

Council for
Higher Education
Accreditation

Recognition of Accreditation Organizations

A Comparison of Policy & Practice
of Voluntary Accreditation and
The United States
Department of Education

An Advisory White Paper
prepared by Jane V. Wellman for the
Council for Higher Education Accreditation
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CHEA

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Beyond the Ivory Tower

This paper provides a framework for thinking about recognition of higher education accrediting agencies in the United States. The recognition of accrediting agencies is a function performed both by government, through the Department of Education (ED), and outside of government, until 1996 through the Council for Recognition of Postsecondary Accreditation (CORPA), and prior to this the Council for Postsecondary Accreditation (COPA). The new national organization for accreditation, the Council for Higher Education Accreditation (CHEA), was established in 1996; a recognition function is one of its stated goals. CHEA is extending CORPA recognition policies while it evaluates what changes it might wish to make for the future.

The governmental and nongovernmental processes have evolved in parallel over the past 40 years and now coexist with little clarity of structure about essential purposes, who does what, whether both need to exist, or what the ideal relationship between them might be. As the Council for Higher Education Accreditation seeks to determine its role in recognition, a fresh approach to thinking about the range of potential purposes for nongovernmental recognition as distinct from ED recognition is needed.

Recognition vs. Accreditation

Recognition of accreditation agencies is often thought of as equivalent of accreditation of institutions, the difference being that agencies are “recognized” while institutions are accredited. Yet the two are quite distinct, despite similarities in vocabulary and process.

Accreditation is a nongovernmental peer process designed both to assure minimum standards and to help institutions assess and improve themselves. All accrediting of U.S. higher education institutions is done by nongovernmental accreditors. Institutions that are not accredited by ED-recognized accreditation associations may not receive public funds. Accreditation also is used for state oversight purposes, both as a substitute for state review of accredited institutions’ quality (in some states) and in relation to professional school licensing examinations. Institutions themselves use accreditation status as a means of determining whether credits students have earned elsewhere will be accepted for admissions or transfer purposes. (Accreditation is not the sole criterion for such determinations, but it typically does play a role.) Finally, being accredited has public value and benefit; it confirms to parents, students, and employers that the institution meets minimum educational standards.

As stated earlier, recognition is both governmental and nongovernmental. Governmental recognition is a regulatory process conducted by the U.S. Department of Education on behalf of the Secretary of Education. The federal regulatory process is directed primarily toward ensuring that associations meet minimum standards for structure, governance, procedures, and academic standards. The benefits of recognition are real: associations that fail the federal process are not eligible to be “gatekeepers” for student financial aid or other federal funding.

Nongovernmental recognition, on the other hand, is a review process for membership in a private organization. It is a form of self-regulation, through the development and promotion of community

standards of best practice in accrediting associations, enforced through the review of application for membership. As a form of self-regulation, the “sanction” for an association that does not meet recognition standards is loss of membership in the organization. The meaning of nongovernmental recognition is somewhat obscure; there is no easy way for the public to tell whether an association without recognition failed to meet the standard or simply chose not to apply for recognition. Thus, nongovernmental recognition is much less prescriptive than federal recognition; it is oriented more toward improvement than to assurance of meeting minimum standards.

The public demands considerable information about recognition status. Knowing that an institution is accredited by an association recognized by ED or COPA/CORPA helps ensure that standards of quality assessment and control are in place. Unfortunately, the ambiguity of “recognition” compromises the effectiveness of the consumer information role because the public typically cannot distinguish between agencies that are “approved” (ED) or “recognized” (COPA/CORPA) and those that claim to be “licensed” or “certified” by a fictitious entity.

Analysis of the range of options for the future role of accreditation recognition should be grounded in a thorough understanding of the current structure and of how the governmental and nongovernmental process are organized. A brief history of the evolution of those two processes and a synopsis of the major differences between them follow.

A Brief History

The federal recognition process began in 1952 with reauthorization of the GI Bill for Korean War veterans. The first GI Bill legislation, despite its extraordinary popularity and abundant success, had stimulated an increase in the number of new institutions; some were of dubious quality. Rather than establish a federal quality review process for higher education institutions, the government decided in 1952 to rely on accreditation to determine quality: GI Bill eligibility was limited to students enrolling at accredited institutions. The U.S. Commissioner of Education’s office was charged with publishing a list of federally recognized accredited institutions. Thus, a recognition process was established. Initially, the government replicated a published list of accrediting agencies that were members either of the national association of regional agencies or of the twin agency of national and specialized accreditors. Federal regulations developed around the recognition process, largely duplicative of the nongovernmental association membership criteria. Over time, however, the federal recognition criteria became much more elaborate. They culminated in the 1992 Amendments to the Higher Education Act, which significantly escalated the rate at which accreditation was becoming a federal activity.

