

ACCJC GONE WILD

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Introduction

The Accrediting Commission for Community and Junior Colleges (ACCJC) is the accreditation agency for the Community Colleges of California. It currently works under the Western Association of Schools and Colleges (WASC) although there seems to be activity by the ACCJC to **distance itself from WASC**.

A proposed ACCJC appeal process removes WASC from the appeals process leaving the final decision made on any appeal of an ACCJC Commission action left to an ACCJC Commission appointed panel. In short, the ACCJC itself appoints the panel that decides whether their action to remove the accreditation of a college was warranted. Talk about a kangaroo court.

Barbara Beno, a former college president whose contract was not renewed by the college district, has served as the President of the ACCJC since August of 2001. During her term of office the ACCJC has changed from being a collegial accrediting agency that helps its colleges to satisfy accreditation standards by offering training and assistance to both visiting teams and college constituencies to one that issues sanctions with a vengeance. The Commission operates in secret and applies its standards in an arbitrary and inconsistent manner. It disregards the public policies of California. From time to time questions regarding conflict of interest on the part of Commission members and staff have been raised. As a result of the secret operations of the Commission, it is difficult to determine who is voting or influencing a vote regarding a particular college's accreditation.

President Beno and the Commission members, have, since Beno took over, conducted a reign of terror in which any sign of disloyalty to the ACCJC or difference with any of their policies is met with threats of more severe sanctions. In some cases, actual sanctions have been levied against colleges where criticisms of the Commission itself have occurred. As one CEO told me, it is "Beno's way or the highway." As a result, most college administrators and faculty are afraid to speak out against the excesses of the ACCJC. Even visiting team members have been unwilling to step forward and expose abuses for fear of hurting the chances of their home institutions. In June of 2013 the ACCJC stepped up its muzzling of both visiting team members and Commission members by passing a series of policy changes that require non-disclosure of Commission proceedings.

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." In the Special Edition of the February 2001 ACCJC News it is pointed out that "In achieving and maintaining its accreditation a higher education institution assures the public that the institution meets standards of quality, **that the education earned there is of value to the students who earn it, and that employers, trade or professional-related agencies and other colleges and universities can accept a student's credentials as legitimate.**"

The ACCJC does not value colleges for their quality of instruction, but instead the ACCJC issues sanctions that are based on the successful performance of excessive documentation and data gathering, reviews of policy and procedures, and adherence to education practices that are not based on scientific studies.

Article 1, Section 2 of the ACCJC Bylaws makes clear that the intent of the Commission is to require that colleges have "**clearly defined** objectives appropriate to higher education; has established conditions under which their achievement can **reasonably be expected; appears** in fact to be accomplishing them

substantially; it is so organized, staffed, and supported that it **can be expected** to continue to do so; and **demonstrates** that it meets ACCJC's Eligibility Requirements and Accreditation Standards." In short, the role of the ACCJC, as seen by the ACCJC, is to force colleges to spend enormous quantities of time **demonstrating** that they are properly **(in the eyes of the Commission) organized while leaving less time on efforts to actually offer quality programs of instruction.**

Approaches to evaluation such as Measurable Student Learning Outcomes (SLOs), that are not recognized as model standard practices by the majority of college educators as illustrated by faculty resistance to the imposition of the measurable student learning outcome methodology, are imposed on the colleges using the threat of sanction.

SLO's are written to describe what specific knowledge and skills a student should have and be able to demonstrate at the conclusion of a course, program, and/or degree. SLO's are to be used to provide data collection to measure student academic success. The implementation of SLO's requires considerable work and effort. In addition to the tests given by instructors to determine how well a student is doing in a class and what grade should the student earn, SLO's are used to determine whether the specific "outcomes" have been achieved. The data from the SLO's is then supposed to be used to determine whether the classes are successful in terms of student success. The visiting teams do not report on the success of the various SLO's.

The problem with SLO's in the eyes of many instructors is that **they do not lead to better teaching and learning and are a very big waste of time.** Instead they tend to lead to a standardized curriculum that does not address the full needs of the students. Such important elements as motivation, critical thinking, interest, creativity, and the ability to learn on one's own are difficult if not impossible to measure with SLO's – and as a result become less important in the minds of those who would rate educational quality based on SLOs.

34 Code of Federal Regulations (CFR) 602.13 require that an accrediting agency "must be able to demonstrate that its standards, policies, and accreditation decisions are **widely accepted** in the United States by educators and educational institutions, licensing bodies (if appropriate), practitioners, and employers of graduates for accredited institutions/programs." **The ACCJC is out of compliance with this fundamental requirement. Their approach to governance, planning, coordination, fiscal responsibility, and research is not widely accepted either in the California community colleges or across the nation.** In fact, I have found no evidence that suggests that the ACCJC has attempted to demonstrate that its standards, policies and decisions are widely accepted. To the contrary, opposition by the Academic Senate, faculty unions, the California Community College Consultation Council, and the RP Group underlines the general opposition to their policies and practices.

The ACCJC discourages any consideration of how the college meets state and federal requirements. This disinterest in California and federal law and practice is emphasized in the ACCJC Team Evaluator Manual. On page 23 of the August 2012 Manual it advises that "Recommendations should not be based on the standards of governmental agencies, the legislature, or organizations."

The actual quality of the education offered is not a consideration. In addition, the ACCJC has attempted to **micro-manage** colleges by using accreditation as the tool to force colleges to change their budgeting and governing patterns to fit the ACCJC's vision of how a college should operate. In the case of Northern Marianas College (Saipan North Marianas Islands), the Commission has even attempted to force change

in their trustee composition.

Some of the arguments supporting ACCJC sanctions against City College of San Francisco and several other colleges raise questions with regard to the mission of the community colleges in California. A goal of ACCJC's interpretation of its standards seems to be to reduce open access to a wide variety of programs and students in the name of reduced resources. In short, the Commission is attempting to change the very mission of community colleges through ACCJC's ability to sanction. This action is clearly in conflict with Federal Regulation 34 CFR 602.17(a)(1).

From 2003 to 2008 the six United States regional accrediting bodies issued a total of 126 sanctions to community colleges in the United States. 112 of these were issued by the ACCJC under Beno's direction. ACCJC has continued to be out of step with the other accrediting agencies. From June 2011 to June 2012 the ACCJC issued forty-eight of the seventy-five sanctions (64%) issued nationwide. The community colleges in California represent about 19% of the community colleges accredited nationally. In short, the 19% of the colleges nationwide that are under ACCJC generated 64% of the national sanctions.

In 2013 the ACCJC continued its assault on California's community colleges when it sanctioned 10 out of 23 (43.4%) colleges before it in January of 2013 and 10 out of 21 (47.6%) colleges in June of 2013. Their action included putting College of Sequoias on SHOW CAUSE (the college must prove that it should not have its accreditation removed) and removed the accreditation from City College of San Francisco effective July 2014.

Clearly, **the ACCJC has become a rogue agency.**

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. Rather it has been on **compliance** with the ACCJC standards (the majority of which do not directly address the quality of education that students receive).

The California Community Colleges Student Success Scorecard tracked students for six years through 2011-12. Many of the colleges which ranked highest on the scorecard in the various categories have recently been given sanctions by the ACCJC. Other colleges with low ranking have not. One typical example is City College of San Francisco which was had its accreditation revoked in June of 2013. CCSF ranked fourth among the colleges in the state in the percentage of students who were underprepared for college but still achieved 30 units of transfer work over the six years tracked. It also ranked high in other categories. CCSF is a great college for students and the ACCJC is set on closing it. It is clear, from looking at the scores at the various colleges, that the ACCJC has not successfully developed a methodology for considering academic quality and success. The scores on the California Community College Student Success Scorecard can be found on the California Community College website. According to their own published report, the following are the reasons given for the ACCJC sanctions of January 2012:

- 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).

Most recently, the ACCJC has entered a stage of micro-managing of district-level operations through sanctions on the colleges of multi-college districts. This includes attempting to dictate to college governing boards how they should operate and how district chancellors should operate in relation to local college presidents. It has even gotten to the point where Beno is calling college presidents and district chancellors on the telephone and demanding changes be made immediately or harsh sanctions will follow. A record of these direct conversations are not publically available in contradiction to the requirements of 34 CFR 602.15(b)(2).

Carl Friedlander (President of the Community College Council (CCC), writing in the March 2013 issue of the CFT's Community College Council Perspective, called for the ACCJC to "stop using the threat (or fact) of accreditation sanctions to undermine California's system of locally elected board of trustees. Providing training to trustees about accreditation and their role in it is a good thing. However, it is an affront to democracy to tell trustees that they put at risk the accreditation of the colleges they were elected to represent if they speak out on issues they care about or communicate with a wide range of individuals, constituencies and interest groups rather than relying almost exclusively on the perspective of their district's chancellor/ superintendent."

"These kinds of behaviors by ACCJC leadership compound the problem of the federal pressures and make many faculty feel that **accreditation in California today has almost nothing to do with "peer and professional review"** and is instead about ACCJC spearheading an aggressive (and, many believe, misguided) "reform" agenda. Spearheading a "reform" campaign is not the business of an accrediting commission."

The ACCJC operation is cloaked in secrecy with all involved required to sign a pledge that they will not reveal the inner workings of the college visiting teams or how the ACCJC itself operates in determining what level of sanctions to impose. After the visiting team issues its report, all actions of the ACCJC are done out of the public view. The votes on sanctions by the Commission are never disclosed. Even the meetings of the ACCJC are held in places and at times difficult for the public to find out about or attend and comment. The time for public input is agendaized after the decisions on sanctions have been made. The lack of public access to ACCJC information is stunning. The Commission has paid little attention to its own timelines for posting the agendas for their meetings or for posting the resulting actions of the Commission, including even where their meetings will be held. In June of 2013, important policy proposals were not made available until the time of consideration and attendance by the public was strictly curtailed.

It is now becoming commonplace for the ACCJC to impose sanctions that are much harsher than those suggested by the visiting teams. The latest such incidents occurred at the January 9-11, 2013 meeting when the Commission placed Northern Marianas College and College of the Sequoias on SHOW CAUSE

in contradiction to what the visiting teams had suggested. One wonders what has happened to the recognition of the work of “peers” in the accreditation process. It also puts into question either a lack of training of visiting team members or a vagueness in the requirements for different levels of sanction. Either of these cases would be a violation of 34 CFR Section 602.

In short, the ACCJC has become, in words taken from a report by the National Advisory Committee on Institutional Quality and Integrity (NACIQI) on accreditation agencies, **“unnecessarily intrusive, prescriptive, and granular in ways that may not advance system goals nor match institutional priorities, and is costly in resources such as time, funds, and opportunity.”**

Carl Friedlander in his Perspective column of March 2013 addressed the role of ACCJC as follows: “ACCJC's singular focus should be ensuring that standards are met. Yet President Beno, along with other ACCJC staff, serves on the Advisory Board for the Campaign for College Opportunity (CCO). **The work of CCO is controversial within the system.** There should be a firewall between ACCJC staff and the boards of community college advocacy organizations. It is similarly inappropriate for ACCJC to take positions on legislation affecting the community colleges, as the Commission has recently done. Returning to Lumina its \$450,000 grant for "exploring use of the Degree Qualifications Profile and Tuning at community colleges in California" would be another way ACCJC could clarify that the Commission is about ensuring standards, **not spearheading a reshaping of community college education.**”

This document has been prepared by reading the non-secret portions of visiting team reports, publications of the ACCJC, sanction letters to colleges, and confidential discussions with persons on the college campuses and on visiting teams with direct knowledge concerning the behaviors of the ACCJC and its President Barbara Beno. It also includes exchanges of correspondence between President Beno on behalf of the ACCJC and interested parties such as the California Federation of Teachers and the Community College Association of the California Teachers Association. The study by the RP Group was also important to the discovery of abuse. This document is intended to expose how the ACCJC actually operates.

It is sad that the ACCJC has added to 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. Beno claims that the accreditation by the ACCJC is voluntary. This is not true for California’s community colleges. The colleges are by California law required to join the ACCJC.

Something must be done concerning the ACCJC and its abusive posturing - and sooner rather than later.

Marty Hittelman
Retired Community College Faculty member

Higher Education Accreditation

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 that 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.

ACCJC and WASC

The **Accrediting Commission for Community and Junior Colleges** (ACCJC) is the accreditation agency for the community colleges of California. It currently works under the **Western Association of Schools and Colleges** (WASC). Each of the three Commissions of WASC is reviewed periodically for renewal of recognition by the US Department of Education (USDOE). WASC itself is currently required to come into compliance with national standards within 12 months of their 2012 request for continued recognition.

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. As I point out in this report, **the ACCJC should not be authorized to continue as they are now functioning.**

Violations of the Code of Federal Regulations

This paper describes the many abuses of the ACCJC including their violations of the Code of Federal Regulations (34 CFR)). In particular, **the ACCJC has been in violation of 34 CFR 602** in by not having adequate staff , resources, and time to realistically consider the number of institutions that they review at each meeting; the lack of adequate training of visiting team members; the lack of controlling conflicts of interest or the appearance of conflicts of interest; the lack of maintainance of complete and accurate records including the destruction of important documents; the lack of an effective method of consideration by the Commission members; attempting to change the missions of the colleges; the lack of consistency in enforcing standards and determining levels of sanction; the lack of clear standards as illustrated by the variance in sanctions recommended by visiting teams and the eventual sanction levied by the Commission; failure to involve all of the college’s relevant constituencies (including the collective bargaining agents) in the campus interviews; failure to take into account comments and complaints before

making sanction decisions; failure to respond in a timely and complete manner to third party comments and complaints against the ACCJC; a lack of unbiased judgments regarding complaints against the ACCJC; a lack of due process in their proceedings; a failure to provide reasonable time for colleges to make necessary adjustments; and timely filing of its decisions. **Each of these violations of federal requirements is documented in this paper.**

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. There appears to be some change in this relationship in the wind as the **ACCJC sought to take WASC out of several of their policies at the January 2013 meeting.** Some of this seems to come out of the national accreditation of WASC in 2012.

For example, a January 2013 first reading of policy change proposals regarding Representation of Accredited Status, Commission Actions on Institutions, Review of Commission Actions, Public Disclosure and Confidentiality in the Accreditation Process, and Commission Good Practice in Relations with Member Institutions were considered. The reasons for these changes included the need to **“delete dated references to Commission interactions with the Western Association of Schools and Colleges (WASC)”** or **“the changes more accurately reflect pertinent interactions, if any, with the Western Association of Schools and Colleges (WASC)”**

The Commission also considered for second reading and then adopted the institutional policies on the review of accreditation standards and on their student and public complaints against institutions. “The revised Policy on Relations with Governmental Agencies provides a description of the consultation undertaken when conflicts between state and local laws and Accreditation Standards are identified.”

The reason given for these changes involved the claim that “The Western Association of Schools and Colleges (WASC) Bylaws are being amended to align language with current expectations for nonprofit organizations in California. Each of the three independent accrediting agencies within WASC is separately formalizing its incorporated status and amending Bylaws as necessary. ACCJC Bylaws revisions will take full effect upon final passage of the WASC Bylaws. ACCJC Member institutions will be notified when the adoption of WASC Bylaws is completed.”

Attempt to Change Appeal Process

A new appeal process was unveiled at the January 10-11, 2013 meeting. Since there was **no advance notice** on the ACCJC website until just days before the meeting, it was impossible for members of the public and others to testify against the changes. The same pattern of no advance notice of the content of proposed changes was repeated at the June 7-9 meeting.

The process for appeal is basically one that is completely controlled by the ACCJC itself and its staff. Only an institution can appeal and only an “adverse action” (the removal of accreditation) decision. If the staff and the ACCJC agree, a review team is appointed. *“If the Commission Chairperson concurs with*

the judgment of Commission staff that the statement of reasons is deficient, a notice of return and the statement of reasons will be returned to the institution and no review committee will be appointed.” And that is it. If the staff and ACCJC agree, then an actual hearing of the case is scheduled. Despite what the review committee determines, the ACCJC makes the decision on the review.

Previously if the Commission acts to reaffirm the adverse action, the institution could appeal the decision to the Western Association of Schools. The appeal of the action on the review (which can be found in Article IX of the ACCJC Bylaw) now goes to a five to seven member hearing panel appointed by the Executive Committee of the ACCJC (which is comprised of the Chair, the Vice Chair, and the Chair of the Budget and Personnel Committee).

The grounds for appeal of a decision to terminate accreditation are limited to errors or omissions relative to procedures by the evaluation team and/or the Commission, demonstrable bias or prejudice on the part of one or more members of the evaluation team or Commission, evidence before the Commission was materially in error, or the action by the Commission was not supported by substantial evidence. The hearing panel has the power to affirm, amend, reverse, or remand the action being appealed.

It should be noted that there is no federal mandate that only the “adverse action” of removal of accreditation can be brought to appeal. The New England Accreditation Agency, for example, **allows for probation to be appealed.**

The proposed changes to a number of proposed policies including the deletion of the role of WASC can be found on the ACCJC website as part of the report of actions taken at the January 2013 meeting.

One basic problem with the ACCJC processes is that colleges and their constituents have no ability to address proposed sanctions before they are voted on by the Commissioners (or after if the sanction is less than disaccreditation). The sanction recommendations of the visiting team are kept secret. As a result persons who might wish to speak at the ACCJC meeting with regard to a particular college have no idea what might be recommended. In addition, public comment time comes after the decision on the level of sanction is already made. **The Commissioners themselves have little time to review the college reports, the reports of the visiting teams, and the sanction recommended by the visiting team before they are required to vote.** Based on the number of pages in college reports and visiting team reports, and the number of colleges being reviewed at any one meeting, it is a good estimate that something **over 20,000 pages must be read over a day or two.** This hardly adds up to any version of a fair due process.

Quality Assurance, Continuous Improvement, or Compliance

The accreditation process is supposed to provide 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. It has been on the management and administration aspects of the college.

To many it seems wrong that a private organization can sanction, and even close, a college for reasons other than for the welfare of the students served. A discussion regarding the proper role of accreditation agencies is currently under discussion in Washington. In April of 2012, the National Advisory Committee

on Institutional Quality and Integrity (NACIQI) released a report making accreditation policy recommendations for the Higher Education Act Reauthorization. The discussion noted that accreditation is meant to assist “individuals in making informed post-secondary educational choices, in consumer protection, and in the continuing improvement of education and the institutions that provide it.” “However, there are both commonalities and divergences among notions of ‘**quality assurance**,’ ‘**continuous improvement**,’ and ‘**compliance**’.” “And there is tension among notions of gate-keeping for student aid eligibility, mechanisms of public accountability, and notions of accreditation as a broader quality improvement and assurance process.”

