

PART TWO: PROCESSES AND PROCEDURES

INTRODUCTION

Part Two of the Distance Education Accrediting Commission (DEAC) *Accreditation Handbook* is intended to set forth the procedural framework that institutions seeking accreditation from DEAC are required to follow. It also includes a description of the primary documents and information an institution will be expected to submit in order to demonstrate compliance with DEAC accreditation standards (found in Part Three of the DEAC *Accreditation Handbook*). Please note that, although the process of evaluation for accreditation is comprehensive and thorough for both initial applicants and those institutions seeking a renewal of their accreditation, the process for a new applicant includes additional steps and requirements, including an initial assessment of “readiness.”

Part Two also sets forth (1) the supplemental process required for institutions seeking to be certified by DEAC as eligible to participate in Title IV programs and (2) the primary forms of interim monitoring that DEAC has established to ensure and support ongoing compliance with its accreditation standards.

Unless otherwise indicated below, all applicable forms and fees associated with the accreditation process, including those involved in mid-term monitoring of accredited institutions and/or supplemental processes such as an application for Title IV eligibility certification, can be found on DEAC’s website.

Application for accreditation, reaccreditation, or Title IV eligibility certification is wholly voluntary. For institutions who elect to proceed along any of these paths, DEAC offers training and detailed written guidance. DEAC staff also welcome questions from institutions on the process, procedures, and forms at any time.

Five Important Notes on DEAC’s Accreditation Processes and Procedures

- 1. The decisions to apply for accreditation and to continue through the accreditation process are voluntary.** Applicant institutions for initial accreditation or reaccreditation may at any time drop out of the accreditation process, subject to their continuing obligation for the payment of any required fees and already incurred expenses.
- 2. Scope of Accreditation.** DEAC only awards accreditation status for institutions. DEAC does not offer pre-accreditation or similar status nor does DEAC accredit institutions on a “partial” basis. Accredited institutions may offer distance education services that are not part of the institution’s accredited degree or non-degree program curriculum. These could include, by way of example, continuing education courses, professional development courses, and courses offered in partnership with individual businesses. However, any distance education offerings of this nature must be clearly designated as outside of the scope of accreditation granted by DEAC both on the institution’s website and in the

description of the distance education being offered.

3. **Procedural Safeguards and Due Process.** As referenced in Part One of the *Handbook*, peer review lies at the core of the accreditation process for institutions of higher education in the United States. At the same time, DEAC shares with other accrediting organizations and educational regulators the recognition that peer review by its nature is susceptible to subjectivity, potential conflicts of interest, and human error or bias. The accreditation processes and procedures developed by DEAC have been carefully designed to safeguard the integrity and quality of institutional and program reviews by incorporating four primary features: (a) transparency in requirements, standards, and findings; (b) multiple layers of review by different evaluators; (c) extensive safeguards against conflicts of interest (further information on the same can be found in Part Four of the *Handbook*); and (d) mechanisms for due process afforded throughout the process.

With respect to due process in particular, applicant institutions being evaluated for accreditation can, for example, (a) respond in writing and with documentation to findings of DEAC's subject matter specialists and on-site evaluation team, (b) submit objections to the selection of on-site evaluation team members, (c) request a new evaluation or curriculum review, (d) demonstrate why a show cause directive should be lifted, and (e) appeal a DEAC decision to deny or withdraw accreditation, or deny approval of a substantive change (as defined in Section XVIII below) to an independent appeals panel (see Section XII below). Once accredited, member institutions have the opportunity to review and comment on material substantive changes to DEAC's accreditation standards and procedures.

The right of due process does not mean that the DEAC will agree with or accept an institution's response or recommendations. In addition, the burden of proof in demonstrating compliance with the standards rests with the institution at each stage of DEAC's evaluation and decision process and through any appellate process exercised by an institution. However, an institution's right to respond and be heard at key junctures in the evaluation process, as well as the institution's right to appeal the Commission's initiation of an adverse actions (defined in Section XI.A below) and denial of substantive changes, are central to the accreditation process.

4. **Meeting or Exceeding Government Standards and Educational Quality Leaders.** As referenced in Part One of this *Handbook*, the accreditation standards, processes, and procedures set forth in Parts Two and Three of DEAC's *Accreditation Handbook* are in many instances required or directed by federal regulation or by other recognition or oversight organizations to which DEAC belongs or voluntarily submits, such as the Council For Higher Education Accreditation (CHEA). When regulations across these organizations conflict in the extent of their requirements, DEAC adheres to the more rigorous standards.

In addition, in certain areas, DEAC of its own accord, after review and comment by its members, has elected to implement disclosure and reporting requirements that exceed those required by government regulations or those required by other accrediting

organizations. This is particularly the case when DEAC believes that higher levels of transparency benefit the public generally and, more particularly, enrolled and prospective students of DEAC-accredited institutions/programs.

5. Acceptance of DEAC Bylaws and Published Policies, Procedures and Standards

Institutions that elect to seek accreditation from DEAC or have been accredited by DEAC must agree in writing to be bound by and comply with the terms of DEAC's corporate by-laws and its published policies, standards, and procedures, including those set forth in the *DEAC Accreditation Handbook*.

I. ACCREDITATION PROCESS FOR FIRST-TIME APPLICANTS; INITIAL TRAINING

The process for institutions seeking DEAC accreditation for the first time for their institution occurs in four steps: preparing for accreditation, demonstration of eligibility, self-evaluation and readiness assessment, and full evaluation for accreditation. Of these, the third and fourth steps consist of formal evaluations, with the fourth comprising the most rigorous and comprehensive evaluation of the institution. In the fourth step, a first-time applicant institution is also entitled to the rights of due process afforded to accredited institutions seeking reaccreditation. Successful completion of any one step is required before an institution can proceed to the next step; however, successful completion of a prior step does not guarantee successful completion of any subsequent step. Applying for accreditation or reaccreditation is a voluntary process. Accordingly, an institution may at any time during its pursuit of accreditation decide to withdraw from the process and end its application.

DEAC reserves the right to limit its accreditation process to the kinds of distance education institutions and types of distance programs that are within its scope of expertise and to decline to consider institutions and programs for accreditation that are outside DEAC's scope or competence or where other circumstances do not permit a meaningful evaluation. The institution assumes the burden of proof in demonstrating that its curricula, operating structure, and method of delivery are within DEAC's recognized scope of authority.

- A. **Step One: Preparing for Accreditation.** A key person at the institution who will be leading or central to the accreditation application process must enroll in and successfully complete the *Preparing for DEAC Accreditation* tutorial to qualify as a compliance officer. The course is available through the Online Training Center on DEAC's website at www.deac.org. This tutorial must be completed within one year prior to submitting the application for accreditation. DEAC does not accept applications for accreditation without a copy of the Certificate of Completion for the tutorial from the key person who completed the course.
- B. **No Promotional Use of DEAC's Accreditation Process.** An initial applicant institution may not suggest that it is accredited by or will be accredited by or otherwise carries any form of approval by DEAC unless and until accreditation has been finally granted, and then solely in accordance with the rules for referencing DEAC accreditation set forth in Standard VII.B. Without limiting the foregoing, when an institution applies for initial accreditation, it must certify on its application for accreditation that it "agrees to not make any promotional use of its application for accreditation status prior to receiving

DEAC accreditation.” If DEAC is informed that an applicant institution has violated the foregoing prohibition, the DEAC executive director will notify the institution immediately and tell them to cease and desist. If the institution continues in the unauthorized disclosure, its application for accreditation will be terminated, and the institution will not be allowed to reapply for accreditation for one year.

II. ACCREDITATION PROCESS FOR APPLICANTS FOR RENEWAL OF ACCREDITATION

Institutions applying to DEAC for renewal of their accreditation must also complete the accreditation training tutorial available through the Online Training Center on DEAC’s website at www.deac.org and submit an application for accreditation and nonrefundable application fee pursuant to the terms set forth in Section III below. However, they are not required to undergo a readiness assessment but rather, upon written confirmation from DEAC that their application has been accepted, proceed directly with a full accreditation evaluation, including a curriculum review, pursuant to the terms set forth in Section V below.

III. APPLICATION FOR INITIAL ACCREDITATION OR ACCREDITATION RENEWAL; DETERMINING ELIGIBILITY

After completing the *Preparing for DEAC Accreditation* online tutorial, an institution seeking DEAC accreditation or reaccreditation must submit an application for accreditation and associated nonrefundable fee (see DEAC website for the fee schedule and application form). The application requires information intended to establish the applicant’s eligibility (or continued eligibility in the case of institutions applying for reaccreditation) based on the standards of eligibility set forth below. DEAC makes its determination of eligibility based primarily on an institution’s application but may also request and review additional information from the applicant and/or third parties in order to reach its determination. The burden of proving eligibility is on the applicant institution. Compliance with the eligibility criteria must be maintained throughout the accreditation evaluation process and any subsequent term of accreditation.

A determination of an applicant’s eligibility by DEAC is communicated by a letter, delivered within 30 days of DEAC’s receipt of the application. That letter marks the start of the formal evaluation of an applicant institution for accreditation. If an initial applicant institution is determined to be ineligible, DEAC will communicate this decision within the same time frame and will provide the basis for its decision. Institutions whose applications have not been accepted may reapply only after they have resolved the disqualifying issue(s) to the satisfaction of DEAC. If an applicant for reaccreditation is determined to be ineligible, the Commission will initiate an inquiry into the noncompliance and, when appropriate, will issue a show cause directive or take other action pursuant to the terms of Section XVII (Interim Monitoring). Institutions that elect to proceed with their application for accreditation must complete all steps of the accreditation process within 12 to 18 months after the determination of eligibility is communicated by DEAC.

The eligibility criteria are as follows:

A. A distance education institution or provider is defined by DEAC as an educational institution or organization whose primary purpose is providing education or training that:

1. formally enrolls students and maintains student records;
2. retains qualified faculty to service students;
3. provides educationally sound and up-to-date curricula that are supported by quality instructional materials and appropriate technology; and
4. provides continuous two-way communication on student work, e.g., evaluating students' examinations, projects, and/or answering queries, with timely feedback given to students.

Furthermore,

5. each program offered by the institution is predominantly distance education or correspondence education (51 percent or more);
6. the institution offers non-degree and/or degree programs up to the professional doctoral level pursuant to DEAC's scope of recognition; and
7. the institution uses the term "college" or "university" in its name only if it offers academic degree programs.

B. The institution is properly licensed, authorized, exempted, or approved by all applicable state education institutional authorities (or their equivalent for non-U.S. institutions). The institution is in compliance with all applicable local, state, and federal requirements.

Exemptions from state law must be supported by state-issued documentation or by express statutory/regulatory language. Proper state authorization in an institution's state of domicile is a prerequisite for DEAC accreditation and is required to maintain accredited status. Accordingly, should an institution lose its state licensure in its state of domicile for any reason while applying for initial accreditation or reaccreditation, that process is automatically terminated. In any such situation, the institution shall not be entitled to receive any refund of fees already paid to DEAC nor shall DEAC have any liability to the institution associated with the termination of the application/evaluation process. DEAC accreditation of an accredited institution is also automatically withdrawn as of the date of the loss of state licensure. Such a withdrawal of accreditation may be appealed by an institution pursuant to the procedures set forth in Section XII below.

C. At the time of the initial application, the institution has been enrolling students in the current programs for 12 consecutive months. The institution may not add new programs during this 12-month period or during the initial accreditation process. In its response to this criterion, the institution must submit a Microsoft Excel spreadsheet with the names, mailing addresses, and email addresses of no more than the first 100 students consecutively enrolled within each division and degree level of the institution, beginning the first day of the twelfth month preceding the date of this application. If the institution has less than 100 students, it should submit the information for all students enrolled. Only institutions that are 100 percent correspondence may submit the names and addresses of students on self-adhesive mailing labels.

- D. At the time of initial application, the institution has been operating under the current legal status, form of control, and ownership for two consecutive years. The institution may not undergo changes in current legal status, form of control, or ownership during the initial accreditation process.
- E. The institution has clearly articulated outcomes for its educational offerings and has an ongoing outcomes assessment program in place designed to measure student achievement and satisfaction.
- F. The institution maintains a permanent physical facility that supports its educational offerings and business operations in a professional setting. The facility is maintained at a fixed geographic location that is appropriately licensed or authorized, as required by local and state regulatory authorities. A Post Office box is not a physical facility address.
- G. The institution documents that it is financially sound and can meet its financial obligations to provide instruction and service to its students by submitting financial statements in accordance with Part Three, Section XI, Financial Responsibility, DEAC *Accreditation Handbook*.
- H. The institution demonstrates that its name is free from any association with any activity that could damage the standing of DEAC or of the accrediting process, such as illegal actions, unethical conduct, or abuse of consumers.
- I. The institution and the institution's owners, governing board members, officials, and administrators possess sound reputations and show a record of integrity and ethical conduct in their professional activities, business operations, and relations. The owners, governing board members, officials, and administrators have records free from any association with any malfeasance, including, but not limited to, owning, managing, or controlling any educational institutions that have entered bankruptcy or have closed, to the detriment of the students. Ongoing state, federal or local indictments, enforcement activities, or other censure against an institution, an institution's owners, governing board members, officials, and administrators must be promptly disclosed by an institution to DEAC regardless of whether initiated before or during the period in which an institution is applying for accreditation or reaccreditation and during any period during which an institution is accredited by DEAC (Standard X.B). The notice should include an explanation from the institution as to the circumstances giving rise to the governmental action and why the governmental action should not result in a declaration of ineligibility under this section and/or a violation of Standard X. Upon receipt of the notice, the Commission may, in its sole discretion, initiate investigative proceedings and/or make a determination that the governmental action places the institution in violation of this eligibility criterion and of Standard X.
- J. The institution agrees that, as part of the application process, its owners, officers, and managers may be subject to a background check by DEAC, which may include, but not be limited to, DEAC surveys of state educational oversight agencies, federal departments and agencies, and consumer protection agencies; and checks on their credit history, prior

bankruptcy, criminal background, debarment from federal student aid programs, the closing of educational institutions in which they were owners, managers or principals, or the loss of accreditation or state approval to operate an educational institution. The costs of such background checks will be borne by the applicant.

- K. An initial applicant, and its corporate affiliates, must be free from any pending or final action brought by a state agency or recognized accrediting agency to (1) suspend, revoke, withdraw, or terminate any one or more of such entities' legal authority to operate or (2) deny accreditation or renewal of accreditation to one or more of such entities. An applicant for reaccreditation and its corporate affiliates must be free from any such final action by a state agency or recognized accrediting agency.

IV. SELF-EVALUATION AND READINESS ASSESSMENT (FIRST TIME APPLICANTS ONLY)

For initial applicants, the next step after receipt of DEAC's application acceptance letter is a readiness assessment conducted by an independent DEAC-appointed evaluator. The readiness assessment provides a preliminary evaluation of the institution. It is not a comprehensive examination nor should a finding of "ready" by the evaluator be construed as an indication that an institution is likely to be granted accreditation if it proceeds with the more extensive accreditation evaluation. Rather, it is intended to determine whether or not the institution has sufficient strength and stability to successfully undergo a full evaluation, and therefore whether a commitment of the institution's and DEAC's resources in administering such an evaluation is merited. The assessment also provides guidance to the institution on the actions necessary for the institution to prepare for the more in-depth, rigorous, and comprehensive review. **A determination of Not-Ready by an independent evaluator or the on-site team is final and not subject to appeal or to review by the Commission.**

The first step in the readiness assessment is the submission by the applicant institution of a completed Self-Evaluation Report (including its exhibits, "SER"), together with the nonrefundable readiness assessment fee (see DEAC website for the fee schedule) within 60 days of the date when DEAC accepted the institution's application for accreditation. Institutions should submit the required materials in accordance with DEAC's instructions for electronic submission.

- A. Preparation of SER: The SER is prepared by the institution's compliance officer and staff in accordance with the terms of the SER form and the DEAC guidance provided in its *Guide to Self-Evaluation*. Both the SER and the SER Guide can be downloaded from DEAC's website. The SER is an extensive, demanding, and comprehensive report and provides data on all areas of an institution's operations and performance, including its compliance with all DEAC accreditation standards. An institution's preparation and submission of an SER is intended both to demonstrate an institution's compliance with DEAC's accreditation standards (see Part Three of the *Accreditation Handbook*) and to provide the institution with a useful tool of self-assessment.

Readiness Evaluation: Following receipt of the applicant’s SER, DEAC’s independent evaluator reviews the SER and exhibits to determine whether or not the institution is likely to be able to successfully complete a full accreditation evaluation. For purposes of achieving a positive result on the readiness assessment, an institution is not required to demonstrate 100 percent compliance with all accreditation standards (Part Three, *DEAC Accreditation Handbook*). However, 100 percent compliance is required in order to be awarded accreditation. The DEAC evaluator’s feedback on an applicant’s SER is intended to help the applicant and DEAC assess where the institution is, in terms of qualifying for accreditation, how much additional work may be required for the institution to achieve 100 percent compliance, whether the institution has the capacity to comply with the accreditation standards on an ongoing basis, and whether or not it is advisable for DEAC and/or the institution to invest their respective resources in the next, more rigorous stage of evaluation.

- B. The Readiness Assessment Report is returned to the institution within 10-12 weeks following DEAC’s receipt of the institution’s SER. The institution is either “Deemed Ready” or “Deemed Not Ready”.
- **Deemed Ready:** The institution receives a letter from DEAC indicating that it is deemed ready to continue the accreditation process. The letter also provides guidance to the institution on where its operations and SER responses need to be strengthened, expanded, or revised in order to increase the likelihood of a successful accreditation evaluation and on-site visit. The letter contains an overview of the accreditation process, provides information on next steps, and indicates that the DEAC director of accreditation will coordinate with the institution to schedule the dates for the on-site evaluation. Institutions that receive a Deemed Ready letter must submit their curricula for review within three months of receipt of the letter (see Section V below). The institution must also submit its revised SER to the on-site evaluation team at least five weeks prior to the scheduled on-site visit.
 - **Deemed Not Ready (Second Submission):** The institution receives a letter from DEAC indicating that it is not deemed ready to continue the accreditation process. The institution has six months to submit a revised SER incorporating the evaluator’s comments and recommendations, together with a nonrefundable second submission readiness fee (see DEAC website for fee schedule). If, based on the revised SER, the independent DEAC-appointed evaluator deems the institution ready to continue the accreditation process, the institution will begin the curricular review process required for the full evaluation by submitting its curricula for review within three months. The institution must also submit a revised SER to the on-site evaluation team at least five weeks prior to the scheduled on-site visit.
 - **Deemed Not Ready (Third Submission):** If the institution is not deemed ready after the second submission, the institution has another six months to revise and submit a new SER incorporating the evaluator’s comments and recommendations. The third submission is reviewed and evaluated by an independent readiness assessment

evaluation team appointed by DEAC, which makes its readiness assessment based on the revised SER and the results of the virtual readiness assessment visit. A determination by the team that the institution is not ready is final; however, the institution can reapply for initial accreditation after one year. The third submission must be accompanied by the nonrefundable applicable virtual visit fee (see DEAC website for fee schedule).

V. FULL ACCREDITATION EVALUATION PROCESS

A full accreditation evaluation and review is required of both new applicants for accreditation and institutions seeking renewal of their accreditation. The process begins in two parallel paths: (1) the curriculum review and (2) the institution's preparation and submission of its SER. It is the responsibility of the institution to initiate both processes.

