



NOTICE

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 November 1–2, 2018.

Background

Institutions placed on Notice by HLC are required to submit a Notice report and undergo an on-site visit by a team of peer reviewers. In the past, following the on-site visit an HLC staff analyst would issue a report known as a staff analysis to the institution, the institution would respond, and the Board would then take action to remove the institution from Notice or impose further sanctions, as warranted. The adopted policy change modifies the decision-making process following a Notice Visit by replacing the staff analysis with a secondary review by the Institutions Actions Council. This change makes the process for removing Notice more consistent with other HLC review processes that include on-site visits by peer reviewers.

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

Note: The adopted policy also includes changes related to HLC’s plan to phase out the AQIP Pathway. In a separate [policy action](#), the Board adopted these and other policy changes related to the AQIP Pathway on second reading.

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: Notice
Number: INST.E.10.010

Notice is a public sanction that attaches to an institution's accreditation status. The sanction of Notice is imposed based on an overall judgment that the institution is at risk of being out of compliance with HLC requirements related to the Criteria for Accreditation, Assumed Practices, or Federal Compliance Requirements. It will be supported by findings that one or more Criteria for Accreditation or Federal Compliance Requirement is Met with Concerns by the institution. The determination is not based on any minimum number of such findings. An action to impose Notice is a final action not subject to appeal.

In placing an institution on Notice the Board of Trustees will identify in the letter notifying the institution of the action the deficiencies at the institution that led to Notice. The letter will also specify a date for submission of a written report on the corrective measures taken by the institution during the Notice period and for a subsequent Notice evaluation. The written report must provide clear evidence that the institution has ameliorated the deficiencies that led to the Notice action and is no longer at risk for compliance issues. The Notice evaluation will determine whether claims made in the report are verifiable and demonstrate significant improvement in the deficient areas.

The Notice period will typically be one year and shall not exceed two years, commencing on the date of the Board's action placing the institution on Notice until the date the Board determines whether the deficiencies that led to the institution being placed on Notice have been ameliorated. The filing of the report and the subsequent Notice evaluation will take place within this time period as established by the Board. The Board of Trustees may impose Notice at the end of Probation or Show-Cause if the institution has demonstrated compliance with the areas previously identified as non-compliant but remains at risk related to those areas of non-compliance or other deficiencies.

If, at the end of the Notice period, the Board finds that the deficiencies leading to the Notice action have not been ameliorated, the Board may place the institution on Probation or may withdraw its accreditation following Commission policy. The Board is not required to provide a period of Probation to an institution prior to withdrawing its accreditation after the institution has been on Notice. The Board may also renew Notice if the institution complies with all the Criteria for Accreditation and Federal Compliance Requirements and is making progress but has not completely ameliorated the conditions that led to the Notice. This renewal will be available for an additional year if the institution was originally placed on Notice for one year or for an additional six months if the

institution was originally placed on Notice for two years. The Board will act on any renewal or extension of Notice at the next regularly scheduled Board meeting after the renewal or extension has concluded. At that time the Board has the same options for action it had at the end of the original Notice period, except that no further renewal or extension of Notice shall be available.

Process for Imposing or Removing Notice

Only the Board of Trustees, acting on the recommendation of any evaluation team, ~~an the~~ Institutional Actions ~~Council Hearing Committee~~, or the President, shall take action placing an institution on Notice. A team recommendation to place an institution on Notice, other than one arising from an advisory visit process, will automatically be referred to ~~an the~~ Institutional Actions ~~Council Hearing Committee~~. The Board will consider both the team recommendation and Institutional Actions ~~Council Hearing Committee~~ recommendations in its deliberations. The President of the Commission makes a recommendation for Notice resulting from an advisory visit process directly to the Board. In all cases, the Board of Trustees will act on a recommendation for Notice 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.

The Board of Trustees, acting on the recommendations of ~~the Commission President~~ **any evaluation team and the Institutional Actions Council**, based on the ~~focused evaluation~~ Notice report and recommendation or other information, may remove an institution from Notice; may determine that the institution is not in compliance with one or more of the Criteria for Accreditation or Federal Compliance Requirements or is not in conformity with the Assumed Practices and place the institution on Probation or withdraw accreditation, following Commission policy; or, when the institution's response and actions are insufficient or inadequate to make a judgment, may define a process for determining whether the institution is in compliance with one or more of the Commission's Criteria for Accreditation, or Federal Compliance Requirements and is in conformity with all the Assumed Practices. For a renewal or extension of Notice, the Board may determine whether to call for another Notice report and Notice evaluation or whether a previously scheduled evaluation visit shall consider whether the conditions of Notice have been satisfied.

Pathways Assignment

The Board shall reassign an institution ~~on the Open Pathway~~ to the Standard Pathway **as may be necessary** in the action that places the institution on Notice. The institution shall remain on the Standard Pathway until such time as it has reestablished its eligibility **for a different Pathway** ~~for the~~

~~Open or AQIP Pathway as determined by a comprehensive evaluation for reaffirmation of accreditation. An institution on the AQIP Pathway if placed on Notice may remain on that Pathway or may be reassigned to the Standard Pathway as determined by the Board in the action placing the institution on Notice.~~

Substantive Change During the Notice Period

An institution on Notice may file one or more applications for substantive change during the Notice period. However, any application related to deficiencies identified in the Notice action will be subject to strict scrutiny and may be deferred by staff or by the Institutional Actions ~~Council Committee~~ for consideration by the Commission after the Board has removed Notice, or the application may be denied. An approval of a substantive change for an institution on Notice is not indicative of a determination by the Commission that an institution has corrected identified areas of deficiency.

An institution on Notice is not eligible for the Notification Program for Additional Locations and shall be removed from that program by staff after being placed on Notice. After Notice has been removed with no further sanction or Show-Cause imposed and provided that the Notice was not related to the quality of the institution's off-campus instruction or related issues, the institution may apply after the next comprehensive evaluation or after a period of four years, whichever is longer, to be restored to the Notification Program. If the Notice was related to the quality of the institution's off-campus instruction or related issues, the institution may not reapply until it has completed the ten years of good standing required for access to the Notification Program for Additional Locations.

Public Disclosure of Notice Actions

A Public Disclosure Notice for an institution on Notice will be available on the Commission's website shortly after, but not more than twenty-four (24) hours after, the Commission notifies the institution of the action imposing Notice. An institution on Notice 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) 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.

Notice Evaluation at the End of the Notice Period

The Notice evaluation ~~conducted~~ at the end of the Notice period will be conducted following Commission policies and procedures for ~~focused evaluations conducted as~~ Routine Monitoring. (See INST.F.10.010, Routine Monitoring.)

Policy History

Last Revised: November 2018

First Adopted: June 2000

Revision History: February 2011, June 2012, February 2014, June 2017, November 2018

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

Related Policies: INST.F.20.010 Special Monitoring