



The Higher Learning Commission

A Commission of the  
North Central Association  
of Colleges and Schools



30 North LaSalle Street, Suite 2400 | Chicago, IL 60602 | 312-263-0456  
800-621-7440 | Fax: 312-263-7462 | [www.ncahlc.org](http://www.ncahlc.org)

Serving the common good by assuring and advancing the quality of higher learning

July 2, 2010

Dr. Sherry Allison, President  
Southwestern Indian Polytechnic Institute  
P.O. Box 10146  
Albuquerque, NM 87184

Dear President Allison:

This letter is formal notification of the action concerning Southwestern Indian Polytechnic Institute (“the Institute” or “SIPI”) taken by the Higher Learning Commission Board of Trustees (“the Board”). At the Board’s meeting on June 24-25, 2010, the Board voted to withdraw accreditation from Southwestern Indian Polytechnic Institute but also to grant candidate for accreditation status to the institution. In taking this action the Board considered materials related to the evaluation visit to the Institute on December 7-9, 2009 including: the institution’s Self-Study Report; the Report of an Evaluation Visit to SIPI; the Review Committee Report of May 10, 2010; institutional responses to these items; and the record of the Board Committee Hearing held on June 3, 2010 as well as other materials filed by the institution subsequent to that hearing.

In taking this action, the Board determined that, although the Institute no longer meets the Criteria for Accreditation as outlined in this letter, the Institute retains its presumption of meeting the Eligibility Requirements. Additionally, the Board found that the plan put forward by the Institute demonstrates a pattern of evidence that indicates the institution is likely to meet the Criteria for Accreditation within the maximum four-year period allowed by Commission policy for candidacy. Finally, the Board in taking this action noted the high degree of commitment demonstrated by institutional representatives to the historic mission of the institution and to students as well as to improving operations and noted the credible plans put forward by the institution with the support of the Bureau of Indian Education for remediation of the institution’s significant issues.

The Board set the candidacy period at a minimum of one year. The Board determined the effective date for this action as the close of the summer semester 2010 or August 31, 2010, whichever comes first. It also voted to require that the Institute host a comprehensive evaluation visit in spring 2011 to determine that it continues to meet the Eligibility Requirements and is making reasonable progress towards meeting the Criteria for Accreditation and assembling the specific evidence identified in this letter that the institution must provide to demonstrate that it merits accreditation.



In taking the action to withdraw accreditation, the Board identified serious non-compliance issues that include the following:

Criterion One, “the institution operates with integrity to ensure the fulfillment of its mission through structures and processes that involve the board, administration, faculty, staff, and students,” particularly Core Component 1.d, “the institution’s governance and administrative structures promote effective leadership and support collaborative processes that enable the institution to fulfill its mission,” and Core Component 1.e, “the institution upholds and protects its integrity,” for the following reasons:

- the complicated relationship between the Bureau of Indian Education (“BIE”), the SIPI Board of Regents, the President, senior leadership and faculty has led to failures at the operational level in responding to the concerns of the last evaluation team and moving forward important initiatives related to planning, program review, and assessment (Core Component 1.d.);
- the pattern of oversight of the College related to funding wherein SIPI is administered by the Bureau of Indian Education, which is responsible for academic oversight and some facilities, and the Bureau of Indian Affairs Office of Facilities Management and Construction, which is responsible for some facilities, disaggregates funding and further attenuates responsibility across structures in the Department of the Interior (Core Component 1.d.);
- the bureaucratic oversight patterns have led to extended delays in program approval, fiscal management, and hiring additional personnel, including a situation where no new employees could be hired for a period of time because the institution was remedying a back-pay problem caused by an attempt to revise the federal personnel structure in use at SIPI (Core Component 1.d.);
- the college has had four presidents and four interim presidents in the past ten years, which is a pattern of turnover that has failed to provide stable, long-term leadership for the college (Core Component 1.d.);
- college staffing is limited (at the time of the team visit there were just three administrators) and there are a number of interim positions as well as faculty positions still vacant, which remain vacant until position descriptions can be finalized through the federal structure (Core Component 1.d.);
- while the Bureau of Indian Affairs has begun to provide more support and acknowledge some of these issues, and a new president has taken over leadership of the college, the current structure does not provide the depth and breadth to develop and implement appropriate policies and procedures and improvement plans effectively to enable it to fulfill its mission as a college (Core Component 1.d.);
- the institution presented the program review document of another institution as SIPI’s own document and, while it cited the document’s author in institutional materials, did not appreciate that it should not have represented such a document as its own (Core Component 1.e.);



