

# Academe Online

## Accreditation and the Federal Future of Higher Education

*The federal government's presence is increasing in areas that traditionally have been the province of the faculty and institutions. It's time for faculty members to get beyond deprecation and discontent and strengthen independent and meaningful accreditation.*

By Judith S. Eaton

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When we think of accreditation, we mostly think of a process that takes place on our campuses. This thought may or may not be agreeable to us. We rarely consider accreditation's political role as a key intermediary in the increasingly complex legal and regulatory terrain between colleges and universities and the federal government. We pay even less attention to how faculty members might provide leadership in accreditation. But it's essential that they do so.

Accreditation is being transformed from a valued private-sector process—over which the federal government historically has exercised limited control—to a process that is subject to more and more federal involvement. The implications of this shift, profound for faculty members, can include the erosion of academic freedom and the loss of appropriate authority and responsibility for the key academic decisions that have defined the faculty role for centuries—that is, judgments about curriculum, academic standards, and general education. The core academic values on which accreditation is built and in which faculty members invest are currently at risk as the government role expands.

### What Is Accreditation, and Why Is It Important?

Accreditation is a creation of colleges and universities that dates back more than a century. Its fundamental purposes are quality assurance and quality improvement in higher education. A process of self-regulation through peer and professional review, it is the oldest such system in the world. Today more than seven thousand colleges and universities and more than twenty thousand programs serving some twenty-four million students willingly undergo periodic accreditation review by nineteen institutional accreditors and sixty-one programmatic accreditors. Accreditation is nongovernmental by design and relies on funding from colleges, universities, and programs (some \$92 million in 2007, according to the Council for Higher Education Accreditation, of which I am president). Accreditation depends heavily on volunteers from higher education who participate in self-studies, serve as peer and professional reviewers, and serve on accrediting organizations' decision-making bodies.

Accreditation reflects three core values of higher education, all essential to academic quality: institutional autonomy, academic freedom, and peer and professional review. What happens to accreditation will happen to institutions. When the federal government makes demands on accrediting organizations, the intent is to influence the behavior of institutions, and this affects faculty members. To the extent that they are at odds with our core academic values, demands that accreditation be more accountable, set standards for student achievement, and be more transparent endanger the traditional role of the faculty.

In the early 1950s, private-sector accreditation willingly entered into a partnership with the federal government. The government, seeking to ensure that federal funds for student grants and loans were spent responsibly, turned to private-sector accrediting organizations for reliable judgments about the quality of institutions and programs. This arrangement, commonly referred to as the “gatekeeping” role of accreditation, put these private-sector organizations in the pivotal role of providing (or sometimes blocking) institutional or program eligibility for federal funding. Today, that funding reaches some \$150 billion per year. As accreditors took on this role, the federal government viewed them as making an “invaluable contribution” to the development of educational quality. The U.S. Department of Health, Education, and Welfare in 1970 described accreditors as “the primary agents in the development and maintenance of educational standards in the United States.”

Buttressing this arrangement, the 1958 National Defense Education Act and the 1972 General Education Provisions Act prohibited federal intervention in the academic and administrative matters of institutions. As stated in the 1972 legislation, “no provision . . . shall be construed to authorize any department, agency, officer, or employee of the United States to exercise direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school or school system.”

Over the years, however, this gatekeeping role slowly transformed as federal investment in higher education grew. We have reached the point where the “invaluable contribution” is increasingly directed and judged by the federal government. In other words, the government has started to replace both institutional and faculty judgment in academic matters. The Higher Education Act of 1965 and its successive reauthorizations have been central to this expansion of law and regulation governing accreditation standards and practice.

The primary way government oversees accreditation is through a process called “recognition.” Accrediting organizations must be reviewed at least every five years by the U.S. Department of Education. The review is carried out by an advisory committee to the U.S. Secretary of Education, the National Advisory Committee on Institutional Quality and Integrity (NACIQI). NACIQI is composed of eighteen members: six members each appointed by the U.S. Senate, the House of Representatives, and the Secretary of Education. In addition, each accredited institution must participate in the federal “Program Participation Agreement,” which requires colleges and universities to provide information to the federal government (for example, by submitting material for the Integrated Postsecondary Education Database System) and abide by any federal obligations associated with receipt of federal funds.

