MEMORANDUM TO THE FIELD
JUNE 2020

TO: ACICS-Accredited Institutions and Interested Parties

FROM: Accrediting Council for Independent Colleges and Schools

DATE: June 9, 2020

This Memorandum to the Field contains changes to the Bylaws that were approved and language changes to various sections of the Accreditation Criteria that were proposed at the Council’s May 2020 meeting, along with other information for ACICS-Accredited Institutions and Interested Parties.

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At its December 2019 Council Meeting, the Council reviewed and made changes to the Bylaws, to be effective immediately. The ACICS Accreditation Criteria has been updated to reflect all final criteria revisions with a publication date of January 17, 2020. To review the revised copy of the Accreditation Criteria please visit the ACICS website at www.acics.org.

The following criteria have been accepted by the Council as final with the effective date indicated (new language is underlined and deleted language is struck).

A. Board of Directors

Explanation of Changes – Effective December 12, 2019
The Council revised the position of Secretary to be filled by the President. Additional revisions were to rename the position of Vice Chair to Chair Elect.

ARTICLE II
Board of Directors

Section 3—Officers of the Board and Officers of the Council. The officers of the Board of Directors shall be: Chair; Vice Chair/Candidate; Secretary, and Treasurer. The officers of the Council shall be: Chair and Vice Chair/Candidate.

(a) Chair. The Chair of the Council shall serve also as the Chair of the Board of Directors. The Chair shall preside over all meetings of the Board and of the Council and is responsible for seeing that policies established and actions taken by those bodies are carried out. The Chair will represent the Board and the Council in their dealings with governmental bodies, the press, and the public, and may sign or approve correspondence and other instruments.

(b) Vice Chair/Candidate. The Vice Chair/Candidate of the Council shall serve also as Vice Chair/Candidate of the Board. The Vice Chair/Candidate assumes responsibilities as delegated by the Board; in the absence of the Chair, shall serve as Chair of the Board and of the Council; serves as Chair of the Nominating Committee; and shall serve as Chair of the Board and Council in the subsequent year.

(c) Secretary. The Secretary shall be a Director and shall be elected by majority vote of the Directors present and voting at a duly constituted meeting of the Board. The President shall serve as the Secretary of the Board. The Secretary is responsible for preparing and maintaining custody of the minutes of all meetings of members, the Board, and the Council for the purpose of authenticating the records of the Corporation for each, for giving all notices required in accordance with these Bylaws, for receiving service in legal matters, and for performing all duties customary to the office of Secretary. The Secretary shall have...
custody of the corporate seal and authority to affix the seal to any instrument requiring it.

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**ARTICLE V**

**Committees**

*Section 1—Standing Committees of the Council.* There shall be the following standing committees of the Council:

(a) Nominating Committee. The Nominating Committee shall be responsible for the screening of nominees and the selection of candidates for election as commissioners. It also shall identify persons qualified to be appointed as commissioners and recommend them to the Council for appointment. The Nominating Committee shall seek to maintain a Council that is generally representative of the types of member institutions.

(1) Composition. The Nominating Committee shall be appointed by the Chair of the Council and shall consist of five (5) members, at least four (4) of whom are current commissioners. Members representing both nondegree and degree granting institutions are encouraged. There shall be two (2) representatives from the Executive Committee of the Board of Directors and one (1) person from an ACICS-accredited institution who may or may not be a member of the Council. The Vice ChairChair Elect of the Council and Board automatically serves as the Chair of the Nominating Committee.

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*Section 2—Standing Committees of the Board of Directors.* There shall be the following standing committees of the Board:

**Executive Committee.** The Executive Committee shall consist of the Chair of the Board of Directors, who shall serve as Chair of the Executive Committee; the Vice ChairChair Elect of the Board, who shall serve as Chair of the Executive Committee in the absence of the Chair of the Board; the Secretary; the Treasurer; and additional Directors as the Chair deems necessary, which are elected annually by majority vote of the Board. The Executive Committee acts on behalf of the Board and/or Council during the periods between Board and Council meetings. Accurate minutes of each Executive Committee meeting shall be maintained and shall be provided to the Board of Directors and/or Council at the next subsequent meeting of the Board of Directors or the Council. The Executive Committee’s responsibilities shall be: between meetings of the Board and/or Council, act on issues requiring the timely attention of the Board or Council and assume such other duties as the Board of Directors or Council may from time to time delegate to the Executive Committee.

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B. Sustaining Fees
Explanation of Changes – Effective December 12, 2019
The date of collection for sustaining fees has been revised from October to August. The changes also include the elimination of a discount for early submission as well as any prorations due to withdrawal or closure.

ARTICLE VI
Membership, Fees, and Meetings

Section 5—Conditions of Payment. Sustaining fees are due and payable on October 31 and August 15 and cover the period of July 1 – June 30. The Council may authorize a discount for sustaining fees received by September 30 each year. Nonpayment of annual fees by October 31 and August 15 subjects a member to late fees and could result in an automatic loss of membership and loss of accreditation without a hearing. Any request for extension of time to pay or for a periodic payment plan must be received and approved prior to September 30. Payment plans will not extend beyond December 31. Institutions using periodic payment plans shall be assessed an interest rate of one and one-half percent (1.5%) per month on the unpaid balance. User fees must accompany the request for applicable service before the request will be processed. Sustaining fees are not subject to proration should an institution voluntarily withdraw or close during the year.

2. PROPOSED CRITERIA REVISIONS – SYSTEMATIC REVIEW

The following proposed criteria revisions were identified as part of ACICS’s systematic review. Through this process, areas of the Accreditation Criteria are chosen for periodic review to ensure currency and alignment with educational practices and federal requirements. At its most recent meetings in February and May 2020, the Council considered the specific areas of the ACICS Accreditation Criteria outlined in this section, and approved the revisions as proposed for feedback from the field. Proposed changes will be reconsidered for final approval and implementation at the Council’s next meeting and will incorporate the perspectives shared by the field. Public comment on these revisions is requested through the ACICS Comment Survey explained at the end of the memorandum.

ACICS requests comments and recommendations from a broad cross section of ACICS stakeholders, including students, faculty, school administrators, policy advocates, and other interested parties.

The following changes have been accepted by the Council as proposed (new language is underlined, deleted language has been strucken).

A. Requirements for Distance Education
Explanation of Proposed Changes:
The following revisions are proposed to enhance the standards for distance education to remain aligned with federal regulations and current practices in the field. The systematic review of distance education standards first began in 2019 and changes were sent as proposed to the field in the September 2019 memo, following independent review by a third-party expert. To ensure compliance with the recently approved federal regulations, further revisions have been included in the proposed language below. These changes include the addition of language to ensure that institutions have procedures for ensuring student identity and academic integrity. Glossary definitions were also added for components of distance education, including recognizing an administrative support center for students.

APPENDIX H PRINCIPLES AND REQUIREMENTS FOR NONTRADITIONAL DISTANCE EDUCATION

DISTANCE EDUCATION

In addition to the general standards in Title III, Chapter 1, which apply to all institutions, and applicable standards in Chapters 2 through 6, the following standards apply specifically to distance education delivery methods. These principles and requirements are designed to inform institutions of the policies of the Council and to guide institutional representatives when designing, implementing, and evaluating distance education forms of educational delivery.

