ASPA News - January 2002

Issue Theme: *"Good Practice in Communication"*

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Reflections on Paradise Valley
By Betty J. Horton, chair, ASPA Board of Directors; Director of Education & Accreditation, COA-NA: Nurse Anesthesia

Our ASPA meeting on September 9-11, 2001 in Paradise Valley, Arizona began with the business of our organization followed by wonderful professional development sessions focusing on governing boards for accrediting agencies. The presentations, case discussions and question and answer periods were excellent. It was truly a retreat devoted to accreditation where people of varying experiences learned from each other.

After the meeting, the Chair of my Council, Kathleen Kinslow, and I used our notes of suggestions made by several speakers to create a list of Expectations for Council Members . The list was distributed at our next Council meeting and will be a permanent part of our orientation manual for new members. This is just one example of how an agency takes information from the meeting on ASPA's Code of Good Practice and applies it to real situations. I know this type of activity is common for many ASPA members so that good accrediting practices are multiplied many times over as a result of our efforts.

ASPA's Board of Directors met before and after the September meeting for two distinct purposes. Prior to the meeting, the Board met with the Chairs of Committees to discuss coordinating efforts to meet the objectives of the organization's Strategic Plan. After the meeting, we met to determine what needed to be done based on what we learned from members. As a result, a Bylaws Task Force was appointed to explore several issues that were raised during the meeting. A report of task force activities is planned for the Spring 2002 ASPA meeting.

On the last day of our meeting, September 11, 2001, our world was changed as a result of the terrible events in New York City and Washington D.C. The tragedies drew us together as individuals, friends and citizens of the United States. Some of us left Arizona on long car trips and others remained in Arizona for extended stays until air flights were resumed. We shared accounts of our journeys home with each other through e-mail messages. Those messages told many different stories but all included two common themes -- sorrow for all who suffered from the disasters, including our accreditation colleagues in those cities, and a great appreciation for all we learned about our traveling companions. One unanticipated result of these terrible events may be a new and stronger sense of community for ASPA.

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Highlights - Spring 2002 ASPA Meeting

Keynote Discussion: Good Practice in Assessing Success with Respect to Student Achievement

How do you define success? Do you know it when you see it? How? It there more than one way to measure it? - In response to concerns expressed by ASPA-member accreditors, ASPA invited Karen W. Kershenstein to join us at the Spring 2002 ASPA meeting to explore different ways to assess "Success with Respect to Student Achievement." In a two-part session, assisted by a panel of specialized accreditors (Sunday afternoon) and another panel of regional / national accreditors (Monday morning), Karen will set a framework for the topic and facilitate in-depth discussions of various assessment approaches. She will address the unique challenges raised by competency-based standards. This will be a "practical" session that focuses on what has worked, what hasn't, what has been gained in the process and what (if anything) has been lost.

ASPA Business Meeting

Plan to attend the ASPA Business meeting on Monday morning, April 8, 2002. Member input helps the Board ensure that the Strategic Plan sets appropriate association priorities for the new fiscal year. The budget and dues for the new fiscal year are adopted at this time and new board and committee members are elected.

The ASPA Committee on Nominations, chaired by Al Rudisill, NAIT: Industrial Technology, has been busy pulling together the slates of candidates to be presented to the ASPA Board and Members for election at the Spring 2002 meeting. Elections will be held during the Business meeting. The proposed slate of candidates and accompanying biographical information will be distributed to the board and members for review prior to the meeting.

An ad-hoc committee has been working on a proposed revision of the ASPA Bylaws. The revision will address a number of issues that have surfaced during the past few years. The draft revision, with a cover memo highlighting the proposed changes, will be distributed to all members for review prior to the meeting and presented for action during the Business meeting.

Professional Development - Communicating Effectively

The spring professional development session will be presented in two parts, on Monday afternoon and Tuesday morning. Communications expert, Robin Wright, Wright Communications, is working with ASPA's professional development committee and will facilitate the program for us. Thanks to those of you who responded to the professional development committee's survey. This input helps the committee design a program to best meet your needs.

"Communicating Effectively: Choosing the Best Message and Methods," will include the following segments:

- Messages: Balancing Competing Expectations
- Methods: Selecting the Best Medium for Your Message
- Meaningful Answers to Tough Questions

Robin Wright, President of Wright Communications since 1986, has more than 20 years of experience working with associations on their marketing and communications efforts. She has written and/or produced over 80 publications and is the author of the 1997 book "Tough Questions, Great Answers" through Quintessence Publishing. Ms. Wright presents programs that are dynamic, practical and consistently well-received. She lectures extensively on promotional writing, marketing and communication and has provided over four hundred seminars internationally to businesses, colleges and professional associations. She has prepared professionals from all over the world to speak successfully in professional meetings, political campaigns and network television programs including "Oprah," "60 Minutes" and "Good Morning America." Ms. Wright holds a master's degree in communication from the University of Illinois at Urbana and is an Adjunct Professor at Northwestern University.

