

ACCSC ACCREDITATION ALERT

To: ACCSC Accredited Institutions and Other Interested Parties
From: Michale S. McComis, Ed.D., Executive Director
Date: October 3, 2016
Subject: Nominating Committee Election Result and Revisions to ACCSC Bylaws

Nominating Committee Election

Pursuant to the Commission's *Bylaws*, ACCSC conducted an electronic election to fill one (1) vacant seat on the ACCSC Nominating Committee. The Nominating Committee is charged with assisting the Commission in identifying potential candidates to fill any vacancy on the board.

This is to announce to the ACCSC membership that **Pamela Kraska** of Daytona College received the majority of the votes cast and as such has been appointed to the ACCSC Nominating Committee for a two-year term ending June 30, 2018.

The Commission congratulates Ms. Kraska on this achievement and also thanks **Michael Zawisky** of Ancora Education for expressing his interest in serving on the Nominating Committee.

Bylaws Revisions – Electronic Ballot

Pursuant to Section 4.04 of the *Bylaws*, the Commission conducted a vote by electronic ballot for the amendment of the *Bylaws* in the sections set forth below. Section 4.04 requires an affirmative vote of at least two-thirds of the votes cast in order for the proposed revisions to be adopted. Each revision presented to the membership did receive a greater than two-thirds affirmative vote and thus each proposed revision shall be promulgated effective July 1, 2017:

- Article I
 - Section 1.01 – Definitions (80% Affirmative)
 - Section 1.03 – Composition (81% Affirmative)
 - Section 1.09 – Committees (80% Affirmative)
- Article II
 - Section 2.07 – Voting (70% Affirmative)

Section 1.01 – Definitions shall read:

- c. Public Commissioner. A person who:
 - i. Has experience in industry, government, education (e.g., accreditation, postsecondary, public, private, adult or vocational/career-oriented), or in similar or allied fields;
 - ii. Is not an employee, member of the governing board, owner, shareholder, or consultant of an institution that is accredited by the Commission, has applied for accreditation by the Commission, or is affiliated with a School Commissioner or any institution or entity which is also affiliated with a School Commissioner;

- iii. Is not a member of any trade association or membership organization related to, affiliated with, or associated with ACCSC;
 - iv. Is not a spouse, parent, child, or sibling of an individual identified in paragraph (ii) or (iii) of this definition; and
 - v. Has been appointed to serve on the Commission pursuant to Section 1.05 hereof.
- d. School Commissioner. A person who:
- i. Is an experienced proprietor, owner, or bona fide executive of a member of the Corporation as described in Section 2.01 hereof that has been accredited by ACCSC for at least five years without the issuance of a Warning or Probation¹ at the time of or during the five years preceding the individual's nomination to serve as a School Commissioner;
 - ii. Is active in school operations;
 - iii. Has a past record demonstrating:
 - 1. A commitment to providing quality education to students;
 - 2. A commitment to ethical, fair, and honest practice; and
 - 3. Compliance with accrediting standards and applicable federal, state, and local requirements; and
 - iv. Has been elected or appointed to serve on the Commission pursuant to Section 1.04 hereof.

The Commission shall not have among its membership more than one (1) School Commissioner affiliated with a single member of the Corporation or multiple members of the Corporation under common ownership and control.

Section 1.03 – Composition shall read:

The Commission shall be composed of an odd number of not less than nine (9) members and not more than seventeen (17) members. The number of Public Commissioners shall be at least 30% but less than a majority of the total number of Commissioners. The remainder of the Commission shall be composed of School Commissioners. The number of Commissioners may be changed within the foregoing limits by a vote of at least two-thirds of the Commission. The number and composition of the Commission may otherwise be changed only by amendment of the Bylaws pursuant to Section 4.04 hereof.

At least 30% of the Commissioners will be designated as an Academic – an individual currently or recently directly engaged in a significant manner in postsecondary education, training, teaching, or research – and at least 30% of the Commissioners will be designated as an Administrator – an individual currently or recently directly engaged in a significant manner in postsecondary program or institutional administration.

Section 1.09 – Committees shall read:

- b. Nominating Committee:
- i. The Nominating Committee shall consist of five (5) persons as follows:
 - 1. The Chair and Vice Chair of the Commission;

¹ Applies to any member amongst a group of members with which an individual is affiliated.

