

## U.S. Department of Education Staff Report

to the

Senior Department Official on Recognition Compliance Issues

### Recommendation Page

1. **Agency:** Southern Association Of Colleges and Schools ( 1952 / 2017)  
(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)
2. **Action Item:** Petition for Continued Recognition
3. **Current Scope of Recognition:** The accreditation and preaccreditation ("Candidate for Accreditation") of degree-granting institutions of higher education in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, including the accreditation of educational programs offered via distance and correspondence education within these institutions. The accreditation status of these institutions and their recognition extends to the SACSCOC Board of Trustees and the Appeals Committee of the College Delegate Assembly on cases of initial candidacy or initial accreditation and for continued accreditation or candidacy.
4. **Requested Scope of Recognition:** The accreditation and preaccreditation ("Candidate for Accreditation") of degree-granting institutions of higher education in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, including the accreditation of educational programs offered via distance and correspondence education within these institutions. The accreditation status of these institutions and their recognition extends to the SACSCOC Board of Trustees and the Appeals Committee of the College Delegate Assembly on cases of initial candidacy or initial accreditation and for continued accreditation or candidacy.
5. **Date of Advisory Committee Meeting:** 06/20/2017
6. **Staff Recommendation:** Continue the agency's current recognition and require the agency to come into compliance within 12 months, and submit a compliance report 30 days after the 12 month period that demonstrates the agency's compliance with the issues identified below.
7. **Issues or Problems:** It does not appear that the agency meets the following sections of the Secretary's Criteria for Recognition. These issues are summarized below and discussed in detail under the Summary of Findings section.
  - The agency does not meet the requirements of this section of the criteria. The agency must provide additional explanation and documentation for the missing resumes and Board of Trustee members on the roster. [§602.15(a)(2)]
  - The agency does not meet the requirements of this section of the criteria. The agency needs to provide signed conflict of interest forms of appeals committee and evaluation team members (7-10 of each). [§602.15(a)(6)]
  - The agency does not meet the requirements of this section of the criteria. The agency needs to provide the documents associated with the full cycle of review of the substantive change proposal provided as evidence to demonstrate compliance. The documents should include the agency review of the proposal, recommendations, and decision letters from the decision making bodies. [§602.22(a)(1)]

### Executive Summary

#### PART I: GENERAL INFORMATION ABOUT THE AGENCY

The Southern Association of Colleges and Schools, Commission on Colleges (SACS or agency), is a regional institutional accreditor. SACS accredits or preaccredits ("Candidate for Accreditation") 794 degree-granting institutions of higher education in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, including distance and correspondence education programs offered at those institutions.

Over 98% of the 794 institutions accredited by the Commission rely on the agency's continued recognition by the U.S. Department of Education for access to Title IV, HEA programs.

During this recognition period, the Department received 3 third-party comments and 2 complaints.

## **Recognition History**

SACS appeared on the initial list of nationally recognized accrediting agencies published by the U.S. Office of Education in 1952. The agency's recognition has been periodically reviewed and continued recognition has been granted after each review.

The agency's last review for continued recognition was in 2012, which resulted in the agency having to submit a compliance report regarding four outstanding issues. The agency's compliance report submission was reviewed in 2014, which resulted in the agency's continued recognition for a period of 3 years. The agency's review for continued recognition is the subject of this analysis.

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### **PART II: SUMMARY OF FINDINGS**

#### **602.15 Administrative and fiscal responsibilities**

**(2) Competent and knowledgeable individuals, qualified by education and 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 education;**

The agency is comprised of the College Delegate Assembly, Appeals Committee, Board of Trustees, Executive Council and the Committees on Compliance and Reports as outlined in the Resource Manual for the Principles of Accreditation (exhibit 14), Handbook for Review Committees (exhibit 13), the Handbook for the Committees on Compliance and Reports (exhibit 25), and the Appeals Committee Procedures (exhibit 28). The responsibility for administering the accreditation process is vested in the off and on-site review committees, the committee on compliance and reports, executive council of the Board, and the Board of Trustees, who takes final action. The agency requires institutions seeking initial or renewed accreditation status to undergo layers of review.

The Board of Trustees consist of seventy-seven (77) members who make final decisions in determining institutional compliance with standards for initial or reaffirmation of accreditation (exhibits 11 and 25). The members of the Board of Trustees are elected by the College Delegate Assembly, which is comprised of one voting representative from each of the agency's approximately 800 accredited member institutions. The Board also includes two branches of review, the executive council and the compliance and reports committees, both comprised of Board of Trustee members. The agency has provided agendas and accompanying materials documenting the orientation and training of the decision-makers for the agency to ensure understanding of policies, procedures and standards while in their perspective roles (exhibits 17-26). The agency's scope of recognition includes the evaluation of distance education and correspondence education, which is also included in the training materials for the Board members (exhibit 31). However, the agency has not provided CVs for its Board of Trustees to demonstrate that the qualifications of the decision-makers to execute the roles and responsibilities outlined in the agency's policies and procedures are met.