INSTITUTIONAL READINESS

(a) Institutions must notify and receive approval from ACICS prior to using distance education as a mode of delivery. (See Section 2-2-106.)

(a) The objectives which support the institution’s mission must identify the role of distance education learning within its scope and purpose (See Section 3-1-100).

(a)(b) Institutions must have a plan to implement and maintain effective distance education instruction which is integrated into the Campus Effectiveness Plan (See Section 3-1-111 and Appendix K). At a minimum, the plan should include the following:

i. rationale and continued value (effectiveness) of distance education to the institution’s mission;

ii. instructional, human, and technological resources designed to sustain distance education operations;

iii. course and program objectives and how they align with the institution’s mission;

iv. Content and the distance education infrastructure, including the learning management system;

v. processes in place that ensure student privacy and that ensures that the same student who registers is the same student who academically engages in the course; and

vi. student assessment. Institutions must integrate this plan into the Campus Effectiveness Plan (See Section 3-1-111 & Appendix K);

(b)(c) The instructional delivery method must be appropriate for students and the curriculum.
Institutional policies and procedures should be consistently applied using procedures that are appropriate to the mode of delivery.

Institutions must designate a qualified individual to oversee the distance education activities.

ADMISSIONS REQUIREMENTS AND ENROLLMENT

(a) Institutions must identify the admission requirements of distance education courses and/or programs and how they differ from, if applicable, the on-ground admission requirements.

(b) If an online admissions test is required, it must be administered in a manner which verifies the student’s identity. Institutions must make it clear in writing at the time of enrollment how the student’s identity will be verified throughout the course and program, how the student’s privacy will be protected, and if the student will be assessed any additional charges associated with the verification of student identity.

(c) Institutions must clearly and appropriately state any hardware, software, or other requirements the students must possess or have access to in order to access this mode of delivery.

(d) Institutions must provide an online orientation program to familiarize the student with the equipment and resources used in the distance education activities and to orient the student to the distance education learning process.

CURRICULUM AND INSTRUCTIONAL DELIVERY

(a) Regardless of the instructional delivery method, the syllabi must identify the course learning objectives. Each course learning objective must support one or more program learning outcomes. (See Glossary definition of Syllabus.)

(b) The course must provide sufficient and appropriate opportunities for substantive interaction (See Glossary definition of Interaction) between faculty and students and among students.

(c) Institutions must demonstrate to the Council that the clock or credit hours required and awarded are appropriate for the degrees and credentials offered using a thoroughly developed rationale. Credit award rationales for distance education delivery of courses or programs generally do not use the traditional lecture/laboratory/externship formulas for credit calculations (See Section 3-1-516, Course and Program Measurement).

(d) Curriculum must be administered in a way that maintains security and stability of access.

(e) Institutions must demonstrate that the student who registers for a distance education course or program is the same student who participates in and completes the course or program and receives the academic credit. The verification method, at the option of the institution, may include a secure login and pass code, proctored examinations, and other appropriate student authentication or verification technology. A policy specific to academic integrity expectations and oversight in the distance learning environment must be developed and implemented.

FACULTY AND INSTRUCTIONAL SUPPORT

(a) The institution must employ academically and/or experientially credentialed faculty to teach online courses appropriate to the subject matter.
(b) Faculty hired to facilitate online instruction must be properly trained to utilize the institution’s learning management system for purposes of instruction, communication, and assessment.

(c) All staff assigned to, or involved in, the administration and support of the distance education activities must be clearly identified and possess the skills and experience necessary to provide the support for course development and delivery.

(e)(d) The instruction must provide an accessible and reliable learning management system and technical support to effectively facilitate online instruction and learning as well as ensure faculty and student success.

(d)(e) The institution must demonstrate that the student/teacher ratio appropriately supports faculty and student interaction, facilitation of interaction among students and interaction with curriculum content.

(f) The institution must have a faculty development plan on file that is appropriate for each individual to include professional development and/or in-service activities relevant to the online delivery method. (For further information, see Section 3-1-543). (e)(g) Faculty observations and evaluations must be conducted at least annually to assess effectiveness in the distance education environment.

RESOURCES AND EQUIPMENT
(a) The institution must demonstrate that it has adequate financial resources to support the form of delivery.

(b) The institution must demonstrate that students taking online courses have access to the same or equivalent library resources and support as students taking courses in a physical classroom. If 50% or more of the student’s program is approved for online delivery, these resources must include at least minimum access to a virtual library collection of program-related books, journals, and periodicals and access to a virtual library and information technology services. These resources are expected to be appropriate for the students’ needs and must be incorporated into the instructional design of the courses offered, as appropriate.

STUDENTS AND STUDENT SERVICES
(a) The institution must orient online students to online education, its learning management system, resources, and support services, including expanded technical support expectations.

(b) Student support services available to students enrolled in online programs must be the same or equivalent to those provided to students enrolled in ground-based programs, including but not limited to student services such as counseling, academic advising, financial aid, and employment assistance.

STUDENT EVALUATION AND PROGRAM ASSESSMENT
(a) The course learning objectives for a course delivered online must be the same as the learning objective for the same course delivered on ground.

(b) Regardless of instructional delivery method, assessments and assignments should demonstrate student achievement of course learning objectives.
The institution must document that it conducts course/program evaluations, including assessment of student learning outcomes; student retention and placement; and student, graduate, faculty, and employer satisfaction. The institution must also evaluate the effectiveness of its distance learning activities, including the extent to which online learning goals are achieved, and use the results of its evaluations to enhance the attainment of established program and/or institutional goals (See Section 3-1-111 & Appendix K.)

PUBLICATIONS

(a) The institution must fully disclose what form(s) of instruction it uses in its catalog and website and, when appropriate, in its advertising and promotional material.

(b) The catalog disclosure must follow the requirements as described and outlined in Section 3-1-701 and Appendix C.

(c) The institution must meet all disclosures required by state, federal, or other oversight bodies concerning the recruitment and admission of, and services to, students.

GLOSSARY OF DEFINITIONS

Hybrid Course or Hybrid Program. A hybrid course is one which mixes face-to-face, traditional classroom instruction with online instruction. A hybrid program is one which offers or requires a percentage of the required courses in a program online. ACICS requires the school to clearly outline the percentage of online activity included in a course or a program. Institutions are required to apply for and secure approval prior to initiating any distance education activity and also when it increases its distance education activity to the extent that it constitutes 50% or more of a program from hybrid to fully online. See Section 2-2-106.

Interaction. Refers to the engagement between faculty and students, among students, and with other participants in learning content at a level aligned with the courses offered as part of the ongoing learning process.

Memorandum of Understanding (MOU). An approved arrangement between and among campuses within an institution to provide services, including distance education, from one location to another. Such arrangements must be approved by ACICS and published in the institution’s catalog.

Service Center, Distance Education. A permanent location used to provide academic support and student services to students who are enrolled in distance education programs. There is no face-to-face instruction as in a traditional classroom.

B. Requirements for English as a Second Language Programs

Explanation of Proposed Changes:
Substantial revisions are proposed below through the systematic review for English as a Second Language (ESL) Programs, facilitated by a third-party expert. Appendix F of the
Accreditation Criteria has been restructured by areas of review with updates to each area relative to the implementation and monitoring of ESL programs.

APPENDIX F   REQUIREMENTS FOR ENGLISH AS A SECOND LANGUAGE PROGRAMS

In addition to the general standards required for all institutions in Title III, Chapter 1, the following areas apply specifically to institutions offering of English as a Second language (ESL) programs. Further, all requirements related to the addition of a new program and changes to an existing program, as detailed in Title II, Chapter 2, apply. This appendix consolidates information regarding outlines the Council’s requirements for institutions offering stand-alone ESL programs and/or ESL coursework as part of a Title IV-eligible program. In both cases, the institution is required to comply with the federal requirements for the awarding of financial aid.

ESL coursework required by a student when accepted into an existing, Title IV-eligible program must be considered remedial in nature for the purpose of calculating student financial aid. This coursework does not require ACICS approval as they do not constitute an academic program.

The objective of a stand-alone ESL programs is to enhance the English-language proficiency of individuals including those who have pre-existing vocational knowledge, training, or skills, but cannot use that knowledge, training, or skill because of their English-speaking deficiency. No vocational training is provided in a stand-alone ESL program. However, the ESL program must articulate proficiency outcomes for successful completion of the program in order to meet English Language Proficiency Admission requirements for vocational or academic programs, if applicable. Further, vocational training programs must have established English proficiency benchmarks for admission purposes.

The following information is intended to combine the highlights of the ACICS requirements and federal regulations noted above and should assist institutions in understanding Council criteria for offering stand-alone ESL programs and the major differences between Council requirements and federal regulations for these ESL programs. Additionally, an overview of federal guidelines for ESL coursework offered within an eligible program is included.

SEPARATELY ELIGIBLE, STAND-ALONE ESL PROGRAMS

The requirements for reporting information on separately-eligible ESL programs are the same as for all other programs. The institution must immediately notify ACICS when these programs are initiated, changed, or discontinued. An on-site evaluation with an appropriate subject specialist will be required when a new ESL program is initiated, and may be required when the program is changed.

The objective of stand-alone ESL programs is to enhance the English-language proficiency of individuals who have pre-existing vocational knowledge, training, or skills, but cannot use that knowledge, training, or skill because of their English-speaking deficiency. No vocational
training is provided in a stand-alone ESL program.

**Curriculum and Program Development** In order to receive approval from ACICS to provide stand-alone ESL programs, the institution shall:

(a) The program’s objectives must be clearly defined and aligned with the institution’s mission.

(b) The curriculum must have goals and objectives that demonstrate clear progression to meet the program’s stated outcomes.

(c) The curriculum must have clearly defined learning outcomes, with demonstrated consistency and progression towards the program’s objectives.

(d) The length of the program must be consistent with similar ESL offerings in the field and the curriculum has clearly delineated proficiency levels and the progressions through those levels.

**Recruitment and Admissions Requirements**

(a) Adhere to the stated mission of the program when developing the curricula. The institution must demonstrate compliance with all Department of Homeland Security (DHS) and Department of State (DOS) requirements, if applicable, as they relate to the monitoring and use of international recruiting agents;

(b) The institution must administer a reliable and valid evaluation instrument for admission and placement in proficiency levels that is benchmarked to a recognized proficiency framework, such as the Common European Framework of Reference for Languages, the Canadian Framework of Reference for Languages, the Global Scale of English, the American Council on the Teaching of Foreign Languages, the Association of Language Testers in Europe, or the Defense Language Institute. The assessment instrument must be aligned to the program’s proficiency bands and curriculum goals, objectives, and learning outcomes, at entrance and exit, a nationally recognized exam of English comprehension (e.g., Test of English as a Foreign Language, Test of Spoken English.)

(c) Provide documentation that all admitted students are enrolled in accordance with Section 3-1-303. Admissions criteria must be aligned with the program’s objectives and documentation must be maintained to demonstrate consistency among different types of students.

(d) Verify or assess at entrance, with supporting documentation, that the enrolling student already has knowledge, training, or skills in a vocational field, unless the student is enrolled solely to obtain ESL competency unrelated to a vocation (also a Department of Education regulation.) In addition to the requirements of Section 3-1-414, enrollment agreements must also include notice to students that the ESL program does not lead to licensure nor placement for employment purposes.

**Faculty Qualifications and Development**

(a) Describe the placement services, if any, to be offered to graduates of the ESL program. Institutions are not required to include these graduates in their placement statistics.
(a) Employ degreed faculty who have prior experience in this field of instruction. All faculty members must hold the following minimum qualifications:

- A bachelor’s degree with at least 18 semester credit hours or its equivalent in Teaching English as a Foreign Language; or
- A bachelor’s degree with either a certification or at least six months of documented experience in teaching English as a second or foreign language.

(b) Involve faculty in professional organizations and workshops enabling them to meet the special needs of the ESL student, such as the national or regional Teaching English to Speakers of Other Languages (TESOL) International Association.

(c) Faculty development plans must, on an annual basis, include participation in professional development activities that strengthen the knowledge and expertise of the faculty members specifically in ESL.

INSTRUCTIONAL SUPPORT AND RESOURCES

(a) The program must have sufficient and appropriate instructional resources that support student engagement and learning.

(b) External resources, including community engagement, that enhance the student experience while supporting the program objectives must be incorporated in the program.

(c) Instructional materials and methodologies should be clearly aligned and consistent with the curriculum and supportive of learning outcomes.

STUDENT SERVICES AND ACADEMIC PROGRESS

(a) The institution must provide appropriate immigration counseling and/or referrals, as required by the federal agencies.

(b) Cultural adjustment support and counseling must be provided to meet the needs to ESL students who are not domestic. These services must be appropriate in scope and offering to the program size and objective.

(c) The satisfactory student progress policy must be specific to the program as part of Section 3-1-421 and includes the following:
   i. monitoring schedule of students’ progress within a level and between levels,
   ii. the number of levels that can be repeated,
   iii. procedures when a student repeats a level or levels, and
   iv. process for those students who are not making progress.

PROGRAM ASSESSMENT

(a) The program must include a final exit exam utilizing the same entrance instrument.
The institution must provide an ongoing analysis of the exams utilized in the program to demonstrate how they are updated and used to enhance the overall quality of the program.

An evaluation of the program, as it affects institutional effectiveness, must be included in the Campus Effectiveness Plan (CEP).

**Department of Education Regulations**

The institution must provide information or documentation that the program:

1. Consists solely of ESL instruction.
2. Admits only undergraduate students who it determines need ESL to use already existing knowledge, training, or skills.
3. Meets the other program and institutional eligibility requirements including:
   - that it leads to a degree or certificate,
   - that it is at least a one-year program at a public or private nonprofit institution of higher education, or a six-month program at a postsecondary vocational institution or a proprietary institution of higher education,
   - that it admits as regular students only persons who have a high school diploma or the recognized equivalent (GED) or who are beyond the age of compulsory school attendance in the state in which the institution is located and have the ability to benefit from the training offered,
   - that it is legally organized by its state to offer the ESL certificate or degree program,
   - that it is approved by the school’s nationally recognized accrediting agency or association, or that it meets one of the statutory alternatives to accreditation, and
   - if it is a credit-hour program, that it meets any applicable state and accrediting agency requirements governing the use of credit hours.

