



Middle States Commission on Higher Education

3624 Market Street, Philadelphia, PA 19104-2680. Tel: 267-284-5000. Fax: 215-662-5501
www.msche.org

July 19, 2018

Dr. Elden Monday
Interim President
The Art Institute of Pittsburgh
1400 Penn Avenue
Pittsburgh, PA 15222

Dear Dr. Monday:

At its session on July 18, 2018, the Executive Committee of the Middle States Commission on Higher Education acted:

To document receipt of the supplemental information report, noting that the report provided limited responses to requested information and was insufficient to address the Commission's concerns. To note that the institution failed to inform the Commission about any and all developments relevant to the terms of the change in ownership and legal status as directed in the Commission action of November 16, 2017. To require the institution to show cause, by August 31, 2018, as to why its accreditation should not be withdrawn. To note that the institution remains accredited while on show cause. The institution is required to present its case for continued accreditation by means of a show cause report, in lieu of the formerly requested supplemental information report. To request that the show cause report document evidence that the institution has achieved and can sustain ongoing compliance with Commission's Requirements of Affiliation, accreditation standards, and policies including, but not limited to evidence of (1) the capacity to support increased enrollment in online programs, including fiscal and human resources as well as the physical and technical infrastructure adequate to support its operations (Standards II, IV, VI, Requirements of Affiliation 11, 15) and adequate student support services (Standard IV); (2) clearly stated, ethical policies and processes to admit, retain, and facilitate the success of students whose interests, abilities, experiences, and goals provide a reasonable expectation for success and are compatible with institutional mission (Standard IV); and (3) honesty and truthfulness in all publications and communications, in all formats, for internal and external communities (Standard II). In addition, to request that the show cause report also document evidence (4) of the breadth of the relationships involving the related entities, Dream Center Foundation and Dream Center Education Holdings (DCEH), including the identification of contractual relationships, employment, and

family or financial interests that could pose or be perceived as conflicts of interest (Standards II, VII; Requirements of Affiliation 12, 13; Related Entities Policy); (5) of recertification by the related entities that they recognize the Commission's compliance requirements and will ensure that responsibilities of the related entities are fulfilled, including making freely available to the Commission accurate, fair, and complete information through disclosure of information required by the Commission to carry out its accrediting responsibilities (Related Entities Policy; Requirement of Affiliation 14); and (6) that the institution operates as an academic institution with appropriate autonomy (Standard VII). To also request that the institution complete and submit for approval, by August 31, 2018, a comprehensive, implementable teach-out plan describing how, if the Commission withdraws accreditation, all students including any student requiring access to Title IV funding will be accommodated. In accordance with Commission policy and federal regulations, the teach-out plan must provide for the equitable treatment of students to complete their education, and include any teach-out agreements that the institution has entered into or intends to enter into with another institution. Approvals from any licensing, regulatory, or other legal entities, as may be necessary, must also be provided to the Commission. To direct a prompt liaison guidance consultation to discuss Commission expectations. An on-site evaluation will follow submission of the report. The purpose of the on-site evaluation is to verify the information provided in the show cause report and the institution's ongoing and sustainable compliance with the Commission's Requirements of Affiliation, accreditation standards, and policies. To note that the institution will be invited to appear before the Commission when it meets to consider the institution's show cause report.

This action is a non-compliance action and includes a request for a monitoring report and a visit. An explanation of this type of action is provided in the Commission's policy *Accreditation Actions*.

The institution is invited to appear before the Commission when the Commission meets to consider the institution's show cause report. The procedures *Show Cause Appearance Before the Commission Prior to Withdrawal of Accreditation* is enclosed. As noted in these procedures, the **institution must inform the Commission of its intent to appear** before the Commission at least 14 days prior to the Commission meeting at which the adverse action will be considered.

Enclosed is a copy of the institution's Statement of Accreditation Status (SAS) for your review. If any of the factual information is incorrect, please contact the Commission as soon as possible.