2. One (1) person appointed by the Chair and confirmed by the Commission from among the following categories: a current member of the Standing Appeals Panel established by the Commission under the *Standards of Accreditation*, a person who has served as a leader of visiting teams used by the Commission for site visits to accredited institutions, a former School Commissioner or Public Commissioner as defined in Section 1.01, or a representative of the public with special knowledge, interest and expertise in career education and training; and
 3. Two (2) representatives of the members of the Corporation with each one (1) nominated and elected by the members biennially in alternate years in accordance with the voting and election procedures provided in Section 2.07 hereof.
- ii. The Commission shall inform the members of the Corporation and other interested parties of the vacancies on the Nominating Committee and request the submission of nominations to fill those vacancies. The Commission will review the Nominating Committee nominations received, select those deemed most appropriate to serve, and will put forth for election minimally two nominations for each vacancy to be filled on the Nominating Committee, unless the Commission does not receive a sufficient number of nominations to fulfill this requirement in which case the Commission will put forth as many nominations that are deemed appropriate and as are available.
 - iii. The Nominating Committee shall nominate at least a greater number of candidates than there are vacancies on the Commission and shall report its nominations to the Commission and the members of the Corporation, except as provided in Section 1.08 hereof.
 - iv. The Nominating Committee in nominating candidates, and the Commission in appointing Commissioners pursuant to Section 1.04, 1.05, and 1.08 hereof, shall, minimally, give consideration to:
 1. A nominee's:
 - a. Background, level of experience, and knowledge regarding accreditation, postsecondary education, industry, and Board governance;
 - b. Affiliation with any school that has lost or been denied accreditation by any accrediting agency, been issued a Warning or Probation Order by any accrediting agency, entered into bankruptcy, or closed;
 - c. Involvement in criminal proceedings and any pending or past action (e.g., investigation, inquiry, etc.) in a judicial, law enforcement, or administrative body; and
 - d. Performance and commitment with respect to:
 - i. Providing quality education to students;
 - ii. Ethical, fair, and honest practice; and
 - iii. Compliance with accrediting standards and applicable federal, state, and local requirements;
 2. Any comments provided by the Executive Director; and
 3. The Commission's goal to achieve a diversity of backgrounds, experiences, and perspectives in order to achieve the purposes of the Corporation.
- a. Manner: Each member shall have one vote, except that a group of affiliated schools – i.e., schools under common ownership – may have no more than five total votes regardless of the number of members in the group. Such vote shall be cast by an individual affiliated with and duly appointed by

the member to vote (hereinafter referred to as the “Designated Delegate”). Proxies shall not be permitted on any vote, and no person may be the Designated Delegate for more than one member; however, a Designated Delegate may serve as such for up to five (5) members under common ownership and control. Election of School Commissioners, members of the Nominating Committee, and approval or disapproval of amendments to the Articles of Incorporation and the *Bylaws* shall occur through mail or electronic ballots in accordance with procedures established by the Accrediting Commission. All other matters subject to a vote under these *Bylaws* may be determined by mail or electronic ballots, voting in person at a meeting of the members, or both in accordance with procedures established by the Accrediting Commission. Election and voting procedures shall be subject to such conditions and limitations as the Accrediting Commission may establish to provide for an orderly and considered decision by members of the Corporation. Upon accreditation by the Commission, each member shall notify the Secretary of the Corporation in writing of its Designated Delegate. Changes in a member’s Designated Delegate shall be made in writing to the Secretary at least fifteen (15) days prior to the date of any scheduled meeting of the members. The record date for determining eligibility to vote shall be the date that the vote is taken.

Bylaws Revisions – In-Person Vote

Pursuant to Article III, Section 3.01: “Increases in dues shall be proposed by the Accrediting Commission and submitted to the members for approval or disapproval on a majority vote of the votes cast at the annual meeting of the Corporation.” The Commission held a vote of the proposed Bylaws Change at the Annual Meeting held on September 23, 2016. Of 133 votes cast, which constituted a quorum,² 114 voted in favor of the dues increase (85.7%) while 19 voted against the dues increase (14.3%). Accordingly, the dues increase revision passed and will be effective July 1, 2017.

Section 3.01 – Dues shall read:

- a. Amount: Effective July 1, 2017, members of the Corporation shall pay dues annually in accordance with the following:
- i. If the gross tuition of the member is \$1,000,000 or less, the dues shall be \$1,500 plus .00286 times gross tuition over \$200,000;
 - ii. If the gross tuition of the member is greater than \$1,000,000 but not more than \$3,000,000, dues shall be \$3,500 plus .0011 times gross tuition over \$1,000,000; and
 - iii. If the gross tuition of the member is greater than \$3,000,000, dues shall be \$5,500 plus .000165 times gross tuition over \$3,000,000.

Starting July 1, 2017, the Accrediting Commission may on a triennial basis increase the base fee, the multiplier, or both up to 3% without a required vote by the members of the Corporation. Additional increases in dues shall be proposed by the Accrediting Commission and submitted to the members for approval or disapproval on a majority vote of the votes cast at the annual meeting of the Corporation.

If you have any questions regarding the proposed *Bylaws* revisions, please contact Michale S. McComis, Ed.D., Executive Director, at mccomis@accsc.org or 703.247.4520.

² Article II, Section 2.06 states: “One-tenth of the members entitled to cast votes shall constitute a quorum at a meeting of the member for the transaction of any business.”