditation practice during the Review of Accreditation Standards and Practices, and so that definitions related to sanction would align with those of other regional accreditors. New sections include a definitions section and a section on other commission actions. Comments received from the field were considered in making final edits to the policy for second reading.

- **Policy on Commission Good Practice in Relations with Member Institutions**

This policy underwent a full review to update references to current accreditation practice and to eliminate sections that were better covered in other policies. Remaining language was edited and reorganized to facilitate readability and clarity.



- **Policy and Procedures for Evaluation of Institutions in Multi-College/Multi-Unit Districts or Systems**

The policy has been revised to eliminate procedural material and to simplify the policy statement concerning multi-college district or system reviews. The Policy Committee recommended that the Commission begin a project of identifying procedural guidance for inclusion in a chapter or brief manual for team chairs. The implementation of this project is reported below under Policy Committee Activities.

- **Policy on Closing an Institution**

The primary revision here is to clarify that when voluntary or involuntary withdrawal of accreditation occurs at an institution, or is anticipated to occur, the need for a closure report and substantive change review may be triggered as related to the change in the nature of the constituency served. Other routine clarifications and edits were made.

- **Policy on Substantive Change**

As with the Policy on Closing an Institution, The primary revision clarifies that when voluntary or involuntary withdrawal of accreditation occurs at an institution, or is anticipated to occur, the need for a closure report and substantive change review may be triggered as related to the change in the nature of the constituency served. Other routine clarifications and edits were made to the policy language as well.

**4. The ACCJC Bylaws are presented for information to the public on the recent amendment.**

- **ACCJC Bylaws—Report on Action Taken**

The ACCJC Bylaws were amended in June 2015. A new section was added which pulled together all of the references in the bylaws to Commission actions outside of regularly scheduled meetings. This was done to increase clarity. The Commission also enacted a new elected office, that of Secretary/Treasurer. Other edits were made to update language or clarify meaning.

**5. Policy Committee Activities:**

**Study group to lead consideration of accreditation practice in multi-college districts or systems, including the handling of external evaluation visits.**

In response to the Policy Committee recommendation in January 2015, and to input from the field since that time, a Study Group has been formed to develop recommendations for accreditation practices in multi-college districts or systems, including the handling of external evaluation visits. This Study Group will be led by Dr. Frank Gornick.

**Reorganization of Commission policies.**

The Policy Committee will be beginning a review of institutional policies for the purpose of recommending changes to the organization and structure of the body of Commission policy. The objective of organizational or structural changes will be to simplify policies, reduce redundancy, and to make policy provisions on particular subjects more easily searchable.

## Policy on the Rights and Responsibilities of the Commission and Member Institutions

*(Adopted January 2005; Edited August 2007, October 2007; Revised June 2011, June 2012;  
Edited August 2012; Revised October 2013, January 2014, First Reading June 2015)*

### Background

Students, the public, higher education bodies, and various levels of government need assurance that an accredited institution is of high quality and possesses integrity. American higher education has chosen to use a voluntary, non-governmental, self-regulatory process to provide this assurance. Such a process must balance institutional autonomy, independence, and freedom with an institution's responsibilities to its various constituencies. Therefore, the process must carefully delineate the rights and responsibilities of both the accrediting bodies and the institutions they accredit. Mutual understanding and respect for the rights and responsibilities of each party will assure that higher education remains fundamentally sound, responsible, responsive, and effective, so that the public may have confidence in the integrity and quality of educational institutions with a minimum need for government regulations.

### Policy

The Commission is committed to partnering with a member institution in a voluntary non-governmental accreditation process that results in a mutual commitment to self-regulation, quality assurance to the public, and continuous institutional improvement. The Commission and its member institutions share rights and responsibilities to develop and ~~promulgate~~ **disseminate** Accreditation Standards and an agreed-upon accrediting process for educational quality and institutional effectiveness review (formerly institutional comprehensive review). The institutional Chief Executive Officer is the chief representative of the institution to the Commission. The Commission communicates to the institution primarily through the Chief Executive Officer.

### Policy Elements

#### A. Development and ~~Promulgation~~ **Dissemination** of Standards

The Commission has the responsibility to develop standards which are consistent with the purposes of accreditation, which are sufficiently flexible to allow diversity and effective program development, and which allow and encourage institutional/programmatic freedom and autonomy, and allow the institution to exercise its rights within a reasonable set of parameters relevant to the quality of education.

The Commission has the responsibility to provide opportunities for broad participation of affected constituencies in the development and acceptance of the Eligibility Requirements, Accreditation Standards, and Commission policies, and to permit institutional input on new or revised policies by providing for an opportunity for review at public meetings of the Commission and to consider such input from a member institution when making changes to the Eligibility Requirements, Accreditation Standards, and Commission policies.



A member institution has the responsibility to participate in development of the Eligibility Requirements, Accreditation Standards, and Commission policies and in the Commission's periodic reviews. The Commission has the responsibility to develop and ~~promulgate~~ *disseminate* Eligibility Requirements, Accreditation Standards, and Commission policies that meet the requirements of the U.S. Department of Education (USDE) regarding a member institution's eligibility for Title IV. The institutional Chief Executive Officer and the Accreditation Liaison Officer have the responsibility to communicate and ~~promulgate~~ *disseminate* information to their institutional constituencies about the Eligibility Requirements, Accreditation Standards, and Commission policies, any changes to them, and the institution's plans for changes needed to comply with them. A member institution has the responsibility to communicate directly to the Commission any comments on or concerns about the Commission's Eligibility Requirements, Accreditation Standards, and policies.

## **B. Institutional Records of Accreditation**

The Commission has the responsibility to provide, when requested, copies of correspondence pertaining to that institution to the Chief Executive Officer and, when appropriate, to the Accreditation Liaison Officer.

A member institution has the responsibility to develop an effective mechanism to ensure the internal coordination of accreditation activities. A member institution has the responsibility to maintain all correspondence and records on the accreditation history of the institution, and on substantive change applications and the outcomes of the application.

A member institution has the responsibility to share records of the institution's accreditation history, as appropriate, within the campus community.

## **C. Information Collection**

The Commission has the responsibility to specify items to be addressed in all reports to the Commission, require only information that is relevant to the Eligibility Requirements, Accreditation Standards, and Commission policies, and respect the confidentiality of information required and evaluated in the accreditation process. The Commission also collects information required by USDE regulations.

A member institution has the responsibility to: determine how to design and conduct the institutional self evaluation process, involve broad and appropriate constituent groups in the preparation and process of the Self Evaluation Report of Educational Quality and Institutional Effectiveness, disclose to the Commission all information which is required to carry out the Commission evaluation and accreditation functions and respect the confidentiality of information required and evaluated in the accreditation process.

A member institution has the responsibility to maintain records of formal student complaints and grievances between each review cycle, and make them available to the Commission and evaluation team upon request, in accord with federal regulations. A member institution must submit substantive change proposals for approval by the Commission before such substantive changes are implemented.



## D. Site Visits and Reviews

The Commission has the right to: conduct site visits ~~as required~~ under the Commission's adopted accreditation processes, **and to exercise its discretion whether or not to *modify an established visit*** ~~conduct joint, concurrent, coordinated, consolidated, or phased visits~~ when requested by an institution. **and The Commission may** note in its accreditation documents any attempt by professional organizations, collective bargaining groups, or special interest groups to impede or interfere with participation in the educational quality and institutional effectiveness review process and visit. The Commission has the right to monitor and report as required by USDE regulations for recognized accrediting agencies.

A member institution has the right to ~~request the Commission to hold joint, concurrent, coordinated, consolidated, or phased visits;~~ and review the list of proposed evaluation team members in order to avoid potential conflicts of interest.

The Commission has the responsibility to select evaluation team members, who are competent by virtue of experience, training, and orientation, and are sensitive to the unique mission of the institution. Teams will include both academic and administrative representatives. Faculty members will be included among the academic representatives on comprehensive evaluation teams. Prior to the selection of the evaluation team, the Commission will consult with the institution to determine any special needs or concerns. The Commission has the responsibility to assure that evaluation team members are impartial, objective, and without conflict of interest and that the evaluation team is of an appropriate size and composition for the purposes of the site visit. The institution has the right and responsibility to review the evaluation team members and report any conflicts of interest or concerns to the Commission before the team composition is finalized. The Commission has the responsibility to assure that evaluation team members keep confidential all institutional information examined or heard before, during, and after the site visit. The Commission has the responsibility to set the length of a site visit, ordinarily three days for a review and one or more days, as needed, for a follow-up or any other special visit. The Commission has the responsibility to set the dates of the site visit in consultation with the institution.

The Commission also has the responsibility to communicate its findings derived from the site visit to the institution; ensure that the External Evaluation Report of Educational Quality and Institutional Effectiveness (formerly Team Report) identifies and distinguishes clearly between findings, conclusions and recommendations related to deficiencies in meeting the Eligibility Requirements, Accreditation Standards and Commission policies, and those recommendations representing suggestions for quality improvement; provide the Chief Executive Officer of the institution with an opportunity to correct all factual errors in the draft External Evaluation Report; and provide supplemental materials pertinent to the facts and conclusions in the External Evaluation Report before it takes action on the Institutional Self Evaluation and External Evaluation Report.

A member institution has the responsibility to provide maximum opportunity for communication between all relevant constituencies and the evaluation team; and ensure that professional organizations, collective bargaining groups, or special interest groups not impede or interfere with reports, visits, and reviews. A member institution also has the responsibility to make the External Evaluation Report available to the public. A member institution has the responsibility to acknowledge that specialized accrediting agency recognition, local governmental requirements and/or collective bargaining agreements, in



and of themselves, do not abrogate or substitute institutional and employee obligations to comply with the Eligibility Requirements, Accreditation Standards, and Commission policies.

## **E. Accreditation Decisions**

A member institution has the right to withdraw a request for any status of accreditation at any time prior to the decision on that request. A member institution also has the right to appeal an accreditation decision to deny accreditation or to terminate accreditation in accordance with the policies of the Commission and to maintain accredited status during the appeal. A member institution has the right to withdraw from Commission membership by sending a written notice to the Commission of the intent to withdraw as of the end of the institutional semester or term. Ordinarily, the notice must be sent with adequate time for the Commission to approve the request at its next scheduled meeting<sup>1</sup> prior to the anticipated date of withdrawal of accreditation.

The Commission has the responsibility to: permit the withdrawal of a request for any status of accreditation at any time prior to the decision on that request; require an institution voluntarily withdrawing from Commission membership to take appropriate steps to notify its student body, the U.S. Secretary of Education, appropriate state/governmental licensing and authorizing agencies, and the public, and where appropriate to follow the Commission's "Policy on Closing an Institution"; make decisions solely on the basis of published standards, policies, and procedures using information available and made known to the institution; avoid conflicts of interest in the decision-making process; and ensure the confidentiality of the deliberations in which accreditation decisions are made, and observe due process in all deliberations.

The Commission also has the responsibility to: notify institutions promptly in writing of accreditation decisions and give reasons for the actions; ensure that the communication of the final accreditation decision identifies and clearly distinguishes between recommendations related to deficiencies in meeting the Eligibility Requirements, Accreditation Standards and Commission policies and recommendations representing suggestions for quality improvement; publish accrediting decisions, both affirmative and negative, except for initial denial of candidacy or eligibility (which are not made public); and maintain the confidentiality of the External Evaluation Report until after the Commission has acted on it. The Commission may require that corrective action be taken if an institution releases information misrepresenting or distorting any accreditation action taken by the Commission or the status of its affiliation with the Commission. If the institution is not prompt in taking corrective action, the Commission may release a public statement providing the correct information.

A member institution has the responsibility to accept the Commission's action after availing itself of its due process rights afforded in Commission policy, and to make public the Commission's action letter and the External Evaluation Report as well as the Institutional Self Evaluation Report. A member institution has the responsibility to uphold the credibility and integrity of the accreditation process by accurately portraying the Commission's actions and helping institutional constituencies to understand the Eligibility Requirements, Accreditation Standards, and Commission policies pertinent to an accreditation action taken on an institution. A member institution has a responsibility to

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<sup>1</sup> The Commission meets in January and June of each calendar year to take actions on institutions.



respond to evaluation team or Commission recommendations within the time parameters set by the Commission.

## F. Third Party Comment

A third-party comment may be submitted to the Commission at any time as it relates to the compliance of a member institution with Eligibility Requirements, Accreditation Standards, or Commission policies.<sup>2</sup> Such comment must be submitted in writing, signed, and accompanied by the affiliation, return address and telephone number of the correspondent.<sup>3</sup> Commission staff will review all third-party comment to assess its applicability to Eligibility Requirements, Accreditation Standards, or Commission policies. Institutions will be provided with an opportunity to review applicable third-party comment.<sup>4</sup> An applicable third-party comment will be provided to the Commission *for consideration*.

A third-party comment also assists the Commission as it considers applications for reaffirmation of accreditation. When an institution is undergoing a review, the Commission requires the institution's chief executive officer to notify the campus community and public of the opportunity for submission of third-party comments and the process for doing so. In ~~such cases~~ **order to ensure evaluation by the external evaluation team**, third-party comment should be received by the Commission no later than five weeks before the **evaluation team visit**. ~~scheduled Commission consideration or meeting~~. **Late-submitted third party comment will be handled as described in the first paragraph of this section.**

## G. Follow-Up

The Commission has the right to take action to assure that a member institution meets its responsibilities and to request periodic reports, special reports, annual reports, additional visits, and consultative activities relevant to the institution's accreditation status. The Commission has the right to request the reevaluation of an institution at any time as a means for monitoring specific developments within an institution between comprehensive evaluations.

If a member institution fails to make complete, accurate and honest disclosure of information required by the Commission, or if the institution does not comply with Commission requests, directives, decisions and policies, and make complete, accurate, and honest disclosure, then the Commission may act to impose a sanction, or to deny or revoke candidacy or accreditation.<sup>5</sup>

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<sup>2</sup> For information about the process for submitting complaints against member institutions, see the Policy on Student and Public Complaints Against Institutions. Also see the Policy on Complaints Against the Accrediting Commission for Community and Junior Colleges.

<sup>3</sup> The form for submitting Third Party Comment is located at [www.accjc.org](http://www.accjc.org) on the home page menu under Third Party Comment.

<sup>4</sup> If it is determined, in the review of the third party comment, there is the need to hold the contact confidential for legal, investigative or other purposes, then the institution will not be notified of the report made. Also, if the U.S. Department of Education requests certain reported information remain confidential, then there will be no notification to the institution. 34 C.F.R. § 602.27(b).

<sup>5</sup> Eligibility Requirement 21. See also the Policy on Public Disclosure and Confidentiality, § II: "If an institution conducts its affairs so that it becomes a matter of public concern, misrepresents a Commission action, or uses the public forum to take issue with an action of the Commission relating to that institution, the Commission President may announce to the public, including the press, the



## **H. Special Report and Visit**

The Commission requests a Special Report when it receives information that raises significant concerns about the institution's compliance with Eligibility Requirements, Accreditation Standards, and/or Commission policies. The institution may be required to provide a narrative report, evidentiary documents, and/or documents prepared by external third parties, such as external audits. The Commission may require a team visit, which will be scheduled after the due date for the Special Report. The Commission's letter requesting a special report will identify all specific requirements to be addressed by the institution.