- the institution also presented the strategic plan as its own planning document, which was later revealed to have been provided as a strategic planning framework by a consultant (Core Component 1.e.)
- supporting documents were not organized and readily available to the Commission's evaluation team, and plans such as the Program Evaluation Plan, etc. were implemented before the college community was adequately informed (Core Component 1.e.) .

Criterion Two, "the institution's allocation of resources and its processes for evaluation and planning demonstrate its capacity to fulfill its mission, improve the quality of its education, and respond to future challenges and opportunities," particularly Core Component 2.a., "the organization realistically prepares for a future shaped by multiple societal and economic trends," 2.b., "the institution's resource base supports its educational programs and its plans for maintaining and strengthening their quality in the future," 2.c., "the organization's assessment evaluation and assessment processes provide reliable evidence of institutional effectiveness that clearly informs strategies for continuous improvement, and 2.d., "all levels of planning align with the organization's mission, thereby enhancing its capacity to fulfill its mission," for the following reasons:

- although the institution has expressed a willingness to complete the strategic plan, it remains incomplete and is not guiding decision-making (Core Components 2.a. and 2.d. );
- the institution is not currently collecting appropriate academic and outcomes data to become better informed about the success of the organization and is not making decisions based on such data (Core Components 2.a. and 2.c.);
- the institution lacks adequate internal structures for review, planning and oversight of its financial and other resources and for allocating such resources for the future (Core Components 2.a. and 2.b.);
- while the institution is included in a consolidated audit of the Department of the Interior and is accountable for its finances within the system used at the Department of Interior, the institution has been unable to provide to the Commission externally-validated evidence of its own internal finances and appears not to be using such information to support its financial management and internal accountability on an ongoing basis (Core Components 2.a. and 2.b.);
- while the institution has developed a plan for a college budget committee that includes representation from across the campus, the college is not currently preparing its own budgets internally including information and structures appropriate for a college budget and is not using the budget as a basis for planning so that it knows what its resources and reserves are for the future (Core Components 2.a., 2.b., and 2.d.);
- the institution currently lacks an institutional research office or function to gather or assemble data or prepare institutional reports, and the institution is not utilizing data in its decision-making (Core Component 2.c.);
- the assessment plan is still a nascent document (Core Component 2.c.);



- the institution has plans to hire an institutional researcher and to begin to conduct ongoing planning based on institutional research, assessment and data, but the institution has had such plans since its required progress report in 2002 and has made little progress (Core Component 2.c. and 2.d.).

Criterion Three, “the organization provides evidence of student learning and teaching effectiveness that demonstrates it is fulfilling its educational mission,” particularly Core Component 3.a., “the organization’s goals for student learning outcomes are clearly stated for each educational program and make effective assessment possible,” for the following reasons:

- while three educational programs may have established learning goals and processes for assessment, a majority of the educational programs lack assessable or stated learning outcomes and effective assessment of these programs is not taking place, nor is outcome data being used to enhance student learning even in those programs in which some assessment is occurring;
- while SIPI participates in the New Mexico Higher Education Department assessment reporting which is linked to state learning outcomes, SIPI has not established its own general education learning goals and is not assessing the learning of its students against these goals;
- the institution filed a progress report with the Commission regarding its assessment planning in 2002, but none of the plans outlined in the progress report have been implemented so assessment remains in a very beginning state at the institution;
- the institution adopted a program review protocol from another community college but has not appropriately modified the plan for use at SIPI, and, although some programs may be participating in program review driven by an external agency (e.g. accredited by specialized business accreditor American Assembly of Collegiate Schools of Business), no program review protocol has been adopted across the institution;
- evidence from assessment results is not being used for decision-making or curricular change in academic affairs.

Criterion Four, “the organization promotes a life of learning for its faculty, administration, staff and students by fostering and supporting inquiry, creativity, practice, and social responsibility in ways consistent with its mission,” particularly Core Component 4.c., “the organization assesses the usefulness of its curricula to students who will live and work in a global, diverse, and technological society,” for the following reasons:

- the institution is not conducting a program review or assessment of student learning outcomes systematically across the institution so that it can be knowledgeable about the usefulness of its programs;
- academic programs with external advisory committees lack clear protocols to provide input based on data analysis to inform the review of the usefulness of information provided in the curriculum.



In addition to demonstrating that the institution continues to meet the Eligibility Requirements and is making reasonable progress towards meeting the Criteria for Accreditation at the time of the comprehensive evaluation in spring 2011, the Institute should also demonstrate progress assembling the particular evidence noted below related to the reasons for withdrawal of accreditation, which must be complete and in final form when the institution applies for accreditation:

Information related to demonstrating compliance with Criterion One, Core Components c and d:

- 1) organizational documents that outline the authority the Board of Regents, the President, senior leadership, identified officials at the Bureau of Indian Education and at the Bureau of Indian Affairs and provide clear authority to Institute officials to make appropriate decisions to manage the Institute;
- 2) Board and committee minutes that provide evidence that Regents, the President and senior administrators are exercising their authority and function as outlined in the organizational documents;
- 3) evidence that federal position descriptions have been completed and that a hiring plan is moving forward to assure that the college administration is appropriately staffed;
- 4) evidence that the college has appropriately developed and implemented appropriate procedures for storing student records and is making appropriate use of models for planning, program review and assessment acquired from other entities.

Information related to demonstrating compliance with Criterion Two, Core Components a-d:

- 1) the Institute's completed strategic plan and evidence that the plan is beginning to guide decision-making;
- 2) evidence that the Institute has hired an institutional researcher and is collecting and analyzing appropriate academic and other outcomes data to become better informed about the success of the organization and is making decisions based on such data;
- 3) evidence that the Institute has appropriate internal financial documents that identify its financial resources and that it has a budget for the next fiscal year with appropriate planning and structures to develop budgets for future fiscal years;
- 4) evidence that the Institute is moving forward with a plan for assembling an external audit of the institution's finances to take place within the next year and that the plan provides for such information to be used for financial management and internal accountability on an ongoing basis;
- 5) evidence that the institution is using the plan in its decision-making and has begun implementation of the plan.



Information related to demonstrating compliance with Criterion Three, Core Component 3.a.:

- 1) clearly and publicly articulated learning goals for all educational programs and for general education that provide a framework for assessment;
- 2) evidence that the Institute is not only implementing its completed assessment plan (see Criterion 2) but has begun to receive and analyze assessment data within a feedback mechanism leading to curricular improvement that is identified in the assessment plan;
- 3) a program review document, developed by the Institute, outlining how program review is taking place across the academic programs and evidence that the plan is being implemented.

Information related to demonstrating compliance with Criterion Four, Core Component 4.c.:

- 1) evidence that the institution is receiving information from assessment and program review to document the usefulness to students of its educational programs;
- 2) clear protocols for external advisory committees to provide input based on data analysis to inform the review of the usefulness of the curriculum and evidence of the implementation of those protocols.

Commission policy 12.2(c), *Institutional Obligations Under Sanction, Show-Cause, Withdrawal or Denial*, requires that an institution that has received an action for withdrawal of accreditation inform its Board, administrators, faculty, staff, students, including prospective students, and other campus constituencies about this change in the accreditation relationship and how to contact the Commission for information about the change. I ask that you copy your staff liaison, Dr. Andrew Lootens-White, on communications with campus constituents regarding this action and provide him with a link to information on the Institute's website and samples of related disclosures.

Additionally, Commission policy 2.5(c)1, *Public Disclosure Notices in Adverse Actions, Sanctions, and Related Actions*, requires that the Commission issue a Public Disclosure Notice regarding the action. The enclosed Public Disclosure Notice will be posted to the Commission website 24 hours after you receive this letter. In accordance with Commission policy and federal regulations, the U.S. Department of Education is receiving a copy of this letter simultaneously.

Although the Institute agreed to accept candidate status if awarded by the Commission and thereby not to appeal the Commission's awarding of candidacy under its policies, the institution nevertheless retains the right to appeal the underlying withdrawal decision. I enclose a copy of The Higher Learning Commission's Appeals Policy and Procedure for your information. This document explains in detail the Commission's appeals process, which you must follow carefully if the institution determines to appeal the withdrawal action. We will provide further information and instructions regarding the appeals process if the institution elects to explore its options in this area.



Please contact Dr. Lootens-White if you have questions about any of the information in this letter. You should also provide him as soon as possible with information about the dates for your summer session. Finally, you will need to work with him to ensure that students close to graduation who may need to complete their education at an accredited institution have the opportunity to do so and that the Commission reviews and approves these arrangements as soon as possible.

On behalf of the Board of Trustees, I thank you and your associates for your cooperation.

Sincerely,

*Sylvia Manning*

Sylvia Manning  
President

Enclosures: Public Disclosure Notice  
Statement of Affiliation Status  
Organizational Profile  
Appeals Policy and Procedure

cc: Chair of the Board of Southwestern Indian Polytechnic Institute  
Stephanie Birdwell, Bureau of Indian Education  
Kay Gilcher, Director, Accreditation and State Liaison, Office of Postsecondary  
Education, U.S. Department of Education



## **Public Disclosure Notice on Southwestern Indian Polytechnic Institute** July 3, 2010

This public information is provided by the Higher Learning Commission regarding Southwestern Indian Polytechnic Institute to assist current and prospective students and other individuals seeking information about the accreditation status of the institution. The Higher Learning Commission is the regional accrediting agency that accredits organizations of higher learning in the 19 states of the North Central region.

### **What is the accreditation status of Southwestern Indian Polytechnic Institute?**

Southwestern Indian Polytechnic Institute, or SIPI, is a candidate for accreditation with the Higher Learning Commission. The Commission's Board of Trustees acted to withdraw accreditation and grant the institution candidate status with the Commission after it found that the institution no longer met the Criteria for Accreditation but that the institution had put forward plans that indicated it was likely to meet the Criteria for Accreditation within the maximum four-year period allowed by Commission policy for candidacy and otherwise met the requirements of the candidacy program.

### **What is the history of accreditation developments that led to this situation?**

The last comprehensive evaluation visit took place in 2000, with a follow-up focused evaluation in 2002. A December 2009 comprehensive evaluation visit team documented issues with the comprehensiveness and integrity of the self-study process and insufficient progress in addressing two of the five previously identified challenges: program review and assessment. The team also found that several of the Criteria for Accreditation were not met, including Criterion One (Mission and Integrity), particularly Core Components 1.d and 1.e; Criterion Two (Planning for the Future), particularly Core Components 2.a, 2.b, and 2.c; Criterion Three (Student Learning and Effective Teaching), particularly Core Component 3.a; and Criterion Four (Acquisition, Discovery, and Application of Knowledge), particularly Core Components 4.a, 4.c, and 4.d. The May 2010 Review Committee concurred with the team's recommendation to withdraw accreditation on the grounds that all of the above Criteria for Accreditation were not met; however, the Review Committee determined that Core Components 4.a and 4.d required organizational attention but were met. The institution requested, and the Commission conducted, a Board Committee Hearing. The Hearing provided a subcommittee of the Board the opportunity to hear directly from representatives of the institution as well as the team chair and the Review Committee chair. Representatives of the Bureau of Indian Education, Bureau of Indian Affairs and the U.S. Department of the Interior had the opportunity to participate in the hearing in support of the institution.