The agency's institutional review teams consist of an off-site reaffirmation committee and an on-site review committee. The off-site reaffirmation committee is composed of a chair and evaluators for finance, institutional effectiveness, organization and administration, student support services, learning support services, and two or more evaluators for educational programs depending on the size and complexity of the institutions. The on-site review Committee is composed of a chair and evaluators in the areas of organization and governance, faculty, educational programs, and student support or library. The agency policies and procedures identify the aforementioned compositions of the off and on-site review committees demonstrating adherence to the requirements for the criteria, however, reaffirmation reports provided as evidence in the subsequent sections do not include site team members and their areas of expertise for analysis. The agency has also included standards and training materials demonstrating an extensive review of agency requirements, as well as the role of evaluators who will review the application of standards, policies, procedures, and requirements during off and on-site evaluations (exhibits 10-11 and 13-23). Exhibit 31 provides specific guidance and training on the review of distance and correspondence education which is provided to all participating in accreditation activities for the agency.

An appeal's committee is also in place for institution's requesting review of accreditation actions (exhibit 28). The appeals committee consists of twelve members who have served on the Commission's Board of Trustees which include eight chief executive officers, two faculty/academic personnel, and two public members. The members of the appeals committee are elected by the College Delegate Assembly, which is comprised of one voting representative from each of the agency's accredited member institutions. The appeals committee allows an applicant, candidate, and member institutions to appeal adverse decisions (exhibits 11 and 28). However, the agency has not provided CVs for appeals committee members to demonstrate the qualifications of these decision-makers to ensure the academic, administrator and public member requirements are met for the criteria.

#### **Analyst Remarks to Response:**

In response to the draft staff analysis the agency has provided additional documentation. In particular, the agency has provided biographical sketches, resumes, curriculum vitae's and a roster for the Appeals Committee members (exhibits E and analyst upload of exhibit 10). In addition, the agency provided biographical sketches, resumes, curriculum vitae's and a roster for some of the Board of Trustee members (exhibits D and analyst upload of exhibits 9 parts 1-3). The agency attests that there are 77 Board of Trustee members; however the agency has not provided a roster and resumes for all 77 Board of Trustee members.

**(6) Clear and effective controls against 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**

The agency's policy documents for ethical obligations of Board of Trustee members and evaluators, along with the appeals committee procedures, demonstrates there are controls in place at the agency to safeguard against conflicts of interest or the appearance of a conflict of interest by evaluators, staff and decision making bodies (exhibits 10, 26, and 28). Some examples of conflicts of interest for evaluators, staff and decision making bodies include, being employed within a state where the parent campus of the institution is located; has been a candidate for employment at the institution within the last ten years; is a graduate of the institution; is a stockholder or board member of the institution; and is a Board of Trustee member and has been invited to serve as chair or member of an evaluation committee scheduled to review the institution of another Board member. The agency policy also addresses conflict of interest and undue influence of an evaluator.

The agency handbooks for institutions seeking reaffirmation and for review committees also identify procedures for conflicts of interest and recusals (exhibits 13 and 53). The agency has provided signed conflict of interest forms of an administrative staff member and Board of Trustee member included in the organizational chart and roster provided as evidence (exhibits 1, 27, 49 and 51). However, the signed conflict of interest form of the appeals committee member included as evidence (exhibit 50) is not of a current member per the roster provided in exhibit 30. The agency has also not provided a current signed conflict of interest form from an evaluation team member and a public representative for review.

Upon notification of an upcoming appeal, the agency policy for conflict of interest, or the appearance of conflict of interest, applied to members of the appeals committee, requires recusal if the Committee member (1) is employed within a state where the parent campus of the institution is located, (2) has voted on the accreditation status of the institution-either during the SACSCOC Board meeting or the meetings of the Committees on Compliance and Reports-at any time leading to the appealable decision, or (3) has served as a member of the site team which visited the institution and resulted in a committee report at any time leading to the appealable decision (exhibit 28). However, the agency did not provide evidence of a recusal, indicate that no recusal has been necessary during this recognition period, or indicate how such recusals were handled as evidence.

**Analyst Remarks to Response:**

In response to the draft staff analysis, the agency provided additional explanation and documentation. In particular, the agency provided additional explanation on how conflicts of interest and recusals for appeals committee and Board of Trustee members are handled in relation to agency policies on ethical obligations and appeals committee procedures (exhibits 17I, 19J, and 21K). The agency also provided a sample of signed recusal forms for Board of Trustee members (exhibit 20) which includes email correspondence demonstrating how recusals, once identified, are handled by the agency. However, the agency only submitted email exchanges as evidence for the appeals committee recusals and conflicts of interest without signed documents authenticating the members' emailed attestation (exhibit 18). The site evaluators' recusals and conflicts of interests are also handled via email without signed authenticated attestations (exhibits 22).

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**602.22 Substantive change.**

**The agency meets this requirement if--**

**(1) 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**

The agency provided the policies, procedures and good practices for institutions seeking approvals of substantive changes demonstrating adherence to the Secretary's criteria. Specifically, the agency provided the substantive change policy and definition for agency accredited institutions, which requires institutions to notify the agency of changes in a timely manner prior to the initiation of the changes, since approval is required. The agency also provides a policy statement on institutional mergers, consolidations, change of ownership, acquisitions, along with change of governance, control, form, or legal status of an institution in addition to complying with the agency requirements for reporting of the agency defined types of substantive requests from the institution. Lastly, policies and procedures related to good practices for institutions seeking to close a program, site, branch, or institution, which includes the options to consider for such requests (exhibits 80, 81, and 83) has been included by the agency to advise institution on best practices and ensure the substantive change does not adversely affect the capacity of the institution to continue to meet the agency's standards.

The agency has provided a portion of an application for a member institution seeking accreditation at a different degree level, redacted minutes of substantive change discussions by the agency's Committee on Compliance Reports; and letters of notification approving and denying substantive change request (exhibits 83-85). However, the agency has not provided evidence of a full cycle of review for institutions substantive change requests for Department staff to analyze. Evidence of a full cycle of review would include the initial substantive change request identifying the type of change, agency review, recommendations and decision letters from the decision making body for substantive change.

**Analyst Remarks to Response:**

In response to the draft analysis, the agency provided additional explanation and documentation in an attempt to address Department staff concerns. In particular, the agency provided two examples of substantive changes (exhibit 54 and Analyst upload). The exhibit 54 demonstrates a program level substantive change. The full cycle of review includes the proposal presented to the agency for the change; the agency response with follow up instructions for additional information and review; the institutions return of the requested documents; and Board approval from the agency. However, the Analyst upload only includes the substantive change proposal from the four agency accredited institutions that will merge/consolidate; no additional information, such as, agency acceptance, site evaluation report, and/or Board decision letters are included for analysis.

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**PART III: THIRD PARTY COMMENTS**

**Staff Analysis of 3rd Party Written Comments**

The Department has received three third-party comments pertaining to the renewal of recognition for the agency. Two of the comments raise concerns with the Secretary's criteria (602.18(b)) and agency requirements for the consistent and adequate enforcement of standards, with respect to Everglades College and Keiser University. The Department's Performance Data by Accreditor spreadsheet demonstrated failing financial responsibility composite scores for Everglades University prior to the agency's renewal petition submission, which prompted the Accreditation Group to request additional information on the financial health and oversight of Everglades University. The agency provided additional information that revealed Everglades College, which is not accredited by the agency, serves as the corporate entity that owns Everglades and Keiser University, who are accredited by the agency. However, Department staff has requested additional evidence from the agency concerning adherence to the Secretary's criteria and the agency's policies, procedures, and standard requirements for further compliance review. In addition to the above concerns, one of the aforementioned commenters requests the recusal of the Chair of NACIQI, due to conflicts of interests associated with their professional association with Everglades College and Keiser University. However, this request is outside the confines of the scope of recognition review. This information will be forwarded to the Executive Director for the NACIQI for action.

The third commenter raises concerns regarding the agency's standards on student outcomes, institution performance, and Board member representation under federal regulations. The concerns, are related to the following criteria: student achievement 602.16(a)(1)(i), Separate and Independent status 602.14(b), 602.15(a)(5) Public Representatives, and 602.15(a)(6) Conflict of Interest. The agency's accreditation standards, has been reviewed by the Department and additional evidence has been requested from the agency. It should be noted that the Higher Education Act, as amended, Section 496 states "Nothing in this Act shall be construed to permit the Secretary to establish criteria for accrediting agencies or associations that are not required by this section. Nothing in this Act shall be construed to prohibit or limit any accrediting agency or association from adopting additional standards not provided for in this section. Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement." However, the Department invites the agency to respond to the third party commenters in the corresponding sections of their petition response.