The NACIQI came down on the side of **continuing the current system of accreditation** using independent private agencies like the ACCJC. The basic argument was: “With accreditation being a system of self-regulation, the involvement of member institutions in the process of establishing the standards and then applying them in volunteer peer review, accreditors also promote understanding of the expectations and buy-in for the standards and policies.” **This is not the way it works in ACCJC accreditations. Member institutions are reluctant to enter the debate for fear of losing accreditation and there is little actual buy-in for the standards and policies of the ACCJC.**

The ACCJC sees their requirements as, in the words of the NACIQI, “essential to allow accreditors to evaluate institutional or program quality.” More often, again in the words of the NACIQI, the ACCJC oversight is “**unnecessarily intrusive, prescriptive, and granular in ways that may not advance system goals nor match institutional priorities, and is costly in resources such as time, funds, and opportunity.**”

Ability to Plan, Prepare Reports, Review

The **Mt. San Antonio College** accreditation of January 13, 2011 is an example of a college receiving accreditation from the ACCJC based on its ability to plan (educationally and fiscally), prepare reports and do reviews. In a letter to then President/CEO of Mt. San Antonio College John Nixon (now a member of the ACCJC staff), Barbara Beno, President of the ACCJC, wrote “The College is commended for the high quality of educational programs guaranteed through the various academic approval and control committees and processes; and the successful **linking of program review, planning, and budgeting inclusive of student services and instruction through the College's Planning for Institutional Effectiveness process.** In addition, the college is commended for its overall financial stability achieved through sound fiscal management in difficult times; the **use of data** to demonstrate success with retention and success of at risk students; and its innovative programs that provide orientation to college success and provide students with the requisite library and learning support to enable them to be successful.” But even though accredited, Mt. SAC still was told in Beno’s letter that “The Commission expects that institutions meet standards that require the identification and assessment of student learning outcomes, and the use of assessment data to plan and implement improvements to educational quality, by fall 2012.” It is not clear how a college can get a full accreditation while failing to meet some standards. In fact, it is misleading to tell a college that it is fully accredited and then demand that it make changes. According to 34 CFR 602.20(a) “If the agency’s review of an institution or program under any standard indicates that the institution or program is not in compliance with the standard, the agency must immediately initiate adverse action against the institution or program; or “bring itself into compliance within two years. It appears that in this case the college was only given one year to comply. The ACCJC has, as in the case of

CCSF, given full accreditation and then later held the college accountable for suggested, but not required, changes.

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**.

Some colleges under attack have been virtually forced to hire a temporary "Special Trustee" to "provide advise and counsel, and make recommendations on all matters relating to the operation of the district" in order to convince the ACCJC that they are serious about the threat of disaccreditation. The agreement with the Special Trustee most often contains language that the recommendations made by the Special Trustee will normally be accepted by the District and approved by the Governing Board. So much for the shared governance processes required by state legislation and State Board of Governors regulations.

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. They have established an adversarial relationship between the ACCJC and the colleges they are to accredit.

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."

How much "deviation" is allowed is not spelled out. Some deviation is obviously allowed given the number of colleges that receive no sanction but still are told to clean up some of their act in order to be in compliance with standards.

"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. “

The requirement to “satisfactorily explain” is particularly hard to swallow as a reason to shut down a college.

What is the measure of when a college has “deviated,” deviated “Significantly” or is in “substantial non-compliance”? Without more definition, how can ACCJC decisions be anything but arbitrary? Any arbitrary decisions or decisions that are not consistent with other decisions is a violation of 34 CFR 602.18.

The ACCJC definitions of sanctions differ from those of other accrediting agencies. For example, at the **Middle States Commission on Higher Education**, “The Commission acts to **Warn** an institution that its accreditation may be in jeopardy when the institution is not in compliance with one or more Commission standards and a follow-up report, called a monitoring report, is required to demonstrate that the institution has made appropriate improvements to bring itself into compliance. Warning indicates that the Commission believes that, although the institution is out of compliance, the institution has the capacity to make appropriate improvements within a reasonable period of time and the institution has the capacity to sustain itself in the long term.” The ACCJC does not consider the ability of the college to continue to operate while making corrections.

Middle States “places an institution on **Probation** when, in the Commission’s judgment, the institution is not in compliance with one or more Commission standards and that the non- compliance is sufficiently serious, extensive, or acute that it raises concern about one or more of the following:

1. the adequacy of the education provided by the institution;
2. the institution’s capacity to make appropriate improvements in a timely fashion; or
3. the institution’s capacity to sustain itself in the long term.”

ACCJC’s Extreme Number of Sanctions

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
Western (ACCJC)	24	20	3	1	48

U.S. Department of Education Pressure

Carl Friedlander in his 2013 column in the March 2013 issue of the Perspective noted that “ACCJC argues that its ever-stricter and more directive standards and policies are the unavoidable result of pressures and mandates from the U.S. Department of Education: pressures and mandates that escalated dramatically under Bush/Spellings and have barely abated under Obama/Duncan. Washington D.C. is, indeed, part of the problem. As Judith Eaton, the respected President of the Council for Higher Education Accreditation (CHEA) describes it, ‘Federal law and rules now constrain the peer and professional review process of accreditation, taking us down a path of accreditation as compliance intervention—in stark contrast to its traditional collegial role.’”

“Why is accreditation turmoil concentrated in the California community colleges? I believe it's because the ACCJC leadership, more than the leadership of any other regional commission, has inappropriately embraced a **particular "education reform" agenda**. This Commission's zealotry is roiling the system and **poisoning faculty attitudes about accreditation itself**.”

ACCJC Sanctions

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.

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

Program Review	6
Planning using Assessment Results	20
Board Roles and Responsibilities	20
Internal Governance Issues	5
Financial Management or Stability	4
Miscellaneous Other Categories	30

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

June 8-10, 2011 Sanctions

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

January 10-12, 2012 Sanctions

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

June 6-8, 2012 Sanctions

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

January 9-11, 2013 Sanctions

REAFFIRMED ACCREDITATION

Bakersfield College
Cerro Coso Community College
Porterville College
Evergreen Valley College
Fresno City College
Reedley College
San Diego Miramar College
College of Marin
Moorpark College
Palo Verde College
Oxnard College
San Jose City College
Shasta College

PLACED ON WARNING

Woodland Community College
El Camino College

Columbia College
 Solano Community College
 Cuesta College (off of SHOW CAUSE)

PLACED ON PROBATION

Yuba College
 Modesto Junior College
 Victor Valley College
 College of the Redwoods (off of SHOW CAUSE)

PLACED ON SHOW CAUSE

College of Sequoias

Actions on California Community Colleges from June 2011 – January 2013

ACCJC				
California Community Colleges	Actions June 2011	Actions Jan. 2012	Actions June 2012	Actions Jan. 2013
Bakersfield College				RA
Barstow College			W	
Berkeley College	W		W	
Cerro Coso College				RA
City College of SF			SC	
College of Alameda	W		W	
College of Marin		W		RW
College of Redwoods		SC		P
College of Desert	RA			
College of the Siskiyous	W		RA	
College of Sequoias				SC
Columbia College		W		W
Cuesta College		SC		W
Cypress College	W		RA	
DeAnza College		RA		
El Camino College				W
Evergreen Valley		W		RA
Feather River College			RA	
Foothill College		RA		
Fresno City	W			RA
Fullerton College	W		RA	
Glendale College	RA			

Irvine Valley College		RA		
Lake Tahoe College		RA		
LA Harbor College			P	
LA Southwest College			P	
LA Trade Tech College	RA			
Laney College	W		W	
Merced College	W		W	
Merritt College	W		W	
Mira Costa College	P		RA	
Modesto Junior College		P		P
Moorpark College		P	P	RP
Mt. San Jacinto College		RA		
Oxnard College		P	P	RA
Palo Verde College		P	P	RP
Palomar College	RA			
Porterville College				RA
Reedley College		W		RA
Rio Hondo College				
San Diego Miramar College		W		RA
San Joaquin Delta College			RA	
San Joaquin Valley College	W			
San Jose City College		P		RA
Shasta College		P		RA
Solano College		W		W
Southwestern College	RA			
Taft College		RA		
Ventura College		P	P	RA
Victor Valley College	P		P	P
West Hills College	RA			
West Los Angeles College			W	
Woodland College				W
Yuba College				P
Total Sanctions	12	15	15	10
Total Decisions	18	21	21	24
Percentage Sanctioned	67%	71%	71%	42%
RA -reaffirmed accreditation				
W- Warning				
P- Probation				
SC - SHOW CAUSE				
RW - Removed from Warning				
RP - Removed from Probation				

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.** The Commission noted in the Summer 2012 *ACCJC NEWS*, that 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 nice that the ACCJC recognized these challenges, it would be nicer if they did not use these challenges to attempt to force district to change their mission statements as well as their scope of offerings.

June 5-7, 2013 Actions

The Commission met on June 5-7, 2013. It evaluated the accreditation 46 colleges and institutions. It held a “public session” on June 7th at which public access was severely limited. The Commission also acted on a number of policy changes that **had not been properly disclosed prior to the meeting** so that interested parties could address the proposed changes. Their action clearly violated 34 CFR 602.23(b).

One such action was to approve a new “**Statement on the Process for Preserving Confidentiality of Documents Related to Institutional Evaluations.**” The new policy reads: “Commissioners, ACCJC committee members, and **members of evaluation teams**, in the course of reviewing institutions, may be given copies of confidential documents pertaining to ACCJC's business and to the institutions under review. Confidential documents include, but are not be limited to, personal notes by the Commissioners, team and committee members, institutional self-evaluations, team reports, committee reports, institutional audits, letters or memos to or from ACCJC affecting the institution, draft action letters, evidentiary documents provided by an institution, and any documents containing information that would generally be considered proprietary by the institution.

Commissioners, team and committee members should consider all documents pertaining to an institution as highly confidential, unless the documents are explicitly identified in writing to the

contrary. Accordingly, Commissioners, team and committee members must take reasonable measures to assure the confidentiality of documents in their possession and may only discuss the contents of such documents with anyone required to have the information in connection with the matter under review.”

This action was clearly a response to the CFT complaint and was approved in order to keep secret any activity that might be suspect in the eyes of the Department of Education. **The ACCJC Bylaws Article V, Section 5** allows the Commission to “adopt, amend, or repeal policies that deal with the **internal operations** of the **Commission and its staff**. Actions on such policies may take place at any Commission meeting, in open or closed session, and **do not require two readings.**” **The above Process for Preserving Confidentiality is not limited to Commission and staff but also includes members of evaluation teams. As such it is not an “internal operation” and must have two readings. It only had one and proper notice was not made. The Commission clearly violated its own bylaws in approving this new policy.**

A major focus of the Commission at its June 2013 meeting appeared to be City College of San Francisco and its previous “SHOW CAUSE” sanction. However, in addition to CCSF, the Commission also reviewed Allan Hancock College, American Samoa Community College, Barstow College, Berkeley City College, Carrington College, Chabot - Las Positas Community College District, Chaffey College, Coastline College, College of Alameda, College of the Desert, College of the Marshall Islands, College of the Siskiyous, College of Micronesia - FSM, Copper Mountain College, Feather River College, Fullerton College, Gavilan College, Glendale Community College, Golden West College, Hartnell College, Hawai'i Tokai International College, Heald College, Imperial Valley College, Laney College, Los Angeles Community College District, Los Angeles County College of Nursing & Allied Health, Los Angeles Harbor College, Los Angeles Mission College, Los Angeles Pierce College, Los Angeles Southwest College, Los Angeles Valley College, Merced College, Merritt College, MiraCosta College, Monterey Peninsula College, Mt. San Jacinto College, Orange Coast College, Palau Community College, Palo Verde College, Peralta Community College District, San Joaquin Valley College, Santa Barbara City College, Santa Monica College, Southwestern College, and West Los Angeles College.

How they were able to fully consider all of these colleges and institutions in a three day period is anyone's guess. If each Commissioner was serious about how they voted they would have been required to at least read the college's self evaluation as well as the Visiting Team report on the college for each college up for evaluation. As each self evaluation runs about 400 pages and each Visiting Team report runs about 60 pages, for the 46 institutions this adds up to about over **20,000 pages of documentation to read** over a three day period. Since the proceedings and votes are not made in public or even publically disclosed, it is impossible for me to determine how the Commissioners actually voted and what materials they were given to look over before deciding The ACCJC was clearly in violation of 34 CFR 602.17.

The results of sanctions for the June 2013 meeting are shown in the following table. City College of San Francisco's accreditation was **terminated effective July 31, 2014**. The College Board of Trustees will immediately be moving forward to request a review of the Commission's decision. After this review is made, they will then need to decide whether to challenge the decision of the Commission. In that case, a panel will be appointed by the Commission to hear the evidence and render a decision.

Out of the twentyone colleges that were up for possible sanction, ten actually received a sanction (47.6%). The ACCJC continues to be out of step with the rest of the nation.

			Actions of ACCJC June 2013				
	PRIOR	YEAR	ACCREDIT	WARNING	PROBATION	SHOW CAUSE	TERMINATE
Barstow College	W	SU 12		W			
Berkeley City College	W	SU 12	A				
City College of San Francisco	SC						T
Coastline College				W			
College of Alameda	W	SU 12	A				
College of the Siskiyous	W	SU 10					
Copper Mountain College	W	SU 09	A				
Feather River College	W	SU 10					
Gavilan College			A				
Golden West College				W			
Hartnell College	W	SP 08			P		
Imperial Valley College	W	SP 09		W			
Laney College	W	SU 12	A				
Los Angeles Harbor College	P	SU 12	A				
Los Angeles Mission College				W			
Los Angeles Pierce College			A				
Los Angeles Southwest College	P	SU 12		W			
Los Angeles Valley College				W			
Merced College	W	SU 11	A				
Merritt College	W	SU 12	A				
Orange Coast College	W	SP08		W			
San Joaquin Valley College			A				
West Los Angeles College	W	SU 12	A				
Total			11	8	1		1

Visiting Team Reports and Privacy

Visiting teams are given one day of training and then sent out to a college to do an evaluation. The training is seen by many to be inadequate to the task involved. Team leaders are also not well educated on how to write a report and how far they are allowed to go with recommendations that are overly micro-managing in nature. The lack of adequate training violates 34 CFR 602.15(a)(2).

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. The RP Group report (discussed later in this paper) supports this conclusion.

There is no public record of what the teams recommended with regard to the level of sanctions but it appears that since each team is assigned an ACCJC staff member who “helps” the chair of the visiting team write the final report, the actual sanctions are often based on the current demands of the staff member and Barbara Beno rather than on the recommendation of the Visiting Team. The teams tend to deal with the way the college is operating today whereas the ACCJC itself appears to be also interested in the long-term compliance of the college and **will make sanctions harsher** when it feels that the college has not been adequately responsive to the demands of the ACCJC or the recommendations of the visiting team – **even when those recommended changes did not reach the level of requiring a sanction be imposed.**

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. It does appear to be true that the ACCJC commissioners themselves actually vote on the sanctions to be imposed (although no official record of voting is available to the public or to the colleges sanctioned). It is clear from all information that I have uncovered that Barbara Beno plays a heavy hand in discussions. Her approach is identified as a “my way or the highway” approach.

One cause of the secrecy in the ACCJC process 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.

Many of the present and past ACCJC Commissioners have served as members of college visiting teams. It is not clear if they voted when those college accreditations came up for a vote before the Commission. The votes on the levels of sanctions imposed are not made public.

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 where his total compensation is currently in excess of \$255,000 per year. Dr. Kinsella began his service on the Commission in January 2010. Politically he serves as an Advisory Board Member of The Campaign for College Opportunity. The Campaign for College Opportunity is a California non-profit organization. It was founded by a group including the Community College League of California, the California Business Roundtable, and the Mexican-American Legal Defense Fund. It has been active in lobbying the state legislature on bills of interest to the community colleges.

Kinsella had also served as the chairperson of the Joint Powers Authority (JPA) of the Community College League of California (CCLC) about a year before becoming a Commissioner. The JPA is designed to help districts comply with GASB 45 (funding employee health retirement) with the establishment of an Investment Trust under the control of the JPA. Gavilan College has joined the JPA and pays money into the CCLC JPA. The District also contracts with the CCLC to help develop its policies. Dr. Kinsella has served on a number of ACCJC college/district visiting teams in which he participated in looking at the college's pre-funding of GASB 45. He also served on an ACCJC task force that helped to create what are called "Required Evidentiary Documents" that are used to evaluate institutional financial services to reflect "accounting requirements for other post-employment benefits and liabilities .." In short, Kinsella helped develop the CCLC JPA, then helped the ACCJC to develop a standard directed at funding GASB 45, participated in teams looking at GASB 45 funding, and finally voted as part of the Commission on college sanctions. Kinsella 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. Dr. Gornick was active in the CCLC-JPA. He has served on a number of visiting teams that improperly addressed the GASB 45 issue. Although the voting is made in secret, it is likely that Gornick voted on the accreditation of colleges that were “dinged” for not funding their GASB 45 projections. A number of administrators who served on visiting teams have also served on the CCLC JPA board. 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 the Napa Valley **Board of Trustees**. He was once 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 where his compensated is 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 high 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. She earns in excess of \$257,000 in her position as President. Each of the five Vice Presidents of the ACCJC currently earn more than \$200,000

per year. Since she became President of the Commission she has served on several visiting teams for colleges in Hawaii. Her husband Peter Crabtree, a Division Dean at Laney College, served on the visiting team that led to the SHOW CAUSE sanction on CCSF. He has also visited Hawaii as a visiting team member.

Prior to her appointment as President, 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 serves on the Advisory Board of the legislatively active Campaign for College Opportunity. She served as president of Berkeley City College (formerly Vista Community College) in the Peralta Community College District for twelve years where she led a losing fight to break Vista free from the Peralta District.

It is not known to me what role Dr. Beno played in the sanctions against CCSF or the colleges in the Peralta district as the records are not made public. It is known that Peter Crabtree revealed to Laney College employees that the Peralta colleges would be sanctioned prior to the meeting of the Commission in January of 2005 at which the sanctions were voted on by the Commission.