The Commission has the responsibility to provide written notice to the institution of the action taken in relation to a special report or visit, support improvement of the educational effectiveness of an institution, and work with the institution to identify appropriate assistance.

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action taken and the basis for that action, making public any pertinent information available to the Commission.”

**Policy on Eligibility to Apply for Accredited Status**  
(Adopted June 2015)

**Introduction**

*The purpose of this policy is to establish the steps whereby qualified institutions can begin the process of achieving the voluntary status of accreditation with the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges (ACCJC).*

*Institutions offering the Associate Degree, and located within the geographic region served by the ACCJC, may seek Eligibility to apply for accredited status from the Commission. Institutions may attain Eligibility by demonstrating full compliance with the ACCJC Eligibility Requirements. Institutional accreditation is public certification that institutions meet defined standards of quality and effectiveness. Institutions preparing for Eligibility are advised to become familiar with the Accreditation Standards and Commission policies, as well as the Eligibility Requirements. Any institution that seeks accreditation from the ACCJC must meet the Commission's Eligibility Requirements (ERs), Accreditation Standards, and Commission policies.*

*The Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges (ACCJC) is one of seven regional accrediting agencies in the United States recognized by the U.S. Department of Education. The ACCJC has the responsibility for accrediting degree granting institutions that offer one or more higher education programs of two academic years in length leading to the Associate's Degree. The Commission accredits public and private institutions in California and Hawai'i, the territories of Guam and American Samoa, the Federated States of Micronesia, the Republic of Palau, the Commonwealth of the Northern Mariana Islands, and the Republic of the Marshall Islands.*

**Steps to Establish Eligibility for Accreditation**

- 1. The interested institution should contact the ACCJC offices. Commission staff will discuss the profile of the institution with the applicant and determine how to proceed. The institution should refer to the Eligibility, Candidacy and Initial Accreditation Manual in preparing the Eligibility Report.*
- 2. The institution will then complete and submit a draft Eligibility Application to the ACCJC. The Eligibility Application must include a narrative description of the manner in which the institution complies with the Eligibility Requirements, addressing each element of an Eligibility Requirement, along with evidence (e.g., supporting documentation) and the Eligibility Fee.*
- 3. Commission staff will review the draft Eligibility Application and provide feedback on the completeness and adequacy of the narrative and evidence prepared by the institution.*



4. *When the Eligibility Application is in final form, the institution will submit a hard copy and electronic version to the ACCJC.*
5. *The Commission's Eligibility Committee will review the final Eligibility Application and supporting documentation. During the review process, the Commission staff may arrange a conference call with institutional representatives for additional follow-up, or may arrange to visit the institution. When the Committee has completed its review, it will submit a recommendation for consideration by the Commission at its next regular meeting.*
6. *The Commission will consider the Eligibility Application and Committee recommendation at its next regular meeting and grant or deny Eligibility.*
7. *If Eligibility is granted, the Commission will notify the institution in writing. Commission staff will work with the institution to develop a time frame for the institution's Self Evaluation Report and the comprehensive external evaluation in preparation for Candidacy.*
8. *If Eligibility is denied, the Commission will notify the institution which Eligibility Requirements the institution has failed to meet. The institution may submit another Eligibility Application when it determines it can meet the Eligibility Requirements. Later submitted Eligibility Applications will be handled through the same process as the initial application.*
9. *The institution is permitted to withdraw an Eligibility Application at any time prior to final action by the Commission. If the institution re-files after withdrawing or being denied Eligibility, the application fee is charged with each new submission.*

#### ***Eligibility Status***

*An institution that has achieved eligibility status is an institution that has been reviewed and found to meet the Eligibility Requirements (ERs) of the Commission. Eligibility status is not a formal affiliation with the Commission, and institutions with this designation are not listed in the ACCJC directory. An eligible institution may proceed to seek Candidacy status and in some instances Initial Accreditation but must not make any representation which claims or implies any relationship with the ACCJC<sup>1</sup>. Eligibility remains current for three years, after which if the institution has not achieve candidacy then the eligibility lapses. If during the period of eligibility the institution changes its state of incorporation, its mission, or ownership or control, then eligibility may be voided, necessitating a new eligibility application.*

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<sup>1</sup> See the Commission's "Policy on Representation of Accredited Status," in the ACCJC Accreditation Reference Handbook.



ACCREDITING COMMISSION FOR COMMUNITY AND JUNIOR COLLEGES  
Western Association of Schools and Colleges

## Policy on Commission Actions on Institutions

(Adopted January 1977; Revised January 1979, January 1991, June 1998; Edited July 2002; Revised June 2003; Edited August 2004, January 2006, August 2006, November 2008, January 2009; Revised January 2010, January 2011; Edited August 2012; Revised June 2013, June 2014, Second Reading June 2015)

### Policy

This policy sets forth the actions that may be taken on the accredited status of institutions by the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges (ACCJC). Institutions applying for candidacy or initial accreditation and accredited institutions undergoing periodic evaluation for reaffirmation of accreditation will be reviewed by the Accrediting Commission. The Commission will examine institutional evidence of student learning and achievement, the Self Evaluation Report of Educational Quality and Institutional Effectiveness, the External Evaluation Report of Educational Quality and Institutional Effectiveness, and documents from previous evaluations to determine whether the institution complies with the Eligibility Requirements, Accreditation Standards, and Commission policies. The Commission will apply, as ~~it deems~~ appropriate, one of the actions listed in this policy. ***The Commission will not condition the granting of candidacy, initial accreditation, or reaffirmation of accreditation on the payment of any fees which are not approved by the Commission for payment of annual dues, evaluation costs, or other fees and assessments to the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges (ACCJC).***

In the case ~~that a previously~~ ***when an*** accredited institution ~~cannot~~ ***no longer*** demonstrates that it meets the Eligibility Requirements, Accreditation Standards, and Commission policies, ***the institution will be notified in the Commission action letter of the time it has to come into compliance, which must not exceed two years after first receiving notification of any noncompliance with a standard.***<sup>1</sup> ~~the Commission impose a sanction as defined below.~~ If the institution cannot document that it has come into compliance within ***the designated period, a maximum of two years after receiving the initial sanction,*** the Commission will take adverse action. In keeping with the provisions of the Higher Education Act of 1965, as amended, the Commission defines adverse actions for accredited institutions as termination of accreditation; denial, or termination for institutions seeking candidacy; and denial for institutions seeking initial accreditation.

### Definitions

***Accreditation Cycle. The accreditation cycle is a seven-year period beginning at the conclusion of a comprehensive external evaluation and continuing through the next comprehensive external evaluation.***<sup>2</sup> ***During the accreditation cycle, all institutions***

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<sup>1</sup> ***The Eligibility Requirements, Accreditation Standards, and Commission policies together comprise the Commission's standards. College deficiencies may result in noncompliance with a standard that is in the Eligibility Requirements, Accreditation Standards, or in Commission policies.***

<sup>2</sup> ***The seven-year cycle will take effect and begin for an institution when it has concluded its initial comprehensive external evaluation under the Accreditation Standards adopted in June, 2014.***



*complete annual reports and a midterm report. Institutions may be required to complete other reports with or without visits as determined by the Commission based upon the institution's status of compliance with standards.*

**Compliance.** *The institution meets or exceeds all Eligibility Requirements, Accreditation Standards, and Commission policies.*

**Substantial Compliance.** *The institution meets or exceeds all Eligibility Requirements, Accreditation Standards, and Commission policies, but for a few which do not place the institution or its students at imminent risk, and for which the deficiencies can be fully resolved in a short period not to exceed one year.*

**Deficiency.** *An institutional policy, procedure or practice, or absence thereof, which results in an institution not meeting one or more standards. These conditions are generally noted within the factual findings of an external evaluation team report, and may also be noted in the institution's Self Evaluation Report, or by the Commission in its review.*

**Enforcement Action.** *The two-year rule, as it is commonly known, is found in federal regulation 34 C.F.R. § 602.20. Under U.S. Department of Education enforcement regulations, the Commission is required to take immediate action to withdraw the accreditation of an institution which is out of compliance with any standard. In the alternative, the Commission can provide the institution with additional notice and a deadline for coming into compliance that must not exceed two years from when the institution was first informed of the noncompliance.*

**Good Cause Extension.** *In exceptional situations, if the institution has done all within its authority to reach compliance on any standard but remains out of compliance after the time allocated by the Commission for coming into compliance, the Commission is permitted by regulations to allocate a one-time, short-term "good cause extension" for the college to reach compliance prior to acting on the institution's withdrawal. This extension—of generally six months to one year-- must not exceed two years. An institution does not have the right to a good cause extension; these extensions are viewed by the U.S. Department of Education to be a form of exceptional relief, afforded to institutions infrequently at the discretion of the Commission. No good cause extension will be granted if there is risk to the students in regard to academic quality or to the sustained viability of the institution.*

**Recommendation to meet standards.** *A narrative statement of actions recommended to be taken by an institution in order to resolve its deficiencies and to meet the cited standard(s). The included citation of Eligibility Requirements, Accreditation Standards, and Commission policies in a recommendation to meet standards notes the areas of noncompliance by the institution.*

**Recommendation to improve.** *A narrative statement of actions recommended to be taken by an institution that is currently meeting the cited Eligibility Requirement, Accreditation Standard or Commission policy, but without further action may fall into noncompliance.*

**Notations of effective practice.** *Evaluation team observations of an institution fully meeting or exceeding the standard, or of effective practice, are not included in recommendations but are noted in the external evaluation report narrative and*



*conclusions. The evaluation team may also note suggestions for enhancement or institutionalization of effective practices.*

## **Policy Elements Actions on Accredited Status**

### **I. Actions on Institutions that are Applicants for Candidacy or extension of Candidacy**

**Grant candidacy.** Candidacy is a pre-accreditation status granted to institutions that have successfully undergone eligibility review<sup>3</sup> as well as a comprehensive evaluation process using the Accreditation Standards, including preparation of an Institutional Self Evaluation Report and a review by an evaluation team. Candidacy is granted when the institution demonstrates the ability to meet all the Accreditation Standards and Commission policies, or to fully meet them within the two-year candidate period. Candidacy indicates that an institution has achieved initial association with the Commission and is progressing toward accreditation. During candidacy, the institution undertakes the necessary steps to reach demonstrable and complete compliance with Accreditation Standards. This includes an Institutional Self Evaluation Report in preparation for initial accreditation. Candidate status may be extended for two years, for a total period not to exceed four years.

~~**Defer a decision on candidacy.** A Commission decision on candidacy is postponed pending receipt of specified information, as identified by the Commission, from the institution.~~

**Extend candidacy.** Candidacy is extended in response to a college request when the Commission determines that a candidate institution *continues to meet the Eligibility Requirements and* has made significant progress toward meeting the Accreditation Standards, and Commission policies, and anticipates that the institution will meet all Accreditation Standards, and Commission policies if granted additional time to do so. Candidacy can be extended once for a two-year period. Four years in candidate status is the maximum allowable.

**Deny candidacy.** Candidacy is denied when the Commission determines that the institution has demonstrated that it does not meet all of the Eligibility Requirements, *or and* does not meet a significant portion of the Accreditation Standards and Commission policies, and therefore cannot be expected to meet all Accreditation Standards and Commission policies within a two-year period. ~~The institution may reapply for candidacy after two years by submitting an Institutional Self Evaluation Report.~~ Denial of candidacy is subject to a request for review and appeal under the applicable policies and procedures of the Commission.

**Termination of candidacy.** Candidacy is terminated when the Commission determines that an institution has not maintained its eligibility for candidacy or has failed to explain or correct deficiencies of which it has been given notice. Termination is subject to a request for review and appeal under the applicable policies and procedures of the Commission.

### **II. Actions on Institutions which are Applicants for Initial Accreditation**

<sup>3</sup> See the Policy on Eligibility to Apply for Accredited Status.



**Grant initial accreditation.** Initial accreditation may be granted after a comprehensive institutional evaluation demonstrating that the institution *is in compliance with meets or exceeds the* Eligibility Requirements, Accreditation Standards, and Commission policies. The institution is required to submit a Midterm Report *midway through in the third year of the six seven*-year accreditation cycle. The institution must be fully evaluated again within a maximum of ~~six~~ seven years from the date of the Commission action granting initial accreditation.

~~**Grant initial accreditation and request a Follow-Up Report.** The institution *substantially meets or exceeds the Eligibility Requirements, Accreditation Standards and Commission policies, but has recommendations on a small number of issues of some urgency which, if not addressed immediately, may threaten the ability of the institution to continue to meet the Eligibility Requirements, Accreditation Standards, and Commission policies. The Commission will specify the nature, purpose, scope, and due date of the report to be submitted. The institution is also required to submit a Midterm Report in the third year of the six-year accreditation cycle.*~~

~~**Grant initial accreditation and request a Follow-Up Report with a visit.** The institution *substantially meets or exceeds the Eligibility Requirements, Accreditation Standards and Commission policies, but has recommendations on a small number of issues of some urgency which, if not addressed immediately, may threaten the ability of the institution to continue to meet the Eligibility Requirements, Accreditation Standards, and Commission policies. The Commission will specify the nature, purpose, scope, and due date of the report to be submitted and of the visit to be made. The institution is also required to submit a Midterm Report in the third year of the six-year accreditation cycle.*~~

~~**Defer a decision on Initial Accreditation.** A Commission decision on initial accreditation is postponed pending receipt of specified information from the institution, as identified by the Commission.~~

**Extend candidacy.** The Commission may extend candidacy in lieu of granting initial accreditation when the institution has not met the conditions for initial accreditation and has had candidacy *for one two-year term*. Candidacy can only be extended for a maximum of two years.

**Deny Initial Accreditation.** The Commission denies initial accreditation when an applicant institution ~~no longer meets or fails to meet~~ *is not in compliance with* Accreditation Standards, Commission policies, or Eligibility Requirements within the maximum period allowed for a college to remain in candidacy. A denial is subject to a request for review and appeal under the applicable policies and procedures of the Commission. If initial accreditation is not granted, the institution may not reapply for candidacy for at least two years.

### III. Actions on Institutions that are Applicants for Reaffirmation of Accreditation

#### Actions that Reaffirm Accreditation



~~Reaffirm accreditation. The institution substantially meets or exceeds the is in compliance with Eligibility Requirements, Accreditation Standards and Commission policies. Recommendations are directed toward strengthening the institution, not correcting situations where the institution fails to meet the Eligibility Requirements, Accreditation Standards and Commission policies.~~ The institution is required to submit a Midterm Report ~~in the third year of the six~~ midway through the seven-year accreditation cycle.

