

ACCSC ACCREDITATION ALERT

To: ACCSC Accredited Institutions and Other Interested Parties
From: Michale S. McComis, Ed.D., Executive Director
Date: July 1, 2020
Subject: Call for Nominations and Revisions to the ACCSC *Standards of Accreditation* and the AACSC *Bylaws*

Announcements/Reminders:

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- Call for Nominations for the ACCSC Nominating Committee

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- *Section 1.09 – Committees*

All revisions are effective July 1, 2020. For additional information related to this Accreditation Alert, please contact Michale S. McComis, Ed.D., Executive Director, at 703.247.4520 or mccomis@accsc.org.

Call for Nominations to Serve as an ACCSC Commissioner

On behalf of the Accrediting Commission of Career Schools and Colleges (ACCSC) and in accordance with the organizational *Bylaws*, the ACCSC Nominating Committee seeks nominations of potential candidates to serve on the ACCSC Board of Directors as a Commissioner.

During this nomination cycle, the ACCSC Nominating Committee is charged with filling the following five (5) upcoming vacancies on the Commission:

- One Public Commissioner appointed two-year term that begins July 1, 2021 and ends June 30, 2023
- One Public Commissioner appointed four-year term that begins July 1, 2021 and ends June 30, 2025; and
- Three School Commissioners elected four-year terms that begin July 1, 2021 and ends June 30, 2025.

A **Public Commissioner** is 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; and
- iv. Is not a spouse, parent, child, or sibling of an individual identified in paragraph (ii) or (iii) of this definition.

A **School Commissioner** is a person who:

- i. Is a 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;
- ii. Has at least five years of ownership or bona fide executive experience in an ACCSC-accredited school, has participated in at least one full accreditation process with an ACCSC-accredited school, and is active in school operations;
- iii. Has a past record demonstrating:
 1. A commitment to providing quality education to students;

Am I Really Ready For This?

Whenever I talk to school leaders about the potential of running for a Commissioner position, I'm always met with the same two comments: "Do you really think I'm qualified?" and "I hear it's a lot of work!"



If you are in a leadership role in an ACCSC school, if you are familiar with the *Standards of Accreditation*, and most importantly, if you have a passion for student success, then you're likely qualified.

So how did I get here? In 2012, the Commission Representative at our school's reaccreditation visit told me I should consider becoming a volunteer and I thought she was just being nice. I've always looked up to the Team Leaders and the Commissioners at ACCSC with admiration and respect. I had always aspired to be like them, but never dreamed I had what it took to actually be one of them. I am just a small-town girl in a little, single-campus school. How could I possibly measure up? But, I thought I would give it a shot anyway and I immediately fell in love with the Team Leader experience. After being a Team Leader for a few years, I was asked if I had ever considered running for a Commissioner position. Again, my first thought was: I'm not ready for that! But, after a few days I reconsidered, called the ACCSC office, and filled out the nomination packet. I had no idea that I had just made one of the best decisions in my career.

As to the second comment I hear, yes, being a Commissioner is a lot of work. It is a lot of reading and time away from your school and your family. I can assure you though that what you will gain from the experience far outweighs any sacrifices you may make. Four years goes by in a heartbeat. The lessons that you learn, the lifelong friendships you make, and the confidence you gain from being an ACCSC Commissioner are invaluable.

If you have any questions, I hope that you will reach out so that we can help you in deciding whether you are ready to submit a nomination packet to become an ACCSC Commissioner. We look forward to hearing from you!

Stay healthy and safe,
Vickie J. Clements
Chair of the Commission

2. A commitment to ethical, fair, and honest practice; and
3. Compliance with accrediting standards and applicable federal, state, and local requirements.

The Commission may 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.

The Nominating Committee in nominating candidates and the Commission in appointing Commissioners will, amongst other factors, 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;¹
 - 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.

Nominees should submit the [ACCSC Commissioner Call for Nominations Form](#) accompanied by a current resume **on or before October 15, 2020.**

Reminder – Call for Nominating Committee Nominations

Individuals interested in standing for election to the ACCSC Nominating Committee should complete the Call for Nomination Form and return it to the Commission office no later than **July 8, 2020**. Minimally, the Commission will select two (2) qualified individuals who are not affiliated with any sitting Commissioner to run for election to fill one vacant seat on the Nominating Committee. The individual that receives the most votes will be declared the winner of the election and appointed to serve on the Nominating Committee for a two-year term ending June 30, 2022.

Nominees must submit the [Nominating Committee Call for Nominations](#) by July 8, 2020.

