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## **Policy and Procedures for the Commission's Review of Show-Cause Considerations**

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In those cases where the New England Commission of Higher Education has voted to take an action adverse to an institution's accreditation or candidacy for accreditation, the institution has the right to show cause why the action should not be taken. Adverse actions are defined as, and limited to, denial of candidacy for accreditation, withdrawal of candidacy for accreditation, denial of accreditation, placement on probation, and withdrawal of accreditation. The following procedures outline the steps to be taken by the Commission and affected institutions in show-cause considerations.

1. Before making a final decision, the Commission informs the affected institution of its show-cause action in writing and specifies reasons for the action. At that time, the institution is furnished a copy of these procedures as well as the Commission's *Policy and Procedure for the Appeal of Adverse Actions Affecting Institutional Accreditation or Candidate for Accreditation Status*. The institution's candidacy or accreditation status continues during the show-cause period. The issuance of a show-cause order is a final action and is not subject to appeal.
2. Show cause is a public action. As required by federal regulations, the Commission will provide notification of the action to the U.S. Secretary of Education and appropriate state agencies and accrediting agencies at the same time it notifies the institution, but no later than 30 days after it reaches the decision. The Commission will also post on its website, not more than one (1) business day after notifying the institution of the show-cause action, a statement that will be developed by the Commission in consultation with the institution. However, the Commission reserves the right to make final determination as to its nature and content.
3. Within seven days of receipt of written notice of the show cause action, an institution is obliged to disclose its status to prospective students, those currently enrolled, and the public, on its website.
4. The Commission provides an opportunity for the affected institution to show cause why the adverse action should not be taken. If the affected institution elects to show cause, it must submit to the Commission through the NECHE Institution Portal an electronic copy (single, searchable pdf file) of its show-cause response which shall include any and all materials it believes pertinent to its case. The

burden of convincing the Commission not to take the adverse action shall rest with the affected institution.

5. A reasonable time period for the institution to submit its show-cause response is determined by the Commission and communicated to the institution. The institution may request an extension including reasons therefore, which shall be acted upon by the Commission's executive committee acting in its sole discretion.
6. Show-cause responses may be considered by the Commission at one of its regularly scheduled meetings or at a meeting called for that purpose by the Commission Chair.
7. Commission consideration of the show-cause materials may be preceded by a site visit to validate the contents of the materials at the Commission's sole discretion. In such cases, the Commission follows the procedures normally used for site visits as outlined in the *Evaluation Manual*. However, the shorter period of time typically involved in such visits may preclude some steps.
8. Prior to the Commission meeting, each Commissioner receives from the Commission office a copy of the show-cause response submitted by the institution, the letter notifying the institution of the adverse recommendation, the information which led to the adverse recommendation, the institutional response to that information, and other documents deemed necessary for the review of the case.
9. Normally, the Commission as a whole considers the show-cause response. Two Commissioners are designated as reviewers who have responsibility for guiding discussion and formulating a recommendation for Commission action.
10. The institution's chief executive officer is invited to meet with the Commission as a part of its consideration of the show-cause response. The chief executive officer may be accompanied by one or two individuals whose presence will facilitate the Commission's assessment of the institutional situation. The institution may not be represented by counsel. The chief executive officer, substantially prior to the meeting, should consult with the Commission's President regarding the need for, and appropriateness of, additional institutional representatives attending. The Commission Chair acting on their sole discretion will make final determination as to the number and appropriateness of institutional representatives other than the chief executive officer attending. The affected institution may elect not to attend and present its case in writing only.
11. Initially, the Commission meets in executive session. If the show-cause hearing has been preceded by a visit to validate the contents of the written materials, the team chair will then join the Commission to clarify any matters arising from the team visit. The chief executive officer and other institutional representatives, if any, are then invited to join the Commission. The purpose of institutional

participation is to provide an opportunity for the Commission to better understand the materials provided and the institution's position; it is not to be considered an adversarial proceeding. Members of the Commission may address questions to the institutional representative(s). At the conclusion of questions, the chief executive officer is afforded the opportunity to briefly address the Commission regarding the case. The institutional representative(s) are then excused. In cases where a visit preceded the show-cause hearing, the team chair remains briefly with the Commission to debrief the session. The team chair is then excused and the Commission meets again in executive session to reach its decision. The Commission Chair acting on their sole discretion will make final determination as to matters of procedure.

12. The Commission may conclude that the institution has shown cause, in which case the adverse action is rescinded and the Commission determines the nature and timing of subsequent mechanisms to monitor the institution under the *Policy on the Periodic Review of Accredited Institutions*. If the Commission determines the institution has not shown cause, the adverse action will be taken. Under the policies of the Commission, this action may be appealed. The Commission may also defer action if it determines there is not sufficient information to reach a decision or if it believes the institution should be afforded additional time to address stated concerns. The institution is notified in writing of the Commission's action in the case together with the reasons therefore soon after its meeting.

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