Institutional Appeals Policy

In the interest of the integrity of its decisions, and consistent with federal requirements for recognized accreditors, WASC Senior College and University Commission (WSCUC) assures appeal rights to its member institutions. An institution that receives notice of an appealable adverse action from WSCUC may, upon written request and in accordance with this policy, appeal the action prior to the action becoming final. A panel of the Appeals Committee reviews institutional appeals. During the course of an appeal an institution will retain the status it held immediately prior to the appealable adverse action.

APPEALABLE ADVERSE ACTIONS

Definitions
WSCUC defines the following actions as adverse and provides a right of appeal to institutions that have experienced these appealable adverse actions:

- Withdrawal or denial of candidacy status.
- Withdrawal or denial of initial or continued accreditation, except where the institution continues to retain status with WSCUC, for example, the institution maintains candidacy.

Where WSCUC notifies an institution that the Commission has taken one of the above actions, WSCUC shall include in the notice an explanation of the Commission’s reasons for the action and the next steps in the process, including the right of the institution to appeal the adverse action. WSCUC shall make the notice available to the public. See the Public Disclosure of Accreditation Documents and Commission Actions Policy.

Grounds for Appeal
An institution may appeal an appealable adverse action on one or both of the following grounds:

- WSCUC’s failure to follow its established procedures was a significant factor leading to the Commission’s appealable adverse action.
- The Commission's appealable adverse action was arbitrary and capricious.

Burden of proof
The institution bears the burden of proof throughout the appeals process.

GENERAL PROCEDURES FOR FILING AN APPEAL

Notify WSCUC of Intent to Appeal An Adverse Action
If an institution seeks to appeal an appealable adverse action, its chief executive officer must provide the President of WSCUC with a written letter of intent within fourteen (14) calendar days of the date of the institution's receipt of WSCUC's official adverse action letter, which, in the discretion of the President, conforms to the requirements of this paragraph. The letter of intent must contain a short and plain statement alleging the failures of procedure or the elements of the appealable adverse
action serving as grounds for the appeal in accordance with the requirements of this policy and sufficient for the President to determine that the allegations are more than mere speculation. Simple recitation of the grounds for appeal will not constitute an adequate basis for appeal. The President will acknowledge receipt of the letter of intent within three (3) business days of receipt.

Submit Documentation
The institution and WSCUC have the right to present written arguments pertinent to the grounds for appeal. The appeals panel reviews the decision of the Commission based exclusively on the record available to the Commission at the time of its decision, which shall include the reviews, reports, institution's responses, committee and Commission actions and any other evidence considered by the Commission in reaching its appealable adverse action. The president shall submit to the institution within ten (10) business days of receipt of the institution’s letter of intent these materials (the Record). The appeals panel shall not consider evidence not of the Record in reaching its decision.

The following documentation shall be submitted to the appeals panel prior to the appeal hearing:

- **Institution's appellate document**: Within forty-five (45) calendar days of the date of the electronic transmission of the adverse official action letter from WSCUC, the institution will submit its appellate document. This document should consist of the institution's arguments supported solely by Record evidence and establishing the elements of the applicable grounds for appeal. The appeals panel will not consider legal arguments that challenge the legal validity of any of the provisions of this policy, the WSCUC bylaws, any WSCUC policy, or the established processes of WSCUC.
- **WSCUC's response**: The President must file a written response to the institution's appellate document no later than forty-five (45) calendar days after receipt of the institution's appellate document.
- **Institution's rebuttal**: The institution may file a written rebuttal to WSCUC's response within fourteen (14) days after receipt of WSCUC's response.

WSCUC and the institution shall limit their appellate documents to no more than twenty-five (25) pages exclusive of attachments. The institution is further required to limit its rebuttal to no more than ten (10) pages exclusive of attachments. Submissions may be submitted to the appeals Panel Chair and the President electronically. Failure of the institution to submit appellate documents in a timely manner may be cause for dismissal of the appeal in the discretion of the Panel Chair.