## A Difficult Decade

The George W. Bush administration’s first foray into education was the reauthorization of the Elementary and Secondary Education Act. This effort resulted in the 2002 “No Child Left Behind” legislation, with a powerful emphasis on K–12 accountability and a federally organized regimen of national testing focused on documenting student success. While No Child Left Behind did not have a direct impact on higher education, colleges and universities expressed considerable concern that the focus on national testing and emphasis on accountability would be carried into the upcoming reauthorization of the Higher Education Act, a process scheduled to begin in 2003.

The concern about the impact of No Child Left Behind on higher education was warranted. The first of a number of bills to reauthorize the Higher Education Act was introduced in 2004, but the process moved slowly. Of greater significance was a decision by the Department of Education in 2005–06 to move ahead with a major initiative: the Commission on the Future of Higher Education led by Secretary of Education Margaret Spellings. This effort constituted the most extensive federal attention given to higher education in the past twenty years. The commission, composed of nineteen members from the higher education community, business, foundations, and the public, issued a report in 2006. Its focus was threefold: access, affordability, and accountability in higher education.

When addressing “accountability,” accreditation and accredited institutions were central to the commission’s deliberations. Accrediting bodies were subjected to severe criticism, with claims that their processes lacked rigor, failed to address student achievement adequately, did not encourage innovation, and did not effectively inform the public about academic quality, failing to give students and the public the basis to compare institutions. Accreditation was seriously deficient in addressing accountability, the report said.

The commission’s report urged that accreditors take action to remedy these concerns by (1) providing students and the public with more evidence of student achievement and institutional performance, (2) ensuring that this evidence was easily understandable and readily accessible, and (3) developing means to help students and the public compare institutions. The commission also recommended that accreditors and institutions make evidence of student achievement primary in judgments about academic quality.

The report provided a basis for the Department of Education, during 2007 and 2008, to expand its emphasis on accountability for accrediting organizations through the recognition process carried out by NACIQI. Using these

periodic recognition reviews, department staff and advisory committee members pressured these organizations with demands for explicit, sometimes quantitative standards for student achievement and greater transparency to students and the public.

The accreditors felt the greatest pressure about student achievement, with NACIQI repeatedly urging that accreditation standards identify levels of student achievement and answer the question, “When is good good enough?” Committee members wanted accreditors not only to require that institutions set expectations for student achievement but also to judge whether the expectations themselves met accreditation standards. Until the commission report, the advisory committee was usually satisfied when accreditors affirmed that institutions had processes for determining expectations of student achievement and obtained evidence that the expectations were met. Now accreditors were asked to concentrate primarily on evidence of student achievement and to make their own judgments about whether the levels of student achievement set by institutions meet accreditation standards. This transition could pave the way for student achievement standards to be set by accrediting organizations rather than by institutions, challenging accreditation’s longstanding commitment to institutional mission.

During this period, the education secretary went on to convene “negotiated rulemaking,” a process required by law when the department wants to alter regulations related to sections of the law applying to student financial aid and accreditation. Secretary Spellings also held regional and national summits to discuss the report’s recommendations. Of these three efforts, the increased pressure on accreditors for greater accountability and emphasis on student achievement through the recognition process was most effective.

## **The Reauthorized Higher Education Act of 2008**

The commission report’s emphasis on greater accountability from accreditation ultimately found its way into the reauthorized Higher Education Act, retitled the Higher Education Opportunity Act, which finally was signed into law in August 2008. Although there were some gains for higher education— such as specific affirmation that institutions were to set their own standards for student achievement—the act nonetheless resulted in 110 new rules or reporting obligations for higher education and accreditation. These provisions for greater accountability meant both a strengthened federal interest in the academic area heretofore the province of institutions and faculty members and a significantly expanded and prescriptive approach to the oversight of accrediting bodies.

To implement the 2008 Higher Education Act, consultation through negotiated rulemaking began in March 2009 under the Obama administration. Higher education and accreditation leaders approached this rulemaking with both hope and relief, based on an expectation that the accountability pressure of the Bush administration would be a thing of the past. We were most appreciative of the new administration’s unprecedented investment in student aid and other funds for higher education, reflecting its commitment to the value of higher education.

