

## PART TWO: PROCESSES AND PROCEDURES

Deleted language is indicated by ~~striketrough~~, new language is indicated by red underline. Please review this call for comment carefully and provide any written comments via email to [leah.matthews@deac.org](mailto:leah.matthews@deac.org) with **DEAC Call for Comment Feedback** in the subject line of the email. Comments are due by **April 15, 2019**.

### INTRODUCTION

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The Distance Education Accrediting Commission (DEAC) awards accreditation to institutions that offer quality distance education programs and meet published accreditation standards. The burden of proof in demonstrating compliance with accreditation standards rests with the institution.

#### I. ELIGIBILITY REQUIREMENTS

The institution assumes the burden of proof in demonstrating that its curricula are within DEAC's recognized scope of authority. DEAC reserves the right to limit its reviews to the kinds of institutions and types of programs that are within its recognized scope and decline to consider institutions and programs for accreditation that are outside DEAC's scope or competence or where there is a lack of adequate standards to permit a meaningful evaluation.

Before DEAC officially accepts an institution's initial Application for Accreditation, the institution demonstrates that it meets the following eligibility criteria:

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 are supported by state-issued documentation or in statutory language for that state. Should an accredited institution lose its state licensure in its state of domicile for whatever reason, DEAC accreditation terminates as of the date of the loss of state licensure, subject to DEAC's appeal procedures.
- C. At the time of the initial application, the institution has been enrolling students in the current programs for **twelve consecutive months**. ~~two consecutive years~~. The institution may not add new programs during this **twelve-month** ~~two-year~~ period or during the initial accreditation process.
- 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 to current legal status, form of control, or a change of 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, 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 misfeasance, 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.
- 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 the 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. The institution is free from any pending or final action brought by a state agency or recognized accrediting agency to suspend, revoke, withdraw, or terminate the institution's legal authority to operate or to deny accreditation or renewal of accreditation.

## II. APPLICATION, SELF-EVALUATION, AND READINESS ASSESSMENT

Accreditation is a voluntary process. Institutions desiring accredited status are expected to take the initiative to complete the steps below. Institutions seeking accreditation or renewal of accreditation assume the burden of proof in presenting themselves as meeting all DEAC Accreditation Standards.

The steps in the DEAC accreditation process are:

### A. PREPARING FOR DEAC ACCREDITATION

A key person enrolls in and successfully completes the *Preparing for DEAC Accreditation* tutorial to qualify as a Compliance Officer. The course is available on DEAC's website at [www.deac.org](http://www.deac.org). This tutorial is completed within one year prior to submitting the Application for Accreditation and before writing the Self-Evaluation Report (SER). DEAC does not accept Applications for Accreditation without a copy of the Certificate of Completion from the key person who completed the course.

### B. APPLICATION

To initiate the accreditation process, the Application for Accreditation, application fee (see Accreditation Fees page), and students' names are submitted to DEAC. Acceptance of the Application for Accreditation begins the formal process. Institutions must complete all steps in the accreditation process within 12 to 18 months after the Application for Accreditation is accepted.

An initial applicant institution may not refer to its accreditation status in any manner. In doing so, it could potentially mislead the public about the institution's affiliation with DEAC. 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."

**Submission of Student Names:** The institution includes 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 of the institution beginning the first day of the 18<sup>th</sup> month preceding the date of this application. As far as possible, the number of the students reflects the same

proportion of the enrollments for each of the institution's major course/program offerings. If the institution has less than 100 students, 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.

C. SELF-EVALUATION REPORT

The Compliance Officer and staff begin writing the institution's Self-Evaluation Report (SER). The SER is prepared in accordance with the provisions of the "Guide to Self-Evaluation." The SER provides data on all areas of an institution's operation, history, course offerings, student services, finances, etc. The SER includes a wide gathering and analysis of pertinent data on all aspects of the institution and its work. Institutions seeking renewal of accreditation submit their Self-Evaluation Report and Exhibits to the on-site team six weeks prior to the scheduled on-site visit.

D. READINESS ASSESSMENT (INITIAL APPLICANTS ONLY)

DEAC requires all initial applicants to undergo a Readiness Assessment conducted by an independent DEAC-appointed evaluator. The Readiness Assessment allows DEAC to ascertain if the applicant's Self-Evaluation Report and Exhibits provide sufficient evidence and information for a successful on-site visit. The Readiness Assessment provides the applicant with guidance on the actions necessary for the institution to prepare for a full accreditation review. The Readiness Assessment assures that the applicant meets a minimum level of eligibility qualification for DEAC accreditation that would justify the commitment of the institution's and DEAC's resources in administering a full accreditation review. An initial applicant submits its Self-Evaluation Report (SER) and Exhibits, accompanied by the Readiness Assessment fee (see Fees page), within 60 days of the date DEAC accepts the Application for Accreditation. The institution submits the materials in accordance with DEAC's instructions for electronic submission.

The Readiness Assessment Report is returned to the institution within 10-12 weeks. The institution is either "Deemed Ready" or "Deemed Not Ready."

- **Deemed Ready:** The institution receives a letter from DEAC indicating it is deemed ready to continue the accreditation process. To begin the curricular review process, the institution submits its curricula for review within approximately three months. The institution revises its Self-Evaluation Report and Exhibits and submits the materials to the on-site evaluation team six weeks prior to the on-site visit.
- **Deemed Not Ready (2<sup>nd</sup> Submission):** The institution receives a letter from DEAC indicating it is not deemed ready to continue the accreditation process. The institution has six months to revise and submit its Self-Evaluation Report and Exhibits incorporating the evaluator's comments and recommendations. If the independent DEAC-appointed evaluator subsequently deems the institution ready to continue the accreditation process the institution will begin the curricular review process and submit its curricula for review within

approximately three months. The institution revises its Self-Evaluation Report and Exhibits and submits the materials to the on-site evaluation team six weeks prior to the on-site visit.

- **Deemed Not Ready (3<sup>rd</sup> Submission):** If the institution is not deemed ready after the second submission, the institution has another six months to revise and submit its Self-Evaluation Report and Exhibits incorporating the evaluator’s comments and recommendations. Upon its third submission, a Readiness Assessment on-site visit is scheduled. The revised Self-Evaluation Report is provided to a DEAC-appointed on-site evaluation team. If the Chair’s Report following the on-site visit indicates that the institution is not ready, the institution can reapply after at least one year. The decision is final and not subject to appeal or review by the Commission.

### III. CURRICULAR REVIEW

As a part of the accreditation process, the Commission engages subject specialists to conduct comprehensive evaluations of course/program materials. For substantive change applications, the curricular review takes up to six months. This includes the subject specialist search and the initial review by the subject specialist. Course materials submitted as part of an institution’s application for accreditation are not returned to the institution. The institution is invoiced per subject specialist for each course/program review. The subject 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 comprehensive on-site review includes the scope and sequence of all curricula.

#### A. CURRICULAR REVIEW FOR INSTITUTIONS SEEKING INITIAL ACCREDITATION

##### 1. DEGREE PROGRAMS

- a. Once the institution is deemed “ready” to move ahead in the accreditation process, DEAC reviews the list of programs offered at the institution and selects a sample of courses required for review. DEAC sends the institution a letter indicating the courses required for submission and the fee.
- b. For each degree program offered, 50 percent of the courses are selected by DEAC 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 prior to the on-site evaluation. The institutional response is sent to DEAC and the DEAC on-site evaluation team at least two weeks prior to the on-site evaluation.

B. 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, the institution will submit all of the curricula and 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 over eleven programs are offered, then the institution will submit 7 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 High School Program Application Part 1 listing 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 prior to the on-site evaluation. The response is sent to DEAC and the DEAC on-site evaluation team at least two weeks prior to the on-site evaluation.

IV. 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. The Commission may establish procedures for providing notice of the institutions to be reviewed for other reasons.
- B. Whenever information from third parties is included in the record, the institution under review will have an opportunity to respond before any accreditation decision becomes final.
- C. In considering the appropriate action, DEAC 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.
- D. 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.
- E. 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.

- F. **Action Notwithstanding Third Party Action:** If DEAC grants initial accreditation or renewal of accreditation to an institution notwithstanding the threatened interim or final adverse 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, consistent with accreditation standards, regarding why the previous action by the accrediting agency or state does not preclude DEAC's action.

V. ON-SITE EVALUATION

DEAC's accreditation process is grounded on the fundamental principle of peer review that enables faculty and administrative staff from within higher education to make recommendations essential in assuring the quality of learning among institutions on behalf of all students. The process is guided by transparent standards that are established collaboratively by professional peers and member institutions. All members of the on-site evaluation team are subject to DEAC's Conflict of Interest Policy located in the *DEAC Accreditation Handbook Appendix*.

- A. **Selection of On-site Team:** 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. 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.
- B. **Function of the On-site Team:** 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, and it is vital that these individuals be present or available during the evaluation. The evaluators verify that the institution is meeting its mission and can demonstrate successful student achievement.