The Panel Chair shall review the submissions of the institution and WSCUC. If either party has submitted evidence not of the Record, or the institution has raised grounds or general factual allegations not contained in its letter of intent, the Panel Chair shall exclude the same from consideration on appeal and shall so notify the institution and WSCUC of all such exclusions. The Panel Chair’s decisions in this regard are not subject to challenge and shall be made in the Panel Chair’s sole discretion. The Panel Chair shall notify the parties of any such exclusions pertaining to a party’s submission within seven (7) calendar days of receipt of the document. A party responding to a document subject to exclusions shall receive an extension to file its response equal to the number of days between the date of receipt of the document and receipt of the Panel Chair’s notice of exclusions.

Pay the Fee for an Appeal
The fees for an appeal are outlined in the WSCUC Dues and Fees Schedule, which is updated annually and posted on WSCUC's website at [www.wscuc.org/document-list](http://www.wscuc.org/document-list). The cost elements comprising the
fees include, but are not limited to, the costs associated with conducting and recording the hearing, and with assembling and supporting the panel members.

The institution shall pay a portion of the fees as a deposit check in the amount stipulated in the dues and fees schedule at the time it submits its appeals materials. The deposit shall represent an estimate of the incremental costs to WSCUC of the appeal. The appeal costs may include, but are not necessarily limited to, travel and lodging costs of the appeals panel members and staff, the hearing room, equipment and other rental fees, phone costs, costs of copying and other duplication of materials, and, if requested by the parties, the cost of certified transcription services.

During the progress of the appeal, if the President determines that costs are likely to exceed the amount of the deposit, it is within the discretion of the President to require that the institution supplement its original deposit, and the institution will be required to timely remit such supplemental fees, or the appeal, at the discretion of the President, may be dismissed.

Following the hearing, WSCUC shall tally all direct expenses and provide the institution with an accounting of all costs. WSCUC will bill the institution for any remaining share or will refund any overage as appropriate.

The institution must be current on all dues and fees owed to WSCUC prior to issuing a letter of intent. WSCUC will not otherwise permit an appeal to proceed.

APPEALS COMMITTEE AND APPEALS PANELS

Appeals Committee
The Commission shall establish and maintain a non-deliberative body known as the Appeals Committee. The Appeals Committee shall consist of at least nine (9) persons appointed by the Commission. Nominations for Appeals Committee shall be submitted to the Commission by the Nominating Committee, 50% of whose members are CEOs who are not commissioners. The Commission shall elect members of the Appeals Committee by a majority vote. Members of the Appeals Committee shall serve for three-year terms.

The Appeals Committee shall include academics, administrators, and representatives of the public. At least one-seventh of the Appeals Committee shall be representatives of the public. For the purposes of this policy:

- Representative of the public has the meaning set forth in 34 CFR § 602.3.
- Academic means an individual currently engaged by a WSCUC candidate or accredited institution, principally to provide instruction to its students and/or perform research.
- Administrator means someone currently engaged by a WSCUC candidate or accredited institution, principally to perform administrative duties.

The academic and professional qualifications and the organizational affiliations of each member of the Appeals Committee shall be made public on the WSCUC website.

Appeals Panel
Drawing from the Appeals Committee membership, the WSCUC President shall establish an appeals panel to hear an institutional appeal. A minimum of three members from the Appeals Committee shall
be selected for an appeals panel. When establishing an appeals panel for an institutional appeal, the President shall ensure that the panel includes at least one public representative and one individual who has served in an academic or administrative capacity in an institution. Where necessary to avoid a conflict of interest, or to timely appoint a panel with the requisite membership, the President may select individuals outside the Appeals Committee to serve as appeals panel members so long as such individuals meet all of the composition, eligibility, and conflict of interest requirements of this policy, and the institution is provided an opportunity to object on the same bases.