Our hopes, however, were not realized. The emphasis on accountability, articulated so forcefully during the Bush years, was also important to the Obama administration. And interest in accountability was bipartisan. By May 2009, we had twenty-nine new federal rules for higher education—all of which focused on accreditation. Another negotiated rulemaking process took place in late 2009 and early 2010. As of this writing, these proposed rules are open for public comment and will not be finalized for several months.

Most recently, the department has moved beyond the law and from regulatory to “subregulatory” oversight in working with accrediting organizations. In February 2010, the Department of Education released a draft “Guide to the Accrediting Agency Recognition Process.” Intended to “assist” organizations as they undertake the periodic recognition review, the guide lays out a number of compliance factors to be addressed by accreditors. These factors will be fundamental in shaping the department’s judgment about accreditors’ success in meeting federal recognition standards. As of this writing, the Department of Education is revising the guide. A date for its release is not yet available.

## **Impact of the Higher Education Opportunity Act**

The impact of the new law, regulations, and proposed subregulations on the academic work of institutions and faculty members is far-reaching and sobering. The federal government now has at least some legal or regulatory authority in the academic areas of transfer of credit, articulation agreements, distance learning, enrollment

growth, quality of teacher preparation, and textbooks—all traditionally the province of the faculty and institutions. The latest proposed rules include a federal definition of what a credit hour is, and they call for the states to provide additional oversight of higher education. Particularly worrisome are the compliance factors in the proposed guide that address the core of faculty academic decision making: judgments about general education requirements, curriculum design, appropriate academic standards, acceptable faculty credentials, and expectations with regard to student achievement.

In addition, the operation of accrediting organizations themselves is affected. Federal law and rules now constrain the peer and professional review process of accreditation, taking us down a path of accreditation as a compliance intervention—in stark contrast to its traditional collegial role. There are new controls on what accrediting organizations can and cannot tell their accredited institutions. In certain situations, the Department of Education may even seek information about an institution, and the accreditor is prohibited from informing the institution of the inquiry. Accreditors now must scrutinize institutions frequently when the latter undergo major changes, such as establishing new campuses or substantially increasing online course offerings. The process by which institutions can appeal accrediting bodies' decisions has been redesigned by Congress.

The decade's march to expanded accountability through government oversight has taken place just as colleges and universities have radically—and voluntarily—expanded their own investments in accountability. Thousands of higher education institutions are engaged in initiatives designed by their national associations that often involve faculty members, from Liberal Education and America's Promise, a program of the Association of American Colleges and Universities that specifies a set of "essential learning outcomes," to the Voluntary System of Accountability of the Association of Public and Land-Grant Universities.

As the difficult decade ends, colleges and universities are experiencing a sea change in their relationship with the federal government, fueled by the type and extent of federal authority over accreditation. The traditional academic leadership role of the faculty and the long-standing responsible academic independence of institutions are increasingly circumscribed by federal law and regulation. This means that the core academic values that are central to the success of higher education—institutional autonomy, academic freedom, and peer and professional review—may no longer be able to flourish.

There is every reason to believe that diminution of these traditions and values will continue, if not become more pronounced. Congress constantly refers to the large and growing federal investment in higher education through student aid and the need to monitor these funds more closely. The worth of higher education is increasingly described in terms of obtaining a job or the prestige of a credential. Intellectual inquiry for its own sake and a life of the mind that might be nurtured by caring faculty members on a vibrant campus are no longer part of the discussion. The success of the significant expansion of Pell Grants under the Obama administration, for example, is often judged by job placement numbers rather than by evidence of advanced thinking skills or effective general education. It is difficult to reconcile this pragmatist approach to the value of higher education with the core values of colleges and universities—to say nothing of accrediting bodies.

## The Faculty and Accreditation

Faculty members have a long-standing love-hate relationship with accreditation. Those who value accreditation find it useful. These are the faculty members who often participate in selfstudies and in the accreditation review of other institutions.

Those who find accreditation onerous view the process as dominated by administrators who fail to incorporate in their decision making key issues, such as contingent faculty appointments and academic freedom. Such faculty members find accreditation intrusive, especially the required self-study, which they perceive as taking up valuable time and resources.

