

Association of Specialized and Professional Accreditors – Analysis

Inappropriate Expansion of CHEA Scope: What has been Proposed and Why it Matters

Four Concerns Related to Scope - Inappropriate expansion of CHEA's scope in ways which alters its role in making recognition decisions and its relationship with other constituencies, including accreditors. – URL to CHEA Document:

<http://www.chea.org/pdf/2010%20Proposed%20Revisions.pdf>

- Page 9: Meeting with CHEA – issue with an accredited institution or program (Recognition Process)
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Notes: The Preamble below is followed by prioritized specific comments on the proposed changes. Please refer to the CHEA document for the specific language proposed.

Preamble – Scope and its Importance

The CHEA proposals of April 1, 2010 contain several items that if enacted would expand the scope of CHEA's purview in ways likely to significantly damage higher education over time.

In accreditation, scope defines areas of responsibility. In higher education as in other parts of society, clear statements and understandings about scope produce the basis for engagement, cooperation, and trust. The concept, principle, and benefits of reasonable and clear definition of scope apply to recognition entities as well as to accrediting organizations (and to institutions, although that is not our focus here).

Accrediting organizations set and publish their own scope - sometimes referred to as their "scope of operation." As part of the recognition process, USDE and CHEA each publish their own "scope of recognition" for each recognized accrediting organization. What is recognized is based on the recognizing authority of each and may or may not match an accreditor's "scope of operation."

For example, the scope of the USDE recognition operation is defined by federal law and regulation. The law is explicit about what the Secretary may and may not do. Also by law, the USDE is limited to recognition of US-based accreditation activities; its scope does not encompass any international aspect of an accreditor's scope of operation.

CHEA has no specific statement of scope for its recognition activities. For example, unlike USDE, CHEA does not have policy stating that accrediting organizations set their own standards and make their own accreditation decisions (following their written policies and procedures). Although CHEA does not have parallel written policies and procedures for itself, it does have its *Recognition Policy and Procedures* that, in the aggregate, gives insight into CHEA's perceptions about its own scope.

Looking at the CHEA documents and the CHEA recognition actions taken since its process began in 2000, gives a sense of the scope within which CHEA has functioned. In general, that scope has been consistent with what is normally expected of a recognition organization in the United States. However, **several of the proposals in the document released on April 1, 2010 go far beyond typical recognition responsibilities.**

The proposed revisions listed above appear to represent a change in CHEA's scope. The items are problematic in that a change in scope may have long term consequences for the conduct of accreditation and CHEA recognition. Specific reasons for concern about each proposal are listed below, but more encompassing, larger principles are also at stake. Perhaps the most important principle is the connection between scope and independence. Adherence to an established and transparent scope enables a balanced productive interaction among three sets of independent entities — institutions, accrediting organizations, and the recognizers of accreditation organizations. A culture of scope expansion creates permanent conflict, and ultimately undermines rule of law conditions for all.

For all institutions participating in federal programs, independence in academic decision making is inextricably linked to the independence of accrediting organizations. **If accrediting organizations can be used by any outside entity to mandate a particular agenda or change in institutions, neither the accreditor nor the institution can be independent.** Independence is particularly critical in all matters associated with academic decision making, including accreditation decisions. Indeed institutional and accreditor independence is so important that it is protected in federal law and required of accreditors by federal regulations. CHEA recognition requirements also require independence, especially with regard to accreditation decisions.

To be productive, CHEA Recognition must support, not undermine, the independence of accreditors and institutions. To that end, recognition does mean oversight of adherence to a basic framework of operational requirements. Recognition does not mean ownership, control, regulation, micromanagement, academic or procedural standards setting for institutions, second guessing or otherwise undermining the authority of the accrediting organizations, intruding on the relationship between institutions and accreditors, or the enforcement of ideological positions. It does not mean interference in the right of independently chartered organizations to develop relationships with other entities. It does not mean using recognition to address policy issues or special interests that may arise. The same is true for the relationship between accreditors and institutions. **The distinction between oversight and control cannot be maintained between accreditors and institutions if it is lost between accreditors and the recognition organizations.**

Any expansion of scope along the lines of the new proposals from CHEA is virtually sure to lead to four unfortunate consequences:

- (1) devaluation of the concept of scope and thus the linkage of scope and independence,
- (2) allowing to those in the policy arena to believe that ever expanding regulatory control in an ever expanding number of areas is acceptable to the higher education community as a whole,
- (3) further expansion in these same directions by USDE, little by little, first through regulation, and eventually through law in the next reauthorization, and
- (4) an ever broader and deeper cascade of expensive and intrusive compliance requirements for accreditors and thus for institutions.

Since the members of CHEA are institutions, it seems reasonable to ask whether this is the direction that those institutions – and the organizations that represent institutions – want to go. Do they know what is being proposed? Have they seen an analysis from those who work closely with accreditation? Does the accreditation community have an obligation to alert them and thus give them an opportunity to consider the consequences of the new proposals?