The on-site evaluators' reports document whether the institution is meeting or exceeding all DEAC Accreditation Standards. The Chair's Report is provided to the institution for response, and both the Chair's Report and the institution's response are submitted to the Commission for review.

- C. **On-site Evaluators:** In selecting evaluators for on-site evaluations, the DEAC Director of Accreditation considers the nature of the institution being reviewed for compliance with DEAC Accreditation Standards, the methods of operation unique to the institution, the nature of the program(s) offered, and the expertise and past evaluation experience of the evaluator.

- The number of on-site evaluators is determined by the size of the institution, but the teams generally includes:

- a Chair;
  - an education evaluator;
  - a business evaluator;
  - a subject specialist for each subject area;
  - a DEAC staff member; and
  - state or federal agency observers (invited).
- Before the on-site evaluation, each evaluator develops a comprehensive picture of the institution's operations by completing a thorough review of the Self-Evaluation Report and Exhibits and then answers questions on the appropriate rating form.
  - The Chair of the on-site team is responsible for the completion of the on-site evaluation in accordance with the Commission's processes and procedures and assures that each evaluator completes his/her tasks during the on-site evaluation.
  - A DEAC staff member accompanies the on-site team throughout the on-site evaluation to assure objectivity, impartiality, uniformity, interpretation of standards, and adherence to established procedures and to serve as a liaison between the on-site team and the Commission.

#### VI. THE CHAIR'S REPORT, RESPONSE, AND THE COMMISSION'S DECISION

Following the on-site evaluation, the Chair prepares a Chair's Report and submits it to the Director of Accreditation. The Director of Accreditation sends the Chair's Report to the institution prior to submitting it to the Commission. The Chair's Report describes the findings of the on-site team and provides comments on the institution's demonstrated compliance with, or failure to demonstrate compliance with, the DEAC accreditation standards.

- A. The institution has 30 days from the receipt of the Chair's Report to respond. In its response, the institution may add new or supporting information or correct any incorrect statements made in the Chair's Report. Regardless of its accredited status, all applicant institutions are obligated to keep the Commission informed of any changes in management, enrollments, etc., which occur subsequent to the date of the on-site evaluation.
- B. The Commission takes action in accordance with Section VII below. Within 30 days, the Executive Director notifies the President/CEO of the institution of the Commission's decision through an Action Letter. The Action Letter includes a detailed written statement that identifies any deficiencies in the institution's compliance with DEAC's standards or conditions for initial or renewal of accreditation. The notification also advises the institution of its right to appeal an adverse decision of the Commission.
- C. When the Commission withdraws the accreditation of an institution, the Commission

does not make the action public until the period for requesting an appeal has expired or the appeal itself is denied.

## VII. COMMISSION ACTIONS ON INITIAL AND RENEWAL OF ACCREDITATION

The DEAC usually meets twice a year, in January and June. At its meetings, the DEAC reviews information and documentation on the applications for initial accreditation or renewal of accreditation. The Commission reviews the Application for Accreditation, Self-Evaluation Report, the Chair's Report, the institution's response to the Chair's Report, subject specialists' reports, student surveys, any complaints from the public, information gathered from other interested parties, any responses to public notices, the institution's advertisements and catalog, any communications between the institution and the Commission, and other relevant documentation. All members of the Accrediting Commission and staff are subject to DEAC's Conflict of Interest Policy located in the *DEAC Accreditation Handbook Appendix*.

The Commission takes one of four courses of action:

- A. **Accredit** a new applicant institution for up to three years, or continue an institution's accredited status for up to five years. Reports of institutional enhancements of programs and services may be required.
  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 which can be easily corrected by the institution and such corrections can in turn be confirmed remotely by DEAC staff, then the Commission may vote to grant accreditation or reaccreditation 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, then the accreditation decision with respect to such institution will be Deferred until the Commission's next scheduled semi-annual meeting.**
- B. **Defer** a decision pending receipt of a Progress Report, submission of additional information, and/or the results of a follow-up on-site evaluation. 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).
  1. **Deferral Notice: A written notice will be sent to the institution within 30 days of the Commission's decision to Defer an accreditation decision which:**
    - a. **identifies 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. informs the institution of the month in which its application for accreditation or reaccreditation will next be reviewed by the Commission.**
- 2. Decision following Deferral: Upon review of an institution which has previously received a Deferral, the Commission may:**
- a. accredit or reaccredit the institution if it determines that the institution’s response demonstrates that the institution is compliant with the cited accreditation standards and requirements;**
- b. issue a Show Cause Directive in accordance with the procedures set forth below; or**
- c. withdraw accreditation, an action that would be subject to the terms of Section F below including the institution’s right to appeal the Commission’s decision.**

**The Commission will notify the institution of its decision within 30 days.**

- 3. Good Cause:** The maximum time period for achieving compliance with DEAC accreditation standards is 12 months. The Commission may extend this 12-month period for good cause shown. “Good cause” in this context is defined as a sufficient reason for the Commission to allow additional time for the institution to show that it has made substantial progress; for example, it needs additional time to more fully document experience in attaining full compliance, additional resources are shortly to become available, or there are exigent circumstances, such as illness or accident, that justify an extension of time. When the Commission grants a “good cause” extension, the time allowed for institutional compliance may exceed the permissible compliance times published in Federal Regulations. The Commission notifies the U.S. Secretary of Education if an extension is granted for “good cause.”
- a. The Commission considers the following criteria when granting an extension for a good cause:
- The length of time requested for the extension;
  - Rationale for granting or denying the extension;
  - Common sense matters such as near-term future availability of reports or data;
  - Anticipated impact of an extension on students enrolled with the institution; and
  - Limitations on a further extension to an existing extension, limits on the frequency and use of “good cause.”

- b. The Commission may also elect to monitor the progress of an institution that has received an extension for a good cause by requesting documentation periodically on the institution's progress toward compliance with the Commission's standards or procedures.
  - c. After reviewing the above considerations, the Commission will decide to grant or deny an institution's request for an extension for good cause. This Commission decision is not appealable.
4. At its discretion, the Commission may restrict substantive changes in conjunction with deferring action on an application for renewal of accreditation.
  5. **The Commission posts a notice on its website summarizing the reasons for the Deferral of an institution within 24 hours of notifying the institution. Such notice is removed when the status of the institution is changed at the end of the Deferral period.**

C. Direct the institution to **Show Cause** as to why its accreditation should not be withdrawn

1. **Show Cause Directive:** In cases where the Commission has reason to believe that an institution is not in compliance with accreditation standards and other requirements, the Commission may direct the institution to Show Cause as to why its accreditation should not be withdrawn. An institution that receives a Show Cause Directive will be required to demonstrate corrective action and compliance with accrediting standards or procedures. Because the issuance of a show cause directive is not an adverse action, this is not an appealable decision. However, the burden of proof rests with the institution to demonstrate that it is meeting DEAC's accreditation standards.
2. **Notices:** When a Show Cause Directive is issued, a written notice will be sent to the institution within 30 days of the Commission's decision that:
  - states the reasons why the Show Cause Directive was issued;
  - identifies the standard and other accreditation requirements with which the institution is believed to be noncompliant;
  - explains the reasons and recites the evidence indicating that the institution may not be in compliance with accreditation requirements; and
  - advises the institution of its obligations under the Show Cause Directive and of the deadline for its response.
3. DEAC provides notice of the Show Cause Directive to the U.S. Secretary of Education, the appropriate state agencies or authorizing agency, and the appropriate accrediting organizations at the same time it notifies the institution of the Show Cause Directive. The Commission posts a notice on its website

within 24 hours of notifying the institution. **Such notice is removed when the status of the institution is changed at the end of the show cause period.**

- 4. Decision on Show Cause Directive:** Upon expiration of the time limits of submission of the Response to the Show Cause Directive or any progress report or additional requirements placed on the institution in relation to the 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, if it is determined that the response gives evidence that such removal is warranted or if the response shows compliance with the cited accreditation standards and requirements;
- continue the Show Cause Directive, pending the receipt of additional information or further reports from the institution;
- order a special visit in accordance with VII(E) below; or
- withdraw accreditation, an action that would be subject to an appeal by the institution.

The Commission will notify the institution of its decision concerning its response to the Show Cause Directive within 30 days. In all cases, the Commission will allow the institution sufficient time to respond to any findings before making any final decision regarding the institution's accredited status, including whether to extend the timeframe for achieving compliance with DEAC accreditation standards beyond 12 months in accordance with Section VII(C)(1) above.

The Commission will not consider substantive changes or approve any new courses or programs when an institution is under a Show Cause Directive.

**D. 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 the Commission. The Commission's requirement for a special visit may be triggered because of:

- 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 comply with a condition of accreditation;
- reported negative financial conditions or events;
- a show cause order issued by the Commission;
- governmental complaints against the institution; or
- similar serious concerns.

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 for executing the special visit as directed, it will be reported to the Commission for action, including withdrawing accreditation.

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

- E. **Deny** accreditation to an applicant or withdraw accreditation from an accredited institution (these actions are appealable – see *Appealing the Commission’s Adverse Decision*).
1. Prior to any final adverse action by the Commission that is based solely upon a failure to meet DEAC Standard X: Financial Responsibility, the institution has the right, for a single occasion, to provide the Commission significant financial information that was not available to the institution prior to the determination of the adverse action, as long as the information bears materially on any financial deficiencies cited by the Commission. The Commission shall determine if the financial information submitted by the institution is significant and material, and if it is found to be so, the Commission will consider the new information prior to taking any final action.
  2. Any determination made with respect to the significance or materiality of the new financial information submitted as set forth above will not be subject to a separate appeal by the institution.
  3. An institution that is denied renewal of accreditation operates under a show cause order if an appeal is pending.

## VIII. APPEALING THE COMMISSION’S ADVERSE DECISION

### A. **Request for Appeal**

1. The institution may appeal a Commission decision to deny or withdraw accreditation. The request for appeal must be made using the Application for Appeal. The application must be sent with the required fees (see Fees page) to the Executive Director of the Commission within 10 days of the receipt of the Commission’s letter advising the institution of the decision to deny or withdraw accreditation. The institution’s failure to submit the application and fees within 10 days will be deemed a waiver of its right to appeal and cause the Commission’s action to become final.
2. The institution shall file a written statement of the grounds for its request for appeal within thirty (30) days of receiving the notification of the Commission’s action. The institution’s decision to appeal is limited to appealing the factual record that was before the Commission and to the

decision that the Commission made in executing its standards and procedures.

3. If the institution's appeal request is not successful, where the decision to deny or withdraw accreditation is upheld and becomes final, the institution is not eligible to re-apply for accreditation for a period of one year from the date of the final action.

## **B. Appeals Panel**

1. In the appeals process, the institution's appeal is heard by an independent appeals panel that is separate from the Commission and serves as an additional level of due process for the institution. The Appeals Panel does not have authority concerning the reasonableness of eligibility criteria, procedures, or accreditation standards. It can affirm, amend, remand, or reverse the prior decision of the Commission as set forth below. Its role is to determine whether the Commission's action was not supported by the record or was clearly erroneous. The institution has the burden of proof in demonstrating that the action of the Commission was not supported by the record or was otherwise erroneous.
2. The Appeals Panel consists of three people appointed by the Commission: a public member, an academic, and an administrator. Potential members of an Appeals Panel will be selected from the ranks of former members of the Commission, the corps of Commission evaluators, and active staff of DEAC accredited institutions who have completed DEAC's evaluator training program. All panelists will be given a training session on appeals procedures and will be subject to the provisions in the DEAC Conflict of Interest Policy.
3. The Appeals Panel members possess knowledge of accreditation purposes, standards, and procedures and will be constituted to meet the panel composition requirements set forth above. The candidates cannot include any current member of the Commission and cannot have a conflict of interest. The Executive Director submits a list of proposed Appeal Panel members to the institution in advance. Within 10 calendar days of receiving the list of proposed panel members, an institution may ask, 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 the Commission determines that a conflict exists, the panelist will be replaced. No panel member may serve if he/she participated, in any respect, in the underlying decision by the Commission to deny or withdraw accreditation.

## **C. Consideration and Decision of the Appeal**

1. The consideration of the appeal is based upon the Commission's written findings and reasons related to the action, the institution's written response detailing grounds for appeal, and relevant supportive documents. The Appeals Panel does not have authority regarding the reasonableness of the accreditation standards and procedures. Its role is to determine whether the

Commission's action was not supported by the record or was clearly erroneous.

2. The institution sets the specific grounds for its appeal in writing within the time specified above and states the reasons the institution believes the adverse decision should be set aside or revised. In making its appeal, the institution has the burden to show that the Commission's decision resulted from errors or omissions in the execution of Commission standards and procedures, or that the decision was arbitrary or capricious and was not based on substantial evidence on the record. No new materials may be presented for the Appeals Panel's consideration on appeal.
3. The Appeals Panel considers the grounds for the appeal, the institution's oral presentation, and the record that was before the Commission when it made the decision to deny accreditation or withdraw accreditation.

#### **D. Decisions Available to the Appeals Panel**

1. **Affirm:** If the Appeals Panel determines 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 clearly erroneous, it must affirm the decision of the Commission. In certain instances, the Commission's decision may be based on multiple violations of DEAC standards or procedures. If the institution shows that there is no support in the record for some of the violations that is not by itself sufficient to meet the institution's burden of proof. The institution must show that, in light of the entire record, the decision is not supported by the record or is clearly erroneous.
2. **Remand:** The Appeals Panel may remand a decision to the Commission when it finds that the Commission failed to consider a material fact before it in reaching its decision. A remand is a directive to the Commission that it must reconsider its action in light of all relevant facts that were before the Commission at the time of its decision, including the specific material fact or facts that are the basis for the remand. The Appeals Panel must identify those material facts that it finds the Commission failed to consider.
3. **Amend:** If the Appeals Panel determines that, although there is evidence to support the Commission's decision, it is nevertheless clearly in error, the Appeals Panel may amend the decision. A decision to amend an adverse action sets forth the specific grounds for the decision and directs the Commission to modify its decision in accordance with the specific direction of the Appeals Panel. The Appeals Panel may, in its discretion, amend a decision to deny accreditation by directing the Commission to grant accreditation and direct the Commission to consider the proper length of the grant, consistent with the direction of the panel or with the practices of the Commission or in accordance with other guidance from the Appeals Panel.

4. **Reverse:** The Appeals Panel may reverse a decision of the Commission if it finds that the Commission’s decision, in light of the entire record, was not supported by the record or was clearly erroneous. A decision to reverse an action of the Commission will state the specific bases for the decision to reverse. A decision to reverse a withdrawal of accreditation will direct the Commission to set aside its decision to withdraw and to reinstate the accreditation of the institution as it was before the withdrawal decision. A decision to reverse an action to deny accreditation directs the Commission to award a specific grant of accreditation for a term determined by the Appeals Panel.

#### **E. Hearing Procedure**

1. The Commission shall have at least one representative present at the hearing. The Commission representative and representatives of the institution will have the opportunity to make opening and closing statements to the Appeals Panel. Such oral statement may not exceed 20 minutes in length. The institution must provide information relevant to the specific grounds for the appeal. If the institution intends to make an oral presentation, the President/CEO of the institution should make the request in writing to the Executive Director not less than 30 days prior to the date of the hearing. The names and affiliations of those appearing to make the oral presentation must be included with the request. The institution is entitled to be represented by counsel during the appeal hearing. The DEAC does not consider the appeal hearing to be adversarial in nature. Accordingly, the institution will not have the right to examine the Commission representative.
2. The appeal hearing may be recorded by stenographic or electronic means if requested by the institution. Recording and transcripts thereof shall be at the institution’s expense, and a copy will be provided to the institution in a timely manner following the appeal hearing.

#### **F. Commission Receipt and Implementation of Appeals Panel Decisions**

The written decision of the Appeals Panel is provided to the Commission within 30 days. The Commission implements the decision of the Appeals Panel to affirm, amend, or reverse the prior Commission decision within 30 days of receipt of the written decision by the Appeals Panel. The Commission notifies the institution of the decision within 30 days of implementation.

#### **G. Notification**

The Commission notifies federal and state agencies, accrediting organizations, and the public of its decision according to *Notification and Information Sharing* procedures described below.

### **IX. BINDING ARBITRATION**

- A. Upon being notified that its appeal did not change an adverse Commission decision, an institution has five business days to request arbitration, during which no public notification of the Commission action will be made, and no new students may be

enrolled. When the institution remits an arbitration fee (see Fees page) established by the Commission, the Commission will select an arbitrator from candidates recommended by the American Arbitration Association. Early resolution of such disputes being in the public good, the parties shall make every effort to expedite the arbitration.

- B. The analytic framework used for the arbitration is developed by the federal courts, particularly the circuit courts, and selected excerpts are cited in an appendix to this procedure. Courts have described their role not as making a *de novo* review but as determining whether the Commission's decision was arbitrary or capricious. In like manner, the arbitration should make this determination, assessing whether the association confined its action to the contours of due process and fundamental principles of fairness, while recognizing the special nature of accreditation and according deference to the rules and processes of accrediting associations.
- C. The arbitrator is provided with all of the information that was available to the Commission when it made the adverse decision and with the procedures used to reach the decision. Along with the presentation by the parties, this will allow for a thorough consideration of whether the Commission's decision was arbitrary or capricious or was reached in an unfair manner. Additional discovery activity and witnesses should not be required. In an exceptional circumstance, where the arbitrator finds that additional information is essential to reaching a fair decision, limited discovery may be authorized.
- D. Both parties may appear before the arbitrator with legal counsel to present their position, and each may file a written brief, subject to the 15-page limit used by the U.S. Department of Education's appeals division, and up to five exhibits.
- E. The arbitrator's decision will be admissible in any subsequent proceeding where relevant.

