

**COUNCIL FOR  
HIGHER EDUCATION ACCREDITATION**

*QUALITY ASSURANCE IN HIGHER EDUCATION  
IN THE TWENTY-FIRST CENTURY  
AND THE ROLE OF  
THE COUNCIL FOR  
HIGHER EDUCATION ACCREDITATION*

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# *QUALITY ASSURANCE IN HIGHER EDUCATION IN THE TWENTY-FIRST CENTURY AND THE ROLE OF THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION*

BY

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## *Introduction*

The British magazine, *The Economist*, probably the leading globally informed publication of this type, in its September 8, 2005 issue, stated that U.S. higher education is “the best in the world.” Although not a “system” and not managed by a central ministry, it is clearly an identifiable enterprise. And its outstanding stature is attributed to its not being organized under the authority of a central government. What holds it together? In part, it is participation by thousands of diverse collegiate institutions and their skilled faculties in the self-regulatory process of accreditation that has developed in the past century. As society needed new, diverse institutions, higher education changed and adapted. Without the police powers of government, and primarily voluntary in nature, it has worked to improve and expand programs and degree offerings. Core values of a democratic society have been maintained, along with autonomy of diverse institutions responding to their varying missions.

Why and how is this condition possible? Two major factors of our republic contribute. They are, first, our unique Constitution, and, second, our unique tripartite system of providing goods and services in our society.

The United States of America, in forming the Constitution after achieving independence from England, developed a combined federal and state system, with Article I, Section 8 of the Constitution listing 18 powers delegated to the Congress and Amendment No. X stating, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” The term, “education” is not used in the Constitution or *The Federalist Papers* developed to encourage its passage. Therefore, education in all of its forms, including higher education, is reserved for the states.

As a result, the chartering, establishment and operation of higher education and all institutional education activity is a state power and not a federal power. The federal government has oversight responsibility with regard to the District of Columbia and provides for some specialized institutions in the District. And it provides for institutes to train military forces needed to defend the country and its borders - but all other activity must be state-chartered and required to conform to state law.

The United States has also developed a plan for providing goods and services for its society that is

unique. It is tripartite: business and commerce (profit-making and tax-paying); state and federal governments (funded by taxes on business, tariffs and, after the passage of the 16th amendment, taxes on individual incomes) and, finally, thousands of voluntary associations working in the public interest and not responsible, in the main, for paying taxes. Governments are totally responsible for legal matters, consumer protection and exerting the police powers required to enforce the laws and their associated regulations. The voluntary organizations cannot enforce laws or exert the police powers of the government.

Accrediting bodies are among the thousands of voluntary organizations. They are 501(c)3 operations, as is the Council for Higher Education Accreditation (CHEA), a national membership organization charged with national coordination of accreditation. As a result, consumer protection laws against such entities as degree mills, accreditation mills and illegally operating organizations claiming to be educational institutions must be subject to enforcement by government agencies – the Federal Trade Commission, the Federal Bureau of Investigation, the U.S. Postal Service, the U.S. Department of Education (USDE) or state government supervisory agencies.

### ***State Governments and Accreditation***

States charter and establish public higher education institutions in the United States. They license or authorize private higher education institutions. In contrast to the current environment in which accreditation is carried out primarily by private organizations, accreditation was initially the province of the states. The first state to establish such a system was New York. The Board of Regents of the State of New York, in 1784, was required to visit and review each institution, its programs of study, add them to an approved register and report to the legislature. This agency is still on the list of USDE-recognized accrediting organizations for its institutions to participate in Title IV financial aid programs for their students. Other states followed New York's lead – such as Iowa (1846), Utah (1896), Washington (1909), Virginia (1909) and Maryland (1914). By 1979, a careful review of the current state constitutions, laws and regulations by Garnet Birch (*State Higher Education Agency Responsibility for the Evaluation and Accreditation of Public Four-Year Institutions of Higher Education*, doctoral dissertation, University of Arizona), showed that 17 states had established agencies that were responsible for evaluating and accrediting four-year institutions.

An even more extensive study in 2010 by the National Center For Higher Education Management Systems (NCHEMS, *State Uses of Accreditation: Results of a 50-State Inventory*) showed the current state involvement and uses of nongovernmental accreditation. Some important selected findings are:

1. Six states actually “accredit” institutions, 14 “approve,” four “authorize,” three “certify,” one “oversees,” one (New York) “registers” and the others “license.”
2. Forty states require accreditation in order to operate. Twenty-one states require accreditation for new nonpublic institutions.
3. Forty-four states require out-of-state institutions to be accredited in order to operate in the state, and some require additional state agency review.
4. Sixteen states have transfer policies affecting all institutions, eight of them requiring accreditation.
5. Twenty-eight states require nonpublic institutions to be accredited to receive state funds.

