

ACCJC Gone Wild

The goal of accreditation, according to the United States Department of Education, “is to ensure that **education provided by institutions of higher education meets acceptable levels of quality.**” Accrediting agencies in the United States are private educational associations of regional or national scope. “The U.S. Department of Education does not accredit educational institutions and/or programs. However, the Secretary of Education is required by law to publish a list of nationally recognized accrediting agencies that the Secretary of Education determines to be reliable authorities as to the quality of education or training provided by the institutions of higher education programs they accredit.” Applications for recognition as an accreditation agency requires an application with the U.S. Department of Education, a review by the **National Advisory Committee on Institutional Quality and Integrity**, and a final decision made by the Secretary of Education. The **Accrediting Agency Evaluation Unit** located within the Office of Postsecondary Education within the Department of Education deals with reviews of accreditation agencies and acts as a liaison with these agencies. It provides support to the National Advisory Committee on Institutional Quality and Integrity.

The **Accrediting Commission for Community and Junior Colleges (ACCJC)** is the accreditation agency for the community colleges of California. It works under the **Western Association of Schools and Colleges (WASC)**.

The WASC Corporate Board oversees the work of three Commissions. It is comprised of nine members, three from each Commission, including the chairs from each. The WASC Board meets annually to **certify the accrediting actions of the three Commissions, receive audits, and take action on business** as necessary.

Each of the three Commissions is reviewed periodically for renewal of recognition by the US Department of Education (USDOE). The ACCJC’s status as a federally approved accrediting agency was renewed by the Secretary of Education in December of 2007 for a five year term. Their next review will come up in the Fall of 2013.

According to the ACCJC, its accreditation process provides assurance to the public that the accredited member colleges meet their Standards and that “the education earned at the institutions is **of value to the student who earned it**; and employers, trade or profession-related licensing agencies, and other colleges and universities can **accept a student’s credential as legitimate.**” Contrary to this claim, the emphasis of ACCJC **has not been** on the value of the education to the student or to the colleges and universities that would accept the credits earned.

The ACCJC sanctions are based on the ACCJC’s interpretation of their Standards. Based on the actions of the ACCJC, there is no clear path from one level of sanction to another. It is not clear how the ACCJC decides what level of sanctions is required. In addition, the actual **sanctions have had little to do with the quality of instruction received by students who attend.** Instead of concentrating on the value of the college to students and the value of the credits earned, the ACCJC has taken a path that requires colleges to expend an incredible quantity of time and resources to satisfy the ACCJC that they are performing the **excessive documenting, planning, and reviews of policy required by the Commission.** The colleges in California are already underfunded and the ACCJC is helping to drain these limited resources. In addition, the ACCJC

is attempting to micro-manage the fiscal and governance processes of the colleges it accredits through fear and intimidation. Instead of helping the community colleges in California to be successful in offering quality instruction, the ACCJC's current micro-managing mode has made hard times in the community colleges even harder.

The ACCJC has become a rogue accrediting body. The sanctions by the ACCJC over the years have easily exceeded the total sanctions by all other accreditation bodies combined. The reasons for the sanctions have little if anything to do with assuring colleges and universities that their degrees and units represent quality. Over the last year they have continued their pattern of micro-managing district operations without regard to the quality of education received by students.

Sanctions Criteria

The criteria for the level of sanctions imposed by the ACCJC include the following:

Issue Warning: Sanction when ACCJC finds that an institution has pursued a course deviating from the Commission's Eligibility Requirements, Accreditation Standards, or Commission policies.

Impose Probation: Sanction when ACCJC finds that an institution deviates significantly from the Commission's Eligibility Requirements, Accreditation Standards, or Commission policies or fails to respond to conditions imposed upon it by the Commission, including a warning.

Order Show Cause: Sanction when the ACCJC finds an institution to be in substantial non-compliance with its Eligibility Requirements, Accreditation Standards, or Commission policies, or when the institution has not responded to the conditions imposed by the Commission.

Terminate Accreditation: If, in the judgment of the Commission, an institution has not satisfactorily explained or corrected matters of which it has been given notice, or has taken an action that has placed it significantly out of compliance with the Eligibility Requirements, Accreditation Standards, and Commission policies, its accreditation may be terminated.

From 2003 to 2008 the six regional bodies had the following sanction actions and the number of accreditations that they performed for community colleges:

	Number	Warnings	Probation	Show Cause	Termination	Total
Middle States	95	6	0	0	0	6
New England	64	0	0	0	0	0
North Central	243	0	1	0	0	1
Northwest	56	0	0	0	0	0
Southern	298	6	1	0	0	7
Western (ACCJC)	174	75	20	12	5	112

From June 2011 to June 2012, the ACCJC continued to be an agency gone wild.

	Warnings	Probation	Show Cause	Termination	Total
Middle States	10	0	0	0	10
New England	0	0	0	0	0
North Central	0	0	0	0	0
Northwest	5	2	0	0	7
Southern	6	4	0	0	10
Western (ACCJC)	24	20	3	1	48

Sanctions at January 2012 meeting

Twenty eight colleges were on sanction as of January 2012. In February 2012, the ACCJC summarized the types of “deficiencies” that “caused” the Commission to impose a sanction of Warning, Probation or Show Cause.

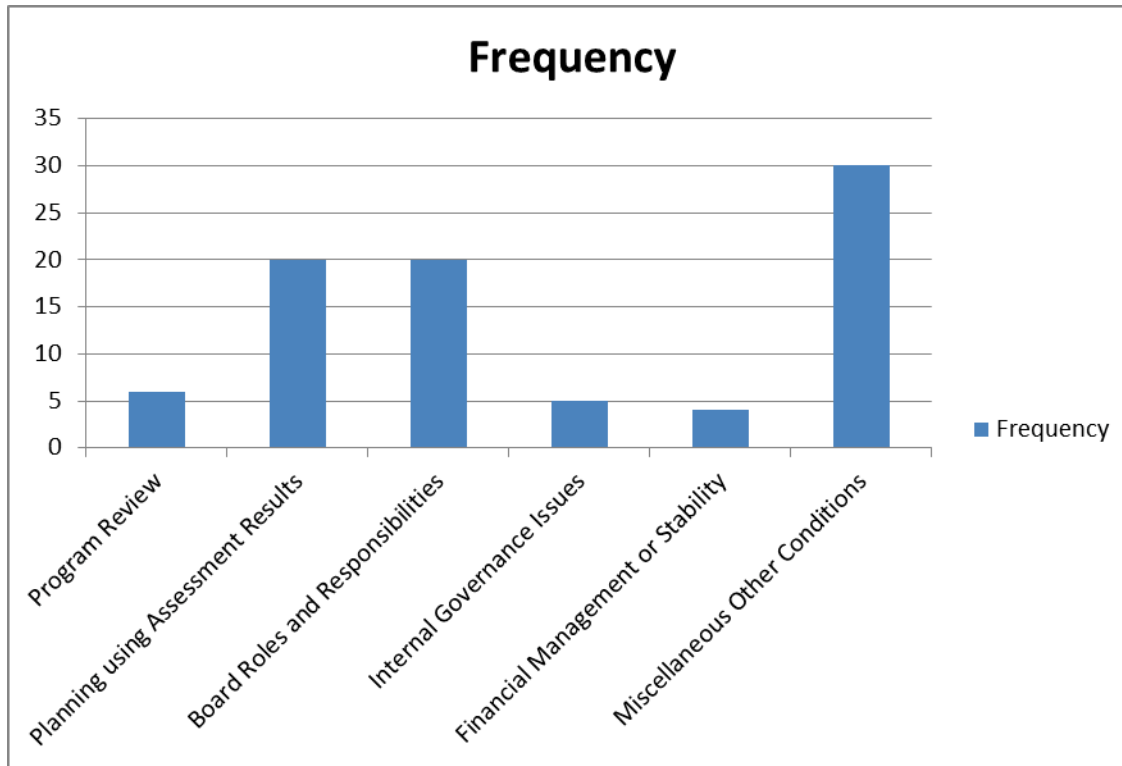
The vast majority of reasons dealt with the **adequacy of procedures, reviews of programs, services, and operations** as well as whether the college **adequately used assessment tools** such as student learning outcomes in the evaluation of faculty. Sanctions were rarely, if ever, based on the actual quality and adequacy of instruction received by students. The focus of the Commission has been, instead, on the gathering of data.