X. NOTIFICATION AND INFORMATION SHARING

The DEAC notifies federal and state agencies, accrediting organizations, and the public of its decisions ~~P~~ pursuant to federal regulations **and the criteria of the Council for Higher Education Accreditation (CHEA)**, ~~regarding the recognition of other accrediting organizations, t~~ The Commission will observe this policy in keeping interested and appropriate groups informed of the accrediting actions taken by the Commission. ~~Unless otherwise specified, t~~ The effective date of the Commission's decision is **indicated** ~~the date~~ on the letter notifying the institution of the Commission's decision.

A. **Initial and Renewal of Accreditation:** The DEAC provides written notice to the U.S. Secretary of Education, the appropriate state licensing or authorizing agencies, and the appropriate accrediting organizations at the same time it notifies the institution of the decision, but no later than 30 days after the Commission makes its decision to accredit or reaccredit an institution.

B. **Deny or Withdraw Accreditation:** The Commission provides written notice to the

- U.S. Secretary of Education, the appropriate state licensing or authorizing agencies, and the appropriate accrediting organizations at the same time it notifies the institution of the decision, but no later than 30 days after the Commission makes a final decision to deny or withdraw accreditation. A final decision to deny or withdraw accreditation is one reached after an institution has exhausted the appeals process provided when appealing the Commission's adverse decision.
- C. **Notice of Deferral. The Commission publishes a notice of Deferral on its website within 30 days after the Commission makes a decision to defer a final decision on an institution's application for accreditation or reaccreditation.**
- D. **Show Cause Directive:** The Commission provides written notice to the U.S. Secretary of Education, the appropriate state licensing or authorizing agencies, and the appropriate accrediting organizations 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.
- E. The Commission ~~provides written notice~~ **publishes on its website, on a page available** to the public, **notice** of any of the decisions listed above within 24 hours of its notice to the institution; **the notice** ~~and~~ provides a summary of the reasons ~~on the DEAC website~~ **for the decision and the date, if any, on which the institution is next subject to a review.**
- F. For any decisions to deny or withdraw accreditation, no later than 60 days after the final decision, the Commission 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 the Commission's decision. If no official comments by the institution are provided within 14 days of notification, the Commission will document that the affected institution was offered the opportunity to provide an official comment.
- G. **Resigning or Voluntarily Withdrawing Accreditation:** Within 30 days of receiving notification from an institution of its decision to resign or voluntarily withdraw from accreditation, the Commission posts a notice of the institution's resignation or voluntary withdraw 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 and, upon request, the public.
- H. **Accreditation Lapses:** If an institution elects not to renew its accreditation, the Commission posts notice within 30 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 and, upon request, the public.
- I. The Commission submits to the U.S. Secretary of Education the name of any

institution it accredits which the Commission has reason to believe is engaging in fraud and abuse, along with the Commission's reasons for concern about the institution's activities. The Commission informs the U.S. Secretary of Education whenever it finds significant or systemic deficiencies in the institution's assignment of credit hours.

- J. **Scope of Public Information:** The Commission will make available to the public and ~~may publish~~ in official DEAC publications, including its website and/or *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 accreditation expires;
  - 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 adverse action;
  - A summary of information pertaining to an action subject to appeal; and
  - The date of an institution's voluntary withdrawal of accreditation.
- K. **Confidentiality of Records:** Information pertaining to the Commission's actions is confidential and is not shared with third parties, other DEAC institutions, the media, or the public, except as authorized by an institution **as provided under DEAC's then current policies and procedures,** or as required by government regulation, judicial or administrative process, **directions from an accrediting body,** and other legal requirements.
- L. **Sharing Information with Government Entities and Other Accrediting Organizations:** DEAC grants all reasonable special requests for accreditation information made by other accrediting organizations and government entities. Requests for information from such entities must be in writing and submitted to the Executive Director and must state the name and address of the institution for which the information is sought, the nature of the information requested, and the purposes for which the information is to be used. A decision to deny such a request is not subject to appeal.
- M. Institutions accredited by or seeking accreditation from DEAC provide a release as part of their Application for Accreditation for purposes of eliciting information from state licensing agencies and government entities, as well as an acknowledgement of the fact that accreditation information may, at the discretion of the Commission, be shared with other accrediting organizations and government entities.
- 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.

O. DEAC provides the following information to the U.S. Department of Education:

- A copy of any annual report it prepares
- 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
- 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
- Any actions available to the Accrediting Commission
- 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
- The name of any institution that DEAC accredits that DEAC has reason to believe is failing to meet its FSA Title IV responsibilities or is engaged in fraud or abuse, along with DEAC’s reasons for concern about the institution and
- 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. The U.S. Secretary of Education may ask for this information to assist the Department in resolving problems with the institution’s participation in the Federal Student Assistance Title IV programs

DEAC reviews on a case-by-case basis its contact with or information or materials provided to the U.S. Department of Education and the circumstances surrounding them and will determine whether they should be considered confidential. 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.

**P. Public Disclosure of Accreditation Status:**

1. DEAC specifies how an accredited institution may refer to its accreditation status. An institution may refer to its accredited status as follows:
  - Accredited by the Distance Education Accrediting Commission
  - DEAC Accredited
2. DEAC does not have a pre-accreditation or candidacy status. An applicant

institution may not refer to its accreditation status in any manner. In doing so, it could potentially mislead the public about the institution's affiliation with DEAC. 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."

3. If DEAC is informed that an applicant institution is telling the public it is "pre-accredited" or "will be accredited," the Executive Director will notify the institution immediately and tell them to cease and desist. If the institution continues, it is counseled that it may not proceed with the accreditation process.

**Q. Correction of Misleading or Inaccurate Information:** DEAC requires that an accredited institution correct any misleading or inaccurate information it releases. DEAC will notify the institution of the misleading or inaccurate information 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.

**R. Records:** The Distance Education Accrediting Commission 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 affiliations with DEAC regarding its accreditation and any substantive change, including all correspondence that is significantly related to those decisions; and
3. minutes of all Accrediting Commission meetings.

## XI. INSTITUTIONAL NOTIFICATIONS

**A. Notification Reports:** The institution informs the Commission immediately of any actions it plans to take itself—or actions taken against it by other agencies—if those actions have the capacity to affect the reputation of the Commission, the institution's good standing with the Commission, and/or its acceptance by the public. This includes the institution's resolution of any complaints in a forthright, prompt, amicable, and equitable manner to the Commission's satisfaction. An effective date is indicated for instances where prior approval of a substantive change is granted. The effective date is not retroactive and is within 30 days of the Commission's final decision on the requested substantive change (except for changes in ownership).

**B.** DEAC-accredited institutions contact DEAC staff to apprise them of governmental

and media actions that may affect their institution or the Commission.

- C. **Review of Notification Reports:** The Commission reserves the right to order a comprehensive review of an institution whenever it has concerns that the institution is not in compliance with DEAC Accreditation Standards and/or procedures. In all cases, DEAC allows the institution sufficient time to respond to any findings before a final decision is made regarding the institution's accredited status.

## XII. PETITIONS AND WAIVERS

An applicant seeking accreditation or an accredited institution submits a petition to the Commission when requesting a waiver of any DEAC Accreditation Standard or procedure and documents the rationale for the request. An institution may submit a petition for an alternative interpretation of a DEAC Accreditation Standard to address the institution's unique mission. Petitions are not requested simply because an institution does not like a standard or does not care to be subject to it. Petitions are only submitted for a significant reason as it applies to the institution's mission.

- A. The Commission may choose to grant a waiver of its standards or procedures where an institution is able to demonstrate through a well-documented petition that:
- extenuating circumstances are present that indicate the normal application of the standard or procedure will create an undue hardship on the institution or its students, or
  - the waiver meets the underlying purpose and intent of the standard or procedure.
- B. The institution submits the Petition Request Form and provides supporting documentation. An applicant seeking accreditation submits a fee (see Fees page) along with the Petition Request Form and supporting documentation.
- C. The institution submits the letter of request and supporting documentation at least 45 days prior to the next Commission meeting. The institution should check with staff for the exact submission time frame.
- D. The Commission reviews the institution's Petition Request Form and all documentation and votes to either approve or deny the petition. If a petition is denied, the institution may not resubmit a petition for the same request. Petitions are granted for a period of one year for initial applicants and one accreditation cycle for accredited institutions. The Commission notifies the institution of its decision within 30 days.