"Let's Talk: An Accreditation Workshop by the US Department of Education"

Carol Griffiths, Chief, Accrediting Agency Evaluation, Accreditation and State Liaison, US Department of Education, had an informal question and answer session during the Fall 2001 ASPA meeting. Accreditors participating in that session asked that the department hold more workshops or other opportunities for discussion. In response to this request, department staff are planning an "add-on" session from 1:30 - 3:30 p.m. on Tuesday afternoon, April 9, at the end of the Spring 2002 ASPA meeting in Chicago. (See the separate flyer enclosed with this mailing.)

Highlights: Fall 2001 Meeting - Theme: Adding Value Through Effective Governance
Editor

Location: ASPA held its fall meeting from September 9-11, 2001 at the newly renovated resort, Sanctuary on Camelback Mountain, located in Paradise Valley, Arizona. The serenity of the setting served as a great framework for another content-packed meeting. And, when faced with the unexpected events of September 11, the final day of the meeting, the hotel staff couldn't have been more accommodating. They served an unplanned lunch for more than 50 people and reduced the room rate for all of us who suddenly needed to extend our stay. ASPA extends a special thank you to the Sanctuary (www.sanctuaryoncamelback.com) for fully living up to its name!

Accreditation Showcase: During the Sunday afternoon accreditation showcase, John McCarty, ARC-PA, the Accreditation Review Commission on Education for the Physician Assistant, highlighted issues of current interest to one of ASPA's newest members. John raised two specific issues: 1) whether program "strengths" should be included in the site visit report and 2) the implications of different definitions of a "graduate" of an accredited program. Thanks for an excellent session, John.

For the second half of the showcase, ASPA welcomed Elizabeth Hanke, DataWise, Inc. In her presentation on "Databases and Accreditation," Ms. Hanke explained why a relational database is more useful than a flat file system for the kind of information tracking needed in the world of accreditation. She presented helpful tips for tracking information, handling data challenges and for working with consultants. If you have database questions that were not answered at the meeting, feel free to contact Ms. Hanke directly or through the ASPA office.

Strategies to Improve Accreditation: Alfredo G. de los Santos Jr., Research Professor, Hispanic Research Center, Arizona State University, was ASPA's Sunday afternoon keynote speaker. He used a combination of research and personal experience to speak to attendees about "Boards that DO and Boards that DON'T: What Do Effective Boards Have in Common?" Following the meeting, he turned his remarks into the written article included elsewhere in this issue of ASPA News. Dr. de los Santos Jr., has served as a member of many national-level Boards and committees, including the US Department of Education's National Advisory Committee on Institutional Quality and Integrity and the CHEA Board of Directors. ASPA was delighted that he was able to spend time with us and share his views on what helps boards

perform well.

Accreditation Forum: Following the business meeting on Monday, Sandra Elman, executive director, Northwest Association of Schools and Colleges, spoke on the topic "Creating Meaningful Linkages." Her remarks focused on the importance of intentionally working for the "greater good," rather than our own separate interests. Dr. Elman offered three premises to guide our work, five notions to guide our thinking, and ended with three challenges to all accreditors: 1) to say NO more often, 2) to ask WHY and 3) to discuss the un-discussibles. Dr. Elman illustrated her commitment to the linkages she spoke about through her participation throughout the meeting. ASPA hopes to include a written version of her remarks in a future issue of ASPA News.

Conversation with Carol Griffiths: ASPA was pleased to welcome Carol Griffiths, Chief, Accrediting Agency Evaluation, Accreditation and State Liaison, US Department of Education to her first ASPA meeting. Although she was attending the meeting as an observer, Ms. Griffiths agreed to hold an informal question and answer session after the meeting adjourned on Monday. Training, consistent interpretation of criteria, improved communication and staff calibration were some of the topics raised. Ms. Griffiths explained that issues relating to the NACIQI meetings or committee should be addressed to Bonnie LeBold, executive director of the committee, while issues relating to accreditation and recognition should be addressed to her office. Accreditors told her they would like to have an opportunity to comment when department staff is contemplating a new interpretation of an existing criteria. They drew a parallel comparison to the opportunity for input the department requires recognized accreditors to provide to their affected constituencies. Accreditors also asked the department to hold more workshops or other opportunities for discussion. In response to this request, department staff are planning an "add-on" session for Tuesday afternoon, April 9, at the end of the Spring 2002 ASPA meeting in Chicago.

Professional Development - Effective Governing Boards: Facilitator, Nancy Axelrod, Principal, NonProfit Leadership Services, gave an overview of recent research findings, emerging trends, and best practices in nonprofit governance and then got folks talking. The Monday afternoon session focused on strengthening board composition, structure, and performance and effective strategies for building a competent team.