Reasons, according to the ACCJC, given for the sanctions as of January 2012 were:

- Six colleges did not have **adequate procedures** and did not appropriately implement **program review** of instructional programs and services.
- Twenty colleges failed to meet requirements regarding the **use of assessment results in integrated planning**.
- Twenty colleges were sanctioned for deficiencies in **governing board roles and responsibilities**; seven of these were colleges in multi-college districts where the key deficiencies were in district governing board operations.
- Fourteen colleges lacked **appropriate and sustainable financial management**.
- Thirty colleges had miscellaneous other deficiencies, primarily related to **staffing (6), library and technology resources (4), and evaluations (4)**.

Nineteen colleges were considered to have three or more areas of deficiency. Fifteen of the colleges on sanction were instructed to work on the same “issues” as they were directed to in their last Comprehensive Report and subsequent Follow-Up Reports.

Colleges on Sanctions as of January 2012 (28). Each has one or more “Areas of Deficiencies”



Included under the Miscellaneous Other Conditions were 6 for Staffing, 4 for Library and Technology Resources, 4 for Evaluations, and 16 others.

Over the past year, the following actions have been taken by the ACCJC. The number of sanctioned colleges outnumbers those with reaffirmed accreditation.

At its meeting of **June 8-10, 2011**, the ACCJC took the following institutional actions:

REAFFIRMED ACCREDITATION

- College of the Desert
- West Hills College Coalinga
- West Hills College Lemoore
- Glendale Community College
- Los Angeles Trade-Technical College
- Palomar College
- Southwestern College

PLACED ON WARNING

- Cypress College
- Fullerton College
- Merced College
- San Joaquin Delta College
- College of the Siskiyous
- Berkeley City College
- College of Alameda

Laney College
Merritt College

PLACED ON PROBATION

Victor Valley College
MiraCosta College

At its meeting of **January 10-12, 2012** following actions were taken.

REAFFIRMED ACCREDITATION

De Anza College
Foothill College
Irvine Valley College
Lake Tahoe Community College
Mt. San Jacinto College
Saddleback College
Taft College

PLACED ON WARNING

College of Marin
Columbia College
Fresno City College
Reedley College
Solano Community College
Evergreen Valley College
San Diego Miramar College

PLACED ON PROBATION

Modesto Junior College
Moorpark College
Oxnard College
Palo Verde College
Shasta College
Ventura College
San Jose City College

PLACED ON SHOW CAUSE

College of the Redwoods
Cuesta College

At its meeting of **June 6-8, 2012** the ACCJC took the following institutional actions:

REAFFIRMED ACCREDITATION

Feather River College
College of the Siskiyous
Cypress College

Fullerton College
 San Joaquin Delta College
 MiraCosta College

PLACED ON WARNING

Barstow College
 Berkeley City College
 Laney College
 Merritt College
 Merced College

PLACED ON PROBATION

Los Angeles Harbor College
 Los Angeles Southwest College
 Victor Valley College
 Moorpark College
 Oxnard College
 Palo Verde College
 Ventura College

PLACED ON SHOW CAUSE

City College of San Francisco

**Colleges on Sanctions January 2009 – January 2012
 Top Perceived Deficiencies Causing Sanctions**

	Colleges on Sanction	Program Review	Planning	Internal Governance	Board	Financial Stability or Management
2009	24	17	22	11	11	13
2010	19	13	17	8	11	11
2011	21	4	15	5	14	13
2012	28	6	20	5	20	14

The ACCJC has been focused on issues of planning, review, and the behavior of local governing boards. There is some question of whether the action of the governing board is a proper or legal item to consider in the evaluation of the individual colleges. **The attack by ACCJC on local governing boards has increased significantly over the last year.**

Sanctions and Visiting Team Reports

College representatives that met with visiting teams have often been surprised by the harshness

of some of the sanctions imposed by the Commission. Many of the visiting team members assured the local college that their accreditation would go smoothly only to find that the college was put on Warning, Probation, or Show Cause. Members of the college accreditation team are left to wonder what happened. In addition, several team members on college visits have confidentially disclosed that their team's recommendations regarding their team's recommended level of sanctions were changed to more harsh sanctions by the Commission. **There is no public record of what the teams recommended with regard to the level of sanctions.**

It is very difficult to find out what happens from the time the visiting team report is submitted and the final judgment by the Commission is made. One cause of the secrecy results from ACCJC rules on confidentiality. In one part it reads: "In order to assure the accuracy and appropriateness of institutional information which is made public, the Commission expects evaluation **team members to keep confidential** all institutional information read or heard before, during, and after the evaluation visit. Except in the context of Commission work, **evaluation team members are expected to refrain from discussing information obtained in the course of service as an evaluation team member.** Sources of information that should remain confidential include the current Institutional Self Evaluation Report; previous External Evaluation Reports; interviews and written communication with campus personnel, students, governing board members, and community members; evidentiary documents, and evaluation team discussions."

"The institutional file in the Commission office is part of the private relationship with the institution and is therefore not available to the public. Correspondence and verbal communication with the institution or its members can remain confidential **at the discretion of the ACCJC President.** The Commission will consider institutional requests for confidentiality in communications with the Commission in the context of this policy."

In addition, the work of the Commission in determining the sanctions is done in private. The public is thus unable to determine if the final determinations are the work of one person, come after a vote of the Commission members, or are determined by some method of consensus. Actual votes are never published. There is a virtual cone of silence imposed on the proceedings.

Commission Composition

The ACCJC Commissioners are not representative of the diversity in the California community colleges. The large urban districts such as Los Angeles, San Francisco, San Diego, San Jose - Evergreen, and Long Beach are not represented on the Commission whereas Riverside City College has two member of the Commission. The faculty of the California Community Colleges are represented by only four of the members of the Commission. The Commission also includes a number of members who were not well respected as administrators at their home campus.

Dr. Sherrill Amador | Chair

Dr. Amador serves as a public member of the Commission. Dr. Amador began her service on the Commission July 1, 2004. She was a very unpopular college president at Palomar College where she received several votes of non-confidence.

Dr. Steven Kinsella | Vice Chair

Dr. Kinsella serves as an administrative member of the Commission. He serves as Gavilan College's Superintendent/President. Dr. Kinsella began his service on the Commission in January 2010. He serves as an Advisory Board Member of The Campaign for College Opportunity. He is a former marine.

Dr. Joseph Bielanski, Jr.

Dr. Bielanski serves as a faculty member of the Commission. He serves as the Institutional Effectiveness Coordinator and Articulation Officer Berkeley City College (where Commission President Barbara Beno served as a college president). Dr. Bielanski began his service on the Commission July 1, 2010. He was appointed to the California Community College Board of Governors on November 30, 2011.

Dr. Timothy Brown

Dr. Timothy Brown serves as a faculty member of the Commission. He is the Chair of English and Speech Communications at Riverside City College. Dr. Brown received his Ed. D. in 1996 from Pepperdine University where, for his dissertation study, he developed an evaluation model to assess the effectiveness of reading instruction to adults using the television as the primary delivery mode. Dr. Brown began his service on July 1, 2011.

Mr. Chris Constantin

Mr. Constantin serves as a public member of the Commission. He serves as Assistant City Auditor for San Diego. Mr. Constantin began his service on the Commission July 1, 2010.

Dr. Gary Davis

Dr. Davis represents the Accrediting Commission for Schools of WASC. Dr. Davis began his service on the Commission July 1, 2010.

Dr. Frank Gornick

Dr. Gornick serves as an administrative member of the Commission. He is the Chancellor at West Hills Community College. Chancellor. Dr. Gornick began his service on the Commission on July 1, 2009.

Ms. Virginia May

Ms. May serves as a faculty member of the Commission. She teaches mathematics at Sacramento City College. Ms. May began her service on the Commission July 1, 2009.

Dr. Richard Mahon

Dr. Mahon serves as a faculty member of the Commission. He teaches Humanities at Riverside City College. He is the second serving member from Riverside City College. Dr. Mahon began his service on the Commission July 1, 2012.