A Public Disclosure Statement (PDS) has also been developed, consistent with the Commission's policy on *Public Communication in the Accrediting Process*. The statement provides an explanation of the nature of the institutional accreditation action that has been taken by the Commission. The PDS will accompany the institution's SAS and will be made available on the Middle States Commission on Higher Education website. In accordance with federal regulation, both documents will be made available to the public. If any of the factual information in these documents is incorrect, please contact the Commission as soon as possible. Also in accordance with federal regulation, your institution is invited to submit an official statement. The statement may be linked to the PDS from your institution's website or the Commission may include a web reference to your institution's website.

In accordance with Commission policy, the accreditation status of the institution must be accurately represented. Please ensure that published references to your institution's candidate status or accredited status (catalog, other publications, web page) are accurate and include the full name, address, and telephone number of the accrediting agency, and the effective date (month and year) when status was granted.

Please be assured of the continuing interest of the Middle States Commission on Higher Education in the well-being of The Art Institute of Pittsburgh. If any further clarification is needed regarding the SAS or other items in this letter, please feel free to contact Dr. Kushnood Haq, Vice President.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary L. Wirt", with a stylized flourish at the end.

Gary L. Wirt, Ed.D.
Chair



Middle States Commission on Higher Education

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STATEMENT OF ACCREDITATION STATUS

THE ART INSTITUTE OF PITTSBURGH

1400 Penn Avenue

Pittsburgh, PA 15222

Phone: (412) 291-6200; Fax: (412) 263-3715

www.artinstitutes.edu/pittsburgh

Chief Executive Officer: Dr. Elden Monday, Interim President

INSTITUTIONAL INFORMATION

Enrollment (Headcount): 4909 Undergraduate

Control: Private (Non-Profit)

Affiliation: None

2015 Carnegie Classification: Special Focus Four-Year - Arts, Music & Design Schools

Approved Degree Levels: Postsecondary Award/Cert/Diploma (≥ 1 year, < 2 years), Associate's, Bachelor's;

Distance Education Programs: Fully Approved

Accreditors Recognized by U.S. Secretary of Education:

Instructional Locations

Branch Campuses: None

Additional Locations: None

Other Instructional Sites: Parkway West Career and Technology Center, Oakdale, PA; TechShop, Pittsburgh, PA.

ACCREDITATION INFORMATION

Status:

Last Reaffirmed: June 27, 2013

Most Recent Commission Action:

July 18, 2018: To document receipt of the supplemental information report, noting that the report provided limited responses to requested information and was

insufficient to address the Commission's concerns. To note that the institution failed to inform the Commission about any and all developments relevant to the terms of the change in ownership and legal status as directed in the Commission action of November 16, 2017. To require the institution to show cause, by August 31, 2018, as to why its accreditation should not be withdrawn. To note that the institution remains accredited while on show cause. The institution is required to present its case for continued accreditation by means of a show cause report, in lieu of the formerly requested supplemental information report. To request that the show cause report document evidence that the institution has achieved and can sustain ongoing compliance with Commission's Requirements of Affiliation, accreditation standards, and policies including, but not limited to evidence of (1) the capacity to support increased enrollment in online programs, including fiscal and human resources as well as the physical and technical infrastructure adequate to support its operations (Standards II, IV, VI, Requirements of Affiliation 11, 15) and adequate student support services (Standard IV); (2) clearly stated, ethical policies and processes to admit, retain, and facilitate the success of students whose interests, abilities, experiences, and goals provide a reasonable expectation for success and are compatible with institutional mission (Standard IV); and (3) honesty and truthfulness in all publications and communications, in all formats, for internal and external communities (Standard II). In addition, to request that the show cause report also document evidence (4) of the breadth of the relationships involving the related entities, Dream Center Foundation and Dream Center Education Holdings (DCEH), including the identification of contractual relationships, employment, and family or financial interests that could pose or be perceived as conflicts of interest (Standards II, VII; Requirements of Affiliation 12, 13; Related Entities Policy); (5) of recertification by the related entities that they recognize the Commission's compliance requirements and will ensure that responsibilities of the related entities are fulfilled, including making freely available to the Commission accurate, fair, and complete information through disclosure of information required by the Commission to carry out its accrediting responsibilities (Related Entities Policy; Requirement of Affiliation 14); and (6) that the institution operates as an academic institution with appropriate autonomy (Standard VII). To also request that the institution complete and submit for approval, by August 31, 2018, a comprehensive, implementable teach-out plan describing how, if the Commission withdraws accreditation, all students including any student requiring access to Title IV funding will be accommodated. In accordance with Commission policy and federal regulations, the teach-out plan must provide for the equitable treatment of students to complete their education, and include any teach-out agreements that the institution has

entered into or intends to enter into with another institution. Approvals from any licensing, regulatory, or other legal entities, as may be necessary, must also be provided to the Commission. To direct a prompt liaison guidance consultation to discuss Commission expectations. An on-site evaluation will follow submission of the report. The purpose of the on-site evaluation is to verify the information provided in the show cause report and the institution's ongoing and sustainable compliance with the Commission's Requirements of Affiliation, accreditation standards, and policies. To note that the institution will be invited to appear before the Commission when it meets to consider the institution's show cause report.

Brief History Since Last Comprehensive Evaluation:

- June 27, 2013: To reaffirm accreditation. To remind the institution of its obligation to inform the Commission about any and all significant developments related to the Education Management Corporation (EDMC) et alia litigation. The Commission expects to be informed of such developments within ten business days of their occurrence. The Periodic Review Report is due June 1, 2018.
- September 20, 2013: To request a supplemental information report, due October 11, 2013, addressing recent concerns about the institution's online division, and its ongoing compliance with Standard 8 (Student Admissions and Retention), Standard 9 (Student Support Services) and Standard 13 (Educational Offerings). To remind the institution of its obligation to inform the Commission about any and all significant developments related to the Education Management Corporation (EDMC) et alia litigation. The Commission expects to be informed of such developments within ten business days of their occurrence. The Periodic Review Report is due June 1, 2018.
- November 21, 2013: To accept the supplemental information report. To remind the institution of its obligation to inform the Commission about any and all significant developments related to the Education Management Corporation (EDMC) et alia litigation. The Commission expects to be informed of such developments within ten business days of their occurrence. The Periodic Review Report is due June 1, 2018.
- November 19, 2014: To acknowledge receipt of the complex substantive change request and to include the change of control and ownership within the scope of the institution's accreditation pending notification of the completion of the restructuring. The Commission reserves the right to rescind approval of this substantive change if subsequent developments might have affected the Commission's decision. To request a Supplemental Information Report, due September 1, 2015, documenting the impact of the change of ownership and control on the ability of the institution to continue to meet its educational and student support services mission. A small team

visit may follow the submission of the Supplemental Information Report. To remind the institution of its obligation to inform the Commission about any and all significant developments related to Education Management Corporation (EDMC) et alia litigation. The Commission expects to be informed of such developments within ten business days of their occurrence. The Periodic Review Report is due June 1, 2018.

November 19, 2015: To accept the Supplemental Information Report. To remind the institution of its obligation to inform the Commission about any and all significant developments related to the Education Management Corporation (EDMC) et alia litigation. The Periodic Review Report is due June 1, 2018.

August 29, 2016: To approve the relocation of the main campus from 420 Boulevard of The Allies, Pittsburgh, PA 15219 to 1400 Penn Avenue, Pittsburgh, PA 15222 and to provisionally include the new campus within scope of the institution's accreditation pending a site visit within six months of commencing operations. The Commission requires written notification within thirty days of the commencement of operations at the new campus and closure of the old campus. Operations at the location must commence within one calendar year from the date of this action. The date for the next accreditation review will be determined by the Commission when it revises the accreditation cycle.

June 22, 2017: To reject the complex substantive change request because of insufficient information and evidence conducive to Commission review. The institution may resubmit the request after additional information needed to complete the review can be made available. To remind the institution of the need for prior approval through complex substantive change of any plans for change in legal status, form of control, or ownership. The next evaluation visit is scheduled for 2021-2022.

November 16, 2017: To acknowledge receipt of the complex substantive change request. To provisionally include the change in ownership and legal status, from Education Management Corporation (EDMC), a for-profit corporation, to the Dream Center Foundation (DCF), a California Nonprofit Corporation, within the scope of the institution's accreditation, pending receipt of required federal and state approvals and completion of a required site visit within six months of the effective date of the change of ownership. To request a focused report due March 1, 2018, documenting that the institution: (1) has complied with all applicable government and Commission policies, regulations, and requirements (Requirement of Affiliation 5 and Standard II), (2) has avoided conflicts of interest in all activities and among all constituents (Standard II), (3) has documented financial resources, funding base, and plans for financial development, including those from any related entities adequate to support its educational purposes and programs and

to ensure financial stability (Requirements of Affiliation 11), and (4) has a governing body with sufficient independence and expertise to ensure the integrity of the institution (Standard VII). A focused team visit will follow submission of the report. To remind the institution of its obligation to inform the Commission about any and all developments relevant to this action, including any changes to the terms of the change in ownership and legal status and the federal and state approvals, and to notify the Commission immediately of the date of the closing of the transaction. The Commission reserves the right to rescind approval of this substantive change if any developments reveal additional information that might have affected the Commission's decision. To direct a prompt liaison guidance consultation to discuss Commission expectations. In accordance with the Commission's policy on Substantive Change (version 082516) to direct the institution to commence early self-study in preparation for an evaluation visit in 2020-2021.

- December 22, 2017: Staff acted on behalf of the Commission to request a supplemental information report, due January 5, 2018, addressing recent developments at the institution which may have implications for current and future compliance with Requirements of Affiliation #5 , #12, #14; Standard II (Ethics and Integrity) and Standard VII (Governance, Leadership, and Administration).
- February 15, 2018: To acknowledge receipt of the complex substantive change request and to note that on January 5, 2018, the institution requested to withdraw the request.
- February 15, 2018: To accept the supplemental information report. To place the institution on probation because of insufficient evidence that the institution is currently in compliance with Standard II (Integrity), Requirement of Affiliation 14 (The institution and its governing body/bodies make freely available to the Commission accurate, fair, and complete information on all aspects of the institution and its operations; the governing body/bodies ensure that the institution describes itself in comparable and consistent terms to all of its accrediting and regulatory agencies, communicates any changes in accredited status, and agrees to disclose information required by the Commission to carry out its accrediting responsibilities); and the Related Entities Policy (documentation that the institution and its related entities comply with Commission standards and policies). To note that the institution remains accredited while on probation. To note further that federal regulations limit the period during which an institution may be in non-compliance to two years. To request a monitoring report due on March 15, 2018, in lieu of the previously requested focused report, documenting evidence that the institution has achieved and can sustain ongoing compliance with Commission standards, requirements, and policies, including, but not limited to (1) representing itself truthfully

and disclosing information in a timely and accurate fashion (Standard II); (2) the institution and its governing body/bodies making freely available to the Commission accurate, fair, and complete information on all aspects of the institution and its operations and assurances that the institution describes itself in comparable and consistent terms to all of its accrediting and regulatory agencies, communicates any changes in accredited status, and agrees to disclose information required by the Commission to carry out its accrediting responsibilities (Requirement of Affiliation 14); and (3) the institution and its related entities comply with Commission standards and policies (Related Entities Policy). In addition, the monitoring report should document that the institution: (1) has complied with all applicable government and Commission policies, regulations, and requirements (Requirement of Affiliation 5 and Standard II), (2) has avoided conflicts of interest in all activities and among all constituents (Standard II), (3) has documented financial resources, funding base, and plans for financial development, including those from any related entities adequate to support its educational purposes and programs and to ensure financial stability (Requirement of Affiliation 11), and (4) has a governing body with sufficient independence and expertise to ensure the integrity of the institution (Standard VII). A small team visit will follow submission of the monitoring report. To direct a prompt Commission liaison guidance consultation to discuss the Commission's expectations. To further remind the institution of its obligation to inform the Commission about any and all developments relevant to the November 2017 Commission action, including any changes to the terms of the change in ownership and legal status. To remind the institution that it was directed to commence early self-study in preparation for an evaluation visit in 2020-2021.