¹ The Nominating Committee may not process a nomination from a candidate whose school (to include any affiliated school within a group) which would be the source of eligibility to serve as a School Commissioner is, or within the preceding five years has been, subject to an ACCSC-issued Probation Order or is or within the preceding 12 months has been subject to an ACCSC-issued Warning.

Revisions to ACCSC Standards of Accreditation **Introduction**

As part of the Commission’s mission and effort to be more intentionally student centric, the Commission has revised the *Introduction* to the *Standards of Accreditation*. The *Introduction* section is not intended to establish rules or standards to be met and instead serves as a foundational statement about ACCSC and its standards document. As such, the Commission has revised the *Introduction* to be more intentional and explicative with regard to ACCSC’s purposes and goals. To that end, the Commission focused on:

- Establishing “Hallmarks of Quality” which align with the each of the different sections of the *Standards of Accreditation*;
- Stating the contribution of accrediting standards and the accreditation process in terms of student success; and
- Replacing or deleting duplicative language about process found elsewhere in the *Rules of Process of Procedure*.

Revisions to the ACCSC Standards of Accreditation **Rules of Process and Procedure**

The revisions to the *Rules of Process and Procedure* (*Chapter 1, Standards of Accreditation*) set forth below are primarily, although not exclusively, meant to comply with changes to federal regulations for the U.S. Department of Education’s recognition criteria for accrediting agencies which are set to take effect on July 1, 2020. Each revision is annotated and summarized.

Section III (J)(3)

Although this is currently the Commission’s practice, the Commission has added to this section that an on-site evaluation report may include “recommendation for improvement” in alignment with federal regulation.

Section IV (C)(2)(a-b)

Revisions to federal regulations establish new rules for accrediting agencies with regard to the review and approval of substantive changes. The revisions to this section of the *Rules* reflect these changes and define which substantive changes are now “Level I” and may be approved at the staff level and which are now “Level II” and approvable only at the Commission level.

Section IV (E)(2)(f-g & j)

The Commission has revised these sections dealing with change of control and change of ownership to state more clearly when a change of ownership does not result in a change of control and to add exclusions when a change of control/ownership occurs due to a death. One intent is to clarify that when a change of control occurs due to death, the school’s accreditation is not in jeopardy simply because the change of control application may not have been submitted prior to the previous owner’s death. However, the Commission has also sought to make clear that although exclusions exist for transfers of control and/or ownership within families or due to a death, the Commission is not obligated to approve the change of control/ownership if the change does not demonstrate ongoing compliance with *Section I (A)(1), Substantive Standards, Standards of Accreditation*.

Section IV (E)(6)(a)(vi)

With regard to consortium/partnership agreements, the Commission moved the application submission requirements from *Chapter 2, Section II (A)(1)(9), Substantive Standards* to *Chapter 1, Section IV (E)(6)(a)(vi), Rules of Process and Procedure* for consistency purposes. In addition, the Commission has clarified in the *Rules* that an on-site evaluation may be required in conjunction with the approval of a consortium/partnership application based upon the scope of the agreement and the accredited status of any other entity offering a portion of the school's program.

Section IV (E)(6)(b)(iv-v)

In conjunction with the revisions described above regarding consortium/partnership agreements, the Commission also clarified that an on-site evaluation will be required in any case when a school enters into a consortium/partnership agreement with an entity that is not accredited by a recognized accrediting agency to teach a portion of a school's program.

Section IV (E)(6)(f)(i-ii)

The Commission has added a provision in this section of the *Rules* that if a school does not enroll and start students in a newly approved program within 24 months of the initial program approval date, the new program will cease to be approved. For a previously operational program that has not had any recent enrollments or graduates, the Commission expanded the period of no enrollment from 12 months to 24 months before requiring information to demonstrate that the school has maintained the capacity to offer the program.

Section IV (E)(7)

The Commission moved the key components of this section regarding teach-out agreements and combined it with revisions to *Section IV (F)(1-5)* of the *Rules* (see below). These revisions are meant to comply with changes to the federal regulations.

Section IV (F)(1-5)

The Commission combined *Section IV (E)(7)* with *Section IV (F)* of the *Rules* now titled Teach-out Plans and Agreements. This new section retains the Commission's previous provisions for teach-out plans and agreements and incorporates several new requirements based on changes to the federal regulations for U.S. Department of Education recognized accrediting agencies. Of note, in addition to the Commission's previous requirements a teach-out plan will now also be required in all cases when:

- A school's independent auditor expresses doubt about the school's ability to operate as a going concern or indicates an adverse opinion or a finding of material weakness related to financial stability;
- The Commission receives notice from the U.S. Department of Education that a school is participating in title IV, HEA programs under a provisional program participation agreement and the Secretary has required a teach-out plan as a condition of participation; and
- The Commission takes action to place a school on Probation.

