Communication in the Accreditation Process Procedures

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I. Purpose
The Middle States Commission on Higher Education (MSCHE or the Commission) seeks to ensure transparent and clear communication about the accreditation process with its constituencies (member and applicant institutions, government, other quality assurance agencies, the higher education community, and the public). The purpose of these procedures is to implement the Commission’s Communication in the Accreditation Process Policy.

II. Procedures for Communication between the Commission and Institutions
A. The Commission staff shall establish appropriate and clear lines of communication with member (candidate and accredited) and applicant institutions to ensure that the institution understands the Commission’s expectations for all accreditation activities.

B. The Commission will consider the Chief Executive Officer (CEO)/President to be the official representative of the institution and will direct general communications to the CEO. In exceptional circumstances, the Commission reserves the right to communicate with the Chair of the institution’s governing body at its discretion.

C. The Commission will communicate with individuals designated as key contacts in the secure MSCHE portal. The institution will update and maintain accurate key contact data in the secure MSCHE portal.

D. The institution’s CEO (President) will appoint an Accreditation Liaison Officer (ALO) to serve as the primary point of contact with Commission staff and as a resource to the institution on accreditation issues. The Commission expects the institution to abide by The Accreditation Liaison Officer (ALO): Roles and Responsibilities.
E. The Commission will assign a Commission staff liaison (vice president), with no known conflicts of interest with the institution, to serve as the primary point of contact with each member and applicant institution. The Commission staff liaison will communicate with key contacts and other institutional leaders about accreditation issues, consult with the institution during accreditation activities, conduct visits to the institution on specified occasions, and answer questions about MSCHE policies and procedures as requested.

F. The institution will update the Commission of major developments through the Commission staff liaison.

III. Procedures for Sharing Information about the Commission

A. The Commission will maintain and share information about itself with the public through its website (www.msche.org).

B. The Commission will maintain and make available to the public the Commission’s standards for accreditation, requirements of affiliation, policies and procedures, and federal compliance requirements, which explain the accreditation process and are used to determine accreditation actions, in accordance with federal regulation 34 CFR §602.23(a)(2) and (3).

C. The Commission will maintain and make available to the public the names, academic and professional qualifications, and relevant employment and organizational affiliations of the following, in accordance with federal regulation 34 CFR §602.23(a)(5):

   1. The members of policy and decision-making bodies (the Commission); and
   2. The principal administrative staff.

D. The Commission will publish news items, issue press releases, and/or share information regarding the review of, or major changes in, its standards for accreditation, requirements of affiliation, and policy and procedures.

IV. Procedures for Sharing Information about Member Institutions

A. The Commission will maintain and share information about member institutions with the public through its website.

B. The Commission will publish an online Institution Directory of candidate and accredited institutions in accordance with federal regulation 34 CFR §602.23(a)(1) and (4). The Institution Directory will provide institutional information that includes but is not limited to institution name, address, accreditation phase, accreditation status, the date candidate for accreditation status or accreditation was granted, and the year the Commission will next review the institution.

C. The Commission will publish an official public statement on its website, called the Statement of Accreditation Status (SAS). The SAS is a downloadable, printable
statement with institution’s accreditation phase, accreditation status, scope of accreditation, and a history of the accreditation actions taken by the Commission for the past ten years. Accreditation actions are defined in the Commission’s Accreditation Actions Policy and Accreditation Actions Procedures.

D. The Commission will publish a schedule on its website to provide an opportunity to receive comments about institutions with an upcoming review. See the Commission’s policy Third Party Comments for a description of how these comments are used in the accreditation process.

E. The Commission may, at its discretion, publish news items, issue press releases, and share information regarding institutions.

V. Procedures for Notification of Accreditation Actions
A. The Commission will provide official notification of accreditation actions to the institution no later than 30 calendar days after it takes an action in accordance with federal regulation 34 CFR §602.26.

1. The Commission will send an email to the institution’s Chief Executive Officer (CEO) and Accreditation Liaison Officer (ALO) to notify the institution that the action is available and viewable in the portal.
   a. For non-compliance actions (warning, probation, show cause) and adverse actions (to deny or withdraw candidate for accreditation status or accreditation), the Commission will also mail a hardcopy of the action notification with delivery confirmation.
   b. The action notification is available in the secure MSCHE portal for the institution to view. Individuals designated as the institution’s key contacts may log in to the portal at any time to view the action notification, which will be permanently retained in the portal.

2. The Commission will provide the institution an opportunity to make an institutional statement regarding a non-compliance or adverse action, in accordance with federal regulation 34 CFR §602.26(d). This statement is optional.
   a. The institution may submit an official statement within 60 calendar days from the date of the action.
   b. Instructions for submitting this statement will be provided in the action notification.
   c. The Commission will make the statement available to the public on its own website only. The Commission is not responsible for making this statement wherever else the institution’s status may be posted publicly.

3. The Commission will post a notification of non-compliance or adverse action on the Institution Directory and the SAS which summarizes the reasons for the Commission’s action no later than 60 days after the date of the action, in accordance with federal regulation 34 CFR §602.26(d).

B. The Commission will provide notification of accreditation actions to the U.S.
Secretary of Education, the appropriate state or other licensing or authorizing agency, and the appropriate accrediting agencies no later than 30 calendar days after it takes an action in accordance with federal regulation 34 CFR §602.26(a).

1. For non-compliance actions (warning, probation, show cause) and adverse actions (to deny or withdraw candidate for accreditation status or accreditation), the Commission will provide notification to these entities at the same time as it notifies the institution of the action in accordance with federal regulation 34 CFR §602.26(b).

2. The Commission will provide required notifications to the United States Department of Education (USDE) via the Database of Accredited Postsecondary Institutions and Programs (DAPIP).

3. The Commission will provide notification to State agencies, other licensing or authorizing agencies, and other appropriate accrediting agencies via email.

C. The Commission will provide notification of accreditation actions to the public within 24 hours of notifying the institution in accordance with federal regulation 34 CFR §602.26(c).

1. The Commission will post all accreditation actions organized by meeting date on its website.

2. The Commission will post a list of all non-compliance and adverse actions on its website.

3. The Commission will post all accreditation actions to the institution’s online SAS.

D. In the event that an institution voluntarily surrenders its candidate for accreditation status or accreditation status, the Commission will notify the U.S. Secretary of Education, the appropriate State or other licensing or authorizing agency, the appropriate USDE recognized accrediting agencies, and the public within 30 calendar days of receiving notification from the institution in accordance with federal regulation 34 CFR §602.26(e)(1).

E. The Commission may respond to public inquiries about accreditation actions or it will direct them to the institution.

VI. Procedures for Communication with Government, Other Quality Assurance Agencies, and Related Entities

A. The Commission staff will establish appropriate and clear lines of communication with government or other jurisdictions, other quality assurance agencies, and identified related entities. See the Commission’s Government Agencies and the Middle States Commission on Higher Education policy and Related Entities Policy.

B. The Commission staff will notify liaisons and representatives from government, systems of higher education, or related entities about upcoming accreditation activities.

1. In consultation with the institution and the agency or related entity, the
Commission will assist with coordinating the liaison’s or representative’s request to observe any on-site visit.

2. Any observer of an accreditation activity will agree to the Statement of Ethical Conduct, including a commitment to maintaining confidentiality, in accordance with the Peer Evaluators Policy and Procedures.

3. The Commission will determine if the liaison or representative will be provided with access to accreditation materials in the secure MSCHE portal, at its discretion.

C. In addition to the notification of accreditation actions, the Commission will report the following information to the USDE through the DAPIP system, in accordance with federal regulation 34 CFR §602.27:

1. a copy of any annual report it prepares;
2. a copy, updated annually, of its directory of accredited and candidate institutions, or access to the institution directory on the Commission’s website;
3. a summary of major accrediting activities during the previous year, if requested by the Secretary to carry out the Secretary’s responsibilities related to this part;
4. notification of any proposed change in policies, procedures, or standards that might alter its scope of recognition or compliance with the criteria for recognition;
5. the name of any institution accredited by MSCHE that MSCHE has reason to believe is failing to meet its title IV, Higher Education Act (HEA) program responsibilities or is engaged in fraud or abuse, along with the agency’s reason for concern about the institution;
6. and, if the Secretary requests, information that may bear upon an accredited or candidate institution’s compliance with its title IV, HEA program responsibilities, including the eligibility of the institution to participate in title IV, HEA programs.