## XIII. SUBSTANTIVE CHANGES

A substantive change is one that may significantly affect an institution's quality, mission, scope, or control. Substantive changes are reviewed to assure that changes in educational offerings, teaching modalities, locations, scope of offerings, and control of the institution are made in accordance with DEAC accreditation standards. The Commission's review of the

application seeks to determine whether the substantive change adversely affects the capacity of the institution to continue to meet DEAC accreditation standards. Commission approval is required before a change in the institution's scope of accreditation is granted. The institution seeking a substantive change follows DEAC's process for approval. The following are substantive changes:

- Any change in the established mission or objectives of the institution
- Any change in the institution's name
- Any change in the institution's legal status, form of control, or ownership
- Any change in the institution's location of the main facility or administrative site or any addition of a facility geographically apart from the main facility
- Any addition of a new program in a related field of study consistent with the educational offerings reviewed when the institution was last evaluated
- A change in method of delivery from when the institution was last evaluated
- A contract with unaccredited organizations or organization not certified to participate in the title IV HEA programs to provide more than 25% of one or more of the institution's educational programs
- Any addition of a new program in an unrelated field of study not offered when the institution was last evaluated
- 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
- A substantial increase or decrease in the number of clock or credit hours awarded for successful completion of a program, including changing from clock hours to credit hours
- Any addition of an in-residence program component;
- Addition of a new division
- An institution seeking certification to participate in Federal Student Assistance (FSA) Title IV programs
- Engaging in international activities

The Commission continually monitors changes that are proposed by institutions. When the Commission has ascertained that proposed changes, or an accumulation of changes that singly or in combination are seen to be so significant it results in transforming the institution, the Commission requires a comprehensive re-evaluation of the institution.

Proposed changes may be so substantial that the Commission considers that the institution it granted accreditation has effectively closed and a new institution is proposed to open. After affording the institution the opportunity to provide information about the changes and whether sufficient continuity of the accredited institution is maintained, the Commission may act to require a total re-evaluation of the institution or to withdraw the accreditation and require the institution to reapply for accreditation. The Commission allows for due process by providing reasonable time for an institution to comply with its request for information and documentation. In all cases, the Commission will allow the institution sufficient time to respond to any findings before making any final decision regarding the institution's accredited status.

**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

These are the steps in obtaining Commission approval for this substantive change:

- a. Submit a Change of Core Mission or Objectives Application Part 1, including required documentation, 30 days prior to implementation. The completed application and documentation are presented to the Commission for initial approval.
- b. Once the change of core mission or objectives is fully implemented, the institution submits a Change of Core Mission Application Part 2, including required documentation.
- c. The institution receives an on-site visit six months after implementation of the revised core mission or objectives is complete. 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 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 notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.

**B. CHANGE OF NAME**

An institution seeking to change its name is required to obtain approval from the Commission before implementing 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.

These are the steps in obtaining Commission approval for this substantive change:

- a. Submit a Change of Name Application including required documentation for review prior to implementation. The completed application and documentation are presented to the Commission for approval.

- b. The Commission reviews all documentation 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 Section X, Notification and Information Sharing.

C. CHANGE IN LEGAL STATUS, FORM OF CONTROL, OR OWNERSHIP OF INSTITUTION

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: the sale of all or majority interest of the institution’s assets; 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; merger or consolidation of the institution with other institutions; or 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. 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 the Commission 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.
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 owning, managing, or controlling any educational institutions that entered into bankruptcy or closed, to the detriment of the students.
6. 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.

7. An institution authorized for and participating in Federal Student Assistance Title IV programs assumes the responsibility of assuring 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 Application Part 2 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.

These are the steps in obtaining Commission approval for this substantive change:

- a. Submit a Change of Legal Status, Control, or Ownership Application Part 1, including required documentation, 30 days prior to the proposed change. The completed application and documentation are presented to the Commission for initial approval.
- b. Once the change of legal status, control, or ownership is implemented, ~~the institution submits a Change of Legal Status, Control, or Ownership Application Part 2 including required documentation. For change in ownership, the institution notifies DEAC and provides additional documentation within 10 days after closing.~~
- c. **Post-closing, the institution submits the Change of Legal Status, Control or Ownership Application Part 2, including required documentation, five weeks prior to the on-site visit.**
- d. ~~The institution receives an on-site visit~~ **Within six months of the closing date, the institution receives an on-site visit.** ~~after the change of legal status, control, or ownership is complete.~~ 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 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 notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.

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 ~~the~~ Commission **staff**.
2. The institution provides evidence that it is approved in the state for the activity that it conducts at the new location.

These are the steps in obtaining ~~Commission~~ approval for this substantive change:

- a. Submit a Change in Location Application Part 1, including required documentation, ~~30 days~~ prior to the proposed change. The completed application and documentation are presented to the Commission for approval.
- b. Once the change of location is implemented, the institution submits a Change of Location Application Part 2, including required documentation.
- c. The institution receives an on-site visit within six months of changing its location. 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 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 notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.

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 is approved in the state for all the activities that it conducts at the administrative site.

2. These are the steps in obtaining Commission approval for this substantive change:
  - a. Submit a New Administrative Site Application Part 1, including required documentation 30 days prior to the change.
  - b. Once the new administrative site is in operation, the institution submits a New Administrative Site Application Part 2, including required documentation.
  - c. The institution receives an on-site visit within six months of implementing the new administrative site. 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 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 notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.

F. CHANGE IN EDUCATIONAL OFFERINGS

The following are considered substantive changes to educational offerings. 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 in 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 the courses required for review based on the selection criteria under Part Two, Section III.B.1. DEAC sends the institution a letter indicating the courses required for submission. The institution must submit the courses within 60 days. 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 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 notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.

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 in 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 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 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 notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.

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 in obtaining Commission approval for a change in method of delivery:

- a. Submit a Change in Educational Offerings Application. 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 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 notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.
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% 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% up to 50% 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, HEA programs to provide more than 25% up to 50% of one or more of the institution's educational programs

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

- a. Submit a Change in Educational Offerings Application and a Contracting for Educational Delivery 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 Section III above. The institution will receive an invoice for the review fee.
- b. The Commission reviews all documentation submitted to date and approves or denies the proposal to contract for educational delivery. DEAC notifies the institution in writing within 30 days of the Commission's action.
- c. Submit a Degree or Non-Degree Educational Offerings Report including 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.
- d. 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.

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 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 in obtaining Commission approval for contracting for educational delivery:

- a. Submit a Contracting for Educational Delivery Application Part 1 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 and notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.

6. **Addition of a New Unrelated-Field Degree Program:** 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 in obtaining Commission approval for the addition of a new degree program in an unrelated field of study:

- a. Submit a New Unrelated-Field Degree Program Application Part 1. DEAC reviews the application and selects the courses required for review based on the selection criteria under Section III above. DEAC sends the institution a letter indicating the courses required for submission. The institution will receive an invoice for the review fee.
- b. Submit a New Unrelated Field Degree Program Application Part 2, 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 report and, upon approval, provides notification to the institution within 30 days, permitting enrollment

into the degree program.

- c. The institution receives an on-site visit six months to one year after implementing the new degree 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.
- d. 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 notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.

7. **Addition of a New Unrelated-Field 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 in obtaining Commission approval for the addition of a new non-degree program or vocational program in an unrelated field of study:

- a. Submit a New Unrelated-Field Non-Degree Program Application Part 1. DEAC sends the institution a letter indicating the courses required for submission. The institution will receive an invoice for the subject specialist review fee.
- b. Submit a New Unrelated-Field Non-Degree Program Application Part 2. 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. 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 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 notifies the U.S. Department

of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.

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 in obtaining Commission approval for the addition of a program at a degree or credential level different:

- a. Submit a New Degree/Credential Level Application Part 1. DEAC reviews the application and selects the courses required for review based on the selection criteria under Section III above. DEAC sends the institution a letter indicating the courses required for submission. The institution will receive an invoice for the review fee.
- b. Submit a New Degree/Credential Level Application Part 2, 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 report and, upon approval, provides notification to the institution within 30 days, permitting enrollment into the program.
- c. 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.
- d. 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 notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.

#### 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.

These are the steps in obtaining Commission approval for this substantive change:

- a. **Submit Change in Educational Offerings Application.**  
DEAC reviews the application and selects approximately 25% of the educational content that the institution has selected to convert from clock hours to credit hours.
- b. The institution's Change of Academic Units of Measurement 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.

#### H. ADDITION OF AN IN-RESIDENCE PROGRAM COMPONENT

1. Adding an in-residence program component is a substantive change.
2. 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.

These are the steps in obtaining Commission approval for an addition of an in-residence program component:

- a. **Submit an In-Residence Component Application Part 1.** DEAC reviews the application, evaluates how the residential component complements, enhances, and applies the knowledge acquired from the approved courses for the program. DEAC sends the institution a letter identifying any questions for clarification.

- b. The Commission reviews the submission and, upon approval, provides notification within 30 days to the institution, permitting enrollment in the in-residence portion of the program.
- c. Within 30 days of students attending the in-residence program site, the institution submits an In-Residence Component Application Part 2. The institution receives an on-site visit within six months after the first students begin attending the in-residence program site. 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 all documentation submitted to date and approves or denies the substantive change in accordance with accreditation standards.