Additionally, the Commission will require a school to submit a complete ACCSC Institutional Teach-Out Plan Approval Form and if practicable a Teach-Out Agreement with another accredited institution when:

- A school intends to cease operations (i.e., close), intends to cease operations of a branch campus, or when the U.S. Department of Education considers a school or facility/location to be closed;
- The Commission takes action to withdraw a school's accreditation;

- The Commission receives notice from the U.S. Department of Education that it has initiated an action to limit, suspend, or terminate a school's participation in any Title IV program under the Higher Education Act;
- The Commission receives notice that the U.S. Department of Education has placed the school on the reimbursement payment method or the heightened cash monitoring payment method requiring the Department's review of the institution's supporting documentation pursuant to federal regulations;
- The Commission receives notice from a state licensing or authorizing agency that a school's license or legal authorization to operate may be or has been withdrawn/revoked; or
- The Commission otherwise determines that the submission a Teach-Out Plan and/or Teach-Out agreement is appropriate.

As was the case before, The Commission must approve a Teach-Out Plan/Agreement prior to implementation.

Section VII (G)(1)(c)(i-ii)

In exceptional cases where a school is institutionally accredited in good standing by an agency recognized by the U.S. Department of Education and submits an Application for Initial Accreditation with ACCSC, the Commission has added a provision that will allow ACCSC to grant such a school up to a six-year term of accreditation. In alignment with similar provisions for ACCSC-accredited schools seeking renewal of accreditation, the six-year grant of accreditation will be based upon criteria determined by the Commission including elements such as no findings of non-compliance with accrediting standards through the initial accreditation process and exceptional student achievement outcomes, amongst other criteria.

Section VII (L)(7)

In concordance with changes to federal regulations regarding notification of accrediting actions, the Commission revised *Section VII (L)(7)* of the *Rules* to require that a school subject to a Probation Order must within seven days of receipt inform current and prospective students in writing that the school has been placed on Probation and indicate where information regarding that action can be obtained from the Commission's website.

Section VII (M)(1&5)

The Commission has revised the maximum timeframes to achieve compliance to not exceed the lesser of 150% of the length of the longest program offered at the school or three years unless there is good cause to extend the period for achieving compliance. This revision is due to changes to federal regulations in this same area. The Commission also removed the language "[g]enerally, the Commission will limit the duration of the extended timeframe to demonstrate compliance to within the next two regularly scheduled Commission meetings" because despite formerly being required to add this provision as a condition of continued recognition by the U.S. Department of Education, this is not a requirement of the federal regulations.

Section VII (N)(3)

In concordance with changes to federal regulations regarding notification of accrediting actions, the Commission revised *Section VII (N)(3)* of the *Rules* to require that a school subject to a Denial of Accreditation action must, within seven days of receipt, inform current and prospective students in writing of that action and indicate where information regarding that action can be obtained from the Commission's website.

Section VII (P)(4)

In accordance with revised federal regulations, the Commission added the following provision under *Section VII (P)(4)* of the *Rules*: “If the school elects not to appeal the Commission’s decision then the adverse accreditation decision is final. In exceptional circumstances the Commission may maintain the institution’s accreditation until the institution has had reasonable time to complete a teach-out plan.”

Section VII (P)(5)

In concordance with changes to federal regulations regarding notification of accrediting actions, the Commission revised *Section VII (P)(5)* of the *Rules* to say that upon receipt of notification from the Commission that withdrawal of accreditation is final, the school must within seven days inform all students enrolled in the school and those seeking admission that accreditation by ACCSC has been withdrawn and indicate where information regarding that action can be obtained from the Commission’s website.

Section VIII (E)(1-6)

In accordance with changes to federal regulations, the Commission has removed the option for the Sitting Appeals Panel to “reverse” an adverse accrediting decision. In addition, the Commission has added more details outlining the steps and actions available to a Sitting Appeals Panel in conformance with current practice.

Section IX (C)

In order to make clear its compliance with federal regulation and the *Call for Comment* process, the Commission added language confirming that the Commission will be responsive to comments received by the comment deadline.