D. The Commission reserves the right to communicate with other quality assurance agencies in order to share or obtain information necessary for the accreditation decision-making process.

E. The Commission reserves the right to communicate with related entities in order to share or obtain information necessary for the accreditation decision-making process. See the Commission’s Related Entities Policy.

1. The institution will provide appropriate contact information for a liaison or representative from the related entity with which the Commission may communicate.
2. The Commission staff will copy the institution on all correspondence of record with the related entity.
3. The Commission staff will retain all correspondence of record with a related entity as part of the institutional record.
VII. Procedures for Confidentiality

A. The Commission staff will protect the confidentiality of accreditation materials, proposals for action, and the institutional record except as required by Commission policies or procedure, or applicable law.
   1. The Commission staff will provide access to accreditation materials to Commission representatives for the sole purpose of accreditation decision-making.
   2. The Commission staff will direct all public inquiries for accreditation materials to the institution.

B. The Commission staff will require Commission representatives and observers of an accreditation activity to agree to the *Statement of Ethical Conduct*, including a commitment to maintaining confidentiality, in accordance with the *Peer Evaluators Policy and Procedures*.
   1. Commission representatives and observers will use accreditation materials for the sole purpose of accreditation decision-making.
   2. Commission representatives and observers will ensure the proper standard of care of accreditation materials while they are in their possession.
   3. Commission representatives and observers will not share accreditation materials nor discuss proposals for action with anyone outside of the accreditation decision-making process.
   4. Commission representatives and observers will not comment on a specific institution’s accreditation activities and will forward all inquiries from the media to the MSCHE Director of Communications and Public Relations.

C. The Commission will protect confidential information and the institutional record through any agreements with third party vendors. Third party vendors will sign confidentiality and non-disclosure statements.

D. The Commission staff may be required to share otherwise confidential information in order to comply with a subpoena and/or court order. See the Commission’s policy *Discovery Requests and Litigation Expense*.

E. The Commission staff may be required to share otherwise confidential information with government or other agencies when requested by appropriate officials, including but not limited to the process of renewing its own recognition with the USDE and the Council for Higher Education Accreditation (CHEA). Confidentiality is deemed waived by the institution in these circumstances.
   1. The Commission will make a good faith effort to redact personally identifiable and other sensitive information prior to submission.
   2. The Commission will make a good faith effort to designate all business information within its submissions that it believes would be exempt from disclosure under exemption 4 of the Freedom of Information Act.
3. The Commission will make a good faith effort to submit only those documents which are required for review or as requested by appropriate officials.

F. The Commission may determine that it is necessary to make pertinent information available to the public to correct misleading information. Confidentiality is deemed waived by the institution in these circumstances.

G. Accreditation materials belong to the institution and the institution may share or publish its own accreditation materials at any time in the process. However, the institution will protect the confidentiality of personally identifiable information related to Commission representatives and will redact such information if the institution chooses to publish any accreditation materials.

VIII. Definitions
The following definitions are used in this policy and/or procedures:

A. Accreditation activity. All activities (reviews, on-site visits, etc.) conducted by Commission representatives related to the institution’s accreditation phase, accreditation status, or scope of accreditation occurring throughout the accreditation review cycle and during monitoring activities for a member or applicant institution.

B. Accreditation materials. All documentation related to accreditation activities including but not limited to the institution’s written reports to the Commission, submitted evidence, team reports, institutional responses, confidential briefs, complaints or third-party comments, action notifications, substantive change requests, and any correspondence of record. Accreditation materials are treated as confidential by Commission representatives, become part of the institutional record, and are retained in accordance with the Commission’s Maintenance and Retention of Commission Records Policy and Procedures.