Analysis of Specific Proposals

Meeting with CHEA (page 9) – ASPA Concerns

ASPA does not support CHEA's inclusion of the new requirement related to meeting with CHEA in the *CHEA Recognition Policy* for the following reasons.

The standards used by an accrediting body in the review of institutions/programs have been reviewed and endorsed by the appropriate communities of interest. In addition, all recognized accreditors have in place appeals procedures to provide due process for an adverse decision and complaints procedures for other issues. These procedures enable an accreditor to review decisions and other concerns. CHEA already has in place a mediation process that assists institutions/programs that may wish to meet with an accreditor on neutral territory. This current process does not have implications for the independent decision-making of the accrediting agency and has far less potential for undermining the accreditation standards. Adding the proposed language to the recognition requirements, adds the risk of allowing CHEA to intervene in specific accreditation decisions and potentially to remove an accreditor's recognition if the mediation did not go well. This is a clear conflict of interest and could undermine the autonomous decision-making of an accreditor which CHEA also requires. ASPA has asked in the past for CHEA to have clear and specific complaint and appeals procedures. The community would be better served if CHEA were to pursue those initiatives and drop this proposed addition.

Other concerns with this new proposal include:

- Focus is on “one or more” rather than a “trend” or “pattern” of complaints.
- “Major difficulty” and “further review” are undefined; the proposal allows CHEA a broad scope of intervention and undue influence.
- By intervening in specific decisions, CHEA would be functioning as an accreditor. Even if CHEA had the necessary training and expertise, this role is not and should not be within CHEA's scope. It is not acceptable for CHEA to function as a recognition agency and an accreditation decision maker at the same time.
- Many accrediting agencies could not accept the conditions proposed by CHEA and still be able to demonstrate to UDSE and to their constituent institutions and programs that they are independent with regard to their accreditation decision making.
- The US Department of Education proposed a very similar concept prior to the 2008 adoption of the Higher Education Opportunity Act. The Accrediting organizations and the higher education community, including CHEA joined forces to defeat this Ombudsman proposal because it could have placed an intermediary between the accreditor and the accredited program or institution. The basic concept being proposed in 2010 is not acceptable just because it is now being proposed by CHEA rather than by the Department.

Many of the above concerns were discussed at the open meeting on May 11, 2010*. At that time, there was a discussion about relocating this item to the section on Additional Provisions. **ASPA believes this proposed item should not be adopted; it should not be included anywhere in the CHEA Recognition Policy and Procedures.** CHEA's current stand alone policy on Mediation does not include the dangers inherent in this proposed change and continues to be the appropriate way to assist institutions that may approach CHEA.

*Note: CHEA held a meeting in Washington on May 11 to discuss these proposals with accreditation and institutional representatives. Although concerns were raised at the meeting, there is no assurance that another draft will be available prior to action by the CHEA Board on June 30, 2010.

Degree mills and accreditation mills (page 6) – ASPA Concerns

While ASPA agrees that the issue of diploma and accreditation mills is very important, it is also important to note that this issue predates CHEA. After decades of effort by accrediting organizations and others to halt such practices, expansions of higher education and new technologies are producing new levels of challenge. All involved can contribute to making efforts in this arena more effective, but using the CHEA Recognition Policy to leverage action by recognized accreditors is not the appropriate means.

CHEA's proposed approach to this issue is problematic for the several specific reasons stated below, but also because of a much larger issue. **Accepting what is proposed here would open the door to using the same approach with other “special interest” issues. Recognition must not be misused to enforce agreement with policy positions, projects, and other efforts.** If such a precedent were set, it would destroy the conceptual barrier that now prevents accreditors from using similar tactics with the institutions and programs they accredit. Whether the proposal were to come from USDE or from CHEA, neither should “promote causes” through the recognition process or demand that recognized accreditors do so through their accreditation procedures or processes.

Much of what was discussed during the meeting on May 11, 2010 is consistent with the views of ASPA members. ASPA opposes the proposed change to add language about degree mills and accreditation mills for the following reasons:

- Providing the public with such information is beyond the mission of individual accrediting bodies and efforts to enforce such a policy would be totally unrelated to the accretor's responsibility for conducting reviews based on its specific accreditation standards.
- Without clear, widely agreed upon guidelines among accrediting organizations, even trying to define these terms in the context of specific accreditation responsibilities would involve legal risk that would fall on accreditors, not CHEA. Greater legal liability means higher costs to accreditors and to institutions.
- The proposal would force accrediting organizations to accept higher risks of legal liability if they were to publish judgments about other organizations that were outside the context of an accreditation review conducted under their usual procedures. There would be even more risk if another organization - in this case CHEA - were to tell them what they must say.
- Placing this issue into the process of recognition could also hinder the flexibility, working room, and speed accreditation organizations and their legal counsels need in order to deal with specific situations in this arena associated with the specific work of the agency.
- As indicated in CHEA's May 3, supplement to the proposed revisions, CHEA can and should continue to “participate in current national and international efforts to combat degree mills and accreditation mills” without adding this “special interest” to recognition. Accreditors and other interested parties could and probably would link to any statement or “alerting” information provided by CHEA but recognition should not be used to leverage the compliance of accreditors or (through the accreditors) of institutions. Doing this is a misuse of recognition.

