



**ACCREDITING COMMISSION for COMMUNITY and JUNIOR COLLEGES**  
*Western Association of Schools and Colleges*

Barbara A. Beno, President  
Susan S. Kazama, Chair

**July 8, 2016**

**Memo to: Member Institutions: Chief Executive Officers, Chancellors, Accreditation Liaison Officers**

**Copy: Interested Others: Accreditors, Governmental Agencies, and Other Organizations**

**From: Norv Wellsfry, Vice President**

A handwritten signature in black ink, appearing to read "Norv Wellsfry", is written over the printed name.

**Subject: Commission Actions on Policy taken at the June 2016 Meeting**

We request that you publicize this information on recent policy changes approved by the ACCJC at your institution.

The Policy Committee is a standing committee of the Commission. Through Commission processes, the Policy Committee oversees the ongoing review and updating of Commission policy. Commission procedures require that proposed institutional policy changes and/or new policies be considered by the Commission in a two-meeting process. At the first meeting, new policies and policy changes are discussed and modifications are made as appropriate (i.e., "First Reading"). These policies are then circulated to ACCJC accredited institutions via email, and to other interested parties via the online posting of Recent Commission Actions, for review and comment before presentation at the next Commission meeting for second reading and adoption.

When policy changes are needed in order to align with federal regulations or guidelines, they must be made expeditiously; these changes can be made by the Commission without the normal First Reading/Second Reading process for institutional policies. If these changes are made by Commission action between regular meetings, then the changes are reported to the field at the next Commission meeting.

New or revised operational policies of the ACCJC are adopted by a vote of the Commission in Open Session. Amendments to ACCJC Bylaws are made in accordance with Bylaws requirements.

The institutional policies and operational policies of the Commission are published annually in the *Accreditation Reference Handbook (ARH)* along with Eligibility Requirements and Accreditation Standards. The publication is completed after the June Commission meeting each year. The ARH is available online at [www.accjc.org](http://www.accjc.org).

**1. The following revised institutional policy was presented for second reading, after consideration of comments received by the Commission, and adopted by the Commission.**

- **Policy on Substantive Change**

The Policy was restructured to improve the clarity of the various kinds of institutional changes that constitute a substantive change, and to add the list of actions the Substantive Change Committee or the Commission may take on an application for approval of substantive change.

**2. The following new policy was presented for second reading, after consideration of comments received by the Commission, and adopted by the Commission.**

- **Policy on Accreditation of Baccalaureate Degrees**

This new policy sets forth the general requirements for accreditation of baccalaureate degrees, in accordance with advice from the U.S. Department of Education staff, as part of the ACCJC recognition review and application for scope to accredit community college baccalaureate degrees. Included are general requirements and the citations of Commission standards and evaluation criteria related to the accreditation of baccalaureate degrees through substantive change approval (initial approval) and thereafter the review of such degrees during the comprehensive evaluation of an institution which offers a baccalaureate degree.

**3. The ACCJC Bylaws are presented for information to the public on recent amendments.**

- **ACCJC Bylaws—Report on Action Taken**

The Bylaws were amended to provide clarifying language that all categories of commissioners are elected through the commissioner election process, to change the time in the academic calendar when the commissioners complete the election of commission officers, and to make provision for commissioners elected as academic faculty members to be able to complete their term if their employment status changes from faculty to another academic position. The Bylaws also added a footnote with the definition of academic members of the Commission.

## Policy on Substantive Change

*(Adopted October 1972; Revised January 1978, June 1991, June 1996; Edited October 1997;  
Revised January 2002; Edited June 2002, August 2004; Revised June 2011;  
Edited June 2012, August 2012; Revised June 2013, Revised October 2013, Revised June 2015,  
Revised June 2016*

### Background

The U.S. Department of Education regulations require that accrediting agencies have adequate policies and procedures to ensure that any substantive changes to the educational mission, or programs of an institution, maintain the capacity of the institution to continue to meet Accreditation Eligibility Requirements, Accreditation Standards, and Commission policies. Membership of the Substantive Change Committee is set forth in the ACCJC Bylaws and represents the composition of academic and administrative personnel, and of public representatives, required of decision-making bodies by the U.S. Department of Education.<sup>1</sup> In addition, educators with specialized expertise may be invited to serve as expert advisors to the Committee to facilitate consideration of substantive change applications involving programs or single-purpose institutions that prepare students for a specific profession. These expert advisors are not members of the Substantive Change Committee and do not vote on substantive change requests.

Federal law mandates that accrediting agencies require institutions to obtain accreditor approval of a substantive change before the change is included in the scope of the accreditation granted to the institution. The scope of an institution's accreditation covers all activities conducted in its name. The Commission's Substantive Change Committee is the decision-making body of the Commission for substantive change requests. Unless the Substantive Change Committee decides to refer a matter to the Commission for review and action, the Committee's action on a substantive change request serves as the final decision.

### Policy

The Commission, through its Substantive Change Committee and processes, ensures that institutions continue to meet the Eligibility Requirements, Accreditation Standards, and Commission policies. The substantive change process requires evidence of institutional planning, resource commitment to the proposed change, and evidence that following the change, the institution continues to meet the Eligibility Requirements, Accreditation Standards and Commission policies.

It is the institution's responsibility to demonstrate the effect of a substantive change on the quality, integrity, capacity and effectiveness of the total institution. Substantive changes must be approved by the Substantive Change Committee prior to implementation.<sup>2</sup> The Committee will not approve a substantive change to be effective on a date prior to its action on the substantive change. The approval of a substantive change application will be effective on the date the Substantive Change Committee votes affirmatively to approve the change.

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<sup>1</sup> 34 C.F.R. § 602.15(a)(3).

<sup>2</sup> 34 C.F.R. § 602.22.

The Commission publishes a *Substantive Change Manual* that describes the approval process. Institutions seeking approval for a substantive change should note that substantive change applications are subject to review, on the basis of specific evaluation criteria below, and on the impact of the change on the institution's ability to sustain compliance with Eligibility Requirements, Accreditation Standards, and Commission policies.

The institution's accreditation will be extended to areas affected by the change upon review and approval by the Substantive Change Committee. Any substantive change approval may include the requirement for a follow-up report and team visit to address specific issues identified by the Substantive Change Committee and to verify that the institution remains in compliance with Eligibility Requirements, Accreditation Standards, and Commission policies as the program implementation moves forward.

## **POLICY ELEMENTS**

### **I. Timing Considerations for a Substantive Change Application**

Substantive change approval is needed before an applicable change can be implemented and before affected students can qualify for federal financial aid. Thus, prior to approval, the change may not be represented or advertised as a part of the institutional accreditation.

Accredited institutions seeking substantive change are aware of and, per Standard I.C.12, have committed to remaining in compliance with Eligibility Requirements, Accreditation Standards, and Commission policies at all times. A substantive change application is timely when the institution has progressed in its planning to a point where it is able to demonstrate and provide evidence that the change meets Eligibility Requirements, Accreditation Standards, and Commission policies and any specific evaluation criteria.

In the following circumstances, institutions may not submit a substantive change application:

- In the six-month period preceding a comprehensive evaluation team visit.
- During the period that an institution is on a sanction such as Warning, Probation, or Show Cause until the conditions that resulted in a sanction have been resolved and the Commission has reaffirmed accreditation. If the sanction includes a specific recommendation which cites as a non-compliance the institution's failure to seek substantive change approval of an existing program, delivery mode, or location, then, to the extent of that recommendation only, the institution may proceed with a substantive change application.
- If the institution is subject to withdrawal of accreditation, pending the outcome of administrative remedies.

## II. Changes classified as Substantive Changes

Substantive changes include, but are not limited to, the following<sup>3</sup>:

### A. Change in Mission, Objectives, Scope, or Name of the Institution

- Change in the mission or character of the institution; if the mission or character of the institution becomes dramatically different, the Commission reserves the right to require the institution to complete the eligibility, candidacy, and initial accreditation process
- Change in the degree level from that which was previously offered by the institution, i.e., offering a degree at a level higher than the accredited institution offers currently
- Change in the official name of the institution
- Merger of two separately-accredited ACCJC institutions into a single ~~accredited~~ accreditable institution
- Reduction of programs to an extent that the institution's mission cannot be accomplished

### B. Change in the Nature of the Constituency Served

- Change in the intended student population
- Closure of an institution or loss of state authorization or licensure for the institution or a program, withdrawal of or from accreditation if such withdrawal will result in closure<sup>4</sup>
- Closure of a location geographically apart from the main campus at which students can complete at least 50% of an educational program
- Courses or programs offered outside the geographic region currently served

### C. Change in the Location or Geographic Area Served

- Move of the institution to a new location or an addition of a location, geographically apart from the main campus, where students can complete 50% or more of a program. The Substantive Change Committee will determine if an institution applying for substantive change for a new location requires a visit to the site. Considerations related to an additional or new location include the following:
  - The institution must have the fiscal and administrative capacity to operate the additional location. If required, a visit will be arranged within six months of review to an additional or new location the institution establishes. The purpose of the site visit is to verify that the location has

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<sup>3</sup> Please note that although some change at an institution may not warrant substantive change review, the institution should still take all necessary steps to ensure the Eligibility Requirements, Accreditation Standards, and Commission policies related to that change are being met.

<sup>4</sup> See the Policy on Closing an Institution for further discussion of requirements related to closing an institution and teach-out plans for institutional or programmatic closures.

the personnel, facilities, and resources the institution claimed to have in its substantive change application.