~~Reaffirm accreditation for one year and request require a Follow-Up Report. The institution is in substantial compliance with substantially meets or exceeds the Eligibility Requirements, Accreditation Standards and Commission policies but has recommendations on a small number of issues of some urgency which, if not addressed immediately, may threaten the ability of the institution to continue to meet the Eligibility Requirements, Accreditation Standards and Commission policies.~~ The institution is required to submit a Follow-Up Report ~~demonstrating that it has resolved all cited deficiencies.~~ The Commission will specify the issues to be addressed and the due date of the report. ~~Resolution of the issues is expected within a one- to two-year period.~~ Upon successful completion of the one-year reaffirmation period, the institution will qualify for reaffirmation for the remainder of the seven-year accreditation cycle and will be ~~is also~~ required to submit a Midterm Report midway through ~~in the third year of the six~~ seven-year accreditation cycle.

~~Reaffirm accreditation, and request a Follow-Up Report with a visit. The institution substantially meets or exceeds the Eligibility Requirements, Accreditation Standards and Commission policies, but has recommendations on a small number of issues of some urgency which, if not addressed immediately, may threaten the ability of the institution to continue to meet the Eligibility Requirements, Accreditation Standards and Commission policies. The Commission will identify the issues to be addressed in the report, the due date of the report to be submitted, and specifics of the visit to be made. Resolution of the issues is expected within a one- to two-year period. The institution is also required to submit a Midterm Report in the third year of the six-year accreditation cycle.~~

~~Defer a decision on reaffirmation of accreditation. A Commission decision on reaffirmation of accreditation is postponed pending receipt of specified additional information from the institution or to permit an institution to correct deficiencies and report to the Commission within six months or less. The response from the institution may be followed by a visit addressed primarily to the reasons for the decision. The Commission will specify the nature, purpose, and scope of the information to be submitted and of the visit to be made. The accredited status of the institution continues during the period of deferment.~~

#### IV. Sanctions

Sanctions serve as an indicator of the severity of noncompliance by an institution. A sanction is not based upon the number of deficiencies noted nor on the number of standards out of compliance. Instead, the determination is based upon the conditions of the college, its history of compliance with standards, and the impact of the noncompliance upon the quality and stability of the institution. Sanctions are not imposed in a progressive order (nor are they sequentially reduced along a continuum as an institution demonstrates resolution of deficiencies which led to



*noncompliance); rather, a particular sanction is imposed or removed when the Commission finds it is appropriate to do so.*

Institutions are advised that the U.S. Department of Education requires recognized accrediting bodies to terminate accreditation when an institution is determined to be out of compliance with Eligibility Requirements, Accreditation Standards and Commission policies and fails to ~~come into compliance~~ **meet any standard for which the institution is out of compliance within the time permitted by the Commission to meet the standard, which may not be more than two years from when notification of deficiencies is first provided to the institution. ~~a two-year period.~~** Consequently, the Commission will take action to terminate accreditation if deficiencies are not resolved within the *time period allocated to the institution*. Under extraordinary circumstances, the institution may be granted additional time when the Commission determines good cause for extension exists.

*It should be noted that the maximum allowable period for meeting a standard is not based upon whether there is the imposition of a sanction. The U.S. Department of Education requirement is based solely on the passage of time following notification to the institution of any standard it does not meet.*

- A. **Issue Warning.** An institution has been determined by the Commission not to meet one or more standards, and Reaffirmation for One Year is not warranted. When the Commission finds that an institution is out of compliance with ~~has pursued a course deviating from the Commission's~~ Eligibility Requirements, Accreditation Standards, or Commission policies to an extent that gives concern to the Commission, it may issue a Warning to the institution to correct its deficiencies, refrain from certain activities, or initiate certain activities, **and meet the standards. The Commission may also issue Warning if the institution has acknowledged within its Self Evaluation Report or Special Report the deficiencies leading to serious noncompliance, and has demonstrated affirmative steps and plans to fully resolve the deficiencies within twelve months.** The Commission will specify the time within which the institution must resolve these deficiencies **and demonstrate compliance, generally twelve to eighteen months.** During the Warning period, the institution will be subject to reports and visits at a frequency to be determined by the Commission. If Warning is issued as a result of the institution's educational quality and institutional effectiveness review, reaffirmation is delayed during the period of Warning. The accredited status of the institution continues during the Warning period.
- B. **Impose Probation.** *An institution has been determined by the Commission not to meet one or more standards, and there is a serious concern on the part of the Commission regarding the level and/or scope of the noncompliance issues.* When an institution deviates significantly from the Commission's Eligibility Requirements, Accreditation Standards, or Commission policies, but not to such an extent as to warrant a Show Cause order or the termination of accreditation, or **when the institution fails to respond to conditions imposed upon it by the Commission, including a Warning, the institution may be placed on Probation.** The Commission will specify the time within which the institution must resolve deficiencies **and demonstrate its compliance with Eligibility Requirements, Accreditation Standards and Commission policies, generally twelve to eighteen months. A shorter period may be given if the severity of noncompliance warrants it.** During



the Probation period, the institution will be subject to reports and visits at a frequency to be determined by the Commission. If Probation is imposed as a result of the institution's educational quality and institutional effectiveness review, reaffirmation is delayed during the period of Probation. The accredited status of the institution continues during the Probation period.

- C. **Order Show Cause**. When the Commission finds an institution to be in substantial noncompliance with its Eligibility Requirements, Accreditation Standards, or Commission policies, or when the institution has not responded to the *previous* conditions imposed by the Commission, the Commission will require the institution to Show Cause why its accreditation should not be withdrawn at the end of a stated period by demonstrating that it has corrected the deficiencies noted by the Commission and is in compliance with the Eligibility Requirements, Accreditation Standards and Commission policies. In such cases, the burden ~~of proof~~ will rest on the institution to demonstrate why its accreditation should be continued. The Commission will specify the time within which the institution must resolve deficiencies *and meet the standards. The period will generally be six months or less*. If the loss of accreditation will likely cause an institution to close, then during the Show Cause period, the institution must make preparations for closure according to the Commission's "Policy on Closing an Institution." While under a Show Cause order, the institution will be subject to reports and visits at a frequency to be determined by the Commission. If Show Cause is ordered as a result of the institution's educational quality and institutional effectiveness review, reaffirmation is delayed ~~during the~~ *pending the institution's ability to Show Cause why its accreditation should be continued order*. The accredited status of the institution continues during the period of the Show Cause order.

V. **Actions that Terminate Result in Related to Commission Withdrawal of Accreditation**

**Terminate Withdrawal of Accreditation for Noncompliance**. If, in the judgment of the Commission, an institution has not satisfactorily explained or corrected ~~matters~~ *deficiencies* of which it has been given notice, or has taken an action that has placed it significantly out of compliance with the Eligibility Requirements, Accreditation Standards, and Commission policies, its accreditation may be *withdrawn terminated*. The Commission will give the institution written reasons for its decision. ~~Termination~~ *Commission withdrawal of an institution's accreditation* is subject to a request for review and appeal under the applicable policies and procedures of the Commission. The accredited status of the institution continues pending completion of any review and appeal process the institution may request. Otherwise, the institution's accreditation ends on the date when the time period permitting such a request expires. In such a case, the institution must complete ~~again~~ the entire accreditation process *beginning with Eligibility Review and then Candidacy to regain its accreditation*.

**Restoration Status**. *When there has been a Commission action to withdraw the accreditation of a member institution for noncompliance, prior to the ~~termination~~ withdrawal effective date established by the Commission or within seven days after completion of any requested review and appeal process,<sup>4</sup> whichever is later, the*

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<sup>4</sup> The other administrative remedies provided to an institution for which the Commission has acted to ~~terminate~~ *withdraw* accreditation are a Review of Commission Action in accordance with Commission policy, and an appeal heard before an Appellate Hearing Panel, in accordance with the Bylaws of the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges



institution may submit a request for granting of Restoration Status. If, however, an institution has been granted a good cause extension to come into compliance with any standard prior to the ~~termination withdrawal~~ action,<sup>5</sup> the institution may not apply for Restoration Status following ~~withdrawal~~.

The request for granting of Restoration Status must be accompanied by a completed Eligibility ~~report~~ **Application**, demonstrating compliance with the Eligibility Requirements. Upon receipt of the institution's request, the Commission shall schedule a comprehensive evaluation of the institution no later than four months following the request. The institution must submit an institutional self-evaluation four to six weeks prior to the scheduled visit.

For the period leading to completion of the comprehensive evaluation for Restoration Status, the ~~termination withdrawal~~ effective date will be rescinded and the ~~withdrawal termination~~ implementation will be suspended. The institution's ~~accredited~~ status will be accredited, pending ~~withdrawal termination~~.

The comprehensive evaluation for Restoration Status will determine if the institution meets all Eligibility Requirements and has demonstrated either its compliance with all of the Accreditation Standards and Commission policies or the ability to meet them within the two-year Restoration Status period. If, in the judgment of the Commission, the institution fully meets all Eligibility Requirements and has demonstrated either its compliance with all of the Accreditation Standards and Commission policies or the ability to fully meet all Accreditation Standards and Commission policies within the two-year Restoration Status period, the institution will be granted Restoration Status. If, however, in the judgment of the Commission, the institution does not fully meet all Eligibility Requirements and/or has not demonstrated the ability to fully meet all Accreditation Standards and Commission policies within the two-year Restoration Status period, the ~~termination withdrawal~~ implementation will be reactivated and the effective date will be immediate. There will be no further right to request a review or appeal in this matter.<sup>6</sup>

The Commission ~~may~~ **shall** determine such follow-up and special reports as may be warranted during the Restoration Status. At the conclusion of the Restoration Status period, a comprehensive evaluation will be conducted for the purpose of determining whether the institution has demonstrated its compliance with Eligibility Requirements,

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(ACCJC).

<sup>5</sup> See *Enforcement Action and Good Cause Extension in the definitions section of this policy.*

34 C.F.R. § 602.20. Under U.S. Department of Education enforcement regulations, the Commission is required to take immediate action to ~~terminate withdraw~~ the accreditation of an institution which is out of compliance with any standard. In the alternative, the Commission can provide the institution with additional notice and a deadline for coming into compliance that ~~is no later than must not exceed~~ two years from when the institution was first informed of the noncompliance. In exceptional situations, if the institution has done all within its authority to reach compliance on any standard but remains out of compliance, the Commission is permitted by regulations to allocate a one-time, short-term "good cause extension" for the college to reach compliance prior to acting on the institution's ~~withdrawal, and this extension must not exceed two years. termination.~~

<sup>6</sup> *The institution will have already exercised its administrative remedies of Review of Commission Action and appeal prior to applying for restoration. Thus, if restoration fails, the administrative remedies will be considered exhausted and the institution may then seek legal recourse without further administrative steps, if it feels there is a basis to do so.*



Accreditation Standards, and Commission policies. If, in the judgment of the Commission, the institution is in compliance with Eligibility Requirements, Accreditation Standards, and Commission policies, then the accredited status of the institution will be reaffirmed. However, if in the judgment of the Commission the institution is not in compliance with Eligibility Requirements, Accreditation Standards, and Commission policies, then the ~~termination~~ *withdrawal* implementation will be reactivated and the effective date will be immediate. There will be no further right to request a review or appeal in this matter.

An institution may apply for Restoration Status only one time within a 20-year period.

***Administrative Withdrawal of Accreditation.*** *The accreditation of a member institution may be withdrawn administratively for nonpayment of dues, costs incurred as part of an external evaluation, or special assessments, following provision of notice to the institution of nonpayment and sufficient time to pay, and upon providing 60 days notice of the impending termination action.*

***Re-application for accredited status.*** In the event of the ~~termination~~ *withdrawal* of accreditation of an institution, the institution must complete again the entire accreditation process, starting with the Eligibility Review and then Candidacy, ***to regain accreditation.***

#### V. *Other Actions*

- A. ***Deferral.*** *The Commission may postpone its decision on the candidacy or initial accreditation of an institution pending receipt of specific documentation, as identified by the Commission, that is needed in order to grant candidacy or initial accreditation. The deferral may be for a period not to exceed six months.*

*The Commission may postpone a decision on the reaffirmation of accreditation of an institution pending receipt of specified additional information from the institution. The response from the institution may be followed by a visit addressed primarily to the reasons for the deferral. The Commission will specify the nature, purpose, and scope of the information to be submitted and of the visit to be made. The accredited status of the institution will continue during the period of deferral. The deferral may be for a period not to exceed six months.*

- B. ***Report and site visit to verify sustained compliance.*** *The Commission may require that a report be submitted by an institution and/or a site visit be conducted at an institution to verify sustained compliance with Eligibility Requirements, Accreditation Standards, and Commission policies. That report and/or site visit may be required when an institution has demonstrated current compliance with standards during an external evaluation, but has a recent history of serious noncompliance or a pattern of falling out of compliance and then regaining compliance for a short period.*
- C. ***Voluntary Withdrawal.*** *An institution may voluntarily withdraw its request for initial candidacy at any time (even after evaluation) prior to action by the Commission on the institution's accredited status. Upon receipt of written*



***notice of voluntary withdrawal by the institution through its chief executive officer and governing board, the Commission will act to accept the withdrawal.***

***Candidate institutions and accredited institutions may voluntarily withdraw from accreditation at any time by submitting notification to the Commission of the intention to withdraw and the expected time for the withdrawal effective date. If the voluntary withdrawal will result in the likely closure of the institution or certain programs, then the institution must submit a closure plan in accordance with the Policy on Closing an Institution. The Commission will act at its next meeting to accept the institution's voluntary withdrawal upon fulfillment of the closure plan.***

***If the voluntary withdrawal is based on the anticipation of accreditation by another recognized accrediting agency, the Commission will act to accept the institution's voluntary withdrawal upon receipt of notification by the U.S. Department of Education that another recognized accrediting agency has been authorized for the institution. While that notification is pending, the institution will remain accredited by the ACCJC, will all the attendant responsibilities of a member institution.***



## Policy on Commission Good Practice in Relations with Member Institutions

(Adopted June 1980; Revised June 1996; Edited October 1997; Revised January 1999,  
January 2001, January 2006, January 2011; Edited June 2012, August 2012;  
Revised June 2013, October 2013, June 2015)

### Policy

The Commission makes the commitment to follow good practices in its relations with the institutions it accredits.