For the reasons stated above, the proposed language should not be adopted.

Independence – financial decision-making (page 8) – ASPA Concerns

This proposal is inconsistent with CHEA's view as expressed in its Recognition Policy that (a) administrative organization is the prerogative of the institution (i.e., the entity being reviewed) and (b) that resources are secondary, or even tertiary, to results. Perhaps CHEA should hold itself to the same standard it expects of the recognized accreditors.

At regular intervals, accreditors are subject to professionally-conducted financial audits or reviews that include an opinion letter. CHEA is not qualified to substitute its judgment for that of CPAs and other financial professionals.

As with several other proposed revisions, the changes proposed to *12 F Possesses Sufficient Resources*, alters both this section of standards and also CHEA's role in making recognition decisions. 12F was designed by CHEA to enable accreditors to document that they "have and maintain predictable and stable resources" and thus are able "to meet the expectations of institutions, programs, and the public." Prior to the proposed revision, this standard sought to ensure that accreditors have the resources necessary to conduct their accreditation reviews and other accreditation work.

As was discussed at the May 11, 2010 meeting, ASPA does not support CHEA's inclusion of the new requirement related to finances in the *CHEA Recognition Policy* for the following reasons:

- The added language ("sustains ongoing independence from its parent entity or sponsoring entity in its financial decision-making") goes further in making pronouncements that may not influence capacity or that may in fact limit resources otherwise available for the conduct of accreditation reviews.
- Accrediting agencies have procedures and policies in place to deal with their financial health. Review of these by CHEA as part of capacity is appropriate but conducting a financial audit is not and should not be part of the scope of CHEA.
- Does not relate to the accrediting agency's ability to carry out its mission.
- With the addition of this standard, CHEA is indicating that it has the capacity to make judgments regarding financial viability and fiscal independence – and to do this for each recognized accrediting organization. It is not clear that CHEA has the knowledge to do so and it is not clear how this would lead to improvement in CHEA's ability to carry out a recognition function within the boundaries normally expected of recognition organizations.

This new language is not needed and the proposed language should not be adopted.

International Activity (pages 3 & 6) – ASPA Concerns

ASPA does not support CHEA's inclusion of requirements related to international activities in the *CHEA Recognition Policy* for the following reasons:

- CHEA is intervening in an area over which it has no authority. Recognition requirements that impact the work of accreditors in the international arena are outside CHEA's scope.
- It is a decision of institutions and the countries in which they are located to invite accreditors to work with them. It is up to accreditors to determine whether working with them is appropriate and will result in quality higher education. It is outside of CHEA's scope to try to limit, as part of a US recognition process, the right of institutions to issue invitations and the right of accreditors to accept them.

- The proposed requirement that accreditors accredit only institutions (or programs within an institution) that have “legal authority” to operate or that “have standing or significant support in the local community or other communities of interest,” fails to acknowledge the variety of complex ways in which countries organize themselves around higher education and professional practice in various fields. A requirement such as this could potentially leave CHEA as well as accreditors to make judgments about political and ideological situations within countries. Who would be the arbiter of “standing” in the local community? Who would determine whether local support was “significant”? What if an institution was “legally authorized” to operate (questionable in some countries), but did not have good standing or significant support? In programmatic and specialized accreditation, agencies that engage in international accreditation (or activities which are not accreditation) must make these judgment calls. The current system does not give CHEA an intermediary role. Agencies make an independent judgment regarding engagement or non-engagement in international accreditation or other activities. Of the accreditors who engage in this type of activity, the bar that an institution must meet to begin such activity is often much higher than legal authority, which provides additional quality controls. It should remain that way.
- CHEA can certainly call for consistent application of standards and policies to US institutions (all of which operate in a similar context), but work with international universities often requires minor and necessary differences in BOTH procedure and application of standards. This does not mean that the requirements are substantively different. For example, if an agency has a standard that the institution must be regionally accredited, this is not possible for most international institutions. Instead that standard might be interpreted as an equivalent external quality improvement process. An accreditation standard related to diversity, while still applicable, often looks very different in foreign countries. In procedure, international accreditation activities often have extra steps involved to allow for differences in the education system. For professional and specialized accreditors, the practice settings may be significantly different in foreign countries, which will require adjustment in interpretation. Accreditors must be free to make those adjustments, while still ensuring quality.
- Accreditors engage in international work for a variety of reasons and do so thoughtfully. While CHEA understandably has an interest in knowing about the activity and how it may or may not affect resources available for activity in the US, this area is not within CHEA’s scope and should not be part of any agency’s recognized scope with CHEA.

For the reasons stated above, this proposed addition does not belong in the CHEA Recognition Policy and Procedures and the proposal should not be adopted.

Note: This is part two of ASPA’s analysis of the proposed revisions to the 2006 CHEA Recognition Policy and Procedures released by CHEA on April 1, 2010. If you did not receive part one and wish to see it, it is available at: <http://www.aspa-usa.org/documents/CHEA-Comments-Public-Information.pdf>