



TEMPORARY EMERGENCY POLICY RELATED TO COVID-19

Policy Change Adopted on Single Reading

The Higher Learning Commission (HLC) Board of Trustees (“the Board”) adopted this policy on single reading on March 20, 2020.

Background

The U.S. Department of Education (“the Department”) recently issued two significant documents containing vital guidance to accreditors in response to the unique public health emergency posed by the novel coronavirus (COVID-19).

Specifically, on March 5, 2020, the Federal Student Aid Office at the Department issued a memorandum titled [*Guidance for Interruptions of Study Related to Coronavirus \(COVID-19\)*](#) (“USDE March 5 Guidance”), in which the Department permitted accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment was interrupted as a result of the public health emergency. The exception is limited to permission for distance learning opportunities for students who are already in attendance at the institution, but whose attendance was interrupted by COVID-19, and the flexibility does not extend to clock-hour courses that lead to licensure, if the licensure body would not accept distance learning courses or hours, or award credit toward the number of hours a student must complete. The Department made clear that in providing this flexibility, it maintains its expectations for regular and substantive interaction between faculty and students as a defining characteristic of distance education. In response to this guidance, HLC instituted a process whereby institutions can [notify HLC](#) of modifications they are making in response to the public health emergency and seek a distance education waiver if needed to manage interruptions related to COVID-19 for currently enrolled students. Institutions wishing to initiate or expand correspondence education are not covered by this temporary policy and must adhere to HLC's current substantive change requirements related to correspondence education.

Subsequently, on March 17, 2020, the Office of Postsecondary Education at the Department issued a memorandum directly to accreditors titled [*Information for Accrediting Agencies Regarding Temporary Flexibilities Provided to Coronavirus Impacted Institutions or Accrediting Agencies*](#) (“USDE March 17 Guidance”). This memorandum provides two additional areas of flexibility for accreditors.

- **Virtual Visits:** The Department requires that any virtual visit allow for interaction with the relevant institution using appropriate technology and an engaged, interactive format. Each virtual visit must also include an on-site follow-up component within a reasonable period after the virtual visit. The accreditor has the discretion to determine whether to use this model in evaluating any institution, but if it decides to proceed in this manner, it must appropriately record any waivers or extensions granted, the underlying rationale, and the details of any suspended or otherwise altered activity in the institution's record.
- **Extensions:** Accreditors are permitted, for good cause, to extend an institution’s reaffirmation or sanction/show-cause order even beyond the maximum allowable timeframe already provided for in the agency’s policies. A parallel expectation exists related to maintaining an accurate record of the accreditor’s decision with respect to any institution in this regard.

Because these are unique and temporary circumstances, the Department is allowing accreditors to adopt temporary policies to exercise the flexibilities afforded by the March 5 and March 17 Guidance on single reading. All other HLC policies will apply. However, to the extent the temporary policy conflicts with pre-existing policy, the temporary policy will supersede requirements in pre-existing policies until this temporary emergency policy is repealed.

Implementation

This policy is effective immediately.

Adopted Policy

These revisions have been made on HLC’s website at hlcommission.org/policies.

Policy Title: Temporary Emergency Policy Related to COVID-19

Number: INST.COVID19.10.010

Due to the exigent circumstances surrounding the novel coronavirus (COVID-19), the Higher Learning Commission (HLC) has adopted a temporary emergency policy designed to allow the agency to implement, when appropriate, the flexibilities permitted based on two significant documents issued by the U.S.

Department of Education, namely the *Guidance for Interruptions of Study Related to Coronavirus (COVID-19)*

issued on March 5, 2020 (“USDE March 5 Guidance”), and *Information for Accrediting Agencies Regarding Temporary Flexibilities Provided to Coronavirus Impacted Institutions or Accrediting Agencies* issued on March 17, 2020 (“USDE March 17 Guidance”).

Distance Education Waivers

As authorized by the USDE March 5 Guidance, HLC may temporarily allow institutions to initiate or expand distance education beyond the extent of their current approvals, solely to accommodate interruptions in study related to COVID-19. Institutions must affirmatively seek a waiver from HLC for this purpose, which is granted at HLC's discretion. Waivers will be made available to institutions regardless of their status as an accredited institution or a candidate.

Institutions are required to follow HLC's process for seeking such waiver as communicated by HLC. Institutions are also required to notify HLC in a timely fashion of any decision to resume on-ground instruction or operations. All waivers are granted for a specified time period. If required by HLC, institutions must provide HLC with ongoing updates to ensure any waiver of distance education approvals remains effective for the time period required. Once the public health emergency is no longer present, institutions are required, no later than the end of the applicable academic term, to operate within the distance education stipulations that were in effect immediately preceding the issuance of the waiver. Institutions must continue to meet all HLC's expectations related to the conduct of distance education, including requirements for regular and substantive interaction between faculty and students. The decision to revoke a distance education waiver at any time remains solely within HLC's discretion.

Virtual Visits

As authorized by the USDE March 17 Guidance, HLC may temporarily conduct virtual visits in accordance with the Department's requirements. HLC will determine in its sole discretion on a case-by-case basis whether it is appropriate to conduct a virtual visit for an institutional evaluation that would otherwise be conducted on-site. Each virtual visit will include interaction with representatives of the institution under review and in all other respects, to the extent reasonably practicable, resemble the format, expectations, and documentation requirements associated with on-site visits. An on-site follow-up visit will occur within a reasonable period following each virtual visit. Decision-making will occur in accordance with guidance from the U.S. Department of Education related to such virtual visits, and/or follow-up visits, as required.

Extensions for Good Cause

In accordance with the USDE March 17 Guidance, HLC may extend, for good cause, an institution's reaffirmation beyond the maximum allowable timeframes currently provided for in standard HLC policies. Likewise, HLC may extend, for good cause, an institution's sanction or show-cause order beyond the maximum allowable timeframes currently provided for in standard HLC policies, including for any previous good cause extensions. The decision to extend any institution's reaffirmation, sanction, or show-cause order beyond the maximum allowable timeframe remains solely within HLC discretion.

Conflicts with Other Policies

Other than as stated in this temporary emergency policy, all other HLC policies will apply. Where any pre-existing HLC policy conflicts with this temporary emergency policy, this policy will supersede pre-existing policy. The Commission reserves the right to modify its procedures on a temporary basis in a manner intended to align with this policy and to implement any guidance, whether current and future, related to COVID-19 as provided by the U.S. Department of Education. HLC shall communicate such modifications to institutions in a timely manner.

Applicability; Periodic Updates

This policy shall not be construed to apply to any other emergency situation (natural disasters, other epidemics, war, acts of God etc.) and is exclusively related to COVID-19. Should the Commission seek to adopt a permanent policy related to emergency situations, it will adhere to regulatory requirements related to the approval and publication of proposed policies on first reading and, following a period of public comment by the membership, adoption on second reading. This policy may be updated from time to time related to ongoing guidance or additional requirements by the U.S. Department of Education. To the extent permissible, such updates shall also be adopted on single reading.

Repeal

The HLC President is authorized to repeal this policy without further action by the Board when circumstances warrant.

Policy History

Last Revised:

First Adopted: March 2020

Revision History:

Notes:

Related Policies: