



PROBATION

Policy Change Adopted on Second Reading

The Higher Learning Commission (HLC) Board of Trustees (“the Board”) adopted this policy on second reading at its meeting on June 25–26, 2020.

Background

The adopted policy change would bring HLC policy into compliance with [federal regulations](#) effective July 1, 2020. When the Board places an institution on Probation, HLC is required to disclose the action on its website within one business day of notifying the institution. The institution is required to notify its constituents, including prospective students, of the action within seven business days. The policy change also requires institutions placed on Probation to submit a Provisional Plan for approval that is consistent with HLC’s Teach-Out requirements. The revision references additional requirements in federal regulations for certain new substantive change approvals that apply to any institution that the Board places on Probation after July 1, 2020. Such new substantive change approvals also apply to an institution for three academic years following the Board’s removal of Probation after July 1, 2020. See the [adopted policy changes related to substantive change](#) for details. Finally, the proposed changes also allude to an [adopted change to the policy on Denial or Withdrawal of Status](#) that would set a maximum timeframe for noncompliance with HLC requirements.

HLC circulated these policy changes to the membership and other interested parties after the Board’s February 2020 meeting. No comments were received.

Implementation

This policy is effective immediately.

Adopted Policy

Wording that was deleted or revised is shown as strikethrough (~~old wording~~); new language, whether through addition or revision, is shown in bold (**new wording**). These revisions have been made on HLC's website at hlcommission.org/policies.

Policy Title: Probation

Number: INST.E.20.010

Probation is a public sanction that attaches to an institution's accreditation status. This status indicates that an accredited institution is no longer in compliance with one or more of the Commission's Criteria for Accreditation or Federal Compliance Requirements or is out of conformity with the Assumed Practices. The institution remains accredited while it is on Probation. An action to impose Probation is a final action not subject to appeal.

In placing an institution on Probation the Board of Trustees will identify in the letter notifying the institution of the action the specific areas of non-compliance that led to the Probation and the date for the institution's next comprehensive evaluation ~~at which time the institution must provide clear evidence of having ameliorated the areas of non-compliance as well as clear evidence of compliance with each of the Criteria for Accreditation including the Assumed Practices, or Federal Compliance Requirements.~~

The Board's action will require that an institution initially placed on Probation:

1. **Submit in a timeframe defined by the Board a Provisional Plan comporting with HLC's Teach-Out Requirements as articulated in applicable policies for such plans to the Institutional Actions Council for review and approval during the probation period;**
2. **Submit an Assurance Filing that provides clear evidence that the institution has ameliorated the areas of non-compliance and that it is otherwise in compliance with all the Criteria for Accreditation, the Federal Compliance Requirements and any applicable Assumed Practices specifically cited in the Board's action; and**
3. **Host an on-site evaluation team to validate the report.**

The initial period for Probation shall **generally** be two (2) years commencing with the date of the Board's action placing the institution on Probation and concluding with the Board's determination that Probation ~~should be removed and accreditation continued or that accreditation be withdrawn~~ **or other action should be taken.** The **initial** period for Probation may be less than two (2) years if the Board so determines **at its**

discretion. Regardless of the initial ~~length~~ period of Probation, under rare circumstances an institution may be eligible for one extension ~~of~~ to its initial period of Probation as explained below **and subject to the maximum timeframe for noncompliance articulated in INST.E.60.010 Denial or Withdrawal of Status.**

The comprehensive evaluation process to consider removal of probation will take place within the time period for the sanction established by the Board. If the institution has been on Notice prior to the imposition of Probation, the Board may take that history into account in determining the length of Probation. An institution that receives Probation for less than two (2) years is not entitled to the remainder of the two (2) years if, at the end of the probationary period, **separate from the good cause extension,** it has not been able to demonstrate compliance with the Criteria for Accreditation and Federal Compliance Requirements.