A. CURRICULAR REVIEW

As a part of the accreditation process, DEAC engages subject matter specialists to conduct comprehensive evaluations of course/program materials. The subject matter specialist is responsible for ascertaining whether the curricula and materials offered by the distance education institution are complete, accurate, and up to date in relation to stated educational outcomes. While only representative courses are reviewed in depth, the subsequent on-site review includes the scope and sequence of all curricula. Course materials submitted as part of an institution's application for accreditation are not returned to the institution. The institution is invoiced per subject matter specialist for each course/program review. Curricular reviews associated with full accreditation evaluations typically take between three and six months.

Curricular reviews may also occur in the context of a substantive change request (see Section XVIII for definition). For substantive change applications, the curricular review may take up to six months. This includes the search for a subject specialist as well as the review by the subject matter specialist.

B. CURRICULAR REVIEW FOR INSTITUTIONS SEEKING INITIAL ACCREDITATION

1. DEGREE PROGRAMS

- a.** Once the institution is deemed “ready” to move ahead in the accreditation process, it submits a list of all programs offered at the institution. DEAC then selects a sample of courses required for review and sends the institution a letter indicating the courses required for submission and the fee.
- b.** For each degree program offered, DEAC selects 50 percent of the courses for review. The representative courses are selected based on a broad and fair representation of the curriculum for each degree program.
- c.** The institution submits an educational offerings report and curriculum materials for each program, including identified courses with supporting documentation, for review off site by subject specialists.

2. NON-DEGREE PROGRAMS

- a. Once the institution is deemed “ready” to move ahead in the accreditation process, it submits a list of all programs offered at the institution. The institution will receive an invoice for the off-site subject specialist review fee.
- b. The institution submits an educational offerings report and the curriculum materials, including supporting documentation, for review off site by subject specialists.

3. HIGH SCHOOL PROGRAMS

- a. Once a high school diploma-awarding institution is deemed “ready” to move ahead in the accreditation process, it submits a list of the courses offered at the institution. DEAC reviews the list and selects the courses required for review. DEAC sends the institution a letter indicating the courses required for submission. The institution will receive an invoice for the review fee.
- b. For each high school program offered, 50 percent of the courses are selected for review. The representative courses are selected based on the following criterion:
 - Broadly and fairly representative of the following subject areas: mathematics, English, science, social studies, and electives.
- c. The institution submits an educational offerings report and the curriculum materials, including identified courses with supporting documentation, for review off site by subject specialists.

4. RESPONSE TO THE SUBJECT SPECIALIST REVIEW

All institutions that undergo the curricular review process for initial accreditation must respond to any “Partially Meets” or “Does Not Meet” findings at least two weeks prior to the on-site evaluation. The institutional response is sent to DEAC and is shared with the DEAC on-site evaluation team.

C. CURRICULAR REVIEW FOR INSTITUTIONS SEEKING RENEWAL OF ACCREDITATION

1. DEGREE PROGRAMS

- a. An institution undergoing renewal of accreditation submits a list of all degree programs offered at the institution. DEAC reviews the list and selects the programs and courses required for review. DEAC sends the institution a letter indicating the programs and courses required for submission. The institution will receive an invoice for the off-site subject specialist review fee.
- b. The representative programs and courses are selected based on the following criteria:

- If one program is offered, DEAC will select approximately 25 percent of the institution's courses for review. The selection will include the final or capstone course.
 - If between two and 10 programs are offered, the institution will submit 50 percent of the programs, and DEAC will select approximately 25 percent of the institution's courses for review. The selection will include the capstone/final program course.
 - If more than 11 programs are offered, the institution will submit seven programs or approximately 25 percent of the programs (whichever is greater), and DEAC will select approximately 25 percent of the institution's courses for review. The selection will include the capstone/final program course.
- c. The institution submits an educational offerings report and curriculum materials, including identified courses with supporting documentation, for review by off-site subject specialists.

2. NON-DEGREE PROGRAMS

- a. An institution undergoing renewal of accreditation submits a list of all programs offered at the institution. DEAC reviews the application and sends the institution a letter indicating the programs required for submission and the fee.
- b. The representative educational offerings are selected based on the following criterion:
 - Approximately 25 percent of all educational offerings that are broadly representative.
- c. The institution submits an educational offerings report and the curriculum materials for each selected educational offering, including supporting documentation, for review off-site by subject specialists.

3. HIGH SCHOOL PROGRAMS

- a. An institution undergoing renewal of accreditation submits a list of all high school programs offered at the institution. DEAC reviews the application and selects the courses required for review. DEAC sends the institution a letter indicating the courses required for submission and the fee.
- b. For each high school program offered, DEAC will select approximately 25 percent of the courses for review. The representative courses are selected based on the following criterion:

- Broadly and fairly representative of the following subject areas: mathematics, English, science, social studies, and electives.
- c. The institution submits an educational offerings report and the curriculum materials, including identified courses with supporting documentation, for review off site by subject specialists.

4. **RESPONSE TO THE SUBJECT SPECIALIST REVIEW**

The institution responds to any “Partially Meets” or “Does Not Meet” findings at least two weeks prior to the on-site evaluation. The response is sent to DEAC and shared with the DEAC on-site evaluation team.

D. **SELF-EVALUATION REPORT FOR FULL ACCREDITATION EVALUATION**

All applicants for accreditation must submit a completed SER as part of the evaluation process. For institutions applying for accreditation for the first time, the SER is typically a revision of the SER submitted in connection with the readiness assessment, expanded and updated based on the applicant’s experience of going through the assessment and receiving feedback from the DEAC evaluator. The SER must be submitted to DEAC at least five weeks prior to the scheduled on-site visit and is shared with the on-site evaluation team. The SER for the full evaluation follows the same form as the SER required for the readiness assessment (see Section VI.A. above and DEAC website for the SER form and Guide to Self-Evaluation). However, institutions submitting SERs in connection with the full evaluation process must demonstrate that they are in compliance with all DEAC accreditation standards (see Part Three of *DEAC Accreditation Handbook*). Partial compliance is not sufficient to be awarded accreditation.

VI. **PETITIONS AND WAIVERS**

Whether in connection with an application for accreditation or reaccreditation, or in the context of a mid-term event, an institution may submit a petition to DEAC requesting a waiver or alternative interpretation of any DEAC accreditation standard or procedure. Such submission must be in the format specified by DEAC, document in detail the rationale for the request, and include documentation the institution wishes to present in support of its request. Petitions should not be requested simply because an institution does not like a standard or does not care to be subject to it. Petitions may only be submitted for a significant reason as it applies to the institution’s mission. Petitions must be submitted at least 45 days in advance of one of the Commission’s normally scheduled semiannual meetings for consideration at that meeting or within such alternative time period as DEAC may specify from time to time by written notice. DEAC may also allow petitions to be filed at other times upon request of an institution if the Commission determines that such accommodation is appropriate, given the specific circumstances.¹ All petitions must be accompanied by full payment of the applicable petition fee (see DEAC website for fee schedule).

¹ Refer to Appendix XIII, Part Four, *DEAC Accreditation Handbook*, for further explanation of such circumstances.

- A. The Commission shall review a properly submitted petition, including its supporting documentation, and shall vote to either approve or deny the petition.
 1. The Commission will grant a waiver or alternative interpretation of its standards or procedures where an institution is able to demonstrate, as determined by the Commission in its reasonable discretion, that:
 - extenuating circumstances are present that indicate that the normal application of the standard or procedure would create an undue hardship on the institution or its students, or
 - the waiver or alternative interpretation meets the underlying purpose and intent of the standard or procedure.
 2. If a petition is denied, the institution may not resubmit a petition for the same request unless a subsequent change in relevant facts and circumstances or other material development would be likely to result in a different decision by the Commission. Petitions are granted for a period of one year for initial applicants and one accreditation cycle for accredited institutions.
 3. DEAC notifies the institution in writing of its decision within 30 days following that decision. Such notice includes a summary of the rationale for the Commission's decision. A decision by the Commission not to grant a waiver or alternative interpretation is final and is not subject to appeal.

VII. CONSIDERATION OF THIRD-PARTY INFORMATION

- A. DEAC publishes notice of the institutions under review for initial or renewal of accreditation on its website and encourages interested parties to submit written comments pertaining to such review. DEAC also solicits comments from third parties, such as state educational agencies, other accrediting or licensing organizations, and other governmental or quasi-governmental entities. DEAC may also solicit comments from education-focused media, industry groups, and other relevant parties. Comments may be submitted via DEAC's website or by mail or other delivery method.
- B. DEAC requests that public and third-party comments are submitted at least 30 days prior to the scheduled meeting of the Commission at which the institution's application for accreditation or reaccreditation is to be evaluated. This timeframe allows for a reasonable period in which DEAC can share the comment with the institution and the institution can respond to the same. Comments received after the deadline will be provided to the Commission, together with such additional information relating to the comment as DEAC may have gathered. To the extent that the Commission believes that the comment raises a serious and credible concern with respect to the institution's compliance with DEAC accreditation standards which are not addressed by the institution's SER, the Chair's Report, and the institution's response to the Chair's Report, the Commission will determine whether the issuance of a deferral notice or a show cause directive is appropriate.

- C. Any information received from the public is provided to the institution for review and response. A copy of the public comment and the institution's response to the same, if any, are included in the record to be reviewed by the Commission. Information received from government agencies or departments is treated in the same way as information obtained from nongovernmental sources unless the agency or department provides the information to DEAC with express requirements of confidentiality.
- D. With respect to applicants for reaccreditation, the Commission also takes into account actions by other accrediting organizations that have denied accreditation or renewal of accreditation status to the institution, have placed the institution on probation, or have withdrawn/revoked the accreditation or renewal of accreditation status of the institution. For initial applicants, any of the foregoing may be a barrier to establishing eligibility.

VIII. ON-SITE EVALUATION

On-site evaluations allow the on-site team to independently evaluate the information submitted in the institution's Self-Evaluation Report and gather additional facts for DEAC. All members of the on-site evaluation team are subject to DEAC's Conflict of Interest Policy located in the *DEAC Accreditation Handbook Appendix*.

When appropriate or required by specific circumstances as determined by the Commission in its discretion, an "on-site" visit may be conducted virtually. The Commission may rely on virtual on-site visits and treat them as equivalent to actual on-site visits in connection with any of its decision-making processes. However, where a virtual on-site visit has replaced a scheduled actual on-site visit, the latter will be rescheduled when practicable.

- A. **Selection of On-site Team:** In selecting evaluators for on-site evaluations in the context of a full accreditation evaluation, DEAC considers the nature of the institution being reviewed, the methods of operation unique to the institution, the program(s) offered, and the expertise and past evaluation experience of the evaluator.

The number of on-site evaluators for a full accreditation evaluation on-site team is determined by the size of the institution, but the teams generally include:

- a Chair,
- an education standards evaluator,
- a business standards evaluator,
- a subject specialist for each subject area,
- a DEAC staff member, and
- state or federal agency observers (invited).

One person may serve in more than one of the above roles; however, all such roles will be represented on the on-site team. On-site teams working in other contexts, such as reviews in connection with substantive changes (see Section XVIII below) are generally smaller and tailored to the context.

- B. Once the evaluators are selected, their names are submitted to the institution. The institution may object, with an adequate reason, to a specific evaluator and request that another evaluator be chosen. DEAC considers any objections submitted by an institution but is not required to replace evaluators to whom objections have been made.
- C. **On-Site Evaluation Function and Process:** The on-site evaluation provides an opportunity for evaluators to meet with key staff members, faculty/instructors, principal managers, outside accountants, governing board members, and advisory council members in order to verify that the institution is meeting its mission, can demonstrate successful student achievement, and otherwise operates in accordance with DEAC accreditation standards. All such institutional personnel must be present or readily available by telephone or other link during the on-site visit.
1. Before the on-site evaluation, each evaluator develops a comprehensive picture of the institution's operations by completing a thorough review of the SER and then answers questions on the evaluation form provided by DEAC.
 2. The Chair of the on-site team is responsible for the completion of the on-site evaluation in accordance with DEAC's processes and procedures and ensures that each evaluator completes his/her tasks during the on-site evaluation.
 3. A DEAC staff member accompanies the on-site team throughout the on-site evaluation to ensure objectivity, impartiality, uniformity, consistency in the interpretation of standards, and adherence to established procedures and to serve as a liaison between the on-site team and the Commission.

D. Chair's Report:

The culmination of the on-site visit is the Chair's Report. This document is created by the chair of the on-site team and sets forth the team's findings on the compliance of the institution with each accreditation standard. The Chair's Report is provided to DEAC, which reviews the report for completeness and clarity before forwarding it to the institution for response, typically within six weeks following the conclusion of the on-site visit. The institution's response is due within 30 days following its receipt of the report. In its response, the institution may add new or supporting information or correct any incorrect statements made in the Chair's Report. Both the Chair's Report and the institution's response are submitted to the Commission, together with other evaluation materials, including the SER, subject matter specialist reports, and third-party comments (if any) and the institution's response to the same (if any). The Commission will review all documents prior to making a decision on the institution's application. In the event that, following the on-site visit but prior to the Commission's making its decision on the accreditation of an applicant institution, the institution undergoes a material change in its management, method of operation, enrollment, or program offerings, or has any reason to believe it is no longer in compliance with one or more of the accreditation standards, the institution must promptly notify DEAC in writing and include such details as are available so that the Commission can consider the same in the review of the institution's

application.

IX. COMMISSION ACTIONS ON INITIAL AND RENEWAL OF ACCREDITATION

The Commission usually meets twice a year, in January and June, to review the evaluation file for applicants for initial accreditation or renewal of accreditation. The evaluation file typically consists of the applicant's application for accreditation, the Self-Evaluation Report submitted for the full evaluation, the Chair's Report, the institution's response to the Chair's Report, subject specialists' reports and the institution's response to the same, student surveys, any complaints filed against the institution by any person or entity, any responses to public notices and requests for comments to governmental and other industry entities, any institutional response to the foregoing, substantive communications between the institution and the DEAC relating to the accreditation process, and other relevant documentation that may be submitted or created by the institution, DEAC or the public in connection with the evaluation process.

Prior to the Commission meeting at which applications for accreditation or reaccreditation are to be evaluated, each member of the Commission is required to complete and sign a Conflict of Interest form with respect to each institution to be considered at that meeting and to recuse themselves from the evaluation and decision making with respect to any institution with whom a conflict exists (see Part Four of the *Handbook* for DEAC's Conflict of Interest Policy and associated forms).

Notice of the Commission's decision with respect to each applicant for accreditation or reaccreditation is provided to the institution within thirty (30) days following the decision. Notice is also provided, as applicable and pursuant to the terms of Section XV, to the Secretary of Education, applicable state licensing/regulatory agencies, other accrediting/licensing organizations, and the public.

The Commission takes one of four courses of action when evaluating a candidate for accreditation or reaccreditation. It may:

- A. **Accredit** a new applicant institution for up to three years or renew an institution's accredited status for up to five years. In either case, the Commission may, in its discretion, also require that the institution submit interim reports on specific programs or services at different points during the institution's accreditation term. These reports are separate and apart from the interim annual reporting requirements of all DEAC-accredited institutions.
 1. If an institution complies in all material respects with DEAC's accreditation standards but the Commission has identified minor administrative or clerical deficiencies in the institution's documentation or operations that can be easily corrected by the institution and those corrections can be confirmed remotely by DEAC staff, then the Commission may vote to grant accreditation or the renewal of accreditation to such institution contingent on written confirmation of the correction(s) by DEAC's executive director. In such event, the staff will notify the institution of the deficiencies to be corrected and the deadline for making the corrections. If a

deficiency continues beyond the stated deadline, the accreditation decision with respect to such institution will be deferred until the Commission's next scheduled semiannual meeting.

B. Defer a decision pending the Commission's receipt of additional information requested in the deferral notice. A deferral notice is issued in order for the institution to provide additional information and/or supplement its response with respect to concerns of the Commission, in each case as set forth in the deferral notice. A deferral notice does not represent a determination of non-compliance. The maximum deferral period is 12 months from the date of the Commission's decision unless the Commission extends the period for "good cause" as defined below. In no event will the deferral period, including any good cause extensions, extend beyond the shorter of 24 months or 150 percent of the length of the institution's longest program.

1. **Deferral Notice:** Within 30 days following a Commission decision to defer a decision on an institution's application for accreditation or reaccreditation, DEAC will send the institution written notice of such decision (the "deferral notice"). The deferral notice will:
 - a. identify the accreditation standards for which the Commission requires additional information, reports, on-site evaluations, and/or performance data in order to fully evaluate the institution's compliance;
 - b. provide the time frames within which such additional requirements must be completed and a description of the additional information and materials to be provided; and
 - c. inform the institution of the month in which its application for accreditation or renewal of accreditation will next be reviewed by the Commission.

The deferral notice may also require that the institution refrain from making or proposing any substantive changes (as defined in Section XVIII below) during the deferral period. However, if a substantive change is required to more effectively address a concern or question expressed in the deferral notice, the institution may request approval of such change. Any such request must provide a detailed rationale to demonstrate why the requested change would most effectively respond to the identified issue.

2. **Decision Following Deferral:** Upon review of an institution that has previously received a deferral notice, the Commission may:
 - a. grant accreditation or renewal of accreditation if it determines that the institution's response demonstrates that the institution is compliant with the cited accreditation standards and requirements;
 - b. extend the deferral period if appropriate;

- c. issue a show cause directive in accordance with the procedures set forth below; or
 - d. deny accreditation or reaccreditation as set forth below.
 3. **Status During Deferral Period.** An accredited institution under a deferral notice will retain its accreditation status unless and until the Commission decides to deny or withdraw its accreditation, as applicable. However, notice of the deferral will be published on DEAC's website.
- C. In cases where the Commission does not believe that an institution has demonstrated compliance with accreditation standards and other requirements, the Commission will direct the institution to **Show Cause** as to why its application for accreditation or reaccreditation should not be denied.

Show Cause Directive: Within 30 days following the Commission decision, DEAC will issue a notice to the institution requiring it to show cause why its application for accreditation or reaccreditation should not be denied (the "show cause directive"). The show cause directive will:

- identify the accreditation standard(s) with which the institution has not demonstrated compliance;
- set forth the reasons why the Commission believes that the institution is not in compliance with DEAC accreditation standards;
- advise the institution of its obligations, reporting requirements, and/or required remedial action under the show cause directive and the time frames established for the same (the entire period of remediation, the "Show Cause Remediation Period"); and
- require that the institution refrain from making or proposing any substantive changes (as defined in Section XVIII below) during the Show Cause Remediation Period unless the proposed change is reasonably required to demonstrate the institution's compliance with DEAC accreditation standards. Any request for approval of such a substantive change must provide a detailed rationale to demonstrate why the requested change would most effectively respond to one or more issues identified in the show cause directive.

In certain situations, where a large number of accreditation standards may be implicated by the Commission's identified concerns or where the Commission identifies systemic problems, the show cause directive may require the institution to submit to a comprehensive re-evaluation. This may include a requirement that the institution submit an updated application for accreditation in order to update and confirm eligibility status and an updated SER, as well as a new curricular review and on-site visit.

Show Cause Remediation Period. The maximum Show Cause Remediation Period may not exceed the shorter of (a) two years, or (b) 150 percent of the length of the institution's

longest program (unless the Commission extends the period for “good cause” as defined below). The burden of proof rests with the institution to demonstrate, within the Show Cause Remediation Period (as that may be extended for good cause shown) and consistent with the terms of the show cause directive, that it is meeting DEAC’s accreditation standards. In no event will a Show Cause Remediation Period, including any good faith extensions which may be granted, exceed three years.