**NOTE:** ESL is an eligible program only for purposes of the Pell Grant Program.

**ESL Courses as Part of an Eligible Program**

**Council Requirements**

Conversion from clock to credit hour for the ESL courses must be appropriate and in compliance with Department of Education regulations for remedial coursework.

**Department of Education Regulations**

ESL coursework required by a student when accepted into an existing, Title IV-eligible program must be considered remedial in nature for the purpose of calculating student financial aid. Note that remedial coursework is by regulation either noncredit or reduced credit, for purposes of the postsecondary program, although these noncredit or reduced academic credit hours are converted to the credit value of non-remedial courses for the purpose of calculating Title IV payments to students.

It is important to remember that a program of study must be Title IV-eligible excluding the
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remedial courses (i.e., for a 300 clock-hour Hospitality and Tourism program to be eligible for student loan programs, any remedial courses offered must be added to the 300 clock hours).

SUMMARY

ACICS members currently offering or planning to offer stand-alone ESL programs or ESL as remedial courses taken with an eligible program must be aware of and in compliance with all Council requirements and Department of Education regulations. In comparing the two, it is apparent that if an institution is not in compliance with the Department of Education, it will not be in compliance with ACICS because all of the Department’s requirements are inherent to the Accreditation Criteria; ACICS is, however, more restrictive in several areas.

Be advised that compliance with Appendix F does not ensure that a program will be determined by the U.S. Department of Education to be eligible for Title IV participation. Should the institution desire Title IV funding for an ESL program, it should discuss program eligibility with the appropriate Department of Education regional office before applying for Council approval.

C. Initiation and Evaluation of Program Changes

Explanation of Proposed Changes:

The Council conducted a review of its published procedures relative to program changes. The proposed language below includes replacing the term “extensive change” with “substantive change,” adding distance education activity within the one-year initiation timeframe following approval, and other revisions to the program and distance education approval processes.

2-2-106. Initiation of Distance Education (Online) or New Instructional Delivery Method.
It is the responsibility of the institution to secure approval from the Council of the intention to initiate online delivery if all courses and programs within the institution are currently approved for residential or face-to-face instructional delivery method. Any significant change in instructional delivery method requires prior Council approval.

The institution or campus must initiate the approval process through the submission of a new program-distance education application and required documentation information for Council review and approval before being included into the institution’s current scope of accreditation. Once the institution receives approval from the Council to initiate online delivery, a new program application can be submitted to offer a new program in that mode of delivery. If current, residentially offered programs wish to utilize the newly approved online mode of delivery, notification per program is required.

2-2-109. Increasing-Changing the Number of Clock or Credit Hours.
It is the responsibility of the institution to secure approval from the Council of the intention to initiate a change of 25 percent or greater in the number of clock or credit hours awarded for successful completion of a program. If the percentage change is less than 25 percent but results in a change in the credential level, the resulting credential level will be evaluated to be within the institution’s...
scope of accreditation.

The institution or campus must initiate the approval process through the submission of a new program application and required documentation for Council review and approval before being included into the institution’s scope of accreditation. The institution shall notify the Council if it does not implement the changes within one year of approval. Requests to extend the proposed start date beyond one year of the initial date must be submitted to the Council.

2-2-120 – INITIATION AND EVALUATION OF CHANGES WITHIN CURRENT SCOPE

All programs and delivery methods must be within the institution’s scope of accreditation and receive ACICS approval before recruiting or enrolling students. Programs offered by the institution are appropriately evaluated during the institution’s initial grant of accreditation and renewal of accreditation evaluations.

The initiation of a new program, or a change in the overall objective of a currently approved program or in the credential level of an existing program, requires approval prior to implementation. The initiation of courses and programs offered via an online modality also requires approval prior to implementation. An application form and any additional documentation specified by ACICS must be submitted. Programs and distance education that have not started within one year of the proposed start date and programs that have been inactive for at least two years must be surrendered as defined in Section 2-2-503, Termination of Programs. Institutions or campuses must have demonstrated compliance with ACICS standards at a lower credential level before requesting the addition of a new program at a higher credential level.

Any institution or campus on interim reporting to the Financial Review Committee may be required to obtain prior permission from ACICS for the initiation of any new program. Any institution or campus under a compliance warning, or a show-cause directive or a negative action must obtain prior approval from the Council to apply for a new program. Additionally, any institution or campus subject to a comprehensive on-site evaluation as a result of extensive substantive changes must obtain prior permission from ACICS for the initiation of any new program.

2-2-121. Changes to Existing Programs. Changes to existing or currently approved programs fall under (a) extensive substantive changes and (b) non-substantive changes.

(a) Extensive-Substantive Changes. An extensive change to existing program application process must be initiated and approval received prior to implementation. Failure to do so will result in a compliance warning for offering an unapproved program. The following changes will be considered substantive changes to the institution’s scope of accreditation and require approval per Section 2-2-100 - Substantive Changes:

1) a 25 percent change in the number of clock or credit hours awarded for successful completion of an existing program; and

2) a change from clock hours to credit hours.
A. Legal Organizations for International Applicants

Explanation of Proposed Changes

3. The Council proposes the following revision to the minimum eligibility requirements to allow for legal structures of international institutions that may not fit the recognized legal organizations of institutions within the United States. Currently, the requirement of legal organization is mentioned twice in Section 1-2-100: first in (b), which notes that an institution “shall be legally organized” and then in (h), stating “It must be organized as a corporation, limited partnership, or as a limited liability company.” In the latter, such legal organization may not be appropriate or accurate for non-US entities.

1-2-100 – MINIMUM ELIGIBILITY REQUIREMENTS

To be eligible for consideration for accreditation, an institution or entity must satisfy the following minimum requirements.

…

(b) It shall be legally organized; licensed by (1) the appropriate state education agency for postsecondary institutions or (2) the appropriate state agency for authorizing the conduct of business in that state for noninstitutional entities. For non-U. S. institutions in countries in which legal authority to award degrees is not available or required, evidence of acceptance as a reputable private institution with significant support from all key stakeholders must be provided. For all institutions, educational services must have been offered to the general public for at least two years immediately prior to consideration of the application by ACICS.

…

(h) It shall be legally organized as a corporation, as a limited partnership with a corporate general partner, or as a limited liability company. Non-US institutions under other legal structures may be considered on a case-by-case basis.

B. Additional Stipulations

Explanation of Proposed Changes

The Council proposes the following revisions to codify that the Council has the ability to take additional actions, as necessary, to ensure the protection of students and educational quality, while also maintaining due process for institutions. The proposed language allows for additional conditions to be placed on the institution’s grant of accreditation at any time, but specifically outlined in reference to when the institution is found out of compliance – being placed on compliance warning or issued a show-cause directive. Such conditions may be
necessary to provide assurances to the Council, the public, and other stakeholders, should there be concerns with an institution’s ability to maintain compliance and remain accredited.

**Chapter 1 Gaining and Maintaining Accreditation**

**INTRODUCTION**

This chapter outlines the steps that institutions must follow and the procedures utilized by ACICS leading to and following the award of accreditation status. Accreditation is a deliberate and thorough process and is entered into for purposes of quality assessment and institutional enhancement. When an institution applies for and receives a grant of accreditation, it is committing itself to operate in accordance with the standards and policies established by the Council throughout the term of the grant. The Council may take an action at any time it finds the institution to be operating out of compliance with these standards.