### Policy Elements

The Commission will fulfill its commitment by adhering to the following practices:

- ~~1. Make an initial visit to, or evaluation of, an institution only on the written request of the chief executive officer of the institution.~~
1. **Revisit** Visit an institution *on the initiative of the Commission* only ~~on request by the chief executive officer, or if a visit is initiated by the Commission,~~ after *due* notice, *appropriate to the situation, is provided* to the institution.
- ~~3. Permit withdrawal of a request for initial candidacy or initial accreditation at any time (even after evaluation) prior to final action by the Commission.~~
2. **Appraise** Evaluate institutions in the *light context* of ~~their own stated purposes~~ *mission, respecting institutional integrity and diversity,* so long as ~~these are the~~ *mission is* within the general frame of reference of higher education and consistent with the standards of the Commission.
3. Use *the Eligibility Requirements, Accreditation Standards, and Commission policies, along with relevant authentic, factual* qualitative and quantitative information in institutional evaluations, *including information in the institution's Self Evaluation Report and any Special Reports, of Educational Quality and Institutional Effectiveness, and in the External Evaluation Report, Annual Reports, External Audits, and other information including written supplemental information provided by the institution in response to the final team report, and oral testimony before the Commission. of Educational Quality and Institutional Effectiveness, and relevant qualitative and quantitative information in institutional evaluation.*
- ~~6. Interpret standards for accreditation in ways that are relevant to the character of the particular institution, respecting institutional integrity and diversity.~~
4. Encourage ~~sound~~ educational innovation and continuous improvement in the educational effectiveness of the institution.



5. Publish ~~at least twice annually in the Commission newsletter~~ the names of institutions scheduled for comprehensive *external* evaluation.
6. Accept relevant third-party comment on ~~the member institutions as delineated in the Policy on Rights and Responsibilities of the Commission and Member Institutions. scheduled for evaluation. Such comment must be submitted in writing, signed, accompanied by return address and telephone number, and received no later than five weeks before the scheduled Commission consideration. The Commission will notify the institution when a third-party report is received by sending a copy of the report to the institution.~~<sup>1</sup>

~~10. Establish reporting systems for annual, midterm, and self evaluation reports which inform the Commission regarding student loan default rates and the standing of the institution with respect to appropriate state agencies, institutional or specialized accrediting agencies, and the institution's compliance with Title IV.~~
7. Consider information regarding adverse actions against a member institution by another accrediting agency or state agency and provide an explanation consistent with *Eligibility Requirements, Accreditation Standards and Commission policies as to why the action by another authority does not result in an adverse action by the Commission.*

~~12. Practice monitoring and oversight required by federal statute and regulations in the manner required by that mandate.~~
8. ~~Include on evaluation teams representation from other institutions of similar purpose and academic program to the extent feasible; include faculty and other academics, administrators and and other special appointees as appropriate on evaluation teams. Include faculty members among the academic representatives on comprehensive evaluation teams.~~
9. Provide institutions an opportunity to object, for cause, to individual members assigned to the team designated to visit the institution, with special concern for possible conflict of interest *or demonstrated bias.*
10. ~~Arrange for meetings~~ *Require that during* the comprehensive *external* evaluation ~~visit with administration, faculty, staff, students, and trustees, and~~ include a publicized opportunity for an open meeting *with students and interested others* during the visit.
11. ~~Address~~ *Examine* the *institution set* standards ~~set by the institution~~ *for student achievement*, and institutional performance *against those standards, with regard to student achievement* in reviews of institutional effectiveness.
12. ~~Advise team chairs~~ *Require* ~~Expect~~ that the *external evaluation team in its report should* make clear *the areas of deficiency and those Eligibility Requirements, Accreditation Standards, and Commission policies* with which the institution does not comply and *also those areas of institutional practice* needing improvement.

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<sup>1</sup> Also refer to the Policy on Rights and Responsibilities of the Commission and Member Institutions.



13. Provide to the institution **written notice of the Commission action and a detailed written evaluation report** ~~about the institution's performance with respect to student achievement and student learning and about its review~~ assessing the institution's ~~or program's~~ compliance with the Eligibility Requirements, Accreditation Standards and Commission policies **and its reported performance with respect to student achievement and student learning. The External Evaluation Report will** note findings, conclusions and recommendations in areas for which the institution has deficiencies and must take steps to meet the Eligibility Requirements, Accreditation Standards, and Commission policies. **The External Evaluation Report also may** includes, when appropriate, recommendations for improvement of institutional effectiveness and educational quality. **The Commission action letter will** specify the period, not to exceed two years, within which the institution must resolve deficiencies in meeting standards.

~~19. Emphasize the value and importance of institutional self evaluation and respect the confidentiality of the institutional Self Evaluation Report and the External Evaluation Report until after the Commission has acted on them.~~

~~20. Encourage discussion and use on campus of major team recommendations.~~

The Commission has the responsibility to require that team members keep confidential all institutional information examined or heard before, during, and after the team visit and after the Commission acts.<sup>2</sup>

The Commission provides institutions due process<sup>3</sup> concerning accrediting decisions made by the Commission.

- A. **External evaluation team reports are held as confidential until the Commission has conducted its review and acted on the accredited status of the institution.**
- B. **An institution, through its CEO, is provided with the draft External Evaluation Report before it becomes final. The institutions** ~~are through its CEO is~~ provided an opportunity to respond **to the Chair of the external evaluation team concerning the** ~~in writing to~~ draft External Evaluation Reports, in order to correct errors of fact.
- C. **An institution, through its CEO, is provided with the external evaluation team's final External Evaluation Report in advance of the Commission meeting. The institution is provided an opportunity to submit a written response** ~~respond in writing~~ (no less than 15 days in advance of the Commission meeting) **to the final External Evaluation Reports on issues of substance concerning any perceived remaining errors of fact in the External Report, and to any deficiencies noted in the report which could result in a finding of noncompliance with an Eligibility Requirement, and to any Accreditation Standard, deficiencies or Commission policy noted in the report. The written supplemental information may also pertain to the evaluation process, conditions at the institution at the time of the visit, verification of final policy adoption or similar actions noted in the team report as pending or imminent, or to the institution's ability to achieve and maintain compliance with standards.**

<sup>2</sup> Also refer to the Statement on the Process for Preserving Confidentiality of Documents Related to Institutional Evaluations.

<sup>3</sup> Complies with 34 C.F.R. § 602.18, § 602.23, § 602.25.



- D. An institution, through its CEO, is provided with the opportunity ~~and~~ to appear before the Commission to present oral comments ~~when reports are considered~~ in closed session before the Commission acts on the accredited status of the institution. The oral comments must pertain to the matters identified in section C., above, for inclusion in supplemental written responses by the college.**

The Commission will notify the institution in writing, through an action letter, as soon as reasonably possible after Commission decisions are made and will include in its action letter the reasons for actions taken, **or will refer the institution to the External Evaluation Report for detailed reasons.**

If the Commission's action on an institution will be ~~lists~~ based upon any deficiency which ~~was~~ has not been noted as part of an accreditation review in the External Evaluation Report, Institutional Self Evaluation Report or other institutional report, or in the submitted annual reports and audit reports, then before making any decision on the institution's compliance with the pertinent Accreditation Standard that will become part of the basis for ~~includes a~~ sanction or denial ~~ing or terminating~~ withdrawal of accreditation or candidacy, the Commission, through its President, will afford the institution additional time to respond in writing to the perceived deficiency before **including the related finding of noncompliance in a sanction or accreditation denial or withdrawal finalizing its action. at the next Commission meeting.** In its response, the institution also may address any asserted procedural errors as well.

**An institution subject to an adverse decision, ~~The institution~~ may a** request a review by the Commission of ~~its~~ adverse actions, as described in the Policy on Review of Commission Actions, and ~~thereafter may request an further~~ appeal hearing, as described in the Bylaws of the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges (ACCJC), and Appeals Procedure Manual, if the nature of the action warrants an appeal.

**The Commission will** provide an opportunity for institutional representatives and the general public to attend those portions of Commission meetings devoted to policy matters and ~~others~~ **items** of a non-confidential nature.

~~26. Will not condition candidacy or an institution's accreditation upon the payment of fees which are not approved by the Commission for payment to the ACCJC for annual dues, evaluation costs, or other assessments.~~



## Policy on Evaluation of Institutions in Multi-College/Multi-Unit Districts or Systems

(Adopted June 1999; Revised January 2004, January 2009, June 2011; Edited August 2012;  
Revised June 2013, June 2014, June 2015)

### **Background**

~~Almost half of the member institutions are part of larger systems, either by being part of a multi-college district/system or by being owned by a larger corporate entity. Institutions must work closely with the district/system to ensure that Eligibility Requirements, Accreditation Standards, and Commission policies are met and quality is sustained. The district/system's role is to facilitate and support the successful implementation of the institutional mission and institutional effectiveness. This necessitates dialogue between the institutions and district/system and among the institutions within the district/system.~~

~~The Commission evaluates based on the Accreditation Standards regardless of organizational structure. In single-college districts/systems all functions are carried out by the same entity. For multi-college districts/systems, key functions that relate to the Accreditation Standards may be distributed among the institutions and the district/system in various patterns. In order for the Commission to evaluate institutions in single-college and multi-college organizations fairly, institutions must inform the Commission about their functional organization and involve district/system and college personnel responsible for the functions in accreditation activities.~~

~~The integrity of the district/system programs and services falls within the scope of the institution's accreditation. The district/system auxiliary programs and services are subject to review if the program or service is executed in the name of the district/system or institution, or if the district/system administers or the board authorizes the program or service. The delineation and distribution of responsibilities among the district/system and the institution must be articulated clearly.~~

### **Policy**

The Commission assures the equitable evaluation of all institutions regardless of organizational structure and clarifies the Commission's expectations regarding the conduct and outcomes of comprehensive institutional evaluations and other reviews in multi-college districts/systems. *In order for the Commission to evaluate institutions in single-college and multi-college organizations fairly, institutions must inform the Commission about their functional organization and involve district/system and college personnel responsible for the functions in accreditation activities.*

*The integrity of the district/system programs and services falls within the scope of the institution's accreditation. The district/system auxiliary programs and services are subject to review if the program or service is executed in the name of the district/system or institution, or if the district/system administers or the governing board authorizes the program or service. The delineation and distribution of*



***responsibilities among the district/system and the institution must be articulated clearly.***

#### ***Policy Elements***

While the Commission accredits individual institutions, the district/system holds a fundamental role and responsibility in the analysis and evaluation of district/system structures and how these structures assist the institutions to achieve and adhere to all the Eligibility Requirements, Accreditation Standards, and Commission policies and gain and sustain accredited status.

Institutions have the responsibility to describe and delineate clearly the particular way functions are distributed in their unique multi-college organization. The distribution of these functions ~~is to~~ will be evaluated. There must be evidence of ongoing communication between the institution and the district/system regarding the distribution of these functions. The Commission will use this evidence to identify the locus of responsibility for the institution's ability to meet Eligibility Requirements, Accreditation Standards, and Commission policies.

When serious inadequacies in a district/system function are verified, such deficiencies may jeopardize the accreditation of one, some, or all of the district/system institutions. Both the district/system and the impacted institution(s) are responsible for correcting the identified deficiencies.

The Commission reserves the right to initiate direct interaction with district/system chief executive officers regarding the ability of institutions to demonstrate that they meet or exceed the Accreditation Standards. When district/system officers are contacted regarding an institution, the institution(s) will receive the same communication.

***Following the completion of the review of accredited status for an institution within the district/system, the Commission will send a copy of its action letter to the district or system chief executive officer.***

A district/system may make a special request to evaluate the effectiveness of its central functions in conjunction with scheduled educational quality and institutional effectiveness reviews. This activity is limited to issues related to the ability of institutions to demonstrate that they meet or exceed the Accreditation Standards. The outcome of this activity does not result in any "accredited" status for the district/system.

#### ***~~Procedures for the Evaluation of Institutions in Multi-College/Multi-Unit Districts or Systems~~***

##### ***~~A. Institutional Self Evaluation~~***

- ~~1. As part of the institutional self evaluation process and in consultation with the district/system, the institution must specify through an organizational "map," which is a description of the delineation of district/system and college functions, whether the institution or district level holds the primary responsibility for all or parts of a specific function.~~***

***~~Moreover, the Commission recognizes that institutions in a multi-college system may have lateral relationships with other institutions in the district/system which~~***



~~should be included in the map. For example, police services may be a district/system service for all institutions in a multi-college district/system, yet located at one institution in the district/system.~~

- ~~2. Individuals responsible for key functions of the district/system must be actively involved with the institution in developing the Self Evaluation Report of Educational Quality and Institutional Effectiveness. The level of involvement will be based upon who has responsibility for the institutional function(s) addressed in the Accreditation Standards. Close cooperation between and among the institutions and the district/system office is expected as a part of the preparation of the Institutional Self Evaluation Report.~~
- ~~3. In the Institutional Self Evaluation Report, institutions are expected to include a discussion of how the identified district/system functions and decisions affect the institutions' ability to meet Eligibility Requirements, Accreditation Standards and Commission policies. For example, the governing board's role in adopting the institutional mission statement is addressed in the Standard dealing with mission; the district/system office responsibility for human resources is discussed in the Standard pertaining to faculty and staff; the district/system financial allocation system should be included in the Standard in which financial resources are addressed. The organizational map will provide guidance for this discussion. The effectiveness of the map's delineation of functions includes analysis, evaluation, and subsequent planning for organizational improvement.~~
- ~~4. The district/system chief executive officer and governing board are expected to be involved in the process of developing the Institutional Self Evaluation Report. The governing board must review the final Institutional Self Evaluation Report and certify its involvement in the institutional self evaluation process.~~

#### ~~B. Evaluation Team Composition~~

~~Just as for institutions in single college districts, evaluation team composition for institutions in multi-college districts/systems is shaped by the institution being accredited. Evaluation teams visiting institutions in multi-college districts/systems will have the range of expertise appropriate for the institution and also individuals with multi-college district/system perspectives.~~

#### ~~C. District/System Evaluation Team Visit Organization~~

~~The Commission organizes site visits to institutions in multi-college districts/systems simultaneously or in clusters of institutions.~~

~~Prior to simultaneous site visits taking place in the institutions of a district/system, the Commission President will name a coordinating chair. This coordinating chair, in consultation with institutional evaluation team chairs, will form a small district/system evaluation team which may be drawn from all of the evaluation teams visiting the institutions. The system evaluation team may consist of evaluation team chairs and such members of the respective evaluation teams as are needed to address the district/system issues identified in the Institutional Self Evaluation Reports and by the evaluation teams.~~

~~The purposes of the coordinating chair and district/system evaluation team are to:~~



- ~~• evaluate the evidence provided in the Institutional Self Evaluation Report to confirm that the functions provided by the district/system enable the institutions to meet the Eligibility Requirements, Accreditation Standards, and Commission policies,~~
- ~~• identify issues pertaining to the Standards that are related to district/system functions,~~
- ~~• ensure commonality and comparability of evaluation team recommendations across External Evaluation Reports when accreditation issues have district/system implications, and~~
- ~~• support the work of the teams evaluating each institution.~~

~~This evaluation team will meet with the district/system administration before the site visit to discuss prior district recommendations and will review evidence to evaluate adherence to the Eligibility Requirements, Accreditation Standards, and Commission policies.~~

~~The coordinating chair may have a separate evaluation team assistant available to him/her solely for the purpose of supporting the district/system evaluation team and for performing organizational tasks related to this part of the evaluation visits. Evaluation team chairs on the special district/system evaluation team will receive the Institutional Self Evaluation Reports, the previous External Evaluation Reports, and Commission action letters from every institution involved and will make the materials available to institutional evaluation team members on the district/system evaluation team.~~

