



**ACCREDITING
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for COMMUNITY and
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August 27, 2010

TO: Member Institutions, Chancellors, Presidents, and
Accreditation Liaison Officers

FROM: Barbara Beno, President

A handwritten signature in black ink that reads "Barbara A. Beno".

SUBJECT: U.S. Department of Education Letter to ACCJC

On Tuesday, the ACCJC received a letter from the U.S. Department of Education regarding the Department's investigation of a complaint it received about the ACCJC's process for selecting individuals to serve as commissioners. The Complaint was filed by California Community College System Chancellor Jack Scott, and alleged that the ACCJC failed to follow its own bylaws or policies that describe how the Commissioner Selection Committee is to be appointed.

The Department of Education found that the ACCJC had *not* failed to follow its own policies, but found that the bylaws and policies, in the Department's view, are not in compliance with all federal regulations. The ACCJC must submit a report to the Department by November 1, 2010, on what corrective action it will take.

Article III, Section 4 of the Commission's Bylaws, which describes the Commissioner Selection Committee, was crafted in 1998-99 in response to a change in federal regulations. The Bylaws section has not changed in substance since that time and since then, in three reviews by the Department of Education, no issues of non-compliance were found.

Each time the Department of Education's staff undertake a review of an accreditor's policies and procedures, it is possible that new regulations or a new regulatory interpretation, a different evaluator's perspective, or more attention to detail may reveal issues not previously identified. We believe that one or more of these conditions applies, as the Commission's Bylaws were previously found to be acceptable. In particular, the Department has indicated it now considers the Commissioner Selection Committee to be a decision making body of the ACCJC, and subject therefore to some of the regulatory requirements of the Commission itself.

When the ACCJC receives a notice of non-compliance with federal regulations, it takes appropriate steps to rectify policies or procedures to come into compliance. The ACCJC will be considering each of the Department of Education's findings carefully and will have a discussion with the Department in order to clarify any ambiguities of meaning in the letter as well as provide the Department with any additional important information about the ACCJC's Bylaws or practices. The ACCJC will then develop an appropriate response, including any needed revisions to its Bylaws, through the Commission's regular policy development and approval process and submit its correction plan to the Department by November 1, 2010.

However, the Department has found that the ACCJC's long standing practice of requesting that the California trustee organization, the California chief executive officer organization and the California and Hawai'i faculty organizations name persons to sit on the Commissioner Selection Committee will need to change, as well as some other practices of the Selection Committee. You may expect that revised Bylaws will be going to the Commission for first reading at the January 2011 meeting.

Attached you will find a copy of the original complaint by Chancellor Scott, as well as a copy of the Department's letter to the ACCJC.

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Attachments