



**U.S. Department of Education
Office of Postsecondary Education
Accreditation Group**

ACCREDITATION HANDBOOK

**In accordance with 34 CFR Part 602
The Secretary's Recognition of Accrediting Agencies**

For use by accrediting agencies submitting petitions or reports after July 1, 2020

Revised 2020

Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

The Secretary's Criteria for Recognition are organized by sections on the U.S. Department of Education's e-Recognition website. For each of these sections, Department staff will review the application and related materials, including the results of site visits or file reviews, and issue a recommended finding to be presented to the NACIQI (National Advisory Committee on Institutional Quality and Integrity) and the senior Department official (SDO):

• **Fully compliant** – the agency has the appropriate policy, procedure or standard in place and, in each example provided or reviewed during the staff analyst's observation, has adhered to those policies, procedures and/or standards. The agency is also compliant if the agency has the appropriate policy, procedure, or standard in place, but the agency has not had the need or opportunity to implement or demonstrate compliance with the policy, practice, or standard during the review period. This may apply to an entire criterion or to one or more elements within a given recognition criterion and follow-up verification may be needed in such circumstances. In addition, the Department cannot find an agency to be out of compliance simply because the agency has not accumulated a body of evidence to prove that the policy is effective where there has not been sufficient time or an actual need to apply the policy since its implementation. The Department recognizes that implementing a new policy and proving it effective can sometimes take years. Thus, in the case of policies for which there has been insufficient time or no need to apply the policy, the agency will not be found out of compliance simply because it has not accumulated a body of evidence to prove that the policy is effective. However, the agency will be found out of compliance if the Department can demonstrate that the policy is not effective.

Substantially compliant -- the agency demonstrated to the Department that it has the necessary policies, practices, and standards in place and generally adheres with fidelity to those policies, practices, and standards; or the agency has policies, practices, and standards in place that need minor modifications to reflect its generally compliant practice. If Department staff determines that the agency has come into compliance during the review period, this designation may require no additional response or action from the agency. However, Department staff or NACIQI could recommend, or the SDO could require, that the agency submit a monitoring report to demonstrate that it has become or remains compliant.

Not compliant – the agency does not have the appropriate policy, procedure, or standard in place or has the policy, procedure or standard in place but has consistently failed to adhere to it as demonstrated by the examples provided or reviewed during the staff analyst's observations. A finding of noncompliance may result in a recommendation from Department staff or the NACIQI, or a decision by the SDO, that an agency's recognition be denied, limited, suspended, or terminated. Alternatively, Department staff or the NACIQI could recommend, or the SDO could require, that the agency come into compliance and submit a compliance report that would be reviewed by Department staff and the NACIQI at a subsequent meeting, and by the SDO, to make a final recognition or compliance decision.

Notes:

- Where applicable, agencies that accredit both institutions and programs must provide documentation and examples related to their review of both institutions and programs.
- During a file review, Department staff must be provided with access to agency files and documents, including electronic files, necessary to evaluate the agency's compliance with applicable statutory and regulatory requirements. The Department must be able to obtain and archive copies of those documents in either an electronic or paper-based format, if necessary, to serve as documentation for the analyst's recommended finding and the Department may be required to disclose some or all of these documents to the public under FOIA. In such a case, the Department would provide the agency the opportunity to redact information as per 602.31(f) from those documents before they are provided to the Department or released to the public.
- Selection of institutions and/or programs reviewed during the Department staff's file review will be made by Department staff. This will include random selection of files but will be limited to the current recognition period. However, the agency can provide additional files it believes offer a more relevant example of the agency's or its member institution's or program's work.
- An agency is not considered to be out of compliance with a standard if it has not had the opportunity to implement or apply the standard during the review period,
- For further information, including up-to-date contact information for Department of Education staff, please visit <https://w.ed.gov/accreditation>.
- **Information cannot be submitted via a live webpage or other shared document. All documents submitted by the agency must be submitted in a manner that, once submitted, can no longer be edited and meets other Department requirements. This requirement is necessary avoid discrepancies if information found at an online document such as a webpage is is changed after submission to the Department. The Department must maintain an accurate and contemporaneous record of information, as required by the regulations at Sections 602.31, 602.34(c), and 602.36(a) and may request a specific type of submission in order to meet federal cybersecurity and other requirements.**

Definitions that apply to the Department's accreditation regulations can be found at 34 CFR 600.2 and 602.3.

Note regarding §602.1: In the past, state agencies for approval of nurse education have been evaluated under the criteria of a Federal Register Notice published under authority of the Nurse Training Act, 42 U.S.C. § 298(b), which is no longer in effect. See 34 Fed. Reg. 587, 644 (January 16, 1969) (the "Nursing Federal Register Notice"). Therefore, the Nursing Federal Register Notice no longer applies and the Department will need to issue new guidance on this issue. As a result, State agencies may be required to apply for recognition under 34 C.F.R. Part 602 if they: (a) seek to accredit or preaccredit public postsecondary vocational institutions for non-Title IV Federal program purposes; or (b) seek to accredit or preaccredit any other type of nursing institution (including a private postsecondary vocational institution) for Title IV purposes or to accredit such institutions or programs for non-Title IV Federal program purposes. State agencies that seek to approve public postsecondary vocational institutions offering nursing education or nursing programs for the purpose of determining eligibility for Title IV, HEA programs or any other Federal student assistance programs administered by the Department may be evaluated under the criteria of 34 C.F.R. Part 603. It is anticipated that this change will not affect the existing recognition of State agencies for approval of nurse education already in a period of approved

recognition. However, going forward, recognition of any such agencies under 34 C.F.R. Part 602 would be available only to affected State agencies that have been recognized by the Secretary on or before October 1, 1991. See 20 U.S.C. § 1099b(a)(3)(B); 34 C.F.R. § 602.14(a)(1).

§602.10 - Link to Federal programs.

The agency must demonstrate that--

(a) If the agency accredits institutions of higher education, its accreditation is a required element in enabling at least one of those institutions to establish eligibility to participate in HEA programs. If, pursuant to 34 CFR 600.11(b), an agency accredits one or more institutions that participate in HEA programs and that could designate the agency as its link to HEA programs, the agency satisfies this requirement, even if the institution currently designates another institutional accrediting agency as its Federal link; or

(b) If the agency accredits institutions of higher education or higher education programs, or both, its accreditation is a required element in enabling at least one of those entities to establish eligibility to participate in non-HEA Federal programs.

In Petition	File Review
<p><i>For agencies accrediting institutions to that participate in HEA programs (602.10(a)):</i></p> <ul style="list-style-type: none"> • For a petition for initial recognition: the agency must provide a letter written to it by at least one institution or program attesting that, should the agency become recognized, the institution or program could rely on the agency’s accreditation to establish eligibility to participate in HEA programs. • For a petition for renewal of recognition: the agency must submit the name of one of its accredited institutions that participates in an HEA program and that could be made eligible to participate in such a program as a result of accreditation by the agency. <p><i>For agencies that accredit institutions or programs, and such accreditation establishes eligibility for at least one program or institution to participate in non-HEA programs (602.10(b)):</i></p> <ul style="list-style-type: none"> • For a petition for initial or renewal recognition: For an agency submitting a petition for initial or renewal of recognition and that agency’s accreditation is required to determine eligibility for the institution or program to participate in a non-HEA federal program, the agency must provide the citation for and a copy of the specific portion of the authorizing law, regulation or other Federal requirement (which is not subregulatory guidance) stating accreditation by an agency recognized by the Secretary of Education is necessary for an institution or program to participate in the Federal program, and documentation that at least one institution or program does rely on or, once recognition is obtained, will rely on the agency's accreditation to participate or establish eligibility to participate in such a program. Note: agencies that accredit programs or institutions that participate in title IV programs must note this in their petition, even if the programs or institutions accredited by the agency participate in title IV programs as a result of accreditation provided by another recognized agency. In such a case, the agency must identify in its petition the name of at least one institution or program among its membership that participates in title IV programs, even if such a program or institution is made eligible for title IV participation by another recognized accrediting agency. 	<p><i>No additional documentation required</i></p>

§602.11 - Geographic area of accrediting activities.

The agency must demonstrate that it conducts accrediting activities within—

(a) A State, if the agency is part of a State government;

(b) A region or group of States chosen by the agency in which an agency provides accreditation to a main campus, a branch campus, or an additional location of an institution. An agency whose geographic area includes a State in which a branch campus or additional location is located is not required to also accredit a main campus in that State. An agency whose geographic area includes a State in which only a branch campus or additional location is located is not required to accept an application for accreditation from other institutions in such State; or

(c) The United States.

In Petition	File Review
<ul style="list-style-type: none"> • A list of States in which the agency conducts accreditation activities, including all States where the agency accredits a main campus, branch campus, or additional location. The agency should also note any States where it only accredits branch campuses or additional locations and will not consider accrediting main campuses. • A current list of accredited and preaccredited (if applicable) institutions and/or programs (including branch campuses and additional locations). 	<ul style="list-style-type: none"> • Records of accreditation activities reflecting the agency's published scope.

§602.12 Accrediting experience.

(a) An agency seeking initial recognition must demonstrate that it has--

(1) Granted accreditation or preaccreditation prior to submitting an application for recognition—

(i) To one or more institutions if it is requesting recognition as an institutional accrediting agency and to one or more programs if it is requesting recognition as a programmatic accrediting agency;

(ii) That covers the range of the specific degrees, certificates, institutions, and programs for which it seeks recognition.; and

(iii) In the geographic area for which it seeks recognition; and

(2) Conducted accrediting activities, including deciding whether to grant or deny accreditation or preaccreditation, for at least two years prior to seeking recognition, unless the agency seeking initial recognition is affiliated with, or is a division of, an already recognized agency.

(b)(1) A recognized agency seeking an expansion of its scope of recognition must follow the requirements of §§ 602.31 and 602.32 and demonstrate that it has accreditation or preaccreditation policies in place that meet all the criteria for recognition covering the range of the specific degrees, certificates, institutions, and programs for which it seeks the expansion of scope and has engaged and can show support from relevant constituencies for the expansion. A change to an agency's geographic area of accrediting activities does not constitute an expansion of the agency's scope of recognition, but the agency must notify the Department of, and publicly disclose on the agency's website, any such change.

(2) An agency that cannot demonstrate experience in making accreditation or preaccreditation decisions under the expanded scope at the time of its application or review for an expansion of scope may—

(i) If it is an institutional accrediting agency, be limited in the number of institutions to which it may grant accreditation under the expanded scope for a designated period of time; or

(ii) If it is a programmatic accrediting agency, be limited in the number of programs to which it may grant accreditation under that expanded scope for a certain period of time; and

(iii) Be required to submit a monitoring report regarding accreditation decisions made under the expanded scope.