#### ~~D. Reports by the Institutional Evaluation Teams and the District/System Evaluation Team~~

~~The district/system evaluation team will develop conclusions about any major issues pertaining to the district/system. Recognizing that some district/system observations may pertain to all institutions, and others only to particular institutions, the institutional evaluation team chair, working in conjunction with the coordinating chair and the members of the district/system evaluation team, will incorporate appropriate conclusions within the Accreditation Standards in the individual institutional External Evaluation Reports of Educational Quality and Institutional Effectiveness. When the district/system evaluation team determines that one or more recommendation(s) pertaining to the district/system as a whole is in order, then the same recommendation(s) will appear in each of the institutions' External Evaluation Reports.~~

~~At the end of each site visit, the evaluation team chair meets with the college chief executive officer to discuss major findings. The evaluation team chair will then make a presentation of the evaluation process and findings at a meeting open to the entire college community. The coordinating chair shall meet with the district/system chief executive officer and if possible with the college chief executive officers to present district/system findings. This discussion is limited to the district/system functions identified in the organizational map and the issues related to them which are identified in the Institutional Self Evaluation Reports and the findings of the institutional evaluation teams.~~



#### ~~E. Commission Actions and Public Disclosure~~

~~The Commission will receive the following items from each institution in preparation for Commission action: the Institutional Self-Evaluation Report, the Institutional External-Evaluation Report, the catalog, and other pertinent documents. The Commission will consider each institution separately in relation to the district/system and take the appropriate action for each institution.~~

~~The Commission will discuss the district/system and develop a consensus on any matters to be communicated to the district/system Chief Executive Officer. In its action letters to the institutions, the Commission will comment on important district/system matters that significantly enhance or impinge on institutional quality.~~

~~In a case where one or more accreditation concerns, relating to the district/system are identified, the Commission may request a written response from the district/system itself and may also specify a site visit, by Commission representatives, to evaluate any such response.~~

~~The Commission will make clear that significant inadequacies in district/system functions can jeopardize the accreditation of one, some, or all of the district/system institutions. When correspondence is sent to the district/system Chief Executive Officer, copies will be sent to the Chief Executive Officer of the appropriate institution(s).~~

~~Should the Commission decide that a district/system response and site visit are in order, the district/system evaluation team will normally include the coordinating chair, a member of the Commission, and additional persons with special expertise, as needed. The purpose of the site visit is to evaluate the response from the district/system. This response could be the basis for subsequent Commission action, relative to the accredited status of one or more of the institutions in the district/system.~~

#### ~~F. Follow-up Activities~~

~~The district/system Chief Executive Officer is required to share the External Evaluation Report and Commission action letter of any site visit related to district/system functions with the governing board and appropriate staff at the district/system and at the institutions.~~

~~The Commission may issue special communications to college Chief Executive Officers on particular leadership issues. When the institution involved is a member of a district/system, the district/system Chief Executive Officer will be copied on this correspondence.~~

#### ~~G. Cost~~

~~The costs associated with the additional activities of a district/system site visit may be billed directly to the district/system involved on an actual cost basis.~~



## Policy on Closing an Institution

*(Adopted June 2004; Revised January 2011; Edited June 2012, October 2013;  
Revised June 2014, June 2015)*

### Background

A decision to close an educational institution is a serious one that requires thoughtful planning and careful consultation with all affected constituencies. Planning and consultation is equally important when implementing a closure that results from loss of state authorization or licensure, or for other reasons. Every effort should be devoted to informing each constituency, as fully and as early as possible, about the conditions requiring consideration of a decision of such importance.

Most institutions of higher education are entities established under the provisions of state or national law, and as such may have legal responsibilities (holding title to real property, for example) that may necessitate its continued existence after the educational activities of the institution have been terminated. In most cases an institution's existence and educational activities will not be terminated simultaneously. This policy makes only incidental reference to such organizational responsibilities and always in the educational context. It is imperative that a governing board, considering closing an institution under its care, should be guided not only by the following policy and by the state or appropriate authorizing education authorities, but also by advice of legal counsel.

Before a decision to close an institution is finalized, the governing board should consider carefully such alternatives as merging with another institution, forming a consortium, or participating in extensive inter-institutional sharing and cooperation. As much as possible, the determination to close an institution should involve a consultative process, but responsibility for the final decision to close rests with the governing board.

The decision to close requires specific plans for appropriate provisions for students, faculty and staff and for the disposition of the institution's assets. Failure to plan adequately will increase the inevitable distress to students, faculty, and staff.

Involuntary closure, or the threat of involuntary closure, resulting from loss of state licensure or authorization or from withdrawal of accreditation, will necessitate similar planning.

### Policy<sup>1</sup>

When a decision to close an institution has been made, or when involuntary closure of the institution is imminent, the institution's governing board must fully inform all affected constituents of the potential or expected closure as early as possible, and make provision for student completion of programs and the securing of student records. The institution, through its chief executive officer and governing board must also promptly notify the Commission, and must develop a Closure Plan and submit it to the Commission for substantive change review

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<sup>1</sup> This policy complies with 34 C.F.R. § 602.24(c) and the Higher Education Act § 496(c)(3) as amended by the Higher Education Opportunity Act (2008).



prior to closure.<sup>2</sup> A teach-out plan should be included in the Closure Plan, and teach-out agreements should be submitted to the Commission for action when the closing institution provides one hundred percent of instruction in at least one degree program. Institutions ordered on Show Cause may also be required to complete a Closure Plan, develop a preliminary closure plan, or make other preparations for closure.

Institutions which develop a teach-out plan that involves another institution at which the students will complete their program shall only be approved by the Commission if (1) there are teach-out agreements between institutions that are accredited or pre-accredited by a federally recognized accrediting agency, (2) the agreements are consistent with applicable standards and regulations, and (3) they provide for the equitable treatment of students.

An institution considering closure must address in its Closure Plan the following elements, each of which is discussed in more detail below:

- Student completion;
- Disposition of academic records and financial aid transcripts;
- Provisions for faculty and staff;
- Disposition of assets;
- Obligations to creditors;
- Coordination with the Accrediting Commission for Community and Junior Colleges;  
*and*
- Key governing board obligations.

## Closure Plan Elements

### A. Student Completion

Institutions considering closing, and institutions implementing a closure after loss of state authorization or licensure, or for other reasons, must provide for the academic needs of students who have not completed their degrees and educational programs. Arrangements for transfer to other institutions will require complete academic records and all other related information gathered in dossiers which can be transmitted promptly to receiving institutions. Agreements made with other institutions to receive transferring students and to accept their records must be submitted to the Accrediting Commission for Community and Junior Colleges (ACCJC) for approval. Where financial aid is concerned, particularly federal or state grants, arrangements must be made with the appropriate agencies to transfer the grants to the receiving institutions. In cases where students have held institutional scholarships or grants and there are available funds that can legally be used to support students while completing degrees and educational programs at other institutions, appropriate agreements must be negotiated. Where such arrangements cannot be completed, students must be fully informed. Institutions considering closing must use as their guide the equitable treatment of students by providing for the educational needs of students who have not completed their degrees and educational programs.

When a student has completed 75% of an academic degree and educational program in the closing institution and chooses to continue at another institution, arrangements shall be made to permit that student to complete the requirements for a degree and educational program elsewhere, but to receive the degree and educational program from the closed

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<sup>2</sup> Please refer to the Policy on Substantive Change.



institution. The receiving institution must provide an educational program that is of acceptable quality and reasonably similar in content, structure, and scheduling to that provided by the institution that is closing. Such arrangements should also include provision for continuation of the institution's accreditation by the Commission for this purpose only. These steps normally require the institution to continue as a legal organization for 12 to 18 months beyond the closing date, but any such arrangements must be established in careful consultation with the appropriate authorities and with their written consent. The institution that is closing must demonstrate that it shall remain stable, carry out its mission, meet all obligations to existing students, and demonstrate that it can provide students access to the programs and services without requiring them to move or travel substantial distances. The institution must provide students information about additional charges and costs, if any.

#### **B. Disposition of Academic Records**

All academic records, financial aid information and transcripts, and other student or student-related records must be prepared for permanent filing, including electronic filing. Arrangements must be made with another college or university or with the state archives to preserve the records. Notification must be sent to every current and past student indicating where the records are being stored and what the accessibility to those records will be. Where possible, a copy of a student's record should also be forwarded to the individual student. The Commission must be notified of the location where student permanent records will be stored. All other business records of the institution must be retained in accordance with applicable laws and policy.

#### **C. Provisions for Faculty and Staff**

The institution must arrange for continuation of those faculty and staff who will be necessary for the completion of the institution's work up to and after the closing date. It should be understood that the institution can make no guarantees, but genuinely good faith efforts should be made to assist faculty and staff in finding alternative employment. In the event that faculty or staff members find new positions, early resignations should be accepted.

#### **D. Disposition of Assets**

Determinations must be made to allocate whatever financial resources and assets remain after the basic needs of current students, faculty, and staff are provided. Institutional assets must be used in ways that would honor the intentions of the original providers. When the financial resources of the institution are inadequate to honor commitments, including those to the Commission, the governing board shall investigate what alternatives and protection are available under applicable bankruptcy laws before deciding to close. If funds are insufficient to maintain normal operations through the end of the closing process, the institution should consider the possibility of soliciting one-time gifts and donations to assist in fulfilling its final obligations.

In the case of a not-for-profit institution, state or national laws regarding the disposition of funds and institutional assets must be meticulously followed. Arrangements for the sale of the physical plant, equipment, the library, special collections, art, or other funds must be explored with legal counsel. In the case of wills, endowments, or special grants, the institution must discuss with the donors, grantors, executors of estates, and other providers of special funds arrangements to accommodate their wishes.



## **E. Obligations to Creditors**

The institution must establish a clear understanding with its creditors and all other agencies involved with its activities to assure that their claims and interests will be properly processed. Insofar as possible, the institution shall assure that its final arrangements will not be subject to later legal proceedings which might jeopardize the records or status of its students or faculty. All concerned federal, national and state agencies need to be apprised of the institution's situation, and any obligations relating to estate or governmental funds need to be cleared with the appropriate agencies.

Every effort shall be made to develop publicly defensible policies for dividing the resources equitably among those with claims against the institution. One of the best ways of achieving this goal is to involve potential claimants in the process of developing the policies. Time and effort devoted to carrying the process to a judicious conclusion may considerably reduce the likelihood of lawsuits or other forms of confrontation.

It is impossible to anticipate in advance the many claims that might be made against remaining resources of an institution, but the following three principles may help to identify and prioritize possible claims and to set priorities:

1. Students have the right to expect basic minimal services during the final term, not only in the academic division, but also in the business office, financial aid office, registrar's office, counseling, and other essential support services. Staff must be retained long enough to provide these services. It may be appropriate to offer special incentives to keep key personnel present.
2. Reasonable notice must be given to all employees, explaining the possibility of early termination of contracts and that the reasons for retaining some personnel longer than others are based on satisfying the minimal needs of students and the legal requirements for closing.
3. Every effort shall be made to honor long-term financial obligations (loans, debentures, etc.) even though the parties holding such claims may choose not to press them.

## **F. Coordination with the ACCJC**

The ACCJC and specialized accrediting bodies must be consulted and kept fully apprised of developments as the plan to close an institution progresses. Arrangements must be completed with the ACCJC in advance of closure in order to assure that a legally authorized and accredited institution awards degrees. A final report on the closing must be submitted to the ACCJC for its records. The ACCJC must also be notified of the location where student records will be stored.

## **G. Key Governing Board Obligations**

The governing board must take a formal vote to terminate the institution on a specified date. That date will depend on a number of factors including the decision to file or not to file for bankruptcy. Another key factor is whether or not all obligations to students will have been satisfactorily discharged. This is particularly important if the decision is made to allow students to graduate from the institution by completing their degree requirements elsewhere. If such arrangements are made, the governing board must take the legal action necessary to permit awarding degrees after the institution otherwise ceases to function. Normally, a formal vote to award a degree is made after all



requirements have been met, but it is legally possible to make arrangements for a student to complete the requirements for a degree at another institution and to receive the degree from the closed institution. These requirements must be clearly specified along with a deadline for completion. Also the governing board must identify the person or persons authorized to determine whether or not these requirements have in fact been satisfied. Arrangements must be completed with the Commission in advance in order to assure that a legally authorized and accredited institution awards degrees.



ACCREDITING COMMISSION FOR COMMUNITY AND JUNIOR COLLEGES  
Western Association of Schools and Colleges

## Policy on Substantive Change

(Adopted October 1972; Revised January 1978, June 1991, June 1996;  
Edited October 1997; Revised January 2002; Edited June 2002, August 2004;  
Revised June 2011; Edited June 2012, August 2012; Revised June 2013,  
Revised October 2013, June 2015)

### Background

The U.S. Department of Education regulations require that accrediting agencies have adequate policies and procedures to ensure that any substantive changes to the educational mission, or programs of an institution, maintain the capacity of the institution to continue to meet Accreditation Standards. Membership of the Substantive Change Committee is set forth in the ACCJC Bylaws and represents the composition of academic and administrative personnel, and of public representatives, required of decision-making bodies by the U.S. Department of Education.<sup>1</sup> In addition, educators with specialized expertise may be invited to serve as expert advisors to the committee to facilitate consideration of substantive change applications involving programs or single-purpose institutions that prepare students for a specific profession. These expert advisors are not members of the Substantive Change Committee and do not vote on substantive change requests.

Federal law mandates that accrediting agencies require institutions to obtain accreditor approval of a substantive change before the change is included in the scope of the accreditation granted to the institution. The scope of an institution's accreditation covers all activities conducted in its name. The Commission's Substantive Change Committee is the decision-making body of the Commission for substantive change requests. Unless the Substantive Change Committee decides to refer a matter to the Commission for review and action, the Committee's action on a substantive change request serves as the final decision.

### Policy

The Commission, through its Substantive Change Committee and processes, ensures that institutions continue to meet the Standards. The substantive change process requires evidence of institutional planning, resource commitment to the proposed change, and evidence that following the change the institution continues to meet the Eligibility Requirements, Accreditation Standards, and Commission policies.

It is the institution's responsibility to demonstrate the effect of a substantive change on the quality, integrity, capacity and effectiveness of the total institution. Substantive changes must be approved by the Substantive Change Committee prior to implementation.<sup>2</sup> The Committee will not approve a substantive change to be effective on a date prior to its action on the substantive change. The approval of a substantive change proposal will be effective on the date the Substantive Change Committee votes affirmatively to approve the change.

The Commission publishes a *Substantive Change Manual* that describes the approval process. The institution's accreditation will be extended to areas affected by the change upon review and approval by the Substantive Change Committee. Major substantive changes or the area

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<sup>1</sup> 34 C.F.R. § 602.15(a)(3).