Decision Following Show Cause Remediation Period: Upon review of the application for accreditation or reaccreditation of an institution that has previously received a show cause directive, a decision is made on the institution’s compliance with the accreditation standards or requirements noted in the directive. The Commission may:

- vacate the show cause directive and either defer an accreditation decision or grant accreditation or reaccreditation if it is determined that the grant is warranted;
- continue the show cause directive and require the submission of additional information or further reports from the institution and/or a special visit in accordance with Section X.A. below; or
- deny accreditation or reaccreditation.

Status During Pendency of Show Cause Directive. An institution under a show cause directive will retain its accreditation status unless and until the Commission decides to deny or withdraw its accreditation, as applicable. However, notice of the show cause directive will be published on DEAC’s website and must be included by the institution in its description of its accreditation status, in accordance with the terms of Section XV.E.

D. Deny accreditation to an applicant provided, however, that:

1. Prior to moving to deny accreditation to an institution where the denial would be based solely upon the institution’s failure to meet DEAC Standard XI: Financial Responsibility, the Commission will notify the institution of the identified deficiencies and afford the institution a one-time opportunity to provide the Commission with financial information that (a) would bear materially on the Commission’s evaluation of the identified deficiencies and (b) was not available to the institution prior to the Commission’s scheduled meeting to evaluate the institution’s application. If the Commission determines, in its sole and exclusive judgment, that the new information does not satisfy the foregoing criteria, the Commission will notify the institution that it is initiating an adverse action to deny the institution for accreditation or reaccreditation. If the Commission determines that the new information does satisfy the listed criteria, the Commission will consider the new information prior to making a decision on the institution’s application for accreditation or reaccreditation. Although a decision by the Commission to deny accreditation to an institution is an appealable decision, the determination by the Commission that the new information is insufficient to justify a re-evaluation of the institution’s compliance with Accreditation Standard XI is not.

2. If the Commission initiates an adverse action to deny an institution's application for renewal of its accreditation, the institution will retain its accredited status unless and until the earlier of (a) the period to appeal the decision lapses without the institution filing a notice of appeal or (b) the Commission's decision is upheld in its original form or as amended by the appeals panel. However, notice of the Commission's decision to deny a renewal of accreditation and the status of any appeal will be published on DEAC's website and must be included by the institution in its description of its accreditation status, in each case in accordance with the terms of Section XV.C. Institutions appealing a denial of accreditation must refrain from making or proposing any substantive changes. If the Commission initiates adverse action to deny an initial institution's application for accreditation, the institution may also elect to appeal such decision or may choose to reapply after one year.
- E. **Good Cause:** The Commission may, in its sole discretion and upon written request of an institution providing detailed grounds for its request, agree to extend the Deferral Period or Show Cause Remediation Period, as applicable, for good cause shown. An institution requesting an extension must provide evidence, in its request, that it has made substantial, good faith progress toward compliance with the requirements of the deferral notice or show cause directive **and** that granting the extension will not impose an unreasonable burden on or otherwise cause harm to students. A "good cause" extension may be allowed, for example, when an institution needs additional time to more fully document the scope and permanence of its compliance with DEAC accreditation standards or to establish an extended history of such compliance. A decision to grant a "good cause" extension may be made contingent on the institution's submission of interim reports on progress and related data. If the result of a "good cause" extension results in a Show Cause Remediation Period longer than that authorized by federal regulation, the Commission notifies the U.S. Secretary of Education of its decision and the reason for the same. A decision by the Commission not to grant a "good cause" extension is not appealable.

X. ACTIONS AVAILABLE TO COMMISSION DURING AN ACCREDITATION TERM

The Commission may take any of the following actions (defined in Section XI below) with respect to an accredited institution during its accreditation term:

- A. Direct the institution to undergo a special visit. The Commission may require a special visit due to unusual circumstances or failure by the institution to meet its obligations to DEAC. The Commission's requirement for a special visit may be triggered by:
 - a serious or an unusually large number of student or other complaints e.g., "whistle-blower" complaints;
 - state or federal investigations or legal action taken against an institution;
 - an institution's failure to continue to comply with a condition of accreditation;
 - reported negative financial conditions or events;
 - a show cause directive issued by the Commission;

- governmental complaints against the institution; or
- similar serious concerns.

The procedure for special visits is as follows:

1. the institution is directed to submit a self-evaluation report with respect to the specific area(s) of concern;
2. the on-site visit is scheduled for 1-2 days depending upon the scope of the issue (which is determined by the concerns giving rise to the special visit;
3. the on-site team includes evaluators selected for their expertise in the area(s) of concern;
4. during the on-site visit, the on-site team reviews documents and interviews relevant institution personnel and/or students;
5. the on-site team's review culminates in a Chair's Report summarizing the team's findings;
6. the institution is invited to respond to the Chair's Report; and
7. a record is provided to the Commission consisting of the materials giving rise to the on-site visit, the institution's self-evaluation report, the Chair's Report, and the institution's response to the same.

Commission-ordered special visits are conducted in a timely fashion. In no case will the time frame for conducting and reporting the on-site evaluation extend beyond 12 months from the date the Commission is first made aware of any condition requiring a special visit.

If an institution refuses to agree to undergo a special visit, pay the fees for the visit in a timely manner, or observe the timelines specified by the Commission, it will be reported to the Commission for action, including withdrawing accreditation.

- B. **Mid-Term Show Cause Directive.** A show cause directive may be issued by the Commission to an accredited institution which the Commission has reason to believe is no longer in compliance with DEAC accreditation standards during an accreditation term. In such event, the institution is directed to show cause why its accreditation should not be withdrawn. The mid-term issuance of a show cause directive shall follow the same terms as are set forth in Section IX.C. above. However, the decision by the Commission at the end of the Show Cause Remediation Period is whether or not to withdraw the institution's accreditation, extend the Show Cause Remediation Period for good cause, or vacate the show cause directive if warranted by the remedial actions implemented by the institution.
- C. If a DEAC member institution is the subject of an adverse action or negative change in accreditation status by another recognized accrediting agency or has been placed on probation or an equivalent status by another recognized accrediting agency, the Commission shall promptly review the institution's compliance with the relevant DEAC accreditation standards to determine if DEAC should also initiate an adverse action, issue a show cause directive or initiate such further investigation of the institution as it deems proper.

- D. The Commission may take immediate adverse action, without prior notice or issuance of a show cause directive, to initiate an action to withdraw accreditation from an institution or program if it determines, in its reasonable discretion, that an institution's violations of DEAC standards and/or policies warrant such immediate action. A decision to initiate an adverse action under the terms of this paragraph is subject to the due process rights set forth in Section XII below.

XI. DEFINITIONS RELATING TO COMMISSION ACTIONS

- A. **Definition of Adverse Action.** Two actions available to be taken by the Commission are considered "adverse actions" and therefore subject to appeal by an institution. These are:

1. the Commission's denial of an institution's application for accreditation or reaccreditation; and
2. the Commission's withdrawal of the existing accreditation of an institution for cause.

The Commission initiates an adverse action when it votes to deny accreditation or reaccreditation to an institution or to withdraw an institution's existing accreditation. The Commission's decision is subject to appeal and the adverse action only becomes final after the appeal process has been exhausted or after the right of appeal has been waived by the applicant institution. Until such time as the adverse action becomes final, an accredited institution is responsible for remaining in full compliance with DEAC accreditation standards and is subject to ongoing DEAC monitoring and directives, as applicable.

Adverse actions are disclosed to the institution, applicable state and federal regulatory agencies, other accrediting organizations as appropriate, and the public when they are initiated and when they become final pursuant to the terms of Section XV.

- B. **Definition of Final Decision.** A decision by the Commission to grant accreditation or reaccreditation to an institution is final as of the date on which the Commission votes for such a grant. A decision by the Commission to take adverse action is initiated by a vote of the Commission but does not become final until such time as the institution's right of appeal is exhausted or waived. Decisions taken by the Commission during an institution's term of accreditation that do not initiate adverse action (such as decisions to order a special visit or issue a show cause directive) are final when taken but are not subject to appeal except for decisions to deny a substantive change. An institution may only appeal (1) decisions not to approve a substantive change and (2) decisions by the Commission to initiate an adverse action.

- C. **Record.** The term "Record" refers to the body of materials submitted to the Commission and on which the Commission bases its review and decisions. In the context of applications for accreditation or reaccreditation, the Record typically consists of the eligibility application, the SER, the academic specialists reports and the institution's response to the same, the Chair's Report and the institution's response to the same, third party comments received by DEAC, and when relevant, annual reports, other interim

reports from the institution, and media reports. In the case of mid-accreditation reviews, the scope of the Record will be determined by the nature of the matter(s) giving rise to the review. In any decision-making process, the Commission may also consider (1) applicable state and federal regulations and guidelines; (2) applicable licensing requirements; (3) relevant rules, guidelines, and requirements of other accrediting organizations and educational standards organizations; (4) enforcement, disciplinary, investigative or other actions taken by state or federal entities, or accrediting organizations, with respect to the institution, and (5) DEAC's accreditation standards and published policies, procedures, forms, and website content.

XII. APPEALING A COMMISSION'S ADVERSE DECISION

Only decisions by the Commission to initiate adverse action or not to approve a substantive change can be appealed by an institution. The appeal is limited to a claim of material error in the decision attributable to (a) a failure of the Record to support the decision or (b) a material misapplication of DEAC's accreditation standards or published procedures or policies which materially affected the outcome of the Commission's decision-making process. The fact that the Record considered by the Commission could have also supported a different decision is not sufficient grounds for the appeals panel to remand the matter if the Commission's actual decision is also supported by the Record. The institution is entitled to be represented by counsel in connection with any or all portions of its appeal.

An institution must first appeal an appealable Commission decision to an independent appeals panel as set forth in this Section before challenging that decision in any other forum.

A. Nature of Appeals Process. DEAC is committed to fairly evaluating each institution before voting to deny or withdraw accreditation or before denying a proposal for substantive change. Accordingly, DEAC does not consider or approach a review of an appealable decision by the appeals panel to be an adversarial procedure. Rather, the goal of the appeals process is to ensure that decisions to initiate adverse actions and denials of substantive changes were properly considered and were supported by the Record. DEAC's participation in the review process is therefore limited primarily to ensuring that information provided to the appeals panel is accurate, not misleading, and is supported by the Record.

B. Appeal Process

- 1. Application for Appeal.** An institution appealing an appealable decision by the Commission must submit the Application for Appeal form (available from DEAC's website) together with the applicable appeals fee (see fees page on DEAC website) to the executive director of DEAC within 10 days of the receipt of DEAC's letter advising the institution of the decision that is being appealed. The application for appeal shall state generally the basis on which the appeal is being made. An institution's failure to submit the application for appeal and associated fee within the 10-day period will waive its right of appeal, and the Commission's decision will automatically become final and take full force and effect.

2. **Statement of Appeal.** An institution which has timely filed an application for appeal must then submit a written statement setting forth all of the reasons the institution believes that the Commission's decision was in clear error and the part or parts of the Record that support its positions. The institution may provide alternative bases for a determination of error, but evidence in support of each basis is limited to the materials and information included in the Record; no evidence or information not included in the Record will be considered by the appeals panel. The institution's statement must be delivered to the DEAC executive director within thirty (30) days of the institution's receiving notification of the decision being appealed.
3. **Burden of Proof.** The institution has the burden to show that the Commission's decision resulted from errors or omissions in the execution of DEAC's policies and procedures or that the decision was not based on substantial evidence in the Record. One or more specific procedural errors or unsupported findings by the Commission will not result in a remand if the balance of the Record independently supports the decision taken by the Commission. No new materials may be presented for the appeals panel's consideration on appeal.
4. **DEAC Response.** DEAC may, in its discretion, submit a written response to the appellant's statement within 30 days following its receipt of the appellant institution's statement.
5. **Request for Oral Argument.** In its written statement, the appellant institution must state whether or not it wants the appeals panel to hear oral argument. The names and affiliations of those appearing to make the oral presentation should be included with the request when available; if not available at the time of the request, and in the absence of extenuating circumstances justifying a later disclosure, the institution shall provide the same no later than seven days prior to the scheduled hearing date. If the appellant institution does not request oral argument, then the appeals panel will make its decision based on the Record, the Commission's written findings and reasons related to the decision being appealed, the appellant's statement, and DEAC's response to that statement (if any) (the "Record for Appeal").
6. **Materials Provided to the Appeals Panel.** DEAC is responsible for providing to the appeals panel, within 45 days following the appellant institution's submission of its statement, a copy of the Record for Appeal. A copy of DEAC's response will be provided to the institution on the same date.

C. Hearing Procedure

1. A hearing before the appeals panel shall be scheduled within 60 days following the delivery of the Record for Appeal to appeals panel members. The hearing will be held virtually unless the appeals panel determines, in its sole discretion, that the physical presence of the panel and the parties is reasonably required. The appellant institution shall have 30 minutes in which to argue its case in front of the appeals panel. The 30 minutes does not include the time attributable to questions from the appeals panel and the institution's response to the same. The time period may also be

extended by the appeals panel in its discretion. Oral argument by the institution may not include arguments not previously made in its statement. DEAC shall have at least one representative present at the hearing. The DEAC representative shall participate in the proceeding solely for the purpose of correcting errors or misleading statements made in the process. The institution shall have the opportunity to respond to any such correction by indicating the part(s) of the Record supporting the perceived error or misleading statement. Depending on the nature of the hearing (e.g., whether virtual or not), DEAC will indicate to the appeals panel its interest in speaking and the appeals panel will afford it an opportunity to do so in its discretion. Any DEAC correction and institutional response shall not be included within the 30-minute time limitation.

2. The appeal hearing will be recorded by stenographic or electronic means, and a copy of the same will be provided to the institution upon request.
3. The appeals panel will render its decision within 30 days following the hearing date, if a hearing is held, or within 30 days following the submission of the Record for Appeal if no hearing is requested. The decision shall provide a summary of the appeals panel rationale for its decision. The decision will be delivered to the DEAC executive director, who shall provide it to the Commission and the institution within one business day.

D. Appeals Panel

1. The institution's appeal is heard by an independent appeals panel that does not include DEAC staff or members of the Commission and serves as an additional level of due process for the institution. It can affirm, amend, or remand the prior decision of the Commission as set forth below.
2. The appeals panel does not have authority to evaluate or rule on the reasonableness of eligibility criteria, procedures, or accreditation standards. Its role is to determine whether the Commission's action was clearly erroneous in that it was not supported by any reasonable evaluation of the Record and/or attributable to a material error in applying DEAC's accreditation standards and procedures.
3. The appeals panel consists of three people appointed by DEAC: a public member, an academic, and an administrator. Potential members of an appeals panel are selected by DEAC's executive director from the ranks of former members of the Commission, the corps of DEAC evaluators, and active staff of DEAC-accredited institutions who have completed DEAC's evaluator training program. In order to ensure a prompt hearing of appeals, DEAC maintains a pool of potential appeals panel candidates who have agreed to serve if requested. These candidates receive annual training on DEAC's accreditation standards, evaluation processes and procedures, conflict of interest policy, and the appeals panel process, scope, and responsibility.
4. Candidates selected for the appeals panel must possess knowledge of DEAC's accreditation mission, standards, and procedures. The candidates cannot include any current member of the Commission or any person involved in an evaluation of the

appellant institution completed within the previous five years and cannot have a conflict of interest as defined in DEAC's Conflict of Interest Policy (see Part Four of *DEAC Accreditation Handbook*). The executive director submits a list of proposed appeals panel members to the appellant institution. Within 10 calendar days of receiving the list of proposed panel members, the appellant institution may request, in writing, that any person or persons be removed from the list on the basis of potential conflict of interest as defined in DEAC's Conflict of Interest Policy. If DEAC determines that the request is reasonable, the candidate will be replaced.

E. Decisions Available to the Appeals Panel

1. **Affirm:** If the appeals panel determines that the institution has failed to meet its burden of proof in showing that the Commission's action was not supported by the record or was attributable to a material error in its application of DEAC's published policies and procedures, it must affirm the decision of the Commission.
2. **Remand:** The appeals panel may remand a decision to the Commission for reconsideration when it finds that the Record on Appeal (and, as applicable, the hearing transcript) did not support the Commission's decision. In its decision to remand, the appeals panel must identify those material facts that it finds the Commission failed to consider or where the Commission otherwise committed one or more material errors in its deliberations and decision-making process. The Commission must act in a manner consistent with the appeals panel's decisions and/or instructions.
3. **Affirm and Amend:** If the appeals panel determines that, although it agrees with the Commission's decision based on the entirety of the Record for Appeal, one or more elements of the Commission's stated reasoning or procedural actions was nevertheless clearly in error, the appeals panel may amend the decision. An appeals panel decision to amend a Commission decision remands the matter to the Commission in order that the Commission modify the bases for its decision in accordance with the specific direction of the appeals panel.
4. **Communication of Decision:** The appeals panel will communicate its decision to DEAC in a written report setting forth the basis for its decision. DEAC will then notify the institution of the decision in writing.

F. DEAC Receipt and Implementation of Appeals Panel Decisions

If the Commission's decision to initiate an adverse action or to deny a request for substantive change is upheld by the appeals panel in its original or in an amended form,

1. the Commission's decision takes effect pursuant to the terms of Section XII.D.;
2. DEAC will so notify the institution and provide the institution with a period of 60 days in which to file a written comment to the decision as provided under Section XV.G; and
3. the institution is not eligible to reapply for accreditation or for the applicable

substantive change for a period of one year from the date of the appeals panel decision.

If the appeals panel remands the matter to the Commission for further evaluation and decision making pursuant to the appeals panel's instructions, the Commission will undertake such re-evaluation and decision making at its next regularly scheduled meeting or at an earlier scheduled meeting, in its discretion. If, on remand, the Commission again votes against the accreditation or reaccreditation of an institution or in favor of the withdrawal of accreditation from an institution, or if it again votes to deny approval for a substantive change, the institution is entitled to a right of appeal with respect to that decision.

G. Confidentiality of Proceedings. The Record for Appeal, the transcript of the hearing (if applicable), and the appeals panel report to DEAC (collectively, the Appellate Record) shall be treated as DEAC proprietary information and shall not be disclosed to any third party except as required in connection with any arbitration proceedings initiated by an institution.

XIII. BINDING ARBITRATION

If an institution elects to dispute the Commission's initiation of an adverse action or a Commission decision not to approve a substantive change beyond the appeals process administered by DEAC, its dispute shall be resolved exclusively through binding arbitration. To initiate such arbitration, the institution must submit to DEAC a request for a de novo review by an independent arbitrator within five business days of its receipt of written notice from the Commission of its decision (after the appeal has been exhausted) together with the applicable non-refundable arbitration fee (see DEAC website for arbitration fee). Such arbitration shall be conducted under the auspices of the American Arbitration Association (AAA) and must be initiated by the institution with the AAA within 30 days following the institution's receipt of notice that the adverse action taken by the Commission has become final. The sole and exclusive venue for the arbitration shall be the District of Columbia.

Arbitration under this section shall be conducted by a single arbitrator who must have familiarity and experience with the field of higher education and the federal rules governing accrediting organizations. The AAA will provide a list of qualified arbitrator candidates. The institution and DEAC will use good faith efforts to select an arbitrator from the AAA list; if they are unable to do so, the AAA will select the arbitrator. The question(s) to be resolved by the arbitrator are limited to whether the Commission's decision was clearly erroneous because it was (a) not reasonably supported by the Record for Appeal and/or (b) solely attributable to a misapplication of DEAC's accreditation standards or published policies and procedures. The fact that the Record considered by the Commission could have also supported a different decision is not sufficient grounds for an arbitrator to reverse the decision if the Commission's actual decision is also supported by the Record.