Section IX (E)(2)

The Commission has added, in part to ensure conformance to changes in federal regulations, clarifying language around “undue harm” and “extenuating circumstances” for a request to waive a standard or rule.

Section X (C)(5)

Based on revisions to federal regulations, the Commission has changed its notification requirement to the U.S. Department of Education, the appropriate state licensing agency, and other accrediting agencies from 30 days to 10 days after a school informs the Commission of a decision to voluntarily withdraw its accreditation or lets its accreditation lapse.

Section X (C)(6)

Because the Commission is not in a position to definitively determine if a school “is” failing to meet its federal Higher Education Act program responsibilities, the Commission revised the language in *Section X (C)(6)* to say that the Commission will notify the U.S. Department of Education when it has reason to believe a school “may be” failing to meet its federal Higher Education Act program responsibilities

Revisions to the ACCSC Standards of Accreditation **Substantive Standards**

The revisions to the *Substantive Standards (Chapter 1, Standards of Accreditation)* set forth below are primarily, although not exclusively, meant to comply with changes to federal regulations for the U.S. Department of Education’s recognition criteria for accrediting agencies which are set to take effect on July 1, 2020. Each revision is annotated and summarized.

Sections I-VIII Statement of Purpose

The Commission reviewed and revised each section’s Statement of Purpose tying it together with revisions made to the *Standards of Accreditation* over time and the Commission’s own emphasis on institutional educational quality and commitment to student success.

Section II (A)(9)(a & b)

The primary revision in this section of the *Substantive Standards* moves the Commission’s reporting and application requirements for consortium/partnership agreements to the *Rules of Process and Procedure* section of the *Standards of Accreditation* (see the revision to *Section IV (E)(6)(a)(vi), Rules of Process and Procedure* outlined above). In addition, based on membership feedback from the March 30, 2020 *Call for Comment*, the Commission revised the language in *Section II (A)(9)(b)* to read “[a] school may not award more than 50% of the total number of clock or credit hours required in a program via a consortium, partnership, or contractual agreement, with the exception of an approved teach-out plan or agreement.” The purpose of this revision – as different from that which was presented in the *Call for Comment* – is to avoid an unintended delimiter on other credit bearing opportunities a student might bring to a program such as transfer credit or prior learning experience (see below).

Section II (A)(11)(a-c)

The U.S. Department of Education has made changes to the disclosure requirements for institutions that participate in the federal student financial aid program that will require institutions to disclose:

- “Any types of institutions or sources from which the institution will not accept credits,”
- “A list of institutions with which the institution has established an articulation agreement,” and
- “Written criteria used to evaluate and award credit for prior learning experience...”

Accordingly, in the March 30, 2020 *Call for Comment* the Commission proposed to include these same provisions in *Section II (A)(11), Substantive Standards, Standards of Accreditation*.

Based upon the comments received by the membership, which the Commission found to be exceedingly useful, the Commission kept the provisions required by the new federal regulations as proposed in the March 30, 2020 *Call for Comment* with the exception of the section dealing with prior learning experience. In this area, the Commission transitioned the proposed language from prior learning “assessment” to prior learning “experience,” codified the expectations for awarding credit for prior learning experience to be more clear, and adjusted the prior learning experience credit award limit to not exceed 50% of a program. Otherwise, the core tenets remain unchanged, which are that the school has appropriate written criteria used to evaluate prior learning equivalency and that prior learning experience primarily applies where an individual had a learning experience but did not receive academic credit (clock hours, credit hours, etc.) for that learning. Prior learning experience is not credit for general “life experience.”

Appendix I – Accreditation Fees

The Commission has made the following fee adjustments:

Process	Former Fee	New Fee
Appeals Hearing Transcript	Actual Cost	50% of Actual Cost
Application for a Change of Control-Part II Main School	Evaluation Fee	\$500 plus Evaluation Fee
Application for a Change of Control-Part II Branch Campus	Evaluation Fee	\$250 plus Evaluation Fee
Application for a Change of Location-Part II	Evaluation Fee	\$150 plus Evaluation Fee

Appendix VII – Guidelines for Employment Classification

The Commission has added clarifying language to the *Guidelines for Employment Classification* including:

- The employment should be “consistent”;
- The school should maintain “documentation of verbal” verification;
- Employment can include career “support” or career advancement; and
- The school should maintain “employment files and records that contain sufficient information to be verifiable by third parties such as the Commission.” (The purpose of this change is to make clear that the school needs to maintain enough information for the employment to be able to be verified by a third party. There has been confusion that the Commission required all information (e.g., the graduate’s email) to be in one place.)