<sup>2</sup> 34 C.F.R. § 602.22.



potentially affected by the substantive change may cause the Substantive Change Committee to decide that a site visit is required or that comprehensive external evaluation is required to make a determination regarding the substantive change<sup>3</sup>. Situations which may trigger this determination include:

- change of ownership/control/legal status during reaffirmation of accreditation or candidacy status;
- complete or significant change in mission and/or a significant change of mission sought within two years of a change of ownership and change of control;
- any relocation coupled with a change of mission;
- a change of classification from an off-site location to a stand-alone institution;
- student indebtedness compared to program, job market, and salary;
- poor student graduation rates, program quality, performance and/or program outcomes;
- rapid growth in the number of sites where more than 50% of an educational program is offered;
- any change that results in the transition to a 100% distance education institution; or
- other circumstances or the accumulation of changes as determined by the Substantive Change Committee.

Certain circumstances, which may come to the attention of the Substantive Change Committee, may cause the Substantive Change Committee to recommend to the Commission that a special report or comprehensive external evaluation is needed from an institution. These circumstances are:

- information concerning a significant departure from meeting the Eligibility Requirements (ERs), Accreditation Standards and/or Commission policies;
- a substantive change site visit, substantive change request, or special substantive change report that indicates noncompliance with the ERs, Accreditation Standards or Commission policies;
- evidence of unethical practices;
- closure of a program or institution due to loss of state authorization or licensing; or
- lack of effective educational policies and practices;
- other circumstances or the accumulation of changes wherein the Commission concludes the institution, to which it granted accreditation, has effectively ceased to operate under the conditions upon which accreditation is granted.

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<sup>3</sup> 34 C.F.R. § 602.22(a)(3) Comprehensive external evaluations triggered by a major substantive change will proceed in the same manner as a regularly scheduled comprehensive evaluation, with an institutional self evaluation report, external evaluation and report, and action by the Commission on the accredited status of the institution.



Institutions may not submit a Substantive Change Proposal in the six-month period preceding a comprehensive external evaluation visit. The Substantive Change Committee may defer consideration of a substantive change request if an institution is on a sanction such as Warning, Probation, or Show Cause until the conditions that resulted in a sanction have been resolved and the Commission has reaffirmed accreditation. Institutions which are subject to withdrawal of accreditation, pending the outcome of administrative remedies, may not submit a Substantive Change Proposal.

Substantive Changes include, but are not limited to, the following<sup>4</sup>:

### **Change in Mission, Objectives, Scope, or Name of the Institution**

- a change in the mission or character of the institution; if the mission or character of the institution becomes dramatically different, the Commission reserves the right to require the institution to complete the eligibility, candidacy, and initial accreditation process
- a change in the degree level from that which was previously offered by the institution, i.e., offering a degree at a level higher than the accredited institution offers currently
- any change in the official name of the institution
- a merger of two separately-accredited ACCJC institutions into a single accreditable institution
- a reduction of programs to an extent that the institution's mission cannot be accomplished

### **Change in the Nature of the Constituency Served**

- a change in the intended student population
- closure of an institution or loss of state authorization or licensure for the institution or a program, withdrawal of or from accreditation if such withdrawal will result in closure<sup>5</sup>
- closure of a location geographically apart from the main campus at which students can complete at least 50% of an educational program
- courses or programs offered outside the geographic region currently served

### **Change in the Location or Geographic Area Served**

An institution that moves to a new location or opens a new location geographically apart from the main campus where students can complete 50% or more of a program constitutes a substantive change. The Substantive Change Committee will determine if an institution applying for substantive change for a new location requires a site visit. The Substantive Change Committee will determine if an institution may be exempted from the requirement of a site visit if the following conditions are met:<sup>6</sup>

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<sup>4</sup> Please note that although some change at an institution may not warrant substantive change review, the institution should still take all necessary steps to ensure the Eligibility Requirements, Accreditation Standards, and Commission policies related to that change are being met.

<sup>5</sup> See the Policy on Closing an Institution for further discussion of requirements related to closing an institution and teach-out plans for institutional or programmatic closures.

<sup>6</sup> If the new location meets the definition of a branch campus, then a site visit will be required. A



- An institution has successfully completed at least one cycle of accreditation of maximum length offered by the Commission and one renewal or has been accredited for at least ten years and has three additional locations already approved by the Commission through the substantive change process.
- The institution has demonstrated sufficient capacity to add additional locations without individual prior approvals, including at a minimum satisfactory evidence of a system to ensure quality across a distributed enterprise that includes: clearly identified academic control; regular evaluation of the locations; adequate faculty, facilities, resources, and academic and student support systems; financial stability; and long-range planning for expansion.

The Substantive Change Committee must determine the institution's fiscal and administrative capacity to operate the additional location. In addition, the Substantive Change Committee shall arrange a visit, within six months of review, to each additional location the institution establishes if the institution has a total of 3 or fewer additional locations, has not demonstrated to the satisfaction of the Substantive Change Committee that it has a proven record of effective educational oversight of additional locations or has been placed on sanction by the Commission.<sup>7</sup> The purpose of the site visits is to verify that the additional location(s) has the personnel, facilities, and resources the institution claimed to have in its proposal to the Substantive Change Committee for approval of the additional location(s).

The Substantive Change Committee may not approve an institution's addition of locations after the institution undergoes a change in ownership resulting in a change of control<sup>8</sup> until the institution demonstrates that it meets the conditions for the Commission to pre-approve additional locations.<sup>9</sup>

### **Change in the Control or Legal Status of the Institution**

- any change in the form of control, legal status, or ownership of the institution
- a merger with another institution<sup>10</sup>
- the separation of one unit of the institution into separate institutions, dividing an institution into two or more separately controlled and accredited units
- the acquisition of any other institution or program or location of another institution, and/or the addition of a permanent location at the site of a teach-out the institution is conducting
- contracting for the delivery of courses or programs in the name of the institution with a non-regionally-accredited organization

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branch campus is defined in 34 CFR 600.2 as a location of an institution that is geographically apart and independent of the main campus of that institution and that (1) is permanent in nature; (2) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential; (3) has its own faculty and administrative or supervisory organization; and (4) has its own budgetary and hiring authority. [Emphasis added.] In addition to other items of review for new locations, the Substantive Change Committee will review the business plan for a branch campus in determining whether to approve a substantive change or not.

<sup>7</sup> 34 C.F.R. § 602.22(c)

<sup>8</sup> as defined in 34 C.F.R. § 600.3.1

<sup>9</sup> 34 C.F.R. § 602.22

<sup>10</sup> See also Policy on Contractual Relationships with Non-Regionally Accredited Organizations



- a change by a parent institution of one of its off-campus sites into a separate institution

### **Change in Courses or Programs or their Mode of Delivery that Represents a Significant Departure from Current Practice**

- a change in the mode or location of delivery when the courses constitute 50% or more of a program, degree or certificate and/or are offered at a new or different location or through distance education or correspondence education for the total amount of credits awarded for courses or programs; addition of courses that constitute 50% or more of a program or 50% of the institution's courses offered through a mode of distance or electronic delivery
- the addition of courses or new programs that represent a significant departure from existing offerings of educational programs or methods of delivery from those that were offered when the institution was last evaluated
- addition of programs of study at a degree or credential level different from that which is included in the institution's current accreditation or preaccreditation

### **A Change in Credit Awarded**

- a substantial increase or decrease in the number of clock or credit hours awarded for the successful completion of a program
- a change from clock hours to credit hours
- a change in rigor of the credit hour

### **Implementation of a Direct Assessment Program**

- an instructional program that, in lieu of clock hours or credit hours, utilizes direct assessment of student learning
- an instructional program that recognizes the direct assessment of student learning by others
- a program that must obtain USDE approval as a direct assessment program<sup>11</sup>

### **A Contractual Relationship with a Non-Regionally-Accredited Organization**

A contractual relationship with a non-regionally-accredited organization is considered a substantive change when more than 25 percent of one or more of the accredited institution's educational programs is offered by the non-regionally-accredited organization.<sup>12</sup>

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<sup>11</sup> See 34 C.F.R. § 668.10

<sup>12</sup> 34 C.F.R. § 602.22(a)(2)(vii)



**Bylaws of the  
Accrediting Commission for Community and Junior Colleges,  
Western Association of Schools and Colleges**

*(Adopted January 2013; Amended May 2013, October 2013, January 2014,  
March 2014, June 2014, January 2015, June 2015)*

**ARTICLE I  
PURPOSE**

**Section 1. Name**

The name of this nonprofit corporation shall be the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges. This corporation shall be referred to throughout these bylaws as ACCJC.

**Section 2. Purpose**

ACCJC is a nonprofit, public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporations Law of the State of California for public and charitable purposes. Those public purposes include improving and validating the quality of post secondary education at public and private educational institutions, with a focus on community colleges, career and technical colleges, and junior colleges, through the creation and application of standards of accreditation and related policies, and through a process of review by higher education professionals and public members. ACCJC's evaluation of institutions assures the educational community, the general public, and other organizations and agencies that an institution has clearly defined objectives appropriate to higher education; has established conditions under which their achievement can reasonably be expected; appears in fact to be accomplishing them; is so organized, staffed, and supported that it can be expected to continue to do so; and demonstrates that it meets ACCJC's Eligibility Requirements, Accreditation Standards and Commission policies. ACCJC encourages and supports institutional development and improvement through an institutional self-evaluation using the Accreditation Standards, Eligibility Requirements and Commission policies, as well as Midterm, Follow-Up and Other Special Reports, Annual Reports, and periodic evaluation of institutional quality by qualified peer professionals.

**Section 3. Principal Office**

The principal office of ACCJC is located at 10 Commercial Blvd, Suite 204, Novato, CA, 94949, or at such other location as the ACCJC shall decide. The ACCJC may establish branch or subordinate offices.



**ARTICLE II  
ACCREDITED INSTITUTIONAL MEMBERSHIP**

**Section 1. Member Institutions**

The application for membership is made by an institution through its chief executive officer and governing board when it applies for candidacy or initial accreditation. The members of ACCJC shall consist of the institutions that it has accredited, and membership shall be granted automatically upon the initial accreditation of an institution. Membership shall thereafter continue for so long as the institution remains accredited, complies with these bylaws and remains current on payment of any dues or special assessment obligations. Institutions that receive candidate (pre-accredited) status, have achieved initial association with the ACCJC and may so identify themselves to the public. In the event an institution loses its accreditation for any reason, its membership status shall cease immediately. In the event an institution resigns its membership, its accredited status shall cease immediately and none of the review or appeal rights which might otherwise be applicable shall apply.

The membership and member institutions referenced in these Bylaws do not constitute any class of membership under the California Corporations Code or any successor statute, including Section 5342.

**Section 2. Scope**

The ACCJC accredits institutions in California, Hawaii, the Territories of Guam and American Samoa, the Commonwealth of the Northern Marianas, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, which have as a primary mission the granting of associate degrees, but which may also award certificates and other credentials, including bachelor's degrees, where the provision of such credentials is within the institution's mission and, if applicable, as authorized by their governmental authorities. The ACCJC may accredit non-domestic institutions in other geographic regions at its discretion.

**ARTICLE III  
THE COMMISSION**

**Section 1. Membership**

The Commission consists of nineteen members, all of whom are elected by the member institutions, as described in Article IV. As referenced in Article VI and elsewhere in these Bylaws, the Commission comprises the Board of Directors of ACCJC. One Commission member shall represent the California Community Colleges Chancellor's Office and shall be selected from among the nominees provided by the California Community Colleges Chancellor. One Commission member shall represent the system office of the University of Hawai'i Community Colleges and shall be selected from among the nominees provided by the University of Hawai'i Community College Vice President for Community Colleges. At least five of the Commission members shall be academic representatives who are faculty; at least three (the precise number of whom shall at all times represent at least one seventh of the total membership of the Commission) shall be representatives of the public; at least



three members shall be administrative representatives who are two-year college administrators; at least one member shall represent independent institutions; at least one member will represent secondary educational institutions accredited by the Accrediting Commission for Schools, Western Association of Schools and Colleges; at least one member will represent four-year colleges and universities accredited by the Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges; at least one member shall represent institutions in the American Affiliated Pacific Islands; and a maximum of two Commission members will meet the definition of an Affiliate Member. A representative of the public is someone who is not: an employee, member of the governing board, owner, shareholder, or consultant to an institution that has applied for or is in candidacy or is accredited by the ACCJC; a member of any trade association or membership organization related to, affiliated with, or associated with the ACCJC; or a spouse, parent, child, or sibling of such individuals. An Affiliate Member shall be a person who does not qualify under any of the other categories enumerated in the preceding sentence but who shall nonetheless be deemed to have expertise or skills that will add meaningfully to the Commission.

## **Section 2. Election of Commissioners**

Commissioners are elected for staggered three-year terms. Commissioners comprise the members of the Board of Directors of the ACCJC. Appointments are limited to two three-year terms unless the person is elected an officer for a term which extends beyond a sixth year, in which case an additional three-year term or a term of the length necessary to complete service as an officer may be served. Regular appointments are effective on November 1 of the first year and end on October 31 of the last year of a Commissioner's term.

A Commissioner elected to a membership category defined by position or status is expected to maintain that status for the entire term. If the Commissioner's position or status changes during a term so that the Commissioner no longer meets the requirement for the category to which elected, the Commissioner shall notify the Commission's chair or President in a timely manner. A Commissioner whose status has so changed is considered to have completed the term on the date that the new status is actually assumed, except that a Commissioner who holds an administrative or faculty position on the Commission and elects to retire will, upon review and approval of the Commission Chair, be permitted to complete the year of service ending June 30 as a Commissioner.

## **Section 3. Vacancies During a Term**

If the position of a Commissioner becomes vacant, whether through resignation, removal, separation from his/her institutional affiliation, or death, the Nominating Committee shall be promptly notified. The Nominating Committee shall, at its sole discretion, either recommend to the Commission a replacement to serve out the remainder of the term of the position vacated or have the position filled at the next regularly scheduled election as described in this Article IV. In recommending a person to fill a vacancy, the Nominating Committee should consider, but not be limited by, the list of those persons previously proposed by the chief executive officers of constituent institutions.

## **Section 4. Other Vacancies**

Except as otherwise provided in Section 3 of this Article, Commission vacancies will be filled through the Commissioner Election Process described in Article IV of these Bylaws.



Anticipated vacancies will be announced at the January meeting for Commission terms due to expire at the end of the following June. Notice of Commission vacancies will be sent to the chief executive officers, accreditation liaison officers, and academic senate presidents of all member institutions, districts and systems; major organizations; and individuals known to have expressed interest. The notice will include the positions open for election, the Commissioners eligible for election, and the deadline for receipt of applications. Institutional and organizational representatives may submit nominations.

Individuals may also submit applications. Applications are considered to be in effect for one year.

All individuals that wish to be considered will complete application materials required by the Commission. All applicants and nominees, including Commissioners seeking re-election, will be asked to submit the following:

- a. A letter of application stating the basis for interest in the Commission.
- b. A completed ACCJC data/biographical form. (Service as a Commissioner will be considered for Commissioners seeking a second term.)

