

Appeals Policy

Council for the Accreditation of Educator Preparation

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11/5/2018	1.4	Updates made to verify word capitalization is consistent throughout document and Policy 3.05, 3.06, and 3.12.
12/6/2019	1.5	Establish applicability to adverse action decisions resulting from a CAEP preaccreditation review; modified the decision-making structure by eliminating the Appeals Council in lieu of Ad Hoc Appeal Panels; eliminated the option of a decision to Reverse, in keeping with recent changes to Federal regulations; established that all appeal hearings will be conducted via electronic means.

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Section I. Introduction

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

Accreditation is a process by which an educational institution or program submits to a voluntary, non-governmental review to determine whether it meets accepted standards of quality. Within the field of educator preparation, CAEP develops standards and conducts reviews of EPPs. An institution or program is considered a fully accredited EPP when it is found to meet these standards.

(a) Decision-Making Bodies

The activities of CAEP are carried out by three distinct bodies:

- i Board of Directors, CAEP's governing body;
- ii Accreditation Council, the primary accreditation decision-making body, is charged with making accreditation and preaccreditation decisions; it also is responsible for oversight of the volunteers that conduct site visits and review annual reports; and
- iii Ad-Hoc Appeal Panel, a decision-making body that is independent from the Accreditation Council and reviews decisions to revoke or deny preaccreditation and accreditation. An Ad Hoc Appeal Panel (Appeal Panel) is only assembled if an EPP has received an adverse action decision and has made a formal, qualifying request for an appeal of the decision, or, at the discretion of the CAEP president, as may be needed for the review and approval of amendments to this Appeals Policy.

Throughout this document, all references to preaccreditation shall be construed to include an application status phases and a preaccreditation status phase, each with its own evaluation criteria and status determination processes, as provided for in Accreditation Policy. Accreditation includes both initial accreditation and renewal of accreditation.

(b) Governing Documents, Policies, Procedures, and Guidance

The duties and responsibilities of each decision-making body are established in the CAEP Bylaws. Each body develops, adopts, and implements its own policies in accordance with applicable public comment, voting, and notice requirements in Bylaws and policy. All amendments to Accreditation Policy and Appeals Policy are subject to Board review and acceptance indicating that the consistency with the vision and scope of CAEP accreditation, as well as feasibility, fiscal impacts, and alignment with operational standards of the Board.

Procedures are developed by CAEP staff with input from EPPs and representatives of any of the three (3) bodies for which the procedures are to be used.

CAEP also publishes a number of guidance documents – including, but not limited to, handbook(s) and assessment frameworks, which provide EPPs with additional information on the process and criteria used in the evaluation of evidence.

(c) Resolving Conflicts

This document, Appeals Policy, is to be used by any EPP seeking to appeal an adverse action decision; the Appeal Panel and other CAEP volunteers who may be asked to provide information regarding the appeal; and CAEP staff.

- i If any provision of this document or CAEP's interpretation thereof conflicts with any provision of the Bylaws, the relevant provision of the Bylaws will be deemed to prevail.
- ii If any provision of this document or CAEP's interpretation thereof conflicts with any provision of Accreditation Policy, it is the intent of the Board that the Ad-Hoc Appeal Panel Policy provision will prevail to the extent it is used in the context of an independent panel review of an adverse action of the Accreditation Council.
- iii In no case shall any CAEP guidance document, including handbooks, supersede any provision of this Appeals Policy or Accreditation Policy. If any provision of any guidance document or CAEP's interpretation thereof conflicts with any provision of this policy, this Appeals Policy shall govern.

Policy 1.01 REPEALED

This Policy has been repealed effective January 1, 2020.

Policy 1.02 Independence

An Appeal Panel proceeding shall be conducted separate and apart from the proceedings of the Accreditation Council. A decision of an Appeal Panel with the exception of a decision to remand a case back to the Accreditation Council, shall be final and, as such, shall not be subject to further review by the Accreditation Council.

Policy 1.03 REPEALED

This Policy has been repealed effective January 1, 2020.

Policy 1.04 REPEALED

This Policy has been repealed effective January 1, 2020.

Section II. Ad Hoc Appeal Panel

Any Appeal Panel assembled pursuant to this Policy, is charged with providing for an independent appeals process on one (1) or more adverse action decision of the Accreditation Council, which may include rendering a final accreditation decision.

An Appeal Panel is also responsible for the following:

- (a) Undertaking all duties in accordance with the provisions of this Appeal Policy and any related procedures;
- (b) As may be required from time to time, proposing and approving amendments to this Appeals Policy; such amendments are subject to the review and acceptance of the Board;
- (c) As may be required from time to time, providing feedback on proposed amendments to procedures regarding the activities of an Ad Hoc Appeal Panel; and
- (d) At the conclusion of an appeal, complete a decision letter and authorize CAEP's publication of a preaccreditation decision or accreditation decision, which may include the identification of areas for improvement and stipulations, as appropriate, based on the outcome of the appeal.