C. Accreditation phase. The stage of the institution in the accreditation lifecycle (applicant, candidate, accredited). The phase will also indicate if an institution is a former applicant, candidate, or accredited institution. Accreditation phase is posted on the institution’s directory listing on the MSCHE website, with the exception of applicant institutions which are not displayed publicly in the institution directory.

D. Accreditation status. The member institution’s standing with the Commission based on the most recent grant of candidate for accreditation status, grant of accreditation, reaffirmation, non-compliance, or adverse action taken by the Commission. Administrative, procedural, or substantive changes do not affect the accreditation status of an institution. Accreditation status is posted on the institution’s directory listing on the MSCHE website.

E. Commission representatives. Individuals who represent or serve the Commission in any
capacity including but not limited to peer evaluators, Commission staff, and Commissioners.

F. Confidential information. Confidential information includes, but is not limited to, all information related to the institution and not generally known in spoken, printed, electronic or any other form or medium relating, directly or indirectly to business practices, policies and procedures, plans, strategies, agreements and contracts, pending or future transactions, trade secrets, negotiations, computer and information technology resources information, accounting information and records, and financial information. Confidential information shall not include information that was required to be disclosed by law, regulation, other lawful means or any information that is generally known to the public or in the public domain.

G. Correspondence of record. Any written communication or correspondence between the institution’s key contacts (as reported by the institution in the secure MSCHE portal) and Commission staff and any correspondence between other agencies or related entities and the Commission staff related to an institution. Correspondence of record is confidential and part of the institutional record.

H. Database of Accredited Postsecondary Institutions and Programs (DAPIP). A database operated and maintained by the federal government that provides information about institutions of higher education. The Commission reports required information to USDE through DAPIP. DAPIP may not always reflect the most recent accreditation action taken by the Commission; the official actions taken by the Commission appear on the Commission website and the institution’s Statement of Accreditation Status (SAS).

I. Institution directory. The Commission’s online listing of institutions that currently have candidate for accreditation status with or are accredited by MSCHE. The institution directory also provides pertinent information about former candidate or accredited institutions.

J. Institutional record. The compilation of all documentation that the Commission has on file related to the institution including but not limited to accreditation materials and any materials received from the government or other quality assurance agencies related to the institution.

K. Member institution. All institutions that are accredited by MSCHE and all institutions that have been granted Candidate for Accreditation Status by MSCHE, that are in good standing with respect to payment of dues and fees, shall be institutional members of MSCHE. Accreditation and candidacy shall be established according to the standards for accreditation, requirements of affiliation, policies and procedures, and federal compliance requirements adopted by the Commission. (MARCHE Bylaws Amended and Restated Effective as of July 1, 2019)

L. Regulatory triad. The regulatory triad in U.S. higher education is comprised of three oversight bodies (accrediting agencies, state governments, and the federal government),
all holding different roles in the institutional oversight process. These three entities are also known as the program integrity triad and are intended to provide a balance between consumer protection, quality assurance, and oversight and compliance in postsecondary education.

M. Related entity. A non-accredited entity that shares decision making responsibility with the member institution’s governing body. A related entity may be a corporate parent, system administration or board, religious sponsor, funding sponsor (which, in some cases, may include an equity or investment fund), or other entity that can affect decisions related to accreditation. Related entities may include institutional or corporate layers or groups. Local, county, and state legislatures, other accreditors, local advisory boards, and government agencies are not considered related entities. Contractual arrangements in which the institution has a written contract for services with a non-accredited entity are not considered related entities.

N. Scope of accreditation. The institution’s accreditation status covers a defined scope of educational offerings, including but not limited to credential levels, delivery methods, and locations which have been reviewed by the Commission during accreditation activities. Any substantive changes in the scope of accreditation must be reviewed through the substantive change review process before they are included within the institution’s scope of accreditation by the Commission.

O. Statement of Accreditation Status (SAS). The Commission’s official public statement about each institution’s current accreditation status. The SAS is a downloadable, printable statement with information about the institution, including but not limited to the institution’s accreditation phase, accreditation status, scope of accreditation, and a history of the accreditation actions taken by Commission for the past ten years.