Mr. Charles Meng

Mr. Meng serves as a public member of the Commission. He served 14 years as member of Napa Valley Board of Trustees. He is an active member of the Community College League of California. He served in the U.S Army Corps of Engineers after attending West Point. Mr. Meng

began his service on the Commission January 1, 2011.

Ms. Susan Murata

Ms. Murata serves as a faculty member of the Commission. She is the Library Director at Kapi'olani Community College. Ms Murata began her service on the Commission July 1, 2010.

Dr. Raul Rodriguez

Dr. Raul Rodriguez serves as an administrative member of the Commission. He currently serves as Chancellor in the Rancho Santiago Community College District. He is currently compensated in excess of \$250,000 per year. Dr. Rodriguez began his service on July 1, 2011.

On March 28, 2009, as college president at Delta College, Dr. Rodriguez issued the following statement regarding the action of the ACCJC that placed Delta College on probation: "On February 6th I received notification from the Accrediting Commission for Community and Junior Colleges that they have placed Delta College on probation. Additionally, the Commission is asking us to provide a second report by March 15, 2009."

"As you know, the college has been on warning status since June of 2008. Since that time, we have accomplished a great deal toward addressing the recommendations provided to us by the Commission. We provided evidence of this continuing work to the Commission in the form of a follow-up report dated October 21, 2008. Being placed on probation was clearly not the result that we hoped for **or expected for our efforts**. However, that work did have some positive results. That is, the Commission has now reduced the number of recommendations on which we have to report from eleven down to six. Without downplaying the significance of the remaining recommendations, the good news is that we have been consistently working on these recommendations since we submitted the last report. This does not mean that there is not work to be done. **There is a lot yet to be done and we will have to redouble our efforts to get it done. We will have to make this our top priority and marshal our resources to make improvements that remedy our deficiencies and that satisfy the Commission.**"

"It is of little solace that we have plenty of company across the state. A number of colleges are already on warning, probation, or show cause status and a number of others have just been placed into those categories. **There is a general consensus across the community colleges that the Commission is taking a hard line on colleges that deviate from the accreditation standards and recommendations.**"

Mr. Michael Rota

Mr. Rota represents the seven community colleges of the University of Hawai'i. Mr. Rota began his service on the Commission July 1, 2004.

Dr. Barry Russell

Dr. Barry Russell represents the California Community Colleges Chancellor's Office on the Commission. Vice Chancellor of Academic Affairs. He is a former Vice President of Instruction at College of the Siskiyous and dean at El Camino College. Dr. Russell began his service on July 1, 2011.

Dr. Eleanor Siebert

Dr. Eleanor Siebert represents the Accrediting Commission for Senior Colleges and Universities

of WASC on the Commission. Dr. Siebert began her service on July 1, 2011.

Dr. Marie Smith

Dr. Smith serves as a public member of the Commission. Dr. Smith began her service on the Commission July 1, 2007.

Dr. Patrick Tellei

Dr. Patrick Tellei represents the Pacific Postsecondary Education Council on the Commission. Dr. Tellei began his service on the Commission July 1, 2008.

Dr. Sharon Whitehurst-Payne

Dr. Sharon Whitehurst-Payne serves as a public member of the Commission. She is from Cal State University San Marcos where she serves as the chair of the Education Dept. Dr. Payne began her service on the Commission July 1, 2008.

Mr. John Zimmerman

Mr. John Zimmerman represents independent institutions on the Commission. He serves as president of MTI College in Sacramento. MTI is a for-profit college with a very default rate on student loans. 86% of its students receive financial aid. Mr. Zimmerman began his service on July 1, 2011.

Commission Staff member: Dr. Barbara A. Beno | President

Dr. Beno joined the Commission as President in August 2001. Prior to her appointment, she served as Commissioner for both the ACCJC and the Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges. Dr. Beno served as president of Berkeley City College (formerly Vista Community College) for twelve years.

Reports Carry Mixed Messages

Shasta College – Placed on Probation

At the January 10-11, 2012 of the ACCJC, the Commission put Shasta College on Probation. Prior to that action, Shasta was under no sanctions. They had been on Watch status in January of 2009. They were taken off of Watch status in June of 2009.

In order to receive accreditation the college was told:

- it “must establish an integrated, comprehensive and linked **planning process** that ensures an ongoing, systematic, and cyclical process to include evaluation, planning, resource allocation, implementation, re-evaluation, and one that ties fiscal planning to the college's Strategic Plan and Educational Master Plan. Critical to this planning process is expediting completion of the Educational Master Plan.”
- to “identify **student learning outcomes** for all courses, programs, certificates, and degrees, assess student attainment of the intended outcomes, use assessment results to plan and implement course/program/service improvements, and assess student attainment of intended

- outcomes to evaluate the effectiveness of those improvements.”
- to “complete the development of its new **Program Review** process and implement a cycle of review for all areas of the college in order to adequately assess and improve learning and achievement, and institutional effectiveness.”
- it “should undertake a **review** of its governance committee structure and functions and communicate to all college constituents the results of this review.”
- **integrate** financial planning with the “other planning activities of the College”
- it should fully integrate institutional planning and assessment so that it is “fully integrated, comprehensive, or linked.”
- To complete “an Educational Master Plan.”

In short, Shasta College was put on probation for not doing enough planning, review, integration of planning, and implementing student learning outcomes. The sanction had nothing to do with the actual education received by students attending the college. This approach to accreditation is being repeated over and over by the ACCJC.

It should be noted that the use of “student learning outcomes” in the manner proposed above requires a great deal of time and effort and is **not well accepted** by many, if not most, of the faculty in the California community colleges and is viewed as an unproven method of developing quality instruction. It is rather seen as unproductive “busy work” being forced down their throats by an outside non-public Commission.

Although the Commission requirements, for the most part, paralleled those of the visiting team’s recommendation, **it is unclear as to whether the actual level of sanction was recommended by the visiting team.** The process from the filing of the visiting team report and the final ACCJC decision **is shrouded in secrecy.** There is no public record of votes taken, the process used to determine the final decision, or who actually did the work. Reports have been circulating for years of team members who were shocked at the severity of the sanctions imposed by the ACCJC. The teams will often highly praise the college in its report for its work with students and the community but this is never mentioned in the ACCJC judgments.

In the case of Shasta College, the October 2011 visiting team commended the college for:

- “**achieving its mission to serve its geographically diverse and expansive district** through online and ITV instruction at the Intermountain, Trinity, and Tehama extended education centers.”
- “meeting the growing demands for healthcare workers in the state of California by **promoting increased enrollment, access, and retention through its state-of-the-art Health Sciences Center.**”
- “serving its community by targeting regional economic improvement through its Economic & Workforce Development Division and by providing local access to university-level instruction through its University Program.”
- “**positive and collaborative relationship with the campus community and for their innovative activities that promote student engagement and success.**”
- providing “**faculty with innovative teaching tools for increasing student engagement and retention.**”

Los Angeles Southwest College

Los Angeles Southwest College was placed on **Probation** by the ACCJC at its June 6-8, 2012 meeting. LA Southwest College had been on Probation in January of 2009 but all sanctions were removed in June of 2009.

In the June 2012 action, a follow-up report was ordered to be delivered by March 15, 2012. The Commission cited problems associated with the Los Angeles Community College District as well as the college itself. **Actions against districts has been illustrated by recent actions related to the Ventura County Community College District, the Peralta Community College District, the San Jose-Evergreen Community College District, and the State Center Community College District.** It is not clear from the mandate of the ACCJC that its role is to evaluate districts. Its role has traditionally been to **give accreditation to colleges.**

The March 12-15, 2012 visiting team found, for Los Angeles Southwest College that: “The college leadership and community are commended for their resilience and commitment to student learning in the face of myriad challenges. **The college community's passion to maximize the human capacity in the lives of its students and its dedication to the college mission is evident and exemplary.**”

The team found Los Angeles Southwest College in compliance all of the “Eligibility Requirements established by the Accrediting Commission for Community and Junior Colleges with the exception of numbers 17 (Financial Resources) and 18 (Financial Accountability).”