Policy 2.01 Composition, Qualifications, Term

(a) Composition

Pursuant to Bylaws Article IX, upon receipt of a formal, qualifying petition for an appeal of an adverse action decision of the Accreditation Council, the CAEP President shall, after consultation with the Board Chair and Vice-Chair and subject to the qualifications established in (b), select between three (3) and five (5) individuals to be assembled as an Ad Hoc Appeal Panel for the purposes of providing the Petitioner (EPP) an independent appeals process. At least one Appeal Panel member must be a representative of the public as defined in paragraph (b).

(b) Public Representation

An Appeal Panel member designated as a representative of the public for purposes of meeting the requirement of paragraph (a) of this Policy must be a Representative of the Public as defined by USED for accrediting agencies seeking to be recognized by the Secretary of Education. This means that any such individual shall be a person who is not –

- i. An employee, member of the governing board, owner, or shareholder of, or consultant to, an institution or program that either is accredited or preaccredited by CAEP or has applied for CAEP accreditation or preaccreditation;
- ii. A member of any trade association or membership organization related to, affiliated with, or associated with CAEP; or
- iii. A spouse, parent, child, or sibling of an individual identified in paragraphs (i) or (ii).

(c) Qualifications

Except for representatives of the public, any Appeal Panel member must, at the time of selection, meet at least one (1) of the following criteria:

- i. Prior service as a CAEP nationally trained site visitor;
- ii. Current or prior service as an assessment or accreditation coordinator for an EPP or in a position overseeing the EPP accreditation process;
- iii. Received and maintains designation as a National Board Certified Teacher through the National Board for Professional Teaching Standards (NBPTS);
- iv. Recommended for selection as an Appeals Panel member by a state government official, the National Education Association (NEA), or the American Federation of Teachers (AFT);
- v. Current or prior experience as an employer of K-12 educators or as a policy maker from an education agency operated by a local or state government, country, or other governing authority under which EPPs operate;
- vi. Current or prior service as an officer for an organization dedicated to P-16 education whether operated and focused on education at the local or state level or internationally.

Regardless of the above, no CAEP Appeal Panel member may serve as an Accreditation Councilor or selected to serve as an Alternate Councilor or Site Visitor during his/her term as an Appeal Panel member. Although such selection or election may take place prior to the expiration of a volunteer's service on an Appeal Panel, he/she may not begin service as a Councilor, Alternate, or Site Visitor until after such expiration. No Director of the CAEP Board may serve on an Appeal Panel during his or her service as a Director.

Prior to commencing review of the Petitioner's petition and relevant case materials, all Appeal Panel members must successfully complete Appeal Panel training which shall include instruction on CAEP policy and procedures, CAEP's commitment to diversity, standards of conduct, and conflicts of interest policy.

(d) Term

An Appeal Panel member shall serve in that role for a period of ninety (90) days beginning on the date of selection by the CAEP President, or, if an Appeal Panel is assigned more than one (1) appeal, the term shall be established by the CAEP President but shall not extend for more than sixty (60) days after the conclusion of the last scheduled proceeding to which the member is assigned. At the discretion of the CAEP President, an Appeal Panel may be assembled solely for the purpose of proposing and/or approving amendments to this Appeals Policy and providing feedback on proposed amendments to procedures.

An Appeal Panel member may be removed at any time including for failure to adhere to the standards of conduct. Unanimous agreement between the President, Board Chair, and Board Vice-Chair is required for removal with cause or without cause.

An Appeal Panel member may resign at any time by written notice to the President, Board Chair, or Board Vice-Chair. The resignation shall be effective at the time specified in the notice or on receipt, if no time is specified. Acceptance of a resignation shall not be necessary to make it effective.

Policy 2.02 REPEALED

This Policy has been repealed effective January 1, 2020.

Policy 2.03 REPEALED

This Policy has been repealed effective January 1, 2020.

Policy 2.04 Code of Ethics

An Appeal Panel member is expected to maintain the highest standards of ethical behavior, which include, but are not limited to, the following:

- (a) Not accepting consulting assignments related to any EPP's accreditation or preaccreditation during their term of service or for a year after their service.
- (b) Declaring potential conflicts or competing interests in the accreditation process.
- (c) Maintaining confidences of all parties involved in the accreditation or preaccreditation processes and decisions.
- (d) Not communicating information that might compromise the integrity of an accreditation decision.
- (e) Not undertaking accrediting responsibilities for which they have not been trained comprehensively on CAEP's policies, practices, principles, and standards.
- (f) Not showing bias or prejudice against an EPP being reviewed or others involved in the accreditation process.
- (g) Not accepting gifts, bribes, or anything of value that may give the appearance of favor or partiality in any decisions rendered regarding CAEP's affairs, activities, and policies.