The President shall notify the institution (and the Commission) of the names of the individuals selected to serve on the appeals panel with a brief statement of their institutional affiliations (if any) and background within ten (10) calendar days after receipt of appellate document. The president shall provide the institution (and the Commission) with an opportunity to present any objections regarding the composition of the appeals panel, together with a statement of the reasons for its objection, including assertions of conflict of interest. The institution will have seven (7) business days from the date of receiving notice of the appeals panel composition to make any such objection. If the President in his or her sole discretion determines that good cause exists, he/she shall replace such person with another selection and notify the institution and Commission of the new selection. This process shall continue until the appeals panel has been finalized and will be used in the event of a withdrawal of a panel member except as otherwise provided in this policy. In the event that any member of the appeals panel withdraws prior to the hearing date, the President will replace the member. The President has the final responsibility and authority to select all appeals panels.

Once an appeals panel has been selected, the President shall select a Panel Chair, and the Panel Chair will notify the institution within seven (7) business days of the selection. Once the Panel Chair has been selected, the Panel Chair shall be the sole point of contact for all communications and recipient of all submissions directed to the panel. Any written communications to the Panel Chair from either the institution or WSCUC shall copy the non-initiating party. If either WSCUC or the institution attempts to contact the Panel Chair for an in-person meeting or teleconference, the communication must be scheduled in writing, copying the non-requesting party and offering the non-requesting party an opportunity to participate. Neither the institution nor WSCUC shall contact the Panel Chair or any member of the appeals panel without adhering to these requirements, except that WSCUC staff may contact appeals panel members for purposes of scheduling the appeal hearing as well as lodging, travel and accommodations, and other logistical concerns. Written communications and submissions among WSCUC, the institution and/or the Panel Chair may be made by any reasonable means that enable the parties to comply with the requirements of this policy, including electronic mail.

**Conflict of Interest**

Members of appeals panels are subject to the WSCUC Conflict of Interest Policy. A member of an appeals panel shall recuse him or herself from the panel in the event of a conflict of interest. Where there is the appearance of a conflict of interest or a panel member is unsure regarding the appearance or existence of a conflict of interest, the member shall notify the President of the conflict or potential conflict and comply with any direction of the President to recuse him or herself from the panel.

For the purpose of this policy and without limiting the WSCUC Conflict of Interest Policy or other policy provisions limiting an individual’s participation in the appeals process, an appeals panel member shall be deemed to have a conflict of interest preventing him/her from serving if the member or an immediate family or household member at any time (i) served on a WSCUC visit team to the appellant institution, (ii) engaged in a review of the appellant institution on behalf of WSCUC,
or (iii) served on a WSCUC Commission, panel or other deliberative body that reviewed the appellant institution or voted on its accreditation status.

**PROCESS FOR REVIEWING AN APPEAL**

**Timing of an Appeal Hearing**
The President shall schedule an appeals panel hearing to occur on a date as soon as practicable, but in no case later than one hundred and twenty (120) days from the date of WSCUC’s receipt of the institution’s letter of intent to appeal the appealable adverse action, unless the appeal is held in abeyance due to WSCUC’s review of new evidence in accordance with this policy.

**New Evidence Proceeding**
No later than thirty (30) calendar days prior to a hearing date an institution may submit new evidence to the WSCUC President, and the President will submit such new evidence to a three (3) member panel of Commissioners, chosen by the President with the advice and consent of the Commission Chair (the New Evidence Panel), if in the sole discretion of the President the institution offers proof that:

- The new evidence was not reasonably available to the institution at the time of the appealable adverse action;
- The new evidence was submitted to WSCUC through established WSCUC procedures or common practice prior to the appealable adverse action, but not considered by WSCUC review team, staff or Commission members; or
- The new evidence is offered as proof of measures taken by the institution to remediate institutional deficiencies with Commission Accreditation Standards and the Record shows that such measures were undertaken by the institution prior to the adverse appealable action and were diligently pursued to completion.

The duty of the New Evidence Panel is to determine whether new evidence is significant and bears materially on the deficiencies identified by the Commission in reaching an appealable adverse action. The criteria for significance and materiality shall be established by the New Evidence Panel on a case by case basis. If the New Evidence Panel decides by majority vote that new evidence meets the standard of significance and materiality it shall be submitted by the New Evidence Panel to the Commission for consideration. Any new evidence deemed by the New Evidence Panel not to meet such standards shall be withheld.

If after the Commission’s consideration of new evidence, the Commission determines that its prior appealable adverse action should be reversed, any related pending appeal shall be immediately dismissed by the Panel Chair. Alternatively, if after the Commission’s consideration of new evidence the Commission determines that deficiencies in the institution’s compliance with WSCUC Accreditation Standards remain, the Commission shall either (i) issue a new or revised WSCUC adverse official action letter to the institution and the Panel Chair, and the Panel Chair shall adjust the issues on appeal and appeal schedule appropriately, or (ii) grant the institution an extended period in which to remedy any remaining deficiencies of compliance identified in the original appealable adverse action letter if the Commission believes that “good cause” exists in accordance with 34 CFR 602.20(b) and such extension is otherwise not prohibited.

Only one submission of new evidence may be made by an institution following an appealable
adverse action. New evidence cannot serve as the basis for an appeal and any decision by the President, New Evidence Panel, or the Commission with regard to new evidence is not appealable.

Pending appeals shall be held in abeyance in the event new evidence is submitted to a New Evidence Panel pending final disposition of such new evidence under this policy.

Appeals Panel Hearing Procedures
The appeal hearing will take place at a time and place selected by WSCUC's President. The WSCUC appeals process is an administrative, not a judicial, proceeding and the parties are not permitted conduct discovery, present witnesses, cross-examine presenters of the other party, or exercise other evidentiary rights and privileges ordinarily provided to litigants. Appeals panel members may ask questions of the WSCUC and institution representatives present at the hearing.

WSCUC and the institution shall each have the opportunity to make an oral presentation pertinent to the grounds for appeal before the appeals panel. The appeal hearing will be closed to the public. At least fourteen (14) calendar days before the date of the hearing, WSCUC and the institution will submit to the Panel Chair the names and titles of individuals who will make presentations on their behalf. Persons not identified by WSCUC or the institution on the list may not appear without prior approval of the Panel Chair.

The Panel Chair shall be the presiding officer of the hearing and shall act to ensure decorum is maintained. The Panel Chair shall ensure that extraneous evidence not properly in the Record is excluded from consideration.

Each party will be granted one half hour to make its presentation to the appeals panel. The appeals panel members may ask questions of either presenter, and the Panel Chair shall have sole authority to grant additional time for presenters in such case. As the party bearing the burden of proof, the institution shall be the first to present.

Following the presentation, the appeals panel will be given an opportunity to ask questions of any attending representatives of either party. The Panel Chair shall determine any additional time limits, if necessary. The Panel Chair may grant the parties an opportunity to deliver closing statements with the institution proceeding first.

Either party may choose not to give a presentation at the hearing and such decision shall have no bearing or relevance to the appeals panel's decision.

Both the institution and WSCUC have the right to legal counsel who may make or assist in any presentation permitted under this policy. The hearing shall be recorded and copies of the recording made available to WSCUC and the institution. The recording will not include appeals panel deliberations or votes taken.

Request to Continue the Appeal Hearing Date
The Panel Chair shall have discretion to decide any requests for continuance of the appeal hearing date. Any request for a continuance shall be submitted by written notice to the Panel Chair with copies to the non-requesting party, and shall specify the reasons for the requested continuance. The non-requesting party shall be given an opportunity by the Panel Chair to submit a written objection to the request.
OUTCOMES OF AN APPEALS HEARING

Decision of the Appeals Panel
The appeals panel is a decisional, not an advisory, body. As such, it has and uses its authority to affirm, amend, or reverse appealable adverse actions of the Commission, or to remand the action to the Commission for further deliberations and action. Any decision of the appeals panel shall be by majority vote.

If the appeals panel finds that the institution’s written and oral arguments and presentations demonstrated that (i) WSCUC’s failure to follow its established procedures was a significant factor leading to the Commission’s appealable adverse action, and/or (ii) the Commission's appealable adverse action was arbitrary and capricious, it may reverse, amend, or remand such action. If the institution fails to meet this burden, the appeals panel must affirm the original decision of the Commission. Within twenty-one (21) calendar days of the date of the appeal hearing, the Panel Chair shall inform the President of WSCUC and the institution's chief executive officer in writing of the appeals panel findings and decision. This notification must include the appeals panel's decision and the specific reasons in support of the decision. A decision to affirm, amend, or reverse the appealable adverse action shall also be delivered to the Commission chair for implementation by the Commission. In the event of a decision to remand the appealable adverse action to the Commission for further consideration, the appeals panel shall identify specific issues that the Commission must address. These notifications shall be submitted electronically, and original letters will be next-day express mailed to each party. The Commission must act consistently with the appeals panel decision and will review and act to implement the panel's decision no later than sixty (60) calendar days from WSCUC’s receipt.

The appeals panel's decision shall not be subject to any further appeal.

Release of Information About the Appeal to the Public
Details about the appeal in general, including the appeal hearing, are to remain confidential unless the institution, WSCUC, and Panel Chair agree otherwise. Accordingly, information about the time and place of the hearing, the identity of appeals panel members, the grounds for appeal, strategies for appeal, and documents submitted by either party that describe its arguments and positions relative to the appeal may not be disclosed to the general public or the press, or posted on any website. Failure of the institution to abide by this restriction shall be grounds for dismissal of the appeal. Failure of WSCUC to abide by this restriction shall be grounds for the Panel Chair to rule that WSCUC shall pay the total cost of the appeals panel member’s travel to and from, and lodging during, the hearing.
## SUMMARY OF KEY DEADLINES

<table>
<thead>
<tr>
<th>WHAT</th>
<th>WHO</th>
<th>WHEN (in calendar days unless otherwise specified)</th>
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<tbody>
<tr>
<td>Indicate intent to appeal</td>
<td>CEO</td>
<td>Within 14 days of receipt of adverse action</td>
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<tr>
<td>Acknowledge intent to appeal</td>
<td>WSCUC</td>
<td>3 business days after receipt of intent to appeal</td>
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<tr>
<td>Submit Record to institution</td>
<td>WSCUC</td>
<td>Within 10 days after receipt of intent to appeal</td>
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<tr>
<td>Schedule appeals hearing</td>
<td>WSCUC</td>
<td>No later than 120 days from receipt of intent to appeal</td>
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<tr>
<td>As appropriate, submit new evidence</td>
<td>Institution</td>
<td>Within 30 days of hearing</td>
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<tr>
<td>Submit appellate document</td>
<td>Institution</td>
<td>Within 45 days of receipt of adverse action</td>
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<tr>
<td>Pay portion of fees for appeal</td>
<td>Institution</td>
<td>At the time of submission of appellate document</td>
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<tr>
<td>Respond to institution’s appellate document</td>
<td>WSCUC</td>
<td>No later than 45 days after receipt of appellate document</td>
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<tr>
<td>Rebut WSCUC response</td>
<td>Institution</td>
<td>Within 14 days after receipt of WSCUC response</td>
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<tr>
<td>Notify institution of composition of panel</td>
<td>WSCUC</td>
<td>Within 10 days of appellate document</td>
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<tr>
<td>As appropriate, object to composition of appeals panel</td>
<td>Institution</td>
<td>Within 7 business days from notification of composition of panel</td>
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<tr>
<td>Identify panel chair</td>
<td>WSCUC</td>
<td>Within 7 days of panel selection</td>
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<tr>
<td>Notify parties of exclusion of materials</td>
<td>Appeals Panel Chair</td>
<td>Within 7 days of receipt of documents</td>
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<tr>
<td>Submit names and titles of presenters at hearing</td>
<td>Institution WSCUC</td>
<td>14 days before the date of the hearing</td>
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<tr>
<td>Inform the institution and WSCUC of panel decision</td>
<td>Appeals Panel Chair</td>
<td>Within 21 days of panel hearing</td>
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<tr>
<td>As appropriate, act on panel decision</td>
<td>Commission</td>
<td>Within 60 days of receipt of decision</td>
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*Approved by the Commission, June 2013*

*Revised, June 2015*

*Revised, June 2019*