



COVID-19

Policy Change Adopted on Single Reading

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

Background

The adopted policy changes provide the Board and HLC staff additional flexibility to make adjustments to accreditation evaluations during the COVID-19 pandemic. The revised policy allows the Board to set an effective date for actions it takes that are delayed due to the COVID-19 pandemic. For example, the Board may set an effective date for Initial Accreditation that will apply to graduating students who would have benefitted from an earlier grant of Initial Accreditation were it not for postponement of the institution’s case to a later Board meeting.

The adopted policy change also provides that HLC may postpone monitoring events, such as focused visits, for a reasonable period, including focused visits that ordinarily must occur within six months of a Change of Control under federal regulations. The policy also acknowledges the authority that staff already has under other HLC policy to postpone the due date of an institution’s interim report. Finally, the revised policy allows the use of a virtual visit followed by an onsite follow-up visit within a reasonable period to satisfy the purposes of an Advisory Visit.

Because these continue to be unique and temporary circumstances, the Department is allowing agencies to adopt such policy changes on single 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: Temporary Emergency Policy Related to COVID-19

Number: INST.COVID.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, **certain flexibilities afforded the President by the HLC Board of Trustees as well as the** flexibilities permitted based on ~~two~~ significant documents issued by the U.S. Department of Education **related to COVID-19, including, for example, namely** the *Guidance for Interruptions of Study Related to Coronavirus (COVID-19)* issued on March 5, 2020 **and as periodically updated** ("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 **and as periodically updated** ("USDE March 17 Guidance"). **As further provided by the U.S. Department of Education on May 15, 2020, HLC extends the effective period articulated in such documents through December 31, 2020, with the limitations provided in this policy.**

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.

Modification of Monitoring

Consistent with broad authority granted to the President of the Commission on March 13 to take such precautionary emergency measures with respect to accreditation activities, evaluation procedures, and other operations as may be needed on a temporary basis to reduce the risk of community transmission of COVID-19, HLC may modify any evaluations, through postponements or the use of virtual visits with onsite verification. Specifically, HLC may postpone visits, reports or other evaluations that were scheduled to occur during a period affected by COVID-19 interruptions. Postponements may occur for a reasonable period until the public health risk is no longer present. Other modifications may include the use of a virtual visit with onsite follow-up visit within a reasonable period to satisfy the requirements of an Advisory Visit.

Effective Date of Board Actions

When the HLC Board's actions are delayed by circumstances related to COVID-19, the HLC Board shall make determinations as to an appropriate effective date for any action it takes that changes an institution's accreditation status. When making this determination, the Board shall take into account circumstances such as the impact on graduating students. For example, the Board may determine that the effective date of any action granting initial accreditation shall be deemed to be a graduation date that preceded the Board's action by more than 30 days, as typically provided for in HLC policy, so long as the effective date does not predate the Board's action granting such institution candidacy or any previous Board action denying initial accreditation to such institution.

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; Duration

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. **As warranted by the progress of the COVID-19 pandemic, HLC reserves the right to extend the flexibilities available in this policy pending confirmation from the U.S. Department of Education.**

Repeal

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

Policy Number Key

Section INST: Institutional Processes

Chapter COVID: Temporary Emergency Policy Related to COVID-19

Part 10: General

Last Revised: June 2020

First Adopted: March 2020

Revision History: June 2020

Notes:

Related Policies: