

Appeals Process Overview

CAEP Board Meeting

June 8, 2016 | Washington, D.C.

Session Objectives

- This session and the accompanying memo are designed to provide you with essential information on CAEP's policy and process for handling EPP appeals, including:
 - Appeals/due process requirements set by CHEA and USED;
 - The steps of CAEP's appeal process;
 - Establishing a basis for appeal; and
 - Criteria for panelists.

CHEA: Specified and Fair Appeals Process

Standard D: Employs Appropriate and Fair Procedures in Decision Making

- Assure a specified and fair appeals process when there is an action to deny or remove accreditation;
- Inform the institution or program about the process by which the appeal will be conducted, the grounds for appeal, and any costs associated with an appeal; and
- Continue the current accreditation status of the institution or program until an appeal decision is rendered.

USED: Standards for Recognition

- The agency must demonstrate that the procedures it uses throughout the accrediting process satisfy due process, including providing an opportunity for the institution or program to appeal any adverse action prior to the action becoming final.
- The appeal must take place at a hearing before an appeals panel that:
 - Does not include current members of the agency's decision-making body;
 - Is subject to a conflict of interest policy;
 - Does not serve only an advisory or procedural role (must have and use authority to make decisions to affirm, amend, or reverse adverse actions of the original decision-making body); and
 - The original decision-making body must act in a manner consistent with the appeals panel's decisions or instructions (if the panel decides to remand the adverse action for further consideration, it must identify specific issues for the original decision-making body to address).
- The agency must recognize the right of the institution to employ counsel during its appeal.

CAEP's Appeals Process: Codification

- Proposed revisions to the Bylaws would create a new article on appeals; under the current Bylaws (last revised December 2015), an appeals committee is provided for under the article on the Accreditation Council.
- Policy IX of the Policy Manual defines the Appeal Process in greater specificity. Policy V and VII are also relevant to the process as they address the notification of accreditation decisions and adverse action.
- The Accreditation Handbook also provides information on the process.

CAEP Appeals Process:

1

• **Decision to Deny or Revoke.** Upon finding s that an EPP does not meet one or more standards and//or the preponderance of evidence raises serious concerns about the quality of an EPP.

2

• **Notification.** CAEP gives written notice of adverse action, along with written justification and information on right to appeal. [within 30 days of decision]

3

• **EPP Elects to Appeal.** EPP provides CAEP with written notice of intent to appeal. [within 15 days of receiving notice of adverse action]

4

• **Petition Filed.** EPP submits petition for appeal. [within 30 days of providing notice of election]

5

• **Verification of Basis for Appeal.** CAEP staff review petition to ensure valid basis for appeal. [within 5 days of receipt of petition; 7 days for EPP to amend]

6

• **Appointment of Appeals Panel.** The CAEP President appoints five qualified members from the Appeals Committee and gives them access to the petition and all related documentation.

7

• **Hearing.** Date, time, and location to be set by the President; EPP representative invited to make 30-minute oral presentation.

8

• **Decision.** A decision to Affirm, Amend, or Reverse is considered a final decision. A decision to Remand for further Accreditation Council consideration must be accompanied with specific. Written notice is given to the EPP and the final decision is made public.

Basis for Appeal

- CAEP accepts appeals of adverse accreditation decisions under the following conditions:
 - Stated procedures were not followed by the site visitors, the Commissioners, the Accreditation Council, or CAEP staff;
 - There is evidence of demonstrable bias, conflict of interest, or prejudice; or
 - The decision is not supported adequately or was contrary to the facts presented and known at the time of the decision.

Information Considered

- EPP may seek review of new financial information that was unavailable prior to the time of accreditation decision, is significant to the deficiencies identified, or is the only remaining deficiency in an adverse action.
 - The review of new financial information may be conducted only once and does not provide the basis for an appeal.
- Other than the financial information noted above, no evidence will be considered.
- The panel may not consider evidence of corrective action that occurs after the date of the decision by the Accreditation Council.

Appeals Committee Composition and Criteria

- Appeals Committee consists of fifteen (15) members selected by the President. No Board member or Accreditation Council member is eligible for appointment.
- Within 60 days of appointment, must complete training and agree to adhere to standards of conduct, including the CAEP conflict of interest policy.
- For each appeal the President appoints a panel of five (5) members from the Appeals Committee, a majority of whom shall have formerly served on the Accreditation Council, and at least one representative of the public. In no case shall an appeals panel member be appointed who was involved in the accreditation action subject to appeal.