Individuals who are seeking initial appointment to the Commission will be asked to submit a resume and two letters of recommendation.

### **Section 5. Removal of a Commission Member**

Commissioners may be removed by a two-thirds vote of the Commission then in office for failure to exercise their responsibilities in accordance with the Commission policy on Professional and Ethical Responsibilities of Commission Members or for conduct which is detrimental to the purposes of the Commission.

### **Section 6. Resignation**

A Commissioner may resign at any time and such resignation shall become effective at the time the Commissioner providing written notice to the Chair, President, or Secretary of ACCJC.

## **ARTICLE IV COMMISSIONER ELECTION PROCESS**

### **Section 1. Nominating Committee**

There shall be a Nominating Committee, the purpose of which shall be to nominate persons for election to the Commission from among the applications received. The Nominating Committee shall consist of eight (8) persons, and shall serve for two years. The Executive Committee shall appoint four Commissioners and four individuals from member institutions to the Nominating Committee. The Chair and Vice Chair of the Commission may not serve on the Nominating Committee. The Nominating Committee will be chosen to represent the broad interests of the Commission's member institutions. The Executive Committee shall select the Chair of the Nominating Committee. The names of individuals appointed to the Nominating Committee shall be reported to the member institutions by the Commission.



## **Section 2. Solicitation of Commission Applicants**

The Commission shall notify the members of the Nominating Committee of the number and types of Commissioners to be selected and of any special considerations pertaining to such vacancies. The Commission shall write to all of the chief executive officers of the Commission's member institutions, the President of the Accrediting Commission for Senior Colleges and Universities (ACSCU) and the Executive Director of the Accrediting Commission for Schools (ACS), the chief executive officers, accreditation liaison officers, and academic senate presidents of all member institutions, districts and systems, and major organizations, and individuals known to have expressed interest, listing the number and nature of any positions to be filled and soliciting nominees for the projected vacancies. To be considered the nominations must be returned by the date and time established by the Commission. Members of the Nominating Committee are ineligible for nomination to the Commission while serving on the Nominating Committee. The Nominating Committee shall review the nominees' qualifications, and shall prepare a slate of candidates, with one candidate being recommended for each position. In reviewing applications and preparing the slate, the Nominating Committee shall consider the need to meet the membership requirements of the Commission as outlined in Article III of the Bylaws, as well as the following:

- Representatives from the entire area served by the ACCJC, including California, Hawai'i, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau and the Commonwealth of the Northern Marianas;
- Diversity in institutional characteristics, such as mission, size, geography, and location, and
- Diversity in personal characteristics, such as ethnicity and gender, and in specialized professional experience.

The Committee may not nominate applicants from institutions which already have a sitting Commissioner and will not nominate two applicants from the same institution.

## **Section 3. Nominations At Large**

The notice to the chief executive officers informing them of the slate of the Nominating Committee shall also include a notice of the right of the chief executive officers to nominate candidates on an at-large basis for the vacant positions on the Commission within the time frame established by the Commission. To be added as an at-large candidate, a candidate must have the written endorsement of ten (10) or more chief executive officers. An at-large candidate may not be placed on the ballot if a sitting Commissioner is from the same institution or if the nominating committee has recommended an applicant from the same institution for a different position on the Commission. Chief executive officers should also be mindful of the desired diversity in institutional and personal characteristics of Commissioners in nominating at-large candidates.

## **Section 4. Election**

The ACCJC shall send a ballot to the chief executive officer of each member institution which shall include the slate of the Nominating Committee and any candidates at-large. Each chief executive officer shall be asked to vote for or against the slate, or for any at-



large candidates nominated by the process described in Section 3 in lieu of those individuals on the Nominating Committee's slate. To be considered, ballots must be returned to the ACCJC offices within the time frame established by the Commission. Ballots received after the cutoff date will not be counted. Ballots shall be handled by the ACCJC executive staff in a manner to preserve, insofar as practicable, the privacy of persons voting and the institutions they represent. Measures shall be taken by the executive staff to assure the validity of all ballots. The executive staff shall be responsible for the preservation of ballots and tally sheets, which shall be preserved for a period of one hundred eighty (180) days after the election is announced, absent a challenge to an election, in which case the ballots shall be preserved until the challenge is resolved. A challenge to the election results can be brought by any chief executive officer of a member institution. Any challenge to the election results must be received by the Chair of the Commission within fourteen days after the announcement of the election results. The Chair shall refer the challenge to the Nominating Committee which shall have the authority to take whatever steps it considers appropriate to make a final decision on the matter.

### **Section 5. Counting the Ballots**

The counting of the ballots shall take place at the ACCJC offices and shall be conducted by the executive staff. In the event there are at large nominees included on the ballot, the persons receiving the highest number of votes shall be elected to the Commission. In the event of a tie, there shall be a runoff of those persons who tied. The runoff shall be by electronic means or mail and shall be conducted according to time frames established by the Commission. The results of the election shall be announced as soon as practicable thereafter. Every effort shall be made to complete the process by mid-May.

## **ARTICLE V COMMISSION MEETINGS**

### **Section 1. The Time and Place**

The Commission shall meet in regular session twice each year to consider the accredited status of institutions evaluated since the previous meeting and to address such policy and organizational business as shall come before it. Written notice of the time and place of meetings, and a preliminary agenda shall be mailed to the chief executive officer of each member institution, normally 45 days prior to the date of each meeting. At its discretion, the Commission may schedule such additional meetings as it deems necessary.

### **Section 2. The Agenda**

Consideration of the accredited status of institutions and other confidential matters concerning member institutions will take place in Closed Session. ACCJC personnel matters will be considered in Executive Session as will any matter where it has been deemed necessary to consult with legal counsel.

All institutional policy language being considered for Commission approval as first or second readings, and all language revising Accreditation Standards, shall be considered in public session. Attendees are provided the opportunity to address the Commission in accordance with the Commission Policy on Access to Commission Meetings.



### **Section 3. Minutes**

The Commission shall maintain minutes of all of its meetings. The Commission Chair, in consultation with the President, shall designate those subjects which are to be discussed in executive, closed and public sessions.

### **Section 4. Operational Policies**

From time to time, the Commission may adopt, amend, or repeal policies that deal with the internal operation of the ACCJC and its staff. Action on such policies may take place at any Commission meeting, in open or closed session, and do not require two readings.

## **ARTICLE VI THE BOARD OF DIRECTORS**

### **Section 1. Composition of the Board of Directors**

The Board of Directors shall at all times consist of those individuals elected to the Commission pursuant to Article III. The initial directors of ACCJC shall be the individuals identified under Article III, Section 1, who shall also be named as directors in the Action by Incorporator, filed with the minutes of the Board of Directors ("Board"). The Board and the Commission shall at all times constitute the same body and shall consist of the same individuals; however, the Board shall be referred to as the Commission when it is meeting on matters concerned with the accreditation of its member institutions.

### **Section 2. Authority and Responsibility of the Board of Directors**

The direction and management of the affairs of ACCJC and the control and disposition of its properties and funds shall be vested in the Board. All powers, duties and functions of ACCJC, conferred by the Articles of Incorporation, these Bylaws, state statutes, common law and otherwise, shall be exercised, performed, or controlled by the Board. The Board shall determine ACCJC's policies or changes therein and supervise the management of funds. The Board of Directors also hires and participates in evaluating the President of the ACCJC.

The Board may adopt, by majority vote, such rules and regulations for the conduct of its business and the business of ACCJC as shall be deemed advisable, and may in the execution of its duties, delegate its authority to an executive committee. Under no circumstances, however, shall any actions be taken which are inconsistent with the Articles of Incorporation and these Bylaws, and the fundamental and basic purposes of ACCJC, as expressed in the Articles of Incorporation and these Bylaws.

### **Section 3. Vacancies, Resignations, and Removals**

A board position will become vacant when the director filling such position ceases to be a Commissioner, regardless of the reason. For procedures and processes relating to resignation, removal, or other reasons which will cause a position to become vacant on the Commission and on the Board, see Article III, Section 4, 5 and 6.



#### **Section 4. Quorum**

The majority of the Board (not counting any board positions that are vacant) shall constitute a quorum for the transaction of business, except in no instance may a quorum be less than one-fifth of the authorized number of directors. Every action taken by a majority of the directors present at a meeting held at which a quorum is present shall be regarded as the act of the Board, subject to the provisions of the Nonprofit Corporation's Law (California Corporations Code, § 5000 et. seq.). A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of any director, if any action thereafter taken is approved by at least a majority of the quorum required for the meeting. A majority of the directors present, regardless of whether a quorum is present, may vote to adjourn a meeting.

#### **Section 5. Minutes**

The Board shall maintain minutes of all of its meetings and proceedings. The meetings of the Board may take place concurrently with meetings of the Commission or separately, at the discretion of the Board, but the minutes of Board meetings shall be maintained separately.

#### **Section 6. Agenda**

The Board's Chair, in consultation with the President, shall decide the Board's agenda. The Board's business shall include all matters which require Board action or review. When the Board meets to consider actions that concern the candidacy or accreditation of member institutions, the imposition of sanctions, or the review and approval of eligibility criteria, accreditation standards or institutional policies ("Accreditation Matters"), the Board shall do so as the Commission, meeting in closed session, and shall act under Articles III and V of these Bylaws. Authority and responsibility over all Accreditation Matters resides exclusively with the Board when it is acting as the Commission. Examples of Board agenda items, when the Board is not acting as the Commission, include the review and acceptance of ACCJC's annual audit, review and approval of any internal operational policies, review of ACCJC's investments and reserves, receipt of reports from the Executive and other committees concerning matters that do not involve Accreditation Matters, review of ACCJC's relationship with vendors, including its banking relations, review and approval of any leases for space or other significant contracts, approval of any loans or lines of credit, personnel issues that require board review, periodic evaluation of its President, review of ACCJC's insurance policies, and such other matters, involving the policy or direction of ACCJC that are referred to it. Board meetings that do not involve Accreditation Matters will ordinarily be conducted in Executive Session.

### **ARTICLE VII OFFICERS**

#### **Section 1. Officers**

ACCJC shall maintain the following officers: a Chair, a Vice Chair, and a Secretary/Treasurer. The positions of Chair, Vice Chair, and Secretary/Treasurer shall be held by different members of the Board. Additionally, the ACCJC will maintain a President, who shall serve as the Chief Executive Officer. The President shall serve at the pleasure of the Board.



## **Section 2. Selection of Officers**

The position of Chair is filled by the succession of the Vice Chair. The Vice Chair is elected by the Board and succeeds to the office of Chair when that office becomes vacant. He or she then serves a two-year term as Chair. No member of the Board may serve as its Chair for longer than three consecutive years. Thus, the Vice Chair may succeed to no more than twelve months of an unexpired term, followed by his or her two-year term. When a vacancy occurs in the Vice Chair position, an election to fill that office must occur within 45 days of the position becoming vacant.

Nominations for Vice Chair and Secretary/Treasurer are normally solicited from the Directors before the January meeting prior to the end of the Chair's term. Nominees for the Vice Chair position shall normally represent a different membership category from that of the incoming Chair. Four weeks prior to the scheduled vote, each nominee must submit a statement of 200 words or less, explaining why he or she is seeking the office. The statement is distributed to the full Board prior to the vote. Voting is conducted through a secret ballot submitted to the ACCJC executive staff. The results are to be announced to the entire Board at or before the January Commission meeting.

The Secretary/Treasurer shall be elected by the Board and shall serve for a two-year term. The Secretary/Treasurer can serve for multiple terms. The Secretary/Treasurer shall be a member of the Board who possesses the appropriate budget, finance, and/or audit knowledge, skills, and ability to oversee financial matters.

Officers are expected to serve in several capacities. The Chair serves as a voting member of the Budget Committee and of the Policy Committee, and serves as Chair of the Executive Committee. The Commission chair also serves on the WASC Board. The Vice Chair serves as a voting member of the Executive Committee, and the Committee on Substantive Change, and may serve as the Substantive Change Committee's chair. The Secretary/Treasurer serves as the chair of the Budget Committee, is a member of the Audit Committee, serves as a voting member of the Executive Committee.

The President shall be appointed by the Board and shall serve at the pleasure of the Board, subject to the rights, if any, under any contract of employment.

## **Section 3. Subordinate Officers**

The Board may appoint, and may empower the President to appoint, such other officers as the business of the corporation may require, each of whom shall hold office for such period, have such authority, and perform such duties as are provided in these Bylaws or as the Board may from time to time determine.

## **Section 4. Removal and Resignation of Officers**

Subject to the rights, if any, of an officer under any contract of employment, any officer may resign at any time by giving written notice to the Chair. Subject to the rights, if any, of an officer under any contract of employment, any officer may be removed, either with or without cause, by the Board, and, if appointed by the President, by the President.



### **Section 5. Vacancies in Office**

A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in these Bylaws for regular appointments to that office.

### **Section 6. President**

The President shall be the Chief Executive Officer of ACCJC, and the general supervision, direction, and control of the operations of ACCJC, including its business and accreditation operations, shall reside with the President.

### **Section 7. Chair**

The Chair of the Board shall preside at all meetings of the Board and of the Commission. The Chair of the Board shall also serve concurrently as Chair of the Commission. The Chair shall exercise and perform such other powers and duties as may be from time to time assigned to him or her by the Board or by the Commission or as may be prescribed by these Bylaws. In the absence or incapacitation of the President, the Chair may perform the duties of the President. In that circumstance, the Vice Chair shall perform the duties of Chair.

### **Section 8. Vice Chair**

In the absence or incapacitation of the Chair, the Vice Chair shall perform the duties of the Chair, and, when so acting shall have all the powers of the Chair. The Vice Chair shall have such other powers and perform such other duties as from time to time may be prescribed by the Chair or by these Bylaws.

### **Section 9. Secretary/Treasurer**

The Secretary/Treasurer shall keep or cause to be kept, at the principal executive office or such other place as the President may direct, a book of the minutes of all meetings and actions of Board (the Commission) with the time and place of holding, whether regular or special, and, if special, how authorized, the names of those present at such meetings, and actions taken.

The Secretary/Treasurer shall give, or cause to be given, notice of all meetings of the the Commission and shall have such other powers and perform such other duties as may be prescribed by the Board or these Bylaws.

The Secretary/Treasurer shall examine the budget, schedule of dues/fees, financial condition of the ACCJC and shall regularly review revenue and expenditures. The Secretary/Treasurer shall work with the Budget Committee and Audit Committee to review and recommend all financial related matters to the Board.

## **ARTICLE VIII COMMITTEES**

The Executive Committee shall be comprised of the Chair, the Vice Chair, and the Secretary/Treasurer. For purposes of continuity of leadership, an individual who has completed a two-year period as Chair and who remains on the Commission to complete a term will also serve on the Executive Committee. The Executive Committee shall oversee



the evaluation of and recommend compensation for the President, and shall serve as advisors to the President between Board and Commission meetings.