On Tuesday morning, Nancy helped meeting participants explore the many faces of conflict. "Working with conflict, controversy, and constituents: A dialogue with a panel of peers" focused on a series of topics presented by panel members: **Don Simmons**, AVMA: Veterinary Medicine; **Dort Bigg**, ACAOM: Acupuncture/Oriental Medicine (see article elsewhere in this newsletter); **Patricia Evans**, CEPH: Public Health; **Lisa Zuber**, CAPTE: Physical Therapy; **Ann O'Neill**, ALA: Library / Information Studies; **Don Linkowski**, CORE: Rehabilitation Education. The panelists' remarks served as the starting point for a lively, interactive discussion – in spite of the tragic events of the day. ASPA offers kudos and a special thanks to Nancy Axelrod for her excellent contribution to the success of this program. If you have questions or comments for Nancy, you can reach her directly or through the ASPA office.

Effective Governing Boards - Basic Principles
By Alfredo G. de los Santos, Jr., Research Professor
Hispanic Research Center
Arizona State University Main

Remarks presented Sunday, September 9, 2001 at the Fall Meeting of ASPA During my more than thirty-five years as an executive in institutions of higher education and service as a member of the governing board, board of trustees, or board of directors of more than a dozen organizations, I have come to understand the principles that guide the work of effective governing boards.

A cursory review of the literature of governance in institutions of higher education yields eight basic principles. Nearly every time I have been asked to work with an institution or organization having difficulties, I have found that the members of the governing board are violating one or more of these principles.

Principle 1: The board should act as one, as a unit.

All governing boards are corporate bodies. Members of the board have no power as individuals. The power rests with the group. The board should speak through one voice; once a decision is made, all board members should support the decision. The board should establish rules of conduct, treat each other with civility and dignity, and work as a team.

Principle 2: The board represents the public interest.

The governing board, though they might represent different interests, groups or geographic regions, really exist to represent the general public, for the common good. The board should work in the public interest, not special interests. Of course, in the process of making decisions, various points of view should be invited and expressed. But in the final analysis, at the time of making the decision, the board should act in the best interests of the public, not those of a particular group or their own individual interests.

Last year, a focus group from the North Central Association Higher Learning Commission visited one of the Maricopa Community Colleges at the request of the then Acting Chancellor. The issue centered on the involvement of one of the governing board members, a retired faculty member from that college, in the administrative aspects of the institution and allegations of undermining the work of the college president.

The NCA/HLC focus group recommended that the governing board, the faculty and staff, and the administration work together in the interest of the college and suggested that the healing process begin with a general meeting of all concerned to enhance and improve channels of communication. At that meeting, the former faculty-now-board-president, opened the meeting by calling for the resignation of the president instead of what was planned.

Everyone was surprised, particularly the other members of the governing board.and the majority of the faculty. This is an example of a board member acting not as part of a team, but working individually, not in the public interest, but on behalf of a small number of faculty and himself.

Principle 3: Set policy direction for the future.

One of the primary responsibilities of a governing board is to establish policy directions that are future-oriented, pro-active and visionary. It is through setting policy direction that the board provides guidance and direction for the chief executive officer and the staff. The most effective boards think strategically when they establish the vision, mission and goals for the institution. The corollary of this is that the governing board should not get involved in the administration or management of the institution; that is the work of the faculty and staff, led by the chief executive officer.

Principle 4: Employ, evaluate and support the chief executive officer

Many who write about governance posit that the hiring of the chief executive officer is one of the most - if not the most - important responsibility of any governing board. Effective governing boards create a positive, open partnership with the chief executive officer by defining clear expectations and conducting periodic assessment of progress. The governing board should help create a climate for success and should support the chief executive officer.

Principle 5: Create a positive environment.

Effective boards create a positive climate for the institution through their behavior and policies, when the board is future-oriented, behaves ethically and with integrity, values learning for all and challenges everyone in the institution to achieve at the highest levels of excellence.

Principle 6: Monitor the performance of the institution.

Another major responsibility of governing boards is to hold the institution accountable. The process of monitoring begins when the board sets policy and establishes institutional goals. Through periodic reports--accreditation, external and internal audits, staff reports of core indicators of institutional effectiveness, and others--the effective governing board knows the progress made towards the goals they set.

Principle 7: Support and be advocates for the institution.

The members of the governing board are the community's link to the institution and its nexus with the community. Effective governing boards represent and support the college, promote it and advocate for it, and seek support from all segments of the community, from parents to policy-makers. In addition, the governing board protects the institution from undue political and special interest pressures.

Principle 8: Lead as an educated, thoughtful, positive team.

Members of an effective governing board listen carefully, ask important questions, consider several options, think critically, and make decisions based on stated institutional values and significant priorities that help the institution face its future. The board members respect and support each other and communicate easily among themselves. A few years ago, I was invited to help conduct a workshop for a governing board made up of two Hispanics, a male and a female; three male African-Americans; and three Whites, non-Hispanic, one female and two males. Each was elected from a district or precinct.

It became obvious as soon as the retreat began that the board had serious communication and other problems. The racial diversity on the Board mirrored the extreme differences in political and philosophical positions. The chairman of the board did nothing to mediate the verbal attacks and other signs of disrespect. In fact, he allowed one member of the board to dominate the discussion, while two members of the board hardly spoke throughout the day-and-a-half retreat.

It would take a lot of energy, patience, skill and trust for such a board to become an effective team.

Summary and conclusion

The most effective governing boards act as a unit and speak with one voice. Effective governing boards act in the public interest when setting policy and broad goals for the institution. Perhaps the most important responsibility of the board is to hire the chief executive officer. Boards need to monitor progress towards goals and should create a positive climate. Effective boards support and advocate for the institution and lead as an educated, thoughtful team.

In my experience, when governing boards do not follow one or more of these principles, the institution is in trouble and will not meet the needs of the communities it was created to serve. It is a pleasure to work with boards that understand and follow these principles. These boards govern effectively and generally achieve their goals.

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Why ALA Revised its Accreditation Appeal Process
By Ann O'Neill, Director
ALA Office for Accreditation

Background

By June 2002, the Committee on Accreditation (COA) of the American Library Association (ALA) expects to have a revised accreditation appeal process in place. This revision was undertaken to correct problems identified during two appeals filed in 1999. These were the first appeals of COA accreditation decisions since the 1970s and the first uses of the appeal process adopted in 1985. Although both appeals were withdrawn before a hearing was held, the lessons learned were used to streamline and strengthen the revised process.

Problems with the Old Appeal Process

The major problem with the old COA process was length. One appeal was in its eighteenth month when it was withdrawn. Actually holding a hearing probably would have taken two or three more months. Representatives of the institution later said the extended period of uncertainty curtailed student recruitment. It also hindered the routine work of COA and ALA staff. The Director of the Office for Accreditation spent approximately 80% of her time on the appeals. COA spent several hours at regular meetings and needed additional meetings to handle matters related to the appeals.

Appointment of the appeal committees took considerable time. The old process did not use a standing committee or roster of volunteers for appeals; thus, staff needed to contact ALA members to verify their willingness to hear an appeal before the appointment process could begin. Additionally, both the appealing institutions and COA identified conflicts of interest for different iterations of the committees and all appeal committee members required training on the appeal process.

The language of the old appeal process document was also a problem. There are no statements on what documents could or should be reviewed by the appeal committee. The document was vague about responsibilities of those involved, deadlines, or specific steps of the process. As more people used the guidelines, it became apparent that the language was unclear and that there were inconsistencies within the appeal guidelines and between it and accreditation process documents. Staff often needed to consult with each other, chairs of the appeal committees, and legal counsel to resolve inconsistencies or clarify language, all of which further delayed the committees' work.

Finally, there were few firm deadlines for the old process, which sometimes reduced the urgency to set deadlines or schedule meetings, thus adding more time to the appeal process.

Development of Proposed Appeal Process

Actually working with the old process made it easy to see ALA/COA needed a streamlined and clearer appeal process. Drafts of a proposed revised appeal process were shared with affected constituencies and their comments were incorporated into later drafts. Among those consulted were the ALA Executive Board, members of the appeal committees, and deans, directors, and chairs of ALA-accredited programs. Office for Accreditation staff reviewed the appeal processes of 32 specialized accrediting agencies to understand the best practices of ALA's accreditation peers. The Office collected specific information on timeframes, definitions, and grounds for appeal. Particular attention was paid to those agencies that, like ALA/COA, reside within an association. A summary of this review is available on request from Ann O'Neill.

New Appeal Process

The Committee on Accreditation has approved a new appeal process that is based on suggestions of its constituents and best practices of specialized accrediting agencies. The document is being

edited and the final appeal guidelines will be presented for final adoption in June 2002.

A major change is that the appeal would be completed in four to six months. This was accomplished by establishing specific deadlines for filing documents, appointing the appeal committee, holding a meeting, and issuing the decision. The selection of the appeal committee has been streamlined by utilizing a roster of trained volunteers. Additionally, the appealing institution and COA will identify conflicts of interest from the entire list of eligible volunteers instead of different committee iterations.

The new process also clearly defines the responsibilities of those involved in the appeal and the documents that are part of the appeal record. Wherever possible, the language was simplified and legalistic terms or phrases were removed. For example, there is no longer a hearing with lists of witnesses, testimony, and cross-examinations; rather the appeal committee will hold a meeting to ask questions or clarify statements. The new appeal process was designed to be more efficient and less confrontational or adversarial. Although no adverse decision or appeal is free of tension, the Committee believes that the new process should encourage a more collegial atmosphere and reduce some of the tension for all involved.

If you would like additional information about the revision of ALA's appeal process or copies of the public documents, please contact Ann O'Neill at aoneill@ala.org.

