

602.17 Application of standards in reaching accreditation

decisions.

(a) The agency must have effective mechanisms for evaluating an institution's or program's compliance with the agency's standards before reaching a decision to accredit or preaccredit the institution or program. The agency meets this requirement if ~~the agency~~ **it** demonstrates that ~~when reviewing institutions in accordance with the standards the agency establishes under 602.16,~~ **when reviewing institutions in accordance with the standards the agency establishes under 602.16,** it --

(a1) Evaluates whether an institution or program ~~for the purposes of meeting the standards requirements of 602.16(a)(1)(i) -~~ **for the purposes of meeting the standards requirements of 602.16(a)(1)(i) -**

(a1) Maintains clearly specified educational objectives, ~~which may include credit for prior learning, these objectives should include minimum expectations of student performance as appropriate, that are consistent with its mission and appropriate in light of the degrees or certificates awarded that are developed and regularly reviewed and updated using reliable data (which may include Federal or state data), including minimum expectations of student performance as appropriate, that are consistent with its mission and appropriate in light of the~~ **which may include credit for prior learning, these objectives should include minimum expectations of student performance as appropriate, that are consistent with its mission and appropriate in light of the degrees or certificates awarded that are developed and regularly reviewed and updated using reliable data (which may include Federal or state data), including**

Commented [A1]: Additions previously in 602.16 have been moved to 602.17.

Commented [A2]: Formatting and movement of language to align with the standards sections in 602.16(a)(1) incorporates language in Blum/McComis proposal on p31

~~degrees or certificates awarded that are developed and regularly reviewed and updated, using valid and reliable data (which may include Federal or State data);~~

Commented [A3]: Addresses comment from table 5/19 PM

(21) ~~As appropriate to its own standards established by the agency, reviews an institution's student success with respect to student achievement is successful in achieving its stated objectives~~ at both the institutional and program levels, including minimum expectations, ~~by assessing its:~~ and

Commented [ED4]: Moved from 602.17(a)(1)(i)

(A) State licensing or certification examination results, where applicable ~~to the program of study;~~

(B) Program retention, completion, or graduation rates, including as appropriate the extent to which grades meaningfully reflect student learning and support progression through the program of study;

(C) Post-completion or graduation outcomes, including employment and continued education;

(D) Scores on relevant standardized assessments taken for admission to a higher-level degree, during and after the time of enrollment at an institution; and

(E) Educational and economic returns aligned to the program's credential level, length, and occupational context relative to the total cost of attendance, including tuition and fees, room and board, supplies, and transportation. Such returns shall be determined ~~as follows~~ using the earnings data calculated under 34 CFR 668 Subpart Q reliable wage data, as available, enhanced unemployment insurance wage records, or other reliable earnings data available to the agency aligned to the program's credential level, length, and occupational context.

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~~(3) Maintains requirements that at least conform to commonly accepted academic standards, or the equivalent, including pilot programs in § 602.18(b);~~

(2) When applying its standards according to 602.18(a)(1)(iii) on faculty, evaluates whether an institution:

(3) Maintains a sufficient number of appropriately qualified faculty and other subject matter instructors who are regularly evaluated on the performance of their instructional, research, or service responsibilities. Such evaluation should also include whether the institution or program

(i) Maintains and applies written faculty performance evaluation policies that include defined performance criteria and are conducted on a periodic basis;

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~~(A) Are conducted on a periodic basis;~~

~~(B) Include defined performance criteria; and~~

~~(C) Provide meaningful, consistently applied remediation or personnel action in cases of sustained nonperformance;~~

~~(iii) Maintains faculty appointment structures that permit the institution or program to address persistent deficiencies in instructional quality, program relevance, or institutional effectiveness;~~

(iii) Maintains academic freedom protections that are clearly articulated and applied consistently to faculty regardless of appointment classification, race or other immutable characteristics, viewpoint, or ideology;

(iv) Maintains sufficient flexibility in instructional staffing policies and procedures to respond to material changes in student demand, program viability, or financial conditions; and

Commented [A7]: Addition based on 5/19 proposal from D. Eubanks

(v) In the case of public institutions, fulfills their obligations under the First Amendment to the Constitution of the United States. The agency should similarly evaluate any private institutions that, through their institutional policies, guarantee the same or similar protections for students or faculty.

(vi) Maintains ~~the~~ policies that require ~~have procedures to~~ evaluate ~~whether~~ institutions and programs to maintain the integrity of research and scholarly activity. Such ~~policies~~ ~~procedures~~ must require evaluate ~~whether~~ institutions to establish and enforce ~~policies and~~ practices to prevent, detect, and address fabrication, falsification, plagiarism, and other forms of research misconduct, as well as material misrepresentation of research findings, including through undisclosed selective reporting or other practices that distort the accuracy or reliability of results. The ~~practices~~ ~~procedures~~ must also address improper authorship, citation manipulation, or coordinated practices intended to inflate or misrepresent scholarly impact. The ~~procedures~~ ~~practices~~ must also address the use of artificial intelligence methods in the conduct and presentation of research, and must include mechanisms for timely investigation, appropriate corrective action, and public or stakeholder disclosure, as appropriate.