### **What are the next steps in the accreditation process?**

SIPI will be in candidacy for a minimum of one year. SIPI will host a comprehensive evaluation team visit in Spring 2011 to determine that it continues to meet the Eligibility Requirements and is making reasonable progress toward meeting the Criteria for Accreditation as well as assembling evidence necessary to reestablish its accredited status. The Commission will work with the institution to determine when the institution is ready to host an evaluation visit to evaluate the institution for accreditation. Candidacy is a maximum of four years.

---



## The Higher Learning Commission

30 North LaSalle Street, Suite 2400 | Chicago, Illinois 60602-2504 | 312-263-0456  
800-621-7440 | FAX: 312-263-7462 | www.ncahigherlearningcommission.org

### STATEMENT OF AFFILIATION STATUS

SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE  
P.O. Box 10146  
Albuquerque, NM 87184

*Affiliation Status:* Candidate: 1972; 2010\*  
Accreditation: (1975-2010\*)

PEAQ PARTICIPANT

#### Nature of Organization

*Legal Status:* Public  
*Degrees Awarded:* A

#### Conditions of Affiliation:

*Stipulations on Affiliation Status:* Prior approval required for any new degree program.  
*Approval of New Additional Locations:* Prior Commission approval required.  
*Approval of Distance Education Degrees:* Prior Commission approval required for distance education programs other than the Early Childhood Education program offered through video/CD ROM.  
*Reports Required:* None.  
*Other Visits Scheduled:* None.

#### Summary of Commission Review

*Year of Last Comprehensive Evaluation:* 2009 - 2010  
*Year for Next Comprehensive Evaluation:* 2010 - 2011  
*Date of Last Action:* 06/24/2010

#### Accreditation Notes:

\* Candidacy first granted in 1972; Accredited 1975-2010; status changed to Candidacy in 2010.



## ORGANIZATIONAL PROFILE

SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE

P.O. Box 10146

Albuquerque, NM 87184

### Enrollment Demographics (by headcount) (HLC Posted: 04/22/2010)

	<u>Full-Time</u>	<u>Part-Time</u>
Undergraduate:	501	134
Graduate:	0	0

### Educational Programs (HLC Posted: 04/22/2010)

		<u>Program Distribution</u>	<u>Total Awarded</u>
Leading to Undergraduate degrees:	Associate	20	68
	Bachelors	0	0
Leading to Graduate degrees:	Masters	0	0
	Specialist	0	0
	Doctoral	0	0
Certificate Programs:		10	10

### Dual Enrollment (HLC Posted: 04/22/2010)

Headcount in all dual enrollment (high school) programs 3

### Off-Campus Activities (HLC Posted: 04/22/2010)

In-State:      Campuses:            None  
                  Additional Locations: None  
                  Course Locations:    None

Out-of-State: Campuses:            None  
                  Additional Locations: None  
                  Course Locations:    None

Out-of-U.S.: Campuses:            None  
                  Additional Locations: None  
                  Course Locations:    None

### Distance Education Programs

(HLC Posted: 04/22/2010)

Associate - 13.1210 Early Childhood Education and Teaching (A.A. in Early Childhood Education)  
(Internet;Open broadcast)

### Correspondence Education Programs

(HLC Posted: 04/22/2010)

None



## **INSTITUTIONAL APPEALS**

An institution that has received an action by the Commission's Board of Trustees that denies either candidacy or accreditation or that withdraws candidacy or accreditation may appeal that action. The appeals process is governed by a policy adopted by the Commission's Board of Trustees and an official procedure outlining the steps and materials in the Commission's process.