- The Substantive Change Committee may not approve an institution's addition of locations after the institution undergoes a change in ownership resulting in a change of control<sup>5</sup> until the institution demonstrates that it meets the conditions for the Commission to pre-approve additional locations.<sup>6</sup>

#### **D. Change in the Control or Legal Status of the Institution**

- Change in the form of control, legal status, or ownership of the institution
- Merger with another institution<sup>7</sup>
- Separation of one unit of the institution into separate institutions, dividing an institution into two or more separately controlled and accredited units, or a change of an off-campus site into a separate institution.
- Acquisition of any other institution or program or location of another institution, and/or the addition of a permanent location at the site of a teach-out the institution is conducting

#### **E. Change in Courses or Programs or their Mode of Delivery that Represents a Significant Departure from Current Practice**

- Change in the mode or location of courses when the change constitutes 50% or more of a program, degree or certificate. This includes the following:
  - Courses offered at a new or different location,
  - Courses offered through distance education or correspondence education;
  - Course additions that constitute 50% or more of a program.
- Addition of courses or programs that represent a significant departure from existing offerings of educational programs or methods of delivery from those offered when the institution was last evaluated
- Addition of programs at a degree or credential level different from that which is included in the institution's current accreditation.

#### **F. Change in Credit Awarded**

- Substantial increase or decrease in the number of clock or credit hours awarded for the successful completion of a program
- Change from clock hours to credit hours

#### **G. Implementation of Direct Assessment<sup>8</sup>**

- Change of an instructional program from clock hours or credit hours, to direct assessment of student learning. A program must obtain USDE approval as a direct

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<sup>5</sup> as defined in 34 C.F.R. § 600.3.1

<sup>6</sup> 34 C.F.R. §602.22(a)(2)(viii)(D)

<sup>7</sup> See also *Policy on Contractual Relationships with Non-Regionally Accredited Organizations*

<sup>8</sup> See the *Policy on Direct Assessment of Learning*

assessment program<sup>9</sup>

#### **H. Implementation of a Baccalaureate Degree Program<sup>10</sup>**

- Instructional program that leads to the award of a baccalaureate degree
- Additional area of emphasis within a baccalaureate degree program of study
- Designation of a minor which can be awarded in association with a baccalaureate degree

#### **I. Contractual Relationship with a Non-Regionally-Accredited Organization**

- More than 25 percent of one or more of the accredited institution's educational programs is offered by the non-regionally-accredited organization,<sup>11</sup>

### **III. Circumstances that may require reports and evaluation**

#### **A. Special Report and/or Visit**

- As a result of a Substantive Change application or review, circumstances may come to the attention of the Substantive Change Committee that may cause the Committee to recommend to the Commission that a special report is needed to be submitted by an institution. This report may be followed by a visit. These circumstances are:
- Information that reveals or indicates a significant departure from Eligibility Requirements, Accreditation Standards, and Commission policies;
- Evidence of unethical practices;
- Closure of a program or institution due to loss of state authorization or licensing;
- Lack of effective educational policies and practices; or
- Other circumstances or the accumulation of changes wherein the Commission concludes the institution, to which it granted accreditation, has effectively ceased to operate under the conditions upon which accreditation is granted.

#### **B. Comprehensive Institutional Evaluations**

Major substantive changes may cause the Substantive Change Committee to decide that a comprehensive evaluation is required.<sup>12</sup> Comprehensive Evaluations will include a visit by

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<sup>9</sup> See 34 C.F.R. § 668.10

<sup>10</sup> See the Policy on Accreditation of Baccalaureate Degrees for specific standards and policies which must be addressed, as well as additional specific evaluation criteria.

<sup>11</sup> 34 C.F.R. § 602.22(a)(2)(vii)

<sup>12</sup> 34 C.F.R. § 602.22(a)(3) Comprehensive evaluations triggered by a major substantive change will proceed in the same manner as a regularly scheduled comprehensive evaluation, with an institutional self evaluation report, evaluation team visit and evaluation team report, and action by the Commission

a comprehensive evaluation team and a Commission evaluation and decision. Situations which may trigger this determination include:

- Change of ownership/control/legal status during the process of reaffirmation of accreditation or candidacy status;
- Complete or significant change in mission and/or a significant change of mission sought within two years of a change of ownership and change of control;
- Any relocation coupled with a change of mission;
- A change of classification from an off-site location to a stand-alone institution;
- Student indebtedness compared to program, job market, and salary;
- Poor student graduation rates, program quality, performance and/or program outcomes;
- Rapid growth in the number of sites where more than 50% of an educational program is offered;
- Any change that results in the transition to a primarily distance education institution; or
- Other circumstances or the accumulation of changes as determined by the Substantive Change Committee.

#### IV. Actions on Substantive Change

The charge of the Substantive Change Committee is to ensure that any substantive changes meet the expectations of accreditation (the Eligibility Requirements, Accreditation Standards, and Commission policies) and that implementation of the change will not adversely affect the institution's capacity to continue to meet the Eligibility Requirements, Accreditation Standards, and Commission policies. The actions of the Committee are considered actions of a decision-making body on the accredited status of a member institution (as to the substantive changes). The review is rigorous and verifies compliance with expectations in Eligibility Requirements, Accreditation Standards, and Commission policies.

Informal communications and feedback by ACCJC staff with institutional representatives prior to committee review of the institution's substantive change are intended to provide assistance to colleges as they progress through the substantive change approval process, but staff do not predict the outcomes of the Committee decision.

The Substantive Change Committee may take the following actions:

**Approve the substantive change.** The institution has demonstrated that it meets the evaluation criteria.

**Approve the substantive change and require a Follow-Up Report with or without a visit, or a visit without an institutional report.** The institution meets the evaluation criteria, but the committee has specific questions (which don't require deferral), feels

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on the accredited status of the institution.

general verification is needed of sustained practice, or has questions concerning further implementation stages. A visit timeline will be specified: 6-18 months. The Committee will review the report(s).

**Provisionally approve a planned substantive change that is subject to a federally mandated site visit.** The institution's submitted plans for a change of ownership, new location, or creation of a branch campus demonstrate future actions that will meet the evaluation criteria. The provisional approval allows the institution to move forward with steps of implementation in preparation for seeking approval of the substantive change. The provisional approval may include a site visit. The provisional approval must state a date, not to exceed three years, by which the change must be approved for inclusion in the institution's accreditation. If that time is exceeded, then the substantive change request process must be initiated anew. A new location which requires a federally mandated site visit cannot be provisionally approved if there has been a change in ownership since the institution has successfully had three new locations approved by substantive change. The Committee may require additional reports or visits before the approval is final.

**Defer pending additional information.** Consideration of the request cannot move forward without receipt of additional information demonstrating the evaluation criteria are met.

**Deny the substantive change.** The institution has not demonstrated that the change meets the evaluation criteria.

**Refer the proposed change to the Commission.** The substantive change application can be referred by the Substantive Change Committee to the Commission when it has determined there may be the need for a comprehensive evaluation or for a special report and visit. The evaluation of the institution's substantive change follow-up report and/or visit may also be referred to the Commission when deemed appropriate for review by the full Commission. The Committee's referral to the Commission will include the reasons for such referral.

## **V. Substantive Change Actions Involving Federally Mandated Visits**

Federal regulations require that certain substantive changes include a site visit as part of the approval<sup>13</sup>. Generally visits are required when there is an additional location where at least 50% of a program is offered, when a branch campus is established, or when there is a change in ownership that results in a change of control.

### **A. New location where at least 50% of an educational program is offered**

When there is a change that constitutes 50% or more of a program, certificate, or degree, at a new location, a federally-mandated site visit is required. The purpose of the visit is to verify that the information provided by the institution in its substantive change application was accurate and complete. It is also used to verify that the actions implemented align with the plans that received provisional approval by the committee. Visits must take place no later than 6 months after the substantive change approval.

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<sup>13</sup> 34 C.F.R § 602.22(c)

A federally mandated site visit is required if the institution has:

- Three or fewer additional locations;
- Not demonstrated that it has a record of effective educational oversight of additional locations;
- Been placed on warning, probation or show cause;
- Rapid growth in the number of additional locations (more than 20%) within one year.

A federally mandated site visit is not required for a new location if there are findings that the institution has met the conditions below and that the evidence demonstrates it has clearly identified academic control; regular evaluation of the locations; adequate faculty, facilities, resources and academic and student support systems; financial stability; and long-range planning for expansion. The conditions for an exemption from a federally mandated site visit include:

- The institution has successfully completed one cycle of accreditation (comprehensive evaluation –midterm review –comprehensive evaluation) and has achieved reaffirmation of accreditation; and
- Has at least three additional locations that were previously approved by the accreditor; and
- Has a demonstrated record of effective oversight of additional locations; and
- The institution is not on sanction.

## **B. Branch campus**

Substantive Change uses the federal regulation definition<sup>14</sup> of a Branch Campus. Federal regulations define a branch campus as a location of an institution that is geographically apart and independent of the main campus of that institution. The branch location of an institution is independent if it is (1) is permanent in nature; (2) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential; (3) has its own faculty and administrative or supervisory organization; and (4) has its own budgetary and hiring authority. An institution must provide a business plan in advance of establishing a branch campus (describing the educational programs, the projected revenues/ expenditures/cash flow, the operation, management and physical resources of the branch campus). Approval (accreditation) can only be given after determining the campus has sufficient educational, financial, operational, management, and physical resources. There must be a site visit as soon as possible after the campus is established,<sup>15</sup> in any case no longer than six months after.