The nongovernmental recognition process evolved from accrediting association membership screening functions performed by the Federation of Regional Accrediting Commissions of Higher Education (FRACHE) and the National Commission on Accrediting, whose membership consisted of specialized and national agencies. In 1974, the Council on Postsecondary Accreditation (COPA) was established through the merger of these two organizations into an association of accrediting agencies whose purpose was to promote and ensure the quality of accreditation on behalf of higher education. COPA established a Committee on Recognition which coordinated a membership application and review process wherein criteria for membership were enforced through a recognition review process. Tensions among the different elements of the accreditation community—in particular among the regional, national, and specialized agencies—resulted in the dissolution of COPA in 1993. During an interim period of nationwide debate about the most desirable purpose and structure of a national accrediting association, the nongovernmental recognition function was maintained in a transition agency, the Council for Recognition of Postsec-

ondary Accreditation. In 1996, the Council for Higher Education Accreditation was formed, in part to conduct a new nongovernmental recognition function. CHEA has chosen to maintain the CORPA recognition process and structure until such time as it determines what its future role might be; all CORPA-recognized associations have had their recognition extended until new CHEA recognition and membership criteria are finally determined.

The 1992 Amendments

Because one grew out of the other, the federal and COPA recognition criteria and standards were quite similar up to the time of the 1992 amendments. The goal of the 1992 amendments was to strengthen the “triad” of shared responsibility among the federal government, the states, and accreditors, both to strengthen academic quality review and to reduce fraud and abuse in the financial aid program. However, one of the unfortunate results of the amendments was a blurring of roles among the three parties, so that accreditors became more like regulators and the federal government got into the business of academic quality review.

The expansion of federal authority was accompanied by a policy shift affecting recognition of accrediting agencies. For example, Congress decided in 1992 that the federal government did not need to spend its time reviewing accreditors that had no role in federal aid programs; thus, eligibility for federal recognition was limited to Title IV gatekeepers or agencies that served other federal purposes. As a result, many of the specialized accreditors that did not serve a federal gatekeeping role were no longer eligible to apply for federal recognition. Pressure to determine recognition standards for specialized accreditors was thereby put on nongovernmental accreditation. In addition, Congress wanted to “open up” the accreditation process so institutions would have greater opportunity to create alternative accrediting bodies. This new requirement was a result of complaints from within the higher education community about ubiquity in regional accreditation standards and review processes. Finally, the 1992 amendments significantly increased regulatory control over academic standards, procedural and financial controls, and reporting requirements.

The most prominent differences between ED and COPA/CORPA procedures as a result of the 1992 amendments are summarized below:

- ED recognition is now an “approval” process. Agencies no longer seek recognition; they seek “approval.”
COPA/CORPA has a “recognition” process.
- ED approval is limited to Title IV gatekeepers or those that serve other federal purposes. [An example of an accreditor that seeks federal approval for “other federal purposes” is the Commission on Dental Accreditation (CODA). Although it is not a Title IV gatekeeper, accreditation is required for federal funding for dental programs. The commission is not eligible under preliminary criteria to apply for membership in CHEA because the majority of the programs it accredits are not degree granting.]
COPA/CORPA has no such limitation.
- ED requires that accreditors have complete financial and governance separation between the decision-making body and either affiliated schools, a parent corporation, or a professional association. The “separate and independent” requirement applies both to proprietary schools and to specialized

accreditors that maintain close relations with the licensed professions. ED can waive this requirement, and it does so predominantly for accreditors (such as CODA) that are not Title IV gatekeepers.

COPA/CORPA requires shared responsibility between educators and professionals and has a standard requiring “appropriate balance” between academic and administrative personnel and educators and practitioners. However, it has no comparable “separate and independent” requirement. Thus, COPA/CORPA standards are more lenient with regard to accrediting agency control by a superior governance or finance authority, including an institution or group of institutions, a proprietary school board of directors, or a professional group such as the American Bar Association or the American Dental Association.