It found that

- LASC “is operational with students actively pursuing degree and certificate programs.”
- “LASC's offerings are programs that lead to degrees, and a significant portion of its students are enrolled in them. In fall 2011, over 85% of the courses were degree-applicable and over 80% of LASC students were enrolled in these degree-applicable courses.”
- “Degree programs are based on recognized fields of study in higher education, are of sufficient content and length, and are **conducted at appropriate levels of rigor.** “
- “LASC has a **substantial core of qualified faculty with full-time** responsibility to the institution.” This finding seems to contradict the finding that the College “**employs 75 full-time contract faculties and over 200 part-time adjunct faculty.**”
- “**The size and scope of LASC student services are consistent with the needs of the student body, the college mission, and support student learning.**”
- “LASC provides, through the campus library and learning centers, as well as specific contractual agreements, long-term access to sufficient information and learning resources and services to supports its mission and instructional programs. **The team finds that information and learning resources are available in all modes of delivery.**”

Three teams for three of the LACCD **commended the district** for

- “revising district service outcomes, district wide committee descriptions, and the district wide functional map to create a user-friendly and clear delineation of College and district functions. The process of survey, dialog, and district-wide review demonstrates a

commitment to providing an informed understanding of the district's role in governance and service.”

- “its commitment to planning driven by data and service to the colleges.”

Despite these findings, the ACCJC placed the college on Probation.

The LACCD “deficiencies” cited related to the following non-academic areas:

- construction bond oversight
- prevent future audit exceptions
- the adoption and implementation of an “allocation model for its constituent colleges that addresses the size, economies of scale, and the stated mission of the individual colleges.” It should be noted that the March 12-15, 2012 visiting team found that “the district has conducted a review of its allocation model and crafted a recommendation for a revision to address the concerns of the constituent college. This recommendation has been met.”

The Southwest college “deficiencies” cited by the ACCJC included:

- a need to formally assess “the effectiveness” of the **planning model** with “qualitative and quantitative data.”
- a need to maintain a functioning **website**
- a need to “review the **parity of services** provided to students in distance education”
- the need for the library to “**regularly update its print and online collections**”
- the need to “**review** all aspects of professional development”
- the need to fully utilize the established consultative committee structure **by documenting actions and recommendations in agendas, minutes ..**” and communicate the dialogues and decisions “widely and clearly across the campus constituencies.”

Again, no questions were raised relative to the outstanding educational experience of the students attending the college.

Solano Community College

At its meeting of January 10-12 the Commission issued a Warning to Solano College. They had been placed on Probation in June of 2012 but all sanctions were removed in January of 2011.

The Warning of January 2012 directed the college to

- "**modify its mission statement**",
- develop "**an integrated planning process**",
- "accelerate" the completion **student leaning outcomes** (SLOs)"
- make available the resources and support for **institutional research**
- "expand its **data collection, analysis, and planning**"
- assure that "students in distance education are achieving **student learning outcomes**"
- develop a clear, written **code of ethics**

The visiting team found that "a college that has **a dedicated cadre of faculty, staff and students**

who believe strongly in their mission and in the value of student learning. Those beliefs were evident to the team as they observed the daily operation of the College and listened to the comments and discussions of employees and students."

The team commended "the faculty and staff for maintaining a **caring and nurturing educational culture focused on student learning and success** even in the face of organizational turbulence and fiscal crisis." "The President is to be commended for the vision and energy he has brought to Solano College and for creating **a sense of community on-campus and in the greater community.**"

The team found no fault with the college degrees, academic credits, or the breadth of general education. It found that the faculty was properly qualified, that appropriate student services were offered, and sufficient information and learning resources and services were available to students.

In short, **quality education was being offered at Solano College.** Nevertheless, the College was given a WARNING.

City College of San Francisco - PLACED ON SHOW CAUSE

In June of 2012, the City College of San Francisco was placed on Show Cause by the ACCJC. Prior to that time no sanctions were in place against City College of San Francisco. In short, **CCSF went from accreditation with no sanctions to Show Cause why the institution should not lose its accreditation.**

The City College of San Francisco sanction to cease operations is another good example of how the ACCJC prioritizes its work.

The ACCJC, at its meeting June 6-8, 2012, considered the institutional Self Study Report, the report of the evaluation team which visited City College of San Francisco Monday, March 12-Thursday, March 15, 2012, and the additional materials submitted by the College. Contained in a letter from ACCJC President Barbara Beno was the following: "The Commission is compelled to order Show Cause and to require that the College complete a Show Cause Report by March 15, 2013." "City College of San Francisco must show cause why its accreditation should not be withdrawn by the Commission at its June 2013 Commission meeting." "The burden of proof rests on the institution to demonstrate why its accreditation should be continued." This is a clear example of Commission policy – guilty unless the district can prove itself worthy.

CCSF is now ordered to "develop an overall plan of how it will address the mission, institutional assessments, planning and budgeting issues identified in several of the 2012 evaluation team recommendations, and submit a Special Report describing the plan by October 15, 2012."

In terms of the quality of the program, the visiting team found that CCSF

- "operates in accordance with a mission statement that is comprehensive and clearly defined."
- "The mission statement is appropriate to the college as a degree-granting institution of higher

- education with a **commitment to its local community.**”
- “is fully operational and has students who are actively pursuing programs of study in its degree and certificate programs.”
- “offers degree programs that are appropriate to and congruent with its mission, are based on recognized higher education fields of study, and **are of sufficient content and length to ensure quality. Noncredit classes and programs also are offered with appropriate rigor and in accordance with the college’s mission.**”
- “defines and incorporates into all of its degree programs a substantial component of general education designed **to ensure breadth of knowledge and promote intellectual inquiry.**”
- “The faculty members are qualified to conduct the institution’s programs and services and meet state-mandated minimum requirements.”
- “provides specific, long-term access to sufficient information and learning resources and services to support its mission and instructional programs through a variety of formats, including library collections, media centers, computer labs, and other means.”

In short, the team found that “The college is to be commended for **embracing all aspects of its mission and for the dedication of its staff to understanding and responding to the needs of the communities served by the college.**” Of course, all of this will be lost if CCSF loses its accreditation as proposed by the ACCJC board.

Show Cause was ordered for City College of San Francisco (CCSF) because the ACCJC felt that City College of San Francisco (CCSF) had "failed to demonstrate that it meets the requirements outlined in a significant number of Eligibility Requirements and Accreditation Standards. It has also failed to implement the eight recommendations of the 2006 evaluation team; five of these eight were only partially addressed, and three were completely unaddressed."

The emphasis of the ACCJC was on such items as assessments, planning, budgeting, and adapting to the new realities of underfunded community colleges which should therefore reduce their missions. The college is advised to stop relying on grants and contracts to provide the financial support needed to address basic operational expenses. The college was told to stop its "longstanding pattern of late financial audits and deficit spending." **It was not pointed out that deficit spending was possible because of large reserves built up over the previous years.**

As with most colleges, the district has "not full addressed its post-employment medical benefits (OPEB)" (which is actually not required by law) and a "substantial underfunding of the district's workers compensation self-insurance fund." **Instead it used its limited funding to maximize class offerings.**

The district was also held accountable **for having too few administrators and too many administrative positions held by temporary employees.** No mention was made of the large number of temporary faculty being used to teach classes. In fact, the visiting team found that “..the college has fulfilled its priority to hire and maintain **an ample number of full-time**

faculty to meet the instructional mission of the college.” This in spite of the reported fact that the college employed 810 full-time faculty and more than 1,000 part-time faculty.

The ACCJC claimed that from their point of view "the College **lacks adequate numbers of administrators** with the appropriate administrative structure and authority to provide oversight and leadership for the institution's operations." This may stem from the strong shared governance structure of the college. This shared governance climate has, in the ACCJC's mind, "kept City College of San Francisco from adapting to its changed and changing fiscal environment." That is, the need to reduce the mission has been thwarted by the governance structure in place.

One of the characteristics of CCSF shared by most community colleges in California is the lack of "a funding base, financial resources or plans for financial development that are adequate to support student learning programs and services, to improve institutional effectiveness, and to assure financial stability." It would be good if the ACCJC pointed that out to the State Legislature and the Governor.