In Petition	File Review
<p>For agencies seeking initial recognition [See 602.32(b)]:</p> <ul style="list-style-type: none"> • A list of all institutions and/or programs that the agency has accredited or preaccredited during the previous five years, including their geographic location, credential levels included in the preaccreditation or accreditation, the dates on which the institutions/programs applied for accreditation/preaccreditation, and the dates on which the institutions/programs received accreditation or preaccreditation, if accreditation or preaccreditation has been awarded. • For at least one program or institution accredited or preaccredited by the agency, the following documents: (1) the letter of interest or the application from the institution in which it states its interest in seeking accreditation or preaccreditation and will rely on the agency as its link to a Federal program; (2) the letter from the agency demonstrating that the application was accepted for review or that the accreditation/preaccreditation review process was commencing; (3) the letter from the agency granting accreditation or preaccreditation to the institution or program. • For an agency that is affiliated with, or is a division of, an already recognized agency, the requirement for two years of experience does not apply, but the agency must submit documentation of that relationship, including but not limited to budgets and contracts between the two parties. • Letters from at least three educators, three accredited (by this agency or another recognized agency) institutions or programs, and, if appropriate, three employers or practitioners, explaining why the letter’s author supports the agency’s application for recognition, which could include the explanation of the role for such an agency and the reasons for their support. <p>For agencies seeking an expansion of scope (see 602.32(j)):</p> <ul style="list-style-type: none"> • A list of institutions/programs that the agency has accredited or preaccredited covering the range of the expansion of scope request, if the agency has performed this function outside of its current scope of recognition. If the agency has not already performed this function outside of its scope of recognition, it must provide documentation of the agency’s standards, policies, or procedures developed and that will be applied by the agency if granted the expansion of scope. 	<p>Agency staff must be able to review files of accredited or preaccredited institutions, including letters or applications that initiated the accreditation or preaccreditation review process, records of correspondence between the agency and the institution regarding the accreditation or preaccreditation process or the institution’s accreditation or preaccreditation status, and letters from the agency indicating that accreditation or preaccreditation had been granted.</p> <p>For agencies seeking an expansion of scope:</p> <ul style="list-style-type: none"> • Documentation that administrators, practitioners, and educators experienced in instructional delivery in the area of the expansion of scope participated in the development and/or approval of the policies and procedures related to the area of scope expansion and serve on the decision-making body

<ul style="list-style-type: none"> • Letters from at least three institution or programs that would seek accreditation under the expansion of scope. • An explanation of how the agency will expand capacity to support the expansion of scope, if necessary, and how its budget will support the expansion of capacity, if needed. 	<p>Documentation that administrators, practitioners, and educators experienced in instructional delivery in the area of the expansion of scope have or will participate on site visit teams for institutions or programs seeking accreditation under the expansion of scope.</p>
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§602.14 Purpose and organization.

(a) The Secretary recognizes only the following four categories of accrediting agencies:

(1) A State agency that—

(i) Has as a principal purpose the accrediting of institutions of higher education, higher education programs, or both; and

(ii) Has been listed by the Secretary as a nationally recognized accrediting agency on or before October 1, 1991.

(2) An accrediting agency that—

(i) Has a voluntary membership of institutions of higher education;

(ii) Has as a principal purpose the accrediting of institutions of higher education and that accreditation is used to provide a link to Federal HEA programs in accordance with § 602.10; and

(iii) Satisfies the “separate and independent” requirements in paragraph (b) of this section.

(3) An accrediting agency that—

(i) Has a voluntary membership; and

(ii) Has as its principal purpose the accrediting of institutions of higher education or programs, and the accreditation it offers is used to provide a link to non-HEA Federal programs in accordance with §602.10.

(4) An accrediting agency that, for purposes of determining eligibility for title IV, HEA programs—

(i)(A) Has a voluntary membership of individuals participating in a profession; or

(B) Has as its principal purpose the accrediting of programs within institutions that are accredited by another nationally recognized accrediting agency; and

(ii) Satisfies the “separate and independent” requirements in paragraph (b) of this section or obtains a waiver of those requirements under paragraph (d) of this section.

(b) For purposes of this section, “separate and independent” means that—

(1) The members of the agency's decision-making body, who decide the accreditation or preaccreditation status of institutions or programs, establish the agency's accreditation policies, or both, are not elected or selected by the board or chief executive officer of any related, associated, or affiliated trade association, professional organization, or membership organization and are not staff of the related, associated, or affiliated trade association, professional organization, or membership organization;

- (2) *At least one member of the agency's decision-making body is a representative of the public, and at least one-seventh of the body consists of representatives of the public;*
- (3) *The agency has established and implemented guidelines for each member of the decision-making body including guidelines on avoiding conflicts of interest in making decisions;*
- (4) *The agency's dues are paid separately from any dues paid to any related, associated, or affiliated trade association or membership organization; and*
- (5) *The agency develops and determines its own budget, with no review by or consultation with any other entity or organization.*
- (c) *The Secretary considers that any joint use of personnel, services, equipment, or facilities by an agency and a related, associated, or affiliated trade association or membership organization does not violate the "separate and independent" requirements in paragraph (b) of this section if —*
- (1) *The agency pays the fair market value for its proportionate share of the joint use; and*
- (2) *The joint use does not compromise the independence and confidentiality of the accreditation process.*
- (d) *For purposes of paragraph (a)(4) of this section, the Secretary may waive the "separate and independent" requirements in paragraph (b) of this section if the agency demonstrates that—*
- (1) *The Secretary listed the agency as a nationally recognized agency on or before October 1, 1991, and has recognized it continuously since that date;*
- (2) *The related, associated, or affiliated trade association or membership organization plays no role in making or ratifying either the accrediting or policy decisions of the agency;*
- (3) *The agency has sufficient budgetary and administrative autonomy to carry out its accrediting functions independently;*
- (4) *The agency provides to the related, associated, or affiliated trade association or membership organization only information it makes available to the public.*
- (e) *An agency seeking a waiver of the "separate and independent" requirements under paragraph (d) of this section must apply for the waiver each time the agency seeks recognition or continued recognition.*

Note: In a decision issued on September 4, 2020, the Senior Department Official ("SDO") ("SDO Decision") considered whether an agency that sought recognition under 602.14(a)(2) (602.14(a)(3) of the July 1, 2020 regulations), but also accredits programs that participate in Title IV programs must meet the separate and independent requirements of 602.14(a)(3) (now 602.14(a)(4)), where accreditation by that agency establishes eligibility for graduates of one or more programs or institutions it accredits for occupational licensure. Thus, the agency plays a key role in determining the eligibility of the programs they accredit for participation in title IV. Given that key role, the SDO denied the petition for initial recognition, finding that the agency had failed to meet the separate and independent requirement set forth in 602.14(a)(3) (now 602.14(a)(4)). The agency involved in that decision has appealed, and that appeal is currently pending before the Secretary. The Secretary's decision regarding the appeal of the SDO decision may impact whether agencies that might apply for recognition under 602.14(a)(3) (of the July 1, 2020 regulations) but whose accreditation plays a key role in eligibility for Title IV must meet the requirements of 602.14(a)(4) (of the July 1, 2020 regulations) and be required to establish that they are separate and independent. Depending on the Secretary's decision on the appeal, the Department may in the future issue relevant guidance relating to programmatic accrediting agencies and the impact of the Secretary's decision. However, pending the Secretary's decision, agencies in this category seeking continued recognition and that are currently separate and

independent are advised to submit evidence of such separateness and independence with their petition, and agencies in this category that are seeking initial recognition are also advised to submit such evidence with their initial petition.

In Petition	File Review
<ul style="list-style-type: none"> • A narrative describing into which category or categories the agency seeks recognition or renewal of recognition. Select the appropriate category from 602.14(a)(1), 602.14(a)(2), 602.14(a)(3) and/or 602.14(a)(4). • By-laws, articles of incorporation and policies, etc. defining the agency’s membership, its principal purposes, whether the programs or institution it accredits participate in title IV programs (including as a result of accreditation by another recognized accrediting agency), and how it meets the requirements of 602.10,. • The agency’s standards, policies, and procedures manual(s). <p><i>For agencies required to demonstrate compliance with the requirement to operate financially and administratively separate and independent of an affiliated trade association or membership organization such as agencies recognized under(602.14(a)(2) 602.14(a)(4), the following documentation is required. Since agencies recognized under 602.14(a)(3) which accredit programs that participate in title IV programs and the agency’s accreditation determines eligibility for graduates from at least one program it accredits to be eligible for occupational licensure may be required to meet the separate and independent requirements in the future, such agencies must also submit the following documentation :</i></p> <ul style="list-style-type: none"> • A list of members of the agency’s decision-making bodies (including its appeals body) describing each member’s current position or role on that body. The list must identify which member(s) represent the public and the terms of service for each individual. • Page numbers for the agency’s standards, policies, and procedures manual(s) that define: (1) the members of the agency’s decision-making body and their qualifications; (2) the procedures followed for nominating and electing members of the decision- making body; and (3) definition of public members and policies that determine what percentage of the decision-making body must be representatives of the public. • A list of all entities the agency considers to be a related, associated, or affiliated trade association or membership organization. 	<ul style="list-style-type: none"> • Resumes, CVs, or applications for all individuals who serve on the decision-making bodies, to include documentation that public representatives meet the Department of Education’s definition for that role. • Minutes of decision-making body meetings, including the names of members present, meeting agendas, recusals where appropriate from members that have a conflict of interest on one or more issues (if applicable) and written requests from member institutions that raise concerns about conflicts of interest among members of decision-making bodies (if the agency received any such letters) and responses to those letters that describe the resolution to the concern. <p><i>For agencies demonstrating compliance with the separate and independent criteria:</i></p> <ul style="list-style-type: none"> • Copies of the agency’s approved budgets during the recognition period and meeting minutes documenting when each budget was approved and who was involved in that approval. • Minutes of meetings when decision-making body members are nominated and elected. • Correspondence to members of decision-making bodies indicating that an individual has been nominated/elected to serve on that body. • Documentation from audited financial statements that the agency is meeting the terms of contractual agreements and is paying market rates for any equipment, space or staff it shares with the membership or trade organization.

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| <ul style="list-style-type: none"> • A statement of independence from any related or affiliated trade association, disclosure of any budgetary, supervisory or decision-making relationship with such organizations, and a description of the agency's policies for establishing and collecting dues separate from dues or membership fees paid to any related trade or professional organization. • Copies of any contracts, MOUs or agreements between the agency and its parent organization regarding personnel actions, the appointment of members of the agency's board and decision-making bodies, the financial arrangements that exist between the organizations, if any, and agreements regarding payment for the use of shared space or services. • A description of the process by which the agency establishes and approves its budget and makes financial decisions. • A waiver request for "separate and independent" requirements, if applicable. | |
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§602.15 Administrative and fiscal responsibilities.

The agency must have the administrative and fiscal capability to carry out its accreditation activities in light of its requested scope of recognition.