The disaffected dominate the limited national dialogue about faculty members and accreditation. For example, in 2008, the AAUP's Committee on Contingent Faculty and the Profession approved the publication of [Looking the Other Way? Accreditation Standards and Part-Time Faculty](#), a detailed analysis of regional accreditation and of what is viewed as the lack of appropriate attention to part-time faculty members. The report confronts the

accrediting community with a call for action and describes accreditation as an administrative process antithetical to the wants and needs of the faculty.

Most recently, faculty members already troubled by accreditation have expressed particular hostility to the demands from accreditors for greater evidence of student achievement. These professors see accreditors' attention to student achievement as questioning their integrity and the quality of their work, and even as duplicating faculty efforts. In spite of the acute federal pressure on accrediting bodies, these professors question whether accreditors are truly obliged to seek this information. They see accreditor demands as intruding on faculty prerogatives, including academic freedom and, in some instances, collective bargaining agreements.

## Emerging from the Difficult Decade

This decade has seen self-regulation through accreditation increasingly constrained by federal oversight, limiting the independent action of accrediting organizations and penetrating the academic work of faculty members and institutions.

Faculty members have a huge stake in ensuring the strength and viability of accreditation because of the importance of sustaining the values of institutional autonomy, academic freedom, and peer and professional review.

To the extent that the federal government becomes involved in setting academic standards and in promulgating curricular expectations, limits are imposed on faculty bodies trying to carry out the fundamental responsibilities that accompany academic freedom: deciding, in the words quoted by Justice Felix Frankfurter in his concurring opinion in the 1957 U.S. Supreme Court case *Sweezy v. New Hampshire*, “who may teach, what may be taught, how it shall be taught, and who may be admitted to study.” Academic freedom is inextricably tied to shared governance, which, in turn, is vital to institutional autonomy. Finally, limiting academic freedom undermines peer and professional review—the heart of the accreditation process and the most effective and desirable means of ensuring the quality of higher education.

If we want this coming decade to be different, we need to get beyond discontent and the deprecation of accreditation. Whatever concerns faculty members have with accreditation, addressing this apparent replacement of faculty judgment with federal judgment is essential—unless we accept this serious blow to academic freedom. We need at least to consider acknowledging the central role of accreditation in our core values and get beyond our disagreements to address the political role that accreditation plays.

Increasing faculty engagement may take three forms.

First, we need more involvement in the work of accreditation, especially in accreditation commissions. These bodies decide what is and what is not accredited and, perhaps even more important, determine what accreditation standards are to be. Faculty members unhappy with accreditation may resolve their concerns by joining these commissions and seeking change.

Second, we need more political advocacy. Attacking accreditation as unresponsive, intrusive, and “administrative” will not resolve such issues. We need faculty leaders to join forces with administration and association leaders to press government so that we may at least contain and, if possible, alter the course of federal involvement in academic issues.

Third, it is time to get beyond complaints expressed at conference sessions and in journal articles replete with unhappiness and have a more productive exchange. We need a constructive national dialogue where faculty members and accreditors come together to build shared understanding about their respective roles. We need to campaign together for the core values of institutional autonomy, academic freedom, and peer and professional review, making clear to students and society how important these values are to the future success of higher education. Most important, we need faculty members to be part of the leadership for this effort. Who other than those in the higher education community will make the case for these values?

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## Comments

There are at least two balancing items lacking from Judith Eaton's article on accreditation.

One is the 139-year history of Land-Grant colleges under the Morrill Act. Federal involvement is an old story. The U.S.D.A. in turn has long thrown its weight around, as I've learned working in two land-grant colleges during a long career. The U.S.D.A. also contains the U.S. Forest Service, with close ties to Schools of Forestry, dozens of them, around the country. It is no consolation to note that the U.S.D.A., along with Colleges of Agriculture and Schools of Forestry directly, are beholden to major private patrons with axes to grind.

The other lacking item is the dependence of higher education and research on private interests more devoted to promoting their own interests than the public welfare. Eaton's fear of governmental influence, along with her silence on the influence of various great robber barons, past and present, is seriously unbalanced. For the other side, one might dip into Robert Van den Bosch, *The Pesticide Conspiracy*.

M.G.

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