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 in obtaining Commission approval for this substantive change:
  - a. Submit an Application for a New Division Part 1, 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 Change in Educational Offerings (see Section XIII(F) above).
  - c. Once the new division and program(s) are implemented, the institution submits an Application for a New Division Part 2, including required documentation.
  - 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 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 notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.

J. ENGAGING IN FEDERAL STUDENT ASSISTANCE TITLE IV PROGRAMS

1. To protect future distance education students and to provide direction to institutions as they seek to participate in Federal Student Assistance (FSA) Title IV programs, DEAC believes it is prudent to provide its member institutions with additional procedures and guidance that are aligned with the published federal requirements for participation in Federal Student Assistance (FSA) Title IV programs.
2. 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 implements 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 position of DEAC regarding these additional areas of oversight provides a level of preventive action, where the requirements are more stringent than the published Federal policies and provides the DEAC with additional control over institutions it accredits that elect to participate in Federal Student Assistance (FSA) Title IV programs.
3. 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. In cases where DEAC standards and federal regulations differ, the more stringent rules apply.
4. For each institution that elects to participate in Federal Student Assistance Title IV programs, DEAC examines the record of the institution's compliance with its federal program responsibilities under Federal Student Assistance Title IV regulations, based on the most recent "official cohort default rates" published by the U.S. Department of Education; the results of its audited financial statements; and its compliance audits, any program reviews conducted, and any other information that the U.S. Department of Education may provide to DEAC. The Commission takes action, as appropriate, when any of the information suggests that the institution may be failing to meet DEAC's standards.
5. 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.

6. **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.")
7. **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 eligibility with the U.S. Department of Education.

For the purposes of qualifying institutions to participate in FSA Title IV programs, any DEAC institution that intends to apply 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.

8. **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.
9. **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 governmental 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 federal aid eligibility.
10. **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 successfully meets the aforementioned requirements, the Commission will approve the institution to draw the maximum revenue from FSA Title IV programs allowed under applicable Title IV regulations. “Revenue” is defined as total receipts from all of the institution’s distance education students for tuition, books, fees, and all institutional charges, excluding refunds made, regardless of whether they received FSA Title IV programs funds.

Students who enrolled in an institution’s programs prior to the date in which FSA Title IV program eligibility is 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 DEAC.

- 11. Certification of the Institution by DEAC:** Those institutions that use their accreditation with DEAC as a basis to establish eligibility for FSA Title IV programs must apply to the Commission for approval of all the distance education programs offered by the institution.

Before an accredited institution files an application to the U.S. Department of Education to be either a participating institution or a deferment institution in FSA Title IV programs, it must inform DEAC of its intention to be evaluated and “certified” by DEAC and must be found in compliance with all requirements.

These are the steps in obtaining Commission approval to participate in FSA Title IV programs:

- a. A key person from the institution attends the DEAC *Title IV Financial Aid Seminar*. Submit an Eligibility for Federal Student Assistance Title IV Program Application Part 1.

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.

- b. Submit an Eligibility for Federal Student Assistance Title IV Program

Application Part 2 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 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 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 notifies the U.S. Department of Education and other relevant constituencies in accordance with Section X, Notification and Information Sharing.
12. An institution participating in FSA Title IV programs pays particular attention to documenting and demonstrating compliance with the following requirements, in addition to the DEAC Accreditation Standards.
- a. **Mission:** The institution's educational offerings are in a field of study in which the institution demonstrates competence and strength.
  - 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. The institution maintains records that document that appropriate interactions occur throughout the student's enrollment.
  - d. **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 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.

- e. **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 Federal Student Assistance 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.
- f. **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.

- g. **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. 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.
- h. **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 under III.IX.C. 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 a FSA Title IV recipient withdraws from an institution.

- i. **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.
- j. **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.

- k. **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.
- l. **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.
- m. **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.

- n. **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.

All applications are available on DEAC's website ([www.deac.org](http://www.deac.org)).

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, 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 obtains all appropriate external approvals where required, including higher education system administration, government bodies, and DEAC. The institution documents the accepted legal basis for its operation in the host country and meets legal requirements of the host country.

These are the steps in obtaining Commission approval for this substantive change:

- a. Submit International Activities Application Part 1, including required documentation, and receive prior approval a minimum of 30 days before engaging in international activities. The completed application and documentation are presented to the Commission for initial approval.
- b. Once engagement in international activities is established, the institution submits an International Activities Application Part 2, including required documentation.
- c. The institution receives an on-site visit in the host country within one year after engaging in international activities. An on-site visit is required in each of the countries where an institution offers programs or provides instruction or tutorial services and where student recruitment and other services for these programs are either conducted by an agency or an individual either formally contracted by the institution or through an articulation agreement with an institution or entity in that country. 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 all documentation submitted to date and approves or denies the substantive change in accordance with accreditation standards. DEAC notifies the institution 30 days after the Commission decision.

All applications are available on DEAC's website ([www.deac.org](http://www.deac.org)).

#### XIV. NON-SUBSTANTIVE CHANGES

Non-substantive changes are those changes that require confirmation by DEAC prior to implementation but do not require prior approval by the Commission as is the case for substantive changes. Upon review of the notification of the non-substantive change, DEAC may require the submission of a substantive change application or other documentation to demonstrate that the change conforms with the standards of accreditation. 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 notify the Commission as soon as possible. The institution must submit a Letter of Notice to the Director of Accreditation. The letter must provide 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 provides 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; and checks the 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.

Additional consideration may be required if the background of the proposed new management raises questions concerning compliance with DEAC Standard X as to his/her qualifications.

- B. **Degree Program or Non-Degree Course Name or Title Revision:** Institutions submit a letter to the Director of Accreditation and provide the reason for the change under either of the following circumstances:
  1. A degree-granting institution that changes the name of a degree program or course without substantively changing the instructional content of the

program.

2. A non-degree-granting institution that changes the name of a program without substantively changing the instructional content.

The institution certifies that these are the only revisions to the degree program or non-degree program.

**C. Certificate Program Containing Courses Already Approved:** Degree-granting and non-degree-granting institutions may determine that it is appropriate to create a certificate program containing courses already approved to meet a specific marketplace need. Institutions may create certificate programs containing already approved courses that are 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 submits a letter to the Director of Accreditation that provides:

1. the rationale for the implementation;
2. a curriculum map outlining the scope and sequence of the courses for the certificate-level credential;
3. 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 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 notification represents a significant departure from its accredited scope.

**D. Changing General Education Requirements or Eliminating a Major Thesis Requirement:** An institution changing general education requirements or eliminating a major thesis requirement submits a letter to the Director of Accreditation outlining the change and 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 or Other Accredited Institution:** An institution can enter into an agreement to incorporate or contract for educational delivery of up to 25 percent of its curriculum with an Approved Quality Curriculum (AQC) provider or other appropriately accredited institution recognized by the U.S. Department of Education or the Council for Higher Education Accreditation (CHEA) by submitting a letter to the Director of

Accreditation 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 a letter to the Director of Accreditation, including the names of the courses, the reasons for their addition, and how they align with the existing programs and institutional mission.

DEAC reserves the right to direct the institution to the substantive change process when it appears that the change notification represents a significant departure from its accredited scope.

- G. **Discontinuing Courses or Programs:** If an institution decides to discontinue a course or program, it submits a letter to the Director of Accreditation 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 clearly delineates the relationship to the parent institution must notify the Commission in writing and provide a complete description of how the institution will disclose the division as part of the broader educational offerings. 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 – Part I.

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 a letter to the Director of Accreditation at least 30 days prior to the closure. The letter provides 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.

XV. TEACH-OUT PLANS

- A. Institutions submit a comprehensive, written teach-out plan for its enrolled students for DEAC approval when any of the following events occur:
1. The U.S. Department of Education has notified the Commission of an action against the institution pursuant to Federal Regulations, Section 487 (f) [20 USC 1099 b].
  2. The Commission has withdrawn accreditation from the institution.
  3. The Commission has directed the institution to Show Cause as to why its accreditation should not be withdrawn.
  4. A state licensing or authorizing agency notifies DEAC that the institution's license or legal authorization has been or will be revoked.
  5. The institution has notified the Commission that it intends to cease operations.
  6. The Commission has made a determination that the institution appears to lack sufficient resources to sustain effective operation in meeting its obligations to students or enters bankruptcy.

- B. **Teach-Out Plan:** At a minimum, the proposed teach-out plan must assure that all students who 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 approach include:
  - a. A listing, by name and student number, of all students in each program and their estimated completion/graduation dates, the status of unearned tuition, all current refunds due and account balances.
  - b. Arrangements for disposition of all student records, including educational, accounting, and financial aid records, in an accessible location and in accordance with applicable legal requirements in the event the institution closes.
  - c. Instructions on how curricula and learning management software may

- be accessed to conduct a teach-out.
- d. An explanation, accompanied by appropriate supporting documentation and timelines, of how the closing institution will notify students in the event of closure and, if applicable, how the closing institution will notify the students of the teach-out.
  - e. 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.
  - f. A statement showing evidence that state regulations regarding any student protection funds and/or bonds are followed, if applicable.
  - g. A statement that describes any additional charges/fees and notification to students about the charges/fees.
  - h. A description of what financial resources will be used to make student refunds or fund the teach-out.
3. DEAC reviews any teach-out plan that includes a program accredited by another recognized accrediting agency and will notify that accrediting agency of any approval or rejection.
- C. **Teach-Out Agreement:** DEAC approves teach-out agreements only if the agreement is consistent with DEAC standards and the criteria listed below and provides for the equitable treatment of students. The teach-out institution must have the necessary experience, resources, and support services to provide an educational program that is of acceptable quality and that is reasonably similar in content and structure to that provided by the institution that is ceasing operations. The teach-out institution must also be able to remain stable, carry out its mission, and meet all obligations to existing students.
- D. When a DEAC institution enters into a teach-out agreement voluntarily or at the DEAC's direction, the agreement must be approved by DEAC prior to implementation. In such cases, the institution must provide documentation to demonstrate that the educational programs provided by the teach-out institution are of acceptable quality.

The following elements are 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 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) were 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 the Commission, federal, and state authorities.
9. The agreement complies with applicable federal and state laws.

- E. **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, DEAC will work with the U.S. Department of Education and the appropriate state agency, to the extent feasible, to assist students in finding reasonable opportunities to complete their education without additional charges.

## XVI. ANNUAL REPORTS

- A. **Maintaining Accreditation:** The institution maintains accreditation on an ongoing basis by remaining in continuous compliance with all accreditation standards, procedures, and eligibility requirements. The institution is in continuous operation; educates students in accordance with its mission; fulfills all DEAC reporting requirements in a timely manner; maintains compliance with all applicable local, state, and federal requirements; and pays all DEAC dues, fees, and evaluation fees as applicable, on a timely basis.
- B. **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. The Annual Report and all accompanying documentation are due to DEAC in accordance with established formats and timelines. The Commission monitors significant growth or decline in institutional enrollment through the data submitted in an institution's Annual Report. When the Commission determines that an institution's Annual Report indicates significant growth or decline in institutional enrollment, the Commission may require the submission of additional information as set forth below.
- C. **Significant Growth or Decline in Enrollments:** The institution is required to report and explain the reasons for any significant growth or decline in enrollments. DEAC defines significant growth in enrollments as the following:

If in a calendar year an institution reports:

- Fewer than 300 new students, more than 100 percent increase;
  - Between 300-1,000 new students, more than 75 percent increase;
  - Between 1,000-9,000 new students, more than 50 percent increase; and
  - More than 9,000 new students, more than 25 percent increase.
1. If an institution reports "significant growth in enrollments," 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 students being served. The institution identifies the programs with 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.
  2. 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. A "significant decline in enrollments" is defined as an enrollment decline of 25 percent or more since the last Annual Report.

- D. Significant Growth or Decline in the Number of Programs:** The institution is required to report and explain the reasons for any significant growth or decline in the number of programs offered. 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.
1. 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.
  2. 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, the impact on staff, faculty, administrators, educational and student support services, financial resources, and marketing plans. A “significant decline in the number of programs” is defined as discontinuing 25 percent or more of its programs since the last Annual Report.
  3. 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).
- E. Significant Changes in Financial Condition:** The institution is required to report and explain the reasons for any significant change in financial condition since the last Annual Report.
1. An institution submits audited or reviewed comparative financial statements in accordance with Section XI, Financial Responsibility standards. The Commission reviews the financial statements and determines whether further reporting is required or other appropriate action is necessary.
  2. 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.
- F. 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, 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.

1. The Commission may place limits on an institution's future enrollment or program growth if ongoing compliance with DEAC accreditation standards or procedures is a concern. The Commission may request an institution to provide additional supporting documentation regarding significant growth or decline in enrollments or programs.
2. DEAC staff notify institutions of their compliance with established student satisfaction benchmarks as compared to similar courses or programs offered at peer DEAC-accredited institutions. If an institution's student satisfaction rate falls below 75 percent, or if completion and graduation rates are not within benchmark, the institution explains the reasons for not meeting established benchmarks and documents corrective actions taken. The Commission reviews the institution's response and supporting documentation and notifies the institution if further action is required.
3. The Commission reviews information provided by an institution participating in Federal Student Assistance Title IV programs to verify 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, results of its audited comparative financial statements, and its compliance audit, program review information, and any other information provided to DEAC by the U.S. Department of Education. The Commission takes action if any information suggests that the institution is failing to meet DEAC accreditation standards and reserves the right to investigate the allegations. The Commission 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.

## XVII. COMPLAINTS (ACCREDITED INSTITUTIONS, ACTIVE APPLICANTS, AND DEAC)

- A. **DEAC Complaints:** Complaints that reasonably allege instances of noncompliance with DEAC accreditation standards by accredited institutions, active applicants, DEAC evaluators, Commissioners, or staff are investigated in a fair and timely manner.

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](http://www.deac.org/Student-Center/Complaint-Process.aspx). All complaints should be submitted using this form. For those who cannot access the Internet, written complaints will be accepted provided they include the complainant's name and contact information and a release from the complainant(s) to DEAC. Where circumstances warrant, the complainant

may remain anonymous to the institution, but all identifying information must be given to DEAC.

Written complaints must contain the following: (1) the basis of any allegation of noncompliance with DEAC standards and procedures; (2) all relevant names and dates and a brief description of the actions forming the basis of the complaint; (3) copies of any available documents or materials that support the allegations; and (4) a release authorizing DEAC to forward a copy of the complaint, including identification of the complaint(s) to the institution. In cases of anonymous complaints or where the complainant requests his/her name to be kept confidential, DEAC considers how to proceed and whether the anonymous complaint sets forth reasonable and credible information that an institution may be in violation of DEAC's standards and whether the complainant's identity is necessary to investigate the complaint.

**B. Definition of Complaint:** A complaint is defined as notification to DEAC by any person or entity (including, but not limited to, any student, faculty member, or staff member of an accredited institution; any member of the general public; any representative of a federal, state, or local government; and any member of any other institution or organization) that sets forth reasonable and credible information that:

- an accredited institution;
- an applicant institution; or
- the evaluators, commissioners, or DEAC staff are not in compliance with one or more of DEAC's accreditation standards.

Where issues of educational services, student services, or tuition are concerned, a student complainant must have exhausted all efforts to resolve his/her complaint with the institution before considering filing a complaint with DEAC. Where issues of educational quality or compliance with DEAC standards or procedures are not central to the complaint, the DEAC will refer the complaint and/or the complainant to the appropriate federal or state agency or private entity with jurisdiction over the subject matter of the complaint and may provide a copy to the institution.

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, DEAC will not intervene on behalf of individuals in cases where the situation giving rise to the complaint had occurred so long ago that investigating and ascertaining the facts might prove to be problematic. The Executive Director will exercise professional judgment in determining which cases meet these criteria. In addition, if, for any reason, DEAC suspects any type of unethical behavior, including

fraud and abuse, by an applicant or accredited institution, DEAC reserves the right to investigate the allegations. DEAC is obligated under Federal regulations [CFR 602.27(a)(6)] to report to the U.S. Secretary of Education any institution it has reason to believe is failing to meet its Federal Student Assistance Title IV program responsibilities or is engaged in fraud and/or abuse.

- C. **Records of Complaints:** DEAC maintains records of all 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 are kept for a period of 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. The complaints are analyzed according to how the institution handled them or how they were resolved.

In addition, all other complaint files are tabulated and summarized and presented at each meeting of the DEAC Commission. The summary provides an analysis of any unresolved complaints, categories of complaints by nature and source, and any other information the Commission desires regarding the record of complaints received by DEAC.

- D. **Complaints Against Accredited Institutions:** When DEAC accredits an institution, it expects the institution to remain in compliance with all DEAC standards for accreditation throughout the accreditation period granted. Therefore, one of DEAC's principal concerns when it receives a complaint about an accredited institution is whether the institution is in compliance with the published standards and procedures. The burden of proof rests with the institution to prove that it is meeting DEAC's published standards and procedures at all times, including proving compliance after accreditation is awarded. Another concern of DEAC involves the methods, policies, philosophy, and procedures of the institution for handling complaints on an ongoing basis. DEAC expects its accredited institutions to have operational procedures in place for fairly and promptly resolving complaints so that they do *not* become a matter for concern for outside agencies. DEAC will consider a complaint even if the institution is involved in litigation with DEAC or other third parties. Therefore, in investigating a specific complaint against an accredited institution, DEAC also examines whether or not the institution has effective methods for handling student problems on a routine basis. In so doing, DEAC looks to see if the institution's procedures are equitable, consistently applied, and effective in resolving problems.