The agency meets this requirement if the agency demonstrates that—

(a) The agency has—

(1) Adequate administrative staff and financial resources to carry out its accrediting responsibilities;

(2) Competent and knowledgeable individuals, qualified by education or experience in their own right and trained by the agency on their responsibilities, as appropriate for their roles, regarding the agency's standards, policies, and procedures, to conduct its on-site evaluations, apply or establish its policies, and make its accrediting and preaccrediting decisions, including, if applicable to the agency's scope, their responsibilities regarding distance education and correspondence courses;

(3) Academic and administrative personnel on its evaluation, policy, and decision-making bodies, if the agency accredits institutions;

(4) Educators, practitioners, and/or employers on its evaluation, policy, and decision-making bodies, if the agency accredits programs or single-purpose institutions that prepare students for a specific profession;

(5) Representatives of the public, which may include students, on all decision-making bodies; and

(6) Clear and effective controls, including guidelines, to prevent or resolve conflicts of interest, or the appearance of conflicts of interest, by the agency's—

(i) Board members;

(ii) Commissioners;

(iii) Evaluation team members;

(iv) Consultants;

(v) Administrative staff; and

(vi) Other agency representatives; and

(b) The agency maintains complete and accurate records of—

- (1) Its last full accreditation or preaccreditation review of each institution or program, including on-site evaluation team reports, the institution's or program's responses to onsite reports, periodic review reports, any reports of special reviews conducted by the agency between regular reviews, and a copy of the institution's or program's most recent self-study; and
- (2) All decision letters issued by the agency regarding the accreditation and preaccreditation of any institution or program and any substantive changes.

Note: The Department has recently issued guidance in connection with the COVID-19 emergency approving the temporary use of telecommunications technology to conduct institution or program site visits, and has provided the temporary opportunity for agencies to add new policies to support virtual site visits with approval of their decision making bodies. The Department may in the future issue updated guidance expanding these flexibilities beyond the expiration of the temporary COVID-19 guidance. The updated guidance may require that, in the event that an agency performs a virtual site visit, it must subsequently perform an on-site review, which need not involve the entire site visit team or duplicate the review already completed by the virtual site visit team. Potential updated guidance may provide that the in-person visit could be conducted by agency staff or one or more members of the site visit team, or volunteers trained to perform these follow-up in-person site visits, and could be limited in scope to complement rather than replicate the virtual site visit. Any such updated guidance may require the agency to maintain records for both the virtual site visit and the in-person site visit. At this time, agencies should continue to comply with the temporary COVID-19 guidance found on the Department's website at <https://www.ed.gov/coronavirus/program-information#highered>.

In Petition	File Review
<ul style="list-style-type: none"> • Organizational chart with names and position titles. • Resumes, job titles, and job descriptions of senior staff members, including the executive director, chief financial officer, and academic or accreditation directors (or equivalents). • The agency's two most recent yearly financial reports. • The agency's two most recent annual budgets. • List of agency decisions related to administrative and fiscal capacity that have been made or postponed, flagging postponements due to insufficient staffing to adhere to the published timeline, during the prior two years. • A roster of all individuals serving on decision-making bodies, the role that each filled, and the policies and procedures related to their selection. • A roster of all individuals who in the past year participated on site visit teams with an indication of the specific focus of each member on that team. • Page numbers for the agency's standards, policies, and procedures manual(s) that describe the process for selecting and assigning site visitors during the prior year or, if not applicable, during the most recent 	<ul style="list-style-type: none"> • Staff resumes or CVs. • Site visitor resumes, CVs or applications. • Resumes, CVs or applications for all individuals who serve on decision-making bodies, to include documentation that public representatives meet the Department of Education's definition for that role. • Documentation of review of letters received from institutions (including those received by the Department and forwarded to the agency) expressing concern regarding the timeliness of agency actions and decisions and its ability to adhere to its published timelines. • A list of any accreditation visits or reviews that had to be postponed to due to insufficient staffing. • Training materials used over the prior two years to educate staff and agency representatives about the agency's standards, policies and procedures, as well as attendance records, if available, and any other documentation of training events.

<p>recognition period or the period of time the agency was performing accrediting reviews prior to recognition by the Secretary.</p> <ul style="list-style-type: none"> • A copy of all conflict of interest policies and procedures and the agency’s policies and procedures for avoiding or remedying conflicts of interest among members of its decision-making bodies. • Sample conflict-of-interest form(s) of each type used. • The agency’s record retention policy, which includes where and how documents are stored, secured, and retained. • A written explanation for how the agency’s staff-to-program or staff-to-institution member ratio is sufficient to meet the needs of its members and perform its function thoroughly and in a timely manner, and if not, what the agency’s plan is to modify its staffing to meet those needs. <p><i>**If your agency accredits both institutions for title IV purposes and programs for non-HEA purposes, your agency will be required to respond to both 602.15(a)(3) and 602.15(a)(4)**</i></p>	<ul style="list-style-type: none"> • Signed conflict-of-interest statements for current board members, commissioners, members of site visit teams that participated in visits during the prior two years, consultants, staff and others as appropriate. • Documentation of instances (such as meeting minutes or correspondence with an institution regarding concerns about a potential site visitor, etc.) in which individuals recused themselves from activities or decisions based on a conflict-of-interest concern, if such instances exist. • Formal complaints relating to conflicts of interest, if they exist, and an explanation of the measures the agency took to resolve the conflict or confirm that none exists. • ED will spot check files to ensure that adequate records are being maintained for each accredited or preaccredited institution, as described in this section.
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§602.16 Accreditation and preaccreditation standards.

(a) The agency must demonstrate that it has standards for accreditation, and preaccreditation, if offered, that are sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits. The agency meets this requirement if the following conditions are met:

- (1) The agency’s accreditation standards must set forth clear expectations for the institutions or programs it accredits in the following areas:*
- (i) Success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations, course completion, and job placement rates.*

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers for the agency’s standards, policies, and procedures manual(s) that describe the standards set by the agency for measuring student achievement. These pages must describe the way the agency evaluates adherence to those requirements and the way it enforces compliance. • An agency is not required to establish a single set of student achievement standards for all members. Even within an institution, the standards by which student achievement is measured may differ from one program or department to another. • The most important consideration should be the alignment between student achievement measures or standards and the mission of the institution or program. The measures used to 	<ul style="list-style-type: none"> • A sample of self-studies or relevant portions of self-studies that could include any institution or program that underwent an accreditation or preaccreditation review by the agency during the recognition period. Staff will select and review at least three self-studies (or fewer if there were fewer

<p>determine the alignment between the agency's standards for student achievement and the mission of the institution or program may include quantitative methods, qualitative methods, or mixed methods. They may rely on surveys or other methods for evaluating qualitative outcomes, including but not limited to student satisfaction surveys, alumni satisfaction surveys, or employer satisfaction surveys.</p> <ul style="list-style-type: none"> • In the event that an agency elects to establish bright-line student achievement standards, it must explain how its methodology is a valid measure of institutional quality (including that it takes into account variables unrelated to program quality, such as student demographics, institutional selectivity, and local or national economic trends, including unemployment). • A narrative that describes examples of the various student achievement metrics (which have been adopted by member institutions), if the agency permits its institutions or programs to establish institutional standards to show success with respect to student achievement. This narrative must include an explanation of how the site visit teams evaluate student achievement metrics and ensure consistency with the institution's or program's mission. • Page numbers for the section of the agency's standards, policies, and procedures manual(s) that describe 1. how the agency monitors compliance with the applicable student achievement standards; and 2. when an institution or program is not meeting these standards. • A narrative (and related exhibits) that explain how the agency reviews student achievement outcomes within the accreditation review process. • A copy of a self-study from at least one institution selected by the Department with page numbers identifying the sections relevant to these criteria. • A copy of the site visit report and decision letter from the same institution. 	<p>reviews during the recognition period), unless the agency has performed accreditation or preaccreditation reviews for more than 50 institutions or programs during the recognition period, in which case Staff will select up to an additional three self-studies for review. If no institutions or programs underwent accreditation or preaccreditation review during the recognition period, the agency's compliance evaluation will be limited to its standards, policies and procedures regarding self-studies.</p> <ul style="list-style-type: none"> • Site visit reports and decision letters from the same institutions or programs whose self-studies were selected for review.
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(ii) Curricula.

(iii) Faculty.

(iv) Facilities, equipment, and supplies.

(v) Fiscal and administrative capacity as appropriate to the specified scale of operations.

(vi) Student support services.

(vii) Recruiting and admissions practices, academic calendars, catalogs, publications, grading, and advertising.

(viii) Measures of program length and the objectives of the degrees or credentials offered.

(ix) Record of student complaints received by, or available to, the agency.

(x) Record of compliance with the institution's program responsibilities under title IV of the Act, based on the most recent student loan default rate data provided by the Secretary, the results of financial or compliance audits, program reviews, and any other information that the Secretary may provide to the agency; and

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers for the agency's standards, policies, and procedures manual(s) relevant to these criteria. • A narrative explaining the agency's expectations for an institution's or program's review of its performance against these standards as part of the institution's or program's self-study process. • A narrative that explains how site visit teams review the institution's or program's performance against each type of standard. • A self-study from one institution selected by Department staff related to the agency's review of the institution's or program's performance against these standards. This can be the same self-study selected by Department staff for other parts of their review. • A copy of the site visit report and decision letter from the same institution. <p>NOTE: Nothing in statute or regulation prescribes a particular type of administrative or governance model, including a shared governance model, or requires all programs or institutions accredited by a given agency to rely upon the same model of governance, or all programs offered by an institution to be administered under the same governance model.</p>	<ul style="list-style-type: none"> • Self-studies as described under 602.16(a)(1)(i). • Site visit reports and decision letters from the institutions or programs whose self-studies were selected for review. • Records that document agency reviews of the most recent student loan default rate data provided by the Secretary, the results of financial or compliance audits, program reviews, and any other information that the Secretary may provide to the agency, as appropriate. • A review of other records, based on complaints received by the Department, program review findings, or Department data indicating an institution is high-risk.

(2) The agency's preaccreditation standards, if offered, must--

(i) Be appropriately related to the agency's accreditation standards; and

(ii) Not permit the institution or program to hold preaccreditation status for more than five years before a final accrediting action is made.

In Petition	File Review
<ul style="list-style-type: none"> • A copy of the agency's preaccreditation standards. • A copy of a self-study from one institution or program seeking or in preaccreditation status during the period of recognition, if applicable. • A copy of the site visit report and decision letter from the same institution or program. 	<ul style="list-style-type: none"> • Additional samples of self-studies, site visit reports, and decision letters from institutions or programs seeking a preaccreditation status, if applicable.

(b) Agencies are not required to apply the standards described in paragraph (a)(1)(x) of this section to institutions that do not participate in title IV, HEA programs. Under such circumstance, the agency's grant of accreditation or preaccreditation must specify that the grant, by request of the institution, does not include participation by the institution in title IV, HEA programs.

(c) If the agency only accredits programs and does not serve as an institutional accrediting agency for any of those programs, its accreditation standards must address the areas in paragraph (a)(1) of this section in terms of the type and level of the program rather than in terms of the institution.

(d)

(1) If the agency has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, correspondence courses, or direct assessment education, the agency's standards must effectively address the quality of an institution's distance education, correspondence courses, or direct assessment education in the areas identified in paragraph (a)(1) of this section.

(2) The agency is not required to have separate standards, procedures, or policies for the evaluation of distance education or correspondence courses.

(e) If none of the institutions an agency accredits participates in any title IV, HEA program, or if the agency only accredits programs within institutions that are accredited by a nationally recognized institutional accrediting agency, the agency is not required to have the accreditation standards described in paragraphs (a)(1)(viii) and (a)(1)(x) of this section.

(f) An agency that has established and applies the standards in paragraph (a) of this section may establish any additional accreditation standards it deems appropriate.

(g) Nothing in paragraph (a) of this section restricts--

(1) An accrediting agency from setting, with the involvement of its members, and applying accreditation standards for or to institutions or programs that seek review by the agency;

(2) An institution from developing and using institutional standards to show its success with respect to student achievement, which achievement may be considered as part of any accreditation review; or

(3) Agencies from having separate standards regarding an institution's or a program's process for approving curriculum to enable programs to more effectively meet the recommendations of-

(i) Industry advisory boards that include employers who hire program graduates;

(ii) Widely recognized industry standards and organizations;

(iii) Credentialing or other occupational registration or licensure; or

(iv) Employers in a given field or occupation, in making hiring decisions.

(4) Agencies from having separate faculty standards for instructors teaching courses within a dual or concurrent enrollment program, as defined in 20 U.S.C. 7801, or career and technical education courses, as long as the instructors, in the agency's judgment, are qualified by education or work experience for that role.

Note: On August 31, 2020, the Department rescinded Dear Colleague Letter 06-17 (the "DCL"), which was issued in September 2006, and had been interpreted to mean that, if an institution does not offer more than 50% of an educational program via distance education, the institution's accrediting agency is not required to expand its scope of recognition to include distance education. Agencies should be aware that, pursuant to 34 C.F.R. § 668.8(m), a distance education program is not eligible for Title IV participation unless the institution has been evaluated and accredited to offer distance education programs by a recognized accrediting agency that has distance education within its scope of recognition. This requirement applies to the offering of any portion of a distance education program. Accrediting agencies should work with institutions they accredit or plan to accredit to communicate the agency's requirements for evaluating whether the institution is capable of effective delivery of distance education programs. Further, if distance education in a program offered by an institution or at the institution as a whole exceeds 50%, accreditors must approve this as a substantive change pursuant to 34 C.F.R. § 602.22(a)(1)(ii)(C). Pursuant to 34 C.F.R. § 602.27(a)(4), the addition of distance education to an agency's scope of recognition requires only written notification to the Department. The

Department is waiving, through the end of the term that begins after the date on which the Federally-declared national emergency related to COVID-19 is rescinded, the requirement that institutions must have obtained accreditation to offer distance education programs. The Department recognizes that it may take additional time for accreditors and institutions to implement the changes necessary to come into compliance with 34 C.F.R. § 668.8(m) beyond the expiration of the waiver period because of the uncertainty of at what point in a term the national emergency will end. Accordingly, the Department may issue further guidance and that guidance may also allow additional time following the end of the national emergency for accrediting agencies and institutions to come into compliance with the requirements of 34 C.F.R. § 668.8(m).

In Petition	File Review
<ul style="list-style-type: none"> • Narrative description of the agency's review of distance education, correspondence education, and/or direct assessment programs, if applicable. • Page numbers for the agency's standards, policies, and procedures manual(s) related to the review of distance education and/or correspondence education, if applicable. • A copy of a self-study from one institution or program reviewed for distance education, correspondence education, or direct assessment, if applicable and such an institution or program was reviewed by the agency during the current recognition cycle. • A copy of the site visit report and decision letter from the same institution or program, if applicable. • A list of institutions preaccredited or accredited by the agency that, by request of the institutions, do not have participation in title IV, HEA programs included in their scope of accreditation, if applicable. • Page numbers for the agency's standards, policies, and procedures manual(s) related to either separate standards for approving curriculum or separate faculty standards for instructors teaching courses within a dual or concurrent enrollment program. Additionally, sample documentation of implementation of these separate standards, if applicable. • Narrative and documentation of the agency's process for developing and implementing either separate standards for approving curriculum or separate faculty standards for dual or concurrent enrollment programs, if applicable. 	<ul style="list-style-type: none"> • A self-study from three institutions or programs that offer distance education, correspondence education and/or direct assessment, if available. An agency that has not reviewed an institution or program for initial or renewal of accreditation during the current recognition cycle that includes distance learning, correspondence education or direct assessment, is not out of compliance simply because no self-studies would be available for review. • A copy of the site visit reports and decision letters from the same institutions or programs, if applicable. • Any correspondence relevant to an institution requesting to receive a scope of accreditation that does not include participation by the institution in title IV HEA programs, if applicable.

§602.17 Application of standards in reaching an accrediting decision.

The agency must have effective mechanisms for evaluating an institution’s or program’s compliance with the agency’s standards before reaching a decision to accredit or preaccredit the institution or program. The agency meets this requirement if the agency demonstrates that it--

(a) Evaluates whether an institution or program—

(1) Maintains clearly specified educational objectives that are consistent with its mission and appropriate in light of the degrees or certificates awarded;

(2) Is successful in achieving its stated objectives at both the institutional and program levels; and

(3) Maintains requirements that at least conform to commonly accepted academic standards, or the equivalent, including pilot programs in § 602.18(b);

(b) Requires the institution or program to engage in a self-study process that assesses the institution's or program's education quality and success in meeting its mission and objectives, highlights opportunities for improvement, and includes a plan for making those improvements;

(c) Conducts at least one on-site review of the institution or program during which it obtains sufficient information to determine if the institution or program complies with the agency's standards;

(d) Allows the institution or program the opportunity to respond in writing to the report of the on-site review;

(e) Conducts its own analysis of the self-study and supporting documentation furnished by the institution or program, the report of the on-site review, the institution's or program's response to the report, and any other information substantiated by the agency from other sources to determine whether the institution or program complies with the agency's standards;

(f) Provides the institution or program with a detailed written report that assesses the institution's or program's compliance with the agency's standards, including areas needing improvement, and the institution's or program's performance with respect to student achievement;

(g) Requires institutions to have processes in place through which the institution establishes that a student who registers in any course offered via distance education or correspondence is the same student who academically engages in the course or program; and

(h) Makes clear in writing that institutions must use processes that protect student privacy and notify students of any projected additional student charges associated with the verification of student identity at the time of registration or enrollment.

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers for the agency’s standards, policies, and procedures manual(s) relevant to this section. • Requirements for the preparation of self-studies, with a focus on the criteria listed in 602.16(a) for institutions and/or programs. A copy of the self-study review, site visit report, institution/program responses, decision letter, appeals and appeal results (where applicable) from at least one accreditation or preaccreditation review, selected in advance by Department staff and based on the list of upcoming reviews and decisions provided to the Department at the beginning of the recognition review process. • The response, if any, provided by the institution or program to those site visit reports. • Agendas from all decision-making body meetings for the prior two years. • If applicable, policies and procedures related to how the agency reviews student identity verification for distance education and/or correspondence education, and agency requirements related to student 	<ul style="list-style-type: none"> • The self-studies, site visit reports, responses, decision letters and related materials associated with the self-studies reviewed by Department staff. • Documentation of training on self-studies provided to institutions and/or programs • Minutes from decision-making body meetings for the prior year

privacy protection and any additional costs associated with distance education and/or correspondence education.	for comprehensive accreditation reviews.
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§602.18 Ensuring consistency in decision-making.

(a) The agency must consistently apply and enforce standards that respect the stated mission of the institution, including religious mission, and that ensure that the education or training offered by an institution or program, including any offered through distance education, correspondence courses, or direct assessment education is of sufficient quality to achieve its stated objective for the duration of any accreditation or preaccreditation period.

(b) The agency meets the requirement in paragraph (a) of this section if the agency—

(1) Has written specification of the requirements for accreditation and preaccreditation that include clear standards for an institution or program to be accredited or preaccredited;

(2) Has effective controls against the inconsistent application of the agency's standards;

(3) Bases decisions regarding accreditation and preaccreditation on the agency's published standards and does not use as a negative factor the institution's religious mission-based policies, decisions, and practices in the areas covered by § 602.16(a)(1)(ii), (iii), (iv), (vi), and (vii) provided, however, that the agency may require that the institution's or program's curricula include all core components required by the agency;

(4) Has a reasonable basis for determining that the information the agency relies on for making accrediting decisions is accurate;

(5) Provides the institution or program with a detailed written report that clearly identifies any deficiencies in the institution's or program's compliance with the agency's standards; and

(6) Publishes any policies for retroactive application of an accreditation decision, which must not provide for an effective date that predates either—

(i) An earlier denial by the agency of accreditation or preaccreditation to the institution or program; or

(ii) The agency's formal approval of the institution or program for consideration in the agency's accreditation or preaccreditation process.

(c) Nothing in this part prohibits an agency, when special circumstances exist, to include innovative program delivery approaches or, when an undue hardship on students occurs, from applying equivalent written standards, policies, and procedures that provide alternative means of satisfying one or more of the requirements set forth in 34 CFR 602.16, 602.17, 602.19, 602.20, 602.22, and 602.24, as compared with written standards, policies, and procedures the agency ordinarily applies, if—

(1) The alternative standards, policies, and procedures, and the selection of institutions or programs to which they will be applied, are approved by the agency's decision-making body and otherwise meet the intent of the agency's expectations and requirements;

(2) The agency sets and applies equivalent goals and metrics for assessing the performance of institutions or programs;

(3) The agency's process for establishing and applying the alternative standards, policies, and procedures is set forth in its published accreditation manuals; and

(4) The agency requires institutions or programs seeking the application of alternative standards to demonstrate the need for an alternative assessment approach, that students will receive equivalent benefit, and that students will not be harmed through such application.