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Handling Controversial Accreditation Decisions
By Dort Bigg - ACAOM: Acupuncture & Oriental Medicine

Remarks presented on September 11, 2001 at the Fall Meeting of ASPA.

INTRODUCTION

When I was asked to give a presentation on handling controversial accreditation decisions, my first reaction was to wonder how a topic this broad could be covered in the 15 minutes allotted for my presentation. To do full justice to this subject would require a good deal more time than I have today. Nonetheless, I will raise some of the more important concepts that can form the basis for further discussion later. For purposes of my presentation, "controversial accreditation decisions" are defined as adverse accreditation decisions which could lead to legal challenge by the program.

IMPACT OF ADVERSE ACCREDITATION DECISIONS

As you know, an adverse accreditation decision can impact a program's ability to administer financial aid, in some professions to allow programs' graduates to obtain state licensure, and thus can directly impact a program's student recruitment efforts. When accreditation is threatened, a program's legal counsel will attempt to raise every possible issue to challenge the agency's accreditation decision, including efforts to challenge the agency's standards, its procedures, and

the way in which they were applied and interpreted by the agency. The program may also challenge the impartiality of Commissioners and site visitors. Perhaps the most important way of preventing problems is to ensure that your agency's standards, policies and procedures are consistently applied for every program and meet due process requirements. Every agency should have its standards, policies and procedures reviewed by legal counsel before they are published. This is a clear example of the adage "an ounce of prevention is worth a pound of cure."

PROCEDURES MUST MEET DUE PROCESS REQUIREMENTS

One of the easiest ways in which an agency can get into trouble is when its procedures do not meet due process requirements. Required due process elements include ensuring that site visit teams and the agency's decision making bodies are free from bias or conflicts of interest relative to the reviewed program, providing the program with a copy of the site visit report sufficiently in advance of the decision meeting to enable the program to submit a full written response to that report, providing written notice of the agency's decision which is adequately supported by the record and fully states the reasons for failure to meet the agency's standards, and providing an adequate opportunity to appeal any adverse decision to an impartial panel or tribunal. But even when the procedures do meet these requirements, failure of the agency to follow its published procedures for any program can lead to trouble.

TIPS FOR AVOIDING PROBLEMS

All agencies have "problem programs" that have difficulty meeting the agency's standards and some of those programs will invariably challenge your agency's accreditation decisions. From my previous role in serving as legal counsel for the American Psychological Association and in my current role as Executive Director for Accreditation Commission for Acupuncture & Oriental Medicine ("ACAOM"), I have identified a few general concepts for handling difficult or controversial accreditation decisions.

1. **Ensure that Site Visit Reports Adequately Support Potential Accreditation Decisions PRIOR TO the Decision Meeting:**

   Perhaps the most important concept is that the defensibility of an accreditation decision depends on the strength of the record. This means, for example, that agencies need to ensure that site visit reports fully and accurately document any identified deficiencies in the program relative to the agency's standards. The site visit report must include sufficient factual information to fully and accurately document and advise the program and agency where the program has failed to meet particular standards. Our staff review each site visit report before reports are submitted to the program. Where the findings of the visitors are not adequately supported or documented in the report, we ask the site visit team to shore up or clarify the weak areas before we forward the report to the program. This is a wise approach for any accrediting agency faced with an initially weak site visit report. A marginally weak site visit report may be adequate for a strong program that meets the agency's standards, but it should not be relied upon by an agency to support an adverse decision.

2. **Send the Site Visit Report to the Program well in Advance of the Decision Meeting:**

It is also critical that the site visit report be submitted to the program sufficiently in advance of the agency's decision meeting to afford the program a full and adequate opportunity to submit a written response. Not providing a program with sufficient time to respond, opens the door for a program's attorney to argue that the timeline was insufficient and thus in violation of due process. This is particularly critical for agencies that render accreditation decisions based on a paper review alone.

3. **Help Your Commissioners be Well Prepared for the Decision Meeting:**

An agency's Commissioners need to receive the record for the program sufficiently in advance of the decision meeting to fully read and analyze the record. Failure to submit information to your Commissioners in a timely manner can result in hasty and uninformed decisions and may again open the door to challenge by a program. For large agencies which review many programs during a single meeting, it is particularly critical that Commissioners who are responsible for reviewing the record for particular programs are fully knowledgeable of the records for their assigned programs so that they can assist other Commissioners in the program decision process.

Agencies that use the model of assigning individual Commissioners or committees of Commissioners to lead the discussion on assigned programs must be fully confident that they can rely on those individuals to lead the full Commission through the review process. Because ACAOM is a small agency, all our Commissioners are provided a copy of the record for each reviewed program. Each Commissioner is required to be fully prepared for our program decision meetings. In addition to submitting a meeting agenda book to our Commissioners well in advance of our meetings, we advise Commissioners that if they have not fully reviewed the record for any program, including the program's response, they should abstain from the discussion and vote on that program. Advising your Commissioners to abstain from participating in program deliberations when they have not adequately reviewed the record, enables you to avoid one potential basis for challenging your agency's decisions.

