



Appeals Policy

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CAEP Appeals Policy

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Section I. Introduction

The Council for the Accreditation of Educator Preparation (CAEP) is a non-governmental, voluntary, non-profit association of parties committed to the effective preparation of teachers and other P-12 professional educators. CAEP, through an Accreditation Council, accredits educator preparation providers (EPPs).

The activities of CAEP are carried out by three distinct bodies; the Governing Board of Directors, the Accreditation Council, and the Appeals Council. The duties and responsibilities of these bodies are described in the CAEP Bylaws and each is governed by a distinct set of policies. This policy document contains the policies, including those that are implied by the CAEP Bylaws, for the Appeals Council and has an accompanying standard operating procedures document which provides specificity regarding how policies are carried out by CAEP staff and/or Appeals Councilors.

In any section of this document which references or quotes CAEP Bylaws, the language of the ratified bylaws shall supersede the language contained herein.

Policy 1.01 Compliance

As long as CAEP chooses to be recognized or seek recognition by the United States Secretary of Education (USED) and/or the Council on Higher Education Accreditation (CHEA), it shall comply with any applicable requirements, including those for composition of the Appeals Council and any appointed appeals panel, particularly the proportions of educators, practitioners, and representatives of the public required on decision-making bodies.

Policy 1.02 Independence

Appeals panel proceedings shall be conducted separate and apart from the proceedings of the Accreditation Council. The decision of an appeals panel, with the exception of a decision to remand a case back to the Accreditation Council, shall stand independent of and not be subject to further review by the Accreditation Council.

Policy 1.03 Costs Associated with Appeals

The EPP is responsible for any and all costs associated with EPP attendance at an appeals hearing.

CAEP is responsible for any and all costs associated with convening the appeals panelists for the Hearing.

Policy 1.04 Counsel

The EPP is permitted to be represented by counsel during its appeal, if desired. This counsel will be chosen by the EPP and the EPP will pay any and all expenses related to the participation of EPP's counsel.

CAEP's counsel will be present during all hearings, and CAEP will pay any and all expenses related to their participation.

Section II. Appeals Council

Policy 2.01 Composition, Qualifications, and Term

The Appeals Council, a "designated body" of CAEP, as permitted and within the meaning prescribed under §401.02(8) and §406.12 of the D.C. Nonprofit Corporations Act, shall consist

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of not fewer than fifteen (15) individuals who are selected by the CAEP President in consultation with the Chair and Vice-Chair of the Board of Directors. Appeals Councilors will comprise a mix of qualified academic and administrative personnel and educators and practitioners as appropriate.

No current Board member or Accreditation Councilor may be appointed to the Appeals Council. To serve on the Appeals Council, an individual must successfully complete an Appeals Council training course prior to any appeals hearing to which they are assigned, which shall include training on relevant CAEP Standards, CAEP policy and procedures on the appeals process, standards of conduct, and conflicts of interest policy. In carrying out the responsibilities of the Appeals Council, Appeals Councilors shall at all times act in accordance with the CAEP standards of conduct and conflict of interest policy. Councilors shall serve staggered terms of not more than three (3) years. No Councilor may serve more than two (2) consecutive terms.

Policy 2.02 Appeals Panels

For each appeal of an accreditation decision by the Accreditation Council, the President shall appoint an appeals panel of five (5) individuals drawn from the Appeals Council, a majority of whom shall have formerly served on the Accreditation Council or as a CAEP site visitor, and including at least one public representative. In no case shall an individual be appointed to an appeals panel charged with handling the review of adverse action with regard to which the individual was involved, including but not limited to involvement as an Accreditation Councilor, site visitor, or accreditation consultant.

Policy 2.03 Appointment to an Appeals Panel

Upon appointment to an appeals panel, the Councilors are required to acknowledge understanding of and compliance with the CAEP standards of conduct and conflict of interest policy. Panelists will be given full access to the EPP's petition and all documentation used by the Accreditation Council in making its determination. This shall minimally include the policies and procedures applicable to the site visit, self-study report (SSR), evidence submitted by the EPP, formative feedback report (FFR), addendum, the site visit report (SVR), rejoinder and the lead site visitor's response (if applicable), Accreditation Council Action Report & Action Letter, and any new financial information that bears directly on previously identified deficiencies.

Section III. Appeals Process

Policy 3.01 Scope of Appeal

An Education Preparation Provider (EPP) may appeal an adverse action taken by the Accreditation Council. Adverse actions are defined in Accreditation Policy and may include denial or revocation of accreditation. An EPP may not appeal Stipulations, Areas for Improvement (AFIs), or Probationary Accreditation.

Policy 3.02 Appeals of Adverse Accreditation Decisions

CAEP will consider appeals of adverse accreditation decisions provided sufficient evidence is presented that:

- CAEP Accreditation Policy was not followed by the site visitors, the Accreditation Council, or CAEP staff; or
- Demonstrable bias, conflict of interest, or prejudice by site visitors, CAEP Staff, or Accreditation Councilors influenced the Accreditation Council's accreditation decision; or

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- CAEP's decision was not supported adequately or was contrary to the evidence presented and known at the time of the decision.

Policy 3.03 Consideration of New Financial Information

After satisfying one or more of the criteria for an appeal (Policy 3.02), an EPP may seek review of new financial information. This review may be conducted only once and any determination by the Appeals Council with respect to that review does not provide the basis for an additional appeal. The new financial information must:

- Have been unavailable to the EPP until after the accreditation decision was made; or
- Be significant and bear directly on financial deficiencies identified during the site visit and/or review; or
- Be the only remaining deficiency in support of an adverse action against the EPP.

Policy 3.04 Election to Appeal

Within fifteen (15) days of receiving notification of the adverse decision, an EPP must inform CAEP, in writing, of its intention to appeal.

Policy 3.05 Petition Submitted by an EPP

Within thirty (30) days of providing notice of intent to appeal, the EPP must submit to CAEP staff a petition for appeal that does not exceed 20 pages (using current APA formatting guidelines). At this time, the EPP may also submit up to three (3) summary PowerPoint slides for use during their oral presentation at the appeals hearing, additional handouts or visual aids are not permitted.

The petition must be based on one or more of the criteria defined in Accreditation Policy 3.02 and provide or cite evidence sufficient for CAEP to make a determination that the petition is eligible for consideration. In preparing a petition, an EPP should include citations to evidence submitted to CAEP during the EPP's accreditation review process. No copies of evidence may be included within or as an attachment or appendix to the petition. Appeals panel access to EPP evidence and case materials is limited to documents retrieved through CAEP's secure accreditation system.

Other than financial information described in Policy 3.03, no new evidence, including evidence of corrective action which occurred after the adverse decision by the Accreditation Council, will be considered as part of the appeals process that was not reviewed or considered by the Accreditation Council at the time of its decision.

Policy 3.06 Verification of Basis for Appeal and Compliance with Petition Requirements

Within ten (10) days of receipt of a petition for appeal from an EPP, CAEP staff or the Compliance Officer will review the petition and any slides submitted to determine whether the EPP has presented a valid basis for an appeal with its submission of a petition that meets the requirements of this policy.

If it is determined that the petition for appeal does not present a valid basis for appeal or that the petition or slides do not otherwise meet the requirements of this policy, CAEP staff will promptly notify the EPP of the deficiency. The EPP will then have ten (10) days from notification to submit an amended petition for appeal.

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If it is determined that the petition for appeal does present a valid basis for appeal, the President will appoint an appeals panel and begin the appeals process.

Policy 3.07 Status while Pending Appeal

For an EPP with the right to appeal, the accreditation status of that EPP remains unchanged pending the EPP's decision to elect to Appeal (per Policy 3.04). After verification pursuant to Policy 3.06, and while the appeal is pending, the EPP's prior accreditation or applicant status remains in effect.

Policy 3.08 Notice to the State of an Appeal

After verification pursuant to Policy 3.06, the relevant state agency is notified that an appeal is pending.

Policy 3.09 Appeals Hearing Scheduling

CAEP staff will communicate with the designated representative of the EPP as listed in the accreditation system and appeals panelists regarding the timeline for the appeal process, which includes the date, time, and location of the hearing. The hearing shall be scheduled to conclude prior to the next regularly scheduled Accreditation Council meeting.

Policy 3.10 Pre-Hearing Preparation

CAEP facilitates a discussion among panelists to review the relevant case materials and petition and to document the selection by the Panel of a Panel Chair who will moderate the proceedings.

Policy 3.11 Appeals Hearing Participation

The lead site visitor and chair, or designee, of the Accreditation Council initial review panel may be present to respond to questions from the Panelists about the case.

Any appeals panelist or approved attendee may participate in the hearing via telephone or videoconference (if available).

Policy 3.12 Appeals Panel Proceedings

Not fewer than seven (7) days before a scheduled hearing, CAEP will make the EPP's petition and all relevant case materials available to the appeals panel via electronic means. At the request of any panelists, a hard copy of the EPP's petition will be made available on the day of the hearing.

Not fewer than five (5) days before the appeals hearing, CAEP provides the EPP with materials relevant to the hearing such as agenda and guidance documents.

During the hearing, a designated representative(s) of the EPP is invited to make a thirty (30) minute oral presentation. With the exception of the previously submitted petition and slides, the EPP may not share or distribute any materials during the hearing.

Policy 3.13 Confidentiality of Appeals Panel Proceedings

Appeals panel proceedings are not public meetings, despite there being public representatives on each panel. Information provided during the course of the appeal is considered confidential, with the exception of information or materials that are public or have already been made public, and information on the final decision that is required to be made public by the state in which the EPP operates, CHEA, or USED.

Policy 3.14 Decisions by the Appeals Panel

At the conclusion of its deliberation, the appeals panel may Affirm, Amend, Reverse or Remand a decision of the Accreditation Council, as follows. The decision carries upon a majority vote in favor of the status.

If the appeals panel decides to Affirm the decision of the Accreditation Council, then:

- The EPP's prior decision (Revocation or Denial) remains in effect.
- The decision is final on the date of the appeals panel decision.

If the appeals panel decides to Amend or Reverse the decision of the Accreditation Council and assigns instead a decision of Accreditation, then:

- The decision is final on the date of the appeals panel decision.
- The EPP's term of accreditation begins on the date when the AC rendered its initial decision and extends until the Council's next accreditation decision. [Accreditation Policy 5.13(a)]

If the appeals panel decides to Amend or Reverse the decision of the Accreditation Council and assigns instead a decision of Accreditation with Stipulations, then:

- The decision is final on the date of the appeals panel decision.
- The EPP's term of accreditation begins on the date when the AC rendered its initial decision and extends until the Council's next accreditation decision. [Accreditation Policy 5.13(a)]

If the appeals panel decides to Amend or Reverse the decision of the Accreditation Council and assigns instead a decision of Probation, then:

- The decision is final on the date of the appeals panel decision.
- The EPP's term of accreditation begins on the date when the AC rendered its initial decision and extends until the Council's next accreditation decision. [Accreditation Policy 5.13(a)]

If the decision is to Remand, the Appeals Panel must provide instructions for further consideration to the Accreditation Council. The Accreditation Council must take action in a manner consistent with the Appeals Panel decision and instructions. In this instance, the Accreditation Council is the final decision maker.

Policy 3.15 Conclusion of the Proceedings

After the proceeding has been adjourned by the panel chair, the proceeding is concluded, and the panel is excused from duty. No further substantive submissions or requests from or on behalf of the EPP will be considered; however, CAEP staff may provide additional or clarifying information regarding the timeline or process for notification of the decision.

Policy 3.16 Notification of Accreditation Decisions

The decision of the Appeals Panel and the basis for the result are provided to the EPP in writing. Notice of accreditation decisions is governed by the relevant section of Accreditation Policy.