- ED standards permit applications from government entities, including state accrediting organizations.
COPA/CORPA requires that the associations be nongovernmental.
- ED approval is given to any agency that meets the stated requirements.
COPA/CORPA requirements include evidence that various communities of interest accept the agency as authoritative, that the programs it accredits meet community standards for degree status or entry into a profession, and that there is a demand for accrediting activity in the area defined by the scope of the agency.
- ED permits public comment on the application for recognition to the Secretary, including third party comments before the Advisory Committee.
COPA/CORPA policies do not speak to an opportunity for third party comments on agency applications.
- For ED approval, academic standards required of accreditors are detailed in law and include: curricula; faculty; facilities; equipment and supplies; fiscal and administrative capacity appropriate to the specified scale of operations; student support services; recruiting and admissions practices; academic calendars; catalogs; publications; grading and advertising; program length and tuition and fees; measures of program length in credit or clock hours; success with respect to student achievement in relation to mission, including course completion, state licensing examination, and job placement rates; default rates in Title IV programs; records of student complaints; and other Title IV compliance.
COPA/CORPA standards are not detailed in law and focus primarily on academic quality.
- ED requires that agencies maintain substantive change policies, including prior notification and review by the accrediting association of any new branch campus or instructional location, change of ownership or control, or major new programs.
COPA/CORPA has no comparable requirements.
- ED requires information sharing and reporting requirements by accreditors to states and to the federal government. Application for recognition to ED constitutes an ongoing writ of permission by the agency for ED to conduct unannounced visits to the accreditor or to the institutions to obtain pertinent information at any time.
No comparable information sharing or disclosure requirements exist in COPA/CORPA.
- ED requires that accreditors conduct at least one unannounced site visit during the accreditation

approval period of all institutions that offer vocational training.
COPA/CORPA has no such requirement.

- ED approval prohibits “accreditation shopping” through procedures that require accreditors to take decisions from other accreditors into account and prohibits the granting of accreditation status for a waiting period of two years for any institution that has been removed for cause from accreditation by an ED recognized accreditor.
COPA/CORPA has no such requirement.

The Emerging Role of the Legal System: Anti-Trust Law and the Department of Justice

While ED has long had regulatory role over accreditation, another agency, the Department of Justice has become more visible as a second federal presence in accreditation. This is a result of individuals and institutions resorting to the legal system to resolve complaints that accreditation standards violate the Sherman Anti-Trust Act. Increased willingness to apply the Sherman Act to measures of academic quality presents a particular challenge to the nongovernmental recognition function. Aside from the policy problems associated with the Department of Justice evaluating standards of academic quality, the sheer costliness of addressing accreditation disputes through the legal system increases the need for a nongovernmental complaint resolution process, whether through the recognition process or some other means.

Summary

The current structure and relation of governmental and nongovernmental recognition of accrediting associations have evolved without any systematic reappraisal of roles or purposes. The federal review, while purporting to focus on Title IV and use of student aid funds, has embedded in it much more detail about academic programs, educational purposes, calendars, and outcomes than the nongovernmental process. Federal standards include mention of institutional improvement and quality enhancements but they measure conformity to process without regard to demonstrated effectiveness in carrying out accrediting functions. Designed to encourage competition and experimentation among accrediting agencies, the federal procedures do not distinguish between agencies on the basis of demonstrated effectiveness in quality review. Because the federal process has changed to focus on Title IV gatekeeping, it no longer reaches all types of accreditors, some of which are also missed by the nongovernmental system both because it is voluntary and because recognition is so closely tied to eligibility for membership. Neither system makes the role of improvement in accrediting functions, including greater coordination among accrediting agencies, its primary role. The COPA/CORPA standards attempt to speak to the issue of “need” and support from the community as a precondition for recognizing new agencies—something ED does not do. The ED process is the more publicly accessible of the two, meaning that individuals or institutions with complaints about accreditation tend to go to government rather than higher education for solutions. And finally, as discussed above, neither process addresses coordination among institutional and specialized agencies in a satisfactory and consistent way.

Preliminary Ideas for a Discussion of Change

Rather than recreate the existing system through incremental change, a complete recasting may be in order. CHEA might begin by developing some goals or principles to guide the process. Preliminary ideas are listed here as potential starting points.

- (1) A common terminology, using terms with clearly distinct meaning, is needed to ensure consistent public understanding. The terms “accreditation” and “recognition” tend to be blurred; “recognition” and “approval” likewise are sloppily intertwined; and criteria for “being admitted to a membership organization” and “meeting review standards of accreditation” have long been enmeshed.
- (2) The public uses of recognition, as distinct from the governmental uses of recognition, need to be clearly distinguished from the private uses of recognition. One of the most important current distinctions between nongovernmental and governmental recognition is that one is voluntary and the other is mandatory (though limited to Title IV accreditors). No comprehensive mandatory system covers all accreditors.
- (3) Not all things required by the public must be performed by government. For example, a private entity can obtain information about and publish an institution’s accreditation status.
- (4) The template set in current federal law, with the Department of Education as the primary regulator of accreditation, is not inviolate. The Higher Education Act is reauthorized periodically, and amendments to it are possible. Also, it is not self-evident that all things that might be regulated by government must be regulated by government, or within the federal government by the Department of Education. A clear demarcation within government of the roles and responsibilities of the states and the federal government on one hand, and of federal agencies on the other, would seem to be preferable to the current cobbled system.