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| March 15, 2018: | To note the liaison guidance consultation by the Commission's representative. |
| June 21, 2018: | To note the visit by the Commission's representative. |
| June 21, 2018: | To note the visit by the Commission's representative. To affirm inclusion of the relocation of the main campus from 420 Boulevard of The Allies, Pittsburgh, PA 15219 to 1400 Penn Avenue, Pittsburgh, PA 15222 within the scope of the institution's accreditation. |
| June 21, 2018: | To accept the monitoring report and to note the visit by the Commission's representative. To postpone a decision on accreditation, and to request a supplemental information report due September 1, 2018, documenting evidence (1) of the breadth of the relationships involving the related entities, Dream Center Foundation and Dream Center Education Holdings (DCEH), including the identification of contractual relationships, employment, and family or financial interests that could pose or be perceived as conflicts of interest (Standard II and Standard VII; Requirement of Affiliation 12 and 13; Related Entities |

Policy); (2) of certification by the related entities that it recognizes the Commission's compliance requirements and will ensure that responsibilities of the related entities are fulfilled, including making freely available to the Commission accurate, fair, and complete information through disclosure of information required by the Commission to carry out its accrediting responsibilities (Related Entities Policy; Requirement of Affiliation 14); and (3) that the institution operates as an academic institution with appropriate autonomy (Standard VII). A small team visit will follow the submission of supplemental information report. To remind the institution of the Commission's action of February 15, 2018, placing the institution on probation because of insufficient evidence that the institution is currently in compliance with Standard II (Integrity), Requirement of Affiliation 14, and the Related Entities Policy. To note that the date of the next evaluation visit will be determined when accreditation is reaffirmed and early self-study will not be required at this time.

July 12, 2018:

Staff acted on behalf of the Commission to request a supplemental information report, due July 16, 2018, addressing recent developments at the institution which may have implications for current and future compliance with Standard II (Ethics and Integrity), Standard III (Design and Delivery of the Student Learning Experience), Standard IV (Support of the Student Experience), Standard VI (Planning, Resources, and Institutional Improvement), Standard VII (Governance, Leadership, and Administration) and Requirements of Affiliation #9, #10, #11, #12, #14, #15.

Next Self-Study Evaluation:

Date Printed: July 19, 2018

DEFINITIONS

Branch Campus - A location of an institution that is geographically apart and independent of the main campus of the institution. The location is independent if the location: offers courses in educational programs leading to a degree, certificate, or other recognized educational credential; has its own faculty and administrative or supervisory organization; and has its own budgetary and hiring authority.

Additional Location - A location, other than a branch campus, that is geographically apart from the main campus and at which the institution offers at least 50 percent of an educational program. **ANYA** ("Approved but Not Yet Active") indicates that the location is included within the scope of accreditation but has not yet begun to offer courses. This designation is removed after the Commission receives notification that courses have begun at this location.

Other Instructional Sites - A location, other than a branch campus or additional location, at which the institution offers one or more courses for credit.

Distance Education Programs - Fully Approved, Approved (one program approved) or Not Approved indicates whether or not the institution has been approved to offer diploma/certificate/degree programs via distance education

(programs for which students could meet 50% or more of the requirements of the program by taking distance education courses). Per the Commission's Substantive Change policy, Commission approval of the first two Distance Education programs is required to be "Fully Approved." If only one program is approved by the Commission, the specific name of the program will be listed in parentheses after "Approved."

Commission actions are explained in the policy *Accreditation Actions*.



Middle States Commission on Higher Education

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Public Disclosure Statement Regarding the Status of

The Art Institute of Pittsburgh

Issued July 19, 2018

At its meeting on July 18, 2018, the Executive Committee of the Middle States Commission on Higher Education (MSCHE) acted:

To document receipt of the supplemental information report, noting that the report provided limited responses to requested information and was insufficient to address the Commission's concerns.

To note that the institution failed to inform the Commission about any and all developments relevant to the terms of the change in ownership and legal status as directed in the Commission action of November 16, 2017.

To require the institution to show cause, by August 31, 2018, as to why its accreditation should not be withdrawn.

To note that the institution remains accredited while on show cause. The institution is required to present its case for continued accreditation by means of a show cause report, in lieu of the formerly requested supplemental information report.

To request that the show cause report document evidence that the institution has achieved and can sustain ongoing compliance with Commission's Requirements of Affiliation, accreditation standards, and policies including, but not limited to evidence of

(1) the capacity to support increased enrollment in online programs, including fiscal and human resources as well as the physical and technical infrastructure adequate to support its operations (Standards II, IV, VI, Requirements of Affiliation 11, 15) and adequate student support services (Standard IV);

(2) clearly stated, ethical policies and processes to admit, retain, and facilitate the success of students whose interests, abilities, experiences, and goals provide a reasonable expectation for success and are compatible with institutional mission (Standard IV); and

(3) honesty and truthfulness in all publications and communications, in all formats, for internal and external communities (Standard II).

In addition, to request that the show cause report also document evidence

(4) of the breadth of the relationships involving the related entities, Dream Center Foundation and Dream Center Education Holdings (DCEH), including the identification of contractual relationships, employment, and family or financial interests that could pose or be perceived as conflicts of interest (Standards II, VII; Requirements of Affiliation 12, 13; Related Entities Policy);

(5) of recertification by the related entities that they recognize the Commission's compliance requirements and will ensure that responsibilities of the related entities are fulfilled, including making freely available to the Commission accurate, fair, and complete information through disclosure of information required by the Commission to carry out its accrediting responsibilities (Related Entities Policy; Requirement of Affiliation 14); and

(6) that the institution operates as an academic institution with appropriate autonomy (Standard VII).

To also request that the institution complete and submit for approval, by August 31, 2018, a comprehensive, implementable teach-out plan describing how, if the Commission withdraws accreditation, all students including any student requiring access to Title IV funding will be accommodated.

In accordance with Commission policy and federal regulations, the teach-out plan must provide for the equitable treatment of students to complete their education, and include any teach-out agreements that the institution has entered into or intends to enter into with another institution. Approvals from any licensing, regulatory, or other legal entities, as may be necessary, must also be provided to the Commission.

To direct a prompt liaison guidance consultation to discuss Commission expectations.

An on-site evaluation will follow submission of the report. The purpose of the on-site evaluation is to verify the information provided in the show cause report and the institution's ongoing and sustainable compliance with the Commission's Requirements of Affiliation, accreditation standards, and policies.

To note that the institution will be invited to appear before the Commission when it meets to consider the institution's show cause report.

This action was taken following developments at the institution since the Commission's June 21, 2018 action. The June 2018 action can be viewed at http://www.msche.org/institutions_directory.asp.

The action is taken in accordance with Commission policy, *Accreditation Actions* (<http://www.msche.org/documents/P2.3-AccreditationActions.pdf>).

For More Information

The following resources provide additional information that may be helpful to understanding the Commission's actions and the institution's accreditation status:

Accreditation Review Cycle and Monitoring
<http://www.msche.org/documents/AccredReviewCycle.pdf>

Communication in the Accreditation Process

http://www.msche.org/Documents/P4.1-Policy_Communication.pdf

Standards for Accreditation and Requirements of Affiliation

<https://www.msche.org/publications/RevisedStandardsFINAL.pdf>

Statement of Accreditation Status for The Art Institute of Pittsburgh

(http://www.msche.org/institutions_directory.asp) provides factual information about The Art Institute of Pittsburgh and the full text of the Commission's recent actions regarding the institution.

Questions about the accreditation status of The Art Institute of Pittsburgh should be directed to Communications@msche.org.



Middle States Commission on Higher Education

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Procedures

Show Cause Appearance Before the Commission Prior to Withdrawal of Accreditation

(Version 091715)

These procedures describe the Commission review process available to an institution upon receipt of a show cause action from the Middle States Commission on Higher Education (the Commission).