Finally, DEAC is 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 assure that similar complaints do not become repetitive or routine.

- E. **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. After receipt of the complaint, the Commission staff will send a letter or e-mail to the complainant acknowledging receipt of the complaint and explaining the process the DEAC will follow in investigating the complaint.
  2. DEAC staff will conduct an initial review of the complaint 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, the Executive Director (acting on behalf of the Commission) will send a request to the complainant. If the requested information is not received within **15 days**, the complaint may be considered abandoned and may not be investigated by DEAC.
  3. If the Executive Director 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, the complaint may be considered closed and will not be investigated by DEAC.
  4. If the Executive Director determines after the initial review of the complaint that the information or allegations reasonably suggest but do not provide enough information to ascertain that an institution may not be in compliance with DEAC standards and procedures, the Executive Director will notify the institution that a complaint has been filed. The notice will summarize the allegations, identify the DEAC standards or procedures that were allegedly violated, and provide a copy of the original complaint to the institution. The institution will be given **30 days** to provide a response, with the following exceptions:
    - a. In cases of advertising violations, DEAC staff forwards a copy of the advertisement to the institution, citing the standard that might have been violated. The institution is required to respond within **15 days**.
    - b. If a news article or media broadcast carries a negative report on a DEAC-accredited institution, 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.
  5. The Executive Director will review the complaint and the institution's response for compliance with the accrediting standards and procedures.

6. If the Executive Director concludes that the allegations do not establish that there has been a violation of standards or procedures, he/she will consider the complaint closed, and no further action is required.
7. If the Executive Director concludes that the allegations may establish a that there has been a violation of DEAC standards and/or procedures, he/she may take one of the following actions:

- a. Postpone the final action 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. In the case of postponement of action, the complainant will be kept informed of the status of the complaint and its final action.

**Note:** The failure of 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, the DEAC has determined that the institution is failing to meet the DEAC standards and that the DEAC is taking appropriate action. Such action may include requiring the institution to take specific corrective action and report back to the Commission and/or conducting a Special Visit to the institution on an announced or unannounced basis. If circumstances warrant, the Commission may initiate action, including a show cause proceeding, that may result in the termination of the institution's accreditation. If appropriate, Commission actions may also include referring the matter to federal, state, or local agencies for review and possible action.

8. In all instances, the Executive Director will send a letter to the complainant and the institution regarding the final disposition of the complaint, and a record of the complaint will be kept on file at the DEAC office subject to DEAC's document retention policies.

**Note:** 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 the DEAC's policy on complaints and will be referred to DEAC for consideration and action.

9. An adverse action against an institution arising from a complaint will not be taken until the institution has had an opportunity to respond to the complaint within the time frames set forth by DEAC.

**F. Complaints about Applicant Institutions:** DEAC posts on its website and publishes a list of applicant institutions and encourages third-party comments. DEAC's processes and procedures on third-party comments address receiving, processing, reviewing, and acting on third-party comments. If a complaint (as defined above) is received about an applicant institution, the procedures followed for handling the complaint are the same as for handling a complaint about an accredited institution (see above).

**G. Complaints About DEAC Evaluators, Commissioners, and Staff:**

The DEAC promptly reviews any complaint it receives against DEAC evaluators, Commissioners, and/or staff. Because of the seriousness with which it regards complaints of this type, the DEAC requests that such complaints be in writing and filed through DEAC's Online Complaint form on its website (see above). If a complaint is received orally, the complainant will be asked to submit the complaint in writing. Anonymity will be honored only for good cause and at DEAC's discretion in these cases. The person against whom the complaint is lodged will not participate in making the final decision. As described below, the Chair or Vice Chair of the Commission or the Executive Committee will review in a fair and equitable manner, and apply unbiased judgment to, any complaint against itself and take follow-up action, as appropriate, based on the results of the review.

The procedures for handling complaints against DEAC evaluators, Commissioners, and/or staff for alleged violations of DEAC's standards, policies, or code of conduct are as follows:

1. After the receipt of the complaint by DEAC, all materials related to the complaint are forwarded to the Chair of the Accrediting Commission (unless the complaint is about him or her). 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.
3. Also after the receipt of the complaint, the Chair or Vice Chair reviews the complaint and decides whether any additional information is needed from the complainant, the DEAC Evaluator, Commissioner, and/or DEAC staff before the complaint can be considered. If so, the Chair or Vice Chair requests that the information be provided to the Chair within **30** days. If the requested information is not received within the specified timeframe, the complaint may be considered abandoned and may not be investigated by DEAC.
4. Within **30** days of receipt of all the information pertaining to the complaint, including the original complaint and any additional information, the Chair or Vice Chair convenes a conference call of the Executive Committee of the Commission to review the complaint. The Executive Committee will not complete its review and make a decision regarding the complaint unless it ensures that the evaluator, Commissioner or staff member has had sufficient opportunity to provide a response to the complaint.
5. After review of the complaint and the response by the person named in the complaint, the Executive Committee summarizes its findings and presents them to the full Commission at its next regularly scheduled meeting, at which time the Commission reviews the matter

and reaches a final decision. If, however, the Executive Committee determines that the matter is of such urgency that it must be discussed and decided immediately rather than await the next Commission meeting, the Chair will schedule a conference call of the full Commission as soon as possible so that the Commission can review the matter and reach a final decision.

6. The Commission can make a decision using its best judgment on what action it wishes to take in cases where it has determined that there has been a violation of DEAC standards, policies or code of conduct. The action may include personal admonishment, letter of reprimand, or termination.
7. The Chair or Vice Chair notifies the person named in the complaint of the Commission's final decision within **30** days of the close of the Commission meeting (or conference call) and if any follow-up is required.
8. The Chair or Vice Chair notifies the complainant in writing of the Commission's decision within **30** days of the close of the Commission meeting (or conference call) during which the complaint was reviewed.

A record of the complaint, all documenting materials, and the action letter are kept on file at the DEAC offices in accordance with document retention policies and procedures.

#### XVIII. UNETHICAL BEHAVIOR

- A. If, for any reason, DEAC suspects any type of unethical behavior, including fraud and abuse, by an applicant or accredited institution, DEAC reserves the right to investigate the allegations.
- B. DEAC is obligated under federal regulations [CFR 602.27(a)(6)] to report to the U.S. Secretary of Education any institution it has reason to believe is failing to meet its Federal Student Assistance Title IV program responsibilities or is engaged in fraud and abuse.

#### XIX. 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 need to be strengthened.
3. **DEAC Committee:** The Standards Committee makes recommendations to the Commission to continuously refine and revise standards to assure 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 surveys 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.

12. **Industry Representatives and Employers:** DEAC surveys the employers of graduates of its member-institutions.

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 Standards Committee collects feedback from member institutions and other interested constituencies as part of the review process. The Committee creates special task forces to address the evaluation of the information and determine whether current accreditation standards or procedures need revision. The DEAC Standards Committee meets twice a year at the DEAC Annual Conference and Fall Workshop.
3. DEAC staff propose revisions to accreditation standards and procedures to assure 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:** The following process is followed for adopting revisions to DEAC's accreditation standards and procedures.

1. All recommendations for revision to current accreditation standards and procedures are collected by DEAC staff and submitted to the DEAC Standards Committee for initial review. The DEAC Standards Committee proposes revised language or develops new accreditation standards or procedures based on the feedback received. Once the DEAC Standards Committee 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. Not all proposed changes are reviewed by the DEAC Standards Committee. The Commission collaborates with DEAC staff to revise accreditation standards and procedures as necessary to assure continued compliance with federal regulations.

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. The proposed language is sent to DEAC's mailing list (e.g., member institutions, non-member institutions, government agencies, other accrediting agencies, and other constituencies) and sent via DEAC publications. Comments are solicited within an established timeframe (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 requests and receives comments on recommendations or proposed language at least 30 days prior to its next scheduled meeting to allow time for the Commission to review feedback before formally adopting the proposed language. The Commission reviews and carefully considers all comments before making a final decision.
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 state in II.6. Interested parties are provided an opportunity to comment on the change as soon as practicable after publication.
5. The Commission can adopt accreditation standards and procedures as proposed, adopt with changes or modifications, defer action until further study and consideration is given, or reject the proposed changes outright. Once final accreditation standards or procedures are adopted, the Commission establishes the effective date providing a reasonable time for compliance by member institutions. The entire process typically takes six months. The Commission makes necessary changes within 12 months after determining changes to accreditation standards or procedures are needed.

**E. Circulation of Accreditation Standards and Procedures:** Upon final adoption by the Commission, the DEAC Executive Director announces the new or revised accreditation standards or procedures and any actions necessary for implementation to the public and relevant stakeholders. Effective dates for the new or revised accreditation standards or procedures are included in the announcement, along with

the date when institutions are required to come into full compliance. 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.