Sanctions on Colleges – A Picture of Mixed Conclusions

Shasta College – PLACED ON PROBATION (2012)

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 never seems to be considered 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 – PLACED ON PROBATION (2012)

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 reported 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 includes the evaluation of districts. Its role has traditionally been limited to the **accreditation of colleges**.

In September of 2012 the ACCJC informed Los Angeles Valley College that they had been placed in a “special category” that would require a “more comprehensive analysis” of the college’s financial condition. Four reasons were provided to justify this review.

1. Negative ending balances
2. Reserve levels of less than 5%
3. Audit concerns
4. Concerns in the bond audit conducted by the State Controller

It is not clear how the ACCJC can act without holding a meeting but in any case, a college can not have a negative ending balance or reserves –**these are district issues. The Los Angeles Community College has a substantial reserve and no negative balance.** Concerns about audits are also district issues. **This is just another example of how the ACCJC is attempting base a college accreditation on the district it is part of. The ACCJC does not accredit districts.**

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 with 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.

At the June 5-7, 2013 meeting of the ACCJC, LA Southwest College was removed from PROBATION and placed on WATCH.

Los Angeles Valley College – PLACED ON WARNING (2013)

At its June 5-7, 2013 meeting of the ACCJC, LA Valley College was placed on WARNING.

The ACCJC Visiting Team included two faculty members out of the ten members of the team. One faculty member had previously been a college president and the other is from Early Childhood Education. I have heard from faculty members at LA Valley College that, on the whole, the Visiting Team was not well prepared nor were they well trained for the visit. Because of the secrecy involved in the process, I am not aware of what recommendation on the level of sanction was forwarded to the Commission.

Solano Community College – PLACED ON WARNING (2012)

At its meeting of January 10-12, 2012 the Commission issued a Warning to Solano College. They had been placed on Probation in June of 2010 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 learning 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 Solano College was **"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.

Solano College was continued on Probation status at the January 2013 meeting of the Commission.

The reasons for continuing WATCH status included the following team recommendations:

- the College should **"expand its data collection, analysis and planning related to meeting the needs and fostering the success of an increasingly diverse student population. Student and staff equity and diversity plans should be fully integrated with the College's planning processes and should include strategies geared toward attracting a diverse pool of qualified applicants able to contribute to the success of the College's student population."**
- The College should **"develop mechanisms and learning support systems to ensure that students enrolled in distance education courses are achieving stated learning outcomes at a level comparable with students enrolled in onsite programs and courses."**
- the College should **"develop and implement appropriate policies and procedures that incorporate effectiveness in producing student learning outcomes into the evaluation process of faculty and others directly responsible for student progress toward achieving student learning outcomes."**
- the College should **"develop a clear, written code of ethics for all its personnel."**

Even though “The Commission has determined that Solano Community College is near having fully addressed the recommendations noted above, resolving the associated deficiencies, and meeting Accreditation Standards” and that “The College is using its enhanced data collection on student demographics to be more attentive to the needs of its diverse student population and improve employee recruitment.” The ACCJC felt that “the College needs to assess the effectiveness of initiatives aimed at enhancing the online experience for students. The College needs to continue to make explicit the connection between the requirement that faculty develop and assess student learning outcomes and the Standards' requirement that this be part of the evaluation process.” “Finally, the College has reported that the code of ethics is expected to be approved by the Board of Trustees this spring.”

In conclusion “The Commission took note of the considerable work Solano Community College has accomplished to address Recommendations 1, 2, 3, 4, and 8 since the comprehensive visit in fall 2011. The College has completed the process of review and revision of the mission statement and revised its planning process following assessment of its effectiveness. The College has accelerated its efforts in the assessment of student learning outcomes at the course, program, and institutional levels and acquired key personnel and enhanced data reporting tools to develop a culture of evidence-based decision-making. Finally, the College has improved its library services, improved tutoring at the Vacaville and Vallejo Centers, and enhanced services for online students.” But the ACCJC expect perfection and continued a WATCH sanction. This seems inconsistent with what the federal guidelines consider a “holistic” consideration when addressing accreditation.

Bakersfield College – REAFFIRM ACCREDITATION (2013)

At the January 9-11, 2013 meeting of the ACCJC, Bakersfield College accreditation was reaffirmed. It should be noted that the Chancellor of the Kern Community College District (which includes Bakersfield College) is Sandra Serrano. **Serrano was the Chairperson of the visiting team for San Francisco Community College in the Spring of 2012.** I have discovered that the recommendations for sanctions of that team that visited CCSF were not followed, instead the ACCJC put CCSF on SHOW CAUSE. I am not able to determine what Chancellor Serrano recommended as that has not been publically disclosed.

The College was ordered to complete a Follow-Up Report to be submitted by October 15, 2013. At that time the College shall demonstrate that the college “has addressed the recommendations noted below, resolved the deficiencies, and now meets Eligibility Requirements and Accreditation Standards.” It appears that the ACCJC is using a **different standard** (and perhaps a better one) than the one they used in Solano and many other community colleges in California. The College Recommendations included:

- a. Develop and Implement Evaluation Processes to Assess Effectiveness of the Full Range of Planning
- b. Establish Student Learning Outcomes for Instructional/Academic Programs
- c. Include comments on how effectively adjunct faculty members produce student learning outcomes
- d. Evaluate effectiveness of professional development programs
- e. Human Resources should complete a program review
- f. Develop a long-range capital projects planning process that supports and is aligned with institutional improvement goals of the College
- g. Develop an assessment methodology to evaluate how well technology resources support institutional goals
- h. The College President should establish effective communication with communities served by the College.

The District Recommendations included:

- Review and Update Board policies on a Periodic Basis
- Board Member Development Program
- Evaluate the Board of Trustees Self Evaluation Process
- Evaluation of Role Delineation and Decision-Making Processes for Effectiveness

Note. As mentioned elsewhere in this paper, the **ACCJC is again attempting to micro-manage at both the college and district levels.**

City College of San Francisco - PLACED ON SHOW CAUSE (2012)

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. There appears to be no sense of progressive discipline. In addition, CCSF was charged with not addressing suggestions from past visiting teams that were not considered violations by the Commission itself at that time.**

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-Thursdays, 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." It must be noted that CCSF received full accreditation in 2006 and as such, could not have any deficiencies. In short, there was no requirement by the ACCJC to respond to the eight "recommendations" from the 2006 evaluation team.

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.**

The belief by the Commission that CCSF was wrong in spending down reserves is interesting in light of the 10 percent dues to colleges increase that the ACCJC is set to put in place due to its own use of reserves in order to address their \$191,883 deficit. CCSF addressed its need for more revenue by having a parcel tax approved by voters.

As with most colleges, the district has "not fully addressed its post-employment medical benefits (OPEB)" **(which is actually not required by law –the District did report its obligation as required)** and a "substantial underfunding of the district's workers compensation self-insurance fund." This issue is of particular interest given the role of Commissioner Kinsella discussed later in this paper. **Instead the District 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**).

The College first hired "Interim Chancellor" Pamela Fisher. Fisher retired as chancellor of the Yosemite community College in 2004. At a radio interview on July 6, 2010, Dr. Fisher stated that "Ninety-two percent of our costs are in personnel and that is much larger than the state average with respect to

personnel costs. So we're going to have to address personnel costs. The number of people we have, the compensation, the way people are compensated for certain kinds of work, the reassigned times -- there are a lot of issues there that relate to or contribute to that 92 percent."

"The state has redefined the mission of community colleges. We are doing our darn best to still be all things to all people and the state has essentially said, 'You can't do that anymore.' So that means our Board of Trustees and our campus leadership are going to have to make some priority decisions about what programmatic things are most critical to the city of San Francisco, and do more of some and less of others."

In October 2012, Bob Agrella was then chosen by the state community college chancellor's office to serve as the "special trustee" to oversee efforts to reverse the SHOW CAUSE action of the ACCJC. Agrella was voluntarily accepted as "special trustee" by the elected trustee board in San Francisco. Under this arrangement the elected board continues to maintain authority but the special trustee will have veto power over any action he deems inconsistent with the college's recovery plan. Agrella holds B.S. and M.S. degrees in mathematics from Purdue University and a doctorate in education from Nova Southeastern University in Florida. Nova is often used by community college administrators wishing to hold a doctorate in order to become a college president or chancellor and it is often joked that "Nova" spelled backwards is "Avon" due to its almost correspondence school approach to education degree granting. Agrella receives a reported \$163,236 per year in CalSTRS retirement and is reported to receive \$1,000 for each day he works for CCSF as the "Special Trustee".

After Pam Fisher left, the District Trustees appointed interim Chancellor Thelma Scott-Skillman on November 1, 2012. She recently retired as president of Folsom Lake College. Scott-Skillman is reported to be receiving the same pay as Fisher received to serve as interim chancellor - \$276,000 per year. And the Commission is concerned with the high faculty salaries?

Under the newly arrived leadership of Scott-Skillman and Agrella, the district has attempted to unilaterally cut employee salaries by 5% without bargaining as required under California law. The cuts unilaterally imposed are on top of over \$4 million in negotiated salary cuts and freezes over the last four years. Local 2121 has filed a grievance and an unfair labor practice charge against the district. The College administration is also attempting to budget the funds derived from Proposition A, a voter approved parcel tax, in a way that is in conflict with the stated purposes of the Proposition. The \$79-a-year parcel tax will last for eight years and is expected to generate \$17 million. The money is supposed to be used offset budget cuts, prevent layoffs, and provide affordable, quality education to almost 100,000 students at City College's nine campuses.

The College administration is also trying to impose or bargain changes in the faculty collective bargaining contract that would reverse gains made to part-time faculty employment rights, health care benefits, and salaries. Nanette Asimov writing in the San Francisco Chronicle on February 28, 2013 accurately described the positions of the faculty and the administration as "If the administration gets its way, faculty members say, the college would be a shrunken shadow of itself, closed to many students who depend on it for a leg up into the middle class, and an inhospitable environment for part-time faculty - the majority of instructors - unable to earn a living wage. If the faculty vision prevails, administrators say, the college would run afoul of the accrediting commissioners who hold its fate in their hands." So once again we see the power of the ACCJC to destroy the very essence of a long-time successful college through the threat of removal of accreditation.

Complaint Filed

On April 30, 2013, the California Federation of Teachers (CFT) and its City College San Francisco (CCSF) affiliate, AFT 2121, filed a complaint and “third party comment” protesting ACCJC’s action placing CCSF on SHOW CAUSE. The CFT attempted to file the complaint at the Novato office of the Commission but the people working there refused to receive the complaint or even time stamp the complaint and threatened to call the police if the CFT representative’s did not leave the office. The CFT left the office but left the complaint at the office. The staff then locked the door to the office and pulled the shades closed.

The complaint was directed at “the abuse of authority by the Accrediting Commission for Community and Junior Colleges in performing the functions entrusted to it by the U.S. Department of Education, and the California Legislature. The Commission has violated nearly every Federal regulation which guides it, disregards its own policies, misrepresents its actions or legal requirements, fails to respect the law and public policy of the State, violates Federal common law due process and California common law fair procedure, and acts arbitrarily, capaciously, unfairly and inconsistently in evaluating colleges and districts throughout the State, thereby harming colleges, students, faculty and staff, boards of trustees and ultimately the People. And that is how it evaluated City College of San Francisco in June 2012.”

The complaint can be found at the CFT website www.cft.org.

ACCJC Response to CFT Complaint

On May 10, 2013, Sherrill Amador sent a letter to Community College Chancellors, Presidents, and ALOs (Accreditation Liaison Officer). The letter was clearly a response to the complaint filed by CFT. One section of the letter was titled “**The ACCJC Response to Recent Events.**” It noted that the CFT filed its complaint on April 30, 2013. It did not note that the ACCJC would not receive the complaint in their office as their office was “private property.”

The letter stated that “The complaint alleges, in part, the ACCJC engaged in irregularities when it evaluated and placed City College of San Francisco on “show cause” on July 2, 2012. While the complaint was presented in a format similar to legal complaints, the ACCJC does not operate as an administrative review court. The agency has a formal Policy on Complaints Against the Accrediting Commission for Community and Junior Colleges, which sets forth the manner in which complaints are handled. The ACCJC will follow that Policy in reviewing the CFT complaint. After it concludes its review, the ACCJC will issue a formal report of its findings and a copy of that report will be provided to the complainant. Until the ACCJC’s report is issued, the **ACCJC will not comment on the merits or substance of any of the allegations in the complaint. To do so would prejudge its formal review.**” And then the letter goes on to prejudge.

The letter made no mention of my more general complaint filed electronically on the same day with regard to the operation of the ACCJC generally and with respect to all of the community colleges evaluated.

Although the letter states that it will “not comment on the merits or substance,” it went on to state that

“The member institution has not complained about any aspect of the ACCJC review process, which resulted in the institution being placed on a sanction known as "Show Cause." To the contrary, chief administrators of CCSF have consistently and publically supported the findings of the visiting team and the decision of the Commission.” I guess this is not a comment on the complaint in the eyes of the ACCJC. It is just reporting that the current short-term administration and Special Trustee are not fighting for CCSF to survive. It also assumes that the college is another name for the administration.

The letter went on to argue that “The standards, policies, and procedures followed by the ACCJC in its evaluation of CCSF are the same standards, policies, and procedures it employs when it reviews all of its accredited institutions. These standards and policies were developed in consultation with the member institutions of ACCJC, and represent those institutions' collective and shared ideas for practices that lead to quality higher education. The standards and policies of the ACCJC are the result of a voluntary process of peer review that has been ongoing in California since the creation of the ACCJC over 50 years ago. ACCJC's standards, policies, and procedures are under continual scrutiny from the United States Department of Education, which has consistently found that ACCJC is a reliable authority for the accreditation of community colleges in the Western Region.” This is clearly an argument that ACCJC is pure and clean. This is an obvious attempt to prejudge the well documented CFT complaint. The volunteer nature of the ACCJC affiliation by colleges is clearly not true given California law that required community colleges in California to use the ACCJC for its accreditation. The “collectively developed” standards and policies is not consistent with the recent history of the ACCJC.

Later in this paper I discuss specifically how the ACCJC has attempted to impose its values on faculty union/district negotiations.

May 30, 2013 Accrediting Commission Perfunctory Response to CFT Complaint/Comment

On May 30, 2013 the ACCJC responded (or more properly, the Executive Committee of the ACCJC in ACCJC's name responded) to the 280 page complaint/comment by the CFT by dismissing all charges out of hand. In relation to legally based complaints the ACCJC Executive Committee stated that "the ACCJC has **no reason to believe** that its policies are not fully in accordance with all applicable legal requirements" and thus "the Committee will not address any of these allegations in this report." The fact the CFT complaint documented, in detail, a large number of legal violations was not enough to raise any suspicion on the part of the Committee that there were reasons that some of their policies were not consistent with legal requirements. This alone clearly shows a lack of due diligence on the part of the Committee in considering the CFT complain.

The Committee goes on to state that it would not respond to a number of the non-legal complaints in writing. They then explain that "the lack of a response to a particular allegation does not imply that the allegation has merit in the view of the Commission. To the contrary, it reflects the fact that the Committee concluded that such allegation did not merit a reply in this report." There is no explanation of why the allegations have no merit. Again the Commission illustrates its feeling that the conclusions of the Commission are not subject to review based on the reasons used for such conclusions. We see this in other areas of the report. **The report is, at best, perfunctory.**

After noting that CCSF was not a party to the complaint, the report states "There is no reason to believe from a review of the Complaint that the institution agrees with or believes that any of the allegations have

merit." Of course there is also no reason to believe that the "institution" (whatever human that is) does not agree with some of the points made in the CFT complaint. In any case, the report states that " it is fair to conclude that those allegations are not reflective of the views, official or otherwise, of CCSF." That is a **huge leap in logic** especially given the general level of fear of retaliation by the ACCJC for any perceived disloyalty and the resulting reluctance of governing boards to confront the Commission.

The general lack of equal application of standards by the ACCJC, one of the CFT complaints, is actually reinforced by a number of statements by the Committee. Here are a couple of examples of the looseness of ACCJC actions taken from the Committee Report itself:

- "When the Commission finds that an institution's continuing ability to meet a particular Accreditation Standard is potentially threatened, it alerts the institution to these areas of possible future deficiency and **generally requires** that the institution address them in **one or more** follow-up reports."
- "The 2012 evaluation report also documented that the improvements that the institution professed it had made in its various follow-up reports to the Commission **did not appear**, in fact, to have been implemented."

With regard to the allegation that it was a conflict of interest that Barbara Beno's husband was on the team that visited CCSF, the Executive Committee found that a conflict did not exist. The claim that her husband was only one member of the visiting team and thus did not have the power to sway the team loses its effect when in fact the Commission did not follow the visiting team's suggested sanction but rather upped it to SHOW CAUSE after input from Barbara Beno (who certainly had the opportunity to discuss the sanction privately with her husband). The conflicts of interest of other Commissioners was also considered without merit even though at least two of the Commissioners had an interest in a finding the college had not adequately funded future GASB 45 retiree benefits liabilities.

The Committee did not address the fact that CCSF did meet the State Chancellor's Office requirement for a level of reserves and replaced that well recognized standard with its own.

In conclusion, the Commission found that "the allegations in the Complaint are without merit."

The Commission sent out notices on May 23, 2013 to persons who have served on the CCSF visiting team that they are not to speak to or provide evidence to the CFT, its lawyers, the press, or anyone else interested in finding out what happened at the college visit. This is just another example of the ACCJC's attempt to keep public matters away from public scrutiny.

The Commission claimed that the visiting team members were represented by the ACCJC lawyers even though the team members had not agreed to such representation. The letter declared, in part: "The purpose of this memo is to inform you that, as an evaluation team member, you should consider that you are at all times represented by our law firm in any issue that relates to review of and the sanction imposed on CCSF." "It is part of the service the ACCJC always affords evaluation team members if some legal issue arises that relates to their service to the ACCJC. We have informed the Bezemek law firm that you are represented by our law firm, and that accordingly, they may not contact you about any matter related to the CCSF matter ..."

"You may also be contacted by someone who requests information from you who is not directly

associated with the Bezemek law firm, but who has some other association with CCSF. Again, please just let the person know that you are represented by legal counsel in this matter and they should contact our law firm ..."