4. **Do not Allow Information "Outside the Record" to Taint the Program Review Process:**

During an agency's program review decision meeting, it is also critical that accreditation decisions be judged solely on the official record so that the program is afforded a full opportunity to respond to any information or evidence that might impact the accreditation decision. A problem in this area can arise when a member of the agency's decision making body is privy to information which is not part of the official record. If that information is raised or introduced during the agency's deliberations on a program, it can taint the entire review process.

A brief "war story" illustrates this point. Prior to my appointment as ACAOM's Executive

Director, ACAOM ran into problems in this area when a Commissioner, immediately prior to ACAOM's decision meeting, was contacted by a few disgruntled faculty members after a site visit and received a laundry list of alleged problems with the program.

This information was raised by the Commissioner during the program decision deliberations. Unfortunately for ACAOM, this information was not reflected in the program's self study, in the site visit report, or in the program's response to the site visit report. Based on this extra-record information, the Commission rendered a probation decision. The program's lawyer correctly pointed out that these additional extra-record "findings" were not supported in the official record and the program was not afforded the opportunity to respond to those findings. This required our Commission to withdraw its prior probation decision and conduct a new review of the program at the Commission's expense.

This type of problem can come into play in many contexts. It is conceivable that Commissioners may be "lobbied" after a site visit by individuals or groups with complaints regarding the program being reviewed. Commissioners might receive documentation which has not been provided to the program for a response, or they might have personal knowledge about the program from other sources which could influence the ability of the Commissioner to impartially review the program based on the official record. We advise our Commissioners to contact Commission staff immediately if they receive any communications of this sort. This practice ensures that the integrity of the record and decision-making process is maintained for each reviewed program. All agencies would be well advised to adopt appropriate protocols in this area and to educate your Commissioners on them to enable your agency to take appropriate prophylactic measures to protect the integrity of the review process in instances where Commissioners are privy to information about a program which is not part of the official record.

If your Commissioners also serve as site visitors for reviewed programs, for the same reasons they should recuse themselves from discussion and vote on the deliberations for the programs they have visited.

5. **The Record Must Adequately Support the Decision When in Doubt, Defer Action:**

During an agency's program review decision meeting, it is also important to ensure that the official record fully supports the agency's accreditation decision. If, for example, an agency is faced with a weak site visit report, or the program's written response to that report creates sufficient doubts as to whether a program meets the agency's standards, it is always better for the agency to defer action on a program being reviewed and to seek additional information through an interim report or focused site visit, than to race into a hasty adverse decision which may not be adequately supported by the record. The recent lawsuit against FIDER: Interior Design (of which many of you are aware) presents a case study on what an agency should do. As you may recall, FIDER conducted a second site visit for a program following a round of "saber rattling" by the program's attorney to ensure that the record was sufficiently strong to support its decision to deny accreditation.

This decision was instrumental in FIDER's ultimate success in court.

6. **Deferring Action on Decisions Gives Time to Correct "Procedural Irregularities":**

In addition to considering deferring action when faced with a weak or questionable record for a reviewed program, deferral of action on program decisions can also be a vital tool in protecting an agency from certain alleged procedural irregularities in its program review process. For example, deferral may be an appropriate course of action when a program, for what ever reason, did not have sufficient time to submit an effective response to the site visit report or where the agency discovers, after the fact, that one or more site visitors had a conflict of interest or demonstrated bias relative to the visited program. Deferral can enable the agency to "correct" an array of actual or perceived procedural irregularities in the accreditation review process. Deferral should be seriously considered, when appropriate, to correct any procedural deficiencies in your program reviews.

7. **Write Decision Letters that are Clear and are Adequately Supported by the Record:**

Assuming that an adverse decision is appropriate and that a decision has been reached, an agency's staff or whomever writes the decision letter should exercise extreme care in ensuring that the program decision letter is clearly reflected and supported by the program record. The letter must be carefully crafted and sufficiently detailed to properly and unambiguously notify the program of the agency's findings. Avoid vague or ambiguous language which could later be challenged by the program.

8. **Remind Programs of their Procedural Rights in the Decision Letter:**

The agency's procedures governing administrative challenges to adverse decisions, including re-considerations and appeals, should be clearly stated and published in the agency's procedures document. In spite of this ready access, it is always wise to remind the program of its right to seek reconsideration and/or an appeal in any action letter which reflects an adverse decision. A decision letter that reminds a program of the right to challenge an adverse decision provides stronger notice to the program and makes clear its rights under the agency's procedures.