The arbitration shall be held within ninety days following the submission of the Record of Appeal to the Appeals Panel. The date for the hearing shall be determined by the arbitrator in their discretion but may be revised by the arbitrator in their discretion in response to a request

for change from either party. The institution may submit a brief of no longer than 20 pages at least 30 days prior to the hearing date. DEAC may respond to the institution's brief with a brief of no more than 20 pages. No discovery shall be authorized nor may evidence in addition to that in the Record for Appeal be introduced in either party's briefs or oral argument. At the arbitration hearing, each party shall be entitled to 20 minutes of oral argument, including questions from the arbitrator. A party may reserve up to five minutes for use in a closing statement. A transcript of the hearing shall be made and provided in electronic form to the arbitrator and each of the parties. The arbitrator shall make a decision based on the Record for Appeal, the briefs of the parties, and the arbitration hearing (the "Arbitral Record").

The arbitrator may affirm, affirm in an amended form, or remand the Commission decision at issue. The decision of the arbitrator shall include a summary of the reasoning supporting the decision and shall be delivered to the institution and DEAC within 60 days following the arbitration hearing. The decision of the arbitrator is binding on the parties and may be reviewed by the federal courts only for abuse of discretion. It is enforceable by all courts of competent jurisdiction. The arbitration proceedings, arbitration filings and Record for Appeal shall be treated as confidential by the parties except as may be required to enforce their respective rights. The arbitrator's decision shall not be deemed confidential.

The expense of the AAA, the arbitrator, and the hearing transcription shall be shared equally by the parties. Otherwise, each party shall bear its own costs in connection with the arbitration.

XIV. RECORD KEEPING AND CONFIDENTIALITY

A. **Records Maintained.** DEAC maintains in electronic form complete and accurate records of:

1. its last full accreditation reviews of each institution, including the application, on-site evaluation team reports, the institution's responses to on-site reports, periodic review reports, any reports of special reviews conducted between regular reviews, and a copy of the institution's most recent Self-Evaluation Report;
2. all decisions made throughout each institution's affiliation with DEAC regarding its accreditation and any substantive change, including all correspondence that is significantly related to those decisions;
3. all materials associated with any appeal or arbitration that may be initiated by an institution; and
4. minutes of all Board of Directors and Commission meetings.

B. **Confidentiality of Records:**

1. Institution's Obligations with Respect to Information Related to a Commission

Action or Proceeding. Reports, evaluations (including curriculum evaluations), internal rubrics, analyses, third-party comments (whether or not solicited and including communications from federal and/or state entities or other accrediting or licensing organizations), financial data and analyses, investigative findings, professional advice, and other materials related to or created in connection with DEAC business or accrediting operations (individually and collectively, and in each case to the extent not made publicly available by the Commission, “DEAC proprietary information”) should be treated as confidential to DEAC and may not be disclosed by an institution to any third party, directly or indirectly without the prior written authorization of DEAC, except

- a. as required in connection with federal or state regulatory proceedings or pursuant to judicial process;
- b. in the context of any appeals panel or arbitration proceeding pursued by an institution, provided that such disclosures shall be made under provisions of confidentiality equivalent to or more stringent than those set forth in this paragraph;
- c. to the extent consisting solely of third-party materials, if such materials have also been made available to the public by such third parties; and
- d. to the extent reasonably required by an institution’s governing body and professional advisors, provided that any such persons or entities to whom information is disclosed are bound by written agreement or professional code of ethics not to further disclose the information.

The foregoing restrictions on disclosure do not apply to DEAC proprietary information, which DEAC makes generally available to the public on its website or through other public disclosures. However, DEAC’s disclosure of DEAC proprietary information to any other accrediting agency, to a state or federal governmental entity or regulatory body or in the context of appeals panel or arbitration processes, does not impair or modify the restrictions on disclosure set forth above. Nothing in the foregoing shall be construed as converting institution information and data into DEAC proprietary information when not incorporated in materials, reports, analyses, or similar submissions or communications with DEAC.

2. DEAC’s Obligations with Respect to Information Provided by Institutions. DEAC does not disclose information provided by an institution in connection with DEAC accreditation evaluations or other matters specific to that institution except
 - a. to the extent that such information is made generally available to the public by the institution or another third party;
 - b. as provided under DEAC’s then-current policies and procedures including, without limitation, those set forth in the *DEAC Accreditation Handbook*;

- c. when requested, required, or directed by a state or federal government entity or regulation, law enforcement entity, judicial or administrative process, or a state, federal, or industry accrediting or licensing body;
- d. in connection with legal requirements or proceedings, whether or not DEAC is a direct party to such proceedings; and
- e. in situations where, in DEAC's reasonable discretion, the Commission determines that disclosure is appropriate to maintain the integrity of the accreditation process and/or agency.

In addition, information relating to non-U.S. locations or institutions may also be shared with and at the request or direction of applicable foreign authorities, licensing bodies, legal requirements, and judicial or administrative proceedings.

XV. NOTIFICATION AND INFORMATION SHARING BY DEAC

- A. Initial and Renewal of Accreditation:** DEAC provides written notice to the U.S. Secretary of Education, the appropriate state licensing or authorizing agencies, the appropriate accrediting organizations, and the public (through DEAC's website) at the same time it notifies the institution of the decision, but no later than 30 days after the Commission makes its decision to grant accreditation or accreditation renewal.
- B. Action Notwithstanding Third-Party Action:** If DEAC grants initial accreditation or renewal of accreditation to an institution notwithstanding the threatened interim or final adverse or negative actions taken against the institution by another recognized accrediting agency or state agency, DEAC will provide the Secretary of the U.S. Department of Education, within 30 days of its action, a thorough explanation of why the previous action by the accrediting agency or state does not preclude DEAC's action.
- C. Denial or Withdrawal of Accreditation:** DEAC provides written notice to the U.S. Secretary of Education, the appropriate state licensing or authorizing agencies, the appropriate accrediting organizations and the public (through DEAC's website) at the same time it notifies the institution of the decision, but no later than 30 days after the Commission initiates an action to deny or withdraw accreditation to an institution. DEAC requires the institution to disclose the initiation of an adverse action to all current and prospective students within seven business days of receipt of the written notice of the Commission's decision. Such notice must, at minimum, meet the requirements of Section XVI.A.3. below.

If the initiated adverse action becomes final following the exhaustion or waiver of the institution's right of appeal, DEAC will again provide written notice to the U.S. Secretary of Education, the appropriate state licensing or authorizing agencies, the appropriate accrediting organizations and the public (through DEAC's website) at the same time it notifies the institution of the decision, but no later than 30 days after the

adverse action becomes final. DEAC also requires the institution to disclose that the adverse action had become final and that the institution is no longer accredited by DEAC to all current and prospective students within seven business days of receipt of the written notice of the final adverse decision and consistent with the requirements of Section XVI.A.3 below.

- D. **Notice of Deferral.** DEAC publishes a notice of deferral on its website within 30 days after the Commission makes a decision to defer a decision on an institution's application for accreditation renewal.
- E. **Show Cause Directive:** DEAC provides written notice of the Commission's issuance of a Show Cause Directive to the U.S. Secretary of Education, the appropriate state licensing or authorizing agencies, and the appropriate accrediting organizations, and the public (through the DEAC website) at the same time it notifies the institution of the decision, but no later than 30 days after the Commission makes a decision to place an institution on Show Cause. DEAC requires the institution that is subject to the show cause directive to disclose the action to all current and prospective students within seven business days of receipt of the written notice of the show cause order. Such notice must, at minimum, meet the requirements of Section XVI.A.2. below.
- F. **Public Notice.** DEAC publishes on its website, including on its directory of institutions page, notice of any of the decisions listed above within thirty days of the Commission's decision. The notice provides a summary of the reasons for the decision and the date, if any, on which the institution is next subject to a review.
- G. **Additional Information Regarding Adverse Actions.** Within 60 days after a Commission decision to deny or withdraw accreditation becomes final, DEAC makes available to the U.S. Secretary of Education, the appropriate state licensing agencies, the appropriate accrediting organizations, and the public a brief statement summarizing the reasons for the Commission's decision and the official comments, if any, that the affected institution makes regarding such decision. If no official comments by the institution are provided within 14 days of notification, DEAC will document that the affected institution was offered the opportunity to provide an official comment.
- H. **Resigning or Voluntarily Withdrawing Accreditation:** Within 10 business days of receiving notification from an institution of its decision to resign or voluntarily withdraw from DEAC accreditation, DEAC posts a notice of the institution's resignation or voluntary withdrawal of accreditation on its website and provides written notice to the U.S. Secretary of Education, appropriate state licensing agencies or authorizing agency, and the appropriate accrediting organizations.
- I. **Accreditation Lapses:** If an institution elects not to renew its accreditation, DEAC posts notice on its website within 10 business days of the date upon which the institution's accreditation lapses and provides written notice to the U.S. Secretary of Education, appropriate state licensing agencies or authorizing agency, and the appropriate accrediting organizations.

J. Potential Institutional Malfeasance. DEAC submits to the U.S. Secretary of Education the name of any institution it accredits that DEAC has reason to believe is failing to meet its FSA Title IV responsibilities or is engaging in fraud, abuse, or other unethical conduct along with DEAC's reasons for concern about the institution's activities. In addition, DEAC informs the U.S. Secretary of Education whenever it finds significant or systemic deficiencies in the institution's assignment of credit hours.

K. Scope of Public Information: DEAC will make available to the public and in certain official DEAC publications, including its website and published *DEAC Directory of Accredited Institutions*, the following information:

- the name, address, phone number, and website address of an accredited institution;
- the month and year accredited and month and year for accreditation renewal;
- a summary list of programs offered by the institution;
- a summary of information pertaining to a deferral of accreditation;
- a summary of information pertaining to a show cause directive;
- a summary of information pertaining to an initiated or final adverse action;
- a summary of information pertaining to an action subject to appeal; and
- the date of an institution's voluntary withdrawal of accreditation.

L. Sharing Information with Government Entities and Other Accrediting Organizations: DEAC, upon request, shares with other appropriately recognized accrediting agencies and recognized state agencies information about the accreditation status of a DEAC-accredited institution and any adverse actions or show cause directives it has issued or initiated with respect to that institution. Without limiting the foregoing, DEAC grants all reasonable special requests for accreditation information made by other accrediting organizations and government entities.

M. Institutional Release of DEAC Regarding Sharing of Information. Institutions accredited by or seeking accreditation from DEAC provide, as part of their application for accreditation, a release from liability of DEAC with respect to all actions taken by DEAC to elicit, receive, review, and share information from state or federal regulatory agencies, other government entities, third-party accrediting and licensing organizations, employers, businesses, students, and other third parties in connection with and for the purposes of evaluating the institution.

N. Authorized Disclosure of Information: When an institution requests specific confidential accreditation information to be released to third parties, the president/CEO of the institution or an institution-designated official must provide a written release on official letterhead to the executive director stating the precise information to be released and the party or parties to whom the information is to be provided. DEAC will release such information (1) subject to any qualifications or restrictions it may elect to provide with respect to the disclosure and (2) to the extent that release of the information can be effected with minimal cost and effort and does not disclose confidential DEAC or third-

party information.

O. Routine Disclosures to the U.S. Department of Education: DEAC provides the following information to the U.S. Department of Education as a matter of course:

- A list, updated annually, of its accredited institutions and programs, which may be provided electronically.
- A copy of the *DEAC Directory of Accredited Institutions* (updated annually).
- A summary of DEAC's major accrediting activities during the previous year (an annual data summary), if requested by the U.S. Secretary of Education.
- Any proposed change in DEAC's procedures or accreditation standards that might alter its scope of recognition or compliance with the federal criteria for recognition.
- The name of any institution that DEAC accredits that has been "certified" by DEAC as being eligible for participation in Federal Student Assistance (FSA) Title IV programs under DEAC's FSA Title IV Programs substantive change procedure.
- If the U.S. Secretary of Education requests, information that may bear upon an accredited institution's compliance with its FSA Title IV responsibilities, including the eligibility of the institution to participate in Federal Student Assistance Title IV programs or a significant or systematic noncompliance in the assignment of credit hours.
- Within 30 days of becoming aware that an institution has experienced an increase in enrollment of 50 percent or more within an institutional fiscal year.

P. Specific Disclosures to Institutions. DEAC reviews on a case-by-case basis whether or not to notify an institution when DEAC has provided information or materials to or otherwise has had contact with the U.S. Department of Education relating to potential malfeasance and/or an institution's eligibility for participation in FSA Title IV programs or compliance with the terms of such programs. Notwithstanding the foregoing, DEAC treats a contact or request from the U.S. Department of Education for information concerning an institution as being confidential, upon the specific request of the Department.

XVI. PUBLIC DISCLOSURES BY INSTITUTION

A. Disclosures of Accreditation Status. Institutions may only refer to their accreditation status as set forth below based on the specific scope of their accreditation.

1. **Accredited.** An institution which has been accredited by DEAC may refer to its accredited status as follows:
 - Accredited by the Distance Education Accrediting Commission
 - DEAC Accredited
2. **Accredited but Operating Under Show Cause Directive.** If an institution that has

been accredited by DEAC is operating under a show cause directive, the institution must amend any public notice of its accreditation status by adding clear and conspicuous language stating that the institution is operating under the show cause directive and the scope of that directive. Within seven business days following its receipt of the show cause directive from DEAC, the institution must also notify its students and prospective students that it is operating under a show cause directive (and the scope of the directive) by publication on its website and by individual written notice to enrolled students, which notice may be via email if the institution believes that its email address for the student is current or by first class mail if the institution has no current email address for the student.

3. **Notice to Students of Adverse Actions.** Within seven business days following its receipt of notice from DEAC that the Commission has initiated an adverse action to deny reaccreditation or withdraw accreditation from the institution, the institution must promptly notify its students and prospective students of DEAC's initiation of such adverse action by publication on the institution's website and by individual written notice to enrolled students, which notice may be via email if the institution believes that its email address for the student is current or by first class mail if the institution has no current email address for the student. The institution may also, in that notice, indicate whether the institution plans to appeal the Commission's decision or whether an appeal is pending, as applicable, and that the institution's accreditation remains in place during such appeals proceedings. The institution shall update that notice as applicable.

Without limiting the foregoing, if an adverse action becomes final after the appeal has been concluded or if the institution elects not to appeal the Commission's decision, DEAC shall so notify the institution and the institution must follow the same reporting and notice requirements as are applicable above with respect to the initiation of an adverse action by the Commission.

- B. **Additional Disclosure Requirements.** Institutions must disclose to the public, including on its website in a clear, conspicuous and readily accessible manner, certain additional information as required by state/federal regulation or DEAC requirement, including, without limitation, disclosures required under the accreditation standards and DEAC's website checklist (see DEAC website).
- C. **Correction of Misleading or Inaccurate Information.** DEAC requires that an accredited institution correct any misleading or inaccurate information it provides to third parties relating to (a) the institution's accreditation status, DEAC, or the DEAC accreditation process or (b) other information that an institution may be required to disclose under DEAC policies, DEAC accreditation standards, or federal/state regulations. DEAC will notify the institution of any misleading or inaccurate information that comes to DEAC's attention and request that the institution immediately make the correction, post a notice of the correction, and document to DEAC that the correction has been made. Failure to do so within 10 days may result in an order of a special visit or other disciplinary review action, including but not limited to, the issuance

of a show cause directive.

XVII. INTERIM MONITORING OF ACCREDITED INSTITUTIONS

An institution maintains its accreditation by remaining in continuous and timely compliance with all DEAC accreditation standards and eligibility requirements; all DEAC reporting requirements; all applicable local, state, and federal requirements; and its payment obligations to DEAC. DEAC monitors and evaluates an institution's ongoing compliance with DEAC's accreditation standards through both formal and informal processes, including, without limitation, those set forth below in this Section, the self-reporting obligations of the institution set forth within Section XVII, and the procedural requirements relating to substantive changes (see Section XVIII).

The Commission reserves the right to order a comprehensive or focused review of an institution whenever it has reason to believe that the institution may not be in compliance with DEAC accreditation standards and/or procedures. In all cases, DEAC affords the institution an opportunity to respond within a reasonable time frame to any findings that the evaluation team may make based on such review before the Commission makes a decision regarding the institution's accredited status.

A. **Annual Reports:** Each year, DEAC requires the submission of an annual report by each institution holding accreditation status as of December 31 of any given year (see Section XVII.A.8. below). The annual report and all accompanying documentation are due to DEAC in accordance with formats and timelines published or otherwise provided by DEAC. To the extent that the annual report reflects a **significant** change in any metric, including, by way of example, enrollment figures or number of programs, the institution must address, within the annual report, the reasons for, impact of, and internal response to the change. Without limiting the foregoing, DEAC provides the following guidelines to institutions with respect to the threshold changes in enrollments, program numbers, and student satisfaction percentages that automatically trigger a requirement for a more extended response and explanation.

1. **Significant Growth or Decline in Enrollments:** DEAC defines significant growth in enrollments as an increase in enrollment of more than 50% in one institutional year (pro-rated as necessary to complete the institution's annual report and updated within 30 days following the end of the institution's institutional year where that is not the calendar year).
2. If an institution reports "significant growth in enrollments," it must: (a) explain in detail in the annual report the reason(s) for the growth and what additional staff, faculty, administrators, educational and student support services, financial resources, and marketing plans were employed to meet the needs of the increased number of students being served; (b) identify the programs experiencing the most growth by indicating the percentage of growth since the last annual report, listing the reasons for the growth in the identified programs and explaining the institution's plans for accommodating the enrollment growth; and (c) describe any strategic plan or other response the institution is considering or has implemented to address the increase in

enrollment numbers.

3. If an institution reports “significant decline in enrollments,” it must explain in detail in the annual report the reason(s) for the decline; the impact on staff, faculty, administrators, educational and student support services, financial resources, and marketing plans; and any strategic plan or other response the institution is considering or has implemented to address the decline.
4. A “significant decline in enrollments” is defined as an enrollment decline of 25 percent or more since the last annual report.
5. **Significant Growth or Decline in the Number of Programs:** DEAC defines growth in the number of programs as significant if, in a calendar year,
 - an institution offering 1-3 programs adds more than two new programs;
 - an institution offering 4-10 programs adds more than three new programs;
 - an institution offering 11-20 programs adds more than four new programs;
 - an institution offering 21 or more programs adds more than six new programs.
6. If an institution reports “significant growth in the number of programs,” it must explain in detail in the annual report the reason(s) for the growth and what additional staff, faculty, administrators, educational and student support services, financial resources, and marketing plans were employed to meet the needs of the increased number of programs being offered, as well as what strategic plans the institution is considering or has implemented to support, continue or limit the growth in programs.
7. If an institution reports “significant decrease in the number of programs,” it must explain in detail in the annual report the reason(s) for discontinuing programs and the impact on staff, faculty, administrators, educational and student support services, financial resources, and marketing plans, as well as what strategic plans the institution is considering or has implemented to address the decline in program numbers. A “significant decline in the number of programs” is defined as discontinuing 25 percent or more of its programs since the last annual report.
8. A “program” is a non-degree vocational or certificate program (e.g., medical billing and coding) or a degree program (e.g., Bachelor of Science in Criminal Justice).
9. **Significant Changes in Financial Condition:** The annual report requires the submission of audited financial statements and additional financial information.
 - a. An institution participating in Federal Student Assistance Title IV programs reports additional information describing its participation and submits audited comparative financial statements, including its compliance audit for its most recent fiscal year, within 180 days following the end of the fiscal year.

- b. An institution submits audited or reviewed financial statements for the two most recent fiscal years prepared on a comparative basis and in accordance with Section XI. Financial Responsibility standards. DEAC reviews the financial statements and determines whether further reporting is required or other appropriate action is necessary.
 - c. All institutions are required to address and explain any significant change in their financial condition since the previous year's annual report.
 10. **Student Satisfaction Benchmarks:** If an institution's student satisfaction rate falls below 75 percent, or if completion and graduation rates are not within the benchmark range for student satisfaction established by DEAC, the institution must explain the reasons for not meeting established benchmarks and document corrective actions taken and planned.
 11. **Commission Review and Follow-Up Action:** DEAC staff acknowledge the receipt of all annual reports and request additional supporting documentation as necessary. All annual reports are reviewed and summarized by the staff, and significant changes are reported and presented to the Commission. Annually, at its mid-year meeting, the Commission considers any significant, salient items reported by institutions and initiates further follow-up actions as necessary. These may include:
 - placing limits on an institution's future enrollment or program growth if ongoing compliance with DEAC accreditation standards or procedures is a concern;
 - requesting an institution to provide additional supporting documentation regarding significant growth or decline in enrollments or programs; and/or
 - requesting additional information on any part or parts of an institution's annual report.
- B. **Title IV Program Compliance.** DEAC reviews information provided by an institution participating in Federal Student Assistance Title IV programs to verify (1) continued compliance with its federal student assistance program responsibilities based on the most recent "official cohort default rates" published by the U.S. Department of Education, (2) results of its audited comparative financial statements, and (3) its compliance audit, program review information, and any other information provided to DEAC by the U.S. Department of Education. DEAC will investigate and the Commission will direct such further action as appropriate if an institution appears to be noncompliant with its FSA Title IV requirements. DEAC is obligated under federal regulations [CFR 602.27(a)(6)] to report to the U.S. Secretary of Education an institution it has reason to believe is failing to meet its Federal Student Assistance Title IV program responsibilities or is engaged in fraud or abuse.

- C. **Actions by Other Accrediting Agencies.** If another accrediting agency places an institution on probation or withdraws/revokes the accreditation of the institution or program, DEAC will promptly review the accreditation status it has previously granted to that institution to determine whether there is cause to change that status.
- D. **Actions by State Agencies.** DEAC reviews and takes appropriate action regarding the accreditation status of any institution for which DEAC has received information from the appropriate state agency that the institution is subject to any of the following actions:
1. An action by a state agency potentially leading to the suspension, withdrawal/revocation, or termination of the institution's legal authority to provide postsecondary education.
 2. An action by a state agency to suspend, withdraw/revoke, or terminate the institution's legal authority to provide postsecondary education subject to appeal. If a DEAC-accredited institution loses its licensure/authorization in its state of domicile, its accreditation is automatically withdrawn as of the date of the loss of state licensure/authorization. Such a withdrawal of accreditation may be appealed by an institution pursuant to the procedures set forth in Section XII.
- E. **Notification Reports:** An institution must immediately notify DEAC, in writing, of any actions the institution plans to take or has taken, or of actions taken or expected to be taken against it by any accrediting, licensing, or state agency if those actions have the capacity to affect the compliance of the institution with DEAC accreditation standards and/or the reputation of the institution or DEAC, either directly or indirectly (e.g., through media coverage). This includes the institution's resolution of any complaints in a forthright, prompt, amicable, and equitable manner to DEAC's satisfaction.

XVIII. SUBSTANTIVE CHANGES

- A. **Scope and Definition.** A substantive change is one that may significantly affect an institution's quality, mission, scope, operations including primary methods of delivering programs, or control. Substantive changes are reviewed to ensure that changes in educational offerings, teaching modalities, locations, scope of offerings, and control of the institution are or will be made in compliance with DEAC accreditation standards. A substantive change must be approved by the Commission or DEAC senior staff before the change can be included in the institution's scope of accreditation. Institutions currently operating under a show cause directive may not implement a substantive change unless such change is required to cure an identified deficiency and is approved by the Commission. Similar restrictions may be included in deferral notices, as determined on a case-by-case basis.

The actions listed below are considered substantive changes that require DEAC approval. Institutions should note that DEAC does not allow institutions to establish an "additional location" or a "branch" as these terms are defined in 34 CFR 600.2.²

² DEAC provides the U.S. Department of Education's definitions in the Glossary found in Part Four of the *Accreditation Handbook*.

1. Any substantive change in the established mission or objectives of the institution.
2. Any change in the institution's name.
3. Any change in the institution's legal status, form of control, or ownership.
4. Any change in the institution's location of the main facility, headquarters, or administrative site or addition of a facility geographically apart from the main facility.
5. Any addition of a direct assessment program, whether or not direct assessment is already offered in connection with other programs.
6. Any addition of a new program in a field related to a field of study already within the scope of the institution's accreditation.
7. Any addition of programs that represent a significant departure from the existing offerings or educational programs or method of delivery from those that were offered or used when the agency last evaluated the institution for accreditation.
8. Entry by an institution participating in an FSA Title IV program into a written arrangement under 34 CFR 668.5 where an institution or organization not certified to participate in the Title IV HEA programs offers more than 25 percent and up to 50 percent of one or more of the Title IV participating institution's educational programs.
9. Any addition of a program at a degree or credential level different from the educational offerings currently included in the institution's scope of accreditation.
10. A change in the way an institution measures student progress, including whether the institution measures progress in clock hours or credit hours, semesters, trimesters, or quarters, or uses time-based or non-time-based methods.
11. A substantial increase or decrease in the number of clock or credit hours awarded for successful completion of a program or a change from clock hours to credit hours to measure student progress in one or more programs.
12. Any addition of an in-residence program component.
13. Any addition of a new division.
14. The acquisition of any other institution or any program or location of another institution by the institution, an affiliate of the institution, or the institution's holding company.
15. Entering into a written arrangement with another accredited organization or an unaccredited organization to provide more than 25 percent and up to 50 percent of one or more of the institution's educational programs.
16. An institution seeking certification to participate in Federal Student Assistance (FSA) Title IV programs.
17. Any new engagement in international activities beyond that included in the institution's existing grant of accreditation.
18. Any other change that may significantly affect an institution's quality; mission; scope; operations, including primary methods of delivering programs; or control.

B. Institutions that have been subject to show cause orders over the prior three academic years, must receive prior approval for the following additional changes (all other institutions must report these changes within 30 days to DEAC):

- (1) An aggregate change of 25 percent or more of the clock hours, credit hours, or content of

a program since the agency's most recent accreditation review.

(2) Entering into a written arrangement under which an institution or organization not certified to participate in the Title IV, HEA programs offers up to 25 percent of one or more of the institution's educational programs.

Where reporting is required, institutions should submit a letter to DEAC at least 30 days prior to implementation of the change providing the specifics of the change, including, without limitation, impacted courses, the reason for the change, and the faculty responsible for reviewing the changes and certifying that these are the only revisions to the course or program being proposed.

C. Process for Seeking Approval of Substantive Changes.

1. Filing of Applicable Form and Review Process. A more detailed description of the categories of substantive changes covered by this Section XVIII and the process for seeking approval of those changes is set forth below in Section XIX.
2. With respect to applications for approval of a written arrangement with another accredited organization or an unaccredited organization to provide more than 25 percent and up to 50 percent of one or more of the institution's educational programs, DEAC will make a final decision within 90 days of receipt of a materially complete application, unless it determines that significant circumstances related to the substantive change require further review, to occur within 180 days.
3. Substantive Change Approvals Delegated to DEAC Senior Staff. Certain substantive changes may be evaluated by DEAC senior staff rather than the Commission. Any such delegation of authority shall be made by the Commission in its sole discretion. Such substantive changes include:
 - a. a change in the institution's name;
 - b. the addition of a new program in a field related to a field of study already within the scope of the institution's accreditation;
 - c. any new engagement in international activities beyond that included in the institution's existing grant of accreditation; and
 - d. any change in the institution's location of the main facility, headquarters or administrative site, or any addition of a facility geographically apart from the main facility.

With respect to any request for a substantive change delegated to DEAC staff, the staff may approve such change, which approval shall have the same effect as if made by the Commission or refer the substantive change to the Commission for review and disposition.

4. Approvals with Subsequent Site Visit Requirements. With respect to certain substantive changes approved by the Commission, DEAC requires an on-site visit within six to 12 months following the school's implementation of the change to

determine the impact of the change on the institution's continued compliance with DEAC accreditation standards. The institution is required to submit a report providing information specific to the impact of the change prior to the onsite visit. The institution shall also have a reasonable opportunity to respond to the on-site team's findings prior to the Commission's evaluation of whether the institution has remained in compliance with DEAC accreditation standards.

5. **Notification of Decision.** After evaluating the review file for the proposed substantive change, the Commission (or DEAC staff) determines whether or not and the extent to which the change, when implemented, is likely to affect the compliance of the institution with DEAC accreditation standards is consistent with the institution's mission, and will not be detrimental to students. On that basis, the Commission (or DEAC staff) determines whether to approve or deny the change or require additional review. DEAC notifies the institution in writing within 30 days of such determination and the effective date. The notice includes a summary of the reasons for the decision and, if further review is required, the parameters of that review including, without limitation, the information and other materials to be provided by the institution and the time frame for the same. DEAC also notifies the USDE and other relevant third parties of a decision to approve or deny a substantive change when required to do so by applicable regulations or when otherwise deemed appropriate by DEAC in its sole and exclusive discretion.
 6. In the event of a denial by the Commission of a proposed substantive change, an institution may appeal the Commission's decision to an independent appeals panel pursuant to the provisions of Section XII or take actions designed to address the Commission's identified concerns and resubmit the proposal for substantive change, as supported by the revised record. Denials of substantive changes are not considered adverse actions but are subject to DEAC's appeal procedures.
- D. Cumulative Changes.** Proposed changes or an accumulation of changes implemented or proposed during an institution's accreditation term may be so significant as to effectively transform the institution, requiring a comprehensive re-evaluation of the institution. Examples of accumulation of changes which would trigger such a new evaluation include but are not limited to: (1) if an institution proposes to materially change its mission and to make material changes to its curriculum and/or method of delivery, (2) if an institution adds programs that represent a significant departure from its existing offerings, adds a new division or in-residence component, and changes the way in which it measures student progress, (3) if an institution adds new degree or credential offerings and enters into a written arrangement with another organization to provide more than 25% of the institution's programs, or (4) any similar combination of substantive changes which, together, significantly alter the educational profile, pedagogical approach, targeted student population, or program offerings. In such event, DEAC will notify the institution and offer the institution an opportunity to provide, within a reasonable time frame, additional information and/or material to demonstrate that the impact of the changes, singly or cumulatively, is not so extensive as to alter its essential mission, character, operations, or performance. Only after reviewing the

institution's response will the Commission make a final decision on whether or not to order a comprehensive or more limited review of the institution.

XIX. PROCESS WITH RESPECT TO EACH SUBSTANTIVE CHANGE

The application forms for each category of substantive change for which an institution seeks approval can be found on the DEAC website. Substantive changes are reviewed to ensure that the proposed changes can be implemented and supported by the institution in compliance with DEAC accreditation standards. With respect to most categories of substantive change, the process for applying for approval is set forth below (the "Standard Substantive Change Approval Process"):

- 1) The institution files its application for approval of the proposed change, together with all required supporting documentation, at least 30 days prior to the expected effective date of the change. DEAC staff reviews the application for completeness and requests additional information from the institution as appropriate.
- 2) The Commission reviews the application and makes a decision whether or not to grant approval of the proposed change, request additional information, defer, or to deny the institution's request. A decision to deny the request may be appealed by the institution.
- 3) If the application is approved, DEAC may require an on-site visit to occur within six to twelve months following the expected date of implementation of the change to ensure the change, as implemented, did not detrimentally impact the institution's compliance with DEAC accreditation standards. In such cases, the institution submits at least five weeks prior to the scheduled on-site evaluation a report on the effect of the substantive change on the institution's compliance with DEAC accreditation standards together with any supporting documentation required by the report.
- 4) The institution receives a copy of the Chair's Report setting forth the findings of the on-site evaluation team and is afforded 30 days in which to respond to such report. The response may include such additional data, information, materials, and supporting documentation as the institution deems relevant.
- 5) The Commission reviews the substantive change Record, to include the Chair's Report and institutional response, and either determines that the institution has remained in compliance with DEAC accreditation standards following implementation of the substantive change, or takes action in accordance with Section X. In either case, DEAC sends a letter to the institution, within 30 days following the Commission's decision that notifies them of the decision and sets forth the basis for the same. As applicable, DEAC provides notice to the U.S. Secretary of Education and other relevant constituencies in accordance with its notification and information-sharing procedures.

A. Change of Core Mission or Objectives

1. An institution seeking to substantively depart from its core mission or objectives requires prior approval because the institution’s accreditation is predicated on its core mission.
2. A significant alteration in the institution’s core mission or objectives signals a change throughout the institution. Accordingly, in reviewing an institution’s proposed change in its core mission or objectives, the Commission will be evaluating the institution’s application based on a demonstration that the institution’s proposed change is supported by its operations and infrastructure and is otherwise in compliance with DEAC accreditation standards.
3. An institution seeking approval for a change in its core mission or objectives follows the standard substantive change process.

B. Change of Name

1. An institution seeking to change its name is required to obtain approval from the Commission before adopting the new name. The Commission determines whether the proposed new name will have an adverse or misleading effect on public perception of the institution or the institution’s capacity to meet DEAC accreditation standards. Institutions seeking a change of name to include “university” or “college” must have DEAC approval as a degree-granting institution.
2. An institution seeking approval for a change in its name follows the standard substantive change process.

C. Change in Legal Status, Form of Control, or Ownership of Institution:

Accreditation does not automatically transfer to an institution when all or a majority share of its interests are sold or when an institution is sold or changes its legal status. If the new ownership desires to continue the institution’s accreditation, it must notify DEAC and receive DEAC approval before the change is made. Failure to obtain approval results in withdrawal of institutional accreditation as of the date the change of legal status, control, or ownership occurs.

1. Change in Legal Status Definition: A “**change in legal status**” is defined as a change in the legal definition of the company or corporation, which is typically defined by the state or United States government, such as changing from a for-profit to a nonprofit or from an S Corporation to an LLC.
2. Control Definition: “**Control**” is the ability to direct or cause the direction of the actions of an institution. Examples of change of “form of control” are (1) the sale of all or majority interest of the institution’s assets, (2) sale or assignment of the controlling interest of the voting stock of a corporation that owns the institution or that controls the institution through one or more subsidiaries, (3) merger or consolidation of the institution with other institutions, or (4) an independent corporation owning an institution that becomes a subsidiary of another

corporation with a different ownership. When an institution changes its form of control, as defined as the ability to direct or cause the direction of the actions of an institution, it is essentially changing ownership.

3. **Change of Ownership Definition:** A “**change of ownership**” is any transaction or combination of transactions that would result in a change in the control of an accredited institution.
4. A proposed transfer of ownership is approved based on the new owners, governing board members, and administrators possessing the capacity to own and operate a DEAC-accredited institution. The new ownership’s financial condition includes sufficient resources to continue sound institutional operations in fulfillment of all commitments to enrolled students. The financial stability allows the institution to remain in compliance with DEAC accreditation standards.
5. The institution’s proposed new owners, governing board members, and administrators possess sound reputations and show a record of integrity and ethical conduct in their professional activities, business operations, and relations. The proposed new owners, board members, officials, and executive staff are free from any association with misfeasance, including any government enforcement action, owning, managing, or controlling any educational institutions that entered into bankruptcy or closed, to the detriment of the students.
6. An institution authorized for and participating in Federal Student Assistance Title IV programs assumes the responsibility of ensuring timely notification and submission of reports to DEAC to facilitate a seamless transfer of ownership and continuation of institutional eligibility. The Change of Legal Status, Control, or Ownership Report requires that copies of filings and submissions to the U.S. Department of Education be included, along with any correspondence received from the Department. The U.S. Department of Education has time-sensitive regulations regarding change of legal status, control, or ownership for institutions participating in federal student aid programs.
7. An institution seeking approval for a change legal status, form of control, or ownership follows the standard substantive change process. Without limiting the foregoing, the institution must notify DEAC in writing within 10 days following the effective date of its change in legal status, form of control, or ownership and receive an on-site evaluation within six months of the transaction closing.

D. Change of Location

1. An institution seeking a change of location (however close to the original site) is required to obtain prior approval from DEAC staff.
2. The institution provides evidence that it has state approval for the activity that it

conducts at the new location.

3. An institution seeking approval for a change in location follows the standard substantive change process.

E. New Administrative Site

1. **Administrative Site Definition:** An “administrative site” is a separate physical facility located geographically apart from the main headquarters location where the institution maintains managerial and support activities in areas such as budget and finance, information technology, human resources, marketing, or legal counsel. Neither educational programs nor instructional services to students are offered from an administrative site. Administrative sites are not listed in DEAC’s Directory of Accredited Institutions. The institution provides evidence that it has state approval for all the activities that it conducts at the administrative site.
2. An institution seeking approval for a new administrative site follows the standard substantive change process.

F. Change in Educational Offerings

The following are considered substantive changes to educational offerings. DEAC expects that proposed programs are developed and ready for implementation at the time of the request. If an in-residence component is included in the instructional design of a new program, the institution must follow the Addition of an In-Residence Training Component substantive change.

1. **Addition of a New Degree Program in a Related Field:** This involves any addition of a new degree program in a related field of study consistent with the educational offerings reviewed when the institution was last evaluated. This substantive change also includes the addition of a concentration or major to an existing program when unique program outcomes are distinctly related to the additional field of study.

These are the steps for obtaining Commission approval for the addition of a new degree program in a related field of study:

- a. Submit a Change in Educational Offerings Application. DEAC reviews the application and selects approximately 25 percent of courses required for review based on the selection criteria under Part Two, Section V. DEAC sends the institution a letter indicating the courses required for submission. The institution must submit the courses within 60 days otherwise the application may expire. The institution will receive an invoice for the review fee.
- b. Submit a degree program educational offerings report, including the identified courses for off-site subject specialist review. The institution receives the off-

site subject specialist report and has 90 days to respond to any determination of partially met or unmet standards.

- c. The Commission reviews the entire record associated with the application being considered for approval, including the initial subject specialist report, institution's response, and follow-up subject specialist report, if applicable. DEAC notifies the institution in writing within 30 days of the Commission's action and, as applicable, notifies the U.S. Secretary of Education and other relevant constituencies in accordance with its notification and information-sharing procedures.
2. **Addition of a New Related-Field Non-Degree Program or Vocational Program:** This involves any addition of a new non-degree program or vocational program in a related field of study consistent with the educational offerings reviewed when the institution was last evaluated.

These are the steps for obtaining Commission approval for the addition of a new non-degree program or vocational program in a related field:

- a. Submit a Change in Educational Offerings Application. The institution must submit the program curriculum within 60 days, otherwise the application may expire. The institution will receive an invoice for the off-site specialist review fee.
- b. Submit a non-degree educational offerings report. The institution receives the off-site subject specialist report and has 90 days to respond to any determination of partially met or unmet standards.
- c. The Commission reviews the entire record associated with the application being considered for approval, including the initial subject specialist report, institution's response, and follow-up subject specialist report, if applicable. The Commission may approve, defer, or deny the application. DEAC notifies the institution in writing within 30 days of the Commission's action and, as applicable, notifies the U.S. Secretary of Education and other relevant constituencies in accordance with its notification and information-sharing procedures.
3. **Change in Method of Delivery:** This involves any change in method of delivery from when the institution was last evaluated.

These are the steps for obtaining Commission approval for a change in method of delivery:

- a. Submit a Change in Educational Offerings Application. The institution must submit the program curriculum within 60 days, otherwise the application may expire. The institution will receive an invoice for the review fee.

- b. Submit a degree or non-degree educational offerings report and access to one completed program for off-site subject specialist review. The institution receives the off-site subject specialist report and has 90 days to respond to any determination of partially met or unmet standards.
 - c. The Commission reviews the entire record associated with the application being considered for approval, including the initial subject specialist report, institution's response, and follow-up subject specialist report, if applicable. DEAC notifies the institution in writing within 30 days of the Commission's action and, as applicable, notifies the U.S. Secretary of Education and other relevant constituencies in accordance with its notification and information-sharing procedures.
4. **Contracting for Educational Delivery:** Substantive change requirements for an institution that contracts with an unaccredited organization or organization not certified to participate in the Title IV HEA programs to provide more than 25 percent of one or more of the institution's educational programs are applicable to:
 - an accredited institution that enters into a contract with another accredited organization or unaccredited entity to provide more than 25 percent up to 50 percent of one or more of the institution's educational programs, or
 - an institution certified to participate in Title IV HEA programs that enters into a contract with an institution or organization not certified to participate in Title IV programs to provide more than 25 percent up to 50 percent of one or more of the institution's educational programs

The process for obtaining DEAC approval for contracting for educational delivery with an unaccredited organization or organization not certified to participate in Title IV HEA programs requires the Commission to approve both the proposed contract for services and the curriculum which the proposed contract is intended to cover. The Commission must approve the contract for services before it will review the curriculum proposed within the contract for educational delivery. Both the contract approval and the curriculum approval must be granted before the Commission will grant approval for the institution's entry into the contract. The process is as follows:

- a. Submit a Contracting for Educational Delivery Application. The Commission reviews the application and all documentation submitted to date and may approve, defer or deny the application to contract with a third party for educational delivery. DEAC notifies the institution in writing within 30 days of the Commission's action.
- b. Contingent upon receiving approval of the contract, the institution submits a Change in Educational Offerings Application. DEAC reviews the applications and selects the courses required for review. DEAC sends the institution a

letter indicating the courses required for submission based on the selection criteria in accordance with DEAC procedures for curriculum review. The institution will receive an invoice for the review fee.

- c. The institution submits a degree or non-degree program educational offerings report, including the identified courses for off-site subject specialist review. The institution receives the off-site subject specialist report and has 30 days to respond to any determination of partially met or unmet standards.
- d. Upon receipt of the record submitted with respect to the curriculum, the Commission may approve, defer, or deny the curriculum proposed for the contract for educational delivery. If the Commission approves the curriculum and, provided that no intervening circumstances have occurred since the Commission's approval of the contract which might require a re-evaluation of the same, the Commission will grant final approval for the proposed substantive change. (Examples of such intervening circumstances may include but are not limited to the introduction of new information relating to either the accredited institution or the unaccredited institution which raise questions as to whether either or both can fulfill the proposed contract, a significant change in enrollment by the accredited institution, or another material event occurring with respect to the accredited institution.)
- e. DEAC notifies the institution in writing within 30 days of the Commission's action and, as applicable, notifies the U.S. Secretary of Education and other relevant constituencies in accordance with its notification and information-sharing procedures.

5. Contracting for Educational Delivery with an Approved AQC Provider:

Upon Commission approval, an institution seeking to improve or expand its educational offerings to students can enter into an agreement to incorporate or contract for educational delivery up to 50 percent of its curriculum with an approved AQC or Approved Quality Curriculum provider.

An institution seeking to contract 26 percent to 50 percent of its curriculum for educational delivery with an approved AQC provider follows the steps below.

These are the steps for obtaining Commission approval for contracting for educational delivery:

- a. Submit a Contracting for Educational Delivery Application indicating the contracted courses selected and additional supporting documentation. The institution will receive an invoice for the review fee.
- b. The Commission reviews all documentation submitted to date and approves or denies the substantive change in accordance with accreditation standards.

DEAC notifies the institution in writing within 30 days of the Commission's action.

6. **Addition of a New Degree Program in an Unrelated Field:** This involves any addition of a new degree program in an unrelated field of study not currently approved within the institution's scope of accreditation.

These are the steps for obtaining Commission approval for the addition of a new degree program in an unrelated field of study:

- a. Submit a Change in Educational Offerings Application. DEAC reviews the application and selects fifty percent of the courses required for review based on the selection criteria under Section V. DEAC sends the institution a letter indicating the courses required for submission. The institution must submit the courses within 60 days otherwise the application may expire. The institution will receive an invoice for the review fee.
 - b. Submit a Degree Educational Offerings Report, including the identified courses for off-site subject specialist review. The institution receives the off-site subject specialist report and has 90 days to respond to any determination of partly met or unmet standards. The Commission reviews the entire record associated with the application being considered for approval, including the initial subject specialist report, institution's response, and follow-up subject specialist report, if applicable. The Commission may approve, defer, or deny the new degree program.
 - c. Post-Approval On-Site Visit: The institution receives an on-site visit six months to one year after implementing the new degree program and enrolling students to ensure ongoing compliance with DEAC standards. The institution receives a Chair's Report and has 30 days to respond with any additional information or documentation necessary to support the substantive change.
 - d. The Commission reviews the representations made by the institution in its application for the substantive change, to include the Chair's Report and institutional response, and either determines that the institution has remained in compliance with DEAC accreditation standards or takes action in accordance with Section X. The institution is notified of the Commission's decision within 30 days. As applicable, DEAC provides notice to the U.S. Secretary of Education and other relevant constituencies in accordance with its notification and information-sharing procedures.
7. **Addition of a New Program in an Unrelated-Field for a Non-Degree Program or Vocational Program:** This involves any addition of a new non-degree program or vocational program in an unrelated field of study not currently approved within the institution's scope of accreditation.

These are the steps for obtaining Commission approval for the addition of a new non-degree program or vocational program in an unrelated field of study:

- a. Submit a Change in Educational Offerings Application. DEAC sends the institution a letter indicating the courses required for submission. The institution must submit the program curriculum within 60 days, otherwise the application may expire. The institution will receive an invoice for the subject specialist review fee.
 - b. Submit a Non-degree Educational Offerings Report. The institution receives the off-site subject specialist report and has 90 days to respond to any determination of partly met or unmet standards. The Commission reviews the report and, upon approval, provides notification to the institution within 30 days, permitting enrollment into the non-degree program or vocational course.
 - c. Post-Approval On-Site Visit: At the discretion of the Commission, the institution may receive an on-site visit six months to one year after implementing the new non-degree program or vocational program and enrolling students. If the Commission requires the visit, the institution receives a Chair's Report and has 30 days to respond with any additional information or documentation necessary to support the substantive change.
 - d. The Commission reviews the representations made by the institution in its application for the substantive change, the Chair's Report and institutional response, and either determines that the institution has remained in compliance with DEAC accreditation standards or takes action in accordance with Section X. The institution is notified of the Commission's decision within 30 days. As applicable, DEAC provides notice to the U.S. Secretary of Education and other relevant constituencies in accordance with its notification and information-sharing procedures.
8. **Addition of a Program at a Different Degree or Credential Level:** This involves any addition of a program at a degree or credential level different from the educational offerings currently included in the institution's scope of accreditation.

These are the steps for obtaining Commission approval for the addition of a program at a degree or credential level different from the educational offerings currently included in the institution's scope of accreditation:

- a. Submit a Change in Educational Offerings Application. DEAC reviews the application and selects approximately fifty percent of the courses required for review based on the selection criteria under Section V. DEAC sends the institution a letter indicating the courses required for submission. The institution must submit the courses within 60 days otherwise the application

may expire. The institution will receive an invoice for the review fee.

- b. Submit a Degree Educational Offerings Report, including the identified courses for off-site subject specialist review. The institution receives the off-site subject specialist report and has 90 days to respond to any determination of partly met or unmet standards.
- c. The Commission reviews the report and, upon approval, provides notification to the institution within 30 days, permitting enrollment into the program.
- d. Post-Approval On-Site Visit: The institution receives an on-site visit six months to one year after implementing the new program and enrolling students. The institution receives a Chair's Report and has 30 days to respond with any additional information or documentation necessary to support the substantive change.
- e. The Commission reviews the representations made by the institution in its application for the substantive change, the Chair's Report and institutional response, and either determines that the institution has remained in compliance with DEAC accreditation standards or takes action in accordance with Section X. The institution is notified of the Commission's decision within 30 days. As applicable, DEAC provides notice to the U.S. Secretary of Education and other relevant constituencies in accordance with its notification and information-sharing procedures.

G. Academic Units of Measurement

1. Institutions may define their programs in terms of credit hours or clock hours and thereby adopt a common classification system that is understood and recognized by the higher education community.
2. **Significant Increase or Decrease in Clock or Credit Hours:** The alteration of a course or program that represents significant modification in the objectives or content of an approved course or program is considered a substantive change. As a general rule, this means any increase or decrease in clock or credit hours of an existing course/program from the original date of course/program approval, the date of approval of a previous substantive change to the course/program, or the most recent grant of accreditation.
3. **Changing from Clock to Credit Hours:** An institution changing an educational offering from clock to credit hours is a substantive change.
4. **Changing the Way an Institution Measures Student Progress:** This includes whether the institution measures progress in clock hours or credit-hours, semesters, trimesters, or quarters or uses time-based or non-time-based methods.

These are the steps for obtaining Commission approval for these substantive changes:

- a. Submit Change in Educational Offerings Application. DEAC reviews the application and selects approximately 25 percent of the educational content that the institution has selected to convert from clock hours to credit hours or to change in how it measures student progress.
- b. The institution's application and course/program documentation are submitted to an off-site subject specialist for review. The institution will receive an invoice for the review fee. The institution receives an off-site subject specialist report and has 90 days to respond to any determination of partly met or unmet standards.
- c. The Commission reviews all documentation submitted to date and approves or denies the substantive change in accordance with accreditation standards. DEAC notifies the institution in writing within 30 days of the Commission's action and, as applicable, notifies the U.S. Secretary of Education and other relevant constituencies in accordance with its notification and information-sharing procedures.

H. Addition of an In-Residence Program Component

1. This substantive change applies when the fulfillment of the learning outcomes of a course/program requires in-person delivery of curriculum, learning of certain manual skills, familiarity with specialized equipment, access to learning resources, or the application of certain techniques under professional supervision. DEAC reviews the Addition of an In-Residence Program Application and evaluates how the residential component complements, enhances, and applies the knowledge acquired from the approved courses for the program.
2. An institution seeking approval for a new in-residence program component follows the standard substantive change process.

I. Addition of a New Division

1. Adding a new division under a parent institution that establishes an identity and program offerings in a subject area or a number of related subject areas that are different from those offered by the parent institution is a substantive change.
2. These are the steps for obtaining Commission approval for this substantive change:
 - a. Submit an Application for a New Division, including required documentation, 30 days prior to the proposed change. The completed application and

documentation are presented to the Commission for approval.

- b. Identify the programs that are proposed for the new division by submitting the Application for a Change in Educational Offerings.
- c. Post-Approval On-Site Report and Visit. Once the new division and program(s) are implemented, the institution submits a streamlined SER five weeks prior to the on-site visit.
- d. The institution receives an on-site visit within six months to one year after implementing the new division and enrolling students. The institution receives a Chair's Report and has 30 days to respond with any additional information or documentation necessary to support the substantive change.
- e. The Commission reviews the representations made by the institution in its application for the substantive change, the substantive change record, to include the Chair's Report and institutional response, and either determines that the institution remains in compliance with DEAC accreditation standards or takes action in accordance with Section X. The institution is notified of the Commission's decision within 30 days. As applicable, DEAC provides notice to the U.S. Secretary of Education and other relevant constituencies in accordance with its notification and information-sharing procedures.

J. Engaging in Federal Student Assistance Title IV Programs

The following procedures and guidance are applicable to institutions which seek to participate in or are already participating in Federal Student Assistance (FSA) Title IV programs. The procedures and guidelines below are aligned with but do not replace the published federal requirements for participation in Federal Student Assistance (FSA) Title IV programs. Where a DEAC requirement is more stringent than a corresponding federal requirement, the institution should comply with the DEAC requirement. In no event, however, should institutions comply with a DEAC requirement if such compliance would make the institution non-compliant with a federal requirement; any institution encountering such a potential conflict should promptly notify DEAC's Director of Accreditation.

1. DEAC limits the percentage of revenue received from federal student assistance programs in the first year of authorized participation and requires the adoption of FSA default reduction methods at inception of participating in Title IV programs. DEAC conducts additional oversight of student loan default levels of any institution that, in any published cohort year, has a cohort default rate greater than 30 percent. The DEAC's requirements are more stringent than the published federal policies, giving DEAC additional insight into the institutions it accredits that participate in Federal Student Assistance (FSA) Title IV programs.
2. It is DEAC's expectation that any accredited institution electing to participate in

FSA Title IV programs will comply with all federal program responsibilities under Title IV of the Higher Education Act, as amended, without exception.

3. For each institution that elects to participate in Federal Student Assistance Title IV programs, DEAC examines (a) the record of the institution's compliance with its federal program responsibilities under FSA Title IV regulations, based on the most recent "official cohort default rates" published by the U.S. Department of Education; (b) the results of its audited financial statements; and (c) the institution's compliance audits, any program reviews conducted by the US Department of Education, and any other information that the U.S. Department of Education may provide to DEAC. DEAC takes action, as appropriate, when any of the information suggests that the institution may be failing to meet DEAC's standards.
4. An institution jeopardizes its accredited status with DEAC if it is found by DEAC or the appropriate federal authorities or a relevant state authority to be in significant noncompliance with its FSA Title IV program responsibilities or requirements.
5. **Scope of Activity:** The institution may elect to become an FSA Title IV program eligible institution and not participate in any Federal Student Assistance Title IV programs. Any programs selected for FSA Title IV program participation must meet the federal minimum requirements for program eligibility, as well as meeting DEAC's requirements. (Note: The U.S. Department of Education considers an eligible institution to be the "sum of its eligible programs.")
6. **Eligibility:** The institution that uses, or seeks to use, accreditation by DEAC to establish eligibility to participate in FSA Title IV programs must first offer "distance education" courses as defined under the formal definition established by the U.S. Department of Education.

Any programs the institution selects to be FSA Title IV program eligible must have been offered in substantially the same length, covering substantially the same subject matter, during the 24 months prior to the date the institution applies for Title IV eligibility certification from DEAC.

Any DEAC institution that intends to seek certification of Title IV eligibility from DEAC must meet all eligibility requirements, including the minimum program length requirements, expressed in weeks and academic credits, as set forth in the law and regulations for FSA Title IV program participation.

7. **Academic Units of Measurement:** DEAC reviews the institution's policies and procedures for determining the credit hours as defined in 34 CFR 600.2. DEAC evaluates the process an institution uses to award credits for courses and programs and makes a reasonable determination whether the institution's assignment of credit hours conforms to commonly accepted practices in higher education.

8. **Licensure:** The institution that uses, or seeks to use, accreditation by DEAC to establish eligibility to participate in FSA Title IV programs must have a charter, license, or formal authority from all appropriate government bodies to offer its programs or courses, when such authority is available or required. The loss of state licensure or required authority to operate results in the simultaneous loss of DEAC accreditation and Title IV eligibility.
9. **Limit on Participation and Significant Growth Triggers:** Revenue from all FSA Title IV programs by eligible institutions may not account for more than 50 percent of an institution's total revenue during its first 12 months of eligibility for FSA Title IV program participation, and not more than 75 percent of its revenue for all subsequent years of participation until such time that the institution (a) receives renewal of accreditation while participating in Title IV programs and (b) demonstrates that its three-year cohort default rate and financial statement composite score fall within acceptable ranges as prescribed by the U.S. Department of Education. Once the institution documents it meets the aforementioned requirements it may submit a request for the Commission's approval to exceed 75 percent of its revenue from FSA Title IV programs. The Commission, at its next scheduled regular meeting, will consider this record and the institution's ongoing compliance with accreditation standards and determine whether to approve the institution to draw the maximum revenue from FSA Title IV programs allowed under applicable Title IV regulations. Institutions must report the percentage of revenues derived from Title IV funds to DEAC using the same calculation methodology that is used when reporting revenues derived from Title IV funds to the U.S. Department of Education and as presented in the Title IV compliance audit.

Revenues received from students who enrolled in an institution's programs prior to the date on which FSA Title IV program eligibility was granted and who subsequently elect to receive FSA Title IV funds will not be included in the institution's FSA Title IV program revenues.

An institution that, due to its participation in FSA Title IV programs, experiences annual growth of more than a 50 percent increase in student enrollments and/or has more than a 50 percent increase in annual tuition receipts in any calendar year may be directed to undergo an on-site evaluation, at the discretion of the Commission.

10. **Certification of the Institution by DEAC:** An institution seeking to participate in FSA Title IV programs is required to be certified by DEAC prior to applying to the U.S. Department of Education. Violation of any provisions of these procedures, including applying to the U.S. Department of Education without first seeking and receiving DEAC certification, may subject an institution to corrective action, special visit, or loss of accreditation.

These are the steps for requesting Commission approval and certification to participate in FSA Title IV programs:

- a. A key person from the institution attends the DEAC *Title IV Financial Aid Seminar*. The institution then submits an Eligibility for Federal Student Assistance Title IV Program Application.
 - b. The institution must then submit an Eligibility for Federal Student Assistance Title IV Program Report that identifies programs intended for participation in FSA Title IV programs.
 - c. The institution receives an on-site visit to verify its compliance with federal minimum requirements and DEAC standards and procedures. The institution receives a Chair's Report and has 30 days to respond with any additional information or documentation necessary to support the substantive change.
 - d. The Commission reviews the evaluation files for the institution's application for Title IV eligibility certification and approves or denies the substantive change in accordance with accreditation standards. DEAC notifies the institution in writing within 30 days of the Commission's action and notifies the U.S. Department of Education and other relevant constituencies in accordance with its notification and information-sharing procedures.
11. An institution participating in FSA Title IV programs must pay particular attention to documenting and demonstrating compliance with the following federal requirements.
- a. **Mission:** The institution's educational offerings are in a field of study in which the institution demonstrates competence.
 - b. **Satisfactory Academic Progress:** The institution implements and publishes a satisfactory academic progress policy that complies with all Federal Student Assistance Title IV program requirements as stated in current federal regulations.
 - c. **Regular and Substantive Interaction:** The institution implements policies and procedures that assure regular and substantive interaction between students and faculty in accordance with the federal definition of distance education (see 34 CFR 600 and 34 CFR 668). The institution maintains records to document that appropriate interactions occur throughout the student's enrollment.
 - d. **Competency-Based or Direct Assessment Programs:** The institution must seek prior approval for every competency-based or direct assessment program, as well as for every concentration of each competency-based or direct assessment program. These programs are subject to the federal definition of distance education that requires substantial interaction between students and faculty. The competencies established for such programs build a unified body of knowledge

that is consistent with a discipline or profession. Institutions applying for prior approval use the relevant Change in Educational Offerings application form.

- e. **Career and Financial Aid Advising:** The institution makes available to students, upon request, career advising related to their program of study. The institution makes available financial aid advising to all students in need of financial assistance, students that are applying for financial assistance, and other persons seeking additional information regarding the process for applying for and receiving federal student assistance. Such advising may take place via a variety of media sources and communication methods. Upon request of the student, the institution provides personal assistance on questions related to the application and delivery of financial aid.
- f. **Entrance and Exit Loan Advising:** The institution conducts entrance and exit loan advising that encourages loan repayment. The institution, through the financial aid office and the use of available media, encourages repayment of any FSA student loan funds that were obtained for payment of the tuition and other costs associated with the student's attendance and enrollment in the institution's educational offerings.
- g. **Disclosures:** Any statements the institution makes in any advertising, promotional literature, or other materials are complete and accurate about (1) its eligibility for or participation in FSA Title IV programs, (2) its efforts to become certified to participate in such programs, and/or (3) the availability of FSA Title IV benefits to students who enroll at the institution. The institution will not use the availability of FSA Title IV funds to students as the primary inducement or rationale for students to enroll in a program.

All promotional literature, catalogs, websites, or other materials that describe the financial assistance available to students, including any FSA Title IV funds that might be available, must state that the assistance is available only to those students who qualify and must include the federal and institutional requirements that students must meet in order to qualify and maintain eligibility for such assistance.

The institution discloses accurate course material information, including ISBN and retail prices. The institution's textbook pricing policy for new or used textbooks is fair to students.

- h. **Recruitment Personnel:** Institutional personnel involved in the recruitment of students as their principal activity do not have final decision-making authority in the approval or awarding of FSA Title IV funds. An institution that participates in FSA Title IV programs is aware of, and complies with, all U.S. Department of Education regulations and restrictions on methods of compensation that pertain directly or indirectly to success in student recruiting or admissions activities or in

making financial aid decisions.

- i. **Refund Policy:** The institution has and implements a fair and equitable refund policy in compliance with state requirements or, in the absence of such requirements, in accordance with DEAC's refund policy standards. The institution discloses the date from which refunds are calculated (e.g., the date of determination of withdrawal or termination). The institution complies first with the Return of Title IV requirements when a student who is an FSA Title IV recipient withdraws from an institution.
- j. **Federal Student Assistance Administrator:** The institution employs a capable individual(s) responsible for administering all FSA Title IV programs in which it participates and for coordinating those programs with the institution's other financial assistance programs. The institution employs other individuals, as needed, to assist in the administration of FSA Title IV programs.
- k. **Default Management Plan:** The institution's default management plan addresses student loan information (borrower's rights and responsibilities, information regarding repayment and consolidation of student loan debt, communications with lenders and loan servicing agents, and the consequences of default), advising and monitoring, cooperation with lenders, and collecting information to facilitate location of borrowers. The institution documents implementation of the default management program and regularly conducts an evaluation of the effectiveness of its efforts as part of its self-study program.

The published cohort rate for the institution for any cohort year—where 30 or more borrowers enter repayment—cannot exceed the allowable rate as prescribed by the U.S. Department of Education. Institutions that receive a published rate greater than 25 percent are required to implement and adhere to a default reduction plan that specifically outlines the means by which the institution will provide services and contacts to the borrowers in an attempt to reduce the cohort default rate.

- l. **Financial Responsibility:** The institution meets the financial responsibility and administrative capability rules for federal financial aid participation, including the annual submission of audited comparative financial statements for the two most recent fiscal years, auditor opinion and management letters, and composite score calculation.
- m. **Program Reviews:** The institution notifies DEAC in writing within 10 days of having undergone any program reviews, inspections, or other reviews of its participation in Federal Student Assistance Title IV programs by the U.S. Department of Education. The institution also provides complete copies of any reports (both preliminary and final) of these reviews and provides any available compliance audits within 10 days of its receipt of these documents.

- n. **Bankruptcy:** An institution that files for federal bankruptcy protection simultaneously and immediately forfeits its DEAC-accredited status and Federal Student Assistance Title IV program eligibility.
- o. **Renewal of Accreditation:** Since the length of the FSA Title IV programs certification extends only through the institution's current term of accreditation, the institution must renew its compliance with FSA Title IV programs as part of its renewal of accreditation. The institution must readdress the FSA Title IV statements in its Self-Evaluation Report. During the on-site evaluation, an evaluator with expertise in FSA Title IV programs verifies the information provided in the Self-Evaluation Report.

K. Engaging in International Activities

- 1. An institution seeking to add active international functions (e.g., training sites, recruiting, instruction, marketing, business) outside the United States, add coordinating offices in another country, or contract with foreign agents or educational entities is required to obtain prior approval from the Commission.
- 2. An accredited institution offering educational programs outside of its home country must obtain all appropriate external approvals where required, including higher education system administration, and relevant government bodies. The institution documents the accepted legal basis for its operation in the host country and meets legal requirements of the host country.
- 3. An institution seeking approval to engage in international activities follows the standard substantive change process.

XX. NON-SUBSTANTIVE CHANGES

Non-substantive changes are those changes that require review and confirmation by DEAC staff prior to implementation but do not require prior approval by the Commission as is the case for substantive changes. Institutions submit the Non-Substantive Change Request Form, associated fee payment, and a letter providing any required documentation or information. Upon review of the non-substantive change request, DEAC may determine that certain characteristics in the change require that the institution undertake additional reporting obligations and/or a site visit following implementation of the change in order to ensure that the change did not have a detrimental impact on the institution's students, its compliance with DEAC accreditation standards, and its adherence to its educational mission. The Non-Substantive Change Request Form and associated fees information can be found on the DEAC website. The following are non-substantive changes:

- A. **Change of President/Chief Executive Officer:** When an institution makes a change in its president/CEO, defined as the replacement of the senior-level executive of the institution since the last accreditation evaluation, it must immediately notify DEAC in

writing. The institution must submit the Non-Substantive Change Request Form and a letter providing a full explanation of when the change of president/CEO is being made, why it is being made, and how the change will affect the institution's capacity to continue to meet all DEAC accreditation standards.

The institution should also include documentation on the qualifications of the new president/CEO and a summary of the job description. The institution agrees that, as part of the change of president/CEO, the new president/CEO may be subject to a background check by DEAC, which may include, but not be limited to, DEAC surveys of state educational oversight agencies, federal departments and agencies, and consumer protection agencies, as well as looking at credit history, prior bankruptcy, criminal background, debarment from Federal Student Assistance Title IV Programs, closing of educational institutions in which they were managers or principals, or loss of accreditation or state approval to operate an educational institution. The costs and expenses of any such background check shall be the responsibility of the institution.

- B. **Program or Course Revisions:** Institutions seeking to change the title, code, content, requirements, or structure of an existing program or course must submit the Non-Substantive Change Request Form, associated fee payment, and a letter providing the requested information as outlined in the circumstances listed below:

1. **Program Title Revisions:** An institution that changes the title of a program without changing the instructional content, objectives, or courses comprising the program.
2. **Course Title Revisions:** An institution that changes the title or code of a course without changing the instructional content or objectives of the course.
3. **Existing Program Revisions:** An institution that makes changes to the core course content, sequence, requirements, or structure of an existing program without substantively changing the outcomes.

The institution submits a letter providing the reason for the change and certifies that the title or code changes are the only revisions to the program or course.

4. **Adding a Specialization/Emphasis/Concentration to an Existing Program Comprised of Courses Already Approved:** Institutions may determine that it is appropriate to organize existing courses within an existing program into a specialization, emphasis, or concentration. The specialization, emphasis, or concentration does not introduce a new field of study or have unique program outcomes.

The institution submits a letter providing the rationale for the implementation; a curriculum map establishing the courses comprising the specialization/emphasis/concentration; and a statement certifying that the courses used to create the focus area are the same courses approved by DEAC as part of the approved program.

DEAC reserves the right to direct the institution to the substantive change process when it appears that the change notifications outlined above represent a significant departure from its accredited scope or from the content of the program or course at the time of its initial approval.

C. Certificate Program Containing Courses Already Approved: Institutions may determine that it is appropriate to create a certificate program to meet a specific marketplace need comprised of existing, already approved courses. Courses comprising the new certificate program must be exactly the same (e.g., require proctored exams, the same assignments, the same exams) as those offered in an already approved program and which would allow students to apply earned credits towards another program. The institution must submit the Non-Substantive Change Request Form, associated fee payment, and a letter providing:

1. the rationale for the implementation;
2. a curriculum map outlining the scope and sequence of the courses for the certificate-level credential;
3. a description of program outcomes;
4. evidence that offering the certificate-level credential is aligned with industry requirements for entering or advancing in a profession; and
5. a statement certifying that the courses used to create the certificate program are the same courses included by DEAC as part of the institution's DEAC-approved program.

D. Changing General Education Requirements or Eliminating a Major Thesis Requirement: An institution changing general education requirements or eliminating a major thesis requirement submits the Non-Substantive Change Request Form, associated fee payment, and a letter outlining the change, the reason for the change, and certifying that these are the only revisions to the course or program.

E. Contracting for Educational Delivery with an Approved AQC Provider, Accredited Institution, or Other Entity: An institution can enter into an agreement to contract for educational delivery of up to 25 percent of its curriculum with an Approved Quality Curriculum (AQC) provider, an accredited institution, an entity that does not have accreditation, or organization not certified to participate in Title IV HEA programs by submitting the Non-Substantive Change Request Form and a letter listing the acquired courses, the courses that will be replaced, the reason for the change, and the faculty

responsible for reviewing and providing instruction and certifying that these are the only revisions to the course or program.

DEAC reserves the right to direct the institution to the substantive change process when it appears that the contracting for educational delivery is not with an appropriately accredited institution.

F. Adding Courses: If an institution adds courses similar to its existing educational offerings within its DEAC-accredited scope, it submits the Non-Substantive Change Request Form, associated fee payment, and a letter providing the following information for each course:

- name and number of the course;
- number of credits awarded;
- core/elective designation;
- course description;
- faculty and their qualifications to teach the course (submit résumé or curriculum vitae); and
- a rationale for the addition that explains the alignment with existing programs and institutional mission.

DEAC expects that proposed courses are developed and ready for implementation at the time of the request.

G. Discontinuing Courses or Programs: If an institution decides to discontinue a course or program, it submits the Non-Substantive Change Request Form and a letter explaining the reasons for the change. Programs being discontinued require the inclusion of a program teach-out plan and information on the number of currently enrolled students.

H. Division Identity: Institutions seeking to organize existing programs into a division that will continue to operate as part of the institution must submit the Non-Substantive Change Request Form, associated fee payment, and a letter providing a complete description of how the institution will disclose the division as part of the broader educational offerings and clearly delineate the relationship between the division and the institution. Institutions seeking to add a division under a parent institution that establishes a discrete identity from the parent institution must apply for prior approval of a substantive change and submit the Application for a Division.

DEAC requires that any separately advertised division be listed in the DEAC Directory of Accredited Institutions.

I. Closure of an Administrative Site: When an institution decides to close an administrative site, it submits (at least 30 days prior to the closure) the Non-Substantive Change Request Form and a letter providing the following information:

1. Name, address, and telephone number of the site.
2. The date and reason(s) for closing the administrative site.
3. Personnel names, titles, and job descriptions affected by the closing.
4. Information explaining what duties were carried out at the administrative site and where those duties will be carried out in the future.
5. Information on any significant changes in courses/programs or educational services, student support services, etc., resulting from the closure of the administrative site.
6. Information on changes to any advertising and promotional materials (including website) resulting from the closure of the administrative site.
7. If any official documents were kept at the administrative site, explain when and where the records will be transferred.
8. Evidence that the institution has properly notified the appropriate licensing, authorizing, or approving state educational agency concerning the closure of the administrative site.

XXI. TEACH-OUT PLANS

- A. Institutions must submit to DEAC for its approval a comprehensive, written teach-out plan (as defined in 34 CFR 600.2 and as further defined under subsection B below), for its enrolled students when any of the events listed below occur. In addition, and if practicable, the institution shall submit a teach-out agreement (as defined in 34 CFR 600.2 and as further defined under subsection C below) if any of the events described below occur:
 1. The U.S. Department of Education has notified DEAC of an action against the institution pursuant to Federal Regulations, Section 487 (f) [20 USC 1099 b], to include placing the institution on the reimbursement payment method under 34 CFR 668.162(c) or the heightened cash monitoring payment method requiring a review of the institution's supporting documentation under 34 CFR 668.162(d)(2).
 2. The U.S. Department of Education has initiated an emergency action against an institution, in accordance with section 487(c)(1)(G) of the HEA, or an action to limit, suspend, or terminate an institution's participation in any Title IV HEA program.
 3. The Secretary notifies the agency that the institution is participating in Title IV HEA programs under a provisional program participation agreement, and the Secretary has required a teach-out plan as a condition of participation.
 4. The U.S. Department of Education notifies DEAC of a determination by the institution's independent auditor expressing doubt about the institution's ability to operate as a going concern or indicating an adverse opinion or a finding of material weakness related to financial stability.
 5. DEAC has independently made a determination that the institution appears to lack sufficient financial resources to sustain effective operation in meeting obligations to students.
 6. The institution enters bankruptcy.
 7. DEAC has withdrawn accreditation from the institution.
 8. DEAC has directed the institution to show cause as to why its accreditation should not be withdrawn.

9. A state licensing or authorizing agency notifies DEAC that the institution's license or legal authorization has been or will be revoked or that the state agency has sanctioned the institution for reasons relevant to the institution's continued compliance with DEAC accreditation standards.
 10. The institution has notified DEAC that it intends to cease operations.
- B. Teach-Out Plan:** At a minimum, the proposed teach-out plan must ensure that all students who are enrolled at the institution receive all of the training or education under the terms of their contracts, including receiving all learning materials and student services on a timely basis.
1. There are two approaches to teach-out plans:
 - a. The institution plans to teach-out its own students.
 - b. An executed teach-out agreement is in place with one or more appropriately accredited institutions currently offering programs similar to those offered at the closing institution.
 2. Minimum components for any teach-out plan:
 - a. A listing by name, student number, email address, and telephone number of all students in each program, the program requirements each student has completed, and their estimated completion/graduation dates.
 - b. The institution's financial obligations to each student, including without limitation, unearned tuition, all current refunds due, and account balances.
 - c. Academic programs offered by the institution and the names of other institutions that offer similar programs and that could potentially enter into a teach-out agreement with the institution.
 - d. Arrangements made for the secure safekeeping of all student records, including educational, accounting, and financial aid records, in a location that can be readily accessed by students (with respect to their own records), by DEAC, and by state and federal regulators, and otherwise in accordance with applicable legal requirements in the event the institution closes.
 - e. Without limiting the foregoing, the arrangement with a third-party repository for student transcripts from which students can obtain copies of their transcripts for a minimal fee.
 - f. Instructions on how curricula and learning management software may be accessed by students if the institution is conducting its own teach-out.
 - g. An explanation, accompanied by appropriate supporting documentation and timelines, of how the closing institution will notify students in the event of closure and, as applicable, how the closing institution will notify the students of their teach-out options and ability to transfer credits.
 - h. A copy of all notifications related to the institution's closure or to teach-out options to ensure that (i) the information accurately represents students' ability to transfer credits, and (ii) DEAC may require changes in the language of the notifications to correct, clarify, or otherwise amend representations in

the notification to the extent DEAC becomes aware of information which suggests such changes are advisable.

- i. For institutions offering hybrid programs (distance study and required face-to-face instruction), an explanation and evidence of how the teach-out institution has the capacity to provide the students with instruction and services without requiring the students to move or travel substantial distances from the closing institution, and evidence of the adequacy of the teach-out institution's facilities and equipment.
 - j. A statement showing evidence that state regulations regarding any student protection funds and/or bonds are followed, if applicable.
 - k. A statement that describes any additional charges/fees and notification to students about the charges/fees.
 - l. A description of what financial resources will be used to make student refunds or fund the teach-out.
 - m. A plan to provide all potentially eligible students with information about how to obtain a closed school discharge and, if applicable, information on state refund policies.
 - n. A record retention plan, to be provided to all enrolled students, that delineates the final disposition of teach-out records (e.g., student transcripts, billing, financial aid records).
 - o. Information on the number and types of credits the teach-out institution is willing to accept prior to the student's enrollment.
 - p. A clear statement to students of the tuition and fees of the educational program and the number and types of credits that will be accepted by the teach-out institution.
 - q. The name, title, email address, telephone number, office address, and other relevant contact information for the person or persons who will act as the primary liaison(s) between the institution and DEAC throughout the period of the teach-out. Such information is to be updated as necessary through the teach-out period.
3. DEAC notifies the relevant accrediting agency of DEAC's approval or rejection of a teach-out plan that includes a program or institution accredited by such other agency. DEAC also notifies any state, federal or other agency or program which it has reason to believe may be affected by the teach-out plan.

C. Teach-Out Agreement: When a DEAC institution is required to submit a teach-out agreement under Section (A) above, the agreement must be approved by DEAC prior to implementation. DEAC approves teach-out agreements only if the agreement offers educational services consistent with DEAC accreditation standards and the institution's teach-out plan, satisfies the requirements of 34 CFR 600.2 and other state and federal regulations, and provides for the equitable treatment of students being served. Without limiting the foregoing, the teach-out institution, whether it is the institution submitting the plan or another institution providing the teach-out,

1. Must have the necessary experience, resources, and support services to provide an educational program that is of acceptable quality and reasonably similar in content, delivery modality, and scheduling to that provided by the institution that is ceasing operations either entirely or at one of its locations. However, while an option via an alternate method of delivery may be made available to students, such an option is not sufficient unless an option via the same method of delivery as the original educational program is also provided.
2. Must have the capacity to carry out its mission and meet all obligations to existing students.
3. Must demonstrate that it:
 - a. can provide students access to the program and services without requiring them to move or travel for substantial distances or durations; and
 - b. will provide students with information about additional charges, if any.

Without limiting the foregoing, the teach-out institution may not be an institution that itself has been or is required to submit a teach-out plan under Section A above or is under investigation, subject to an action, or being prosecuted for an issue related to academic quality, misrepresentation, fraud, or other severe matters by a law enforcement agency.

The following elements are also considered in approving teach-out agreements:

1. The agreement is with one or more institutions accredited by an agency that is recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation (CHEA). The institution is state- licensed and currently offers programs similar to those at the closing institution.
2. The agreement states that the student will be provided access to all the programs of instruction, without additional cost, that the student originally contracted and paid for but did not receive, due to the [pending] closure of the institution. For hybrid programs, the teach-out institution must be near the closing institution so that the students are not required to move or travel substantial distances.
3. The agreement clarifies the financial responsibilities of all parties, including the assumption of any liabilities for tuition refunds and appropriate notification to students in a timely manner of additional charges/fees, if any.
4. The agreement states whether, upon completion of the program, the student will receive a diploma, certificate, or degree from the teach-out institution or whether the diploma or certificate will be awarded by the closing institution.
5. The agreement indicates whether students who (a) had already enrolled but had not yet started their program of study at the closing institution or (b) are on a leave of absence from the closing institution, will be entitled to begin training or re-enroll at the teach-out institution.

6. The agreement states that the closing institution will provide the teach-out institution with copies of the following records for the students being taught out:
 - Enrollment agreements
 - Financial aid transcripts
 - Study/progress records
 - Academic transcripts
 - Student account records
 - Any relevant curricular materials
7. The agreement requires that the teach-out institution maintain records and documents for the students being taught out and that the teach-out institution will report to DEAC on a periodic basis on the status of the teach-out.
8. The agreement provides for appropriate notification to DEAC and federal and state authorities.

Notwithstanding the provisions in this section, DEAC may waive requirements regarding the percentage of credits that must be earned by a student at the institution awarding the educational credential if the student is completing his/her/their program through a written teach-out agreement or transfer. Factors DEAC would typically consider in granting any such waiver would include, without limitation, (1) the previous coursework completed by the student before the teach-out began, (2) whether the student had completed all core requirements for the educational credential, (3) non-academic experience of the student within the field covered by the educational credential, (4) the evaluation received by the student for the capstone project required for the credential, if applicable, (5) teacher and/or employer recommendations, (6) the student's grades in the applicable field, (7) whether the student completed coursework in an adjacent or connected field, and (8) hardship to the student if a waiver is not granted.