(d) Nothing in this part prohibits an agency from permitting the institution or program to be out of compliance with one or more of its standards, policies, and procedures adopted in satisfaction of §§ 602.16, 602.17, 602.19, 602.20, 602.22, and 602.24 for a period of time, as determined by the agency annually, not to exceed three years unless the agency determines there is good cause to extend the period of time, and if—

(1) The agency and the institution or program can show that the circumstances requiring the period of noncompliance are beyond the institution's or program's control, such as—

- (i) A natural disaster or other catastrophic event significantly impacting an institution's or program's operations;*
- (ii) Accepting students from another institution that is implementing a teach-out or closing;*
- (iii) Significant and documented local or national economic changes, such as an economic recession or closure of a large local employer;*
- (iv) Changes relating to State licensure requirements;*
- (v) The normal application of the agency's standards creates an undue hardship on students; or*
- (vi) Instructors who do not meet the agency's typical faculty standards, but who are otherwise qualified by education or work experience, to teach courses within a dual or concurrent enrollment program, as defined in 20 U.S.C. 7801, or career and technical education courses;*

(2) The grant of the period of noncompliance is approved by the agency's decision-making body;

(3) The agency projects that the institution or program has the resources necessary to achieve compliance with the standard, policy, or procedure postponed within the time allotted; and

(4) The institution or program demonstrates to the satisfaction of the agency that the period of noncompliance will not—

- (i) Contribute to the cost of the program to the student without the student's consent;*
- (ii) Create any undue hardship on, or harm to, students; or*
- (iii) Compromise the program's academic quality.*

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers for the agency’s standards, policies, and procedures manual(s) that are relevant to these criteria, including sections relevant to consistency in decision making, retroactive accreditation decisions, innovative program delivery, alternative or equivalent standards, policies or procedures, and good cause extensions. • Response to any complaints provided by the Department regarding inequitable application of standards. • An explanation for instances in which an institution or program may need to revise its standards or obtain a waiver from the agency’s decision-making body for one or more standards as a result of circumstances beyond its control, such as local or national unemployment rates, changes in a state’s licensure requirements, or the loss of a major employer in the local area. In addition, provide documentation about how such waivers will be communicated to current and prospective students. • Documentation of implementation of a good cause extension, including relevant sample self-studies, site visit reports, decision letters and other documentation, if applicable. 	<ul style="list-style-type: none"> • Decision letters, meeting minutes, and any additional guidance documents or templates (if applicable) used to ensure consistency in decision-making, including guidance on distance education and/or correspondence education and/or direct assessment, if applicable. • Meeting minutes from decision-making body meetings, including appeals body meetings and subsequent decisions if the appeals body is not the final decision-making body for appeals. • Complaints received from institutions or programs regarding inconsistent treatment of institutions or programs. • Additional self-studies, site visit reports, and/or decision letters where policies or procedures

<ul style="list-style-type: none"> • Relevant sample self-studies, site visit reports, and/or decision letters where policies or procedures related to retroactive accreditation decisions have been applied. • Relevant sample self-studies, site visit reports, and/or decision letters related to innovative program delivery or alternative standards, if applicable. • A list of programs or institutions using innovative program delivery approaches or assessed under alternative standards, policies, and procedures. 	<p>related to these areas have been applied, if applicable.</p> <ul style="list-style-type: none"> • Documentation of the implementation of a good cause extension granted to an institution or program, if applicable.
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§602.19 Monitoring and reevaluation of accredited institutions and programs.

- (a) The agency must reevaluate, at regularly established intervals, the institutions or programs it has accredited or preaccredited.*
- (b) The agency must demonstrate it has, and effectively applies, monitoring and evaluation approaches that enable the agency to identify problems with an institution's or program's continued compliance with agency standards and that take into account institutional or program strengths and stability. These approaches must include periodic reports, and collection and analysis of key data and indicators, identified by the agency, including, but not limited to, fiscal information and measures of student achievement, consistent with the provisions of § 602.16(g). This provision does not require institutions or programs to provide annual reports on each specific accreditation criterion.*
- (c) Each agency must monitor overall growth of the institutions or programs it accredits and, at least annually, collect head-count enrollment data from those institutions or programs.*
- (d) Institutional accrediting agencies must monitor the growth of programs at institutions experiencing significant enrollment growth, as reasonably defined by the agency.*
- (e) Any agency that has notified the Secretary of a change in its scope in accordance with § 602.27(a) must monitor the headcount enrollment of each institution it has accredited that offers distance education or correspondence courses. The Secretary will require a review, at the next meeting of the National Advisory Committee on Institutional Quality and Integrity, of any change in scope undertaken by an agency if the enrollment of an institution that offers distance education or correspondence courses that is accredited by such agency increases by 50 percent or more within any one institutional fiscal year. If any such institution has experienced an increase in head-count enrollment of 50 percent or more within one institutional fiscal year, the agency must report that information to the Secretary within 30 days of acquiring such data.*

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers for the agency's standards, policies and procedures manual(s) relevant to these criteria, including those that document the procedures for monitoring and reevaluation of accredited or preaccredited institutions and programs. • A copy of the agency's annual report or other periodic reporting mechanism. 	<ul style="list-style-type: none"> • Annual reports or other reporting mechanism the agency uses to monitor continued compliance of its institutions and/or programs. • Annual reports or other reporting mechanism the agency uses to monitor headcount at institutions and notations, if applicable, of institutions that have grown by 50 percent or more. • A list of the institutions or programs that have met the agency's definition of significant growth, if applicable, and documentation demonstrating the agency's actions and response to institutions experiencing significant enrollment growth. • Examples of the agency's responses to institutions' or programs' annual reports or other monitoring or evaluation approaches. • Meeting minutes or other documents that verify institution or program annual (or other periodic) reports have been reviewed and approved, or

<ul style="list-style-type: none"> • Copies of notifications to the Secretary for institutions that have experienced an increase in headcount enrollment of 50 percent or more within one institutional fiscal year, if applicable. 	<p>that the agency has taken appropriate action to remedy deficiencies. This review shall include a review of the annual reports for three institutions/programs for an agency that accredits 50 institutions or programs or fewer, and an additional 3 annual reports for each additional 50 members that the agency accredits or preaccredits, as well as any decisions the agency made related to the results of those annual reports, and documents indicating any action taken against the institution or other resolutions that occurred when deficiencies were identified, if applicable.</p>
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§602.20 Enforcement of standards.

(a) If the agency's review of an institution or program under any standard indicates that the institution or program is not in compliance with that standard, the agency must—

(1) Follow its written policy for notifying the institution or program of the finding of noncompliance;

(2) Provide the institution or program with a written timeline for coming into compliance that is reasonable, as determined by the agency's decision-making body, based on the nature of the finding, the stated mission, and educational objectives of the institution or program. The timeline may include intermediate checkpoints on the way to full compliance and must not exceed the lesser of four years or 150 percent of the—

(i) Length of the program in the case of a programmatic accrediting agency; or

(ii) Length of the longest program at the institution in the case of an institutional accrediting agency;

(3) Follow its written policies and procedures for granting a good cause extension that may exceed the standard timeframe described in paragraph (a)(2) of this section when such an extension is determined by the agency to be warranted; and

(4) Have a written policy to evaluate and approve or disapprove monitoring or compliance reports it requires, provide ongoing monitoring, if warranted, and evaluate an institution's or program's progress in resolving the finding of noncompliance.

(b) Notwithstanding paragraph (a) of this section, the agency must have a policy for taking an immediate adverse action, and take such action, when the agency has determined that such action is warranted.

(c) If the institution or program does not bring itself into compliance within the period specified in paragraph (a) of this section, the agency must take adverse action against the institution or program, but may maintain the institution's or program's accreditation or preaccreditation until the institution or program has had reasonable time to complete the activities in its teach-out plan or to fulfill the obligations of any teach-out agreement to assist students in transferring or completing their programs.

(d) An agency that accredits institutions may limit the adverse or other action to particular programs that are offered by the institution or to particular additional locations of an institution, without necessarily taking action against the entire institution and all of its programs, provided the noncompliance was limited to that particular program or location.

(e) All adverse actions taken under this subpart are subject to the arbitration requirements in 20 U.S.C. 1099b(e).

(f) An agency is not responsible for enforcing requirements in 34 CFR 668.14, 668.15, 668.16, 668.41, or 668.46, but if, in the course of an agency's work, it identifies instances or potential instances of noncompliance with any of these requirements, it must notify the Department.

(g) The Secretary may not require an agency to take action against an institution or program that does not participate in any title IV, HEA or other Federal program as a result of a requirement specified in this part.

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers or ULS for the agency’s standards, policies, and procedures manual(s) relevant to enforcement of standards, to include timelines to return to compliance, policies on the review of monitoring and/or compliance reports. • A list of institutions or programs against which the agency has taken a negative or adverse action during the recognition period, if applicable, and if so, the action taken, the date the action was taken, communication with the institution or program, including the written timeline for coming into compliance, and any resolution or subsequent final action. 	<ul style="list-style-type: none"> • Review of three (or fewer if the agency did not take action against three programs or institutions) examples of the agency’s adverse actions taken during the recognition period, including all relevant correspondence and decision letters leading up to the adverse action. <i>Adverse accrediting action or adverse action means the denial, withdrawal, suspension, revocation, or termination of accreditation or preaccreditation, or any comparable accrediting action an agency may take against an institution or program.</i>

§602.21 Review of standards.

- (a) *The agency must maintain a comprehensive systematic program of review that involves all relevant constituencies and that demonstrates that its standards are adequate to evaluate the quality of the education or training provided by the institutions and programs it accredits and relevant to the educational or training needs of students.*
- (b) *The agency determines the specific procedures it follows in evaluating its standards, but the agency must ensure that its program of review--*
 - (1) *Is comprehensive;*
 - (2) *Occurs at regular, yet reasonable, intervals or on an ongoing basis;*
 - (3) *Examines each of the agency's standards and the standards as a whole; and*
 - (4) *Involves all of the agency's relevant constituencies in the review and affords them a meaningful opportunity to provide input into the review.*

(c) If the agency determines, at any point during its systematic program of review, that it needs to make changes to its standards, the agency must initiate action within 12 months to make the changes and must complete that action within a reasonable period of time.

(d) Before finalizing any changes to its standards, the agency must—

(1) Provide notice to all of the agency's relevant constituencies, and other parties who have made their interest known to the agency, of the changes the agency proposes to make;

(2) Give the constituencies and other interested parties adequate opportunity to comment on the proposed changes; and

(3) Take into account and be responsive to any comments on the proposed changes submitted timely by the relevant constituencies and other interested parties.

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers of the agency’s standards, policies and procedures manual(s) related to the agency’s review of standards. • Redline versions of standards or other documents that identify the standards that have been updated since the last review. • Narrative description of the most recent systematic program of review. • Sample of notices to relevant constituencies of review of standards. 	<ul style="list-style-type: none"> • Review of comments received by relevant constituencies regarding standards reviews or updates. • Minutes of meetings in which new standards were developed, reviewed and approved by the decision-making body, board or other related body.

§ 602.22 Substantive changes and other reporting requirements.

(a) (1) If the agency accredits institutions, it must maintain adequate substantive change policies that ensure that any substantive change, as defined in this section, after the agency has accredited or preaccredited the institution does not adversely affect the capacity of the institution to continue to meet the agency's standards. The agency meets this requirement if—

(i) The agency requires the institution to obtain the agency's approval of the substantive change before the agency includes the change in the scope of accreditation or preaccreditation it previously granted to the institution; and

(ii) The agency's definition of substantive change covers high-impact, high-risk changes, including at least the following:

(A) Any substantial change in the established mission or objectives of the institution or its programs.