9. **Maintain the Confidentiality of the Decision-making Process:**

No agency should publish or publicly divulge an adverse decision until the agency's accreditation reconsideration and appeal procedures have been exhausted. It is particularly critical that an agency's Commissioners and those who have any role in the agency's decision-making process are clearly advised of their responsibilities to strictly maintain the confidentiality of the agency's internal deliberations on program reviews. Recently, our agency received a letter from a program's attorney who asserted that ACAOM "libeled" the program by placing the program on probation. We were able to effectively respond to this charge by pointing out that ACAOM had not published or otherwise divulged our probation decision to parties other than the designated representatives of the program since

our reconsideration and appeal procedures had not yet been exhausted by the program. As it turned out, the program representatives who made this charge against our agency inadvertently "leaked" the Commission's probation decision to their students. This decision was not publicly divulged by our agency.

An agency's staff and Commissioners should also avoid publicizing or divulging internal agency deliberations on program reviews even after the agency's appeal procedures have been exhausted. This can be particularly problematic for adverse decisions. If confidentiality is breached in such instances, the program's attorneys may attempt to challenge the agency's decision by exploiting any "inconsistencies" between the "leaked" information and the agency's program decision letter. The decision letter should be the only information provided to the program on the agency's decision and an agency's staff and Commissioners would be well advised to be diligent in protecting the confidentiality of the agency's internal program deliberation process.

10. **Retain Legal Counsel when Faced with Potential Litigation:**

When faced with a controversial accreditation decision, particularly when your agency receives a threat of legal action, don't hesitate to contact an attorney who is experienced in accreditation issues. It can be costly to hire a lawyer, but failure to do so could be "penny wise and pound foolish."

11. **Obtain Good D&O Insurance Coverage:**

Finally, if your agency has not already done so, it should obtain good D&O Insurance coverage with adequate levels of coverage to fully protect your agency in the event that you are faced with a legal claim. Good D&O insurance coverage is critical to protect an accreditation agency from legal claims. Even baseless lawsuits are extremely expensive to defend, and the cost of legal defense could easily exceed an agency's available financial resources. A weak D&O policy with inadequate coverages and provisions can be just as useless as no coverage at all. When shopping for D&O Insurance, the policy language should be carefully reviewed to ensure that it covers not only the agency, but also its Commissioners, staff and site visitors. Particular attention should be paid to the policy's policy limits, deductibles, exclusions and endorsements to ensure that your agency receives maximum protection. It is particularly important that any policy that your agency purchases contains adequate coverage for antitrust claims. Although many policies exclude or limit coverage for antitrust claims, this is a common legal claim raised against accrediting agencies. Shop around and compare policies before your agency chooses a D&O carrier. Also, do not hesitate to negotiate with the carrier. Request changes to policy language, exclusions, endorsements, deductibles, policy limits and sub limits, etc. to ensure that your agency receives adequate protection. D&O carriers are often willing to negotiate proposed changes to such provisions.

Note: Following his remarks, Dort responded to questions from the audience.

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Book Review
By Cynthia Davenport

"*Assessing Student Competence in Accredited Disciplines: Pioneering Approaches to Assessment in Higher Education,*" edited by Catherine A. Palomba and Trudy W. Banta was published in 2001 by Stylus Publishing, LLC. (July 2001, cloth, 320pp, 6"x9", 1-57922-034-7, $37.50)

I was waiting in the aisle of the plane, ready to return to Chicago following the Christmas holidays, and had this book at the top of my carry-on bag. The man in line behind me looked at the book, looked at me, looked again at the book and said: "Only a teacher would read that book!" "Or an accreditor," I responded.

"Assessing Student Competence in Accredited Disciplines" begins with two introductory chapters by the editors, followed by eight chapters written by a faculty member from teaching, pharmacy, nursing, social work, business, computer science, engineering, and the visual arts. Although each chapter tells how assessment in the field is handled on the author's campus, it offers lessons that should be useful to other campuses and other disciplines. Former ASPA Board member, Mary Diez, Alverno College, Milwaukee, WI, wrote the chapter "Assessing Student Competence in Teacher Education Programs." Chapter eleven, "Accredited Programs and Authentic Assessment," by Douglas J. Eder describes how authentic assessment works in the professional programs of business, education, psychology, engineering, and nursing at SIUE: Southern Illinois University Edwardsville - where current ASPA Board member David J. Werner is chancellor. The British quality assurance movement is the focus of chapter twelve, and the final chapter reviews the "current practice of assessment within the eight featured disciplines; the role accrediting bodies play in fostering assessment in these disciplines; and the lessons, issues, and challenges that are common across disciplines."

Until I read the final chapter, it was my opinion that the audience most likely to benefit from reading the book was faculty rather than accreditors, although I also thought the book might be a useful resource for accreditors to recommend when they receive requests for assessment "how-to-do-it" examples. It is the final chapter, in my view, that makes the book useful to accreditors as well as program or institutional educators.