The Board may at its sole discretion grant one extension of Probation at the end of the initial period of Probation if the institution is not able to demonstrate ~~compliance with the Criteria for Accreditation and the Core Components~~ **to the Board's satisfaction that it has ameliorated the areas of noncompliance that led to the sanction or is otherwise in compliance with HLC requirements,** but is able to demonstrate all of the following to show that it is eligible for the extension:

1. clear evidence of substantial progress towards meeting the Criteria for Accreditation ~~and Core Components~~ **(or Federal Compliance Requirements or cited Assumed Practices as applicable),** including evidence of substantial implementation of necessary improvements, in the majority of areas in which the institution has been previously found to be non-compliant;
2. verifiable plans to cure the remaining areas of non-compliance or any other areas of non-compliance identified in the action granting the extension by the end of the extension period;
3. sufficient capacity and resources in place to cure the identified areas of non-compliance during the extension; and
4. likelihood that the institution will be able to demonstrate compliance with all the Criteria for Accreditation and the Core Components by the end of the extension.

The extension shall be ~~one for an additional six months~~ **one year** beyond the initial period of Probation **subject to maximum timeframe for noncompliance articulated in INST.E.60.010 Denial or Withdrawal of Status.** ~~In no case shall the time period of Probation, including the extension period, exceed three years.~~

The institution shall host a focused evaluation as soon as possible ~~after~~ **during** the ~~six-month~~ **one-year** extension ~~has concluded~~ to determine whether the improvements anticipated in the action granting the extension are in place and functioning to cure any areas of non-compliance identified in that action and

whether ~~the Criteria for Accreditation and Core Components~~ **HLC requirements** are met such that Probation may be removed following the requirements for removal of Probation stipulated in this policy or whether accreditation shall be withdrawn or other action taken following Commission policy. The report of the focused evaluation team, and any response to that report filed by the institution, shall be considered by the Board of Trustees in determining its action at end the of extension period.

The Board is not required to have placed an institution on Notice prior to the imposition of Probation nor is the Board required to provide a period of Probation prior to **issuing a Show-Cause Order** or withdrawing accreditation. In making the judgment about whether to provide a period of Probation or an extension of Probation the Board will weigh the capacity of the institution to resolve the areas of non-compliance within the probationary period, any harm that might result to students and the public from allowing the institution time to resolve areas of non-compliance while remaining accredited, and other factors. ~~Therefore, the Board may choose to withdraw accreditation without providing a period of Probation or withhold an extension of Probation upon consideration of such factors.~~

The Board also has the discretion at any time during the probationary period to reevaluate its decision to allow for a period of Probation if it receives evidence of additional non-compliance with ~~the Criteria for Accreditation, including the Assumed Practices, or Federal Compliance Requirements~~ **HLC requirements** or deteriorating conditions at the institution that have the capacity to affect the teaching and learning experience at the institution. In such cases the Board may move to **issue a Show-Cause Order** or take other action provided for in these policies.

At the end of the period of Probation or following the extension of Probation or at any time during Probation as specifically outlined in this policy, if the institution cannot provide evidence of ameliorating the areas of non-compliance within the timeframe specified by the Board for the Probation, or if further evidence surfaces that suggests the institution is found not to be in compliance with ~~one or more of the Criteria for Accreditation~~ **HLC requirements**, whether or not the areas of non-compliance are the same or different from those originally identified, the Board shall withdraw the institution's accreditation or take other action as provided for in these policies.

Process for Imposing or Removing Probation

Only the Board of Trustees, acting on the recommendation of any evaluation team, an Institutional Actions Council Committee, or the President, shall take action placing an institution on Probation. A team recommendation to place an institution on Probation or extend Probation, other than one arising from an advisory visit process, will automatically be referred to an Institutional Actions Council Hearing Committee.

The Board will consider both the team recommendation and the Institutional Actions Council Hearing Committee recommendations in its deliberations. The Board may also act of its own accord to grant an extension of Probation at the time it considers removing Probation without a prior recommendation by an evaluation team or Institutional Actions Council. The President of the Commission makes a recommendation for Probation resulting from an advisory visit process directly to the Board. In all cases, the Board of Trustees will act on a recommendation for Probation only if the institution's chief executive officer has been given an opportunity of at least two (2) weeks to place before the Board of Trustees a written response to the recommendation.