## *Selected Critical Changes in Accreditation and Demographics*

To provide appropriate background for critical changes, several types of information are useful. The following limited items are by no means all-encompassing. However, they are indicative of key factors that provide some perspective on the background and historical basis for recent developments in accreditation and “quality assurance” (a relatively recent phrase in use in evaluating higher education institutions and according them approval and accreditation), as well as CHEA and the future emphasis of this organization. The first group of items deals more directly with institutional developments and activities. The second group of items includes various federal actions, both legislative and regulatory, that affect higher education.

### A. Institutional Background

1. At the same time that Congress developed the Interstate Commerce Act, several regions developed institutional membership organizations, often to answer the question, “What is a college?” Many institutions provided college preparatory programs and there was some confusion. Also, these organizations were concerned about the admission requirements and relations with the developing secondary schools.

<u>Regional Associations</u>	<u>Founded</u>	<u>Accreditation Began</u>
New England Association	1885	1954
Middle States Association	1887	1921
Southern Association	1895	1919
North Central Association	1895	1910

Decades later, two other regional associations were established.

Northwest Association	1917	1921
Western Association	1924	1949

New England and Western began accrediting functions after the Servicemen’s Readjustment Act of 1944 (the GI Bill) was passed by Congress and the veterans “state approving agencies” were developed to implement and administer the Act.

2. In 1900, 14 doctoral universities formed the Association of American Universities (AAU), an invitational membership group. In 1913, when it had 20 members, AAU established a list of 119 approved institutions whose graduates should be accepted for graduate study. The University of Berlin and other German universities had asked the AAU to provide such a list for them to use for student admission. In 1924, AAU broadened the criteria and this list became the “gold standard” of institutional accrediting lists until 1948, when AAU had grown to 36 members and decided to discontinue developing such a list.
3. Originally, the North Central Association established 10 standards for membership and “accreditment.” In the middle 1930s, the North Central Association materially changed its criteria so accreditation could vary based on differing missions for an increasingly diverse group of institutions. Other institutional accrediting bodies adopted this same basic premise and accrediting in the twenty-first century is still based on this idea. In addition, North

Central and other bodies added the idea of using the accrediting process to stimulate a continuing effort for academic improvement, similarly, still a basic part of accrediting.

4. In the aftermath of AAU's stopping its listing of approved institutions and given the constant increase in the number of accrediting associations that reviewed programs (such as medicine, engineering, business, forestry and law), a new national organization was formed in 1949, the National Commission on Accrediting. Its purpose was to discourage additional programmatic bodies and encourage them to be a part of regional accreditation. The National Commission would do this by refusing to fund them through membership fees. The commission's list of accrediting agencies and associations later became a basis for a list published by Earl McGrath, the Commissioner of Education, in 1952. McGrath's list was designed to implement the revised Veteran's Readjustment Assistance Act. The national commission soon went out of business.
5. The National Commission and another organization of regional accrediting bodies (the Federation of Regional Accrediting Commissions of Higher Education) merged in 1975 to form a new Council on Postsecondary Accreditation (COPA). COPA was designed to recognize, regulate and represent all types of accrediting organizations and serve as counterweight to the growing power of the U.S. Office of Education. Its board of 36 members was unwieldy and was soon replaced by a much smaller board. The broad constituency became three subgroups, often at odds. In 1993, three of the regional commissions stopped collecting dues for COPA and it disbanded. A small interim Commission on Recognition of Postsecondary Accreditation (CORPA) was hurriedly developed to maintain recognition, the function designed to review accrediting organizations for quality based on standards that had been developed for this purpose. It functioned until 1996.
6. In 1996, an institutional Presidents Work Group, after lengthy consideration, proposed a structure and set of bylaws for a new organization, the current CHEA. A referendum was sent out to more than 3,000 institutions. Presidents of 1,603 institutions voted, with 94 percent favorable response. The six major presidential associations endorsed the new organization, as did seven of the eight regional accrediting organizations (87.5 percent). CHEA started operation in late 1996. In 1997, Robert Glidden, its first board chair, testified at a U.S. House of Representatives committee hearing that the organization would:
  - Provide standards and means for recognizing accrediting agencies;
  - Review recognition denials and withdrawals;
  - Maintain a list of recognized accrediting agencies;
  - Act as the voice for voluntary higher education self-regulation through accreditation at the national level;
  - Be a clearinghouse for accreditation information;
  - Be an advocate for accreditation;
  - Be a center for discussion and research on ways to improve accreditation and
  - Act as a mediator in accreditation conflicts.