"Finally, it is possible that you may have retained personal notes, ACCJC agendas, or copies of documents that pertain to your service related to CCSF ... These documents are not public ... but it is important to preserve them for the present. Under no circumstances, share any written materials you may have retained with any third person. If anyone requests any written materials from you that relate to the ACCJC/CCSF matter, please let me know immediately. I will advise you how you should respond ..."

"You may be contacted by someone who says they are from a news agency or some other publication. In such a case, do not discuss the matter with them but refer them to Barbara Beno at (415) 506-0234."

This memo is a direct attempt to cover up any wrong doing by the Commission. Later in June the ACCJC went further in their attempt to stifle debate and discussion of their findings.

The ACCJC report on the CFT complaint was consistent with letters that I have received over time from the ACCJC as described elsewhere in this document - misleading, ill informed, and generally unresponsive to the concerns voiced. **One new wrinkle for me is that the Commission did not respond to my complaint/comment also filed on April 30, 2013 until May 31, 2013 and that was only a notice that they received my follow-up question of why I had not received any reply.** Clearly this is a violation of their rules.

The Department of Education has directed the ACCJC to fully investigate the CFT charges.

Later in this paper I discuss specifically how the ACCJC has attempted to impose its values on faculty union/district negotiations.

June 7, 2013 ACCJC "Public Meeting"

The ACCJC's June 7 meeting that was supposed to be open to the public but was only opened to a limited number of people and did not include press access. This was the meeting where new policies were adopted without offering the public a chance to speak to these new proposals. The meeting room was listed as able to hold 200 people but the ACCJC only allowed 12 members of the public to enter in addition to the thirty or so members of the Commission and its staff. Those that were allowed in were searched and not allowed to bring in their handbags and briefcases.

The Commission adopted new policies at its June meeting with regard to the shredding of documents related to the decision making of the Commission. The policy was adopted without regard to the ACCJC policy and bylaws which require distribution of the proposed policies to college CEOs and the public prior to the meeting as well as a first and second reading before the Commission. **The process used denied the public the opportunity to provide public comment on the proposed changes.**

The newly adopted policy requires visiting team members and Commission staff and members to either shred or destroy all emails, personal notes, and other documents or to deliver them to the President Beno. ACCJC's new policy regarding the shredding of Commission and team records violates Federal and State

Law, including 34 CFR § 602. The new policy is an obvious attempt to prevent the public from learning about the irregularities of the Commission. According to the new policy evaluation team members "may only discuss the contents of such documents with anyone required to have the information in connection with the matter under review." As a result of the change in policy, former evaluation team members can not disclose irregularities, nor could they provide information about irregularities to anyone including the Department of Education when it investigates wrong doing by the Commission.

If this new policy were followed it would deny the public and others from seeing the "complete and accurate" records of Commission actions. This is in violation of the federal requirements on due process. (34 CFR 602). Such shredding policy would deny the Department of Education the ability to follow up on complaints related to the ACCJC work. It would also hinder institutions sanctioned by ACCJC to act in their defense. In short, all documents pertaining to their case would not be available to them.

The recent actions of the Commission could be considered an attempt to keep private and away from public view essential facts relevant to proving that ACCJC violates its policies and the law in its review of CCSF and other colleges. The policy will, if allowed to stand, affect all colleges seeking to find out the truth with regard to their evaluation by the ACCJC.

The ACCJC's revised policy on "Professional and Ethical Responsibilities of Commission Members" was approved at the June meeting without proper notice and will now require commissioners to not just "accept and subscribe" to the purposes of accreditation, but also to the purposes, policies and processes of ACCJC. I guess this ends any chance of debate at the Commission meetings regarding such policies. This is another example of the ACCJC's desire to limit public discussion regarding the problems that exist within the Commission.

In short, the newly approved policies are not only contrary to the requirement of complete and accurate records of Commission decisions but also violate any sense of due process and common law fair procedures as well as the federal requirements under 34 CFR section 602. They once again attempt to have all decisions made behind closed doors away from the eyes and ears of the public and the press.

CFT Statement at ACCJC Meeting of June 7, 2013

*Testimony of Teeka James, President, AFT Local 1493
on behalf of the California Federation of Teachers, AFT, AFL-CIO*

"Thank you for the opportunity to speak here today. Good afternoon. My name is Teeka James. I am the President of AFT Local 1493, which represents the faculty of the San Mateo County Community College District. I am speaking on behalf of the California Federation of Teachers. I ask that my written comments, which I will provide to the Commission, be made a part of the record of this proceeding.

ACCJC's policies and actions impact faculty, students, and staff of the California community colleges and the public at large. CFT's concerns about ACCJC, expressed in its April 30th and June 4th complaints, reflect those expressed by many educators over the last 10 years. CFT feels, as do MANY others, that The Commission lacks transparency, fairness and accountability.

First, visiting evaluation teams do not sufficiently reflect the constituent groups. Faculty, who have the most direct responsibility for educating and serving our students, represent 75% of the college workforce,

yet make up just 15% of the evaluation teams. Rarely are faculty given leadership roles in these teams, even though they serve major leadership functions on campus. Second, the Commission often escalates the recommendation of the evaluation team without accountability, explanation of its reasoning, or transparency.

This practice of escalating sanctions without explanation prevents institutions from responding to any additional information that the Commission may be relying upon. Furthermore, by keeping the Commission's reasoning and evidence secret, it is impossible to tell whether these decisions are being made properly or not.

ACCJC needs to recognize college students, faculty, board members, and employees as part of their constituency, each having a legitimate interest in accreditation. The Commission should provide information about its activities and about the colleges to each constituent group at the same time that they provide such information to college CEOs.

Third, various policies of the Commission are not widely accepted by educators, nor by other accrediting bodies. This contributes to the stunning disparity in the number of sanctions imposed by the ACCJC when compared to those of other accreditors and, strongly suggests the Commission relies on Standards that do not accurately reflect institutional performance or excellence.

Fourth, The Commission responds to criticism defensively and without transparency. For example, The Commission's recent response to the CFT Complaint was unsigned and failed to address its substance; and when the editor of AFT 1493's newsletter contacted ACCJC just two days ago, the Commission refused to identify who is on the Commission's Executive Committee nor who issued the Commission's Response. This secrecy and lack of accountability is unjustifiable for an accrediting body performing a public function, one primarily funded by the State of California.

CFT has outlined several recommendations for reform. Among them are these:

Timeliness and accountability: ACCJC should provide visiting team action recommendations to an affected institution sufficiently in advance of Commission actions to allow the institution and its various constituencies to respond; and it should post proposed changes in its Policies and Procedures on its website at least 45 days prior to the Commission meeting to allow a similar opportunity for review and comment prior to Commission action.

Fairness: ACCJC's visiting teams should proportionally reflect the various constituencies within the California community colleges. Members of the Commission and its staff should not be appointed to visiting teams. Absent unusual need, no more than two members from any institution should be appointed to a visiting team. And faculty should be appointed to chair teams and subgroups for various standards.

Transparency: ACCJC should assure that team action recommendations are signed and dated, and when the Commission increases sanction level above that recommended by a team, it should clearly explain the rationale and connect the findings to the decision.

The ACCJC should appoint someone who is independent of the Commission staff and who reports directly to the Commission, to review ACCJC actions to assure consistency and compliance with ACCJC policies and procedures, including avoiding conflicts of interest.

And finally, ACCJC should abide by the standards of the Brown Act and the California Public Records Act.

ACCJC is the most controversial accrediting body in this country, and is unfortunately viewed with distrust, concern, and fear within the community colleges. Its integrity is open to question. There is good reason to doubt ACCJC's reliability as an accreditor. This results not only from its actions, but also many of its overly prescriptive policies, and its failure to adhere to a culture of transparency.

To serve the students and people of California properly, ACCJC has to change or be delisted by the Department of Education; the time is now. Thank you for your time."

The Commissioners then asked a few questions and made some statements. A few of the questions related to how much Teeka James knew about the workings of accreditation. Of course this did nothing to help them understand CFT's charges but were rather directed at trying to influence the audience and the press to support the Commission or perhaps intimidate Teeka. One Commissioner asked how the CFT knew that the Commission escalated the team recommendations for sanctions since those recommendations are confidential. The statements were in defense of Commission activities. The members making statements were not concerned with further understanding points made by the CFT such as GASB 45 requirements and financial condition evaluation. Their questions clearly demonstrated that they had either not read or not understood the 280 page CFT complaint/comment or that documentation was not going to change their opinion concerning their own actions – which according to the agenda had already been made anyway.

The three day Commission agenda which placed public comment last is not consistent with giving the public a chance for input before decisions were made. In fact, the decisions on CCSF and other colleges were made before the public sessions. The room they had chosen to hold their hearing was too small to hold the audience that had arrived to hear testimony and only approximately 25 of the sixty or more people who wished to attend the public session were allowed to be present. One person that was not let in was Nanette Asimov, a reporter from the San Francisco Chronicle who was wearing her press tag, and her photographer.

CCSF Accreditation Terminated

The ACCJC acted at their June meeting to remove CCSF's accreditation effective July 31, 2014. It also stated that "The Commission may extend this date at its sole discretion if it determines that conditions warrant such action."

Of course the action will not be final until any review or appeal is completed. The grounds for review and appeal are restricted by Commission rules to errors in the evidence, bias, and procedural violations. No future improvement made by the college can be part of either the review or the appeal.

In the next half year the College is required "to submit a Closure Report to the Substantive Change Committee in accordance with Substantive Change timelines and processes so that it can be considered at the November 2013 Substantive Change Committee meeting and considered for action at the January 2014 Commission meeting."

The Commission held “that the college is still significantly out of compliance with Eligibility Requirements 5, 17, 18, and 21, and significantly out of compliance with Accreditation Standards.” As is usual with the ACCJC the focus of the compliance revolve around issue of interest to management. The overwhelming presence of administrators on Visiting Teams makes this result almost inevitable. **For the ACCJC, accreditation is about administration and management, not teaching and learning.**

The standards for which CCSF was supposed out of compliance with included:

- Institutional Effectiveness
- Student Learning Programs and Services, including Instructional Programs
- Student Support Services Library and Learning Support Services
- Physical Resources and Technology Resources
- Financial Resources
- Leadership and Governance, including Decision-Making Roles and Processes and Board and Administrative Organization
- Commission policies on Distance Education and on Correspondence Education, Institutional Degrees and Credits, and Institutional Integrity and Ethics.

It also was claimed that the college had not adequately addressed eleven of the fourteen recommendations from 2006. Although, at least in words, recognizing the hard work done by the college, the Commission felt “that institutional deficiencies in the area of **Leadership and Governance** have inhibited the institution's ability to move effectively and with appropriate speed to resolve its problems. The governing board has been unable to perform its appropriate roles and assume responsibility for united leadership, and its actions undermine the ability of the Chancellor to move expeditiously to make needed changes.” Once again we see the bias against governing boards that seek to actually do their job and not just give over responsibility to a Chancellor. The Commission belief that “Board members have difficulty in delegating authority to the Chancellor, either by undermining decisions made by the Board or by interfering with the implementation of policies adopted by the Board.” **This is not a surprising comment given the problems that ACCJC President Barbara Beno had with the Peralta Board of Trustees when she was a college president in the district.**

Of course the democratic process is not to the liking of the ACCJC especially when it involves militant and educationally dedicated faculty members. Sherrill Amador, the commission's chair, received a vote of **no confidence from the faculty and staff** when she was a college president. It is no wonder then that the letter signed by Amador decries that “**active protests** against the direction the college is taking, expressed at governing board meetings, and against the college leadership, indicate that **not all constituencies are ready to follow college leadership** to make needed changes in a timely manner.” Such is democracy. What is a “needed change” is in the eye of the beholder (in this case the “my way or the highway” ACCJC). The faculty at CCSF have strong and courageous leaders and organizations and no one should expect them to lay down and give up all the gains made in the last twenty years. I am sure that the fight to save CCSF is not over. More rounds will be fought.

CFT Statement on CCSF Loss of Accreditation

The California Federation of Teachers will fight the decision to take accreditation away from CCSF. In press release issued on July 3, 2013, the CFT explained that “The Accrediting Commission for

Community and Junior Colleges today ordered the closure of California's largest college and a beacon of higher education in America's most progressive and prosperous cities. The City College of San Francisco (CCSF) serves 90,000 students and has produced the thousands of thousands of police officers, firefighters, nurses and teachers who protect and serve our communities. This outrageous, ill-conceived and unprecedented decision will have a harsh, immediate and irreversible impact on the academic future of current students and will undermine the achievements of College alumni. “

They went on to state the following:

“We share the anger and disappointment of colleagues, dedicated professionals who have worked tirelessly to build CCSF into one of the premier post-secondary institutions in the nation.

Make no mistake however; we will fight back.

At no point in the accrediting commission's so-called assessment has anyone faulted the quality of education our students receive.

This arbitrary and punitive action by the Commission, coming on the heels of numerous protests over its illegal evaluation processes, serious conflicts of interest by its president and other representatives, and violations of Federal and State law, reveals the extent to which the Commission is out-of-touch with its primary mission, to recognize, and collaboratively assist colleges in meeting Federal requirements for the benefit of their students.

The ACCJC has cultivated a climate of fear and intimidation throughout the entire community college system. They have usurped the authority of the Chancellor's office of the California Community College system by involving itself in financial operations of the community colleges. Yet, efforts to raise questions about their behavior and conflicts of interest have been followed with further sanctions against the institutions that have dared to speak out.

The CFT believes a robust, thorough, and transparent accrediting process conducted by qualified and legitimate educators and one that engages the entire education community is critical to developing workable short and long-term strategies for academic achievement.

Coercion and intimidation to impose its own top down and extremist philosophies on colleges have no place in our schools or our democratic society. This most egregious example of a reign of terror has gone unchecked by top-level system wide bureaucrats.

The CFT will continue to stand with the students, faculty and staff of CCSF. We will work to overturn this unjust decision that threatens the entire City College community and colleges throughout California and the western region.

The CFT Will Fight for Students, Faculty and Staff and to Maintain A Quality Public Education for All “

Statewide Community College Chancellor Brice Harris Statement on CCSF Accreditation

Statewide Community Colleges Chancellor Brice Harris said that he was disappointed that the commission did not find the progress that City College of San Francisco had made so far went far enough to bring it into compliance with the policies of the ACCJC. On July 3, 2013 following the announcement he stated that “My office is going to do everything in its power to see that City College retains its accreditation.” He went on to say that “As chancellor of the largest system of higher education in the nation, I cannot sit by and allow this institution, which serves 85,000 students, to close.”

The community college Board of Governors will approve a special trustee entrusted with the ability to run the college in place of the elected Board of Trustees. The current Board will be in office but without the power to act. The new special trustee will not be given the ability to nullify collective bargaining agreements but would be able to negotiate new contracts. A major emphasis will be to strengthen the fiscal administration of the college. The hope is that enough movement toward meeting the demands of the ACCJC will be made before July of 2014 to allow CCSF to continue to operate as an accredited college.

Current CCSF Board of Trustee member Rafael Mandelmann opposed the appointment of a Special Trustee: “Now I’m sure that the State Chancellor is a well-meaning man, but the fact is that his people have been in charge of the college for nearly a year, with the elected Board deferring to their direction on all matters. The problem is not the elected Board, or the State Chancellor, or an excess of democracy at the College. **The problem is the ACCJC.**”

Parallel to Compton College

The Commission review letter in the case of the denial of accreditation at Compton College does not give much hope for a solution in the arena of Commission Review. As in all of their letters, the level of sheer arrogance and intransigence on the part of the Commission is nothing short of shocking. It is possible that an appeal to the ruling could serve a purpose although the appeal board is appointed by the ACCJC. If it chooses people that have already drunk the Kool Aid, it may be that the appeal is also denied. This will leave the Department of Education to act or the college or the CFT takes the case to court.

The setting up of a Special Trustee to run the college is exactly what was done in Compton. In Compton, the Commission actually used the fact of the Special Trustee to assert that the College did not have a functioning board and was thus in violation of Standard One and deserved to have their accreditation removed. The Fiscal Crisis and Management Assistance Team (FCMAT) was called in to look at the financial situation in San Francisco and it was also involved in tearing the college down in Compton. In San Francisco the FCMAT team found what they believed to be problems with a general lack of fiscal controls which make the college vulnerable to fraud although no fraud was found. Also decision which affect the college’s finances are of made in order to keep peace in the college. The lack of institutional memory due to the rapid turn over of administrative staff was also mentioned.

Comments Before the California Community College

July 8, 2013 CFT Remarks to the Board of Governors

**“Board of Governor’s Public Meeting Regarding Agenda Items AA
July 8, 2013**

*Comment of Monica Henestroza, Legislative Director, CFT
on behalf of the California Federation of Teachers, AFT, AFL-CIO*

Good afternoon: My name is Monica Henestroza and I am appearing on behalf of the California Federation of Teachers (CFT) regarding Agenda Item AA involving creation of a special trustee at the San Francisco Community College District. I ask that my written comments, which I will provide to the Board, be made a part of the record of this proceeding.

The CFT and the American Federation of Teachers (AFT) local 2121 vehemently oppose the decision of the Accrediting Commission for Community and Junior Colleges (ACCJC) to deny accreditation to the City College of San Francisco (CCSF) effective July 2014.

This punitive action by the Commission denying accreditation to CCSF, coming on the heels of numerous protests over serious conflicts of interest by the Commission's president and other representatives, and violations of Federal and State law, reveals the extent to which the Commission is out-of-touch with its primary mission of working collaboratively with member colleges in order to assist them in meeting Federal requirements for the benefit of their students.

The Commission needs to be opened up to a rigorous and thorough review of their approach to the accrediting process by our elected leaders and the government bodies responsible for overseeing the Commission. ACCJC's decision to terminate CCSF's accreditation is certainly its most appalling decision, but the entire California community college system has been victimized by the high-handed, arbitrary and vindictive approach that has characterized the work of the Commission under its current leadership for the last decade.

Although we applaud Chancellor Harris and the Board of Governors for taking steps to appeal this unjust decision, we have both doubts and questions about the actions being taken today. Most notably, in the case of disaccreditation of Compton Community College District, the ACCJC determined that the College was in violation of Standard One because it did not have a functioning board of its own. In affirming its 2005 disaccreditation of Compton, the Commission specifically relied on the continued appointment of a special trustee to disaccredit, writing:

'The Commission notes that the Chancellor chose to extend [the authority of the special trustee] in June 2005 rather than returning the operations of Compton to its Board of Trustees.'

Ultimately, we have a tremendous level of skepticism that the accreditation climate for California community colleges can normalize or that the educational futures of the Bay Area's deserving students can be restored as long as ACCJC is allowed to continue operating with its current leadership and no effective oversight.

Since last summer City College has turned itself upside down to address the ACCJC's demands. Much has been achieved, but still CCSF, which has served so many so well, is now facing extreme risk of a completely unnecessary closure. More than 80,000 students would be denied access to the quality education CCSF provides.

We are additionally concerned that today's action by the Board of Governors will contribute to significant

downward pressure on this fall's enrollment. Without aggressive community outreach and a comprehensive public relations plan geared to bolster enrollment -- something the administration over the last year failed at miserably -- a downward spiral of enrollment decline followed by loss of funding leading to shrinking the number of course offerings and then fewer students, etc., could ensue.

We hope that in the days and weeks ahead we will witness a new commitment to openness, transparency and accountability that will lead to a real inclusive process allowing for the many dedicated people at the college and throughout the Bay Area to lend their support and participate in a process of renewal and rebuilding of this vital California resource.

The CFT and AFT 2121 believe a robust, thorough, and transparent accrediting process conducted by qualified and legitimate educators -- and that engages the entire education community -- is critical to develop workable short and long term strategies for strengthening academic achievement.

We want CCSF to be an even stronger, better college. And we want an Accrediting Commission that follows state and federal law and its own policies and procedures and that works in partnership with its member institutions.”

Dean Murakami, representing FACCC, called for the recognition of the need for a functioning Board of Trustees at CCSF using the example of Compton College when the State Chancellor appointed a Special Trustee to run the district.

Jim Mahler, president of the CFT Community College Council, recommended that the Board of Governors not pass the motion at this meeting. This would leave time to fully consider the effect of this move on the accreditation of CCSF.

Richard Hansen of the California Community College Independents supported the other speakers and backed up the point regarding the hard work done by the faculty at CCSF. A student spoke in favor of not acting on the motion at this meeting but give time for students to be represented.

Scott Lay of the CCLC spoke in favor of the motion. He did not feel that it attacked the autonomy of local districts.

The six members of the Board of Governors present voted in favor of the motion to add language to regulations which allow for the appointment of a Special Trustee. The Board of Governors lawyer stated that the new language could also allow the Board to appoint a Special Trustee for a college on any level of sanction. Since the change is an emergency change it will come back at the next Board meeting for first reading and could be changed at that point.

A number of speakers including CCSF Trustees, faculty, and students from CCSF spoke against turning the college over to a Special Trustee. They outlined the positive changes that have been made at CCSF in the last year as well as the high quality education that is offered at the college. The Board then approved the appointment of a Special Trustee for CCSF.

Chancellor Harris suggested that the Special Trustee will appoint a permanent Chancellor for CCSF at least by October of 2013. He stated that it will also be important to appoint other permanent administrators at CCSF. Bob Agrella, the current Special Trustee, will be appointed to be the new Special

Trustee. How long he will be in the position is not known at this time. Chancellor Harris and his team will have daily interaction with Agrella.

Compton College - DENIAL OF ACCREDITATION (2005)

After years of poor fiscal management at Compton College, the State Chancellor's Office took control of the Compton Community College and appointed a Special Trustee to oversee and veto any decisions of the Compton elected Board of Trustees. The Board of Governors of the California Community Colleges then voted on August 3, 2004 to suspend, for a period of one year, the authority of the Compton Board of Trustees. The Board of Governors based their decision on their determination that "the Compton Community College District is not in compliance with the principles of sound management as delineated in the Board of Governors' regulations" and "Compton has failed to maintain fiscal integrity and all efforts short of intervention have been unsuccessful."

The State Chancellor appointed the Fiscal Crisis and Management Assistance Team (FCMAT) to investigate Compton College's fiscal status and make recommendations for change. Assembly Bill 1200 created FCMAT in 1991. The mission of FCMAT "is to help California's local educational agencies fulfill their financial and management responsibilities by providing fiscal advice, management assistance, training and other related school business services." FCMAT also "provides management studies for school districts, county offices of education, charter schools and community colleges that request them."

Following the Board of Governors' action to appoint a special trustee, the ACCJC decided to send a 3-person Special Visiting Team to Compton on July 20 and 21, 2004 to investigate. Dr. Beno (then the Executive Director) served as the chair, one CEO (Jan Kehoe, then President of Long Beach CC and Vice-chair of the Commission) was appointed to address the management issue, and one Chief Business Officer (CBO) was chosen to look at the financial side. It should be noted that Long Beach City College is a neighboring district to Compton and would profit in increased enrollment if Compton College were to be closed. The appointment of Kehoe raises issues of conflict of interest but that apparent conflict was never addressed by the Commission. It was also unusual for the Commission to appoint such a small team to review a college. The team appointed was clearly not a team of community college "peers". I am not aware of what role Beno and Kehoe played in the subsequent actions taken by the ACCJC as the votes and discussion are done in private sessions.

FCMAT found that of the approximately 170 "Independent Contractors" in 2002-03, all of them were "likely not qualified to be contractors." Other improprieties were found including using a college "luxury cruiser" for non-educational programs including trips to Las Vegas. In short, FCMAT found serious financial irregularities. One instance of Board of Trustees malfeasance was found, and a board member pled guilty to criminal charges as a result.

The Special Visiting Team "confined its examination of the college to governance, institutional integrity, finance, and human resources issues, although the specific problematic conditions of the college spilled over to include instructional quality and integrity, technology, and financial aid/student records and support services. **Key among these issues was the fiscal viability of the college;** what became evident to that team was the severity of institutional dysfunctions across all areas of college operations."

The Special Visiting Team in 2004 noted in their report that the Board of Trustees used institutional credit cards for personal expenses, it required the College President to purchase five college automobiles for use

by the Board, and outlined other "misuses" of college funds. They felt that the College Business Officer (CBO) appeared to be incompetent and was not able to make corrections recommended by the District's external audits. They found that the President of Compton College had no control over the Deputy Superintendent/Executive Vice President who acted as "the real president."

The Special Visiting Team that visited Compton College on July 20-21 2004 found that the college was out of compliance in three main categories - "fiscal management and stability of the College, personnel practices, and College governance." The fiscal management and stability section dealt with the hiring of a new Business Officer, the implementation of a "strong administrative evaluation systems that will enable the President to better hold administrative staff responsible for their job performance", and that the college should follow the recommendations contained in the FCMAT report, and implement "processes that ensure fiscal stability and integrity."

The personnel practices that "needed improvement" included

- reviewing job descriptions,
- making sure employees are qualified,
- establishment and implementation of a code of ethics,
- a proposed restructure of administration so positions would be based on institutional needs and not the personal qualifications of incumbents, and
- that the college establish professional development programs.

The leadership and governance concerns involved review and revision of governance processes;

- stopping the Board of Trustees from working directly with staff, vendors, and consultants and "delegate to the President the full responsibility for administration and implementation of policy";
- implement training for members of the Board of Trustees using the American Association of Community College Trustees, the ACCJC, and the Association of Governing Boards; "the governing board, administrators, faculty, and staff demonstrate that they are working for the good of the institution and its students";
- "give the President the responsibilities for all operations of the college"; and
- generally assure a strengthened presidency.

The eventual report of the Special Visiting team relied heavily on the FCMAT audit for its findings and their report became the basis for the Commission's judgment in January of 2005.

As is the custom of the ACCJC, the Special Visiting Team suggested sanction was never made public. Compton College had no chance to know what was coming at the January meeting of the ACCJC.

On Jan. 1, 2005, Compton College was not and had not for several years been under ACCJC sanction of any kind. Compton College had not had an ACCJC comprehensive review in 6 years. It was scheduled for one in April of 2005. As a result of the state intervention, the Commission had notified Compton in the early fall of 2004 that it would postpone the comprehensive review for one year to April 2006. This April 2006 review never occurred.

The Commission took action to place Compton College on SHOW CAUSE at its meeting of January 12-14, 2005 and demanded a Progress Report by March 15, 2005 - effectively giving the college less than two months to make any changes in their operations. The college compressed its schedule from 18 to 16 weeks to get students in and out faster, it reorganized its financial aid office, and was on its way to its

highest-ever rate of summer enrollment. The state-appointed interim college president, Jamillah Moore, wrote that Compton College is "in substantial compliance."

Beno and Kehoe and a new CBO (Mike Brady from the Foothill-DeAnza Community College District) served on the subsequent SHOW CAUSE Visiting Team. The April report of the Visiting Team simply reviewed progress, or the lack of it, on the findings of its first report. As is its habit, each finding had a parenthetical reference attached to the applicable standard or eligibility requirement. The presumption in each case was that the finding showed a shortfall in compliance with that requirement/standard. The conclusion of the report read "the team found that while great progress has been made since the State Chancellor's Office assumed control of the College, there is much to be done to repair the damage of years of poor administration and poor Board governance. Although the original reason for the Commission's concern was fiscal instability, there is evidence that the damage is pervasive in the student services and instructional areas. The team does not want to diminish the efforts of members of the College to correct the deficiencies, but to point out how much more will have to be accomplished before the College fully meets the Eligibility Requirements and Standards of Accreditation."

There was no indication in the visiting team report that the college accreditation would be lifted or that the college would not have until 2006 to make the necessary adjustment to avoid termination of accreditation. The visiting team recommended sanction has never been made public.

The Commission then terminated Compton College's accreditation at its June 8-10, 2005 meeting - ten months before ACCJC's own rescheduled review. I do not know what role either Beno or Kehoe played in that decision as the votes and discussions are held in a secret meeting. In any case, in considering the short timeline allowed for corrections, it was clearly the intent of the Commission to not give the college a chance to improve but rather its goal all along was to remove accreditation.

Although accreditation was denied by the Committee on Accreditation for Junior and Community Colleges in June of 2005, the actual withdrawal was held in abeyance pending appeal.

In a letter dated July 25, 2005 Chancellor Darroch F. Young, Chancellor of the Compton College adjoining Los Angeles Community College District, wrote to Dr. Mark Drummond (California Community Colleges Chancellor) and Dr. Barbara Beno regarding the accreditation of Compton Community College. He wrote that "I also believe unequivocally that it is essential to maintain Compton College and the Compton Community College District as an independent entity." He noted that "Compton College is the only community college in the City of Compton. In addition to serving the students from Compton it serves students from the neighboring communities of Carson, Lynwood, Willowbrook and South Los Angeles. Because of the important role the college plays in these communities, **I hope you will give Compton College enough time to correct the problems the Commission and the State Chancellor's Office have identified so that it can maintain its accreditation without disruption and continue to educate students from the communities it serves.**" He concluded noting "Compton College's long and distinguished history" and the "benefit in maintaining Compton College as an independent, single-campus district."

The intervention by the California Community College Board of Governors was intended to help Compton to restore its fiscal integrity. By terminating accreditation, the Commission effectively killed the patient. As we have seen in other actions by the Commission, **the actual quality of the education received by students was never addressed.**

Compton College appealed the decision to the Commission in November, 2005. Compton College argued that, though it did have a malfunctioning Board in violation of the accreditation standard, the state intervention effectively provided an interim correction for the deficiency, by way of the state-appointed Special Trustee who assumed the authority of the Board. The Commission replied that the Special Trustee is not a board and the elected board is still not functioning. In short, **the defining feature of the state intervention became, not a remedy to preserve accreditation, but, in the Commission's view, a grounds for terminating accreditation.** In a letter from to Jamillah Moore, Interim Superintendent-President of Compton College, dated November 18, 2005 the ACCJC explained that "The Commission does not consider a **State appointed trustee**, acting under the "direction and supervision" of the Chancellor as required in the Order, to be the substantive equivalent of an independent policymaking body." The existence of a Special Trustee and a non functioning elected board fails to satisfy the ACCJC Eligibility Requirements for Accreditation which read, in part, "The institution has a **functioning governing board** responsible for the quality, integrity, and financial stability of institution and for ensuring that the institution's mission is being carried out. This board is ultimately responsible for ensuring that the financial resources of the institution are used to provide a sound educational program " and "the governing board is an independent policy-making body capable of reflecting constituent and public interest in board activities and decisions"

The ACCJC took final action to terminate the accreditation of Compton Community College on August 22, 2006.

At the California Community Colleges September 11-12, 2006 meeting of the Board of Governors it was approved for the facilities of Compton Community College to become an off-campus educational center of the El Camino Community College District. It continues to exist as an educational center to this day.

In the 2002-03 Fiscal Year, the last academic year before intervention, the Funded Full-Time Equivalent Students (FTES) stood at 6,150. In the first year of El Camino's Compton Education Center (2006-07) the funded FTES was 2,695. This represents a 56.2% decrease. From 2003-04 to 2005-06, Compton College lost 24.4% of its Full-Time Equivalent Students (FTES). During the same period of time the state total FTES only decreased by 4.7%.

In the Fall Semester of 2006, Compton College had 112 full-time faculty. By 2010 the number had fallen to 82.

Fullerton College – REMOVE WARNING AND MOVE TO ACCREDITATION (2012)

The ACCJC meeting on June 6-8, 2012 removed Fullerton College's Warning and reaffirmed accreditation. Even as the ACCJC approved accreditation it still found that "The Commission requires that a Follow-Up Report be submitted by March 15, 2013. The Follow-Up Report should demonstrate that the institution has addressed the recommendations noted below, resolved the deficiencies, and now meets Accreditation Standards." I am not sure how the ACCJC decides to grant either accreditation or a sanction when the college still has recommendation and "deficiencies" to meet. Their action appears to violate 34 CFR 602.18.

The recommendations made in order to meet the standard or reach Proficiency level are:

- Related to student learning outcomes and timeline. They are directed to “fully address Recommendation 5 of the previous visiting Team report, the Team recommends that the institution accelerate the identification and assessment of course and program-level student learning outcomes, and use the results to make improvements in courses and programs.”
- that “the College fully implement and strengthen its institutional planning process to include: 1) reporting systematically on an agreed upon set of College wide critical indicators and measures that clearly assess the progress of College wide goals; 2) closing the planning loop by evaluating actions taken and then documenting future actions based on the evaluation results; 3) expanding efforts to engage all relevant constituents in a collaborative inquiry process that is facilitated by a broad range of College members; 4) building in mechanisms for regularly evaluating the effectiveness of planning processes; and 5) providing transparency in the institutional planning process by communicating clearly, broadly, and systematically, and by providing, structured, well-defined, opportunities for broad employee participation.”

Again one wonders how the above recommendations differ from other college’s recommendations which received less than full accreditation.

Victor Valley College – PLACED ON PROBATION (2012)

“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 – PLACED ON SHOW CAUSE (2012)

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.**

At the January 9-11, 2013 meeting of the ACCJC, Cuesta College was moved from SHOW CAUSE status to **Warning.** The visiting team recommendations now include:

- A recommendation that the college complete the strategic plan, institute an ongoing systematic evaluation process

- The institution should systematically evaluate and make public how well and in what ways it is accomplishing its purposes, including assessment of student learning outcomes.

Again, the recommendations of the ACCJC have little to do with the actual quality of teaching and learning and the institution. Given that the ACCJC keeps preaching outcomes, ironically their actual standards criteria only consider data on inputs.

Ventura County Community Colleges PLACED ON PROBATION (2012)

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 “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. Mezenek had served on a number of ACCJC visiting teams in the past. 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 three 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.**

At the January 9-11 meeting of the ACCJC all three of the Ventura District Colleges received **reaffirmed accreditation**. The Commission found that the recommendations of the previous visiting team had been addressed, that the associated deficiencies had been resolved, and that the Eligibility, Accreditation

Standards and Commission Policies met. A Midterm Report is now required to be filed by October 15, 2013. The clowns have left the arena but the circus must continue.

Peralta Community College District Colleges – PLACED ON WARNING (2012)

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 and was on the visiting team for the City College of San Francisco evaluation that eventually led to a SHOW CAUSE sanction by the ACCJC which is led by his wife.** It appears that she raised no conflict of interest concern related to her relationship with the Peralta district or to her husband being on the visiting team.

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 was aware of the tax increase proposed for the November 2012 election and the financial uncertainty that all of the California community colleges continue to feel. Even with the passage of the CFT/Governor compromise initiative (Proposition 30) to increase revenue to the state, community colleges will continue to wait until the final budget is passed to know how much state money will be flowing to provide district funding in any given fiscal year.**

At its June 2013 meeting the ACCJC removed the Warning sanctions on Berkeley City College, College of Alameda, Laney College, and Merritt College.

Coast Community College District – PLACED ON WARNING (2013)

Following the trend represented by the Ventura Community College District, all of the colleges in the Coast Community College District were placed on WARNING by the ACCJC at its June 2013 meeting.

The two faculty members on the Orange Coast College 2013 Accreditation Visiting Team were both Coordinators – one of Planning and Program Review and the other Institutional Research. This is not surprising given the emphasis of the Commission on reports and research. The rest of the team were administrators.

The Visiting Team for Coastline College included only one current faculty member - an Instructional Technology Librarian. The team also included Dr. Andrew LaManque, the current president of the Research and Planning Group for California Community Colleges (RP Group) and Ian Walton, a retired faculty member now serving as a Commissioner of ACCJC beginning in July 2013. The rest of the team were administrators.

Hartnell College – PLACED ON PROBATION (2013)

Hartnell College was placed on Probation by the Commission in June of 2013. The college had previously been placed on PROBATION in January of 2007, a WARNING letter in January of 2008, and a fully resolved letter in June of 2009. A midterm report was submitted in January of 2010.

The Spring 2013 Visiting Team from ACCJC had two faculty member. One was an assistant to the Chair of the Committee (both from Solano College). The other faculty member served at her college's Basic Skills Initiative Coordinator and as the faculty inquiry lead for the Lumina project. The other eight members of the team were administrators.

At the June 5-7, 2013 meeting of the ACCJC the Barbara Beno wrote to the college Superintendent/President Dr. Willard Lewallen that the Commission “**considered the Hartnell College Self Evaluation Report, the report of the External Evaluation Team that visited the College March 18-21, 2013, and the supplemental information provided by the College.**” I am not sure how much time they could have spent on this material as they also had to look at such materials from the other twenty colleges under review. I guess it doesn't take the Commission members long to “consider” the documents or they are incredibly fast readers. As with most college sanctions, the criticisms of the college had nothing to do with the quality of instruction offered nor the value of the college to the student. All criticism had to do with process.

