



EXPANSION OF JURISDICTION

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 24, 2021.

Background

Federal regulations that went into effect on July 1, 2020, indicated that the U.S. Department of Education would no longer limit historically regional accreditors’ geographic area of accrediting activities to a federally designated region. This change allows historically regional accreditors, including HLC, to independently choose to expand their individual jurisdictions to operate on a larger geographic scale.

The adopted policy change expands HLC’s jurisdiction for accreditation so that HLC may now accredit institutions of higher education that are incorporated in, or operating under federal authority in, the United States, and that have a substantial presence, as defined in HLC policy, in the United States. (Separately, the Board also adopted on second reading a related [change to HLC’s Bylaws](#), as well as a [new policy](#) that would establish an accelerated process for achieving accreditation for institutions with a proven history of quality assurance from a historically regional accreditor among other factors.)

HLC circulated these policy changes to the membership and other interested parties after the Board’s February 2021 meeting. Six comments were received. Commenters identified positive opportunities as a result of the expansion; articulated concerns about competition, collegiality among accreditors, and continued quality assurance in the new environment; and offered further ideas such as considering accreditation of international institutions. HLC did not identify any necessary edits to the proposed policy based on the comments received nor did the Board choose to alter its course.

Conforming changes have also been made throughout HLC policies. This includes, for example:

- Revising the Eligibility Requirements as related to jurisdiction and legal status in the current HLC region (Eligibility Requirements #1-2); and

- Where appropriate, removing references to a “region” and “regional accreditation.”

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: Jurisdiction

Number: INST.B.10.010

An institution applying for ~~or holding~~ accredited or candidate status with HLC shall demonstrate that it meets HLC’s jurisdictional requirements, as established in the *Bylaws of the Higher Learning Commission*, **and HLC policies** related to (1) incorporation and (2) substantial presence. **Institutions already holding accredited or candidate status with HLC that are unable to demonstrate these jurisdictional requirements shall be subject to potential further action for non-compliance with HLC requirements as outlined in HLC policy.**

Incorporation

An institution shall demonstrate that it is incorporated in, ~~one of the 19 states of the north central region~~ or operating under federal authority in conjunction with an executive branch or independent federal agency or branch of the U.S. military **in, the United States**. An institution applying for or holding accredited or candidate status with HLC shall demonstrate that its primary purpose is higher education.

~~(Note that an institution that was accredited by, or a candidate for accreditation with, HLC prior to July 1, 2010, may be incorporated outside the region provided that it is registered to do business in at least one of the 19 states of the north central region. A charter or other form of authorization from the state legislature shall constitute incorporation for public institutions for the purpose of this policy.)~~

Substantial Presence

An institution shall demonstrate that its operations are substantially in the ~~19 state north central region~~ **United States**. An institution shall provide evidence that the majority of its ~~educational~~ **educational** administration, ~~and~~ **educational** activity, business operations, and executive and administrative leadership are located, or are

operating within, the North Central region United States. Institutions that have campuses or additional locations must demonstrate that at least one campus and one or additional location (if the institution has additional locations) are is located in the region United States. HLC shall make the decision regarding whether the institution is substantially in the region based on the preponderance of the evidence regarding the operations of the institution. HLC shall consider evidence presented by the institution as well as evidence available from public sources and from evaluations undertaken by HLC in making a judgment about the institution's presence in the region.

Establishing Substantial Presence

Institutions must establish that they meet the substantial presence requirement according to the implementation provisions established in HLC's Bylaws. The appropriate provisions derived from Article III, Section 4 are provided below for reference:

All institutions submitting Preliminary Information Forms or other documentation to establish eligibility for Commission evaluation on or after July 1, 2010, or having evaluation visits for initial candidacy or accreditation in 2010-11 or thereafter shall comply with jurisdictional requirements for incorporation and substantial presence in the region, as identified in Section 2 of this Article.

All institutions accredited by the Commission or a candidate for accreditation status on July 1, 2010, shall comply with substantial presence requirements no later than July 1, 2012, or at the time of evaluation for initial accreditation, whichever comes first. Institutions accredited by the Commission on July 1, 2010, shall be evaluated against this requirement at the time of the next comprehensive evaluation except where the Commission has information to indicate that an institution does not meet this requirement and initiates, subsequent to July 1, 2012, an inquiry to review jurisdiction. Institutions that become a candidate for accreditation or accredited after July 1, 2010, must demonstrate compliance with the substantial presence requirement at the time of the next comprehensive evaluation of the institution or prior to initial accreditation of the institution, whichever comes first.

All institutions accredited by the Commission or a candidate for accreditation status on July 1, 2010, shall be grandfathered from the requirement for incorporation in the region; such institutions known to be incorporated outside the region shall provide evidence of having registered within the region to do business as a corporation no later than July 1, 2011. Institutions that become accredited or a candidate for accreditation after July 1, 2010, must demonstrate compliance with the incorporation requirement at the time of the next comprehensive evaluation of the institution or prior to initial accreditation of the institution, whichever comes first.

~~Non-member institutions seeking status that are unable to demonstrate substantial presence to the satisfaction of HLC staff shall not proceed with the Eligibility Process. Institutions already holding status with HLC that are unable to demonstrate substantial presence shall be subject to potential further action for non-compliance with HLC requirements as outlined in HLC policy.~~

~~Institutions Accredited by Another Recognized Accreditor Seeking HLC Status~~

~~An institution accredited by another institutional accrediting agency recognized for Title IV federal gatekeeping purposes by the U.S. Department of Education that:~~

- ~~1. moves its home campus or main office or a component to HLC's region;~~
- ~~2. designates an existing campus or office as the main; or~~
- ~~3. initiates a new home campus or main office in HLC's region~~

~~for the purposes of establishing HLC jurisdiction to accredit the entire institution, including, if applicable, various components in other regions, may seek HLC status. It will seek status by establishing its eligibility for an HLC evaluation under the Eligibility Process. If the Eligibility Panel determines the institution is eligible for HLC review, it must host a comprehensive evaluation team and follow HLC policy and procedure for seeking initial status.~~

~~HLC will not consider for status any institution under sanction, show cause, or withdrawal by another recognized institutional accrediting agency, or within two years of such status, or less than two years before the agency's next comprehensive evaluation of the institution. As a part of the Eligibility review, the institution must establish how it is resolving any issues identified for monitoring or further review by the other agency. During the time it is seeking status from HLC, it must remain in good standing with the other agency and meet all financial and accrediting obligations. It must work to keep both agencies properly informed and copy both agencies on all relevant correspondence.~~

Policy Number Key

Section INST: Institutional Processes

Chapter B: Requirements for Achieving and Maintaining Membership

Part 10: General

Last Revised: June 2021

First Adopted: November 2010 and June 2009

Revision History: June 2012, February 2019, November 2020, June 2021

Notes: Policies combined November 2012 – 1.2, 1.2(a), 1.2(b), 1.2(c), 3.5

Related Policies: