
September 26, 2023

Herman Bounds Jr., Ed.S.
Director, Accreditation Group
United States Department of Education
400 Maryland Street SW
Washington, DC 20202

Dear Mr. Bounds:

This letter is in response to the August 7, 2023, U.S. Department of Education, (USDE) Office of Postsecondary Education letter titled, "[Guidance for Ensuring Complaint Procedures for Accrediting Agencies are Timely, Fair and Equitable](#)," which relates to Federal Regulation, The Secretary's Recognition of Accrediting Agencies.

The Council for Higher Education Accreditation (CHEA) views these recommendations as duplicative in process and restricts accrediting organizations from the independence of complaint design and working with institutions to resolve credible public concerns. CHEA and USDE are fully aware that most accrediting agencies have complaint policies and procedures that they follow with exactness. This USDE guidance is unclear and unnecessary for the following reasons:

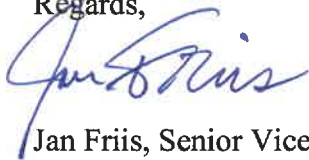
1. Recognized accrediting agencies have already established complaint procedures, as required by regulation § 602.23 (c) (1). Accrediting organizations have been deemed as being consistently compliant with those regulations, by USDE, so additional guidance is not needed.
2. USDE states that other factors "may be considered" when determining compliance with this guidance. This phrase provides no consistency or specific direction for accrediting organizations to follow. The lack of specific regulations in this area may lead to subjectivity by USDE or an interpretation different from that of the accreditor or the institution while working to resolve the issue, in determining compliance. USDE will be substituting its judgment for those who worked on the complaint.
3. USDE's statement, "Every review of an accrediting agency's compliance with § 602.23 (c) (1) will be a unique, fact-specific evaluation, based on all relevant facts and circumstances available to the Department, whether the agency has demonstrated that its complaint procedures and the application of those procedures are 'timely, fair, and equitable.'" Where is the regulation defining "timely, fair, and equitable?" Whose judgment will be used to establish compliance? This is inconsistent with current regulation and is inconsistent with the long-held practice requiring that all accrediting organizations be reviewed within the same standards.

4. Complaints submitted only by telephone and/or anonymously, are unlikely to be resolved to an individual's satisfaction as there is no individual to whom the accrediting organization may respond concerning corrective actions. In addition, the content of the complaint will very likely be subjective based on the interpretation of the individual who took the phone call and on the interpretation of the person at the institution receiving the complaint to be resolved. A resolution for the complainant is very unlikely to be satisfactory as they have chosen to remain anonymous.

Accreditors are expected to have policies that are timely, fair, and equitable, but USDE provides no guidance regarding its expectations or description of how USDE will interpret that concept. Thus, making reviews of complaints against an accrediting organization or institutions and whether those procedures and judgments are "unbiased" opened to being second-guessed by USDE staff; resulting in recognition findings against the accrediting organization even though it acted in good faith. An additional consequence may be that accreditors will require new complaint procedures at institutions based on the issue of the day as viewed by USDE.

For the reasons listed above, this guidance should be recalled. If the USDE wishes to move forward with recommendations for changes, it should go through the standard legislative or negotiated rulemaking process.

Regards,



Jan Friis, Senior Vice President for Government Affairs
Council for Higher Education Accreditation



Cynthia Jackson Hammond, President
Council for Higher Education Accreditation

Cc: James Kvaal, United States Under Secretary of Education
Nasser Paydar, Ph.D., Chancellor, Indiana University, Purdue University Indianapolis
United States House of Representatives Committee on Education and the Workforce
United States Senate Committee on Health, Education, Labor and Pensions