The letter went on to state that “The Commission acted to impose **Probation** and require Hartnell College to correct the deficiencies noted. The College is required to complete two **Follow-Up Reports**. The first Report is due by **March 15, 2014**, demonstrating resolution of the deficiencies noted in the 2013 Evaluation Report Recommendations 2, 3, 4, and 12. The second Report is due by **March 15, 2015** and should demonstrate resolution of Recommendations 1, 5, 6, 7, 8, 9, 10, and 11, and demonstrate that the changes and improvements meant to resolve deficiencies and comply with Eligibility Requirements and Accreditation Standards noted in Recommendations 2, 3, 4, and 12 have been sustained. Both reports will be followed by a visit of Commission representatives.”

Beno stated that “However, Hartnell College must correct the deficiencies noted in Recommendations 2, 3, 4, and 12 below no later than **March 15, 2014**, or the Commission will be required to take adverse action.” “Adverse action” in this context means the removal of accreditation status. So, just as in Compton and San Francisco, Hartnell could lose its accreditation because of perceived failure to satisfy the process demands of the ACCJC. The value of the education to the student is not a consideration.

In the March 15, 2014 Follow-Up Report, “Hartnell College must demonstrate that the institution has addressed the recommendations noted above, fully resolved each of the noted deficiencies, and now meets the recommendations, Eligibility Requirements and Accreditation Standards identified in the External Evaluation Team Report.”

Although the letter states that the college “must” meet the Commission's demands, the actual statements by the Visiting Team are called “recommendations.” I am not sure what the team intended as their final recommendation of a sanction is not made public.

Recommendation 2 relates to *recommendations that*

- *The college develop a comprehensive integrated planning process that includes participatory governance and meets both the strategic and annual needs of the college.*
- *all institutional plans of the College (e.g., budgeting, technology, Student Services) be linked to its planning process and*
- *budget planning and allocation of resources inform financial projections*

These all deal with the planning process, not with the education provided to students.

Recommendation 3 relates to **recommendations that**

- *the college develop a regular systematic process for assessing its long term and annual plans, as well as its planning process, to facilitate continuous sustainable institutional improvement.*
- *the college systematically review effectiveness of its evaluation mechanisms*

Again, nothing to do with the educational process itself, just more demands for planning.

Recommendation 4 relates to **recommendations that**

- *the college fully engage in a broad-based dialogue that leads to the identification of Student Learning Outcomes at the course and program levels, and regular assessment of student progress toward achievement of the outcomes.*
- *in order to meet the Standards, the College develop student learning outcomes and assessment that is ongoing, systematic, and used for continuous quality improvement, where student learning improvement in all disciplines is a visible priority in all practices and structures across the College.*
- *training be provided for all personnel in the development and assessment of learning outcomes at the course, program, institution and service levels.*
- *faculty teaching online be evaluated regularly and that assessment of student learning be measured regularly for online students.*

I have spoken to the use of student learning outcomes and the fact that they are not widely accepted as being useful in improving teaching or learning. Many faculty members feel that they are just the latest fad brought forward by groups like ACCJC.

Recommendation 12 relates to **recommendations that**

- *that each board member adhere to the Governing Board's Ethics policy*
- *The board self-evaluation continue to be done with full participation of each board member.*

This is the continuation of the trend of the ACCJC to attempt to direct the elected governing board as to how to act as a board.

The letter from Beno continued “The Follow-Up Report of March 2015 should demonstrate that the institution has fully addressed the **recommendations** noted below, resolved the noted deficiencies, and now meets all recommendations, Eligibility Requirements and Accreditation Standards identified in the External Evaluation Team Report.”

Recommendation 1: the team **recommends that**

- *the college develop a process for regular and systemic evaluation of its mission statement.*

- *the college implement this process to thoroughly review and revise its mission statement to more clearly reflect its intended population and address student learning.*

A continuation more process work, even to change a long standing mission of a college.

Recommendation 5 the team **recommends that**

- *the college create an evaluation and assessment process for the library and support services that is integrated with the college's program review processes, and that includes an assessment of the process for integrating library acquisitions into circulation in a timely manner and how the needs for staffing, maintenance, and technology support are addressed.*
- *the College create a process to evaluate the impact of minimal library and learning support services at the King City Education Center and Alisal Campus to ensure the sufficient availability of library and support services, including better up-to-date counseling online.*

Recommendation 6: “In order to fully meet the standard, the team recommends that the college regularly evaluate the contracted library services outlined in the "Memorandum of Clarification" finalized in March 2013. “

Recommendation 7: In order to meet the standard, the team recommends *that*

- *the college ensure that evaluation processes and criteria necessary to support the college's mission are in place and are regularly and consistently conducted for all employee groups.*
- *professional learning opportunities be formally and regularly offered to all employee groups to ensure equity in employee development opportunities.*
- *faculty and others responsible for learning have as a component of their evaluation effectiveness in producing those student learning outcomes. Use the results of employee evaluations as a basis for continuous improvement.*

The above recommendations attempt to insert the ACCJC into the evaluation of faculty. The evaluation of faculty is a collective bargaining issue in California and by making this demand, the **ACCJC is breaking California law.**

Recommendation 8 relates to **recommendations that**

- *the college establish a stable infrastructure of sufficient administrative personnel to better ensure a consistent level of services to support the institution's mission and purpose.*
- *the college expedite the process to fill vacant and interim positions*

This is just another example of the ACCJC’s attempt to increase the number of administrators on a campus. It is no surprise when the Visiting Team is so highly weighted with administrators. No mention is made of increasing the number of full-time faculty.

Recommendation 9 relates to **recommendations that**

- *the college ensure that program review processes are ongoing, systematic, and used to assess and improve student learning, and that the college evaluate the effectiveness of its program review processes in supporting and improving student achievement and student learning outcomes.*

- *the institution review and refine its program review processes to improve institutional effectiveness; and use the results of program review to clearly and consistently link institutional planning processes to resource allocation, including physical resources.*

Again, more emphasis on planning. No emphasis on the actual educational program offered.

Recommendation 10: “To fully meet the standard the team recommends that the college develop a process for regular and systemic evaluation of all Human Resources and Business and Fiscal Affairs policies. “

Recommendation 11: “To fully meet the standards, the team recommends that the college implement and evaluate a governance model and establish a key participatory governance group to provide an avenue for meaningful input into decision-making including but not limited to resource allocation.”

A good question given the CCSF situation is whether an effective and true participatory system would meet the ACCJC standards or would they claim, as they have, that such a system does not allow for planning that does not cater to the interests of the parties involved.

The Commission then lays down a defensive position for further action: “The recommendations contained in the External Evaluation Team Report represent the best advice of the peer evaluation team at the time of the visit, but **may not describe all that is necessary** to come into compliance.”

And then the hammer is laid down against any dissent: “Institutions are expected to take all actions necessary to comply with Eligibility Requirements, Accreditation Standards and Commission policies. The Commission wishes to remind you that while an institution **may concur or disagree** with any part of the report, the College is expected to use the External Evaluation Report to improve educational programs and services and to resolve issues identified by the Commission.”

It is important to keep an eye on what happens at Hartnell College over the next year. **Will the ACCJC continue its reign of terror by taking away the accreditation of another college for issues that do not affect the education of the students enrolled?**

West Los Angeles College – PLACED ON WARNING (2012)

At the June 6-8, 2012 meeting of the ACCJC, West Los Angeles College was placed on WATCH. The college was ordered to complete a “Follow-Up Report” by March 15, 2013. The Report will be followed up by a visit of Commission Representatives.

In the words of the letter from Barbara Beno dated July 2, 2012, “The Commission wishes to convey its concern that the Los Angeles Community College District is out of compliance with Eligibility Requirements 17 and 18 as noted in the recommendations below. The Commission urges the District and the colleges to rectify these issues that are related to the financial planning and distribution of resources of the District and its ability to resolve continuing concerns expressed in the District's audit. These issues are ongoing and place the District's colleges at risk.” From the above it is clear that the problem, in the eyes of the ACCJC, rest at the District not the college level.

The Recommendations from visiting team included:

- Measurable Goal Setting
- Systemic Evaluation and Planning
- Student Learning Outcomes
- Student Learning and Service Level Outcomes
- College Catalog Currency
- Library Collection Development
- Financial Resources
- Construction Bond Oversight
- District Financial Audit
- District Allocation Model
- Professional Development of Trustees

I have learned that the Visiting Team's recommendation was that the college be fully accredited but that the Commission upped their recommendation to a Warning.

The Visiting Team commended the Los Angeles Community College District on the basis of

- "The district office is commended 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."
- "The district office is commended 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."

In the suggestions above the visiting team basically found that West Los Angeles College needed to "increase effectiveness and improve its compliance" of some standard or "that the college has partially met" previous year suggestions of visiting teams.

West Los Angeles College was commended as follows:

- Student services is to be commended for the pervasive commitment to developing alternative modes of delivery and incorporating appropriate technologies for serving students at a distance and in an effort to develop efficiencies in providing services with shrinking resources.
- West should be commended for the institutional efforts to address equity gaps in student achievement through such programs as *Umoja*, *Puente*, and participation in *Achieving the Dream*
- Student Services should be commended for the focus on developing community partnerships to address gaps in service or specialized services that cannot be provided by college staff and faculty, such as mental health services provided by USC interns; assessments for Child Development Center children with special needs provided by the pediatrics department at St. John's Hospital,

and working with U.S. Vets to provide mental health services and support specific to the needs of Veteran students.

- West Los Angeles College is to be commended for an established governance structure that embraces open, candid dialogue and encourages involvement from all constituent groups in the planning and decision making process
- The team commends the college for expanding its online learning program in a thoughtful and effective way that combines technological and pedagogical innovations while maintaining high instructional training standards, collegial oversight, and a strong commitment to student learning. Both the growth and the quality of the online program are impressive.
- The team commends the college for pursuing and obtaining external funding from various sources including state capital funds, Title V grant, and Predominately Black Institution funding.
- The team commends the college for the attractiveness of the college's campus and its emphasis upon sustainable facilities that provide state of the art classrooms and address ever increasing non-instructional operating costs. The commitment to a clean, welcoming campus is a positive reflection of the culture of the college
- The team commends the college for its CTE programs that strongly emphasize the outcomes of employability, licensure and placement of their students.

West Los Angeles College is clearly a good place to study and to work.

At its June 2013 meeting the ACCJC removed the Warning and returned West Los Angeles College to unblemished accreditation.

Modesto Junior College – PLACED ON PROBATION (2012)

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.

College of the Sequoias – PLACED ON SHOW CAUSE (2013)

At the January 10-11, 2013 meeting of the ACCJC, the College of the Sequoias was placed on SHOW CAUSE. At the time of this action the College of Sequoias had full accreditation status and was under no sanctions. Even though the college had no outstanding issues as a result of their 2006 accreditation, “The Commission found that College of the Sequoias was in substantial non-compliance and that it failed to

meet a significant number of Eligibility Requirements and Accreditation Standards, and failed to address five recommendations, and resolve associated deficiencies, identified for the institution at the time of its last comprehensive evaluation in 2006.”

The College was directed to complete a SHOW CAUSE Report by October 15, 2013 which will include a Closure Report. Action by the ACCJC is scheduled for January 2014.

The complaints against the College of Sequoias from the Commission include

- a. Not having fully defined and published student learning outcomes for all programs
- b. The visiting teams inability to verify that faculty responsibilities include the required assessment of learning
- c. Has not addressed the findings and recommendations in the 2006 comprehensive evaluation (this despite the fact that they had received a full accreditation between 2006 and 2013 and had no outstanding issues prior to the 2013 sanction)

The recommendations from the Evaluation Team include the following:

- The college should “integrate, strengthen, and formalize its planning processes, systematically reviewing and revising them to ensure informed decisions for continuous improvement.”
- “In order to be more effective, the team recommends that the college improve the campus climate by encouraging all constituents to participate in an inclusive dialogue that embodies a culture of respect, civility, and trust.”
- “In order to fully comply with the standards, the team recommends the college increase the research capacity of the institution in order to compile and provide data to guide institutional planning and resource allocation, program review and assessment, and decision-making for institutional effectiveness.”
- “To meet the standard, the team recommends that the college advance its progress on student learning outcomes by regularly assessing those outcomes and using the results to improve student learning and strengthen institutional effectiveness.”
- Improve counseling services for a variety of students
- Improve hiring processes for all employees and “establish a clear connection between employee evaluation and improvement.”
- “the team recommends that the college develop and implement a systematic evaluation of its decision-making and budget development processes and use the results of those evaluations as a basis for improvement.”

In the Special Edition of the February 2001 ACCJC News it is pointed out that “In achieving and maintaining its accreditation a higher education institution assures the public that the institution meets standards of quality, **that the education earned there is of value to the students who earn it, and that employers, trade or professional-related agencies and other colleges and universities can accept a student’s credentials as legitimate.**”

With regard to quality of the educational program and its value to students and others at COS the visiting team found that:

- “COS degree programs are congruent with its mission, are based on recognized patterns of study, and are conducted at levels of quality and vigor appropriate to the degrees offered.
- “COS provides a comprehensive set of student services to all students including online students.

- “the instructional program addresses and meets the mission of the institution. It also verified that the college identifies and meets the educational needs of its student through programs consistent with their educational preparation and the demographics of the community.”
- “students completing vocational certificates and degrees demonstrate technical and professional competencies that meet employment and other applicable state or national standards.”
- “The college provides quality support services to support student learning.”
- “The college creates an environment that encourages personal and civic responsibility, as well as intellectual, aesthetic, and personal development for all of its students.”
- “College of the Sequoias has a qualified staff that is supportive of student learning.”
- “Despite the state budget reductions that have impacted all California Community Colleges, it appears that COS is well run from a financial perspective and is fiscally sound.” It maintains “reserves that exceed the prudent level of 5% of unrestricted expenditures.”

Once again the SHOW CAUSE sanction was imposed in contradiction to what the visiting team recommended and based on issues that have to do with inputs such as processes and evaluations but not on actual student learning or the quality of the programs. Nowhere in the report is there any claim that the students attending the College of the Sequoias are not receiving an excellent education and the credits they earn should not be accepted at other higher educational institutions. Quite the contrary as noted above.

Out of Touch With California Educational Environment

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 meet 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.**

The disinterest in California and federal law and practice is emphasized in the ACCJC Team Evaluator Manual. On page 23 of the August 2012 Manual it advises visiting teams that **“Recommendations should not be based on the standards of governmental agencies, the legislature, or organizations.”**

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 of November 21, 2001

As president of the Community College Council, I wrote the commission on November 21, 2001 objecting to certain policies of the ACCJC. Many of these concerns have magnified over the years. In particular I wrote “The Community College Council of the California Federation of Teachers is opposed to the direction that the new proposed standards (Draft A) has taken. We oppose using so-called “quantifiable outcomes” as the mandated approach to determine effectiveness of education. We believe that many institutions would prefer to use qualitative issues and educational standards as their guide to institutional quality. While a few colleges may wish to use the Total Quality Management approach, we do not believe that it should be imposed on all institutions, especially in light of its still controversial status. We do not believe that the “learning objectives” and “outcomes” approach to education necessarily produces the highest quality educational experience. Many “objectives” that can be easily measured are not important whereas many important results cannot be measured. Education is more than standardized tests - it is a holistic experience which should include social, societal, and self-actualizing goals. The goal of education should include the ability to learn on one’s own, be motivated to work hard in pursuit of truth, and want to continue learning. None of these goals are valued in the new proposed standards.

In Standard III, the new standard requires that “Evaluations of faculty also includes effectiveness in producing stated student learning outcomes.” By defining what evaluation must specifically include, the Commission is entering an area that is the domain of collective bargaining. In the past (Standard Seven), the Commission did not determine how effectiveness would be measured but rather stated that “Criteria for evaluation of faculty include teaching effectiveness, scholarship or other activities appropriate to the area of expertise, and participation in institutional service or other institutional responsibilities.” The change to the required outcome-based criteria is not appropriate. Evaluation processes are best defined at the local level via local expertise and the collective bargaining process and **that is what is required by California law.**”

“We are concerned with the removal of what seemed to be, in the previous standards, a commitment to collegial governance. The changes seem to reflect a veiled attempt to overthrow the gains made through the passage AB 1725 in California. In addition, the new “Vested Authority” section is too prescriptive as to the rights of the chief executive officer. One example is the statement that “(T)he governing board delegates full responsibility and authority to him/her to implement and administer board policies without interference and holds him/her accountable for the operation of the district, system, or college.” This seems more like a “protect administrators” device rather than an accreditation standard. Another example of micro managing by the Commission is the statement in the multi-college district section where it requires that the chief executive “delegates full responsibility and authority to them to implement and administer district or system policies without interference and holds them accountable for the operations of the colleges.”

“The Community College Council also believes that a community college district should be required to comply with the laws and regulations governing districts including those requiring the participation of faculty, staff, and students in the development of district and college policy. Faculty rights and responsibilities are specified and guaranteed in the California Code of Regulations (Title 5) and therefore should be addressed in the accreditation self-study. The issue has been partially addressed in the current standard Ten B.7 in the statement that ‘faculty have established an academic senate or other appropriate organization’ and that “faculty have a substantive and clearly defined role in institutionalized governance.” This language should be continued and enlarged to include classified and student participation. “

The CCC also believes that there should also be a standard directed at the working relations between the district and its collective bargaining agents. It should be noted that most districts currently include faculty unions in the development of policy and in January 2002 will be required to include classified unions as representatives in shared governance. How these arrangements work reflect on the quality of the experience at the college and should be addressed in a standard and reflected in the college self study.

October 13, 2008 Hittelman Letter to ACCJC

Later in October of 2008, acting as the 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."**

December 2008 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.**

a. 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.

b. **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 liaison 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 from Task Force

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 as well as their interest in listening to the voices of the field.

ACCJC Response to Concerns of Chancellor Scott and the Task Force

The ACCJC responded in writing to Jack Scott on January 20, 2012. The response was the same sort of perfunctory and self-serving response that has become common. It is certainly not an example of the unbiased judgment required under 34 CFR 602.23(c). The response 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 feelings 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 is given as to 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?

Carl Friedlander, a member of the Task Force, notes in the March 2013 issue of the Perspective that “In response to a recommendation from the 2009 Chancellor's Office Accreditation Task Force to ‘develop more non-public ways to communicate to campuses their need for improvement,’ ACCJC President Barbara Beno replied that ACCJC ‘moved to all public sanctions...in response to pressures from the DOE.’ Yet other regional accrediting commissions continue to treat and describe ‘Warning’ as ‘a private sanction.’ So is it D.C. or Novato (where ACCJC is based) demanding that all sanctions be public?”

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.**”

The RP Group Findings of February 2011

The Research and Planning Group for California Community Colleges (RP Group) published its research findings regarding community college accreditation policies and practices in February 2011. The title of the report was “Focusing Accreditation on Quality Improvement.” Robert Gabriner directed this project and was, at that time, the director of the RP Group’s evaluation division. He also serves as the director of the doctoral program in educational leadership at San Francisco State University. He served as an accreditation liaison officer and member of numerous accreditation teams over the past twenty years. Before being employed at San Francisco State University he worked at the community college level for forty years as a faculty member, dean of research and planning and vice chancellor for advancement at City College of San Francisco.

The research project grew out of a conversation at a joint conference of the Research and Planning Group for California Community Colleges (RP Group) and the Chief Information Systems Officers Association (CISOA) held in April 2009. The RP Group's board was concerned with the increasing number of community colleges in the state receiving sanctions from the ACCJC. Concerns revolved around the training of visiting evaluation teams, inconsistent application of accreditation standards by the commission, ACCJC’s focus on compliance instead of on student success and institutional improvement, and the degree of culpability on the part of the colleges being sanctioned. The RP Group decided to look at practices of other regional commissions and compare what was happening in California with what was happening elsewhere across the country.

The Preface to the report states that “The RP Group knew that weighing in on this issue held some risk; the debate on accreditation was growing contentious. ACCJC asserted that college leadership had to take responsibility for the sanctions received by their institutions, while college leadership pointed to the commission as the problem. Wasn’t it safer for the RP Group to let the institutions work with ACCJC and

stay on the sidelines?” In the end, they decided to go forward with “the hope of moving the discussion in a positive direction.” Even though the report did not have that effect as the controversy is even more heated today, as this paper points out, but the findings are worth looking at. One note of interest is that Barbara Beno, current President of the ACCJC, was one of the founders of the RP Group.

To find out what was happening with regard to the ACCJC the RP Group interviewed staff and faculty from five colleges in the region. In order to keep remarks confidential the five colleges were denoted by College A, B, C, D, and E. The need to keep them confidential may result as much from fear to speak truthfully about the excesses of the Commission as it is a sometimes used research procedure. The colleges were both large and small, urban and suburban.

Their results echo the concerns of this paper.

Three of the five CEOs from the colleges were “dissatisfied with ACCJC’s approach” to compliance. One is quoted as saying “I don’t know how much compliance really improves us all especially if its strict compliance with the attitude the commission has exhibited in the recent past in that you will do it our way.”

One faculty member was quoted as saying “The self-study should be about celebrating what you do well and identifying what needs to improve and not just how we can best get through this nightmare.” Many of the faculty and staff responded in a similar manner but some administrators felt that the tough accreditation application help force faculty to adapt more readily to changes forced on the colleges by the ACCJC and gave them the leverage they needed to force change. As one CEO said “Many times its been a nice stick to get people to change.” In short, it made some CEOs job easier. The use of a stick is one way of educating but not one that most educators believe in today as a way of making real and productive changes. Of course the fact that between 2004 and 2008, a total of 40 California community colleges had received a sanction makes the argument stronger for the CEO that needs to use a stick in order to get the attention of his or her faculty and staff.

This was reflected in the belief by many of those interviewed that “ACCJC has not succeeded in creating a culture in the region that focuses on quality improvement” and that the “actions of the commission appear to emphasize compliance over improvement and process over outcomes.” In short, “a commission that emphasizes compliance rather than improvement, real and lasting change is difficult to achieve.”

One ALO noted that “the high proportion of institutions on sanctions has created a culture of fear among California community colleges.” Avoiding sanctions was critical to most respondents, not the need to make actual institutional improvements or focus on the actual teaching that goes on in the institution.

An IR director was quoted as saying that “We switched from seriously looking at program review as improvement, with always some worry about compliance, to just focusing on compliance. Our administrators are so overloaded that they’re just trying to comply. They have a lot more work to do and their attitude has shifted more towards survival and we get through this.” This feeling is repeated many times in the report.

Many of those interviewed did not believe that the Commission and its staff helped colleges very much and did not look carefully at their own practices. They felt that “the commission is not being receptive to constructive criticism and not encouraging feedback from the colleges and expressed concerns about retaliation. One CEO said it directly: “People are fearful to give open, honest feedback for fear of

retribution.” In talking to a number of people across the state, I have found the feeling of fear of reprisal at epidemic levels. Some might even connect the issuance of the RP report with the SHOW CAUSE sanction on CCSF.

There was also much concern on the part of those interviewed that the Commission was not consistent in the application of sanctions. As one ALO said “teams are at times unclear what warrants a sanction and what the distinction between being placed on warning or probation.” Many of the responses to the RP Group involved how much harsher to Commission was a compared to the visiting teams in the placement of sanctions. The group found that “interviewees expressed two concerns related to a perception that the commission did not value the work or judgment of the evaluation teams. First interviewees commented that the commission makes changes to team reports and second, that the commission will take more severe action than what was recommended by the evaluation team. The CEOs from Colleges A, B, and D all had served as evaluation team chairs and all reported having experienced one of both of these results.” “College B’s CEO, who has chaired several evaluation teams, shared that the commission’s action on accreditation status was in every case more severe than what his last three teams recommended.”

Training for evaluation teams was criticized on a number of grounds including “you can’t train somebody for two days and think they understand accreditation.” Some descriptions of the ACCJC training were:

1. Waste of time
2. horrible, nothing but talking heads, very confusing and mystifying process and kind of unrealistic too
3. not effective or engaging
4. little value
5. massive PowerPoint slide presentation that’s almost too fast to learn anything
6. inconsistent information
7. lack of applicable training and absence of quality assurance
8. conflicting information at different trainings
9. emphasis on rules and policies, but not how to apply them

In short, “ACCJC respondents indicated that the commission’s training lack cohesion and shared concerns about the timing, quality, consistency and relevance of the commission’s offerings.” “The commission shared that in their view, colleges and constituent groups should lead training and effective practice sharing.” Their capacity was limited by the size and scope to address a full professional development program.

One question that stuck out in the study was whether the amount of work necessary to write a successful college report as well as the work involved in making big changes in a short period of time were justified by the changes made. Most of those responding said that benefits achieved through ACCJC accreditation did not justify the “significant amount of time, effort and resources invested by institutions in the accreditation process and in particular the development of the self-study report.”

Attacks on Board of Trustee Members

Among the reasons given for sanctions for **twenty colleges** at the January 2012 meeting of the ACCJC were “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.”

The ACCJC has entered a stage of micro-managing of district-level operations through sanctions on the colleges of multi-college districts. This includes attempting to dictate to college governing boards how they should operate. 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.

Standard Ten of the ACCJC relates to elected Boards of Trustees in the community colleges. In Section A. Governing Board it calls for:

“A.1 The governing board is an independent policy-making board capable of reflecting the public interest in board activities and decisions. It has a mechanism for providing for continuity of board membership and staggered terms of office.

A.2 The governing board ensures that the educational program is of high quality, is responsible for overseeing the financial health and integrity of the institution, and confirms that institutional practices are consistent with the board-approved institutional mission statement and policies.

A.3 The governing board establishes broad institutional policies and appropriately delegates responsibility to implement these policies. The governing board regularly evaluates its policies and practices and revises them as necessary.

A.4 In keeping with its mission, the governing board selects and evaluates the chief executive officer and confirms the appointment of other major academic and administrative officers.

A.5 The size, duties, responsibilities, ethical conduct requirements, structure and operating procedures, and processes for assessing the performance of the governing board are clearly defined and published in board policies or by-laws. The board acts in a manner consistent with them.

A.6 The governing board has a program for new member orientation and governing board development.

A.7 The board is informed about and involved in the accreditation process.”

While the above may seem reasonable on its fact, the actual application is quite different. The ACCJC under Beno’s leadership is attempting to dictate how governing board members behave as elected public servants and how they should act against trustees that are not following the district party line.

Barbara Beno at the California Community College Trustees Annual conference held on May 5, 2012 cautioned those in attendance that "boards must recognize which members need help, and then provide the help." She goes on to claim that "Only the board can regulate its members!" This statement, of course, overlooks the role of the voters to decide whether they approve of the behavior of their elected board members.

In her presentation Beno noted the following steps for "Improving Board Performance"

- Board Policies
- New Trustee Orientation/Changes in BOT
- Mentoring
- Prompt Feedback/Correction when Behaviors Stray
- Continuous Training
- Individual Training
- Board Warning

- Board Censorship
- Legal Action

Presumably, if the above are not followed by a board, sanctions on their district will follow.

Beno is a strong advocate for no dissenters on the board. She has been quoted in training before administrators and trustees as saying that "once the board reaches a decision, it acts as a whole. It advocates for and defends the institution and protects it from undue influence or pressure." There should be an expectation of a "commitment to board decisions." She wants boards to "avoid public conflict" and once a decision is made, all board members must publically support the action of the board or "risk an accreditation ding." This is not the way democracy should work nor is it the role of accrediting agencies to dictate to governing boards how they will function, but if local governing boards were to seriously follow her advice to defend and protect from undue influence or pressure, then they should make clear to all what the ACCJC is doing to destroy their districts.

Beno calls on boards to "represent the entire community and not single interests." Although not stated above, Beno's major target for "undue influence" are the unions that help elect governing board members and the students and community members that speak at board meetings. On a number of occasions, including at a recent conference of the Community College League of California, Beno spoke to unions having undue influence on "problem boards." With regard to unions she is quoted as saying "Frankly, the unions come in and institutional effectiveness is politically driven." She stated that "some boards are so politically weak, they cave to contracts they can't afford. Although they are elected by some folks, once they take office they need to stay focused on institutional effectiveness. If you keep this in mind, it will help you from being distracted and bending to political pressure." Again, not much understanding of democracy and how it works.

Beno does not want Boards to "micro-manage" the district but rather leave the responsibilities and authority to implement and administer board policies to the local CEO "without board interference." The operation of the district is to be in the hands of the CEO instead of the elected board.

Among the many recent "dings" for discussing public issues in public are the following:

Los Angeles Southwest College

The Visiting Team at Southwest College accurately described the Los Angeles Community College District as being run by a publically elected board. "LASC is one of nine constituent colleges of the Los Angeles Community College District (LACCD). The District Board of Trustees is a seven-member policy-making body. Board members are elected for four-year terms district-wide by voters in the city of Los Angeles and in neighboring cities without their own community college districts. Elections are staggered, with three or four seats filled every two years. An advisory student member is elected annually district-wide. The Board governs through policies that ensure and secure the academic and fiscal integrity of the constituent institutions. A policy on conflict of interest assures that conflicting interests are disclosed, and do not interfere with the impartiality of board members in decision-making."

In their "Findings and Evidence they found that: "The Board of Trustees is an independent policy making body that serves the public's interest; uniting to support local planning decisions made through shared governance processes. In the self-evaluation of Standard IVB.I.a, the board members are reported to work

together collaboratively; however, in their recent Board Self-Evaluation (spring 2012) there is evidence that describes the Board's communications to be **disrespectful of one another and the administration**. In interviews, the Board Members described **spirited dialogue rather than arguments**, and reported that their outcomes were better vetted through this open communication style. Additionally, the evaluation described some board members as coming to the meetings unprepared and not giving their full attention to speakers during board meetings.”

“Recently in the Board of Trustees Self-Evaluation Survey, participants reported that the Board focuses too much on processes that should be delegated and not enough time on policy matters; that the work of the **Board of Trustees Committees is departing from oversight and policy level and becoming directive at the operational level**, to include micro-managing the Chancellor and his decisions. The Board has been participating in several retreats this year and has one more planned before the end of the academic year. Evidence from interviews of trustees reveals a willingness to continue to refine their roles and attend to issues of collaboration, delegation and focused responsibilities. “

Ventura College

In the letter of February 1, 2012 to Ventura College the Commission stated the following: “Commission Concern: The team report confirmed that the board development activities had been provided and all board members were encouraged to attend. At the same time, the team expressed concern about the consistency and long-term sustainability of the Board’s demonstration of its primary leadership role and reiterates its recommendation for **evidence of ongoing professional development for all Board members**. Specifically, the Commission notes a **particular board member’s disruptive and inappropriate behavior and the entire board’s responsibility to address and curtail it.**” I have addressed this issue elsewhere in this paper.

It is clearly time for governing board members to organize themselves and confront the ACCJC on its attempt to interfere with the functioning of democratically elected boards. After all, the governing boards are not playgrounds where children are to be disciplined for bad behavior but rather a part of the sometimes dynamic democratic process in California.

CFT letter of January 8, 2013 Concerning Failure to Obey Timelines

On January 8, 2013, the CFT President Josh Pechthalt wrote the ACCJC a letter outlining the CFT’s concerns with the ACCJC’s Failure to Comply With Its Policies Regarding the Agenda for the Meetings of January 9-11, 2013. The CFT expressed its frustration in trying to find out about the January meeting. CFT wrote “Our lawyers contacted the Commission on November 8, 2012, and December 13, 2012. On each occasion Commission staff advised us that the Commission meeting was not a public meeting, and on that basis declined to apprise us of the location of the meeting. Given the detailed agenda, which we located on the Commission website on January 4, it seems highly unlikely that on November 8 or December 13 Commission staff thought the meetings of January 9-11 were not intended as public meetings.”

The Commission rules call for a 30 day notice. CFT wrote that “Only two weeks ago, long **after** the Commission's 30 day deadline for giving notice had elapsed, and after the 15 day time limit for the public to submit notice of a desire to speak to the Commission, did the ACCJC website finally indicate that the meeting of January 9-11, 2013, would occur in Burlingame, at the Hyatt. It was not until around January 4, 2013, however, that the [preliminary]

agenda for January 9, finally appeared on the Commission's website and expressly indicated there would be a public meeting. This means that **proper notice was "posted" about 25 days late.**"

The CFT letter concluded that "If our understanding of the facts is accurate, the Commission has failed to satisfy its declared policy of "supporting" and "encouraging" the presence of the public at its meetings. It is difficult not to conclude that by the way it neglects to provide notice to the public of its activities, the Commission actually seeks to discourage or effectively restrict public attendance and comment at its meetings." The CFT requested that the Commission defer all actions until their next meeting. **The Commission failed to defer actions taken.**

Hittelman Complaint/Comment of April 30, 2013

On April 30, 2013 I sent a complaint and third party comment to the ACCJC with a copy to accreditationscommittees@ed.gov. The complaint was as follows:

“*Name of Institutions: ACCJC, Coastline College, Copper Mountain College, Gavilan College, Hartnell College, Imperial Valley College, Los Angeles Mission College, Los Angeles Pierce College, Los Angeles Valley College, Orange Coast College, San Joaquin Valley College, City College of San Francisco, College of the Sequoias, Barstow Community College, El Camino College, Los Angeles Harbor College, Los Angeles Southwest College, West Los Angeles College, Merced College, College of Alameda, Berkeley City College, Laney College, Merritt College, College of the Redwoods, Cuesta College, Santa Barbara City College, Solano Community College, Victor Valley College, Columbia College, Modesto Junior College, Woodland Community College, Yuba College

Your Relationship to the Institution:

Former Faculty Member (Los Angeles Harbor College, Los Angeles Valley College)

Interested Party (state relationship): Emeritus Professor of Mathematics, Los Angeles Valley College; Emeritus President, California Federation of Teachers; Former President, California Federation of Teachers Community College Council

Please provide any comment about the institution's quality or effectiveness:

What is the basis of your comment? This is a complaint against the Commission as well as a third party comment related to the June 2013 reviews of the above colleges. The complaint and comment outline recent Commissions violations of standards and policies including, but not limited to, failure of ACCJC to follow its own timelines, conflict of interests, misapplication of standards, lack of concise standards, respect for due process rights, lack of consistent basis for sanction levels, arbitrary and inconsistent use of standards, failure to provide the public with transparency in its operations, failure to properly train visiting teams, interference in the collective bargaining processes, attempting to replace local governing board policies and procedures with those that the Commission prefers, and others as outlined in attached the documents: ACCJC Gone Wild by Martin Hittelman and Focusing Accreditation on Quality Improvement by the RP Group.

All current sanctions should be removed and no new sanctions imposed until the ACCJC corrects all of the attached violations.

A Complaint and Third Party Form will also be filed with the National Advisory Committee on Institutional Quality and the U.S. Department of Education in order to oppose reaccreditation of the ACCJC.

Submitted as an attachment to: accjc@accjc.org

April 30, 2013”

ACCJC Response of May 31, 2013

I finally received a response to a follow-up question questioning why my complaint and comment had not been replied to. The following letter arrived on June 4, 2013. This was another violation of ACCJC rules not only in terms of timing but also the lack of any analysis of what I claimed. It also violates federal law (34 CFR Section 602.23(c) which requires that the Commission “review in a timely, fair and equitable manner, and apply unbiased judgment, to any complaints against it”. It violated this provision with the CFT complaint due to failure to fulfill any part of that requirement. It violated this provision in my case by never making a judgment.

“This acknowledges receipt of the Third Party Comment materials, dated May 29, 2013, you sent to the ACCJC. The matter is being reviewed in accordance with ACCJC policy and procedures.

Please note that Third Party Comment does not entail further communication with the correspondent, unless further clarification is needed. The materials are initially reviewed by Commission staff to determine whether the matter applies to an institution's compliance with Eligibility Requirements, Accreditation Standards, and Commission policies. Then, for applicable Third Party Comment:

If an institution is undergoing a comprehensive evaluation, the materials are provided to the team for inclusion in its evaluation of the college.

At other times, applicable Third Party Comment may be used as the basis for requesting an institution to provide additional information to the Commission. The additional information is then reviewed and followed up in accordance with normal monitoring processes of the Commission.

As a general rule, applicable Third Party Comment is provided to the institution for review following the Commission staff review. In specific circumstances, provision to the institution may be delayed in order to meet investigative or regulatory needs for confidentiality.

Lastly, please note on our website the recent posting concerning a complaint response. Thank you for your interest in the academic quality and institutional effectiveness of our member institution. We appreciate your effort in sharing this information with us.