At the end of Probation the Board of Trustees will review recommendations from the comprehensive evaluation team that evaluated the institution and from the Institutional Actions Council Hearing Committee. In taking action, the Board of Trustees may choose to accept, reject, or modify these recommendations. The Board of Trustees may continue accreditation, withdraw accreditation or take other action as provided for in these policies, ~~including imposing a period of Notice if the institution has remediated the areas of non-compliance but remains at risk in those areas or in relation to other deficiencies.~~

Pathways Assignment

An institution placed on Probation is also removed from any reaffirmation pathway until it is removed from Probation. An institution removed from Probation will be placed on the Standard Pathway for its next reaffirmation cycle.

If the Board of Trustees removes the institution from Probation and does not withdraw accreditation or issue ~~an Order to a Show-Cause Order~~, the Board shall reaffirm the institution's accreditation and assign it to the Standard Pathway. The institution will have an evaluation to reaffirm accreditation no later than four (4) years after the Board acts to remove Probation although the Board may set the reaffirmation date earlier, and the institution will be placed in the Standard Pathway accordingly. The Board may also require interim monitoring as a part of its action. The institution will remain on the Standard Pathway until it completes the full ten (10) year cycle. If at that time accreditation is reaffirmed without further sanction, it may be considered to be eligible for the Open Pathway.

Substantive Change During the Probationary Period

An institution on Probation may file one or more applications for substantive change during the probationary period. However, the institution must address in its application the question of why the change is immediately necessary and how the institution will manage the change while continuing to work to remedy the areas of non-compliance; the application will be subject to strict scrutiny by the Commission. The

institution should anticipate that the application is likely to be denied or deferred by staff or by the Institutional Actions Council Committee for consideration by the Commission after the Board has removed Probation. **Under federal regulations, additional requirements for seeking prior approval for certain substantive changes apply specifically to institutions placed on Probation after July 1, 2020, as well as for three academic years following removal of such Probation. Such additional requirements may be found in HLC’s policies on substantive change (see INST.F.20.040 Substantive Change).** An approval of a substantive change for an institution on Probation is not indicative of a determination by the Commission that an institution has corrected identified areas of non-compliance.

An institution on Probation is not eligible for the Notification Program for Additional Locations and shall be removed from that program by staff after being placed on Probation. The institution may not reapply until it has completed ten (10) years in good standing as required for access to the Notification Program for Additional Locations.

Public Disclosure of Probation Actions

A Public Disclosure Notice for an institution on Probation will be available on the Commission’s website shortly after, but not more than ~~twenty-four (24) hours~~ **one (1) business day** after, the Commission notifies the institution of the action imposing Probation. An institution on Probation must notify its Board members, administrators, faculty, staff, students, prospective students, and any other constituencies about the action in a timely manner not more than ~~fourteen (14)~~ **seven (7) business days** after receiving the action letter from the Commission; the notification must include information on how to contact the Commission for further information; the institution must also disclose this status whenever it refers to its Commission accreditation.

Comprehensive Evaluation Visit During Probation

The comprehensive evaluation conducted during the probationary period will be conducted in accordance with established Commission procedures for comprehensive evaluations but with the following modifications. An institution on Probation shall undergo a comprehensive evaluation by the Commission **Timing of the evaluation will be** according to a schedule set by the Commission’s Board of Trustees in placing the institution on Probation. While the evaluation will review the institution’s compliance with all the Criteria for Accreditation and Federal Compliance Requirements, **it will also examine the institution’s and** conformity with the Assumed Practices **specifically cited by the Board.** ~~7~~ ~~€~~ The Commission may also determine, if the institution has had a recent comprehensive evaluation within the previous three (3) years prior to the imposition of Probation, that the visit will focus primarily on those areas in which the institution

has been found to be non-compliant; therefore the Commission may attenuate some aspects of the visit unrelated to the issues involved in Probation.