The Commission develops a public statement about an institution that has received a appealable action that states the action, the reasons for the action, and the next steps in the appeal process. Public statements about specific institutions that have received an action that may be appealed is available in the Commission's database of institutions on this Web site.

### **COMMISSION POLICIES ON APPEALS OF BOARD ACTIONS**

#### **2.6(d) APPEALS BODY AND APPEALS PANEL (Adopted February 2001, revised June 2006, revised February 2009, revised June 2009, revised February 2010)**

An institution may appeal an action of the Board of Trustees, prior to the action becoming a final decision, that denies or withdraws accreditation or candidacy or moves the institution from accredited to candidate status upon the institution filing a written request.

##### **2.6(d)1 GROUNDS FOR APPEAL**

The grounds for such an appeal shall be (a) that the Board's decision was arbitrary, capricious, or not supported by substantial evidence in the record on which the Board took action; or (b) that the procedures used to reach the decision were contrary to the Commission's By-laws, Handbook of Accreditation, or other established policies and practices, and that procedural error prejudiced the Board's consideration. The appeal will be limited to only such evidence as was provided to the Board at the time it made its decision.

##### **2.6(d)2 APPEALS BODY AND APPEALS PANEL**

The Appeals Body will consist of ten persons selected by the Board of Trustees, following the Board's commitments to diversity and public involvement. From the Appeals Body, the President will establish an Appeals Panel of five persons to hear an institutional appeal. Members of the Panel will include no current members of the Board of Trustees nor members of the Board at the time the adverse action was taken; Panel members shall have no apparent conflict of interest as defined in Commission policies that will prevent their fair and objective consideration of the appeal. One member of the Appeals Panel will be a public member, in keeping with Commission requirements for public members on decision-making bodies. Members of the Appeals Panel will receive training prior to the Appeals Panel hearing.

The Panel shall convene on a date no later than 16 weeks from the Board decision under appeal. At least one representative of the public shall serve on each Panel. Where necessary to avoid conflict of interest or in other exceptional circumstances, the President may select individuals outside the Appeals Body as Panel members. One member of the Panel will be

designated as the chair. The President shall notify the institution of the individuals selected for the Panel and shall afford the institution the opportunity to present objections regarding conflict of interest; the President reserves final responsibility and authority for setting all Appeals Panels.

The Board of Trustees shall approve an APPEALS PROCEDURE that identifies the materials for, and sets out the required timetables and procedures of, an appeal. This document will be available on the Commission Web site. Throughout the appeals process, the institution shall have the right to representation of, and participation by, counsel at its own expense.

The Appeals Panel has the authority to make a decision to affirm, amend or reverse the adverse action. The Appeals Panel then remands that decision to the Board of Trustees, which must implement the Appeals Panel's decision regarding the status of the institution in a manner consistent with the decision. The Commission will notify the institution of the result of the appeal and of the final action by the Board of Trustees and the reason for that result.

**2.6(d)3 SUBMISSION OF FINANCIAL INFORMATION SUBSEQUENT TO ADVERSE ACTION (Adopted February 2009, revised February 2010)**

When the Board of Trustees takes an adverse action based solely on or involving financial grounds, the institution shall have an opportunity to submit financial information to the Board of Trustees to be considered prior to the action becoming final. The financial information must be: 1) significant and material to the financial deficiencies cited in the grounds for the adverse action; 2) not available at the time of the adverse action. The institution may submit this material on one occasion only prior to the formal consideration of any appeal filed by the institution. The Board of Trustees will determine at its sole discretion whether the information is significant and material, and, if it is material, whether this information would cause it to take a different action. The Board's decision whether the information is significant and material and whether to continue with its action subsequent to reviewing this material is final and not appealable.