The Commission adopts the following procedures for an appearance before the Commission prior to withdrawal of accreditation:

1. **Notice of Show Cause Action.** The Commission sends letters of notification regarding any Commission action within 10 days of each Commission meeting, Executive Committee Meeting or other decision making meeting at which an accreditation action is taken. Notice of a show cause action shall specify the areas of non-compliance in accordance with Commission policy and shall include notice of the opportunity to appear before the Commission when the Commission meets to consider the institution's show cause status. The action letter shall be accompanied by a copy of these procedures.
2. **Confirmation of Intent to Appear.** The institution must **inform the Commission of its intent to appear** before the Commission at least 14 days prior to the Commission meeting at which the withdrawal of accreditation will be considered. The institution shall confirm its intent to appear in writing sent to the Commission's President. The confirmation should include the name, title, and role of each individual who will appear before the Commission on behalf of the institution.
3. **Cost of Appearance.** The institution shall bear the cost of its participation and attendance at the Commission meeting. Such costs may include but are not limited to travel, lodging/accommodation, meals, facilities, copying, transcript, and other costs incurred by the institution.
4. **Commission Consideration of the Record in the Absence of an Appearance.** If the institution elects not to appear before the Commission, the institution's full record on file, including the institution's written response to the most recent visiting team report, will be considered by the Commission. The Commission may elect to invite additional information or response from the institution.
5. **Procedures for the Appearance.**
 - a. An appearance before the Commission prior to withdrawal of accreditation is not a judicial proceeding or an evidentiary hearing and the parties are not permitted to

conduct discovery, present or cross-examine witnesses or exercise other evidentiary rights and privileges ordinarily provided to litigants. The appearance is an opportunity for the institution to present, in the nature of a presentation, its reasons why accreditation should not be withdrawn. The institution's presentation shall be based solely on the institution's record on file at the Commission, including the institution's written response to the most recent visiting team report, and shall not introduce new information except as described in 5b.

- b. If material events have transpired at the institution since the most recent visiting team report and institutional response were prepared, an institution may seek permission to present the new information at the appearance. If an institution wants to introduce such new information, it must obtain the permission of the Chair of the Commission in advance of the appearance by submitting a letter to the Chair at least 5 business days before the appearance date describing the new information and explaining why the information was not available or presented in the institution's written response. The decision to allow new information shall be in the sole discretion of the Chair. At or after the appearance, the Commission may elect to invite additional information or response from the institution.
- c. The proceeding shall be closed to the public and attendance shall be limited to the Commission, MSCHE staff, and only the necessary representatives of the institution.
 - i. Institutional representatives attending the appearance may include the Chief Executive Officer, senior administration officials, those responsible for or needed to address compliance with a particular standard or requirement, members of the board of trustees, and/or counsel.
 - ii. The Commission and the institution may be represented by counsel during the appearance.
- d. The procedures for the conduct of the appearance shall be the determination of the Chair of the Commission and shall be final.
- e. The institution shall have the burden of demonstrating why its accreditation should not be withdrawn by addressing its compliance with the Commission's requirements of affiliation, standards for accreditation, and any related accreditation policies.
 - i. The institution will be provided 30 minutes to present its argument to the Commission as to why the institution's accreditation should not be withdrawn.
 - ii. The members of the Commission may question the institution at the conclusion of the institution's presentation.
- f. The appearance shall be recorded and conducted with institutional representatives present. However, the discussions, deliberations and individual votes of the Commission will be conducted in closed session and shall not be recorded.
- g. At the request and expense of the institution or the Commission, a court reporter or other official stenographer may attend and record the institutional proceedings. If the institution requests the production of a transcript of the

appearance, the institution shall pay the entire cost of such transcription.

- h. No post-appearance submission shall be permitted unless the Commission requests additional briefing on specific issues.

- 6. **Decision.** The Commission shall render its accreditation decision in accordance with its policy on *Notification of Accreditation Decisions*. The Commission may take any action available to it within the limits of Commission policy.

Number: N/A

Version: 091715

Created: December 2014

Approved: January 15, 2015 (Membership)

Previously Issued: N/A

Revisions: June 25, 2015; September 17, 2015

Related Documents: *Notification of Accreditation Decisions; Accreditation Actions; Appeals from Adverse Actions*

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15\ShowCause Appearance 062515(final).docx