## **C. Change of ownership**

Changes in the ownership of an institution which result in a change of control are subject to federally mandated site visits. The Substantive Change Committee can designate the

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<sup>14</sup>34 CFR §600.2

<sup>15</sup> The campus will be deemed to be established when classes are first offered after the criteria for independence are met.

effective date of its approval as being the date of the actual change, so long as the Committee decision is within 30 days of that change of ownership. There must be a site visit as soon as possible after the change takes effect, in no case later than six months after the change.

## Policy on Accreditation of Baccalaureate Degrees

*(Adopted June 2016)*

### General Requirements

Member institutions which seek to gain accreditation for a baccalaureate degree program will first need to gain substantive change approval.<sup>1</sup> That approval may include the requirement for a follow-up report and team visit to address specific issues identified by the Substantive Change Committee and to verify that the institution remains in compliance with Eligibility Requirements, Accreditation Standards, and Commission policies as the program implementation moves forward.

Upon completion of the substantive change requirements and following approval, the baccalaureate degree program will be expected to demonstrate and maintain compliance with Eligibility Requirements, Accreditation Standards, and Commission policies as part of an accredited institution. As part of an institution's comprehensive evaluation, both the institutional self-evaluation report (ISER) and the evaluation team report will be expected to specifically address the compliance of the baccalaureate degree program with all applicable Accreditation Standards, Eligibility Requirements, and Commission policies.

### Limits on Institutional Baccalaureate Degree Offerings

The ACCJC extends its accreditation to institutions which have as a primary mission the granting of associate degrees. In accordance with the Bylaws of the ACCJC:

The operational definition of having as a primary mission the granting of associate degrees includes the following: 75% of the programs offered by the institution must be at the Associate degree or pre-Associate degree college level, and 60% of students at the institution must be in Associate degree or pre-Associate Degree level programs, except that a primarily 2-year higher education institution that has or proposes only a single baccalaureate degree program may do so without regard for these percentages.

In addition, the U.S. Department of Education (USDE) has granted to ACCJC the scope of approving one baccalaureate degree at each member institution through the substantive change process.<sup>2</sup> The U.S. Department of Education's approval of this scope is the means by which institutions and their programs may qualify for federal student aid and federal aid to postsecondary institutions.

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<sup>1</sup> See the Policy on Substantive Change and the Manual on Substantive Change for articulation of the policies and procedures related to substantive change.

<sup>2</sup> As has been previously communicated to the field, the ACCJC is seeking an expansion of this USDE scope to include baccalaureate degrees as would fall within ACCJC's general scope of accreditation under its Bylaws.

Institutions exploring the addition of Baccalaureate Degrees will need to consider the extent of ACCJC's scope.

An institution preparing an Institutional Self Evaluation Report for purposes of reaffirmation of accreditation must, for the Eligibility Requirements, Accreditation Standards, and Commission policies listed below, specifically address and provide evidence of its practices as to the baccalaureate degree and how those practices meet the Eligibility Requirements, Accreditation Standards, and Commission policies. In addressing the standards Eligibility Requirements, Accreditation Standards, and Commission policies, the institution must also address and provide evidence of its practices for the baccalaureate degree program-specific evaluation criteria listed below.

### Eligibility Requirements

The Eligibility Requirement listed below applies to the baccalaureate degree programs.

**1. Authority:** *The institution is authorized or licensed to operate as a post-secondary educational institution and to award degrees by an appropriate governmental organization or agency as required by each of the jurisdictions or regions in which it operates.*

*Private institutions, if required by the appropriate statutory regulatory body, must submit evidence of authorization, licensure, or approval by that body. If incorporated, the institution shall submit a copy of its articles of incorporation.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- Authority requires that an institution be authorized or licensed as a post-secondary institution to award degrees. An institution wishing to gain approval for a baccalaureate degree will have to provide evidence of the institution's authorization to offer the degree, as required by each of the jurisdictions or regions in which it operates.

A number of additional Eligibility Requirements (ERs) referenced in the Standards have specific application to the baccalaureate degree and are covered by the institution's compliance with those standards Eligibility Requirements, Accreditation Standards, and Commission policies.

### Accreditation Standards

The Accreditation Standards listed below apply to the institution as a whole and to each baccalaureate degree program. As appropriate, the list includes criteria indicating how the Standards specifically apply to baccalaureate degree programs. In addressing the Standards, the institution must also address and provide evidence of its practices for the baccalaureate degree program-specific evaluation criteria identified below.

**Standard I.A.1,** *The mission describes the institution's broad educational purposes, its intended student population, the types of degrees and other credentials it offers, and its commitment to student learning and student achievement. (ER 6)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- Institutions may need to make changes to the institutional mission to reflect the baccalaureate degree which must align with the Institutional mission.
- Student demand for the baccalaureate degree should demonstrate its correlation with the institutional mission.

**Standard I.A.2:** *The institution uses data to determine how effectively it is accomplishing its mission, and whether the mission directs institutional priorities in meeting the educational needs of students.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The assessment of data, in addition to measuring institution effectiveness, must also demonstrate the effectiveness of the baccalaureate degree program.
- The assessment of the baccalaureate degree must be differentiated from the overall assessment of institutional outcomes.

**Standard I.A.3:** *The institution's programs and services are aligned with its mission. The mission guides institutional decision-making, planning, and resource allocation and informs institutional goals for student learning and achievement.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The baccalaureate degree program is clearly aligned with the institutional mission.
- The institution has included the baccalaureate degree in its decision making and planning processes, and in setting its goals for student learning and achievement.

**Standard I.B.2** *The institution defines and assesses student learning outcomes for all instructional programs and student and learning support services. (ER 11)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- Student learning outcomes for upper division baccalaureate degree courses reflect higher levels of depth and rigor generally expected in higher education.
- Assessment must be accurate and distinguish the baccalaureate degree outcomes from those of other programs.

**Standard I.B.3:** *The institution establishes institution-set standards for student achievement, appropriate to its mission, assesses how well it is achieving them in pursuit of continuous improvement, and publishes this information. (ER 11)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The Institution has institution-set standards for the baccalaureate degree program and assesses performance related to those standards. It uses this assessment to improve the quality of the baccalaureate degree program.

- Student Achievement standards are separately identified and assessed for baccalaureate degree programs to distinguish them from associate degree programs.

**Standard I.B.7:** *The institution regularly evaluates its policies and practices across all areas of the institution, including instructional programs, student and learning support services, resource management, and governance processes to assure their effectiveness in supporting academic quality and accomplishment of mission.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The institutional evaluation of policies and practices recognizes the unique aspects and requirements of the baccalaureate degree program in relation to learning and student support services and resource allocation and resource management.

**Standard I.C.1:** *The institution assures the clarity, accuracy, and integrity of information provided to students and prospective students, personnel, and all persons or organizations related to its mission statement, learning outcomes, educational programs, and student support services. The institution gives accurate information to students and the public about its accreditation status with all of its accreditors. (ER 20)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- Information related to baccalaureate degree programs is clear and accurate in all aspects of this Standard, especially in regard to learning outcomes, program requirements, and student support services.

**Standard I.C.2:** *The institution provides a print or online catalog for students and prospective students with precise, accurate, and current information on all facts, requirements, policies, and procedures listed in the "Catalog Requirements" (see endnote). (ER 20)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The catalog and other information for students shall include accurate and current information concerning all requirements for the baccalaureate degree including admissions criteria, enrollment processes, academic requirements, and all other relevant and pertinent information.

**Standard I.C.3:** *The institution uses documented assessment of student learning and evaluation of student achievement to communicate matters of academic quality to appropriate constituencies, including current and prospective students and the public. (ER 19)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The assessment results of student learning and student achievement in the baccalaureate degree programs are used in the communication of academic quality.

**Standard I.C.4:** *The institution describes its certificates and degrees in terms of their purpose, content, course requirements, and expected learning outcomes.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The purpose, content, course requirements and learning outcomes of the baccalaureate degree programs are clearly described.

**Standard II.A.1:** *All instructional programs, regardless of location or means of delivery, including distance education and correspondence education, are offered in fields of study consistent with the institution's mission, are appropriate to higher education, and culminate in student attainment of identified student learning outcomes, and achievement of degrees, certificates, employment, or transfer to other higher education programs. (ER 9 and ER 11)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The baccalaureate degree field of study aligns with the institutional mission.
- The baccalaureate degree program is appropriate to higher education
- The baccalaureate degree program will culminate in identified student learning outcomes appropriate to higher education.
- The baccalaureate degree program leads to employment or transfer to other higher education programs.

**Standard II.A.3:** *The institution identifies and regularly assesses learning outcomes for courses, programs, certificates and degrees using established institutional procedures. The institution has officially approved and current course outlines that include student learning outcomes. In every class section students receive a course syllabus that includes learning outcomes from the institution's officially approved course outline.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- Learning outcomes for baccalaureate courses, programs, and degrees are identified and assessed consistent with institutional processes.

**Standard II.A.5:** *The institution's degrees and programs follow practices common to American higher education, including appropriate length, breadth, depth, rigor, course sequencing, time to completion, and synthesis of learning. The institution ensures that minimum degree requirements are 60 semester credits or equivalent at the associate level, and 120 credits or equivalent at the baccalaureate level. (ER 12)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- A Minimum of 40 semester credits or equivalent of upper division coursework including the major and general education is required.
- The academic credit awarded for upper division courses within baccalaureate degree programs is clearly distinguished from that of lower division courses.
- The instructional level and curriculum of the upper division courses in the baccalaureate degree are comparable to those commonly accepted among like degrees in higher education and reflect the higher levels of knowledge and intellectual inquiry expected at the baccalaureate degree level.
- Student expectations, including learning outcomes, assignments and examinations of in the upper division courses demonstrate the rigor commonly accepted among like degrees in higher education.