7. From 1996 through 2010, CHEA has developed all of these functions, accompanied by an extensive publication program. Its *Almanac of External Quality Review* is published biannually. Many other publications are provided through its Institute for Research and Study of Accreditation and Quality Assurance and include the *CHEA Chronicle*, *Fact Sheets*, monographs and *Occasional Papers*. Its huge *Database of Institutions and Programs Accredited by Recognized United States Accrediting Organizations* includes information on 7,700 institutions and 18,700 programs as of 2009. The regular *Federal Updates* keep its membership current on legislative and regulatory developments.
8. The CHEA Board of Directors has encouraged an additional function, active participation in international quality assurance on a global basis. CHEA has developed an extensive program of activity in this area, including its annual International Seminar connected to its annual conference and regular staff attendance at global quality assurance meetings. CHEA has worked with the United Nations Educational, Scientific and Cultural Organization (UNESCO) on numerous joint statements and quality assurance documents in recent years. The UNESCO *Portal on Higher Education Institutions*, with its data on higher education institutions in approximately 50 countries, includes CHEA as its general source of information on U.S. accreditation. And, in 2010, CHEA was selected to coordinate the external review and evaluation of the European Quality Assurance Register for Higher Education created by the European Ministers for their cross-border quality assurance.

## B. Federal Background

1. In 1914, the Federal government created the Federal Trade Commission (FTC) to curb unfair trade practices, including deceptive practices in private vocational and distance education schools of less than two years and not offering degrees. As of 2011, the FTC has detailed legal controls making degree mills illegal and subject to court action.
2. In 1944, the GI Bill made it possible for millions of veterans to receive funding for education and training.
3. In 1947, Congress established, within the Veterans Administration budget, the State Approving Agencies to distribute the GI Bill funds to students on a state-wide basis enrolling in higher learning institutions, non-degree vocational and technical schools, flight schools, apprenticeship programs and other on-the-job training programs. Congress found too much fraud and abuse in the next few years (for example, one notorious case was an expensive training program with fees, living expenses and expensive equipment with one student on a Midwest farm who was taught to operate a tractor).
4. In 1952, Congress passed the Veterans Readjustment Assistance Act. It was designed to protect students and the federal government from fraud and used accreditation for this purpose. Against the wishes of the Veterans Administration, the Commissioner of Education had to “for the purposes of this act publish a list of nationally recognized accrediting agencies and associations which he determines to be a reliable authority as to quality of training offered by an educational institution.”

5. In 1958, Congress passed another act affecting higher education, based on the constitutional right to fund the military for defense of the country. It was the National Defense Education Act and, for the first time, it carefully restrained the officials of the then-Office of Education from going beyond the “listing” power while using voluntary accrediting bodies work. “Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the U.S. to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.”
6. Section 432 of the General Education Provisions Act of 1972 includes similar language, as do many other later appropriation bills and acts of Congress. Most recently, the 2008 Higher Education Opportunity Act includes this language: “Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or organizations shall use to assess any success with respect to student achievement.” In addition, Congress established a new 18-person committee to advise the U.S. Secretary of Education on accreditation issues with only six appointed by the Secretary. The other twelve are six appointed by leaders of the House and six appointed by leaders of the Senate.
7. Congress recognized the need to have USDE authorized to exert police powers regarding financial aid (rather than accrediting bodies) and in 1972 and 1976 passed laws authorizing it to conduct audits to insure compliance with regulations. This helped define further the limited responsibility in this area of the accrediting bodies listed by the Secretary of Education and used by the state approving agency in each state.
8. Congress, since 1952 and 1965, has authorized the Secretary of Education to add to the listing of institutions with students able to receive federal financial aid. A good example of this point is a 1977 letter from then Commissioner Ernest Boyer to Senator Paul Laxalt (R-NV):

“Of the 8,544 institutions on the commissioner’s eligibility list:

- (a) 854 are foreign institutions;
- (b) Eleven are chartered by the federal government;
- (c) 7,679 are either chartered or licensed by states and
- (d) None is other than a postsecondary institution.

Among the postsecondary institutions on the list of eligible institutions (whether chartered by the federal government or licensed/chartered by the states):

- (a) 6,348 are accredited (includes 3,885 hospital-based programs in allied health);
- (b) 327 are candidates for accreditation;
- (c) 98 are institutionally certified;
- (d) 86 are state-approved;
- (e) 831 became eligible under the National Vocational Student Loan Insurance Act and

- (f) 854 are foreign institutions approved as comparable to U.S. institutions for purposes of the Guaranteed Student Loan program (only).”