The Higher Education Act is being amended in 1998, and CHEA and others have requested amendments that would improve the accreditation section of the law by clarifying roles and responsibilities and by limiting federal authority over academic standards. A fundamental recasting of the recognition role, including a possible shifting of oversight away from ED or to a system that relies explicitly on a public/private partnership, is not requested at this time. Through such a shift is unlikely, it should be discussed.

- (5) The goals for a system of recognition need to be developed, and the roles and responsibilities to meet these goals must be “assigned” to those parties best suited to carry them out. This paper concludes with some suggestions about goals and actors which can be used as a starting point for discussions about what such a system might look like. Remember that all things may not be possible. Because of the complexity of recognition and the number of autonomous decision-making entities involved the ideal set of relations between governmental and nongovernmental recognition probably will never be realized. Nevertheless, CHEA’s current efforts are providing higher education with the opportunity at least to reformulate its role with respect to nongovernmental accreditation.

Suggested Goals (not in order of priority)

Goal #1

Assure the public of institutional quality by ensuring that accreditation functions and status have readily transparent meaning.

A public communication effort pertaining to accreditation and its meaning could be undertaken either by government or by a private entity. One of the biggest threats to integrity in accreditation is the potential for a phony accrediting agency to establish itself and to claim credentials of either licensure or recognition by some nonexistent entity. A public communication effort should include maintaining a library of accessible information regarding which institutions are accredited by reputable accreditors, whether “reputable” is defined to mean ED, a private entity, or both.

Goal #2

Provide international communities with easy access to information about accreditation status and meaning. *This could be a byproduct of the information effort (Goal #1) and could be provided either by the federal government or a private entity.*

Goal #3

Assure minimum quality for student financial aid program purposes. *So long as the government continues to rely on accreditation for quality evaluation purposes, this goal probably has to be carried out by the U.S. Department of Education. However, ED should not necessarily be the pertinent recognition authority for accrediting functions that serve “other federal purposes.”*

Goal #4

Encourage coordination and avoidance of duplication so as to minimize redundant and costly reviews by competing accrediting associations.

This function could be performed either by a private entity or by government, although in either case the entire universe of accrediting associations is unlikely to be reached. If performed by a private organization, the purposes of such coordination must be to improve effective quality review, to ensure public understanding of quality, to maintain curriculum integrity and balance within the academic community on a given college or university campus, and to reduce the costs of accreditation.

Goal #5

Balance the public interest in diversity, experimentation, and competition with quality control.

This function could be carried out either by government or privately. Any private standards must be accompanied by documentation regarding how quality is defined and why greater diversity, competition, or experimentation puts the public interest at risk. The increasing use of the Sherman Anti-Trust Act to force competition, both among and between institutions and among accrediting associations means this function probably cannot be carried out entirely through private means, unless the government explicitly exempts the function from the Sherman Act. The jurisdiction of the Department of Justice versus that of the Department of Education or other agencies must be made clearer.

Goal #6

Encourage experimentation and change, both in terms of measuring quality and in types of institutions. *This function could be carried out by a private membership organization. To protect the improvement function, and to clearly separate this from other public benefits of private association, this aspect of “recognition” might be labeled or organized separately from other aspects of private recognition.*

Goal #7

Assure a balance of interests in the accrediting process through standards that assure independence in finance and governance between accrediting commissions and institutions or professions. *This function could be performed either by government or privately.*

Goal # 8

Protect the integrity of the college degree and certificate process by ensuring reasonably comparable education in terms of content and outcomes for distinct degree and certificate programs. *For this role to be carried out by government would require a greatly expanded governmental role over educational policy with a potential resultant loss in diversity and quality in higher education. Alternatively, for this to be carried out by a private entity, issues of separating quality measurement from competition and control of the marketplace would have to be carefully sorted through.*

Goal #9

Promote public accessibility to college through transfer and articulation policies that help transferring students avoid redundant coursework. *If this role were to be carried out by government, it would potentially increase governmental control over institutional policy matters, to the detriment of higher education. Whether this role needs to be carried out by accreditation or recognition, as distinct from other sources of information, is unclear.*

Goal #10

Provide a process to identify and resolve complaints between institutions and accrediting associations and among accrediting groups. *No complaint resolution process in higher education accreditation currently exists, although tensions among and between institutions and accreditors and between accrediting associations seem to be driving the present proliferation of accrediting agencies.*

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