- The program length and delivery mode of instruction are appropriate for the expected level of rigor.

**Standard II.A.6:** *The institution schedules courses in a manner that allows students to complete certificate and degree programs within a period of time consistent with established expectations in higher education.<sup>3</sup> (ER 9)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- Baccalaureate degree courses are scheduled to ensure that students will complete those programs in a reasonable period of time.

**Standard II.A.9:** *The institution awards course credit, degrees and certificates based on student attainment of learning outcomes. Units of credit awarded are consistent with institutional policies that reflect generally accepted norms or equivalencies in higher education. If the institution offers courses based on clock hours, it follows Federal standards for clock-to-credit-hour conversions. (ER 10)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- Baccalaureate Degrees and the course credit in those programs are based on student learning outcomes. These outcomes are consistent with generally accepted norms and equivalencies in higher education, especially in relation to upper division courses.

**Standard II.A.10:** *The institution makes available to its students clearly stated transfer-of-credit policies in order to facilitate the mobility of students without penalty. In accepting transfer credits to fulfill degree requirements, the institution certifies that the expected learning outcomes for transferred courses are comparable to the learning outcomes of its own courses. Where patterns of student enrollment between institutions are identified, the institution develops articulation agreements as appropriate to its mission. (ER 10)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- Policies for student admission into the baccalaureate degree program ensure that all program requirements are fulfilled, including completion of the minimum required semester units, prerequisites, experience, and general education.

**Standard II.A.11:** *The institution includes in all of its programs, student learning outcomes, appropriate to the program level, in communication competency, information competency, quantitative competency, analytic inquiry skills, ethical reasoning, the ability to engage diverse perspectives, and other program-specific learning outcomes.*

Specified Baccalaureate Degree Program Evaluation Criteria:

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<sup>3</sup> Glossary- Established expectations in higher education (also, appropriate for, accepted in, common to, accepted norms in, etc.): Shared and time honored principles, values and practices within the American community of higher education.

- Student learning outcomes in baccalaureate degree programs are consistent with generally accepted norms in higher education and reflect the higher levels expected at the baccalaureate degree level.

**Standard II.A.12:** *The institution requires of all of its degree programs a component of general education based on a carefully considered philosophy for both associate and baccalaureate degrees that is clearly stated in its catalog. The institution, relying on faculty expertise, determines the appropriateness of each course for inclusion in the general education curriculum, based upon student learning outcomes and competencies appropriate to the degree level. The learning outcomes include a student's preparation for and acceptance of responsible participation in civil society, skills for lifelong learning and application of learning, and a broad comprehension of the development of knowledge, practice, and interpretive approaches in the arts and humanities, the sciences, mathematics, and social sciences. (ER 12)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- At least 36 semester units or equivalent of lower and upper division general education is required, including at least 9 semester units or equivalent of upper division general education coursework.
- The general education requirements are integrated and distributed to both lower division and upper division courses.
- The general education requirements are distributed across the major subject areas for general education; the distribution appropriately captures the baccalaureate degree level student learning outcomes and competencies.

**Standard II.A.13:** *All degree programs include focused study in at least one area of inquiry or in an established interdisciplinary core. The identification of specialized courses in an area of inquiry or interdisciplinary core is based upon student learning outcomes and competencies, and include mastery, at the appropriate degree level, of key theories and practices within the field of study.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The baccalaureate degree program includes a focused study on one area of inquiry or discipline at the baccalaureate level and includes key theories and practices appropriate to the baccalaureate degree level.

**Standard II.A.14:** *Graduates completing career-technical certificates and degrees demonstrate technical and professional competencies that meet employment standards and other applicable standards and preparation for external licensure and certification*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The CTE baccalaureate degree ensures students will be able to meet employment standards and licensure or certification as required in the field of study.

**Standard II.B.1:** *The institution supports student learning and achievement by providing library and other learning support services to students and to personnel responsible for student*

*learning and support. These services are sufficient in quantity, currency, depth, and variety to support educational programs, regardless of location or means of delivery, including distance education and correspondence education. Learning support services include, but are not limited to, library collections, tutoring, learning centers, computer laboratories, learning technology, and ongoing instruction for users of library and other learning support services.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- Learning support services to support the baccalaureate degree program are sufficient to support the quality, currency, rigor and depth of the baccalaureate degree and reflect the unique needs of the program.
- Resource collections are sufficient in regard to the rigor, currency, and depth expected of baccalaureate degree programs.

**Standard II.C.6:** *The institution has adopted and adheres to admission policies consistent with its mission that specify the qualifications of students appropriate for its programs. The institution defines and advises students on clear pathways<sup>4</sup> to complete degrees, certificate and transfer goals. (ER 16)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The prerequisites and other qualifications for the baccalaureate degree are appropriately communicated and applied to students.
- The advising of students related to the baccalaureate degree appropriately identifies course sequencing and pathways.

**Standard III.A.1:** *The institution assures the integrity and quality of its programs and services by employing administrators, faculty and staff who are qualified by appropriate education, training, and experience to provide and support these programs and services. Criteria, qualifications, and procedures for selection of personnel are clearly and publicly stated and address the needs of the institution in serving its student population. Job descriptions are directly related to institutional mission and goals and accurately reflect position duties, responsibilities, and authority.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The job descriptions for faculty members teaching in the baccalaureate degree accurately reflect the duties and responsibilities associated with the position.

**Standard III.A.2:** *Faculty qualifications include knowledge of the subject matter and requisite skills for the service to be performed. Factors of qualification include appropriate degrees, professional experience, discipline expertise, level of assignment, teaching skills, scholarly activities, and potential to contribute to the mission of the institution. Faculty job descriptions include development and review of curriculum as well as assessment of learning. (ER 14)*

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<sup>4</sup> Glossary- Pathways: The specific selection and progression of courses and learning experiences students pursue and complete and they progress in their education toward a certificate, degree, transfer, or other identified educational goal.

Specified Baccalaureate Degree Program Evaluation Criteria:

- The qualifications for faculty teaching upper division courses in the baccalaureate degree include the requirement for a master's degree (or academic credentials at least one level higher than the baccalaureate degree) or doctoral degree, in an appropriate discipline.
- In cases where no Master's degree is available for the field of study, the qualifications for faculty teaching upper division courses in the baccalaureate degree include a bachelor's degree in the discipline or closely related discipline, and a Master's degree in any discipline, and demonstrated industry work experience in the field for a minimum of six years, and commonly required industry-recognized certification or professional licensure.
- The Commission may require some faculty in non-career technical education baccalaureate programs to have the recognized terminal degree in the field of study.

**Standard III.A.7:** *The institution maintains a sufficient number of qualified faculty, which includes full-time faculty and may include part-time and adjunct faculty, to assure the fulfillment of faculty responsibilities essential to the quality of educational programs and services to achieve institutional mission and purposes.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- There is at least one full-time faculty member assigned to the baccalaureate degree program.

**Standard III.B.3:** *To assure the feasibility and effectiveness of physical resources in supporting institutional programs and services, the institution plans and evaluates its facilities and equipment on a regular basis, taking utilization and other relevant data into account.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The facilities and other physical resources utilized by the baccalaureate degree program are evaluated for effectiveness for the program on a regular basis.

**Standard III.C.1:** *Technology services, professional support, facilities, hardware, and software are appropriate and adequate to support the institution's management and operational functions, academic programs, teaching and learning, and support services.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- Technology services and support, facilities, hardware and software utilized by the baccalaureate degree program are appropriate and adequate for the program.

**Standard III.D.1:** *Financial resources are sufficient to support and sustain student learning programs and services and improve institutional effectiveness. The distribution of resources supports the development, maintenance, allocation and reallocation, and enhancement of*

*programs and services. The institution plans and manages its financial affairs with integrity and in a manner that ensures financial stability. (ER 18)*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The financial resources allocated to the baccalaureate degree program are sufficient to support and sustain program student learning and effectiveness.
- Financial resources allocated to the baccalaureate degree program ensure the financial stability of the program

**Standard IV.A.4:** *Faculty and academic administrators, through policy and procedures, and through well-defined structures, have responsibility for recommendations about curriculum and student learning programs and services.*

Specified Baccalaureate Degree Program Evaluation Criteria:

- The faculty and academic administrators assigned to the baccalaureate degree program have responsibility for making recommendations to appropriate governance and decision-making bodies about the curriculum, student learning programs, and services for the program.

### **Catalog Requirements**

The institution assures that the Catalog provides the following information about the baccalaureate degree program:

1. General Information
  - Course Program and Degree Offerings
  - Student Learning Outcomes for the Program and Degree
2. Requirements for
  - Degrees, Certificates, Graduation and Transfer

### **Commission Policies**

In preparing its ISER, an institution with one or more ACCJC-accredited baccalaureate degrees must, for the evaluation criteria cited in the Checklist for Evaluating Institutional Compliance with Federal Regulations and Related Commission Policies<sup>5</sup> in the categories identified below, specifically address and provide evidence of its practices as to the baccalaureate degree and how those practices meet the criteria.

- Standards and Performance with Respect to Student Achievement
- Credits, Program Length, and Tuition
- Transfer Policies
- Distance Education and Correspondence Education
- Institutional Disclosure and Advertising and Recruitment Materials

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<sup>5</sup> See the Checklist for Evaluating Institutional Compliance with Federal Regulations and Related Commission Policies for articulation of the evaluation criteria.

