

Proposal for final approval by the COA at their April 13, 2011 meeting, the pertinent sections of Chapter VII dealing with appeal process will be changed as indicated:

Each institution/program appealing an adverse decision as well as the COA may be represented by counsel. The counsel shall be afforded the same rights as would normally be made available to the institution/program or to the COA during the hearing. The counsel shall be authorized to make any presentation that the institution or program itself would be authorized to make. [This change to the appeal process is required by the Department of Education. It actually already is in place but is not presently included in Chapter VII.]

The panel may set time limits on testimony presented by both the appealing institution/program and the COA and may otherwise structure the hearing as it determines most appropriate. [Not required by the Department of Education but reflects present practice and should be included in Chapter VII.]

Prior to the hearing, the COA will provide to the panel members an overview of the ABFSE and COA and the operations of both. A copy of all materials presented to the panel shall also be made available to the institution/program. [This is present practice but not stated in Chapter VII and should be according to Department of Education.]

Communications from the COA and from the appealing institution/program to the panel shall be made through the ABFSE office. The COA Executive Director shall be the contact person for such communications. Each party (i.e., the COA and the appealing institution/program) shall receive copies of all documents submitted by either party. [Not in the Department Education requirements but is present practice and should be in Chapter VII.]

The COA is responsible for implementing the panel decisions. [The U.S. Department of Education asks that it be clear in the agency's policies who (i.e., the panel, the COA, or another body) will implement the panel's decisions. It unrealistic, both time- and expense-wise, to expect the panel to continue in place in order to implement any changes it directs and to also confirm that implementation is moving forward. It also is unrealistic to expect another body or group unfamiliar with policies, procedures, or background associated with the panel's recommendations to implement any changes for much the same reasons. Consequently, the COA is being identified as responsible body for implementing the panel's decisions.]

The appeal panel members will be made aware of prior agency decisions similar in nature to the one under appeal. [This is not being done currently out of a concern that doing so might be viewed as a subtle effort to sway the panel; however, in order to be in compliance with the Department's directive on this matter, a brief summary will be provided to the panel (and to the appealing institution) of all past appeal actions, their bases, and their results.]

To meet the existing requirement promulgated by the Department of Education that an accreditation agency make information available to the public regarding adverse actions without waiting for a specific request that it do so, the ABFSE/COA presently posts on its web site all such decisions and also advises several agencies identified by the U.S. Department of Education of the decisions. The Department now requires that accrediting agencies also include in such publications a reference to the specific standard(s) whose failure to be met led to the adverse action (which will be done hereafter) and also publish the school's or program's response to the adverse action. The COA will meet this latter requirement by placing on the ABFSE web site any official comment submitted as a rebuttal by an institution or program. If such comment is extensive, it will be provided in alternate ways such as through a link or other electronic means or reference to—and appropriate contact information for—the school or program itself. In the absence of any such comment, the ABFSE/COA will indicate that the institution/program did not submit a statement despite being given an opportunity to do so.