One of the biggest crimes of CCSF is that it "has failed to follow Commission directives to address the deficiencies noted by the 2006 evaluation team." Later it is noted that "The Commission wishes to remind you that while an institution may concur or disagree with any part of the report, City College of San Francisco is expected to use the Evaluation Report to improve educational programs and services and to resolve issues identified by the Commission."

Another issue that was brought up several times concerned the measuring of "the intended student learning outcomes at the course, program, general education, and certificate and degree levels." **The value of SLOs as a way to improve instructions is still widely disputed among academics. Many members of the community college faculty believe it is just another passing fad that the ACCJC is attempting to force on all colleges and their faculty.**

The visiting team also recommended "that the college identify, develop and implement assessments of student learning, and analyze the results of assessment to improve student learning. The results of ongoing assessment of student learning outcomes should foster robust dialogue and yield continuous improvement of courses, programs and services and the alignment of college practices for continuous improvement." As a mathematician I find the concept of "continuous improvement" mathematically flawed. "The team recommends that the institution systematically assess student support services using student learning outcomes and other appropriate measures." How to do this is at best vague.

Even though the college does not have enough money to provide all the classes that it should be offering, the visiting team suggests that it **spend their limited funds** to "engage the services of **an external organization** to provide a series of workshops for all college constituencies, including the members of the governing board, the chancellor, faculty, staff, students and every administrator, in order to clarify and understand their defined roles of responsibility and delineated authority in institutional governance and decision making." No recommendation was made as to the identity of such an external organization or how much the district could expect to pay for such external "enlightenment." It was also not clear if the workshops should inform those in attendance regarding the roles defined in California laws and regulations or rather just

concentrate on the ACCJC Standards (**which are often not consistent with California's laws and regulations including those deriving out of AB 1725 and the Rodda Act**).

Victor Valley College - Probation

“The Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, at its meeting June 6-8, 2012, considered the Follow-Up Report submitted by the Victor Valley College, the report of the evaluation team which visited the College on Thursday, April 19, 2012, and President O'Hearn's testimony provided at the Commission meeting. The Commission took action to continue Probation and require the College to complete a Follow-Up Report by October 15, 2012. That report will be followed by a visit of Commission representatives.”

In June of 2011 Victor Valley College was placed on Probation by the ACCJC. Prior to that they had no sanctions imposed on them since a Watch in June of 2008.

In the June 2012 report, the Commission recognizes that many of the recommendations deal with “processes of assessment and program review, planning, budgeting, funding and implementing improvements.” The visiting team did recognize that **“the College has spent a good deal of energy designing and refining its program review process.** But despite the inordinate amount of time and resources needed to complete the process of program review and that the college has planned to complete the process in six year cycles, it goes on to advise that **“if this is the case, it will be unable to demonstrate compliance within the required timelines for correction of institutional deficiencies.”**

In order to meet the Standards, the College has been directed to:

- revise its planning documents to reflect the current mission
- “establish and maintain an **ongoing, collegial, self-reflective dialogue about the continuous improvement of student learning and institutional processes.**”
- “complete the development of **student learning outcomes** for all programs and ensure that student learning outcomes found on course syllabi are the same as the student learning outcomes found on the approved course outlines of record.”
- “cultivate a campus environment of **empowerment, innovation, and institutional excellence by creating a culture of respect, civility, dialogue and trust.**”
- “examine and provide evidence that appropriate leadership ensures the accessibility, quality and eligibility of online and hybrid courses and programs, and that such programs demonstrate that all services, regardless of location or means of delivery, support student learning and enhance achievement of the mission of the institution.”
- “develop long-term fiscal plans that support student learning programs and services that will not rely on using unrestricted reserves to cover deficits.”
- “build and maintain a system for effective, stable and sustainable “
- “members of the Board of Trustees **must limit their role in governing** the College to those responsibilities established in Board Policy, including delegating power and authority to the Superintendent/President to lead the district and to make administrative decisions regarding the effective implementation of Board Policies **without Board interference.**”
- “Trustees **must avoid micromanaging** institutional operations including their participation

in campus committees and governance groups.”

Again the Commission forgets that **the Board of Trustees is the elected body** and the district and campus bodies are under their direction, not the other way around as Barbara Beno seems to believe and attempt to enforce. **The Commission again places time and financial consuming responsibilities that the college can ill afford in these tough financial times.**

Cuesta College - Show Cause

At its January 10-12, 2012 meeting the Commission issued a Show Cause sanction on Cuesta College. Cuesta College had been on Probation since January of 2010. The College, in 2012, was order to prepare a “Show Cause Report of October 15, 2012” that demonstrates college compliance with Standard 1B (strategic planning, systematic evaluation process, assessment tools), Standard IIIC (regular and systematic planning with regard to technology infrastructure) , Standard IIID (long range financial and capital planning strategies), and Eligibility Requirement 19 (Institutional Planning and Evaluation). In short, Cuesta College **is being threatened with closing down if they don’t spend more of their resources on compliance with Commission imposed reporting and planning processes rather than on offering more classes and services to students.**

It seems clear that the Commission is either unaware or doesn’t take into account the extreme underfunding of California’s community over the past several years. Given the lack of prior knowledge that the colleges receive regarding current year or future funding, **it would seem that spending extreme amounts of time on planning rather than on how to get through the current year with any academic program at all would be a misplacement of priorities.** What the community colleges of California do not need is a Commission demanding that they **spend their limited funds on excessive planning and report making.**

Ventura County Community Colleges placed on Probation

Ventura, Moorpark, and Oxnard Colleges were placed on Probation by the ACCJC at its meeting of January 10-12, 2012. The Commission was **primarily upset with 12 year veteran Board of Trustee member Arturo Hernandez** who the Commission described as “disruptive” and displayed displayed “inappropriate behavior.” According to Trustee Hernandez, he was **“never interviewed** by the Accreditation Team regarding the comments and perceptions that were presented to them in April 2012, and therefore, I had no opportunity to correct the accusations presented.”

James Mezenek resigned as Chancellor of the Ventura Community College District in the Spring of 2012. His resignation was described in the press as having come from disagreements with Board Vice Chair Hernandez. This slant to the resignation was leaked by Chancellor Mezenek to the press. This came after a number of stormy meetings of the Board of Trustees at which many students and community members spoke against proposed program cuts. Vice Chair Hernandez was commended by many of the community and student speakers for his speaking up on behalf of the interests of the community served by the colleges.

The ACCJC directed the Ventura District together with its 3 colleges to “develop clearly defined organizational maps that delineate the primary and secondary responsibilities of each, the college-to-college responsibilities, and that also incorporate the integrity of activities related to such areas as **budget, research, planning, and curriculum.**” It should be noted that ACCJC President Barbara Beno had problems with her local district when she served as President of Vista College. She appears to continue to carry a grudge against local Boards of Trustees and district management whom she routinely accuses of “micro-managing” the colleges. Ironically, the ACCJC under Beno’s leadership has now taken on the **role of micro-managing** the various colleges (and their districts) in the areas of shared governance, fiscal planning, and Board of Trustees roles and responsibilities.

Other directions to the District and colleges included document the review of District Policies and Procedures, conduct periodic outcome assessment and analysis of its strategic planning, ensure open and timely communications, formally adopt expected outcomes and measures of continuous quality improvement, equitable decision-making across the three colleges, and professional development of Trustees. **If they don’t satisfy all of the above within two years, the three colleges may lose their accreditation and then the community will lose access to community college education for reasons other than the quality of the educational offerings.**

Peralta Community College District

The ACCJC has been including judgments on Districts when imposing sanctions on colleges. This appears to be a new approach. One such instance is the June 6-8, 2012 **sanctions on the colleges of Peralta.** It must be noted that Barbara Beno was once the College President of what was then Vista College. She had many problems working with the district administration and governing board and eventually was forced to leave the district after she was unable to have Vista become its own independent college. Her husband continues to work at one of the district colleges. It appears that she raised no conflict of interest concern related to her relationship with the Peralta district. This can not be made clear until the ACCJC releases its minutes and votes on actions.