Inasmuch as accreditation is given for a specified period of time not to exceed six years, ACICS uses the term “initial grant” to connote the first time an institution is accredited. The term “renewal of accreditation” indicates a continuing status with ACICS after an institution has reapplied, has been reevaluated, and, in effect, has been reaccredited.

**2-1-700 − COUNCIL ACTIONS**

Action by ACICS to accredit or renew accreditation or not to do so, or to limit or otherwise condition the grant of accreditation, is determined only following review of the self-evaluation report prepared by the applicant institution, the report of the visiting team, the response of the institution to that report, the institution’s financial condition, review of student achievement data, a review of any complaints against the institution, and the recommendations (if any) of the interim reviewers. At each level of review, the number and seriousness of any deficiencies are taken into account, as well as the institution’s indicated willingness and capability to overcome them. The Council may, at its discretion, direct an institution to submit a teach-out agreement, as described in Section 2-2-303 and/or otherwise condition the institution’s grant of accreditation. Specific Council actions are discussed in Title II, Chapter 3.

**Chapter 3 Council Actions**

**INTRODUCTION**

When the Council has considered all of the information and reports submitted as a result of the accrediting process, it will make a judgment as to an institution’s compliance with the Accreditation Criteria. The Council’s decision is based on the extent of an institution’s compliance. The judgment made is referred to as a “Council action.” The actions which the Council may take are described in this chapter. At its discretion, the Council may limit or otherwise condition an institution’s grant of accreditation in addition to, a Council action. Procedures available to institutions to challenge those Council actions and the maximum time frames for achieving final disposition of those actions by the Council also are explained. There
are four general areas of Council actions: accreditation granted, accreditation deferred, accreditation denied, and accreditation withdrawn.

... 

2-3-220. Compliance Warning. When the Council determines that an institution is not in compliance with the Accreditation Criteria, the Council may issue a compliance warning. The institution will be provided in writing with the areas of noncompliance and will be required to demonstrate corrective action for review by ACICS. **At its discretion, the Council may issue additional limitations or conditions on an institution’s grant of accreditation while under review.**

The Council may issue a show-cause directive or a denial action as the result of reviewing a compliance warning as described in Section 2-3-230 or 2-3-402. Following receipt of a compliance warning, the institution must bring itself into compliance within the time frames specified in Title II, Chapter 3, or the institution will be subject to a final adverse action.

2-3-230. Show-Cause Directive. Show-cause is a status that the Council may impose on an institution when it determines that the institution or one of the campuses within the institution does not materially operate in accordance with the Accreditation Criteria. The Council will provide a written summary of the areas of noncompliance to the institution, which will be required to provide evidence of corrective action for review by ACICS. Following receipt of a show-cause directive, the institution must bring itself into compliance within the time frames specified in Title II, Chapter 3, or be subject to an adverse action.

The issuance of a show-cause directive may be considered the basis for an institutional review, as defined in Section 2-3-500. A suspension order or denial action may be issued by ACICS as the result of the Council’s review of the institution’s response, and such action is considered a final action that may only be appealed to the Review Board of Appeals as described in Section 2-3-600. All institutions that are issued a show-cause directive by the Council will be directed to submit a school closure plan and may be required to submit a teach-out agreement as described in Section 2-2-303 of the Accreditation Criteria.

2-3-231. Result of Show-Cause. The Council will not accept any applications for new programs or new campuses from any institution directed to show-cause unless approval is received in advance to submit such an application. **At its discretion, the Council may issue additional limitations or conditions on an institution’s grant of accreditation while under review.**

C. Reasons for Revocation

Explanation of Proposed Changes

The Council reviewed the conditions that may result in an adverse action – revocation and withdrawal by suspension – to evaluate their appropriateness. The Council proposes the revised language below which would remove two reasons for revocation. In these instances, a show-cause directive would first be issued, giving the institution an opportunity provide “cause” before the potential for withdrawal by suspension.
2-1-801. **Annual Campus Accountability Reports.** The Annual Campus Accountability Reports must be submitted on Council forms, comply with Council guidelines, and be certified by the chief executive officer of the institution. Data must be submitted separately on the Campus Accountability Report (CAR) for each main campus and for each branch campus. These reports are due on or before November 1 annually. Failure to submit the Annual Accountability Reports in a timely manner will result in the revocation of accreditation subjects the member to a withdrawal of accreditation by suspension.

2-1-802. **Annual Financial Report.** The Annual Financial Report must be submitted on Council forms and be certified by an officer or stockholder of the corporation. Data reported must align with an institution’s fiscal year and must be submitted separately for each campus included in the institution’s grant of accreditation. It is due no more than 180 days after the end of the institution’s fiscal year. Failure to submit the Annual Financial Report in a timely manner subjects the member to a withdrawal of accreditation by suspension will result in the revocation of accreditation.

2-1-804. **Payment of Fees.** Institutions are required to pay all annual sustaining fees, user fees, evaluation visit deposits and expenses, and other assessed costs by the established deadlines. Non-payment of any fees or expenses subjects the member to a withdrawal of accreditation by suspension subjects a member to revocation of accreditation without a hearing. (See Appendix A, Bylaws, Article VI, Section 5.)

2-3-401. **Revocation.** Revocation occurs without a hearing for any of the following reasons:

(a) An institution, campus, State authority, U.S. Department of Education, Ministry of Education, or similar body notifies the Council that the institution has closed and/or ceased operation.

(b) An institution notifies the Council that it is voluntarily withdrawing its grant of accreditation or the inclusion of one or more of its nonmain campuses from within its grant of accreditation.

(c) An institution is denied a renewal of accreditation and does not appeal the action, or the action is affirmed by the Review Board of Appeals.

(d) An institution or campus fails to submit a written response to a show-cause directive by the indicated due date.

(e) An institution or campus whose accreditation has been summarily suspended does not challenge or appeal the suspension within 10 days of receipt of the suspension notice. (See Section 2-2-301)

(f) The institution or campus fails to file an annual report as required by the Council. (See Sections 2-1-801 and 2-1-802)
(g) The institution or campus fails to pay its annual fees, application fees, other assessed fees, or evaluation expenses. (See Section 2-1-804)

A revocation action is not appealable. It requires an institution to start anew and to undergo the entire accreditation process to regain accreditation.

D. Campus Consolidations

Explanation of Proposed Changes

The Council proposes the removal of language which allows for the consolidation of campuses. The revised process would first require the closure of the one campus to ensure that the Council has an accurate record of all the students impacted and their subsequent transfer to the other campus. Additionally, language concerning the reassignment of a branch campus to a main designation and a main to a branch has been simplified for clarity.

2-2-202. Reassignment and Consolidation of Campuses. Institutions seeking to reassign the classification of a campus campuses within an institution or campuses or to consolidate groups of campuses must submit the appropriate application and documentation, including the rationale to the Council, for approval prior to reassignment. The Council will consider the institution’s requested grant expiration date for the newly formed group of campuses and assign modified or full team evaluation visits as necessary to bring the grant lengths of the various groups of campuses into alignment. The scope and timing of these visits will be based on the length of the grant of accreditation for each group being reassigned or consolidated, as well as a review of determining factors such as retention and placement rates, reporting status, complaints and adverse, and any other pertinent information. No campus will be given an extension of its current grant longer than one year for purposes of the consolidation, and new campuses moving through the branch inclusion process will be visited as part of that process, regardless of the consolidation proposal. The Council reserves the right to assign an on-site evaluation visit at either the main campus or branch campuses at any time as it deems necessary.