The Board shall be served by such standing and ad hoc committees as they create. Ad hoc committees, to serve the Board, may be created at the discretion of the Chair, but their creation, functions, and authority must be ratified by a simple majority of the Board at the first Board or Commission meeting following the creation of the ad hoc committee.

Standing committees shall be authorized by a simple majority of the Board and may be dissolved by the same margin of the Board. The Commission may charge a standing committee with authority to act on its behalf, to the extent permitted by law. In such case, the standing committee membership must be Commissioners, and must include academic representatives and administrative representatives, and at least one seventh of the committee membership must comprise representatives of the public. No standing committee membership may be comprised of a majority of the Board. Members and chairs of standing committees are appointed by the Chair and serve one-year terms. Current standing committees of the Commission are the Audit Committee, Budget Committee, the Committee on Substantive Change, the Policy Committee, and the Evaluation and Planning Committee. The Commission has charged the Substantive Change Committee with authority to act on its behalf on substantive change requests. The Commissioner Nominating Committee is constituted at regular intervals as described in Article IV, above.

## **ARTICLE IX METHODS FOR BOARD ACTION WITHOUT A MEETING**

### **Section 1. Executive Committee Actions**

The Executive Committee is authorized to act for the Board (the Commission) between meetings on any and all matters that would appropriately come before the Board (the Commission) and where action prior to the next Board or Commission meeting is necessary. All actions taken by the Executive Committee shall be reported to the Board at its next meeting, or earlier as appropriate.

### **Section 2. Alternate Means of Taking Action**

At the call of the Chair, actions on institutions or institutional policy required or permitted to be taken at a meeting of the Commission may be taken without a meeting. Such call for action shall include the reasons, and shall describe the means by which the action will be taken, whether in writing, electronically, or other means. The action must include a statement of consent by voting Board members for the action to be taken without a meeting. The action taken without a meeting must pass by a 2/3 vote of the Commission then in office. The substance of the Commission action must be filed with the minutes of proceedings of the Commission.

### **Section 3. Amendments to Bylaws**

These bylaws may be amended by telephone, mail, or electronic ballot processes by a simple majority vote of the Board after the proposed amendments have been circulated among the Board members at least two weeks before the vote is taken. If the vote is taken without the



amendments being circulated among the Board members for at least two weeks, then all Board members must individually consent to that action for it to take effect.

#### **Section 4. Other Action without a Meeting**

The Chair may call for any other action, required or permitted to be taken by the Board, to be taken without a meeting. Such action by written consent shall have the same force and effect as a vote of the Board at a meeting. Such vote shall be filed with the minutes of the proceedings of the Board.

### **ARTICLE X APPEALS**

#### **Section 1. Right to Appeal**

If an institution, after availing itself of the Review of Commission Action process, described in the Commission's Policy on Review of Commission Actions, is the recipient of a Commission action that sustains a denial or termination of candidacy or accreditation, the institution shall have the right to appeal that decision. In order to perfect the appeal, the institution, acting through formal authorization to its chair from the institution's governing board, must deliver a notice of appeal to the ACCJC President within 30 calendar days of receiving notice of the Commission's decision on the Review of Commission Action to affirm an adverse action on the institution. The notice of appeal must be in the form described in the ACCJC Appeal Procedures Manual (described in Section 3 below). During the period up to and including the pendency of the appeal, the institution's status with the Commission shall remain the same as it was prior to the decision being appealed.

#### **Section 2. Hearing Panel**

Upon receipt of a properly completed and delivered notice of appeal, the Executive Committee shall appoint a Hearing Panel consisting of not less than five (5) or more than seven (7) qualified persons. The Executive Committee shall also appoint the chair of the Hearing Panel. The Hearing Panel members may not be current Commission members and may not have participated, whether through Review Committee participation<sup>1</sup> or through prior team participation, in the decision being appealed. At least one member of the Hearing Panel shall be a representative of the public. A representative of the public is someone who is not: an employee, member of the governing board, owner, shareholder, or consultant to an institution that has applied for or is in candidacy or is accredited by the ACCJC; a member of any trade association or membership organization related to, affiliated with, or associated with the agency; or a spouse, parent, child, or sibling of such individuals. The Hearing Panel shall also include an administrative representative with post-secondary administrative experience, and an academic representative with post-secondary faculty experience.

Each member selected must sign the Commission's "Appellate Conflict of Interest Policy," acknowledging that they do not have conflict of interest. The institution shall have the ability to challenge the selection of any Hearing Panel member for cause according to the

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<sup>1</sup> For more information, please refer to the Policy on Review of Commission Actions.



procedures in the ACCJC Appeal Procedures Manual. Any replacement of Hearing Panel members shall be selected in the same manner.

### **Section 3. Appeal Procedures Manual and Appellate Conflict of Interest Statement**

The Commission has adopted an appeals manual, referred to herein as the "ACCJC Appeals Procedures Manual." The ACCJC Appeals Procedures Manual sets forth more fully the procedures for conducting the appeal. A copy of the ACCJC Appeals Procedures Manual will be provided to the institution when the institution receives notice of an appealable Commission action. The Commission has adopted an "Appellate Conflict of Interest Policy" which members of the Hearing Panel must sign before they may be seated to hear an appeal.

### **Section 4. Costs**

An institution bringing an appeal shall file a deposit to cover one half of those out of pocket costs of the Commission, as set forth more fully in the ACCJC Appeals Procedures Manual. The Commission will establish the amount of the deposit and may modify it from time to time at its discretion. In the event the actual costs exceed the amount of the deposit, the institution shall be responsible for the balance and may be required, during the appeal, to supplement the deposit. In the event the deposit exceeds the necessary costs, the institution shall receive a refund of the difference at the conclusion of the appeal. In the event the institution prevails in the appeal, the Hearing Panel shall have the discretion to refund the institution's deposit at the conclusion of the appeal.

### **Section 5. New Financial Evidence**

If, following the Review of Commission Action, the institution's deficiencies leading to noncompliance only relate to the institution's finances, then on one occasion only and not later than thirty (30) days prior to the date the appeal is scheduled to commence, the institution may request a special review of new financial evidence by filing a written request for such review with the President and identifying that information which, in the opinion of the institution's chief executive officer, constitutes New Financial Evidence. Such request shall be co-signed by the chair of the institution's governing board. New Financial Evidence is evidence that (1) was unavailable to the institution until after the date upon which the Commission's policies permitted the institution to submit evidence that was considered in connection with the action being appealed (and is therefore timely), and (2) bears materially on the financial deficiencies identified by the Commission which resulted in findings of noncompliance. Evidence shall be deemed to bear materially on the financial deficiencies only if such evidence is of sufficient gravity that, if proven, would be likely to cause the Commission to reverse the decision being appealed.

Upon receipt of the New Financial Evidence, the Commission's Chair shall form an ad hoc committee of no fewer than three (3) Commissioners (the New Financial Evidence Committee) to review the New Financial Evidence. The membership of the New Financial Evidence Committee may include Commissioners who have acted as readers or for other reasons are familiar with the issues affecting the institution, but may not consist of any Commissioners who have a conflict of interest with respect to the institution as defined by the Commission's Conflict of Interest Policy. The New Financial Evidence Committee shall conclude prior to the date the appeal hearing is scheduled to commence. The decision of



the New Financial Evidence Committee shall be communicated in writing to the institution and to the ACCJC President. The decision of the New Financial Evidence Committee shall not be subject to any further review or appeal, except as herein provided. If, in the sole judgment and discretion of the New Financial Evidence Committee, acting by majority vote, the New Financial Evidence is found not to have been raised in a timely manner or is found not to bear materially on the financial deficiencies of the institution, the appeal hearing shall continue without interruption, and the New Financial Evidence shall not become part of the record on appeal.

If, in the sole judgment and discretion of the New Financial Evidence Committee, the New Financial Evidence is found to have been raised in a timely manner and to bear materially on institution's financial deficiencies, the President shall immediately postpone the hearing until after the date of the next Commission meeting at which time the Commission will reconsider the decision being appealed. The Commission shall independently review the New Financial Evidence and make its own determination regarding whether such evidence was timely and material. If, in the sole discretion of the Commission, the New Financial Evidence is found to have been raised in a timely manner and to bear materially on the institution's financial deficiencies, the Commission shall render a new decision which shall act to remove the previous sanction. It may, in its sole discretion, impose any other lesser sanction and conditions which it deems appropriate, and the institution shall not be able to seek further appeal or review from such lesser sanction, if any is imposed. In such instance, the Commission shall instruct the ACCJC President to dismiss the appeal.

If, in the sole discretion of the Commission, the New Financial Evidence is not found to have been raised in a timely manner or if it is found not to bear materially and significantly on the financial deficiencies which served as the basis of the decision that is being appealed, the Commission shall instruct the President to take the necessary steps to resume the appeal hearing. In all events, the decision of the Commission shall include findings on the timeliness and materiality of the New Financial Evidence. Such decision shall not be subject to consideration by the Hearing Panel. Such decision in all instances shall be communicated in writing to the institution, to the President, and to the Hearing Panel's Chair.

## **Section 6. The Appellate Hearing**

The ACCJC President shall arrange the appellate hearing at the earliest practicable date. Those testifying shall not be placed under oath. The Commission will ordinarily have legal counsel present, and the institution has a right, but is not required, to have legal counsel present.

At least sixty (60) calendar days before the time set for the appellate hearing of such an appeal, the President shall cause notice of the time and place of the appellate hearing to be delivered, by a means that will assure a written receipt, to the Chair of the governing board of the institution with a copy to its chief executive officer.

## **Section 7. Grounds for Appeal**

The grounds for appeal shall be limited to the following: (1) there were errors or omissions in carrying out prescribed procedures on the part of the evaluation team and/or the Commission which materially affected the Commission's action; (2) there was demonstrable bias or prejudice on the part of one or more members of the evaluation team or the



Commission which materially affected the Commission's action; (3) the evidence before the Commission prior to and on the date when it made the action which is being appealed was materially in error; or (4) the action of the Commission was not supported by substantial evidence. The "action" referred to in this Section refers to the Commission's action at the conclusion of the Review of Commission Action process.

### **Section 8. Decision of the Hearing Panel**

The Hearing Panel shall make its decision by a vote of the majority on the basis of the admissible evidence and arguments presented to it at the hearing. Each member, including the Chair, shall have one vote. The Hearing Panel's decision shall include a determination as to whether the grounds for appeal were established. The Hearing Panel may act to dismiss the appeal for lack of grounds, affirm in whole, affirm in part and amend, reverse, or remand the action being appealed and the reasons that were cited in its support. The Hearing Panel shall issue its decision and the reasons therefore in writing within thirty (30) calendar days and will inform the ACCJC President, the chair of the governing board of the institution and the chief executive officer of the institution of such decision. Such decision shall not be subject to any further appeal.

1. If the Hearing Panel finds in favor of the institution on one or more of grounds (1) through (4) of Section 7 above, the Hearing Panel's decision will have the effect of reversing the denial or termination of the candidacy or accreditation of the institution. Its decision may recommend, but shall not dictate, any terms or conditions to be imposed on the accreditation or candidacy of the institution by the Commission when it implements the Hearing Panel's decision. The Commission shall thereafter implement the Hearing Panel's decision and, in doing so, shall retain the discretion to impose conditions, including a sanction which is less than the denial or termination of candidacy or accreditation of the institution. The Commission's implementation action shall be on the accredited status of the institution, and shall be consistent with the Hearing Panel's decision. Such implementation action by the Commission will be communicated to the institution and shall not be subject to further review or appeal.
2. If the Hearing Panel finds against the institution on any of the four grounds in Section 7 above, it shall deny that portion of the appeal which is based on that ground. If the Hearing Panel finds against the institution on all grounds appealed, its decision shall act to affirm the action of the Commission which was appealed. The decision under this subsection (2) shall not be subject to any further review or appeal.
3. If the Hearing Panel finds that there are issues which deserve further consideration by the Commission, the Hearing Panel shall remand the Commission's action to the Commission. Such remand decision shall identify the issues that must be addressed further by the Commission and shall include any instructions which the Hearing Panel believes are necessary in order to assure that the Commission's final action will be consistent with the Hearing Panel's decision. The Commission shall thereupon consider such issues and arrive at a final action which shall be consistent with the Hearing Panel's decision and instructions. The action by the Commission following such remand shall be final and shall not be subject to further review or appeal.



**Section 9. Institutional Financial Obligations Following Litigation**

Any institution which takes legal action against the ACCJC regarding an accreditation decision and withdraws or loses its case is responsible for assuming all costs incurred by the ACCJC while defending its position, including attorney fees. These costs must be paid in full within 45 days following the institution's receipt of the ACCJC invoice, unless other arrangements are approved by the Executive Committee acting on behalf of the ACCJC Board of Directors.

**ARTICLE XI  
LEGAL EXPENSES REIMBURSEMENT**

In the event and in instances when ACCJC is not a party to litigation, that ACCJC receives criminal or civil inquiries, including subpoenas, deposition notices or other discovery requests related to institutions which are applicants to ACCJC, accredited or granted candidacy for accreditation by ACCJC, or which have been previously accredited by ACCJC, then the institution that is related to the request will be responsible for reimbursing ACCJC for all costs associated with responding to the subpoena, deposition notice or other discovery request, including the reasonable cost of legal counsel, staff time, and associated costs such as travel and making copies. In addition, the institution will be responsible for the legal fees and related expenses associated with legal review of proposed memoranda of understanding, contractual agreements with other institutions or other issues arising from the accreditation process, including substantive change.

**ARTICLE XII  
STANDING RULES**

Robert's Rules of Order shall govern all meetings of the Board, the Commission and committees, except in the case where ACCJC has adopted standing rules. All standing rules of the ACCJC shall take precedence over Robert's Rules of Order.

**ARTICLE XIII  
INDEMNIFICATION**

The Accrediting Commission for Community and Junior Colleges (ACCJC) does hereby grant indemnification to any officer, director, commissioner, or other agent, or former officer, director, commissioner, or other agent, including but not limited to the ACCJC's employees and team members, for claims or actions asserted against said person arising out of acts or omissions alleged to have occurred in connection with, or as a result of his or her activities as an officer, director, commissioner, employee, or agent, of the ACCJC, to the fullest extent permitted by law; provided however, as follows:

- a. When any claim or action is asserted or threatened to be asserted, as described in such statutes, the person requesting indemnification must give timely notice thereof to the President of the ACCJC; and
- b. The ACCJC must approve of the law firm that will defend that person in such claim or action.



Indemnification shall be provided herein only to the extent that valid and collectible insurance coverage under all existing policies of insurance held by the ACCJC has been exhausted.

**ARTICLE XIV  
AMENDMENTS**

These bylaws may be amended by a simple majority vote of the Board after the proposed amendments have been circulated among the Board members at least two weeks before the meeting at which the vote is taken. If the vote is taken without the amendments being circulated among the Board members for at least two weeks, then all Board members must individually or collectively consent to that action.