### ***Possible Future Emphases of the Council for Higher Education Accreditation***

The current *CHEA Initiative* to date has identified eight general issues for which to determine action plans for the future activities. Several are comparable to the nine functions outlined by Robert Glidden to the Congress in 1997, including advocacy for accreditation, relations with federal and state governments and relations with accrediting associations (such as recognition). International quality assurance as an additional key CHEA activity has been underway for many years and very successfully. Accountability has been a board policy effort for several years, with some success. Attention to the institutions with profit as a major objective has been limited. As a consequence, it is appropriate to suggest some specific activities that CHEA can consider for future action.

The CHEA Institute for Research and Study of Accreditation and Quality Assurance, with its publications, is one of the organization's most effective services. A number of possible studies are suggested that the Institute could carry out in future years and possibly affect future improvements in some CHEA recognition responsibilities:

- 1) *Inside Accreditation*, dated June 14, 2010, on the feasibility of “Selling Accreditation” lists three possible standards and five practices that accrediting bodies could include in their approval process when a currently accredited college is sold. A study of current written standards and actual practices would be useful in this future area of consideration.
- 2) A current public concern is that peer review includes definite conflict of interest. A potentially valuable study could involve contact with a statistically useful sample of the peer reviewers on site visitation teams during the past three-to-five years to determine their reasons for participating. The tasks are demanding and essentially professional service. The result of such a study could provide information on whether there is actual “conflict of interest.” Include also any data on compensation (usually very low, a token payment).
- 3) Conflict of interest, if accurately described, involves professional ethics. It would be useful to make a study of existing codes of ethics for those on evaluation teams and review bodies and develop a national code of ethics.
- 4) Make a study of the standards listed by each regional association to determine if there is a set of common core standards for review and what differences are significant. Determine if practices and review guidelines have a comparable core and explore for process comparability and procedures for visiting teams to follow. Then, examine programmatic comparable data – and try to determine a common data set that all institutions should develop for use on a yearly basis for long range planning and yearly budgeting and fund allocation. Use the common data set for all accreditation self-studies.
- 5) Make a study of CHEA's 3,000 member presidents and the ways they use accreditation.
- 6) Studying learning outcomes is more difficult for overall institutional than for programmatic accreditors. However, it would be useful to make a simple study of these two different types



of accrediting and recommend some common core outcome measures that would be useful to recommend to various accrediting bodies.

All of these potential studies could provide vital information publications focusing on best practices in accreditation.

In several areas for future efforts over the years, the best thing that CHEA can do is continue the current work. With a limited staff and budget, the current products are very effective. Cooperative publications with a few critical organized groups, such as the State Higher Education Executive Officers organization and the Education Commission of the States, would be a good follow-up to the NCHEMS 2010 analysis of state uses of accreditation. A few findings that many states have laws and operations using accreditation might lead to expanded use. A common suggested legal/regulatory wording could encourage other states to pass such laws and develop such regulations. Particular areas for such action are:

1. Whether accreditation is needed to operate (40 states);
2. Requiring nonpublic institutions to be accredited (21 states);
3. Have CHEA recognition for all states with this requirement;
4. Have accreditation (using CHEA) required for out-of state institutions (44 states);
5. Accreditor must be recognized by CHEA as well as USDE (8 states); and
6. Increase state transfer requiring accreditation (8 states)

Dennis Jones, in a 2002 CHEA report (*Different Perspectives on Information About Educational Quality: Implications for the Role of Accreditation*), suggested that regional accreditors establish three levels of accredited status (meets minimum requirements, exceeds minimum requirements or far exceeds minimum requirements). Some programmatic accreditors have already moved in this direction. An analysis of the programmatic accreditors varied levels and the attitudes of the regionals could be somewhat controversial but interesting to do in later years.

Since the basic group that developed and continues to support CHEA was, and is, the presidents of 3,000 institutions, the President's Project remains a valuable activity. Presidents are key members of the CHEA board. It could be useful to have a special part of each conference devoted to their analysis of continuing and future CHEA efforts. An alternative would be to have a special session of the group of presidents that originally voted to establish CHEA, including key association board members and their executive officers.

CHEA is a unique member organization with a continuing problem because bureaucrats in the executive branch of government will continually try to go beyond the Constitution and legislative limits as the money they control to distribute to students for attendance increases. Future efforts must maximize CHEA's extensive services to the presidents of institutions that were responsible for establishing CHEA and support its funding needs to operate successfully, and is critically important to the needs for quality assurance in the U.S. higher education enterprise in the future. In this way, CHEA can continue as a key factor in the maintenance of the U.S. higher education enterprise as "best in the world."

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*A national advocate and institutional voice for self-regulation of academic quality through accreditation, CHEA is an association of 3,000 degree-granting colleges and universities and recognizes 60 institutional and programmatic accrediting organizations.*

**CHEA**

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