ACCREDITING COMMISSION FOR COMMUNITY AND JUNIOR COLLEGES  
Western Association of Schools and Colleges

**Bylaws of the  
Accrediting Commission for Community and Junior Colleges,  
Western Association of Schools and Colleges**

*(Adopted January 2013; Amended May 2013, October 2013, January 2014,  
March 2014, June 2014, January 2015, June 2015, November 2015, February 2016, and  
June 2016 )*

**ARTICLE I  
PURPOSE**

**Section 1. Name**

The name of this nonprofit corporation shall be the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges. This corporation shall be referred to throughout these bylaws as ACCJC.

**Section 2. Purpose**

ACCJC is a nonprofit, public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporations Law of the State of California for public and charitable purposes. Those public purposes include improving and validating the quality of post secondary education at public and private educational institutions, with a focus on community colleges, career and technical colleges, and junior colleges, through the creation and application of standards of accreditation and related policies, and through a process of review by higher education professionals and public members. ACCJC's evaluation of institutions assures the educational community, the general public, and other organizations and agencies that an institution has clearly defined objectives appropriate to higher education; has established conditions under which their achievement can reasonably be expected; appears in fact to be accomplishing them; is so organized, staffed, and supported that it can be expected to continue to do so; and demonstrates that it meets ACCJC's Eligibility Requirements, Accreditation Standards and Commission policies. ACCJC encourages and supports institutional development and improvement through an institutional self-evaluation using the Accreditation Standards, Eligibility Requirements and Commission policies, as well as Midterm, Follow-Up and Other Special Reports, Annual Reports, and periodic evaluation of institutional quality by qualified peer professionals.

**Section 3. Principal Office**

The principal office of ACCJC is located at 10 Commercial Blvd, Suite 204, Novato, CA, 94949, or at such other location as the ACCJC shall decide. The ACCJC may establish branch or subordinate offices.

## **ARTICLE II ACCREDITED INSTITUTIONAL MEMBERSHIP**

### **Section 1. Member Institutions**

The application for membership is made by an institution through its chief executive officer and governing board when it applies for candidacy or initial accreditation. The members of ACCJC shall consist of the institutions that it has accredited, and membership shall be granted automatically upon the initial accreditation of an institution. Membership shall thereafter continue for so long as the institution remains accredited, complies with these bylaws and remains current on payment of any dues or special assessment obligations. Institutions that receive candidate (pre-accredited) status, have achieved initial association with the ACCJC and may so identify themselves to the public. In the event an institution loses its accreditation for any reason, its membership status shall cease immediately. In the event an institution resigns its membership, its accredited status shall cease immediately and none of the review or appeal rights which might otherwise be applicable shall apply.

The membership and member institutions referenced in these Bylaws do not constitute any class of membership under the California Corporations Code or any successor statute, including Section 5342.

### **Section 2. Scope**

The ACCJC accredits institutions in California, Hawaii, the Territories of Guam and American Samoa, the Commonwealth of the Northern Marianas, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, which have as a primary mission the granting of associate degrees<sup>1</sup>, but which may also award certificates and other credentials, including bachelor's degrees, where the provision of such credentials is within the institution's mission and, if applicable, as authorized by their governmental authorities. The ACCJC may accredit non-domestic institutions in other geographic regions at its discretion.

## **ARTICLE III THE COMMISSION**

### **Section 1. Membership**

The Commission consists of nineteen members, all of whom are elected by the member institutions, as described in Article IV. As referenced in Article VI and elsewhere in these Bylaws, the Commission comprises the Board of Directors of ACCJC. One Commission member shall represent the California Community Colleges Chancellor's Office and shall be elected from among the nominees provided by the California Community Colleges Chancellor. One Commission member shall represent the system office of the University of

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<sup>1</sup> The operational definition of having as a primary mission the granting of associate degrees includes the following: 75% of the programs offered by the institution must be at the associate degree or pre-associate college level, and 60% of students at the institution must be in associate degree or pre-associate level programs, except that a primarily 2-year higher education institution may offer one baccalaureate degree without regard for these percentages.

Hawai`i Community Colleges and shall be elected from among the nominees provided by the University of Hawai`i Community College Vice President for Community Colleges. At least five of the Commission members shall be elected as academic representatives<sup>2</sup> who are faculty; at least three and up to five (the precise number of whom shall at all times represent at least one seventh of the total membership of the Commission) shall be elected as representatives of the public; at least three members shall be elected as administrative representatives who are two-year college administrators; at least one member shall represent independent institutions; at least one member will represent secondary educational institutions accredited by the Accrediting Commission for Schools, Western Association of Schools and Colleges; at least one member will represent four-year colleges and universities accredited by the Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges; at least one member shall represent institutions in the American Affiliated Pacific Islands; and a maximum of two Commission members will meet the definition of an Affiliate Member. A representative of the public is someone who is not: an employee, member of the governing board, owner, shareholder, or consultant to an institution that has applied for or is in candidacy or is accredited by the ACCJC; a member of any trade association or membership organization related to, affiliated with, or associated with the ACCJC; or a spouse, parent, child, or sibling of such individuals. An Affiliate Member shall be a person who does not qualify under any of the other categories enumerated in the preceding sentence but who shall nonetheless be deemed to have expertise or skills that will add meaningfully to the Commission.

## **Section 2. Election of Commissioners**

Commissioners are elected for staggered three-year terms. Commissioners comprise the members of the Board of Directors of the ACCJC. Appointments are limited to two three-year terms unless the person is elected an officer for a term which extends beyond a sixth year, in which case an additional three-year term or a term of the length necessary to complete service as an officer may be served. Regular appointments are effective on November 1 of the first year and end on October 31 of the last year of a Commissioner's term.

Commissioners are elected to a membership category defined by position or status. If the Commissioner's position or status changes during a term so that the Commissioner no longer meets the requirement for the category to which elected, the Commissioner shall notify the Commission's chair or President in a timely manner. A Commissioner who held the status of faculty may be allowed to complete their term if they continue to meet the requirements of an academic representative. A Commissioner who holds an administrative, ~~or~~ faculty or other position on the Commission and elects to retire will, upon review and approval of the Commission Chair, be permitted to complete their term as a Commissioner.

## **Section 3. Vacancies During a Term**

If the position of a Commissioner becomes vacant, whether through resignation, removal,

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<sup>2</sup> **Academic representatives include** individuals with responsibility for instruction and/or instructional support processes. Academics may include faculty, deans, division/ department chairs, directors, provosts, vice presidents, and others whose primary professional responsibilities are in instruction or instructional support. Faculty are defined by their home institution and may include teaching faculty, counselors, librarians, and individuals with instructionally related responsibilities such as student learning outcomes, distance education, and instructional program or department coordination (such as department chairs elected by their peers for a term).

separation from his/her institutional affiliation, or death, the Nominating Committee shall be promptly notified. The Nominating Committee shall, at its sole discretion, either recommend to the Commission a replacement to serve out the remainder of the term of the position vacated or have the position filled at the next regularly scheduled election as described in this Article IV. In recommending a person to fill a vacancy, the Nominating Committee should consider, but not be limited by, the list of those persons previously proposed by the chief executive officers of constituent institutions.

#### **Section 4. Other Vacancies**

Except as otherwise provided in Section 3 of this Article, Commission vacancies will be filled through the Commissioner Election Process described in Article IV of these Bylaws. Anticipated vacancies will be announced at the January meeting for Commission terms due to expire at the end of the following October 31. Notice of Commission vacancies will be sent to the chief executive officers, accreditation liaison officers, and academic senate presidents of all member institutions, districts and systems; major organizations; and individuals known to have expressed interest. The notice will include the positions open for election, the Commissioners eligible for election, and the deadline for receipt of applications. Institutional and organizational representatives may submit nominations.

Individuals may also submit applications. Applications are considered to be in effect for one year.

All individuals that wish to be considered will complete application materials required by the Commission. All applicants and nominees, including Commissioners seeking re-election, will be asked to submit the following:

- a. A letter of application stating the basis for interest in the Commission.
- b. A completed ACCJC data/biographical form. (Service as a Commissioner will be considered for Commissioners seeking a second term.)

Individuals who are seeking initial appointment to the Commission will be asked to submit a resume and two letters of recommendation.

#### **Section 5. Removal of a Commission Member**

Commissioners may be removed by a two-thirds vote of the Commission then in office for failure to exercise their responsibilities in accordance with the Commission policy on Professional and Ethical Responsibilities of Commission Members or for conduct which is detrimental to the purposes of the Commission.

#### **Section 6. Resignation**

A Commissioner may resign at any time and such resignation shall become effective on the date the Commissioner provides written notice to the Chair or President of ACCJC.

## ARTICLE IV COMMISSIONER ELECTION PROCESS

### **Section 1. Nominating Committee**

There shall be a Nominating Committee, the purpose of which shall be to nominate persons for election to the Commission from among the applications received. The Nominating Committee shall consist of eight (8) persons, and shall serve for two years. The Executive Committee shall appoint four Commissioners and four individuals from member institutions to the Nominating Committee. The Chair and Vice Chair of the Commission may not serve on the Nominating Committee. The Nominating Committee will be chosen to represent the broad interests of the Commission's member institutions. The Executive Committee shall select the Chair of the Nominating Committee. The names of individuals appointed to the Nominating Committee shall be reported to the member institutions by the Commission.

### **Section 2. Solicitation of Commission Applicants**

The Commission shall notify the members of the Nominating Committee of the number and types of Commissioners to be selected and of any special considerations pertaining to such vacancies. The Commission shall write to all of the chief executive officers of the Commission's member institutions, the President of the Accrediting Commission for Senior Colleges and Universities (ACSCU) and the Executive Director of the Accrediting Commission for Schools (ACS), the chief executive officers, accreditation liaison officers, and academic senate presidents of all member institutions, districts and systems, and major organizations, and individuals known to have expressed interest, listing the number and nature of any positions to be filled and soliciting nominees for the projected vacancies. To be considered the nominations must be returned by the date and time established by the Commission. Members of the Nominating Committee are ineligible for nomination to the Commission while serving on the Nominating Committee. The Nominating Committee shall review the nominees' qualifications, and shall prepare a slate of candidates, with one candidate being recommended for each position. In reviewing applications and preparing the slate, the Nominating Committee shall consider the need to meet the membership requirements of the Commission as outlined in Article III of the Bylaws, as well as the following:

- Representatives from the entire area served by the ACCJC, including California, Hawai'i, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau and the Commonwealth of the Northern Marianas;
- Diversity in institutional characteristics, such as mission, size, geography, and location, and
- Diversity in personal characteristics, such as ethnicity and gender, and in specialized professional experience.

The Committee may not nominate applicants from institutions which already have a sitting Commissioner and will not nominate two applicants from the same institution.

### **Section 3. Nominations At Large**

The notice to the chief executive officers informing them of the slate of the Nominating Committee shall also include a notice of the right of the chief executive officers to nominate

candidates on an at-large basis for the vacant positions on the Commission within the time frame established by the Commission. To be added as an at-large candidate, a candidate must have the written endorsement of ten (10) or more chief executive officers. An at-large candidate may not be placed on the ballot if a sitting Commissioner is from the same institution or if the nominating committee has recommended an applicant from the same institution for a different position on the Commission. Chief executive officers should also be mindful of the desired diversity in institutional and personal characteristics of Commissioners in nominating at-large candidates.

#### **Section 4. Election**

The ACCJC shall send a ballot to the chief executive officer of each member institution which shall include the slate of the Nominating Committee and any candidates at-large. Each chief executive officer shall be asked to vote for or against the slate, or for any at-large candidates nominated by the process described in Section 3 in lieu of those individuals on the Nominating Committee's slate. To be considered, ballots must be returned to the ACCJC offices within the time frame established by the Commission. Ballots received after the cutoff date will not be counted. Ballots shall be handled by the ACCJC executive staff in a manner to preserve, insofar as practicable, the privacy of persons voting and the institutions they represent. Measures shall be taken by the executive staff to assure the validity of all ballots. The executive staff shall be responsible for the preservation of ballots and tally sheets, which shall be preserved for a period of one hundred eighty (180) days after the election is announced, absent a challenge to an election, in which case the ballots shall be preserved until the challenge is resolved. A challenge to the election results can be brought by any chief executive officer of a member institution. Any challenge to the election results must be received by the Chair of the Commission within fourteen days after the announcement of the election results. The Chair shall refer the challenge to the Nominating Committee which shall have the authority to take whatever steps it considers appropriate to make a final decision on the matter.

#### **Section 5. Counting the Ballots**

The counting of the ballots shall take place at the ACCJC offices and shall be conducted by the executive staff. In the event there are at large nominees included on the ballot, the persons receiving the highest number of votes shall be elected to the Commission. In the event of a tie, there shall be a runoff of those persons who tied. The runoff shall be by electronic means or mail and shall be conducted according to time frames established by the Commission. The results of the election shall be announced as soon as practicable thereafter. Every effort shall be made to complete the process by mid-May.

### **ARTICLE V COMMISSION MEETINGS**

#### **Section 1. The Time and Place**

The Commission shall meet in regular session twice each year to consider the accredited status of institutions evaluated since the previous meeting and to address such policy and organizational business as shall come before it. Written notice of the time and place of meetings, and a preliminary agenda shall be mailed to the chief executive officer of each member institution, normally 45 days prior to the date of each meeting. At its discretion,

the Commission may schedule such additional meetings as it deems necessary.

## **Section 2. The Agenda**

Consideration of the accredited status of institutions and other confidential matters concerning member institutions will take place in Closed Session. ACCJC personnel matters will be considered in Executive Session as will any matter where it has been deemed necessary to consult with legal counsel.

All institutional policy language being considered for Commission approval as first or second readings, and all language revising Accreditation Standards, shall be considered in public session. Attendees are provided the opportunity to address the Commission in accordance with the Commission Policy on Access to Commission Meetings.

## **Section 3. Minutes**

The Commission shall maintain minutes of all of its meetings. The Commission Chair, in consultation with the President, shall designate those subjects which are to be discussed in executive, closed and public sessions.

## **Section 4. Operational Policies**

From time to time, the Commission may adopt, amend, or repeal policies that deal with the internal operation of the ACCJC and its staff. Action on such policies may take place at any Commission meeting, in open or closed session, and do not require two readings.

# **ARTICLE VI THE BOARD OF DIRECTORS**

## **Section 1. Composition of the Board of Directors**

The Board of Directors shall at all times consist of those individuals elected to the Commission pursuant to Article III. The initial directors of ACCJC shall be the individuals identified under Article III, Section 1, who shall also be named as directors in the Action by Incorporator, filed with the minutes of the Board of Directors ("Board"). The Board and the Commission shall at all times constitute the same body and shall consist of the same individuals; however, the Board shall be referred to as the Commission when it is meeting on matters concerned with the accreditation of its member institutions.

## **Section 2. Authority and Responsibility of the Board of Directors**

The direction and management of the affairs of ACCJC and the control and disposition of its properties and funds shall be vested in the Board. All powers, duties and functions of ACCJC, conferred by the Articles of Incorporation, these Bylaws, state statutes, common law and otherwise, shall be exercised, performed, or controlled by the Board. The Board shall determine ACCJC's policies or changes therein and supervise the management of funds. The Board of Directors also hires and participates in evaluating the President of the ACCJC.

The Board may adopt, by majority vote, such rules and regulations for the conduct of its

business and the business of ACCJC as shall be deemed advisable, and may in the execution of its duties, delegate its authority to an executive committee. Under no circumstances, however, shall any actions be taken which are inconsistent with the Articles of Incorporation and these Bylaws, and the fundamental and basic purposes of ACCJC, as expressed in the Articles of Incorporation and these Bylaws.

### **Section 3. Vacancies, Resignations, and Removals**

A board position will become vacant when the director filling such position ceases to be a Commissioner, regardless of the reason. For procedures and processes relating to resignation, removal, or other reasons which will cause a position to become vacant on the Commission and on the Board, see Article III, Section 4, 5 and 6.

### **Section 4. Quorum**

The majority of the Board (not counting any board positions that are vacant) shall constitute a quorum for the transaction of business, except in no instance may a quorum be less than one-fifth of the authorized number of directors. Every action taken by a majority of the directors present at a meeting held at which a quorum is present shall be regarded as the act of the Board, subject to the provisions of the Nonprofit Corporation's Law (California Corporations Code, § 5000 et. seq.). A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of any director, if any action thereafter taken is approved by at least a majority of the quorum required for the meeting. A majority of the directors present, regardless of whether a quorum is present, may vote to adjourn a meeting.

### **Section 5. Minutes**

The Board shall maintain minutes of all of its meetings and proceedings. The meetings of the Board may take place concurrently with meetings of the Commission or separately, at the discretion of the Board, but the minutes of Board meetings shall be maintained separately.

### **Section 6. Agenda**

The Board's Chair, in consultation with the President, shall decide the Board's agenda. The Board's business shall include all matters which require Board action or review. When the Board meets to consider actions that concern the candidacy or accreditation of member institutions, the imposition of sanctions, or the review and approval of eligibility criteria, accreditation standards or institutional policies ("Accreditation Matters"), the Board shall do so as the Commission, meeting in closed session, and shall act under Articles III and V of these Bylaws. Authority and responsibility over all Accreditation Matters resides exclusively with the Board when it is acting as the Commission. Examples of Board agenda items, when the Board is not acting as the Commission, include the review and acceptance of ACCJC's annual audit, review and approval of any internal operational policies, review of ACCJC's investments and reserves, receipt of reports from the Executive and other committees concerning matters that do not involve Accreditation Matters, review of ACCJC's relationship with vendors, including its banking relations, review and approval of any leases for space or other significant contracts, approval of any loans or lines of credit, personnel issues that require board review, periodic evaluation of its President, review of ACCJC's insurance policies, and such other matters, involving the policy or direction of ACCJC that are referred to it. Board meetings that do not involve Accreditation Matters will ordinarily

be conducted in Executive Session.

## **ARTICLE VII OFFICERS**

### **Section 1. Officers**

ACCJC shall maintain the following elected officers: a Chair, a Vice Chair, and a Secretary/Treasurer. The positions of Chair, Vice Chair, and Secretary/Treasurer shall be held by different members of the Board. The regular two-year term of an elected officer will begin on November 1, and will end on October 31 at the end of the second full year of service. Additionally, the ACCJC will maintain a President, who shall serve as the Chief Executive Officer. The President shall serve at the pleasure of the Board.

### **Section 2. Selection of Officers**

The position of Chair is filled by the succession of the Vice Chair. The Vice Chair is elected by the Board and succeeds to the office of Chair when that office becomes vacant. He or she then serves a two-year term as Chair. No member of the Board may serve as its Chair for longer than three consecutive years. Thus, the Vice Chair may succeed to no more than twelve months of an unexpired term, followed by his or her two-year term. When a vacancy occurs in the Vice Chair position, an election to fill that office must occur within 45 days of the position becoming vacant.