The Peralta colleges were placed on Warning in part based on district “deficiencies.” These “deficiencies” included the need to resolve remaining audit findings, resolution of long term financial stability, completion of evaluation of Board of Trustees policies with regard to governance (**micro managing the college presidents**), and quality of programs after program reductions. These must be cleared up by March of 2013. **One wonders if the Commission is aware of the tax increase proposed for the November 2012 election and the financial uncertainty that all of the California community colleges feel. No one knows, at this point, whether community colleges will begin to have better funding days or experience another disastrous funding year.**

Modesto Junior College - Probation

Modesto Junior College was placed on Probation at the Commission Meeting of January 10-17, 2012. They had been placed on Probation in June of 2008 but were clear of sanctions until the 2012 action against the college.

As with other colleges in multi-college district, Modesto was faulted for perceived failures by the District. The list of District “deficiencies” to meet the Commission Standards included the need for systematic evaluation of personnel, a review of institutional missions and delegation of authority policy, and clearly defined processes for hiring. The college has been directed to analyze community demographics; force faculty to “differentiate between course learning outcomes and course objectives”; and “**create venues to maintain an ongoing, collegial, self reflective dialogue about the continuous improvement of student learning and institutional process; and so on.**” This is the kind of self-invented education-speak that the faculty on the campuses are being forced to put up with.

Out of Touch

The ACCJC seeks to improperly and contrary to California law impose standards for faculty evaluation. Evaluation is an area of collective bargaining. The team recommendation "that the evaluation of faculty and others directly responsible for student progress toward achieving stated student learning outcomes include a component that assesses the effectiveness in bringing about those learning outcomes" is **not something that the ACCJC can legally require under California law.**

Another area where the ACCJC does not follow California’s regulations occurs when it looks at the adequacy of the district’s financial status. For example, in the case of CCSF the Evaluation Team found that “**While the reserves meets the minimum California community college requirement,** it is well below a minimum prudent level, as demonstrated by an increase in short-term borrowing to meet cash flow needs.” Again the Commission does not recognize what colleges must do in order to meet their student needs in this time of California’s financial crisis. **CCSF should be commended not condemned for effectively using all resources available to it in order to properly serve its students.**

Public Disclosure and Retaliation

Colleges are loath to complain about the fairness of an accreditation. The ACCJC has not refrained from answering complaints before the press. This is encouraged under a section of the Public Disclosure rules of the ACCJC: “If an institution conducts its affairs so that it becomes a matter of public concern, misrepresents a Commission action, or uses the public forum to take issue with an action of the Commission relating to that institution, the Commission President **may announce to the public, including the press, the action taken and the basis for that action, making public any pertinent information available to the Commission.**”

“The Commission does not ordinarily make institutional self evaluation reports, the external evaluation reports or the Commission action letters public. Should the institution fail to make the institutional self evaluation report, the external evaluation report, or Commission action letter

available to the public as per the institution's responsibilities for public disclosure contained in this policy, or **if it misrepresents the contents of the reports**, the Commission will release the reports to the public and provide accurate statements about the institution's quality and accreditation status.”

Again, the cloak of silence: “In order to assure the accuracy and appropriateness of institutional information which is made public, the Commission expects evaluation team members to keep confidential all institutional information read or heard before, during, and after the evaluation visit. Except in the context of Commission work, evaluation team members are expected to refrain from discussing information obtained in the course of service as an evaluation team member. Sources of information that **should remain confidential** include the current Institutional Self Evaluation Report; previous External Evaluation Reports; interviews and written communication with campus personnel, students, governing board members, and community members; evidentiary documents, and **evaluation team discussions.**”

Interference with Collective Bargaining Hittelman Letter to ACCJC

Acting as then president of the California Federation of Teachers, I wrote a letter to the ACCJC with regard to the actions of the ACCJC. I wrote with respect to amendments to Standards III.A.1.c and II.A.6. The letter was as follows:

“I write as President of the California Federation of Teachers, AFT/AFL CIO. As you know, the Accrediting Commission for the California Junior Colleges (ACCJC) serves an important function by virtue of California law. In particular, the State has dictated that, "Each community college within a district shall be an accredited institution. **The Accrediting Commission for California Junior Colleges shall determine accreditation.**" (5 Cal. Code Regs. ' 51016)

In conferring on this important responsibility on the ACCJC, the State of California and the Board of Governors of the California Community Colleges expect the ACCJC to fulfill an important state objective, providing education through accredited public community colleges. ACCJC may or may not be a quasi governmental entity, but either way **it must respect State laws created by the Legislature, when fulfilling its functions.**

Of particular importance to the California Federation of Teachers, and its constituent locals, is the Educational Employment Relations Act, California Government Code section 3540 et seq.. The Act, as you know, provides a framework for collective bargaining for faculty in the California Community Colleges.

One of the most important rights faculty have is to negotiate with their employer over evaluation procedures, criteria and standards. In fact, this right is so important that the Legislature deemed it worthy of explicit enumeration within the Act. In addition, pursuant to the EERA academic freedom policies are negotiated at community colleges.

In recent years, considerable controversy has existed within the community colleges over the issue of **Student Learning Outcomes** or SLOs. It is an understatement to say that many within

the college community, faculty and administrators alike, feel the ACCJC has gone too far in its demands regarding SLOs, **because they intrude on negotiable evaluation criteria, and violate principles of academic freedom.**

Not long ago, the CFT invited comment from its faculty unions about SLOs, and their impact on their local colleges. Of particular concern to CFT is the propensity with which accreditation teams from the ACCJC have indicated to the colleges that they should "develop and implement policies and procedures to incorporate student learning outcomes into evaluation of those with direct responsibility for student learning." This directive is based on ACCJC Accreditation Standard III.A.1.c., which states,

"Faculty and others directly responsible for student programs toward achieving stated student learning outcomes have, as a component of their evaluation, effectiveness in producing those student learning outcomes." (ACCJC Accreditation Standard III.A.1.c.)

Another standard has been used by accreditation teams to justify changes in faculty work such as syllabi. This standard, which has interfered in faculty's academic freedom rights, states: one: "The institution assures that students and prospective students receive clear and accurate information ... In every class section students receive a course syllabus that specifies learning objectives consistent with those in the institution's officially approved course outline." (ACCJC Accreditation Standard II.A.6.)

We believe both of these standards, as written and as applied, intrude on matters left to collective bargaining by the Legislature. For a time, we recognized that the ACCJC's inclusion of these standards appeared to be mandated by the regulations and approach of the U.S. Department of Education, hence we understood ACCJC's apparent justification for including them.

Now, however, with the recently re-enacted Higher Education Act, the Federal mandate for the **SLO component has been eliminated for community colleges** and other institutions of higher education. I'm sure you are aware that Congress passed, and the President signed, legislation amending 20 U.S.C. 1099 (b), to provide that the Secretary of Education may not "establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement." [See Higher Education Act, S. 1642 (110th Congress, 1st Session, at p. 380)]

Given this amendment, it is CFT's position that the **ACCJC has no statutory mandate which prescribes inclusion of the above referenced standards dealing with faculty evaluations, and syllabi.** Under the EERA, absent mandatory proscriptions in the law, each and every aspect of evaluation is negotiable. See, e.g., Walnut Valley Unified School District (1983) PERB Dec. No. 289, 7 PERC & 14084, pp. 321 322; Holtville Unified School District (1982) PERB Dec. No. 250, 6 PERC & 13235, p. 906. The Legislature reaffirmed the negotiability of evaluation procedures and criteria when it adopted A.B. 1725 in 1989. (See Cal. Ed. Code ' 87610.1, 877663(f)). The Legislature did specify that community college evaluations procedures must include a peer review process and, to the extent practicable, student evaluations. (See Cal. Ed. Code ' 87663(g)). However, it did not mandate SLOs.

Accordingly, the CFT wishes to inquire as to what actions ACCJC intends to take to conform its regulations to the requirements of State law, and to recognize that the adoption of any local provisions which include faculty effectiveness in producing student learning outcomes, should be entirely a matter of collective bargaining negotiations. And, similarly, that the ACCJC cannot mandate inclusion of information in syllabi which faculty, by reason of academic freedom and tradition, are entitled to determine using their own best academic judgment, or through the negotiations process. Of course, in negotiations over evaluation, the law also provides that faculty organizations shall consult with local academic senates before negotiating over these matters.

While ACCJC is free to encourage colleges and their faculty organizations to negotiate over this topic, **it is not free to mandate or coerce the adoption of such standards by sanctioning colleges which do not adopt standards that ACCJC would prefer in these areas.** Given its state function, **ACCJC must respect the negotiations process mandated by state law, and academic freedom rights adopted by contract or policy.**

California's public community colleges are an extraordinary public resource, and the Legislature has seen fit to decree that when it comes to faculty evaluation, that process shall be subject to collective bargaining. With the adoption of the landmark bill A.B. 1725 almost 20 years ago, the Legislature came down squarely on the side of faculty determining, with their employers, the method and content of their evaluations. This system has worked exceptionally well for almost 35 years.

Given the change in Federal law, I call upon ACCJC to **take prompt and appropriate action to amend its standards to respect the boundaries established by the Legislature and not purport to regulate the methods by which faculty are evaluated or determine their course work such as syllabi.**

ACCJC Reply Filled with Errors

On **December 2, 2008** I received a reply from the Commission regarding my letter. The Commission attempted to respond to each of my points as they saw them. Unfortunately they had not done their homework and were just wrong on most of their responses.

On December 12, 2008 I responded, on behalf of the California Federation of Teachers, back to the ACCJC as follows:

“This letter responds to your letter of December 2, 2008. Your attempt to address our issues was **not very well researched and contains a number of errors.** I will try to address them as clearly as possible.

1. You state that "The ACCJC does not provide education. Its purpose is to assure that its accredited institutions adhere to its standards which are designed to assure that certain levels of quality are maintained. The ACCJC was not developed to help achieve any State objective. The

ACCJC was not developed by the State, and it is not an agent of the State, and it has not been delegated any State function. The ACCJC is a private organization, and its standards are developed without any involvement or directions from the State of California. Its accreditation activities are not limited to the State of California. It also accredits institutions in Hawaii and in the Pacific regions accredited by WASC."

This reply **completely ignores** "Each community college within a district shall be an accredited institution. The Accrediting Commission for California Junior Colleges shall determine accreditation." (**5 Cal. Code Regs. § 51016**). The fact that the ACCJC has activities outside of California does not contradict the fact that its accreditation activities in California are empowered under Section 51016 above. It is also clear that **the majority of ACCJC's funding comes from California community colleges. In other words, it is funded heavily by the State of California and is, to a great extent, answerable to the laws of California.**

2. You argue that the "the ACCJC is not a governmental or quasi-governmental entity. It is a private organization. Its functions are of course carried out in a manner that are consistent with all applicable laws, state and federal. " In part, you are making our point. As I will address later, **evaluation is a collective bargaining issue and when ACCJC attempts to dictate in this area, it is conflicting with California law.** By the way, the statute involved is the Government Code, **not the Labor Code as your letter indicated.**

3. You are completely wrong in your analysis of collective bargaining law in California, particularly when you state that "terms and conditions" does not include "criteria and standards" to be used for evaluation. I believe that if you checked this assertion with any lawyer familiar with collective bargaining law as it has been adjudicated, you will find that you are in error. **The PERB has ruled repeatedly that the evaluation criteria are negotiable.** I am not sure why your lawyer is unaware of this. For instance, PERB has ruled that evaluation criteria are negotiable in both Holtville Unified School District (1982) PERB Decision No. 250 (Holtville) and Walnut Valley Unified School District (1983) PERB Decision No. 289 (Walnut Valley). Both cases hold that criteria and standards to evaluate faculty are negotiable. See also State of California (Department of Motor Vehicles) (1998) PERB Decision No. 1291[performance standards within scope of negotiations under Dills Act governing State employees].

In addition, when AB1725 was enacted, the Legislature confirmed that faculty evaluation procedures include negotiable criteria. The following is from AB 1725:

"(v) ...

(2) The evaluation process should be effective in yielding a genuinely useful and substantive assessment of performance. Among other things, this requires an articulation of clear, relevant criteria on which evaluations will be based.

(3) The evaluation process should be timely. This requires that evaluations be performed regularly at reasonable intervals.

(4) The specific purposes for which evaluations are conducted should be clear to everyone involved. This requires recognition that the principal purposes of the evaluation process are to

recognize and acknowledge good performance, to enhance satisfactory performance and help employees who are performing satisfactorily further their own growth, to identify weak performance and assist employees in achieving needed improvement, and to document unsatisfactory performance.

(5) A faculty member's students, administrators, and peers should all contribute to his or her evaluation, but the faculty should, in the usual case, play a central role in the evaluation process and, together with appropriate administrators, assume principal responsibility for the effectiveness of the process.

(6) The procedures defined by negotiations should foster a joint and cooperative exercise of responsibility by the faculty, administration, and governing board of the community college and should reflect faculty and administrator expertise and authority in evaluating professional work as well as the governing board's legal and public responsibility for the process."

The Legislature then enacted these standards with **Education Code section 87663**. I am not sure why you cite section 87663, but it appears that you are ignorant of the meaning of the section, and the interpretation of PERB in the above, and other, cases.

As is apparent, the Legislature anticipated that evaluation process and procedures includes the criteria for evaluating faculty work. PERB held in the above cases, and in others, that only when the Legislature expressly excluded evaluation criteria, are they not negotiable. And the only place that this took place is with respect to academic employees of UC and CSU (owing to a lot of historical factors, including the then very weak academic unions).

So, your claim that evaluation criteria are not negotiable based on the law is simply wrong. Moreover, in every community college district, the criteria ARE negotiated. That is the contemporaneous understanding of those charged with complying with the EERA.

When ACCJC attempts to force SLOs into evaluation, it is intruding on the collective bargaining process.

By the way, the Federal NLRB law is consistent with this.

You claim that "California law leaves the final decisions on all such matters squarely with the governing body of the institution. It does not leave the content of these matters to collective bargaining although it does permit consultation from the collective bargaining unit." Again you are just wrong. You need to consult someone who understands the collective bargaining law in California in order to perfect your understanding of the law.

In short, the ACCJC is legally obligated to respect the Rodda Act when it acts to accredit community colleges and districts in California. Among these obligations is to not involve itself in the collective bargaining process and the procedures and policies with respect to evaluation of faculty.

Finally, could you **send me the minutes** of the meeting at which you took up my letter and your response to it?"

NO RESPONSE

I never received a response to the above letter.

CCA/CTA Correspondence

The Community College Association (a branch of the California Teachers Association) was also concerned with the actions of the ACCJC and met with Barbara Beno on March 17, 2009. In a memo from the CCA/CTA dated March 24, 2009 it was stated that **"Not one community college in California has received a sanction because of SLOs."** On March 20, 2009, Barbara Beno sent a **memo to the CEO's and ALO's** from California community colleges. She referred to meeting with representatives of the "CAA" but of course she meant "CCA." The CEOs are the college presidents and the ALOs are the accreditation liason officers. In the memo she stated that "The CAA may now be trying to communicate some information about its informational meeting with me. Unfortunately, from what I've heard, **it appears the CAA communications are not very accurate.** I want you to be assured that the Commission has not changed its position or its expectations of institutions, nor would the Commission communicate any changes in its expectations of institutions through another agency or organization. " Beno addressed a future meeting she will be holding with the "SoCal CEOs." She would advise them as to the **"22 ACCJC member institutions that are currently on a sanction to be placed on sanction. The institutions currently on sanction** are deficient in meeting standards in one or more of the following areas: **program review, integrated planning, governance, and financial stability or management.** These are the same four common reasons for sanction that I reported to the CEOs last time the ACCJC did this analysis, in Spring 2004."

Beno went on to write: "The CAA is apparently conveying a confused message that faculty can or should stop work to implement the accreditation standards that have to do with student learning outcomes and assessment because colleges are not yet being commonly sanctioned for failure to do this work.