Sincerely,

The Accrediting Commission for Community and Junior Colleges”

June 26, 2013 Hittelman Response

On June 26, 2013 I sent the following e-mail:

“June 26, 2013
Krista Johns
kjohns@accjc.org

On May 30, 2013 I sent the ACCJC the following. I am bolding those portions that were related to the complaint against the ACCJC. **It seems clear to me that any one who actually read the complaint/comment would have understood that I was referring to both.** I am not sure how your office missed this. In any case, here it is again but this time I have attached my latest version of ACCJC Gone Wild.”

“Accrediting Commission for Community and Junior Colleges
Western Association of Schools and Colleges

THIRD PARTY COMMENT FORM

***Name of Third Party:** Martin Hittelman
***Email and Phone Number:** martyhitt@gmail.com (323) 644-2859
***Address:** 2475 Moreno Drive, Los Angeles, CA 90039
***Date:** April 29, 2013

***Name of Institutions:** ACCJC, Coastline College, Copper Mountain College, Gavilan College, Hartnell College, Imperial Valley College, Los Angeles Mission College, Los Angeles Pierce College, Los Angeles Valley College, Orange Coast College, San Joaquin Valley College, City College of San Francisco, College of the Sequoias, Barstow Community College, El Camino College, Los Angeles Harbor College, Los Angeles Southwest College, West Los Angeles College, Merced College, College of Alameda, Berkeley City College, Laney College, Merritt College, College of the Redwoods, Cuesta College, Santa Barbara City College, Solano Community College, Victor Valley College, Columbia College, Modesto Junior College, Woodland Community College, Yuba College

Your Relationship to the Institution:

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operations, failure to properly train visiting teams, interference in the collective bargaining processes, attempting to replace local governing board policies and procedures with those that the Commission prefers, and others as outlined in attached the documents: *ACCJC Gone Wild* by Martin Hittelman and *Focusing Accreditation on Quality Improvement* by the RP Group.

All current sanctions should be removed and no new sanctions imposed until the ACCJC corrects all of the attached violations.

A Complaint and Third Party Form will also be filed with the National Advisory Committee on Institutional Quality and the U.S. Department of Education in order to oppose reaccreditation of the ACCJC.

Submitted as an attachment to: accjc@accjc.org



April 30, 2013”

If you read the attached documents you will see on what basis these charges are being made.

I will be filing a new complaint after the new sanctions come out that will include the exclusion of the public from your so-called public meeting in June and any new variances from you policies and procedures.

Martin Hittelman

June 26, 2013”

June 28, 2013 Response from ACCJC

In a letter dated June 28, 2013 I received a letter from Cheri Sixby, Executive Assistant to the President of the ACCJC saying that they have received my complaint of June 26, 2013 and that Barbara Beno had delegated a review of my complaint to Krista Johns, Vice President for Policy and Research. My “complaint of June 26” was actually just a reiteration of my complaint of April 20, 2013. In any case, Krista Johns was assigned to contact me with any questions and “a response or notification will come within 30 days of receipt of the complaint.”

The Commission never responded to my original complaint/comment of April 30, 2013.

Conclusion

Again, quoting Carl Friedlander, “ACCJC sanctions colleges with a frequency and ferocity unheard of in any other region of the U.S. (or in the four-year section of WASC). The comparative data is clear and mind-boggling.”

“Meeting and documenting compliance with accreditation standards is not a favorite faculty activity anywhere in American higher education—especially in the brave new world of Student Learning Outcomes (SLO's).

“Faculty across the country may grouse about the work involved in accreditation, but only in the California community colleges do faculty find themselves fantasizing about shifting to a new Commission that can accredit our colleges or even substituting state oversight for ACCJC oversight. We consider these desperate alternatives because the relationship between ACCJC and the California community colleges has become rather toxic.”

“These kinds of behaviors by ACCJC leadership compound the problem of the federal pressures and make many faculty feel that accreditation in California today has almost nothing to do with "peer and professional review" and is instead about ACCJC spearheading an aggressive (and, many believe, misguided) "reform" agenda. **Spearheading a "reform" campaign is not the business of an accrediting commission.**”

It is sad that the ACCJC has not acted on its understanding of what the colleges have been facing in determining reasonable sanctions. Instead, it 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.

Although I am not yet convinced that the sanctions and recommendations of the ACCJC and their use of grants from groups that seem more interested in privatizing education than expanding public education indicates that the ACCJC itself has an interest in privatization, many in the community college family are convinced. For example, some believe that “In view of the extraordinarily high number of colleges the ACCJC has sanctioned recently, in comparison to the very low number in the rest of the country, many of us have concluded that ACCJC has exceeded its public-policy scope and authority and the accreditation crisis is part of a larger movement to downsize and privatize community colleges.”

I do believe that a number of college administrators and trustees have attempted to use the club of the Commission to force educational and collective bargaining condition changes that do not advance the quality of the institution or the service to students. Often the changes imposed result in the erosion of community support, laying off of critical faculty and staff, cuts in benefits and pay (and the resulting unfair labor charges), changes in the collegial governance systems, a breakdown of communication between administration and staff, and even a loss in support for the treasured California Master Plan for Higher Education. These actions often negatively affect long established employee working conditions as well as the collegial atmosphere on campus. In short, the current “my way or the highway” attitude of the Commission is helping to change community colleges in California in negative ways.

34 Code of Federal Regulation (CFR) – Relevant Sections

34 CFR 602.13 **Acceptance of the agency by others.**

The agency must demonstrate that its standards, policies, procedures, and decisions to grant or deny accreditation are widely accepted in the United States by—

- (a) Educators and educational institutions; and
- (b) Licensing bodies, practitioners, and employers in the professional or vocational fields for which the educational institutions or programs within the agency's jurisdiction prepare their students.

34 CFR § 602.15 **Administrative and fiscal responsibilities.**

The agency must have the administrative and fiscal capability to carry out its accreditation activities in light of its requested scope of recognition. The agency meets this requirement if the agency demonstrates that—

- (a) The agency has—
 - (1) Adequate administrative staff and financial resources to carry out its accrediting responsibilities;
 - (2) Competent and knowledgeable individuals, qualified by education and experience in their own right and trained by the agency on their responsibilities, as appropriate for their roles, regarding the agency's standards, policies, and procedures, to conduct its on-site evaluations, apply or establish its policies, and make its accrediting and preaccrediting decisions, including, if applicable to the agency's scope, their responsibilities regarding distance education and correspondence education;
 - (3) Academic and administrative personnel on its evaluation, policy, and decision-making bodies, if the agency accredits institutions;
 - (4) Educators and practitioners on its evaluation, policy, and decision-making bodies, if the agency accredits programs or single-purpose institutions that prepare students for a specific profession;
 - (5) Representatives of the public on all decision-making bodies; and
 - (6) Clear and effective controls against conflicts of interest, or the appearance of conflicts of interest, by the agency's—
 - (i) Board members;
 - (ii) Commissioners;
 - (iii) Evaluation team members;
 - (iv) Consultants;
 - (v) Administrative staff; and
 - (vi) Other agency representatives; and
- (b) The agency maintains complete and accurate records of—
 - (1) Its last full accreditation or preaccreditation review of each institution or program, including on-site evaluation team reports, the institution's or program's responses to on-site reports, periodic review reports, any reports of special reviews conducted by the agency between regular reviews, and a copy of the institution's or program's most recent self-study; and
 - (2) All decisions made throughout an institution's or program's affiliation with the agency regarding the accreditation and preaccreditation of any institution or program and substantive changes, including all correspondence that is significantly related to those decisions.

34 CFR § 602.17 **Application of standards in reaching an accrediting decision.**

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 demonstrates that it—

- (a) Evaluates whether an institution or program—
 - (1) Maintains clearly specified educational objectives that are consistent with its mission and appropriate in light of the degrees or certificates awarded;
 - (2) Is successful in achieving its stated objectives; and
 - (3) Maintains degree and certificate requirements that at least conform to commonly accepted standards;
- (b) Requires the institution or program to prepare, following guidance provided by the agency, an in-depth self-study that includes the assessment of educational quality and the institution's or program's continuing efforts to improve educational quality;
- (c) 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;
- (d) Allows the institution or program the opportunity to respond in writing to the report of the on-site review;
- (e) Conducts its own analysis of the self-study 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 appropriate information from other sources to determine whether the institution or program complies with the agency's standards;
- (f) Provides the institution or program with a detailed written report that assesses—
 - (1) The institution's or program's compliance with the agency's standards, including areas needing improvement; and
 - (2) The institution's or program's performance with respect to student achievement; and
- (g) Requires institutions that offer distance education or correspondence education to have processes in place through which the institution establishes that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the course or program and receives the academic credit. The agency meets this requirement if it—
 - (1) Requires institutions to verify the identity of a student who participates in class or coursework by using, at the option of the institution, methods such as—
 - (i) A secure login and pass code;
 - (ii) Proctored examinations; and
 - (iii) New or other technologies and practices that are effective in verifying student identity; and
 - (2) 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.

34 CFR § 602.18 Ensuring consistency in decision-making.

The agency must consistently apply and enforce standards that respect the stated mission of the institution, including religious mission, and that ensure that the education or training offered by an institution or program, including any offered through distance education or correspondence education, is of sufficient quality to achieve its stated objective for the duration of any accreditation or preaccreditation period granted by the agency. The agency meets this requirement if the agency—

- (a) Has written specification of the requirements for accreditation and preaccreditation that include clear standards for an institution or program to be accredited;
- (b) Has effective controls against the inconsistent application of the agency's standards;
- (c) Bases decisions regarding accreditation and preaccreditation on the agency's published standards;
- (d) Has a reasonable basis for determining that the information the agency relies on for making accrediting decisions is accurate; and
- (e) Provides the institution or program with a detailed written report that clearly identifies any deficiencies in the institution's or program's compliance with the agency's standards.

34 CFR § 602.20 **Enforcement of standards.**

- (a) If the agency's review of an institution or program under any standard indicates that the institution or program is not in compliance with that standard, the agency must—
- (1) Immediately initiate adverse action against the institution or program; or
 - (2) Require the institution or program to take appropriate action to bring itself into compliance with the agency's standards within a time period that must not exceed—
 - (i) Twelve months, if the program, or the longest program offered by the institution, is less than one year in length;
 - (ii) Eighteen months, if the program, or the longest program offered by the institution, is at least one year, but less than two years, in length; or
 - (iii) Two years, if the program, or the longest program offered by the institution, is at least two years in length.
- (b) If the institution or program does not bring itself into compliance within the specified period, the agency must take immediate adverse action unless the agency, for good cause, extends the period for achieving compliance.

34 CFR § 602.21 **Review of standards.**

- (a) The agency must maintain a systematic program of review that demonstrates that its standards are adequate to evaluate the quality of the education or training provided by the institutions and programs it accredits and relevant to the educational or training needs of students.
- (b) The agency determines the specific procedures it follows in evaluating its standards, but the agency must ensure that its program of review—
- (1) Is comprehensive;
 - (2) Occurs at regular, yet reasonable, intervals or on an ongoing basis;
 - (3) Examines each of the agency's standards and the standards as a whole; and
 - (4) Involves all of the agency's relevant constituencies in the review and affords them a meaningful opportunity to provide input into the review.
- (c) If the agency determines, at any point during its systematic program of review, that it needs to make changes to its standards, the agency must initiate action within 12 months to make the changes and must complete that action within a reasonable period of time. Before finalizing any changes to its standards, the agency must—
- (1) Provide notice to all of the agency's relevant constituencies, and other parties who have made their interest known to the agency, of the changes the agency proposes to make;
 - (2) Give the constituencies and other interested parties adequate opportunity to comment on the proposed changes; and
 - (3) Take into account any comments on the proposed changes submitted timely by the relevant constituencies and by other interested parties.

34 CFR § 602.23 **Operating procedures all agencies must have.**

- (a) The agency must maintain and make available to the public written materials describing—
- (1) Each type of accreditation and preaccreditation it grants;
 - (2) The procedures that institutions or programs must follow in applying for accreditation or preaccreditation;
 - (3) The standards and procedures it uses to determine whether to grant, reaffirm, reinstate, restrict, deny, revoke, terminate, or take any other action related to each type of accreditation and preaccreditation that the agency grants;

- (4) The institutions and programs that the agency currently accredits or preaccredits and, for each institution and program, the year the agency will next review or reconsider it for accreditation or preaccreditation; and
- (5) The names, academic and professional qualifications, and relevant employment and organizational affiliations of—
 - (i) The members of the agency's policy and decision-making bodies; and
 - (ii) The agency's principal administrative staff.
- (b) In providing public notice that an institution or program subject to its jurisdiction is being considered for accreditation or preaccreditation, the agency must provide an opportunity for third-party comment concerning the institution's or program's qualifications for accreditation or preaccreditation. At the agency's discretion, third-party comment may be received either in writing or at a public hearing, or both.
- (c) The accrediting agency must—
 - (1) Review in a timely, fair, and equitable manner any complaint it receives against an accredited institution or program that is related to the agency's standards or procedures. The agency may not complete its review and make a decision regarding a complaint unless, in accordance with published procedures, it ensures that the institution or program has sufficient opportunity to provide a response to the complaint;
 - (2) Take follow-up action, as necessary, including enforcement action, if necessary, based on the results of its review; and
 - (3) Review in a timely, fair, and equitable manner, and apply unbiased judgment to, any complaints against itself and take follow-up action, as appropriate, based on the results of its review.
- (d) If an institution or program elects to make a public disclosure of its accreditation or preaccreditation status, the agency must ensure that the institution or program discloses that status accurately, including the specific academic or instructional programs covered by that status and the name, address, and telephone number of the agency.
- (e) The accrediting agency must provide for the public correction of incorrect or misleading information an accredited or preaccredited institution or program releases about—
 - (1) The accreditation or preaccreditation status of the institution or program;
 - (2) The contents of reports of on-site reviews; and
 - (3) The agency's accrediting or preaccrediting actions with respect to the institution or program.
- (f) The agency may establish any additional operating procedures it deems appropriate. At the agency's discretion, these may include unannounced inspections.

34 CFR § 602.25 **Due process.**

The agency must demonstrate that the procedures it uses throughout the accrediting process satisfy due process. The agency meets this requirement if the agency does the following:

- (a) Provides adequate written specification of its requirements, including clear standards, for an institution or program to be accredited or preaccredited.
- (b) Uses procedures that afford an institution or program a reasonable period of time to comply with the agency's requests for information and documents.
- (c) Provides written specification of any deficiencies identified at the institution or program examined.
- (d) Provides sufficient opportunity for a written response by an institution or program regarding any deficiencies identified by the agency, to be considered by the agency within a timeframe determined by the agency, and before any adverse action is taken.
- (e) Notifies the institution or program in writing of any adverse accrediting action or an action to place the institution or program on probation or show cause. The notice describes the basis for the action.

- (f) Provides an opportunity, upon written request of an institution or program, for the institution or program to appeal any adverse action prior to the action becoming final.
- (1) The appeal must take place at a hearing before an appeals panel that—
 - (i) May not include current members of the agency's decision-making body that took the initial adverse action;
 - (ii) Is subject to a conflict of interest policy;
 - (iii) Does not serve only an advisory or procedural role, and has and uses the authority to make the following decisions: to affirm, amend, or reverse adverse actions of the original decision-making body; and
 - (iv) Affirms, amends, reverses, or remands the adverse action. A decision to affirm, amend, or reverse the adverse action is implemented by the appeals panel or by the original decision-making body, at the agency's option. In a decision to remand the adverse action to the original decision-making body for further consideration, the appeals panel must identify specific issues that the original decision-making body must address. In a decision that is implemented by or remanded to the original decision-making body, that body must act in a manner consistent with the appeals panel's decisions or instructions.
- (2) The agency must recognize the right of the institution or program to employ counsel to represent the institution or program during its appeal, including to make any presentation that the agency permits the institution or program to make on its own during the appeal.
- (g) The agency notifies the institution or program in writing of the result of its appeal and the basis for that result.
- (h) (1) The agency must provide for a process, in accordance with written procedures, through which an institution or program may, before the agency reaches a final adverse action decision, seek review of new financial information if all of the following conditions are met:
 - (i) The financial information was unavailable to the institution or program until after the decision subject to appeal was made.
 - (ii) The financial information is significant and bears materially on the financial deficiencies identified by the agency. The criteria of significance and materiality are determined by the agency.
 - (iii) The only remaining deficiency cited by the agency in support of a final adverse action decision is the institution's or program's failure to meet an agency standard pertaining to finances.
- (2) An institution or program may seek the review of new financial information described in paragraph (h)(1) of this section only once and any determination by the agency made with respect to that review does not provide a basis for an appeal.

34 CFR § 602.26 Notification of accrediting decisions.

The agency must demonstrate that it has established and follows written procedures requiring it to provide written notice of its accrediting decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public. The agency meets this requirement if the agency, following its written procedures—

- (a) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public no later than 30 days after it makes the decision:
 - (1) A decision to award initial accreditation or preaccreditation to an institution or program.
 - (2) A decision to renew an institution's or program's accreditation or preaccreditation;
- (b) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the decision, but no later than 30 days after it reaches the decision:
 - (1) A final decision to place an institution or program on probation or an equivalent status.

- (2) A final decision to deny, withdraw, suspend, revoke, or terminate the accreditation or preaccreditation of an institution or program.
- (3) A final decision to take any other adverse action, as defined by the agency, not listed in paragraph (b)(2) of this section;
- (c) Provides written notice to the public of the decisions listed in paragraphs (b)(1), (b)(2), and (b)(3) of this section within 24 hours of its notice to the institution or program;
- (d) For any decision listed in paragraph (b)(2) of this section, makes available to the Secretary, the appropriate State licensing or authorizing agency, and the public, no later than 60 days after the decision, a brief statement summarizing the reasons for the agency's decision and the official comments that the affected institution or program may wish to make with regard to that decision, or evidence that the affected institution has been offered the opportunity to provide official comment;
- (e) Notifies the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and, upon request, the public if an accredited or preaccredited institution or program—
- (1) Decides to withdraw voluntarily from accreditation or preaccreditation, within 30 days of receiving notification from the institution or program that it is withdrawing voluntarily from accreditation or preaccreditation; or
- (2) Lets its accreditation or preaccreditation lapse, within 30 days of the date on which accreditation or preaccreditation lapses.

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