Policy 2.05 Conflicts of Interest

In advance of each appeal proceeding, Appeal Panel members are asked to read, understand, and agree to the Conflict of Interest policy and, in the context of all Appeal Panel duties, to disclose any issue with regard to which the individual has determined that he or she has a real conflict or a conflict of interest may be perceived. He or she must then recuse him or herself from any discussion on the matter at issue, and abstain from voting on the matter. CAEP staff assisting with the appeal proceeding shall record all such disclosures, recusals, and abstentions in records maintained on the proceeding.

An Appeal Panel member is expected to maintain relationships and practices in all CAEP activities that do not demonstrate conflicts of interest. The Appeal Panel member conducts CAEP business, including private business and financial affairs that might impinge upon CAEP, in a manner that can withstand the sharpest scrutiny by those who would seek to find conflicts and, thus, they exclude themselves from CAEP activities for any reason that may represent an actual or perceived conflict of interest.

(a) Non-Exhaustive List of Conflicts of Interest

Conflicts of interest may include the following:

- i. Currently employed by an EPP under review.
- ii. Having been employed by or under consideration for employment at the EPP under review in the last ten (10) years as a staff, faculty, or administrator.
- iii. Having been a consultant at the EPP being reviewed within the past ten (10) years.
- iv. Serving on or having served within the last five (5) years on a statewide or national decision-making board or committee that considered an EPP under review.
- v. Serving as a CAEP staff member within the last seven (7) years.
- vi. Participating in a common consortium or special research relationship with an EPP under review.
- vii. Having jointly authored research or literature with a faculty member at the EPP under review.
- viii. Having an immediate family member attending or employed by the EPP or institution/organization or being considered for employment at the EPP or institution/organization under review.
- ix. Having advised a doctoral candidate who is now a member of faculty at the EPP under review.
- x. Having served as a commencement speaker, received an honorary degree from the institution, or otherwise profited or appeared to benefit from service to the institution or the EPP under review.
- xi. Affiliation with another accreditor or purveyor of standards which are competitive to the Initial-Licensure or Advanced-Level CAEP Standards.

If an EPP by which a CAEP volunteer is employed or with which the volunteer has a conflict is under review (beginning with program review and ending with notification of final decision), the volunteer must refrain from any communication with other CAEP volunteers regarding the EPP through the entirety of the EPP's accreditation process.

(b) Personal Agendas

An Appeal Panel member must not advance any personal agenda in the conduct of accreditation business by applying personal or partisan interpretations of CAEP policies. He or she must refrain from participating in CAEP activities if, to the best of his or her knowledge, there is some predisposing factor that could prejudice him or her with respect to CAEP's affairs, activities, or policies.

(c) Compensation or Gifts

An Appeal Panel member must not request or accept any compensation or gifts of substance from an EPP being reviewed or anyone affiliated with the EPP. Gifts of substance would include briefcases, tickets to athletic or entertainment events, and so forth. Small tokens such as key chains, magnets, or cups may be presented to site visitors if appropriate to an EPP culture.

Policy 2.06 Harassment

CAEP maintains and fosters an environment in which all volunteers are treated with decency and respect. Therefore, CAEP prohibits discrimination and all forms of harassment, including but not limited to sexual harassment. This means that no form of discriminatory or harassing conduct towards any volunteer, employee, EPP, or other person will be tolerated. CAEP is committed to enforcing this at all levels within CAEP, and any volunteer who engages in discrimination or harassment will be subject to immediate removal from volunteer activities.

All investigations of harassment claims are conducted by the Compliance Officer and in alignment with Accreditation Policy Policy IX Complaints.

Policy 2.07 Confidentiality

Appeal Panel members have access to sensitive information in order to review and make accreditation decisions and must protect the confidentiality of this information. Specifically, these individuals must treat as confidential all elements of the work of the Appeal Panel. They should share information and perceptions with discipline and care and not publicly discuss the particulars of their CAEP-related activities.

Section III. Accreditation

Policy 3.01 Scope of Appeal

An Education Preparation Provider (EPP) may appeal an Adverse Action decision (Revocation or Denial) of the Accreditation Council.

Policy 3.02 Appeal of Adverse Action

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

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

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

Policy 3.04 Election to Appeal; Effect of Election on Adverse Action Decision

Within fifteen (15) days of receiving notification of the adverse decision, an EPP must inform CAEP, in writing, of its intention to appeal. The accreditation or application status of an EPP meeting this requirement will remain as it was prior to the adverse action decision that gave rise to the right to appeal.

If an EPP eligible to appeal a decision of the Accreditation Council elects not to do so or fails to submit notice of its intention either to appeal or to forego an appeal hearing, the adverse action decision of the Accreditation Council will become final on the sixteenth (16th) day following the day on which the EPP received notification of the decision.

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 twenty (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 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.

If an EPP which has notified CAEP of its intent to appeal fails to submit a petition within in the established timeline, the adverse action decision of the Accreditation Council will become final on the thirty-first (31st) day following the day on which CAEP received the EPP notice of intent to appeal.

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. If CAEP still finds that the EPP's petition does not meet the requirements of this Policy, the petition for appeal will be formally rejected and the adverse action decision of the Accreditation Council will become final thirty (30) day following the day on which the EPP receives notice of the rejection.

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

Policy 3.07 Status while Pending Appeal

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 Appeal Panel members regarding the timeline for the appeal process, which includes the date and time of the hearing. All appeals hearings will be conducted virtually using technology that provides all Appeal Panel members and the EPP's representative(s) the opportunity to engage in a synchronous exchange. The hearing shall be scheduled to conclude prior to the next regularly scheduled Accreditation Council meeting.

The EPP may elect to be represented by counsel during an appeal, including during the hearing. The EPP is responsible for any and all expenses related to such representation.

Policy 3.10 Pre-Hearing Preparation

Prior to the hearing, CAEP shall facilitate a discussion among Appeal Panel members to review the relevant case materials and petition and to document the selection of an Appeal Panel Chair who will facilitate the proceedings.

Policy 3.11 Participation by Other CAEP Volunteers and CAEP's Counsel

The lead site visitor and Chair of the Accreditation Council initial review panel (or the chair's designee) may be asked to participate in the hearing and to respond to questions from the Appeal Panel about the case.

CAEP's counsel will participate in the Appeal Panel training and all of the activities of the Appeal Panel including the pre-hearing preparation and hearing.

Policy 3.12 Appeal 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 Appeal Panel members via electronic means. At the request of an Appeal Panel member, 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 appeal hearing, CAEP will provide 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.

No portion of any appeal proceedings may be recorded without the prior written approval of the CAEP president.

Policy 3.13 Confidentiality of Appeal Panel Proceedings

Appeal Panel proceedings are not public meetings. Information provided during the course of an 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 Available to the Appeal Panel

At the conclusion of its deliberation, the Appeal Panel may Affirm, Amend, or Remand a decision of the Accreditation Council, as follows. The decision carries upon a Majority Vote in favor of the status.

(a) Affirm - If the Appeal Panel decides to Affirm the decision of the Accreditation Council, then:

1. The EPP's adverse action decision (Revocation or Denial) remains in effect.
2. The final decision date is the date of the Accreditation Council's adverse action decision.

(b) Amend (Full Accreditation) - If the Appeal Panel decides to Amend the adverse action decision of the Accreditation Council and assigns instead a decision of Accreditation, then:

- i. The decision is final on the date notice of the Appeal Panel decision is received by the EPP.
- ii. The EPP's term of accreditation begins on the date when the Accreditation Council rendered its adverse action decision and extends until the Council's next accreditation decision.

(c) Amend (Accreditation with Stipulations) - If the Appeal Panel decides to Amend the adverse action decision of the Accreditation Council and assigns instead a decision of Accreditation with Stipulations, then:

- i. The decision is final on the date notice of the Appeal Panel decision is received by the EPP.
- ii. The EPP's term of accreditation begins on the date when the Accreditation Council rendered its adverse action decision and extends until the Council's next accreditation decision.

(d) Amend (Probationary Accreditation) - If the Appeal Panel decides to Amend the adverse action decision of the Accreditation Council and assigns instead a decision of Probationary Accreditation, then:

1. The decision is final on the date notice of the Appeal Panel decision is received by the EPP.
2. The EPP's term of accreditation begins on the date when the Accreditation Council rendered its adverse action decision and extends until the Council's next accreditation decision.

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

Policy 3.15 Conclusion of the Proceedings

After the hearing has been adjourned by the Appeal Panel Chair, the Appeal Panel members engage in deliberation and the Appeal Panel renders its decision in the form of a formal decision letter provided to CAEP staff. The proceeding is then concluded, and the Appeal Panel is excused. 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 Appeal Panel and the basis for the result are provided to the EPP in writing. Notice of accreditation decisions are governed by the provisions of Accreditation Policy 5.16 which require notice to be provided not more than thirty (30) days after a final decision has been made.

Policy 3.17 Effect of Withdrawal During or After and Appeal

Pursuant to Accreditation Policy 6.05, an EPP has the right to withdraw from the accreditation process at any time by submitting a letter of withdrawal from the EPP administrator (e.g., President, Provost, Chief Academic Officer) to the CAEP President. If an EPP notifies CAEP of intent to withdraw after an adverse action decision by the Accreditation Council, the adverse action remains the final accreditation decision unless such decision was amended through the decision of an Appeal Panel.