Nominations for Vice Chair and Secretary/Treasurer are normally solicited from the Directors in January prior to the end of the Chair's term. Four weeks prior to the scheduled vote, each nominee must submit a statement of 200 words or less, explaining why he or she is seeking the office. The statement is distributed to the full Board prior to the vote. Voting is conducted through a secret ballot submitted to the ACCJC executive staff. The results are to be announced to the entire Board at or before the March Commission meeting.

The Secretary/Treasurer shall be elected by the Board and shall serve for a two-year term. The Secretary/Treasurer can serve for multiple terms. The Secretary/Treasurer shall be a member of the Board who possesses the appropriate budget, finance, and/or audit knowledge, skills, and ability to oversee financial matters.

Officers are expected to serve in several capacities. The Chair serves as a voting member of the Budget Committee and the Policy Committee, and serves as Chair of the Executive Committee. The Commission chair also serves on the WASC Board. The Vice Chair serves as a voting member of the Executive Committee, and the Committee on Substantive Change, and may serve as the Substantive Change Committee's chair. The Secretary/Treasurer serves as the chair of the Budget Committee, is a member of the Audit Committee, serves as a voting member of the Executive Committee.

The President shall be appointed by the Board and shall serve at the pleasure of the Board, subject to the rights, if any, under any contract of employment.

### **Section 3. Subordinate Officers**

The Board may appoint, and may empower the President to appoint, such other officers as the business of the corporation may require, each of whom shall hold office for such period,

have such authority, and perform such duties as are provided in these Bylaws or as the Board may from time to time determine.

#### **Section 4. Removal and Resignation of Officers**

Subject to the rights, if any, of an officer under any contract of employment, any officer may resign at any time by giving written notice to the Chair. Subject to the rights, if any, of an officer under any contract of employment, any officer may be removed, either with or without cause, by the Board, and, if appointed by the President, by the President.

#### **Section 5. Vacancies in Office**

A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in these Bylaws for regular appointments to that office.

#### **Section 6. President**

The President shall be the Chief Executive Officer of ACCJC, and the general supervision, direction, and control of the operations of ACCJC, including its business and accreditation operations, shall reside with the President.

#### **Section 7. Chair**

The Chair of the Board shall preside at all meetings of the Board and of the Commission. The Chair of the Board shall also serve concurrently as Chair of the Commission. The Chair shall exercise and perform such other powers and duties as may be from time to time assigned to him or her by the Board or by the Commission or as may be prescribed by these Bylaws. In the absence or incapacitation of the President, the Chair may perform the duties of the President. In that circumstance, the Vice Chair shall perform the duties of Chair.

#### **Section 8. Vice Chair**

In the absence or incapacitation of the Chair, the Vice Chair shall perform the duties of the Chair, and, when so acting shall have all the powers of the Chair. The Vice Chair shall have such other powers and perform such other duties as from time to time may be prescribed by the Chair or by these Bylaws.

#### **Section 9. Secretary/Treasurer**

The Secretary/Treasurer shall keep or cause to be kept, at the principal executive office or such other place as the President may direct, a book of the minutes of all meetings and actions of Board (the Commission) with the time and place of holding, whether regular or special, and, if special, how authorized, the names of those present at such meetings, and actions taken.

The Secretary/Treasurer shall give, or cause to be given, notice of all meetings of the Commission and shall have such other powers and perform such other duties as may be prescribed by the Board or these Bylaws.

The Secretary/Treasurer shall examine the budget, schedule of dues/fees, financial condition of the ACCJC and shall regularly review revenue and expenditures. The

Secretary/Treasurer shall work with the Budget Committee and Audit Committee to review and recommend all financial related matters to the Board.

## **ARTICLE VIII COMMITTEES**

The Executive Committee shall be comprised of the Chair, the Vice Chair, and the Secretary/Treasurer. For purposes of continuity of leadership, an individual who has completed a two-year period as Chair and who remains on the Commission to complete a term will also serve on the Executive Committee. The Executive Committee shall oversee the evaluation of and recommend compensation for the President, and shall serve as advisors to the President between Board and Commission meetings.

The Board shall be served by such standing and ad hoc committees as they create. Ad hoc committees, to serve the Board, may be created at the discretion of the Chair, but their creation, functions, and authority must be ratified by a simple majority of the Board at the first Board or Commission meeting following the creation of the ad hoc committee.

Standing committees shall be authorized by a simple majority of the Board and may be dissolved by the same margin of the Board. The Commission may charge a standing committee with authority to act on its behalf, to the extent permitted by law. In such case, the standing committee membership must be Commissioners, and must include academic representatives and administrative representatives, and at least one seventh of the committee membership must comprise representatives of the public. No standing committee membership may be comprised of a majority of the Board. Members and chairs of standing committees are appointed by the Chair and serve one-year terms. Current standing committees of the Commission are the Audit Committee, Budget Committee, the Committee on Substantive Change, the Policy Committee, and the Evaluation and Planning Committee. The Commission has charged the Substantive Change Committee with authority to act on its behalf on substantive change requests. The Commissioner Nominating Committee is constituted at regular intervals as described in Article IV, above.

## **ARTICLE IX METHODS FOR BOARD ACTION WITHOUT A MEETING**

### **Section 1. Executive Committee Actions**

The Executive Committee is authorized to act for the Board (the Commission) between meetings on any and all matters that would appropriately come before the Board (the Commission) and where action prior to the next Board or Commission meeting is necessary. All actions taken by the Executive Committee shall be reported to the Board at its next meeting, or earlier as appropriate.

### **Section 2. Alternate Means of Taking Action**

At the call of the Chair, actions on institutions or institutional policy required or permitted to be taken at a meeting of the Commission may be taken without a meeting. Such call for action shall include the reasons, and shall describe the means by which the action will be taken, whether in writing, electronically, or other means. The action must include a

statement of consent by voting Board members for the action to be taken without a meeting. The action taken without a meeting must pass by a 2/3 vote of the Commission then in office. The substance of the Commission action must be filed with the minutes of proceedings of the Commission.

### **Section 3. Amendments to Bylaws**

These bylaws may be amended by telephone, mail, or electronic ballot processes by a simple majority vote of the Board after the proposed amendments have been circulated among the Board members at least two weeks before the vote is taken. If the vote is taken without the amendments being circulated among the Board members for at least two weeks, then all Board members must individually consent to that action for it to take effect.

### **Section 4. Other Action without a Meeting**

The Chair may call for any other action, required or permitted to be taken by the Board, to be taken without a meeting. Such action by written consent shall have the same force and effect as a vote of the Board at a meeting. Such vote shall be filed with the minutes of the proceedings of the Board.

## **ARTICLE X APPEALS**

### **Section 1. Right to Appeal**

If an institution, after availing itself of the Review of Commission Action process, described in the Commission's Policy on Review of Commission Actions, is the recipient of a Commission action that sustains a denial or termination of candidacy or accreditation, the institution shall have the right to appeal that decision. In order to perfect the appeal, the institution, acting through formal authorization to its chair from the institution's governing board, must deliver a notice of appeal to the ACCJC President within 30 calendar days of receiving notice of the Commission's decision on the Review of Commission Action to affirm an adverse action on the institution. The notice of appeal must be in the form described in the ACCJC Appeal Procedures Manual (described in Section 3 below). During the period up to and including the pendency of the appeal, the institution's status with the Commission shall remain the same as it was prior to the decision being appealed.

### **Section 2. Hearing Panel**

Upon receipt of a properly completed and delivered notice of appeal, the Executive Committee shall appoint a Hearing Panel consisting of not less than five (5) or more than seven (7) qualified persons. The Executive Committee shall also appoint the chair of the Hearing Panel. The Hearing Panel members may not be current Commission members and may not have participated, whether through Review Committee participation<sup>3</sup> or through prior team participation, in the decision being appealed. At least one member of the Hearing Panel shall be a representative of the public. A representative of the public is someone who is not: an employee, member of the governing board, owner, shareholder, or consultant to an institution that has applied for or is in candidacy or is accredited by the ACCJC; a member of any trade association or membership organization related to,

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<sup>3</sup> For more information, please refer to the Policy on Review of Commission Actions.

affiliated with, or associated with the agency; or a spouse, parent, child, or sibling of such individuals. The Hearing Panel shall also include an administrative representative with post-secondary administrative experience, and an academic representative with post-secondary faculty experience.

Each member selected must sign the Commission's "Appellate Conflict of Interest Policy," acknowledging that they do not have conflict of interest. The institution shall have the ability to challenge the selection of any Hearing Panel member for cause according to the procedures in the ACCJC Appeal Procedures Manual. Any replacement of Hearing Panel members shall be selected in the same manner.

### **Section 3. Appeal Procedures Manual and Appellate Conflict of Interest Statement**

The Commission has adopted an appeals manual, referred to herein as the "ACCJC Appeals Procedures Manual." The ACCJC Appeals Procedures Manual sets forth more fully the procedures for conducting the appeal. A copy of the ACCJC Appeals Procedures Manual will be provided to the institution when the institution receives notice of an appealable Commission action. The Commission has adopted an "Appellate Conflict of Interest Policy" which members of the Hearing Panel must sign before they may be seated to hear an appeal.

### **Section 4. Costs**

An institution bringing an appeal shall file a deposit to cover one half of those out of pocket costs of the Commission, as set forth more fully in the ACCJC Appeals Procedures Manual. The Commission will establish the amount of the deposit and may modify it from time to time at its discretion. In the event the actual costs exceed the amount of the deposit, the institution shall be responsible for the balance and may be required, during the appeal, to supplement the deposit. In the event the deposit exceeds the necessary costs, the institution shall receive a refund of the difference at the conclusion of the appeal. In the event the institution prevails in the appeal, the Hearing Panel shall have the discretion to refund the institution's deposit at the conclusion of the appeal.