This logic would imply that colleges should only meet standards as the result of the **extreme pressure of an accreditation sanction.** This is not the message that the ACCJC conveyed to the CAA, and it is an **ill-advised message.**"

Beno also stated, **as if she had anything to say about it,** " We agree that on issues of accreditation, colleges should contact ACCJC, however, CCA has the right to contact membership concerning issues that deal with collective bargaining. "

CTA Letter

On March 16, 2009 the **Department of Legal Services of the California Teachers Association** wrote a letter to the ACCJC regarding accreditation at Solano Community College. The letter states that "I write to discuss and clarify various statements you have made pertaining to the future of the Solano County Community College District that have been reported in the media and have **caused great consternation and anxiety among the faculty.**

The statements that are attributed to you include the following: “If the faculty do not adopt Student Learning Outcomes (SLOs) **regardless of collective bargaining the college will lose its accreditation and close at the end of the 2009 Spring semester.**

As you know, the terms and conditions of employment of the faculty are governed by the California Education Code and the Educational Employment Relations Act (EERA). This law mandates that public school employers, including community colleges, negotiate with the exclusive representative of the faculty over wages and other terms and conditions of employment. Most subjects that relate to the terms and conditions of employment of faculty are mandatory subjects of bargaining and cannot be changed or imposed by college employers.”

“Currently the contract between the College and the Association is not open. We are advised that the Association is not necessarily opposed to SLOs, but the college has not made a specific proposal. As a result **your directive that a dialogue among all constituent groups take place, regardless of collective bargaining is unlawful.**”

The CTA letter went on to state what has been going on in California: “It appears to us that the **directives and threats** from your office are **causing more problems than they solve.** As you know the ACCJC of WASC **has a much higher percentage of institutions on probation, warning or show cause status than do the other accreditation agencies elsewhere in the United States. While the other college accreditation agencies have a small percent of institutions in some negative status, ACCJC of WASC has approximately 37% of its member institutions on a negative status.** Needless to say this is a statistic that is setting off alarms in the minds of higher educators both in California and in Washington, D.C.

We suggest that you give serious thought to **moderating the tone and volume of the rhetoric.** If that or some other approach does not de-escalate the threat of the college losing its accreditation because it is attempting to follow California law, it appears that the **courts will become the ultimate arbiter of whether ACCJC/WASC may revoke accreditation when the conduct of the institution is mandated by state law.** That being said, it is a result that no one is hoping for.”

California Community Colleges Task Force

In October of 2009 the **Consultation Council of the California Community Colleges Task Force** on the ACCJC stated the following:

“In the spirit of collaboration, and with the belief that accreditation is necessary and important, we provide the following recommendations to the ACCJC to enhance the process, especially as it applies to the California Community Colleges. We pledge our ongoing support to this effort to ensure the success of accreditation, the ACCJC and the California Community College System.

Recommendations to ACCJC

1. Develop a means for **colleges to provide periodic feedback to ACCJC** on the accreditation processes and their experiences, including both commendations for what went well and identification of what needs improvement.
2. Strengthen standards-based training of both visiting-team members and ALOs. Consider instituting an annual multi-day statewide California Community College conference to provide training and information to all interested constituencies. This could be co-presented with the Academic Senate and the CC League at the November annual CCC conference. Colleges could also present their best practices.
3. **Review the ACCJC visiting-team selection process and consider means to involve a wider cross-section of the individuals in our system who desire to participate.** Team participation should be treated as a professional development opportunity.
4. **Scale accreditation expectations** of Western Region colleges to benchmarks formulated relative to evidence of best practices documented in all of the accrediting regions in the country.
5. Consider lengthening the cycle of accreditation to 8 -10 years.
6. **Employ cooperative ways to have accreditation result in improvement rather than just compliance.** Also, develop more non-public ways to communicate to campuses their need for improvement.
7. **Avoid recommendations that encroach on negotiable issues.”**

When Jack Scott, Chancellor of the California Community Colleges, requested that he be **allowed to address the ACCJC on the above list of recommendations - his request was initially rejected.** Later, after a hastily called executive session, he was allowed to speak for a couple of minutes. This is an example of the contempt that the ACCJC shows to its California community college representatives.

The ACCJC responded in writing to Jack Scott on January 20, 2012. It spends much space on listing all of the trainings and workshops they now provide - in short the lack of responsibility to have more real interchange with the faculty and others in the colleges.

On point 1, the Commission stated that “ the Commission believes it is getting **ample feedback** from its member institutions and from individuals engaged in accreditation activities.” This despite the stated feeling of the Consultation Task Force.

On point 2, the letter states “In the same spirit of collaboration with which you offered your suggestions, the Commission wishes to suggest that the **Chancellor's Office endorse the philosophy and set the expectation that all California Community Colleges meet or exceed accreditation standards,** and that college CEOs support and engage themselves in the efforts needed to develop their own staffs' capacities to understand and apply the standards in order to help their own institutions achieve educational excellence. The vast majority of California Community Colleges already do this, but those that are struggling, and presumably those that

believe they need more training, also need the leadership of the CEO and the ALO at their own campuses. The Chancellor's Office might encourage the CEOs of those California Community Colleges in need to **make a greater effort to attend the workshops and presentations that the Commission sponsors, as well as send their staffs to such trainings.** They can also be encouraged to contact the Commission directly for assistance.”

On point 3, “The Commission fields approximately 13 comprehensive teams each semester, approximately 26 per year. This means there are only approximately 52 slots per year available to give first time team members their first experience.

Those approximately 52 slots are divided among evaluators in all ranks used on evaluation teams — administrators, faculty, institutional researchers, CFOs, trustees, etc. Therefore, each group **may perceive that few new evaluators are selected each year.** Some kinds of expertise are in higher demand than others and will receive more of the "slots" for first time team members than others.”

On point 4, “the ACCJC must evaluate institutions against its own Standards of Accreditation, and will continue to do so. “ **No explanation on why the ACCJC is so out of line with the other accreditation agencies.**”

On point 5, “Institutions are expected to be in compliance with the Standards at all times, not just during the peak of the accreditation cycle. “

On point 6, “**It is no longer sufficient** to use the accreditation self study and team review as the only form of evaluation or assessment of institutional and programmatic quality.”

“The genie is out of the bottle on this issue. The Commission moved to **all public sanctions** many years ago in response to pressures from the Department of Education. The increasing public, student and government interest in institutional quality has created a climate in which **more information about accreditation decisions is demanded.**” **This standard of public disclosure has not yet been adopted by the ACCJC with regard to its own workings and the need for more information on how the ACCJC reaches its conclusions.** Public disclosure is great for the colleges but not for the ACCJC?

On point 7 the ACCJC **avoids completely the legality of encroaching on issues of collective bargaining.** “This would not be in the best interests of institutional quality nor of students. The ACCJC's institutional membership includes institutions with and without collective bargaining units. It is the Commission's obligation to the public and to member institutions that the standards be applied uniformly to all institutions that choose to be accredited by the ACCJC. **The existence of labor contracts does not exempt any accredited institution from meeting all accreditation standards and policy directives.** Member institutions are responsible for labor relations matters at their own institutions. **Labor unions are encouraged to raise any direct concerns with their own institutions.**” Under this policy, how does a college recognize college law and ACCJC demands at the same time? Which trumps which? **It may take a court case for this issue to be decided.**

The letter closes with the following “The Commission remains open to continuing and even expanding, where possible, its training collaborations with the California Community College system-wide organizations within the context of the information provided above.

The Commission thanks you for your suggestions, hopes that this response has been informative, and **encourages your support for institutional adherence to the Standards of Accreditation as a means to support institutional quality among the California Community Colleges and greater student success.**”

In the Summer 2012 *ACCJC NEWS*, the ACCJC recognized that “In recent years, many external events have created challenge for colleges; funding reductions, changing public policy, turnover due to retirements, changing student populations and needs, and the accountability movement are among them. These are challenging times, and it is the job of a governing board to assure that an institution finds the way to adjust to the external and internal pressures without compromising educational quality and financial integrity. Strong and effective governing boards are critically important to institutional success and survival.”

It is sad that the ACCJC has added to the college woes. The colleges have enough to worry about without also being required to exist under the yoke of the ACCJC and its micro-managing sanctions. Something must be done concerning the ACCJC and its abusive posturing - and sooner rather than later.

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