

Name: Academy of Nutrition and Dietetics, Accreditation Council for Education in Nutrition and Dietetics	Meeting Date: 05/22/2018	Response Submit Date: 04/11/2018	Status: Final Review	Type: Renewal Petition
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U.S. Department of Education

Staff Report

to the

Senior Department Official

on

Recognition Compliance Issues

Recommendation Page

1. **Agency:** Academy of Nutrition and Dietetics, Accreditation Council for Education in Nutrition and Dietetics
2. **Action Item:** Renewal Petition
3. **Current Scope of Recognition:** The accreditation and pre-accreditation, within the United States, of Didactic and Coordinated Programs in Dietetics at both the undergraduate and graduate level, postbaccalaureate Dietetic Internships, and Dietetic Technician Programs at the associate degree level and for its accreditation of such programs offered via distance education.
4. **Requested Scope of Recognition:** Same as above.
5. **Date of Advisory Committee Meeting:** May 22, 2018
6. **Staff Recommendation:** Renew the agency's recognition for five years.
7. **Issues or Problems:** None.

Executive Summary

Part I: General Information About The Agency

The Academy of Nutrition and Dietetics, Accreditation Council for Education in Nutrition and Dietetics (ACEND), accredits Didactic and Coordinated Programs in Dietetics at both the undergraduate and graduate levels, Dietetic Internships at the post-baccalaureate level, and Dietetic Technician Programs at the associate degree level; accreditation of these programs extends to distance education. As of the date of its renewal petition submission, ACEND accredited 60 Coordinated Programs, 223 Didactic Programs, 248 post-baccalaureate Dietetic Internships, and 42 Dietetic Technician Programs.

ACEND is a specialized accreditor; it is the sole accreditor of certain post-baccalaureate Dietetic Internships sponsored by academic medical centers and health care facilities. These internships are eligible to participate in Title IV, Higher Education Act (HEA) Programs. However, most programs accredited by ACEND are located within an institution that is accredited by another nationally recognized accrediting agency and are eligible to participate in programs offered by the Department of Health and Human Services.

The agency currently receives a waiver of the Secretary's "separate and independent" requirements, wherein the Department received 1 complaint for the agency during this recognition period, in reference to this waiver, which is discussed in the following criterion: 602.14(d)(e) "separate and independent." The agency also received a third party comment, which is discussed in the third party comment section of the petition and 602.14(d)(e) as well.

Recognition History

The American Dietetic Association was first listed in 1974 as the accrediting agency for Dietetic Internships and Coordinated Undergraduate Programs in Dietetics. In 1995, the ADA established the Commission on Accreditation/Approval for Dietetics Education (CAADE) as its accrediting unit. In 1999, the CAADE consolidated its accreditation and approval processes and became the Commission on Accreditation for Dietetics Education (CADE), and in January 2012 the Academy and the Commission changed their names to the current, "Academy of Nutrition and Dietetics," and the "Accreditation Council for Education in Nutrition and Dietetics" (ACEND).

ACEND was last reviewed for recognition in December 2012. At that time, the Senior Department Official required the agency to

come into compliance within 12 months, and submit a compliance report that demonstrates the agency's compliance with the issues identified in the staff analysis. The agency's compliance report submission was reviewed at the Fall 2014 NACIQI meeting, 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.

Part II: Summary Of Findings

The agency meets the requirements of the Secretary's Criteria for Recognition.

Part III: Third Party Comments

Staff Analysis of 3rd Party Written Comments

There is no Staff Analysis of 3rd Party Written Comments

Agency Response to 3rd Party Comments

ACEND's response to the third party comment is included in the attached file, which has a response letter and attachments. The response details ACEND's compliance with §602.14(b)(1) and §602.21(b)(c), the criteria cited in the public comment.

Staff Analysis of Agency Response to 3rd Party Comments

Note: For the draft staff analysis, Department staff's analysis of the third-party comments was included in the applicable section of the Criteria for Recognition (602.14). Department staff also uploaded several attachments (not normally submitted with comments) that accompanied the third party comment. In addition, the attachments contained accrediting agency/personnel information which required department staff to redact Personal Identifiable Information (PII) prior to uploading as part of the draft staff analysis, however, all documentation was provided to the agency for review at the time of the release of the draft. In addition, due to technical limitation the attachments were uploaded as three separate documents which the system displays as three additional comments indicating four comments in total. In actuality, there is only one third-party comment with attachments.

The agency was provided the third party comment and its attachments via email March 12, 2018; which is the same date the Draft Staff Analyses were distributed to all agencies under review for the upcoming Spring 2018 NACIQI meeting. Department staff determined that the third party comment related more to 602.14 (d) and (e), since the agency attested that "There have been no changes to our agency's policies and/or practices since our last NACIQI review (of a petition and/or compliance report) that could bring our agency into noncompliance with any of the requirements of this section of the Secretary's Criteria for Recognition" in the 602.14(d)(2). Department staff found the agency adhered to the criteria, based upon the narrative response and supplementary documentation provided in its original petition. However, Department staff did determine that the agency needed to address the "separate and independent" requirement (d)(2) and the role of the Executive Director with the parent organization, the Academy, and ACEND prior to rendering a final decision on compliance which was a concern of the commenter.

Specifically, the third party comment alleges that the agency's Executive Director is paid as an employee of the Academy of Nutrition and Dietetics and unable to allow the agency to function as an autonomous accrediting agency. Additionally, the third party commenter provided a tax form as evidence to support its claim. However, the agency draft response includes a letter from the Academy CEO and CFO describing the tax and accounting practices of the Academy to address the third party commenter's concerns about the agency's finances, which explains that the agency finances are included as part of the Academy's tax filing, per the IRS tax code requirement that the Academy report on all entities within the corporation on one tax form; and the agency is legally part of the Academy corporation. The agency then provided the Academy's Bylaw's, the MOU with the Academy, along with the agency's policies and procedures manual that confirm that the agency functions separately and independently from the Academy. Lastly, the third party commenter alleged that the Executive Director receives direction by the Academy. However, the agency attests that the Executive Director, who is not a member of the Board, receives direction from the Board and provided the policy and procedure manual of the agency, which identifies the roles, responsibilities, composition, and selection process of the agency's Board members and the roles and responsibilities of the Executive Director.

For 602.21 (b) and (c), the agency attests that "There have been no changes to our agency's policies and/or practices since our last NACIQI review (of a petition and/or compliance report) that could bring our agency into noncompliance with any of the requirements of this section of the Secretary's Criteria for Recognition," which has been deemed compliant by Department staff since the issues raised in the third party comment documents do not reflect changes made to the agency standards for this criteria. However, Department staff did request the agency to provide a response, within the third party comment section of the petition, to the commenter's concerns, complaints and documentation.

In particular, the third party commenter provided documents, including draft reviews of the future education model with documented questions, concerns, and records of the discussions; surveys and their results; and email discussions and preliminary findings on this future education model with the agency. The third party commenter attests that the evidence provided demonstrates the tremendous efforts that have been made to engage and dissuade the agency from pursuing many aspects of the proposed future education model without meaningful and substantial consideration of the many flaws associated with the model.

Based on the information provided in reference to 602.21 (b) and (c) by the third party commenter, it appears that the comments are actually complaints against the agency and its preliminary plans for implementing the future education model. It is unclear, based upon the nature of the comments, if the commenter has utilized the agency's complaint policy and procedures prior to articulating these concerns directly to the Department. The Department does not typically commence a review of an agency complaint unless and until a complainant exhausts the agency's published complaint procedures. However, the agency has provided a response to each of the third party commenters concerns in their attached third party comment response. Department staff finds the agency compliant with the agency's use of the required attestation for 602.21 (b) and (c).