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~~(vii) Ensures that program length is appropriate to the objectives to the program and credential awarded. In applying this standard, the agency must not categorically prohibit or unreasonably restrict the accreditation of a:~~

~~(A) Short-term program that is designed to prepare students for employment in recognized occupations eligible for Federal student aid under applicable law; or~~

~~(B) Certificate or degree program offered for a shorter period of time than is traditionally required to obtain that credential, so long as the program results in comparable academic, professional, and employment outcomes for students who would complete such programs.~~

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~~(b) When reviewing institutions or programs, the agency evaluates the criteria of 602.16(a). Such agency review must include:~~

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~~(1) For 602.16(a)(1)(i):~~

~~(i) State licensing or certification examination results, where applicable;~~

~~(ii) Program retention, completion, or graduation rates, including as appropriate the extent to which grades meaningfully reflect student learning and support progression through the program of study;~~

~~(iii) Post-completion or graduation outcomes, including employment and continued education;~~

~~(iv) Scores on relevant standardized assessments taken for admission to a higher-level degree, during and after the time of enrollment at an institution; and~~

~~(v) Educational and economic returns aligned to the program's credential level, length, and occupational context relative to the total cost of attendance, including tuition and fees, room and board, supplies, and transportation., Such returns shall be determined assessed using the earnings data calculated under 34 CFR 668 Subpart Q reliable wage data, as available, enhanced Unemployment Insurance wage records, or other reliable earnings data available to the agency aligned to the program's credential level, length, and occupational context.~~

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Commented [ED12]: Moved to 602.17(a)(1)(ii)(A-E)

(3) When applying its standards according to Fe-

602.16(a) (1) (iv) and (vi):

(i) a cost/benefit analysis, which means a review by the agency of the institution's budget, resource utilization and allocation, and if existing, its business/strategic plan, continuous improvement strategic plan, and review of whether the institution considers whether the expected benefits of the institution's activities justify the associated financial, administrative and opportunity costs, and the impact of capital expenditures on future operating expenses;

(ii) a review of an institution's practices and capabilities regarding the administration of student aid programs; and

(iii) a review of the sufficiency and proper maintenance of the institution's facilities and that such facilities comply with applicable safety standards, laws, and regulations.

(4) When applying its standards according to 602.16(a) (1) (viii),

seeks to ensure that program length is appropriate to the objectives to the program and credential awarded at the institution. In applying this standard, the agency must not

categorically prohibit or unreasonably restrict the accreditation of a:

(i) Short-term program that is designed to prepare students for employment in recognized occupations eligible for Federal student aid under applicable law; or

(ii) Certificate or degree program offered for a shorter period of time than is traditionally required to obtain that credential, so long as the program results in comparable academic, professional, and employment outcomes for students who would complete such programs.

(iii) When applying its standards according to Fed 602.16(a)(1)(iii), (vi), and (vii), whether the institution has a policy or policies to protect civil rights and, as applicable, First Amendment rights, and whether such policy or policies include:

(i) academic freedom protections that are clearly articulated and applied consistently to faculty regardless of appointment classification, race or other immutable characteristics, viewpoint, or ideology;

(ii) academic freedom and freedom of inquiry protections for faculty in teaching, scholarship and research within the subject matter of a course and research within their academic discipline, including conditions under which a range of academic perspectives may be expressed and examined without adverse action based on lawful viewpoints unrelated to professional or academic competence;

(iii) in the case of a private institution, policies, that if established, guarantee the same or similar protections as those described subsections (i) and (ii) above.

~~(c) For purposes of this section, academic freedom—~~

~~(i) Means the freedom of faculty to~~

~~(ii) conduct research, publish their findings, and teach without undue interference and engage in discussion of any matter germane to the subject of the course being taught; and~~

~~(iii) speak and write in their personal capacity, provided that such activities are lawful and comply with applicable~~

Commented [A13]: Definition added for "academic freedom"

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~~institutional rules and policies, and that faculty do not represent their views as those of the institution.~~

~~(2) Does not include the freedom to introduce, or solicit discussion of, material that is not germane to the subject of the course being taught.~~

~~(3) Nothing in this definition shall be construed to prohibit institutions or accrediting agencies from adopting and enforcing policies reasonably designed to promote intellectual diversity, the exposure of students to a range of scholarly viewpoints, or the balanced presentation of competing perspectives, so long as such policies do not infringe the core protections of academic freedom described in this section.~~

(b) When applying and determining an institution's or program's compliance with its standards, the agency must:

(d) ~~it~~ requires the institution or program to engage in a self-study process or other comprehensive process, that may include a self-study, that assesses the institution's or program's education quality and success in meeting its mission and objectives, highlights opportunities for improvement, and includes a plan for making those improvements;

Commented [A15]: Language change to (d)-(j) to remove "it" as "the agency" is in the stem

Commented [A16]: Addresses comment from Shires/Blew/Tejersen on p61

(e.g.) ~~It~~ Conducts at least one on-site review of the institution or program during which it obtains sufficient information to determine if the institution or program complies with the agency's standards;

(e.g.) ~~It~~ Allow the institution or program the opportunity to respond in writing to the report of the on-site review;

(e.g.) ~~It~~ Conducts its own analysis of the self-study comprehensive process and supporting documentation furnished by the institution or program, the report of the on-site review, the institution's or program's response to the report, and any other information substantiated by the agency from other sources to determine whether the institution or program complies with the agency's standards;

(e.g.) ~~It~~ Provides the institution or program with a detailed written report that assesses the institution's or program's compliance with the agency's standards, including areas needing improvement, and the institution's or program's performance with respect to student achievement;

Commented [A17]: Addresses comment from Shires/Blew/Terjesen on p61

~~(g)~~ When applying its standards, an agency ~~it~~ Requires institutions to have processes in place through which the institution establishes that a student who registers in any course offered via distance education or correspondence is the same student who academically engages in the course or program; and

~~(g)~~ When applying its standards to an institution or program, an agency ~~it~~ Administers standards and review processes in a manner that seeks to ~~reduces~~ unnecessary barriers that ~~limit-allowe institutions or programs from-to adopting~~ instructional, programmatic, or delivery practices that improve student access, accelerate credential or degree completion, or support innovative models of postsecondary education, including program length.

~~(h)~~ Makes clear in writing that institutions must use processes that protect student privacy and notify students of any projected additional student charges associated with the verification of student identity at the time of registration or enrollment.

~~(i)~~ The agency ~~that it~~ has adopted, implements, and enforces written policies and procedures that seek to ensure the

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accuracy, completeness, and integrity of all representations made by the agency to:

- (1) The Secretary;
- (2) The public, including current and prospective students;
- (3) State, Tribal, and other governmental authorities; and
- (4) Institutions or programs it accredits or preaccredits.

(1f) The ~~that the policies of the agency provide~~ provide policies that the agency:

(1) Does not ~~knowingly~~ make false, misleading, or materially incomplete statements regarding:

(i) The accreditation or preaccreditation status of any institution or program; ~~or~~

(ii) The scope, conditions, or implications of accreditation or preaccreditation; ~~and~~

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(iii) Compliance of an institution or program with applicable Federal or State law, and

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~~(iv) Findings, monitoring outcomes, or enforcement actions of the agency.~~

(2) Maintains procedures for the prompt correction of materially inaccurate public statements or disclosures;

(3) Maintains procedures for investigating credible allegations that the agency or its representatives made materially inaccurate or misleading representations; and

(4) Takes appropriate corrective or disciplinary action when the agency determines that materially inaccurate or misleading representations have occurred.

(#) The agency trains staff annually and trains peer and other reviewers periodically on various education models and modalities, including emphasis on how greater physical infrastructure, traditional institutional structures, and high tuition and fees are not necessary to provide high-quality education.

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(b) The agency's accreditation standards, policies and enforcement practices must not restrict public institutions from fulfilling their obligations under the First Amendment to the Constitution of the United States. These standards similarly also must not restrict any private institutions that, through their institutional policies, guarantee the same or similar protections for students or faculty.

(c) The agency may not have standards that encourage, direct, or otherwise require institutions or programs to violate Federal or State law, including by having policies that provide any preferences on the basis of race.

~~(e) For 602.16(a)(1)(iii),~~

~~The agency must have policies that require have procedures to evaluate whether institutions and programs to maintain the integrity of research and scholarly activity. Such policies procedures must require evaluate whether institutions to establish and enforce policies and practices to prevent, detect, and address fabrication, falsification, plagiarism, and other forms of research misconduct, as well as material misrepresentation of research findings, including through undisclosed selective reporting or other practices that distort the accuracy or reliability of results. The practices procedures~~

Commented [A23]: New language added on research integrity

~~must also address improper authorship, citation manipulation, or coordinated practices intended to inflate or misrepresent scholarly impact. The procedures practices must also address the use of artificial intelligence methods in the conduct and presentation of research, and must include mechanisms for timely investigation, appropriate corrective action, and public or stakeholder disclosure, as appropriate.~~

Commented [ED24]: Moved to 602.17(a)(2)(vii)

(p) Nothing in this section shall be construed to require any action that would conflict with applicable State law.