E. Change of Ownership or Control

Explanation of Proposed Changes

The Council proposes the following revision to create a distinction between procedures for change of control that occur at institutions managed by a not-for-profit corporation and those managed by all other entities. This distinction is necessary as there is no financial transaction in the change of control of a not-for-profit; the change occurs when the governance changes. Further, there are change of ownerships that do not result in a change of control and there are change of controls that do not necessarily constitute a change in ownership.

2-2-403. Change of Ownership or Control Review Procedures.

(a) Not-for-Profit: Institutions that are controlled by a not-for-profit entity and are seeking a change in control must receive Council approval prior to the change. If the institution fails to receive Council approval prior to the change in control, the institution will be directed to show cause why its grant should not be withdrawn by suspension. The following procedures govern the Council’s
review of the change of control:

i. The institution must submit the Change of Control application, including all requested materials, for consideration and approval by the Council.

ii. The institution will be required to host a Quality Assurance Monitoring (QAM) visit to evaluate its ongoing compliance with the Accreditation Criteria no later than six months following the implementation of the change.

The Council, at its discretion, may require the institution’s new chief onsite administrator and/or chairperson of the board to attend an ACICS accreditation session prior to, or following, the visit.

(a)(b) All Other Entities: Institutions that are controlled by a privately held, public traded, limited liability corporation, or any other legal structure and are considering a change of ownership or control, must submit Part I of the change of ownership/control application 30 days prior to the transfer of ownership. Part II of the change of ownership/control application must be submitted within five business days after the transaction. The following procedures govern the Council’s review of the change of ownership/control:

i. Automatic Discontinuation. Any change of ownership or control results in the immediate and automatic discontinuation of an institution’s grant of accreditation. The grant of accreditation may be reinstated only upon application to and approval by the Council. Because the discontinuation results without action or prior approval on the part of the Council, this change in status does not constitute withdrawal of accreditation and is not a negative action.

ii. Reinstatement. After the grant of accreditation has been discontinued, it may be reinstated at the discretion of the Council within 30 days of the change in ownership/control. Those terms and conditions of the reinstatement process are set forth in policy statements issued to the field and in the change of ownership/control application document that institutions must file to initiate the reinstatement process. The Council will conduct a quality assurance monitoring visit within six months of the effective approval date of a change of ownership/control. The new owner(s) and the chief on-site administrator may be directed to attend an ACICS Accreditation session within one year of the change of ownership or prior to the quality assurance monitoring visit.

iii. Effect. Until the Council approves a reinstatement of the grant of accreditation, the accreditation of the institution remains in abeyance. If approval of the application for reinstatement is withheld, the matter will be treated procedurally as a deferral or a denial, as the case may be. (See Title II, Chapter 3, Council Actions, for further information.)

F. Teach-Out Plans and Agreements

Explanation of Proposed Changes

To ensure alignment with recently approved federal regulations on teach-outs (CFR 602.24(c)), the Council proposes the following updates to the Accreditation Criteria on teach-out plans and agreements, including providing definitions of relevant terms.

2-2-303. Teach-out. The Council will require an institution to provide a teach-out plan in the following instances:
(a) 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.

(b) The Secretary of Education notifies ACICS that it has initiated an emergency action against an institution or an action to limit, suspend, or terminate participation in Title IV programs, and that a teach-out plan is required; 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;

(c) ACICS acts to deny or withdraw the accreditation of an institution; issue a show-cause directive;

The institution notifies ACICS that it intends to cease operations or close a location that provides 100% of at least one program;

A state licensing or authorizing agency notifies ACICS that an institution’s license or legal authorization to provide educational programs has been or will be revoked;

(d) A result of adverse information, high cohort default rate(s), low retention and/or placement rate(s), financial instability, or other concerns that may call into question the institution’s ability to continue to serve the educational needs and objectives of its students or to continue as an on-going concern; and,

(e) At the discretion of the Council, the teach-out plan may include a formal teach-out agreement with another institution.

The Council will require an institution to provide a teach-out plan and, if practicable, teach-out agreements in the following instances:

a) The Secretary notifies ACICS that it has placed the institution on the reimbursement payment method or the heightened cash monitoring payment method requiring the Secretary’s review of the institution’s supporting documentation;

b) The Secretary notifies ACICS that the Secretary has initiated an emergency action against an institution, or an action to limit, suspend, or terminate an institution participating in any title IV, HEA program;

c) The Council acts to deny or withdraw the accreditation of an institution;

d) The institution notifies ACICS that it intends to cease operations or close a location that provides 100% of at least one program, including if the location is being moved and is considered by the Secretary to be a closed school; or

e) A state licensing or authorizing agency notifies ACICS that an institution’s license or legal authorization to provide educational programs has been or will be revoked.

If an institution closes or announces its intent to close, the Council will work to the extent feasible with the U.S. Department of Education and the appropriate state regulatory agencies to ensure that students are given reasonable opportunities to complete their education without additional charge. An institution that closes without completing its contractual training obligations to students must refund all unearned revenue.

Should an institution enter into a teach-out agreement with another accredited institution, the signed agreement must be submitted to and approved by the Council prior to implementation.
Teach-out agreements must include the following: In addition to general information on the institutions entering into the teach-out agreement, the agreement must demonstrate the following:

(a) that students will be provided, without additional charge, all of the instruction promised but not yet provided by the closing institution; and

(b) that the teach-out institution is geographically proximate to the closing institution or otherwise can provide students with reasonable access to its programs and services, and that it has the necessary experience, resources, and support services to provide an educational program that is of acceptable quality and is reasonably similar in content, structure, and scheduling to that provided by the closing institution.

(a) A complete list of students currently enrolled in each program at the institution and the program requirements each student has completed;
(b) 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;
(c) 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);
(d) Information on the number and types of credits the teach-out institution is willing to accept prior to the student’s enrollment; and
(e) 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.

Teach-out agreements will only be approved if the following conditions are met:

(a) The teach-out institution 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;
(b) Has the capacity to carry out its mission and meet all obligations to existing students; and
(c) Demonstrates that it—
   i. Can provide students access to the program and services without requiring them to move or travel for substantial distances or durations; and
   ii. Will provide students with information about additional changes, if any.

G. Review Board Decisions

Explanation of Proposed Changes

Revised federal regulations in CFR 602.25, the Council proposes the removal of the Board’s ability to reverse the Council’s decision. Additionally, the recording of any dissenting opinions was removed since the Panel’s decision is reached by consensus and communicated as one voice.
2-3-603. Jurisdiction and Authority. The Review Board of Appeals is empowered to review, upon notice of appeal timely filed, actions specified in Sections 2-3-301, 2-3-302, and 2-3-402. The Review Board panel has the authority to:

a) affirm the decision of the Council;
b) amend the decision of the Council; or
c) reverse the decision of the Council; or
d) remand the case to the Council with recommendations for further consideration.

The Review Board panel may amend or reverse the decision of the Council or remand the case to the Council for further consideration only if it finds the decision to be one of the following:

a) arbitrary, capricious, or otherwise in substantial disregard to the Accreditation Criteria; or
b) not supported by substantial evidence in the record on which the Council took the negative action.

The Review Board panel cannot amend or reverse the decision of the Council or remand the decision based on argument by the appellant that the Council action was disproportionate to the violations cited. The Review Board panel is further limited in that it has no jurisdiction or authority concerning the reasonableness of the Accreditation Criteria.

A determination by the Review Board panel to affirm the Council’s decision is effective immediately upon the Review Board panel’s action. A determination by the Review Board panel to amend, reverse, or remand the Council’s decision will be referred to the Council for implementation and further action.

2-3-606. Decision of the Review Board. Every decision must have the concurrence of the majority of the Review Board panel. Within a reasonable time after the conclusion of the hearing, the hearing panel shall issue in writing its decision with a statement of its reasons and recommendation, if any, to the Council. The decision will indicate those members of the Review Board panel who concur with the decision. Dissenting opinions may be filed. The majority decision with dissenting opinions, if any, will be furnished to the institution.

BYLAWS
Article VII
Appeals Process
Section 1 Review Board of Appeals. A Review Board of Appeals shall be appointed by the Council. The purpose of the Review Board shall be to review, according to pre-established procedures and guidelines, appeals by members of final negative actions by the Council and in each case either to affirm the action of the Council, to remand the case to the Council for further review, or to amend or overturn the action. The Review Board shall consist of fifteen (15) persons, all of whom have had experience in accreditation. The Review Board shall
include at least two (2) academic representatives, two (2) administrative representatives, and three (3) public members, as defined in Article III, Section 1 herein. Review Board panels will consist of a minimum of three (3) members and be comprised of at least one (1) public, one (1) academic, and one (1) administrative representative. Members of the Review Board shall be appointed to terms of three years, with terms of initial appointees staggered so that one-third of the terms expire each year. A person appointed to the Review Board shall not have been a commissioner within one year prior to appointment. The President shall convene timely a panel of the Review Board when necessary.

H. Debarment

Explanation of Proposed Changes

The Council proposes the following revision to more appropriately identify when a person or entity is sufficiently notified of its intent to bar them from being an administrator or owner of an ACICS-accredited institution.

2-3-900

... The Council will notify the person(s) or entity whom it intends to bar as the result of denial or suspension action within four months following the loss of the institution’s accreditation. It will notify the person(s) or entity whom it intends to bar as the result of the closing of an institution within a reasonable period of time following the closure. In each case, the Council will forward an intent to bar notice by both electronic and certified mail to the last institutional mailing address known to the Council, unless the Council has received updated mailing information following the institution’s closure or loss of accreditation. Those individuals or entities will be considered notified when the Council has forwarded the intent to bar notice in accordance with these procedures.

I. Negative vs. Adverse Actions

Explanation of Proposed Changes:

The Council considered its use of the terms “negative” versus “adverse” actions in the Accreditation Criteria compared to the terminology utilized by federal, state, and other accrediting agencies. While the terms were found to be used interchangeably, “adverse” was predominantly used. The Council determined it was best to use the term “adverse” for consistency throughout the Accreditation Criteria and in all its communications.

2-1-808. Financial Review. The Council reviews the Annual Financial Report, audited financial statements, and other relevant information to monitor each institution’s financial condition. When this review indicates that an institution’s financial condition may be weak or deteriorating, the Council will require the institution to furnish Quarterly Financial Reports, a Financial Improvement Plan, or other interim narrative reports that demonstrate the actions the institution is taking to improve its financial condition. If the Council determines the institution no longer complies with the Council’s requirements for financial stability, the Council will may issue a compliance warning or; issue a show-cause directive, or otherwise take negative action and require the institution to demonstrate compliance within the time frames described
in Title II, Chapter 3. These time frames may be extended at the sole discretion of the Council for good cause, including evidence that there has been significant improvement in the deficient area(s) and the applicable time frame does not provide sufficient time to demonstrate full compliance, e.g., significant improvement in financial stability. Institutions that are required to submit interim financial reports or that are determined to be out of compliance with the Council’s standards for financial stability are considered to be on financial review and are subject to additional restrictions regarding the initiation of branches and learning sites. At its discretion, the Council may take an adverse action at any time.

2-2-104. Initiation of Additional Campus Activity. An additional activity includes any ongoing instructional activity offered at a site away from the main facility of an institution. Activity at a site that meets the Council’s definition of a “Branch” is described in Section 1-3-100, Classification of Campuses. Activity at a site that does not meet the definition of a Branch Campus is referred to below as a “Learning Site.” Reporting requirements are as follows:

(a) Branch Campus. It is the responsibility of the institution to secure approval from ACICS of the intention to initiate a branch campus before the branch begins classes. If approved, activity must be initiated at the branch campus within one year of the proposed start date. A branch campus must be approved by the Council before advertising, recruiting, and enrollment may take place. Failure to secure approval from ACICS prior to the initiation of a branch campus may call into question the accreditation of the institution.

Any institution which (1) is required to submit a financial improvement plan to the Financial Review Committee, or which (2) is under a deferral action by the Council must request and receive prior permission from ACICS for the initiation of any branch campuses. An institution under a show-cause directive or a negative adverse action will not receive approval from ACICS for the initiation of any branch campus while the action is in effect.

(b) Learning Site. It is the responsibility of the institution to secure approval from ACICS prior to initiation of any new educational activity which is under the direct control of the on-site administration of a main campus or branch campus and at a site that is apart from the primary location of that campus.

Any institution which has a campus that (1) is under review by the Financial Review Committee of ACICS, (2) shows either a net loss or a negative net worth on its most recent financial report, (3) is required to report placement and/or retention data to the Institutional Effectiveness Committee, or (4) is under a deferral action by the Council must request and receive prior permission from ACICS for the initiation of any additional campus activity at which 50% or more of an academic program is provided. An institution under a show-
cause directive or a negative adverse action will not receive approval for the initiation of any such additional campus activity while the action is in effect.

...

2-2-403. Change of Ownership or Control Review Procedures. Institutions must submit Part I of the change of ownership/control application 30 days prior to the transfer of ownership or change in control occurs. Part II of the change of ownership/control application must be submitted within five business days after the transaction. The following procedures govern the Council’s review of change of ownership/control:

(a) Automatic Discontinuation. Any change of ownership or control results in the immediate and automatic discontinuation of an institution’s grant of accreditation. The grant of accreditation may be reinstated only upon application to and approval by the Council. Because the discontinuation results without action or prior approval on the part of the Council, this change in status does not constitute withdrawal of accreditation and is not a negative adverse action.

...

2-3-100 – ACCREDITATION GRANTED

If an institution is found to be in compliance with the Accreditation Criteria, ACICS may grant accreditation for a specific period of time from a minimum of one year to a maximum of six years. The length of the grant shall be at the discretion of ACICS. A grant of accreditation for less than six years is not a negative adverse action and, therefore, is not appealable.

...

2-3-210. Deferral. When Council determines there is insufficient evidence available to make a decision, it may defer action until a later date pending receipt of additional information...

Deferral is, in effect, “no action at this time” and is not a negative adverse action. Therefore, deferral is not an appealable action. Neither is deferral a final action. In all cases of deferral on renewal of accreditation of accredited institutions, the Council will extend the present grant of accreditation for a period sufficient for the institution to provide the information needed

...