- D. **Closure Without Teach-Out Plan/Agreement:** If a DEAC-accredited institution closes without a teach-out plan/agreement or an institution refuses to provide a teach-out plan/agreement, DEAC will work with the U.S. Department of Education, the appropriate state agency, (and other regulatory, governmental, accrediting and educational entities as DEAC may deem appropriate in its discretion) to the extent feasible, to assist students in finding reasonable opportunities to complete their education without additional charges.

XXII. COMPLAINTS (ACCREDITED INSTITUTIONS, ACTIVE APPLICANTS, AND DEAC)

- A. **Definition of Complaint:** A complaint is defined as a written notification to DEAC by any person or entity that sets forth reasonable and credible information that (1) an accredited institution; (2) an institution applying for accreditation; or (3) the evaluators, commissioners, or DEAC staff, are not in compliance with one or more of DEAC's

accreditation standards.

- B. Filing a Complaint with DEAC.** DEAC's Online Complaint System enables individuals to file a complaint directly using the DEAC website. The complaint form is found at www.deac.org/Student-Center/Complaint-Process.aspx. Written complaints will also be accepted by mail or other form of effective delivery to DEAC, provided they include (1) the complainant's name and contact information (2) the basis of any allegation of noncompliance with DEAC standards and procedures; (3) all relevant names and dates and a brief description of the actions forming the basis of the complaint; (4) copies of any available documents or materials that support the allegations; and (5) a release authorizing DEAC to forward a copy of the complaint, including identification of the complainant(s) to the institution.

In cases of anonymous complaints or where the complainant requests confidentiality, DEAC will consider whether the complainant's identity is necessary to investigate the complaint and provide due process to the institution, DEAC will (1) notify complainants who identify themselves to DEAC but request anonymity if DEAC believes that it cannot proceed with its investigation without revealing the complainant's name to the institution, the Commission, and other relevant entities and (2) wait for authorization from the complainant to waive anonymity before it takes further action. Notwithstanding the foregoing, to the extent that an anonymous complaint or a complaint filed where the complainant will not waive a request for anonymity raises material issues of compliance by a DEAC accredited institution, DEAC may initiate further fact-finding with respect to the allegations in the complaint.

C. Complaints Outside of DEAC Scope:

Where issues of educational services, student services, admissions decisions, assignment of grades or tuition are concerned, DEAC may refer the complainant to the institution to resolve and only if the institution is unable to resolve the same, will DEAC conduct its own investigation and seek resolution to the same. Where DEAC believes it is advisable or appropriate it may also refer the complaint and/or the complainant to a federal or state agency or private entity with jurisdiction over the subject matter of the complaint, any such determination will be made by DEAC in its sole discretion. Students filing complaints must confirm that they have exhausted the institution's complaint process prior to pursuing a complaint with DEAC or must explain to DEAC's reasonable satisfaction why pursuing the complaint through the institution's internal processes would be unavailing.

DEAC will not intervene on behalf of individuals in cases of a personnel action, nor will it review an institution's internal administrative decisions in such matters as admissions decisions, academic honesty, assignment of grades, and similar matters unless the context of an allegation suggests that unethical or unprofessional conduct or action may have occurred that might call into question the institution's compliance with a DEAC standard or policy.

Further, where the alleged circumstances giving rise to the complaint have occurred so long ago that (1) investigating and ascertaining the facts would be difficult, and (2) DEAC has reason to believe that the complaint alleges practices or actions which are no longer present at the institution, DEAC will so inform the complainant and will advise the complainant that, without further demonstration from the complainant that the allegations relating to the institution's compliance with DEAC standards are likely to be an ongoing threat to the institution's students, faculty or academic integrity, DEAC is unlikely to pursue the claim. Decisions made by DEAC in evaluating third party complaints shall be made in its sole discretion, consistent with the guidelines set forth above. A summary of DEAC's disposition of each complaint under this section is reported to the Commission for review and to take such further action as the Commission may deem appropriate.

- D. Recordkeeping for Complaints:** Complaints received against accredited institutions and the manner of their resolution are kept for two accreditation cycles (8 to 10 years). Complaints received against initial applicants for accreditation are kept for three years. DEAC provides summaries of these files to visiting examining committees when they conduct on-site visits. DEAC also considers these summary files when it acts on an institution's application for initial accreditation or renewal of accreditation.

New and/or open complaints are also tabulated and summarized and presented at each meeting of the Commission. The summary provides an analysis of any unresolved complaints, and any other information the Commission may request regarding the record of complaints received by DEAC.

E. Complaints Against Accredited Institutions:

DEAC expects its accredited institutions to have operational procedures in place for fairly and promptly resolving complaints filed against the institution by students, faculty, or the public. Therefore, in investigating a specific complaint against an accredited institution filed directly with DEAC, DEAC also examines whether or not the institution has effective methods for handling student, faculty, staff and educational problems on a routine basis and whether such methods are equitable, consistently applied, and effective in resolving problems.

DEAC is also concerned about the frequency and pattern of complaints about an accredited institution. DEAC expects the institution to monitor all complaints it receives and expects the institution to take steps to ensure that similar complaints do not become repetitive or routine. Institutions are required to maintain the complete files for every complaint for no less than the longer of five years or the completion of the institution's next reaccreditation evaluation cycle.

- F. Action:** When DEAC receives a complaint against an applicant or accredited institution, the DEAC's procedure for handling the complaint consists of the following steps:

1. Within ten business days following-receipt of the complaint, DEAC will send a letter

or email to the complainant acknowledging receipt of the complaint and explaining the process that the DEAC will follow in investigating the complaint.

2. DEAC will complete an initial review of the complaint within fifteen business days following its receipt to determine whether it sets forth information or allegations that reasonably suggest that an institution may not be in compliance with DEAC's standards and procedures. If additional information or clarification is required, before DEAC believes it can pursue a further investigation of the complaint, DEAC will so notify the complainant and request the complainant provide the additional information. Failure of the complainant to provide such additional information may result in DEAC determining that the complaint cannot be effectively investigated.
3. If DEAC determines after the initial review of the complaint that the information or allegations do not reasonably demonstrate that an institution is out of compliance with DEAC standards or procedures or that the complainant has not provided sufficient information on which DEAC can evaluate it, the complaint will not be further investigated by DEAC and the complainant will be notified of such a disposition and the reasons.
4. If DEAC determines after the initial review of the complaint that the information or allegations reasonably suggest that an institution may not be in compliance with DEAC standards and procedures, the DEAC will provide a copy of the original complaint to the institution and direct the institution to provide a response to the complaint within 30 days following such notice with the following exceptions:
 - a. In cases of advertising violations, when DEAC staff forwards a copy of the advertisement at issue to the institution, citing the standard that might have been violated. The institution is required to respond within **15 days** of receiving such notice.
 - b. If a news article or media broadcast carries a negative report on a DEAC-accredited institution, or any of its owners, senior management, or executives, the institution is required to respond to the statement(s) within **15 days**.
 - c. In cases when the complaints are from students concerning administrative services, student services, educational services, or tuition, the institution will be required to respond directly to the student within **15 days** to address his/her concerns. The institution must also respond to DEAC within **15 days**; such response must include, at minimum, a copy of the response sent to the student.
 - d. The failure of the institution to provide either a response to the complaint or any additional information as requested by the executive director within the specified time frames will be considered a violation of DEAC's policy on complaints and will be referred to the Commission for consideration and action. The complainant will be notified when a request for a response from the institution has been delivered by DEAC.

5. If, following review of the institutional response to the complaint, DEAC concludes that the allegations in the complaint have been rebutted or resolved by the institution, the complainant and the institution will be notified of such resolution.
6. On no less than a semi-annual basis, DEAC will provide the Commission with a list of all complaints closed by the executive director and a summary of the reasons for closing each such complaint. The Commission may, in its discretion, elect to reopen any such complaint for further investigation and resolution.
7. If DEAC concludes following review of the institution's first response to the complaint, that the allegations may establish that there has been a violation of DEAC standards and/or procedures, DEAC may take one of the following actions:
 - a. Defer resolution on the complaint for a period not to exceed 60 days if there is evidence that the institution is making progress in rectifying the situation. Failure by the institution to rectify the situation by the end of the 60-day period will be referred to the Commission for consideration and action.
 - b. Notify the institution that, based on the information provided, one or more of the issues raised by the complaint has been referred to the Commission for further action.
 - c. The complainant will be informed of any deferral provided under this section and/or of whether any issues raised by the complaint have been referred to the Commission.
8. DEAC will send a letter to the complainant and the institution regarding the final disposition of each complaint. A record of the complaint and associated documentation (including any institutional response and additional information provided by the institution or the complainant together with any materials prepared or collected by DEAC) is kept on file.
9. An adverse action against an institution arising from a complaint will not be initiated until the institution has had an opportunity to respond to the complaint within the time frames set forth by DEAC.

G. Complaints about Applicant Institutions: If DEAC receives a complaint about an applicant institution, it is treated as a third-party comment pursuant to the procedures set forth in Section VII.

H. Complaints About DEAC Evaluators, Commissioners, and Staff:

The Board of Directors is responsible for handling complaints against DEAC evaluators, Commissioners, and/or staff for alleged violations of DEAC's standards, policies, or code of conduct. Any member of the Board who is the subject of or implicated by the allegations in

the complaint must recuse from all discussions, deliberations and decision-making with respect to any such complaint. The process followed for such complaints is as follows:

1. After the receipt of the complaint by DEAC, all materials related to the complaint are forwarded to the Chair of the Executive Committee (unless the complaint is about the chair). If the complaint is about the Chair, the complaint and all materials are forwarded to the Vice Chair.
2. After the receipt of the complaint, the Chair or Vice Chair sends a letter to the complainant acknowledging receipt of the complaint and explaining the process the DEAC will follow in investigating the complaint. The Chair or Vice Chair also forwards a copy of the complaint to the person(s) named in the same. The identity of the complainant(s) may be withheld in the Chair's or Vice Chair's sole discretion. The Chair or Vice Chair may also elect, in their discretion, to send only a summary of the allegations in the complaint rather than the actual complaint. The person(s) named in the complaint is asked to respond to the same (or the summary of the same) in writing within **30 days**.
3. The Chair or Vice Chair also decides whether any additional information is needed from the complainant or regarding the subject of the complaint, before the complaint can be considered. If so, the Chair or Vice Chair requests that DEAC obtain the information within **30** days. If the requested information is not received within the specified time frame, the Chair or Vice Chair may determine that there is insufficient information to pursue the complaint further; any such determination will be communicated to the complainant. If the requested information is not received from the subject of the complaint, the matter will be referred to the Board for further action. DEAC employees may be subject to disciplinary action up to and including termination. DEAC consultants, contractors and volunteers may, as applicable, have their contracts terminated and/or their names removed from the pool of potential volunteers retained by DEAC in connection with the accreditation process. Directors and Commissioners may be subject to disciplinary measures up to and including removal from office.
4. Within **30** days of receipt of all the information pertaining to the complaint, including the original complaint and any additional information, provided by the Complainant and/or the subject(s) of the Complaint and/or otherwise assembled by DEAC staff (such materials, as they may be supplemented or revised from time to time, the "complaint file"), the Chair or Vice Chair convenes a conference call of the Executive Committee to review the complaint.
5. After review of the complaint file the Executive Committee summarizes its findings and presents them to the full Commission at its next regularly scheduled meeting, unless an earlier special meeting is requested by the Executive Committee in its sole discretion. The Board will then consider the complaint file, together with the analysis and recommendations of the Executive Committee. The Board may at that point reach a final decision with respect to the resolution of the complaint or may elect to defer that decision if it believes more information is required in order to reach a fully considered and fair

decision. If the Board requires additional information, it will work with DEAC staff to use good faith efforts to collect such information within **30 days**. Both the complainant and the subject of the Complaint will be kept informed of the Board's actions.

6. If the Board determines that there has been a violation of DEAC standards, policies, or code of conduct by a DEAC employee or contractor, director, evaluator or other affiliated person, the Board will take such disciplinary action as it deems appropriate, up to and including termination. DEAC consultants, contractors and volunteers may, as applicable, have their contracts terminated and/or their names removed from the pool of potential volunteers retained by DEAC in connection with the accreditation process. Directors and Commissioners may be subject to disciplinary measures up to and including removal from office. The Board may also refer the complaint to third parties for further action.
7. The Chair or Vice Chair notifies the person named in the complaint of the Board's decision within **30** days.
8. The Chair or Vice Chair notifies the complainant of the final disposition of the complaint within **30** days after such disposition has been determined by the Board.

A record of the complaint file, the Board's decision, and the notice sent to the complainant with respect to the same are, kept on file at the DEAC offices in accordance with document retention policies and procedures.

XXIII. REVIEWING, ADOPTING, AND CIRCULATING CHANGES TO THE ACCREDITATION HANDBOOK

- A. The Commission has the power and responsibility to review, establish, and circulate its standards and procedures for evaluation and accreditation of distance education institutions.
- B. **Origin of Accreditation Standards and Procedures:** The Commission considers recommendations from any source and in any manner or form when reviewing its accreditation standards and procedures. The following is a list of some sources of recommendations for new or amended accreditation standards and procedures:
 1. **Commission:** The Commission reviews its accreditation standards and procedures and any comments received at every meeting.
 2. **DEAC Staff:** The DEAC staff make recommendations and suggestions to the Commission regarding any accreditation standards or procedures that it believes need to be strengthened.
 3. **Board Sub-Committee:** The Standards Committee, from time to time, makes recommendations to the Commission to refine and/or revise standards to ensure that they continue to meet the needs of students and member institutions.

4. **DEAC Evaluators and Subject Specialists:** All DEAC evaluators and subject specialists are surveyed after each review and on-site visit to seek recommendations for clarifying accreditation standards and improving procedures.
 5. **State Regulators:** DEAC invites a representative from the state regulator's office where the institution is located to observe on-site visits and provide feedback on DEAC accreditation standards and procedures.
 6. **Government and Nongovernmental Agencies:** Input and changes from the U.S. Department of Education and the Council for Higher Education Accreditation (CHEA) inform revisions to DEAC accreditation standards and procedures.
 7. **Educators, Faculty, and Administrators:** Education industry professionals provide recommendations for revisions to DEAC accreditation standards and improvements to procedures based on best practices.
 8. **Consumer Groups:** DEAC periodically interacts with consumer protection groups (e.g., Better Business Bureaus, Chambers of Commerce, etc.) to seek suggestions for improvement of accreditation standards and procedures.
 9. **Applicant and Accredited Institutions:** Each applicant and member institution is encouraged to provide thoughtful feedback and suggestions for clarification and revision of DEAC accreditation standards and procedures for continuous improvement.
 10. **Third-Party Review:** DEAC periodically retains an independent organization to review its accreditation standards and procedures and to conduct rigorous validity and reliability surveys.
 11. **Students and the General Public:** DEAC seeks input and feedback from students through surveys. Student complaints and correspondence are responded to by DEAC staff and used during reviews of accreditation standards and procedures.
- C. **Systematic Program Review:** DEAC seeks input and collects data from its communities of interest, including internal and external constituencies. DEAC uses these data when evaluating and drafting changes to its accreditation standards and procedures. DEAC performs a systematic review of its accreditation standards and procedures using comments, recommendations, and data collected from various sources. Elements of the systematic review process include the following:
1. Every five years, DEAC engages an independent, third-party organization to survey accredited institutions, DEAC evaluators (e.g., faculty from appropriately accredited institutions recognized by the U.S. Department of Education), subject specialists, and students (e.g., active, graduates, inactive, and withdrawn) on the validity and reliability of DEAC's accreditation standards and procedures. These surveys focus on the adequacy and relevance of the accreditation standards and their effectiveness in

enabling DEAC to evaluate the quality of distance education. The third-party organization evaluates DEAC's accreditation standards and procedures individually and as a whole.

2. The DEAC Board Standards Committee collects feedback from member institutions and other interested constituencies as part of the review process. The committee may create as special task forces to address the evaluation of the information and determine whether current accreditation standards or procedures need revision. The Standards Committee meets twice a year at the DEAC Annual Conference and Fall Workshop and at such other times as may be requested by DEAC and/or the Commission.
3. DEAC staff propose revisions to accreditation standards and procedures to ensure continued compliance with recognition criteria from the U.S. Secretary of Education and the Council for Higher Education Accreditation (CHEA).
4. Interested constituencies, institutions, and organizations are continuously encouraged to submit comments and recommendations for revision of current accreditation standards and procedures. Comments and recommendations are sent to DEAC's executive director.

D. Processes and Procedures for Adoption of Changes to the Accreditation

Handbook: The following process is followed for adopting revisions to DEAC's accreditation standards and procedures.

1. All recommendations for revisions to current accreditation standards and procedures are collected by DEAC staff and submitted to the Standards SubCommittee for initial review. The Standards SubCommittee proposes revised language or develops new accreditation standards or procedures based on the feedback received. Once the Standards SubCommittee reviews the proposed language, it is forwarded to the Commission for review. The Commission considers the recommendations and reviews the proposed language and either approves the changes as proposed or makes revisions and then approves the revised language.
2. Upon Commission approval of the revised accreditation standards or procedures, the proposed language is sent to member institutions, the public, and other stakeholders for comment. Comments are solicited within an established time frame (usually 30 days). A notice is posted on DEAC's website to allow the general public to review and comment on the proposed changes. DEAC encourages all internal and external communities of interest, including those that have made their interest known, to comment on any proposed changes.
3. The Commission reviews and carefully considers all comments before making a final decision. The Commission can adopt accreditation standards and procedures as proposed, adopt with changes or modifications, defer action until further study

and consideration can be had, or reject the proposed changes outright. Once changes to accreditation standards or procedures are finalized, the revised standards are published as provided under Section E below. Institutions are provided a reasonable period in which to comply with the same when appropriate.

4. If exigent circumstances exist that necessitate a material change to DEAC accreditation standards or procedures to become final and effective immediately, the Commission publishes the change in final form without regard to the notice and comment procedures stated in II.6. Interested parties are provided an opportunity to comment on the change as soon as practicable after publication. Examples of exigent changes which might require such immediate action include, but are not limited to: (a) immediate changes to DEAC policies, procedures and standards required by other accrediting organizations; (b) legal or regulatory changes with effective dates that do not support the standard comment period; and (c) external causes (such as pandemics, infrastructure/communication issues, or domestic/international conflicts).
5. Non-substantive changes to DEAC's standards, policies and procedures may be adopted by the Commission without a notice or comment period. However, they are published by DEAC in accordance with subsection E below. Non-substantive changes include, by way of example, changes which are intended (i) to clarify and/or provide greater detail with respect to existing provisions, (ii) to improve readability, (iii) to conform terminology, and (iv) to update names, addresses and administrative information.

E. Circulation of Accreditation Standards and Procedures: DEAC circulates the new or revised accreditation standards or procedures following the processes below:

1. New or revised accreditation standards or procedures are posted on DEAC's website and published in DEAC publications that are sent to all internal and external constituencies.
2. The following DEAC publications are updated to include the new or revised accreditation standards or procedures.
 - a. The *Accreditation Handbook* is made available on the DEAC website. Printed copies are made available upon request.
 - b. DEAC updates its online training manuals and courses with new or revised accreditation standards or procedures.
 - c. DEAC staff review the new or revised accreditation standards or procedures with on-site evaluators before each on-site visit.