The book ends with a discussion and summary which notes the impact and leadership role of accrediting bodies. It also cites ASPA's Code of Good Practice as encouraging good practice in assessment and training. The chapter credits accreditors with setting expectations for on-going, cyclical assessment. It stresses that wide-spread faculty involvement and strong support within the institution are mandatory if assessment plans are to succeed. Accreditors are urged to resist the impulse to "make things too prescribed or too uniform" by continuing to "permit faculty to shape their own assessment programs" (page 266). Finally, Palomba asks: "What more can accreditors do [to encourage meaningful assessment]?" Her answer stresses the importance of site visit teams being specifically trained in the area of assessment. She urges accreditors to find

ways to "celebrate the assessment successes of their members" (page 266). Paloma also encourages them to find ways to "leverage their influence" to find creative ways to ensure that assessment efforts are continuing between on-site reviews and offers some useful examples. The book ends with the following statement:

> "*Although more can always be done, the evidence in this book indicates that disciplinary accreditors have taken up the challenge to encourage assessment and improvement of student learning, and faculty in professional fields have risen to this challenge. We admire their efforts*" (page 267).

Stylus Publishing is offering a 20% discount on the book, making the cost $30.00 for readers of ASPA News. If you are interested in ordering the book, call 800/ 232-0223 or 703/ 661-1581 - be sure to mention "Source Code ASPA" to receive your discount.

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How Many Site Visits is Too Many? - Report Now Available
Editor

During November 2001, many of you received, from CHEA, the October 2001 issue of The CHEA Chronicle. This issue of the Chronicle presented a report, "Are Universities 'Overrun' by Accreditors? A Look at the Data." In this report, ASPA's immediate-past chair, David J. Werner, chancellor, SIUE: Southern Illinois University Edwardsville, presented the results of his study of the number of site visits conducted by specialized accreditors over a four-year period. You can find this article on-line at the CHEA web site. Go to: www.chea.org and click on "The CHEA Chronicle."

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Special Workshop on Accreditation and Assessment - Mark Your Calendar Now
Editor

Have you concluded that general education and the major, especially a professional program, will never be able to work together?

Are you convinced that "an US versus THEM" opposition must always exist between the liberal arts and professional fields?

If so, plan now to attend a special workshop on Tuesday afternoon, 1:30 to 4:00 p.m., September 10, at the end of the fall 2002 ASPA meeting.

Regional and specialized accreditors have been working on this precise issue in a recent AAC&U Project on Accreditation and Assessment (PAA). They have a number of promising ideas to propose for your discussion and critique. Such as..

- Conceptualizing the undergraduate experience so that it is logically perceived as a COLLABORATION between general education and the major.
- Outcomes that are ESSENTIAL to both of these principal components of the degree.
- Principles for designing a curriculum that has some chance of achieving these outcomes.
- Assessment that integrates the outcomes and does so at a level that is sophisticated enough to be a true indicator of student achievement.

Join your colleagues for this special session. John Nichols, PAA Project Director and AAC&U Senior Fellow, will be working with other speakers or panelists to present a program designed to be a lively mix of information sharing and discussion.

Mark September 10 on your calendar. Plan to bring your experiences, your insights and your most challenging questions.

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Apply for ASPA Membership
Editor

If your specialized accrediting agency is not already a member of ASPA, we invite you to consider applying for membership during 2002. The application process was revised at the Fall 2001 meeting. All applicants now follow the same process, submitting a short narrative stating how the applicant meets the ASPA Code of Good Practice and the Definitions for Membership. The Code, the Definitions and information about the revised Application process are available on the ASPA web site. Go to: www.aspa-usa.org and click on the "membership info" button.

Applications to be reviewed at the Spring meeting are due by February 15. Applications to be reviewed at the Fall meeting are due by August 15. Contact the ASPA Office (773/ 525-5023) if you have questions about your eligibility or the application process.

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Mark Your Calendars - Spring 2002 ASPA Meeting
Editor

SPRING 2002 ASPA MEETING

Sunday-Monday-Tuesday
April 7-8-9, 2002

THE HILTON CHICAGO

720 South Michigan Ave.
Chicago, IL 60605
www.hilton.com

To reserve a sleeping room suite at the ASPA group rate of $130, call: 877/865-5320
Specify that you are attending the ASPA Spring Meeting
Hotel Room Block Release Date: March 18, 2002

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Fall 2002 Professional Development
Editor

Threats to Autonomy - Keeping 800 Pound Gorillas in their Cages

- How do accrediting agencies maintain their functional and operational autonomy when dealing with issues such as standards development, financial resources, appeals, selection of commissioners, organizational structure and human resources?
- Is CHEA, the US Department of Education, or your professional or sponsoring organization ever an 800 pound gorilla for your agency?
- What Can We Do About these and other Gorillas?

Plan on attending ASPA's fall 2002 meeting to learn how your colleagues deal with these issues. The professional development session will be held on Monday afternoon and Tuesday morning, September 9-10, 2002. When available, the location of the meeting will be posted to the ASPA web site: www.aspa-usa.org

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