### **Section 5. New Financial Evidence**

If, following the Review of Commission Action, the institution's deficiencies leading to noncompliance only relate to the institution's finances, then on one occasion only and not later than thirty (30) days prior to the date the appeal is scheduled to commence, the institution may request a special review of new financial evidence by filing a written request for such review with the President and identifying that information which, in the opinion of the institution's chief executive officer, constitutes New Financial Evidence. Such request shall be co-signed by the chair of the institution's governing board. New Financial Evidence is evidence that (1) was unavailable to the institution until after the date upon which the Commission's policies permitted the institution to submit evidence that was considered in connection with the action being appealed (and is therefore timely), and (2) bears materially on the financial deficiencies identified by the Commission which resulted in findings of noncompliance. Evidence shall be deemed to bear materially on the financial deficiencies only if such evidence is of sufficient gravity that, if proven, would be likely to cause the Commission to reverse the decision being appealed.

Upon receipt of the New Financial Evidence, the Commission's Chair shall form an ad hoc committee of no fewer than three (3) Commissioners (the New Financial Evidence Committee) to review the New Financial Evidence. The membership of the New Financial Evidence Committee may include Commissioners who have acted as readers or for other reasons are familiar with the issues affecting the institution, but may not consist of any Commissioners who have a conflict of interest with respect to the institution as defined by the Commission's Conflict of Interest Policy. The New Financial Evidence Committee shall conclude prior to the date the appeal hearing is scheduled to commence. The decision of the New Financial Evidence Committee shall be communicated in writing to the institution and to the ACCJC President. The decision of the New Financial Evidence Committee shall not be subject to any further review or appeal, except as herein provided. If, in the sole judgment and discretion of the New Financial Evidence Committee, acting by majority vote, the New Financial Evidence is found not to have been raised in a timely manner or is found not to bear materially on the financial deficiencies of the institution, the appeal hearing shall continue without interruption, and the New Financial Evidence shall not become part of the record on appeal.

If, in the sole judgment and discretion of the New Financial Evidence Committee, the New Financial Evidence is found to have been raised in a timely manner and to bear materially on institution's financial deficiencies, the President shall immediately postpone the hearing until after the date of the next Commission meeting at which time the Commission will reconsider the decision being appealed. The Commission shall independently review the New Financial Evidence and make its own determination regarding whether such evidence was timely and material. If, in the sole discretion of the Commission, the New Financial Evidence is found to have been raised in a timely manner and to bear materially on the institution's financial deficiencies, the Commission shall render a new decision which shall act to remove the previous sanction. It may, in its sole discretion, impose any other lesser sanction and conditions which it deems appropriate, and the institution shall not be able to seek further appeal or review from such lesser sanction, if any is imposed. In such instance, the Commission shall instruct the ACCJC President to dismiss the appeal.

If, in the sole discretion of the Commission, the New Financial Evidence is not found to have been raised in a timely manner or if it is found not to bear materially and significantly on the financial deficiencies which served as the basis of the decision that is being appealed, the Commission shall instruct the President to take the necessary steps to resume the appeal hearing. In all events, the decision of the Commission shall include findings on the timeliness and materiality of the New Financial Evidence. Such decision shall not be subject to consideration by the Hearing Panel. Such decision in all instances shall be communicated in writing to the institution, to the President, and to the Hearing Panel's Chair.

## **Section 6. The Appellate Hearing**

The ACCJC President shall arrange the appellate hearing at the earliest practicable date. Those testifying shall not be placed under oath. The Commission will ordinarily have legal counsel present, and the institution has a right, but is not required, to have legal counsel present.

At least sixty (60) calendar days before the time set for the appellate hearing of such an appeal, the President shall cause notice of the time and place of the appellate hearing to be delivered, by a means that will assure a written receipt, to the Chair of the governing board

of the institution with a copy to its chief executive officer.

### **Section 7. Grounds for Appeal**

The grounds for appeal shall be limited to the following: (1) there were errors or omissions in carrying out prescribed procedures on the part of the evaluation team and/or the Commission which materially affected the Commission's action; (2) there was demonstrable bias or prejudice on the part of one or more members of the evaluation team or the Commission which materially affected the Commission's action; (3) the evidence before the Commission prior to and on the date when it made the action which is being appealed was materially in error; or (4) the action of the Commission was not supported by substantial evidence. The "action" referred to in this Section refers to the Commission's action at the conclusion of the Review of Commission Action process.

### **Section 8. Decision of the Hearing Panel**

The Hearing Panel shall make its decision by a vote of the majority on the basis of the admissible evidence and arguments presented to it at the hearing. Each member, including the Chair, shall have one vote. The Hearing Panel's decision shall include a determination as to whether the grounds for appeal were established. The Hearing Panel may act to dismiss the appeal for lack of grounds, affirm in whole, affirm in part and amend, reverse, or remand the action being appealed and the reasons that were cited in its support. The Hearing Panel shall issue its decision and the reasons therefore in writing within thirty (30) calendar days and will inform the ACCJC President, the chair of the governing board of the institution and the chief executive officer of the institution of such decision. Such decision shall not be subject to any further appeal.

1. If the Hearing Panel finds in favor of the institution on one or more of grounds (1) through (4) of Section 7 above, the Hearing Panel's decision will have the effect of reversing the denial or termination of the candidacy or accreditation of the institution. Its decision may recommend, but shall not dictate, any terms or conditions to be imposed on the accreditation or candidacy of the institution by the Commission when it implements the Hearing Panel's decision. The Commission shall thereafter implement the Hearing Panel's decision and, in doing so, shall retain the discretion to impose conditions, including a sanction which is less than the denial or termination of candidacy or accreditation of the institution. The Commission's implementation action shall be on the accredited status of the institution, and shall be consistent with the Hearing Panel's decision. Such implementation action by the Commission will be communicated to the institution and shall not be subject to further review or appeal.
2. If the Hearing Panel finds against the institution on any of the four grounds in Section 7 above, it shall deny that portion of the appeal which is based on that ground. If the Hearing Panel finds against the institution on all grounds appealed, its decision shall act to affirm the action of the Commission which was appealed. The decision under this subsection (2) shall not be subject to any further review or appeal.
3. If the Hearing Panel finds that there are issues which deserve further consideration by the Commission, the Hearing Panel shall remand the Commission's action to the Commission. Such remand decision shall identify the issues that must be addressed

further by the Commission and shall include any instructions which the Hearing Panel believes are necessary in order to assure that the Commission's final action will be consistent with the Hearing Panel's decision. The Commission shall thereupon consider such issues and arrive at a final action which shall be consistent with the Hearing Panel's decision and instructions. The action by the Commission following such remand shall be final and shall not be subject to further review or appeal.

### **Section 9. Institutional Financial Obligations Following Litigation**

Any institution which takes legal action against the ACCJC regarding an accreditation decision and withdraws or loses its case is responsible for assuming all costs incurred by the ACCJC while defending its position, including attorney fees. These costs must be paid in full within 45 days following the institution's receipt of the ACCJC invoice, unless other arrangements are approved by the Executive Committee acting on behalf of the ACCJC Board of Directors.

## **ARTICLE XI LEGAL EXPENSES REIMBURSEMENT**

In the event and in instances when ACCJC is not a party to litigation, that ACCJC receives criminal or civil inquiries, including subpoenas, deposition notices or other discovery requests related to institutions which are applicants to ACCJC, accredited or granted candidacy for accreditation by ACCJC, or which have been previously accredited by ACCJC, then the institution that is related to the request will be responsible for reimbursing ACCJC for all costs associated with responding to the subpoena, deposition notice or other discovery request, including the reasonable cost of legal counsel, staff time, and associated costs such as travel and making copies. In addition, the institution will be responsible for the legal fees and related expenses associated with legal review of proposed memoranda of understanding, contractual agreements with other institutions or other issues arising from the accreditation process, including substantive change.

## **ARTICLE XII STANDING RULES**

Robert's Rules of Order shall govern all meetings of the Board, the Commission and committees, except in the case where ACCJC has adopted standing rules. All standing rules of the ACCJC shall take precedence over Robert's Rules of Order.

## **ARTICLE XIII INDEMNIFICATION**

The Accrediting Commission for Community and Junior Colleges (ACCJC) does hereby grant indemnification to any officer, director, commissioner, or other agent, or former officer, director, commissioner, or other agent, including but not limited to the ACCJC's employees and team members, for claims or actions asserted against said person arising out of acts or omissions alleged to have occurred in connection with, or as a result of his or her activities as an officer, director, commissioner, employee, or agent, of the ACCJC, to the fullest extent permitted by law; provided however, as follows:

- a. When any claim or action is asserted or threatened to be asserted, as described in such statutes, the person requesting indemnification must give timely notice thereof to the President of the ACCJC; and
- b. The ACCJC must approve of the law firm that will defend that person in such claim or action.

Indemnification shall be provided herein only to the extent that valid and collectible insurance coverage under all existing policies of insurance held by the ACCJC has been exhausted.

#### **ARTICLE XIV AMENDMENTS**

These bylaws may be amended by a simple majority vote of the Board after the proposed amendments have been circulated among the Board members at least two weeks before the meeting at which the vote is taken. If the vote is taken without the amendments being circulated among the Board members for at least two weeks, then all Board members must individually or collectively consent to that action.