(B) Any change in the legal status, form of control, or ownership of the institution.

(C) The addition of programs that represent a significant departure from the existing offerings or educational programs, or method of delivery, from those that were offered or used when the agency last evaluated the institution.

(D) The addition of graduate programs by an institution that previously offered only undergraduate programs or certificates.

(E) A change in the way an institution measures student progress, including whether the institution measures progress in clock hours or credit-hours, semesters, trimesters, or quarters, or uses time-based or non-time-based methods.

(F) A substantial increase in the number of clock hours or credit hours awarded, or an increase in the level of credential awarded, for successful completion of one or more programs.

(G) The acquisition of any other institution or any program or location of another institution.

(H) The addition of a permanent location at a site at which the institution is conducting a teach-out for students of another institution that has ceased operating before all students have completed their program of study.

(I) The addition of a new location or branch campus, except as provided in paragraph (c) of this section. The agency's review must include assessment of the institution's fiscal and administrative capability to operate the location or branch campus, the regular evaluation of locations, and verification of the following:

(1) Academic control is clearly identified by the institution.

(2) The institution has adequate faculty, facilities, resources, and academic and student support systems in place.

(3) The institution is financially stable.

(4) The institution had engaged in long-range planning for expansion.

(J) Entering into a written arrangement under 34 CFR 668.5 under which an institution or organization not certified to participate in the title IV, HEA programs offers more than 25 and up to 50 percent of one or more of the accredited institution's educational programs.

(K) Addition of each direct assessment program.

(2)(i) For substantive changes under only paragraph (a)(1)(ii)(C), (E), (F), (H), or (J) of this section, the agency's decision-making body may designate agency senior staff to approve or disapprove the request in a timely, fair, and equitable manner; and

(ii) In the case of a request under paragraph (a)(1)(ii)(J) of this section, the agency must make a final decision within 90 days of receipt of a materially complete request, unless the agency or its staff determine significant circumstances related to the substantive change require a review by the agency's decision-making body to occur within 180 days.

(b) Institutions that have been placed on probation or equivalent status, have been subject to negative action by the agency over the prior three academic years, or are under a provisional certification, as provided in 34 CFR 668.13, must receive prior approval for the following additional changes (all other institutions must report these changes within 30 days to their accrediting agency):

(1) A change in an existing program's method of delivery.

(2) An aggregate change of 25 percent or more of the clock hours, credit hours, or content of a program since the agency's most recent accreditation review.

(3) The development of customized pathways or abbreviated or modified courses or programs to—

(i) Accommodate and recognize a student's existing knowledge, such as knowledge attained through employment or military service; and

(ii) Close competency gaps between demonstrated prior knowledge or competency and the full requirements of a particular course or program.

(4) Entering into a written arrangement under 34 CFR 668.5 under which an institution or organization not certified to participate in the title IV, HEA programs offers up to 25 percent of one or more of the accredited institution's educational programs.

(c) Institutions that have successfully completed at least one cycle of accreditation and have received agency approval for the addition of at least two additional locations as provided in paragraph (a)(1)(ii)(I) of this section, and that have not been placed on probation or equivalent status or been subject to a negative action by the agency over the prior three academic years, and that are not under a provisional certification, as provided in 34 CFR 668.13, need not apply for agency approval of subsequent additions of locations, and must report these changes to the accrediting agency within 30 days, if the institution has met criteria established by the agency indicating sufficient capacity to add additional locations without individual prior approvals, including, at a minimum, satisfactory evidence of a system to ensure quality across a distributed enterprise that includes—

(1) Clearly identified academic control;

(2) Regular evaluation of the locations;

(3) Adequate faculty, facilities, resources, and academic and student support systems;

(4) Financial stability; and

(5) Long-range planning for expansion.

(d) The agency must have an effective mechanism for conducting, at reasonable intervals, visits to a representative sample of additional locations approved under paragraphs (a)(1)(ii)(H) and (I) of this section.

(e) The agency may determine the procedures it uses to grant prior approval of the substantive change. However, these procedures must specify an effective date, on which the change is included in the program's or institution's grant of accreditation or preaccreditation. The date of prior approval must not pre-date either an earlier agency denial of the substantive change, or the agency's formal acceptance of the application for the substantive change for inclusion in the program's or institution's grant of accreditation or preaccreditation. An agency may designate the date of a change in ownership as the effective date of its approval of that substantive change if the accreditation decision is made within 30 days of the change in ownership. Except as provided in paragraphs (d) and (f) of this section, an agency may require a visit before granting such an approval.

(f) Except as provided in paragraph (c) of this section, if the agency's accreditation of an institution enables the institution to seek eligibility to participate in title IV, HEA programs, the agency's procedures for the approval of an additional location that is not a branch campus where at least

50 percent of an educational program is offered must include—

(1) A visit, within six months, to each additional location the institution establishes, if the institution—

(i) Has a total of three or fewer additional locations;

(ii) Has not demonstrated, to the agency's satisfaction, that the additional location is meeting all of the agency's standards that apply to that additional location; or

(iii) Has been placed on warning, probation, or show cause by the agency or is subject to some limitation by the agency on its accreditation or preaccreditation status;

(2) A mechanism for conducting, at reasonable intervals, visits to a representative sample of additional locations of institutions that operate more than three additional locations; and

(3) A mechanism, which may, at the agency's discretion, include visits to additional locations, for ensuring that accredited and preaccredited institutions that experience rapid growth in the number of additional locations maintain education quality.

(g) The purpose of the visits described in paragraph (f) of this section is to verify that the additional location has the personnel, facilities, and resources the institution claimed it had in its application to the agency for approval of the additional location.

(h) The agency's substantive change policy must define when the changes made or proposed by an institution are or would be sufficiently extensive to require the agency to conduct a new comprehensive evaluation of that institution.

In Petition	File Review
<ul style="list-style-type: none"> Page numbers of the agency's standards, policies, and procedures manual(s) that describe the agency's substantive change policies and procedures, to include policies related to all types of substantive change described in this section, decisions made by senior staff, 	<ul style="list-style-type: none"> Review of files for institutions that have requested substantive changes. Review of files for institutions that have requested additional locations.

<p>retroactive approval of changes, and when a determination is made by an agency that substantive changes required a comprehensive accreditation review.</p> <ul style="list-style-type: none"> • A copy of a substantive change review (application, correspondence, and decision letter) for each type of substantive change request made during the current recognition period. • A list of substantive change requests made by institutions and the status of those requests during the current recognition period. • A list of additional locations that have been opened during the current review period, if applicable. 	<ul style="list-style-type: none"> • Documentation demonstrating changes to the agency's method for tracking substantive changes over time. • Records of site visits for additional locations, including decisions made by the agency. • Minutes from meetings of the agency's decision-making bodies in which substantive changes or additional locations were reviewed and approved/denied. • Documentation of the approval or denial of substantive changes by senior staff. • Records of site visits of additional locations among institutions that operate more than three additional locations, if applicable. • Review of change of control requests and subsequent decisions and any related follow up reviews.
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§602.23 Operating procedures all agencies must have.

(a) The agency must maintain and make available to the public written materials describing--

(1) Each type of accreditation and preaccreditation it grants;

(2) The procedures that institutions or programs must follow in applying for accreditation, preaccreditation, or substantive changes and the sequencing of those steps relative to any applications or decisions required by States or the Department relative to the agency's preaccreditation, accreditation, or substantive change decisions;

(3) The standards and procedures it uses to determine whether to grant, reaffirm, reinstate, restrict, deny, revoke, terminate, or take any other action related to each type of accreditation and preaccreditation that the agency grants;

(4) The institutions and programs that the agency currently accredits or preaccredits and, for each institution and program, the year the agency will next review or reconsider it for accreditation or preaccreditation; and

(5) A list of the names, academic and professional qualifications, and relevant employment and organizational affiliations of—

(i) The members of the agency's policy and decision-making bodies; and

(ii) The agency's principal administrative staff.

(b) In providing public notice that an institution or program subject to its jurisdiction is being considered for accreditation or preaccreditation, the agency must provide an opportunity for third-party comment concerning the institution's or program's qualifications for accreditation or preaccreditation. At the agency's discretion, third-party comment may be received either in writing or at a public hearing, or both.

(c) The accrediting agency must--

(1) Review in a timely, fair, and equitable manner any complaint it receives against an accredited institution or program that is related to the agency's standards or procedures. The agency may not complete its review and make a decision regarding a complaint unless, in accordance with published procedures, it ensures that the institution or program has sufficient opportunity to provide a response to the complaint;

(2) Take follow-up action, as necessary, including enforcement action, if necessary, based on the results of its review; and

- (3) Review in a timely, fair, and equitable manner, and apply unbiased judgment to, any complaints against itself and take follow-up action, as appropriate, based on the results of its review.
- (d) If an institution or program elects to make a public disclosure of its accreditation or preaccreditation status, the agency must ensure that the institution or program discloses that status accurately, including the specific academic or instructional programs covered by that status and the name and contact information for the agency.
- (e) The accrediting agency must provide for the public correction of incorrect or misleading information an accredited or preaccredited institution or program releases about--
 - (1) The accreditation or preaccreditation status of the institution or program;
 - (2) The contents of reports of on-site reviews; and
 - (3) The agency's accrediting or preaccrediting actions with respect to the institution or program.
- (f)(1) If preaccreditation is offered—
 - (i) The agency's preaccreditation policies must limit the status to institutions or programs that the agency has determined are likely to succeed in obtaining accreditation;
 - (ii) The agency must require all preaccredited institutions to have a teach-out plan, which must ensure students completing the teach-out would meet curricular requirements for professional licensure or certification, if any, and which must include a list of academic programs offered by the institution and the names of other institutions that offer similar programs and that could potentially enter into a teach-out agreement with the institution;
 - (iii) An agency that denies accreditation to an institution it has preaccredited may maintain the institution's preaccreditation for currently enrolled students until the institution has had a reasonable time to complete the activities in its teach-out plan to assist students in transferring or completing their programs, but for no more than 120 days unless approved by the agency for good cause; and
 - (iv) The agency may not move an accredited institution or program from accredited to preaccredited status unless, following the loss of accreditation, the institution or program applies for initial accreditation and is awarded preaccreditation status under the new application. Institutions that participated in the title IV, HEA programs before the loss of accreditation are subject to the requirements of 34 CFR 600.11(c).
- (2) All credits and degrees earned and issued by an institution or program holding preaccreditation from a nationally recognized agency are considered by the Secretary to be from an accredited institution or program.
- (g) The agency may establish any additional operating procedures it deems appropriate. At the agency's discretion, these may include unannounced inspections.

In Petition	File Review
<ul style="list-style-type: none"> • The website link and pages of the agency’s website (or other forum) where public materials are posted, including the list of accredited programs or institutions, and the information listed in this section. • Page numbers within the agency’s standards, policies, and procedures manual(s) that describe the agency’s polices related to the requirement of this section, including those related to: complaints received against its institutions/programs, complaints against 	<ul style="list-style-type: none"> • If applicable, additional examples of third-party comments received and reviewed by the agency. • Documentation of the review, decision, and, if applicable, action taken on any complaints received during the agency's period of recognition for institutions/programs or against itself.

<p>itself; public disclosure of accreditation status, public correction of misleading information, and preaccreditation.</p> <ul style="list-style-type: none"> • Documentation of an example of a third-party comment received/reviewed by the agency; a complaint received against an institution or program; a complaint received against the agency, and preaccreditation activities, as applicable. 	<ul style="list-style-type: none"> • If applicable, documentation of implementation of its preaccreditation standards, policies, and procedures.
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§ 602.24 Additional procedures certain institutional agencies must have.

If the agency is an institutional accrediting agency and its accreditation or preaccreditation enables those institutions to obtain eligibility to participate in title IV, HEA programs, the agency must demonstrate that it has established and uses all of the following procedures:

(a) Branch campus. The agency must require the institution to notify the agency if it plans to establish a branch campus and to submit a business plan for the branch campus that describes—

(1) The educational program to be offered at the branch campus; and

(2) The projected revenues and expenditures and cash flow at the branch campus.

(b) Site visits. The agency must undertake a site visit to a new branch campus or following a change of ownership or control as soon as practicable, but no later than six months, after the establishment of that campus or the change of ownership or control.

(c) Teach-out plans and agreements.

(1) The agency must require an institution it accredits to submit a teach-out plan as defined in 34 CFR 600.2 to the agency for approval upon the occurrence of any of the following events:

(i) For a nonprofit or proprietary institution, the Secretary notifies the agency of a determination by the institution's independent auditor expressing doubt about the institution's ability to operate as a going concern or indicating an adverse opinion or a finding of material weakness related to financial stability.

(ii) The agency acts to place the institution on probation or equivalent status.

(iii) The Secretary notifies the agency that the institution is participating in title IV, HEA programs under a provisional program participation agreement and the Secretary has required a teach-out plan as a condition of participation.

(2) The agency must require an institution it accredits or preaccredits to submit a teach-out plan and, if practicable, teach-out agreements (as defined in 34 CFR 600.2) to the agency for approval upon the occurrence of any of the following events:

(i) The Secretary notifies the agency that it has placed the institution on the reimbursement payment method under 34 CFR 668.162(c) or the heightened cash monitoring payment method requiring the Secretary's review of the institution's supporting documentation under 34 CFR 668.162(d)(2).

(ii) The Secretary notifies the agency that the Secretary has initiated an emergency action against an institution, in accordance with section 487(c)(1)(G) of the HEA, or an action to limit, suspend, or terminate an institution participating in any title IV, HEA program, in accordance with section 487(c)(1)(F) of the HEA.

(iii) The agency acts to withdraw, terminate, or suspend the accreditation or preaccreditation of the institution.

(iv) The institution notifies the agency that it intends to cease operations entirely or close a location that provides one hundred percent of at least one program, including if the location is being moved and is considered by the Secretary to be a closed school.

(v) A State licensing or authorizing agency notifies the agency that an institution's license or legal authorization to provide an educational program has been or will be revoked.

(3) The agency must evaluate the teach-out plan to ensure it includes a list of currently enrolled students, academic programs offered by the institution, and the names of other institutions that offer similar programs and that could potentially enter into a teach-out agreement with the institution.

(4) If the agency approves a teach-out plan that includes a program or institution that is accredited by another recognized accrediting agency, it must notify that accrediting agency of its approval.

(5) The agency may require an institution it accredits or preaccredits to enter into a teach-out agreement as part of its teach-out plan.

(6) The agency must require a closing institution to include in its teach-out agreement—

(i) A complete list of students currently enrolled in each program at the institution and the program requirements each student has completed;

(ii) A plan to provide all potentially eligible students with information about how to obtain a closed school discharge and, if applicable, information on State refund policies; (iii) A record retention plan to be provided to all enrolled students that delineates the final disposition of teach-out records (e.g., student transcripts, billing, financial aid records);

(iv) Information on the number and types of credits the teach-out institution is willing to accept prior to the student's enrollment; and

(v) A clear statement to students of the tuition and fees of the educational program and the number and types of credits that will be accepted by the teach-out institution.

(7) The agency must require an institution it accredits or preaccredits that enters into a teach-out agreement, either on its own or at the request of the agency, to submit that teachout agreement for approval. The agency may approve the teachout agreement only if the agreement meets the requirements of 34 CFR 600.2 and this section, is consistent with applicable standards and regulations, and provides for the equitable treatment of students being served by ensuring that the teachout institution—

(i) Has the necessary experience, resources, and support services to provide an educational program that is of acceptable quality and reasonably similar in content, delivery modality, and scheduling to that provided by the institution that is ceasing operations either entirely or at one of its locations; however, while an option via an alternate method of delivery may be made available to students, such an option is not sufficient unless an option via the same method of delivery as the original educational program is also provided;

(ii) Has the capacity to carry out its mission and meet all obligations to existing students; and

(iii) Demonstrates that it—

(A) Can provide students access to the program and services without requiring them to move or travel for substantial distances or durations; and

(B) Will provide students with information about additional charges, if any.

(8) Irrespective of any teach-out plan or signed teach-out agreement, the agency must not permit an institution to serve as a teach-out institution under the following conditions:

(i) The institution is subject to the conditions in paragraph (c)(1) or (2) of this section.

(ii) The institution is under investigation, subject to an action, or being prosecuted for an issue related to academic quality, misrepresentation, fraud, or other severe matters by a law enforcement agency.

(9) The agency is permitted to waive requirements regarding the percentage of credits that must be earned by a student at the institution awarding the educational credential if the student is completing his or her program through a written teach-out agreement or transfer.

(10) The agency must require the institution to provide copies of all notifications from the institution related to the institution's closure or to teach-out options to ensure the information accurately represents students' ability to transfer credits and may require corrections.

(d) Closed institution. If an institution the agency accredits or preaccredits closes without a teach-out plan or agreement, the agency must work with the Department and the appropriate State agency, to the extent feasible, to assist students in finding reasonable opportunities to complete their education without additional charges.

(e) Transfer of credit policies. The accrediting agency must confirm, as part of its review for initial accreditation or preaccreditation, or renewal of accreditation, that the institution has transfer of credit policies that—

(1) Are publicly disclosed in accordance with § 668.43(a)(11); and

(2) Include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.

(f) Agency designations. In its accrediting practice, the agency must—

(1) Adopt and apply the definitions of “branch campus” and “additional location” in 34 CFR 600.2;

(2) On the Secretary's request, conform its designations of an institution's branch campuses and additional locations with the Secretary's if it learns its designations diverge; and

(3) Ensure that it does not accredit or preaccredit an institution comprising fewer than all of the programs, branch campuses, and locations of an institution as certified for title IV participation by the Secretary, except with notice to and permission from the Secretary.

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers for the agency’s standards, policies, and procedures manual(s) related to the requirements of this section, including those related to teach-out plans, branch campuses (as defined by the Department in 600.2), and transfer of credit policies. • One example of an application for, approval of, and site visit report for a branch campus during the recognition period, if applicable. • One example of the application, approval of, and site visit report for a change of ownership, if applicable. • One example demonstrating review of a teach-out plan and of a written teach-out agreement during the recognition period, if applicable. • One example of notification to a recognized agency of the approval of a teach-out plan or agreement, if applicable. • Documentation of the agency’s published definitions of “additional location” and “branch campus.” • One example of the review of transfer of credit policies during the recognition period. • A copy of the agency’s notice to the Secretary and the Secretary’s permission, if the agency has accredited or preaccredited an institution comprising fewer than all of the programs, branch campuses, and locations of an institution as certified for title IV participation by the Secretary. 	<ul style="list-style-type: none"> • Additional examples of branch campus applications, approvals and site visits, if applicable. • Additional examples of change of ownership applications, approvals and site visits, if applicable. • Additional examples of teach-out plans, during the recognition period, if applicable. • Additional examples of notification to recognized agencies during the recognition period, if applicable. • Additional examples of teach-out agreements, during the recognition period, if applicable. • Three examples of the review of transfer of credit policies during the recognition period.

§602.25 Due process.

The agency must demonstrate that the procedures it uses throughout the accrediting process satisfy due process. The agency meets this requirement if the agency does the following:

(a) Provides adequate written specification of its requirements, including clear standards, for an institution or program to be accredited or preaccredited.

(b) Uses procedures that afford an institution or program a reasonable period of time to comply with the agency's requests for information and documents.

(c) Provides written specification of any deficiencies identified at the institution or program examined.

(d) Provides sufficient opportunity for a written response by an institution or program regarding any deficiencies identified by the agency, to be considered by the agency within a time frame determined by the agency, and before any adverse action is taken.

(e) Notifies the institution or program in writing of any adverse accrediting action or an action to place the institution or program on probation or show cause. The notice describes the basis for the action.

(f) Provides an opportunity, upon written request of an institution or program, for the institution or program to appeal any adverse action prior to the action becoming final.

(1) The appeal must take place at a hearing before an appeals panel that--

(i) May not include current members of the agency's decision-making body that took the initial adverse action;

(ii) Is subject to a conflict of interest policy;

(iii) Does not serve only an advisory or procedural role, and has and uses the authority to make the following decisions: To affirm, amend, or remand adverse actions of the original decision-making body; and

(iv) Affirms, amends, or remands the adverse action. A decision to affirm or amend the adverse action is implemented by the appeals panel or by the original decision-making body, at the agency's option; however, in the event of a decision by the appeals panel to remand the adverse action to the original decision-making body for further consideration, the appeals panel must explain the basis for a decision that differs from that of the original decision-making body and the original decision-making body in a remand must act in a manner consistent with the appeals panel's decisions or instructions.

(2) The agency must recognize the right of the institution or program to employ counsel to represent the institution or program during its appeal, including to make any presentation that the agency permits the institution or program to make on its own during the appeal.

(g) The agency notifies the institution or program in writing of the result of its appeal and the basis for that result.

(h) (1) The agency must provide for a process, in accordance with written procedures, through which an institution or program may, before the agency reaches a final adverse action decision, seek review of new financial information if all of the following conditions are met:

(i) The financial information was unavailable to the institution or program until after the decision subject to appeal was made.

(ii) The financial information is significant and bears materially on the financial deficiencies identified by the agency. The criteria of significance and materiality are determined by the agency.

(iii) The only remaining deficiency cited by the agency in support of a final adverse action decision is the institution's or program's failure to meet an agency standard pertaining to finances.

(2) An institution or program may seek the review of new financial information described in paragraph (h)(1) of this section only once and any determination by the agency made with respect to that review does not provide a basis for an appeal.

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers of the agency’s standards, policies and procedures manual(s) related to due process. • An example of the notice required by paragraph (c). • An example of a written response described in paragraph (d). • An example of a notice described in paragraph (e). • An example of an appeal, to include the composition of the panel, the panel decision, written notification of decision, and any subsequent decisions made in response to the appeal panel decision, if applicable. 	<ul style="list-style-type: none"> • Examples of any additional appeals, to include the appeal panel composition, and decisions during the recognition period, if applicable. • Review of adverse actions an agency has taken. • Examples of any reviews of new financial information prior to a final adverse action, if applicable, as documented by the minutes of decision-making bodies or appeal bodies. • A review of any complaints against the agency regarding due process violations, including any suits filed against the agency or any instances of arbitration to resolve such complaints, and the resolution to those complaints.

§602.26 Notification of accrediting decisions.

The agency must demonstrate that it has established and follows written procedures requiring it to provide written notice of its accrediting decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public. The agency meets this requirement if the agency, following its written procedures--

(a) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public no later than 30 days after it makes the decision:

(1) A decision to award initial accreditation or preaccreditation to an institution or program.

(2) A decision to renew an institution's or program's accreditation or preaccreditation;

(b) Provides written notice of a final decision of a probation or equivalent status or an initiated adverse action to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the decision and requires the institution or program to disclose such an action within seven business days of receipt to all current and prospective students;

(c) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the decision, but no later than 30 days after it reaches the decision:

(1) A final decision to deny, withdraw, suspend, revoke, or terminate the accreditation or preaccreditation of an institution or program.

(2) A final decision to take any other adverse action, as defined by the agency, not listed in paragraph (c)(1) of this section;

(d) Provides written notice to the public of the decisions listed in paragraphs (b) and (c) of this section within one business day of its notice to the institution or program;

(e) For any decision listed in paragraph (c) of this section, requires the institution or program to disclose the decision to current and prospective students within seven business days of receipt and makes available to the Secretary, the appropriate State licensing or authorizing agency, and

the public, no later than 60 days after the decision, a brief statement summarizing the reasons for the agency's decision and the official comments that the affected institution or program may wish to make with regard to that decision, or evidence that the affected institution has been offered the opportunity to provide official comment;

(f) Notifies the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and, upon request, the public if an accredited or preaccredited institution or program—

(1) Decides to withdraw voluntarily from accreditation or preaccreditation, within 10 business days of receiving notification from the institution or program that it is withdrawing voluntarily from accreditation or preaccreditation; or

(2) Lets its accreditation or preaccreditation lapse, within 10 business days of the date on which accreditation or preaccreditation lapses.

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers for the agency’s standards, policies and procedures manual(s) related to these criteria. 	<ul style="list-style-type: none"> • Examples of written notices (letter, screenshot of website, etc.) of awarding initial or the renewal of accreditation to the required entities no later than 30 days after making the decision. • Examples of written notice (letter, screenshot of website, etc.) of a final decision of probation or equivalent status or an initiated adverse action to the required entities at the same time as the institution/program to include notice to the public within one business day. • Examples of written notice (letter, screenshot of website, etc.) of a final adverse actions to the required entities at the same time as the institution/program but no later than 30 days after making the decision, to include notice to the public within one business day. • Examples of the agency's adverse action summary and institution/program comments (or documentation of response opportunity) to the required entities within 60 days after the decision. • Examples of written notice of the voluntary withdrawal of an institution/program to the required entities within 10 days of receipt of notification, if applicable. • An example of written notice of accreditation lapse to the required entities within 10 days of the lapse, if applicable.

§602.27 Other information an agency must provide the Department.

(a) The agency must submit to the Department—

(1) A list, updated annually, of its accredited and preaccredited institutions and programs, which may be provided electronically;

(2) A summary of the agency's major accrediting activities during the previous year (an annual data summary), if requested by the Secretary to carry out the Secretary's responsibilities related to this part;

(3) Any proposed change in the agency's policies, procedures, or accreditation or preaccreditation standards that might alter its—

(i) Scope of recognition, except as provided in paragraph (a)(4) of this section; or

(ii) Compliance with the criteria for recognition;

(4) Notification that the agency has expanded its scope of recognition to include distance education or correspondence courses as provided in section 496(a)(4)(B)(i)(I) of the HEA. Such an expansion of scope is effective on the date the Department receives the notification;

(5) The name of any institution or program it accredits that the agency has reason to believe is failing to meet its title IV, HEA program responsibilities or is engaged in fraud or abuse, along with the agency's reasons for concern about the institution or program; and

(6) If the Secretary requests, information that may bear upon an accredited or preaccredited institution's compliance with its title IV, HEA program responsibilities, including the eligibility of the institution or program to participate in title IV, HEA programs.

(b) If an agency has a policy regarding notification to an institution or program of contact with the Department in accordance with paragraph (a)(5) or (6) of this section, it must provide for a case-by-case review of the circumstances surrounding the contact, and the need for the confidentiality of that contact. When the Department determines a compelling need for confidentiality, the agency must consider that contact confidential upon specific request of the Department.

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers of the agency's standards, policies, and procedures manual(s) related to this section. • A report under 602.27(a)(4), if applicable. • An example of a response under 602.27(a)(5), if applicable. • An example of the review required in 602.27(b), if applicable. 	<ul style="list-style-type: none"> • Additional examples related to compliance with 602.27(a)(4) & (5), if applicable. • Additional examples of the review required in 602.27(b), if applicable.

§602.28 Regard for decisions of States and other accrediting agencies.

(a) If the agency is an institutional accrediting agency, it may not accredit or preaccredit institutions that lack legal authorization under applicable State law to provide a program of education beyond the secondary level.

(b) Except as provided in paragraph (c) of this section, the agency may not grant initial or renewed accreditation or preaccreditation to an institution, or a program offered by an institution, if the agency knows, or has reasonable cause to know, that the institution is the subject of--

(1) A pending or final action brought by a State agency to suspend, revoke, withdraw, or terminate the institution's legal authority to provide postsecondary education in the State;

(2) A decision by a recognized agency to deny accreditation or preaccreditation;

(3) A pending or final action brought by a recognized accrediting agency to suspend, revoke, withdraw, or terminate the institution's accreditation or preaccreditation; or

(4) Probation or an equivalent status imposed by a recognized agency.

(c) The agency may grant accreditation or preaccreditation to an institution or program described in paragraph (b) of this section only if it provides to the Secretary, within 30 days of its action, a thorough and reasonable explanation, consistent with its standards, why the action of the other body does not preclude the agency's grant of accreditation or preaccreditation.

(d) If the agency learns that an institution it accredits or preaccredits, or an institution that offers a program it accredits or preaccredits, is the subject of an adverse action by another recognized accrediting agency or has been placed on probation or an equivalent status by another recognized agency, the agency must promptly review its accreditation or preaccreditation of the institution or program to determine if it should also take adverse action or place the institution or program on probation or show cause.

(e) The agency must, upon request, share with other appropriate recognized accrediting agencies and recognized State approval agencies information about the accreditation or preaccreditation status of an institution or program and any adverse actions it has taken against an accredited or preaccredited institution or program.

In Petition	File Review
<ul style="list-style-type: none"> • Page numbers of the agency's accreditation standards, policies or procedures manual(s) related to the requirements of this section. 	<ul style="list-style-type: none"> • Review of files to verify the agency's record of State authorization as required by the Department and the State. • Example of an action an agency took in the event that an institution was not in compliance with State requirements, if applicable. • Examples of any correspondence to the Secretary providing a thorough and reasonable explanation, consistent with its standards, for granting accreditation in the event of a situation described in 602.28(c), if applicable. • Examples of a review conducted by the agency in the event that another recognized accrediting agency took adverse action or placed an institution or program on show cause or probation, or of instances in which, on request, the agency shared information with other agencies about an institution or program it has taken action against. • Examples of agency inquiries during the accreditation or preaccreditation process as to actions taken with respect to the institution or program by States and other recognized accrediting agencies.

Appendix A: Required responses by agency type for 34 CFR 602.10-602.28 (The Secretary's Criteria)

	A	B	C
IF THE AGENCY ACCREDITS *	Institutions For TIV purposes	Institutions & Programs For non-TIV Purposes	Programs only For non-TIV Purposes
§602.10-602.14(a) – Eligibility & Category of the Agency	X	X	X
§602.14(b-e) – Separate and Independent/Joint Use	X	Please see Note on page 8. This requirement is subject to further guidance after a final decision by the Secretary.	Please see Note on page 8. This requirement is subject to further guidance after a final decision by the Secretary.
§602.15(a)(1-2) – Staffing/Representatives	X	X	X
§602.15(a)(3) – Academic and Admin Personnel	X	X	N/A
§602.15(a)(4) – Educators/Practitioners/Employers	N/A**	X	X
§602.15(a)(5)-602.15(b) – Administration	X	X	X
602.16(a)(1)(1-vii)(a)(6) – Required Standards	X	X	X
§602.16(a)(1)(viii) – Program Length	X	N/A	N/A
§602.16(a)(1)(ix) – Student Complaints	X	X	X
§602.16(a)(1)(x) – TIV Responsibilities	X	N/A	N/A
§602.16(a)(2) – Preaccreditation, if applicable	X	X	X
§602.16(b-c) – Institutions Not Participating in TIV	X	N/A	N/A
§602.16(d)-602.16(g) – Distance/Correspondence and Separate Standards, if applicable	X	X	X
602.17(a)-(f) – Application of Standards	X	X	X
§602.17(g) – Distance/Correspondence, if applicable	X	X	N/A
§602.17(g) – Student Privacy and Verification	X	X	X
§602.18 – Consistent Decision-making	X	X	X
§602.19(a)-(c) – Monitoring and reevaluation	X	X	X
§602.19(d-e) – Significant Growth & Headcount	X	X	N/A
§602.20 – Enforcement	X	X	X
§602.21 – Review of Standards	X	X	X
§602.22(a-e) – Substantive Change	X	X – Institutions Only	N/A
§602.22(f-g) – Approval of Additional Locations	X	N/A	N/A
§602.22(h) – New Evaluation	X	X	N/A
§602.23 – Operating procedures	X	X	X
§602.24 – Institutional Accrediting Procedures	X	N/A	N/A
§602.25 – Due Process	X	X	X
§602.26 – Notification of Accrediting Decisions	X	X	X

§602.27(a)(1-4) – Other Information Provided	X	X	X
§602.27(a)(5-6) – Fraud and Abuse	X	N/A	N/A
§602.28(a) – Legal Authorization	X	X	N/A
§602.28(b-e) – Regard for Decisions of Others	X	X	X
*An agency that accredits at least one institution for TIV purposes must use the column A labeled “Institutions – for TIV purposes.”	**An agency that accredits single purpose institutions must address 602.15(A)(4)		