An institution may submit financial information under this policy in addition to filing an appeal or it may submit financial information instead of, or in lieu of, filing an appeal. Should it submit financial information and forego requesting an appeal by the deadline stated in the APPEALS PROCEDURE, it shall also submit a formal waiver in writing of its right to appeal in conjunction with the adverse action.

The APPEALS PROCEDURE identifies the materials for, and sets out the required timetables and procedures of, submission of financial information. This document shall be available on the Commission's Web site.

**2.6(d)4 INSTITUTIONAL CHANGE DURING APPEAL PERIOD (Adopted January 1983, edited October 2003)**

During the period in which an appeal from a decision of the Commission by an institution is under consideration, the institution cannot initiate any change that would by policy require Commission approval.

## COMMISSION PROCEDURE FOR APPEAL OF BOARD ACTIONS

The Appeals Process will consist of the following procedures, timetables, and documents:

### *Institution's Filing of Intent to Appeal*

The institution will file a letter of intent within two weeks of receipt of the official action letter from the Commission. The letter of intent must be filed by certified or expedited mail requiring Commission signature of receipt. The Commission will acknowledge the letter within two business days of receipt and will outline the specific timeline for the appeal.

### *Institution's Filing of the Appellate Document*

The institution will file the appellate document with the Commission within four weeks of receipt of the official action letter from the Commission. The appellate document shall consist of the institution's written argument supporting its appeal along with evidence and other relevant written information that will establish the institution's asserted grounds for appeal.

### *The Commission's Response*

The Commission's written response to the institution's appellate document will be filed by the Commission with the institution within two weeks of receipt of the institution's document.

### *Institution's Filing of the Rebuttal*

The institution's rebuttal, if any, to the Commission's response shall be filed by the institution with the Commission within two weeks of receiving the Commission's response. At this time the institution must submit any other documents, relevant to the grounds for appeal, that it wants made available to the Appeals Panel.

### *Establishing the Appeals Panel*

The Commission will finalize the membership of the Appeals Panel and make the arrangements for the hearing. The Appeals Panel members will be drawn from the Appeals Body, a group of experienced peer reviewers who are not currently Trustees or members of the Institutional Actions Council. At least one of the Appeals Panel members will be a public member as defined in Commission policy. The President of the Commission has the discretion to appoint as Panel members individuals who are not currently members of the Appeals Body; in some cases, such Panel members may not be peer reviewers.

### *The Appeal Hearing*

The Hearing may take place as soon as ten weeks after the official action but no later than sixteen weeks after the official action. The Hearing is conducted according to the protocol outlined below

### *Hearing Protocol*

All documents will be forwarded by the President to the Appeals Panel at least ten working days before the Appeals hearing. The hearing will be conducted by the Appeals Panel at a site and time set by the Commission's President after consultation with the institution. A written record of the hearing, arranged for by the President, will be

## Institutional Appeals: Commission Procedure

---

prepared, and a transcript of the hearing made available to each party at cost. Each party may have legal counsel present to advise and, when recognized by the Chair, to speak on behalf of that party. The institution may present no written evidence or documents at the hearing. The institution's presentation to the Appeals Panel shall be confined to oral statements and responses to questions by Panel members.

### *Findings*

The Appeals Panel may either affirm the Board of Trustees' action or it may amend or reverse the action. If the Appeals Panel acts to affirm the Board of Trustees' action, the action of the Board becomes a final action and shall not be further appealable. If the Appeals Panel amends or reverses, it then remands its decision to the Board of Trustees for implementation in a manner consistent with the outcome of the appeal. The Appeals Panel's decision will become final upon being issued formally to the institution in an action letter. The Appeals Panel will inform the institution and the Board of the Panel findings in writing within two weeks of the hearing.

### OVERVIEW OF THE STEPS OUTLINED ABOVE

Timeline	Party Responsible	Detail
following Board action	Commission	sends institution official Commission or Board action letter
within two weeks of receipt of the action letter	Institution	files a Letter of Intent with the Commission
within two business days of receipt of letter	Commission	acknowledges the Letter of Intent and outlines the timetable for the appeal
within four weeks of receipt of the action letter	Institution	submits its appellate document to the Commission
within two weeks of receipt of the appellate document	Commission	files a response with the institution to the appellate document
within two weeks of receipt of the Commission's response	Institution	submits to the Commission a rebuttal to the Commission's response and any other new materials relevant to the grounds for appeal that the institution wants made available to the Appeals Panel
10 days or more prior to the hearing	Commission	finalizes the Appeals Panel and forwards materials to the Panel
10-16 weeks after the Commission action	Commission and Institution	attend Appeals Hearing
within two weeks after the hearing	Commission	informs the Board and the institution in writing of the Appeals Panel findings

### **Financial Reconsideration Provision**

If the Commission's Board of Trustees took the adverse action based on financial grounds, the institution may submit new financial information in lieu of an appeal OR in addition to an appeal.

#### *Letter of Intent*

The new financial information must be submitted within two weeks of receipt of the official action letter from the Commission. The financial information packet must clearly indicate whether the institution is submitting the information in addition to OR in lieu of an institution's right to appeal. If the institution is submitting the information in lieu of an appeal, the information must clearly state that the institution is waiving its right to appeal and must be signed by the president of the institution or other corporate officer. If the institution is pursuing an appeal in addition to filing financial information, the institution must also file a Letter of Intent and meet all the other deadlines for the appeals process identified in this Procedure and in the Commission's acknowledgement of the Letter of Intent.

#### *Review of Information*

The Commission's Board of Trustees will review the new financial information within four weeks of the Commission's receipt. The Board will determine at that time whether the financial information is new, whether it is material, and whether the information would have caused it to take a different action had it been available at the time of the accrediting decision. If the Board decides against the institution on any of these questions, then the financial reconsideration will conclude and the institution's appeal, if filed, will proceed. If the institution did not file an appeal, the accrediting decision to deny or withdraw status becomes a final action.

#### *Reconsideration or Sustained Action*

If the Board decides affirmatively on each question as identified in the previous paragraph, then any appeal the institution may have filed will be suspended pending formal Board reconsideration of the original accrediting action to deny or withdraw status based on the new financial information. The Board's reconsideration will be concluded no later than eight weeks after receipt of the new financial information by the Commission office. If the Board sustains its original action on the same grounds, with or without the grounds related to finances, the institution must then proceed with its appeal, and the appeals hearing will be conducted within two to four weeks of the institution's receipt of the letter conveying the reconsideration decision. If the institution did not file an appeal, the accrediting decision to deny or withdraw status becomes a final action.

#### *Intent to Appeal Reconsidered Action*

If for any reason the Board in its reconsideration acts to deny or withdraw status on other grounds, not identified in the original action, the institution has two weeks from the date of its receipt of the reconsideration decision to file a Letter of Intent to appeal if it did not previously file an appeal, and the appeals timetable will be set from that reconsideration decision. If the institution has already filed an appeal, it will have two weeks from receipt of the letter conveying the reconsideration decision to revise its appellate document and related materials to address the new grounds, and the appeals timetable will be reset from that reconsideration decision.

If the Board acts in its reconsideration to continue status with monitoring, sanction, or show-cause, rather than denial or withdraw, the decision is not appealable. Any pending institutional appeal regarding the original Commission action to deny or withdraw status will be closed.

**Institutional Fee for Appeals of Board Action**

The fee paid by the institution will be half of the direct expenses of the Appeals Panel hearing. Such expenses will include all costs of conducting and transcribing the hearing and assembling and supporting the panel members. The institution shall include a deposit check in the amount stipulated in the Commission dues and fees schedule when it submits its appeals materials. Subsequent to the hearing, the direct expenses will be tallied and the Commission will bill the institution for its remaining share or will refund any overage as appropriate.

LG0110f