The President of the Commission shall determine whether the institutional liaison or other Commission staff member will accompany evaluation visits related to Probation. ~~The comprehensive evaluation for an institution undergoing such an evaluation during Probation has the following elements:~~

~~Assurance Review.~~

- ~~• Assurance Filing by the institution;~~
- ~~• Review by the comprehensive evaluation team composed of Commission Peer Reviewers appointed by Commission staff in accordance with team selection procedures; such review shall include analysis of the Assurance Filing as well as of information from the onsite visit conducted to the institution;~~
- ~~• Written report prepared by the comprehensive evaluation team outlining the team's findings related to the evidence required of the institution and the conditions that led to the imposition of Probation. The report shall identify strengths and challenges or deficiencies for the institution.~~

~~The Assurance Review for an institution with distance or correspondence education shall include a specific focus on these forms of delivery.~~

~~Assurance Filing Documentation Evaluated. Information~~ The Assurance Filing assembled by the institution through a self-evaluative or self-study process **should include:** 1. evidence of remediation of the areas of non-compliance identified in the letter notifying the institution of Probation;

- ~~2. evidence of conformity with the Assumed Practices;~~
- ~~3. evidence of meeting the Criteria for Accreditation;~~
- ~~4. branch campus evaluation information, if applicable;~~
- ~~5. evidence of compliance with the Federal Compliance Requirements; and~~
- ~~6. any addenda requested by the team or the Commission during the evaluation process.~~

~~In addition, the Commission shall supply information, including but not limited to: summary data from the institution's recent Institutional Update; records related to evaluation visits, official actions and correspondence; public comments, complaints and results of Commission sponsored surveys; information from the institution's accreditation file regarding other recognized accrediting agencies, when appropriate; and any other information the Commission deems appropriate together with any response the institution wishes to file with regard to this information.~~

On-Site Visit. A team of Peer Reviewers appointed by Commission staff in accordance with Commission procedures shall conduct a visit to the institution's main campus and other institutional locations as shall be determined by the Commission based on its policies and procedures; for institutions that offer only distance or correspondence education, the team shall conduct its on-site visit to the institution's administrative offices but may include other institutional locations.

~~The length of the visit shall be three (3) days, but the Commission shall retain discretion to lengthen or shorten~~ **determine the length of the on-site visit** or to require that team members conduct additional on-site visits to the institution's facilities as a part of a particular Comprehensive Evaluation to examine specific issues.

Recommendations Arising from Comprehensive Evaluations During Probation. The team of Commission Peer Reviewers conducting a comprehensive evaluation during Probation shall in its written report make a recommendation to the Commission's Board of Trustees for Commission action.

The team shall recommend whether to remove Probation, specifying **any** interim monitoring that should be attached to the removal, or **in the event of ongoing non-compliance, whether to extend Probation, issue a Show-Cause Order or to** withdraw accreditation. In recommending withdrawal of accreditation, the team may also recommend for the Board's consideration an effective date for the withdrawal action.

These recommendations, along with the team's written report, shall be forwarded to an Institutional Actions Council Hearing Committee and from there to the Commission's Board of Trustees.

Institutional Responses to Recommendations Arising from Comprehensive Evaluations During Probation. An institution shall have the opportunity to provide a written response to the written report of a comprehensive evaluation **conducted during the probationary period** following Commission policies for the provision of institutional responses. An institution shall have at least two weeks to prepare and submit an institutional response to the team report prior to review and action through the Commission's decision-making processes.

Policy Number Key

Section INST: Institutional Processes

Chapter E: Sanctions, Adverse Actions, and Appeals

Part 20: Probation

Last Revised: June 2020

First Adopted: August 1988

Revision History: February 1998, May 2002, February 2011, June 2012, November 2012, February 2014, February 2015, November 2018, June 2020

Notes: Policies combined November 2012 – 2.5(b), 2.5(b)1, 2.5(b)2, 2.5(b)3

Related Policies: INST.G.10.020 Official Records (Institutional Responses within the Process), COMM.B.10.010 Staff Role and Responsibility