2-3-300 – ACCREDITATION DENIED

Denial of an accredited status is characterized by the Council as a “withholding” action and is differentiated from suspension of accreditation, which is a “withdrawal” action. There are two
levels of denial. One totally withholds accreditation of the institution or a branch; the other denies approval of a requested substantive change. Denial at either level constitutes a negative adverse action and is challengeable by the institution. The process of challenge, however, is different for each level of denial as separately described in Sections 2-3-301, 2-3-302, and 2-3-303. In all cases of denial, the Council will give the institution written reasons for the denial, which are subject to modification through the appeals processes as later described and explained. Denial actions that are not appealed in accordance with the appeals procedures provided by the Council are considered final actions.

…

2-3-603. Jurisdiction and Authority. The Review Board of Appeals is empowered to review, upon notice of appeal timely filed, actions specified in Sections 2-3-301, 2-3-302, and 2-3-402.

…

The Review Board panel may amend or reverse the decision of the Council or remand the case to the Council for further consideration only if it finds the decision to be one of the following:

(a) arbitrary, capricious, or otherwise in substantial disregard of the Accreditation Criteria; or
(b) not supported by substantial evidence in the record on which the Council took the negative adverse action.

…

BYLAWS

ARTICLE VII Appeals Process.

Section 1—Review Board of Appeals. A Review Board of Appeals shall be appointed by the Council. The purpose of the Review Board shall be to review, according to pre-established procedures and guidelines, appeals by members of final negative adverse actions by the Council and in each case either to affirm the action of the Council, to remand the case to the Council for further review, or to amend or overturn the action. The Review Board shall consist of fifteen (15) persons, all of whom have had experience in accreditation. The Review Board shall include at least two (2) academic representatives, two (2) administrative representatives, and three (3) public members, as defined in Article III, Section 1 herein. Review Board panels will consist of a minimum of three (3) members and be comprised of at least one (1) public, one (1) academic, and one (1) administrative representative. Members of the Review Board shall be appointed to terms of three years, with terms of initial appointees staggered so that one-third of the terms expire each year. A person appointed to the Review Board shall not have been a commissioner within one year prior to appointment. The President shall convene timely a panel of the Review Board when necessary.
APPENDIX G GUIDELINES ON DISCLOSURE AND NOTIFICATION

These guidelines are designed to inform institutions of the policies of the Council and to guide staff in disclosing information and providing materials to third parties regarding an institution’s accreditation.

2. The Council will notify the U.S. Department of Education, state regulatory agencies, other accrediting agencies, other interested third parties, and the public of all Council actions that affect an institution’s grant of accreditation, institutional closings, and voluntary withdrawal or expiration of accreditation within 30 days. In the case of the public, however, the Council will provide written notice of the decisions listed below within 24 hours of its notice to the institution:
   (a) a final decision to place an institution on show-cause or equivalent status; and
   (b) a final decision to deny, withdraw, suspend, revoke, or terminate the accreditation of an institution.

Deferral actions will include an explanation that the institution’s application is pending and that additional information has been requested. Negative-Adverse actions subject to appeal will be denoted with a statement that the action is subject to appeal and is not final unless the institution does not exercise its appeal rights or until the institution’s appeal rights have been exhausted. The disclosure of Review Board decisions will be in accordance with the procedures described in Section 2-3-607. The Council retains the discretion and the responsibility to communicate other relevant accreditation information with appropriate agencies and regulatory bodies.

3. Within 60 days of a final negative-adverse action, the Council will also make available to the agencies above and the public upon request, a brief statement summarizing the reasons for the negative-adverse action determination and the official comments that the institution may wish to make with regard to the Council’s decision, or evidence that the affected institution has been offered the opportunity to provide official comment.

APPENDIX L - STUDENT ACHIEVEMENT STANDARDS AND CAMPUS ACCOUNTABILITY REPORTS

…^ The Council also will consider any conditions or negative-adverse actions from other oversight agencies, as well as additional student achievement indicators when taking an action…
A program show-cause directive or compliance warning is not a negative or adverse conditioning action and is therefore not appealable. It is issued as an official notification to an institution that a program provided by the institution is out of compliance with agency standards...

FOR INFORMATION ONLY

A. Two-Year Review Cycle
ACICS will be transitioning to a two-cycle review year, starting in 2021. Below is the revised annual schedule. Moving to two cycles will allow ACICS to extend the review periods for accreditation visits and institutional responses.

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B. Systematic Review
As ACICS continually strives to enhance its standards to remain current with best practices in the industry and various fields, the Council continues its solicitation of feedback from all stakeholders. The Council’s 2020 – 2021 Systematic Review Schedule includes the standards relative to Library Resources and Services, International Partnership Agreements (Appendix I), and Study Abroad (Appendix J). The Council respectfully requests feedback from all parties in these areas, along with any of the proposed revisions above. Stakeholders with expertise in a particular area are especially invited to contact staff for direct involvement in the continued review and revision of these components of the Accreditation Criteria. Requests may be sent to Karly Zeigler, Manager Policy and Institutional Compliance at kzeigler@acics.org.
C. CAR Program Enrollment or Graduates Totaling Less than Ten

Effective with the 2020 Campus Accountability Reporting year, any program(s) with less than ten (10) students or graduates during the reporting year will be held to the requirements of Appendix L. No program will be exempt from evaluation for compliance with Appendix L based upon small population size and/or number of graduates, nor will this reason alone be sufficient grounds for consideration of mitigating circumstances. Any questions may be sent to Ms. Michelle Bonocore, Compliance Analyst, at mbonocore@acics.org.

D. COVID-19 Updates

Continuous updates and guidance on the situation can be found on the website under the “News and Events” tab, or you can click here.

E. Annual Meeting

On June 23, 2020, the Annual Meeting of ACICS, prescribed in the Bylaws, will be held from 1:00 to 3:00 Eastern Daylight Savings Time (EDST) by means of a webinar. The meeting’s agenda will include updates on the agency's operations relative to its administrative, financial and accreditation functions with reports by the Council Chair, Dr. Rafael Castilla, the Treasurer, Dr. Judee Timm, and the President & CEO, Michelle Edwards.

This is a members-only meeting, with such other colleagues as may be extended a special invitation.

Registration information can be found on our website at: https://www.acics.org/news/annual-meeting-notification.

5.

COMMENT SURVEY – PROPOSED CRITERIA REVISIONS

The Council encourages students, faculty, administrators, evaluators, employers, and other interested parties to provide feedback regarding proposed revisions to Council policies and procedures. Comments on the proposed Criteria revisions are due by Friday, July 17, 2020. ACICS is collecting all comments from the field on proposed Criteria revisions through an electronic survey. Please find the survey link below:

https://www.surveymonkey.com/r/ACICSCALLFORCOMMENTJUNE2020

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In preparation for the scheduled AWARE on June 16, 2020 to discuss these proposed changed and informational procedures, please send your questions to kzeigler@acics.org to ensure that we are able to provide as much guidance as possible. To register for the AWARE:

https://attendee.gotowebinar.com/register/4908369847429781264
For any other questions or to provide policy comments, please contact:

Ms. Karly Zeigler  
Manager, Policy and Institutional Compliance  
kzeigler@acics.org