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by Michael C. Sachs, JD, CCEP

Compliance in higher education

- » Higher education institutions and compliance officers must understand and monitor federal compliance as it relates to the accreditation process.
- » Compliance officers play an important role in the higher education accreditation process.
- » The compliance review team and the accreditation team should be separate entities.
- » Compliance with accreditation-relevant federal regulations needs to be verified.
- » The publication *Verification of Compliance with Accreditation-Relevant Federal Regulations Implementation for 2016* is available online.

In higher education compliance, compliance officers generally focus on areas such as the Clery Act (campus safety), Title IX (non-discrimination/sexual misconduct), the Family Educational Rights and Privacy Act (FERPA), the National Collegiate Athletics Association (NCAA) rules, employment, etc. However, initial accreditation or

reaccreditation (hereinafter, accreditation) is an oft forgotten component of the compliance officers' scope of duties. As compliance officers, we often leave accreditation responsibilities to the faculty or senior administrators. However, in these days of stricter and more extensive federal oversight of the

compliance process within the accreditation process, it is of key importance that higher education institutions and compliance officers understand and monitor federal compliance as it relates to the accreditation process.

For example, the Middle States Commission on Higher Education (MSCHE) has implemented a separate compliance

reporting process from its accreditation process. In 2013, the MSCHE formally adopted policies on reviewing accreditation-relevant federal regulations, as outlined in the 2008 reauthorization of the Higher Education Opportunity Act (HEOA), and separated the reporting on these relevant regulations from the accreditation process. Although compliance verification has been, and still is, an integral part of the accreditation process, previously compliance reviews were embedded into the institutional self-study and Periodic Review Reports and reviewed by the same team or panel that was reviewing the institution.

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The review process created in 2013 includes a separate peer review of



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the institution's report on compliance with the accreditation-relevant federal guidelines. By creating a separate process, MSCHE can call on trained compliance reviewers to review compliance-specific areas, while allowing the general accreditation review teams to focus on the non-compliance oriented standards. This synergy is expected to make for a better self-study process that allows more expertise in each area and allows teams additional time to focus on compliance and general accreditation standards.

Currently, the Compliance areas are limited to the following eight areas:

1. Student identity verification in distance and correspondence education
2. Transfer of Credit policies and articulation agreements
3. Title IV program responsibilities

4. Institutional records of student complaints
5. Required information for students and the public
6. Standing with state and other accrediting agencies
7. Contractual relationships
8. Assignment of credit hours (Education)

MSCHE has produced the publication, *Verification of Compliance with Accreditation-Relevant Federal Regulations Implementation for 2016*, as a free download on its website (<http://bit.ly/msche-pub>). *

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