Revisions to the Accrediting Alliance of Career Schools and Colleges Bylaws

In March of 2020, the Accrediting Alliance of Career Schools and Colleges (dba ACCSC) put out for vote to the membership revisions to its Bylaws. The membership voted to approve the revisions to the Bylaws as follows, which are effective July 1, 2020:

Revision #1 Rationale:

The Commission determined, based upon feedback from the Nominating Committee and upon the Commissioners’ own experiences, that individuals with “ACCSC-accredited school” experience as well as experience with the accreditation process, are better equipped to serve as an ACCSC School Commissioner. The role of an ACCSC School Commissioner relies on experience, good judgement, and an ability to make subjective evaluations about compliance with accreditation standards across an array of circumstances, situations, and diverse institution types. In the judgement of the Commission and as affirmed by the membership in its affirmative vote on this topic, this is best supported and achieved when an individual has actual experience in school operations and accreditation in an ACCSC-accredited school. The Bylaws now better establish the intent that only well-qualified individuals are eligible to serve in this important decision-making capacity and role. See Revision #3 regarding the deletion of “...the issuance of a Warning or Probation at the time of or during the five years preceding the individual’s nomination to serve as a School Commissioner, which the Commission has modified and moved to another section of the Bylaws.”

New Language in **Red, Bold and Italic Print**.

Deleted Language in ~~Blue Strikethrough Print~~.

Editorial Language in **Green, Bold, and Italic Print**.

Section 1.01 – Definitions

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 Probation[†] at the time of or during the five years preceding the individual's nomination to serve as a School Commissioner;~~
- ii. **Has at least five years of ownership or bona fide executive experience in an ACCSC-accredited school, has participated in at least one full accreditation process with an ACCSC-accredited school, and** is active in school operations;

~~[†]Applies to any member amongst a group of members with which an individual is affiliated.~~

Revision #2 Rationale:

The Commission believes that fairness and equity in representation is an exceedingly important element of ACCSC's leadership composition and as such is mindful of wanting to avoid circumstances where a school or group of affiliated schools might have disproportionate representation. As such, the Commission believes it is prudent to establish that any individual who is affiliated with the same school as a sitting Commissioner not be eligible to serve on the ACCSC Nominating Committee. This belief was affirmed by the membership in its affirmative vote on the proposed revisions in this area. Although the Commission has not seen any impropriety with regard to the decisions of the Nominating Committee or on behalf of any of the exceptional individuals who have served on that Committee and in practice Nominating Committee members have recused themselves from any decisions that would present a conflict of interest, in an abundance of caution and to avoid any appearance of disproportionate representation, the Bylaws are now more clear regarding the eligibility parameters for serving on the Nominating Committee.

New Language in **Red, Bold and Italic Print**.

Section 1.09 – Committees

b. Nominating Committee:

- i. The Nominating Committee shall consist of five (5) persons as follows:
 1. The Chair and Vice Chair of the Commission;
 2. One (1) person **who is not affiliated with any sitting Commissioner**, 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 *who are not affiliated with any sitting Commissioner*, 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.

Revision #3 Rationale:

In 2017, the Commission changed its definition of a School Commissioner to state that it is someone whose school has not been subject to a Probation or a Warning for the preceding five years. As an initial matter, the Commission determined that such a requirement is more of a threshold eligibility criterion to submit a nomination to be a School Commissioner and not the “definition” of a School Commissioner. Second, the Commission has found that precluding individuals whose school/s has/ve been subject to a Warning over a five-year period is a bit more restricting than originally intended only because the Commission uses Warning for a such a wide variety of issues from systemic compliance findings to a late payment of a sustaining fee. The Commission’s intent in this area was also affirmed by a vote by the membership. Accordingly, nominee eligibility restriction language has been moved from the definition of a School Commissioner as shown in Revision #1 above, to the Nominating Committee section of the Bylaws and will only preclude those individuals whose school/s has/ve been issued a Probation Order with the preceding 5 years or placed on Warning within the preceding 12 months.

New Language in *Red, Bold and Italic Print*.

Section 1.09 – Committees

b. Nominating Committee:

- 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 (*except that the Nominating Committee may not process a nomination from a candidate whose school (to include any affiliated school within a group) which would be the source of eligibility to serve as a School Commissioner is or within the preceding five years has been subject to an ACCSC-issued Probation Order or is or within the preceding 12 months has been subject to an ACCSC-issued Warning*);
