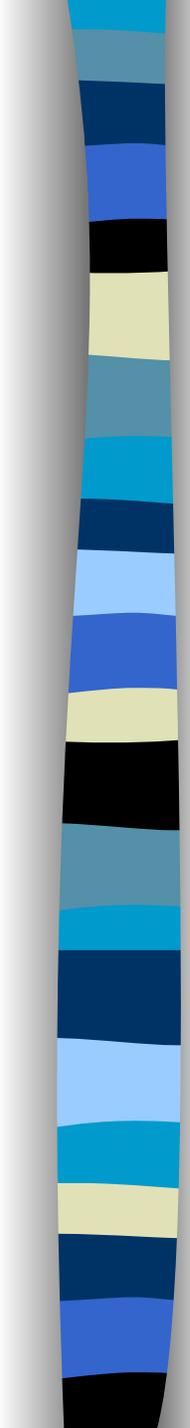


# ALA Office for Accreditation Appeals Process

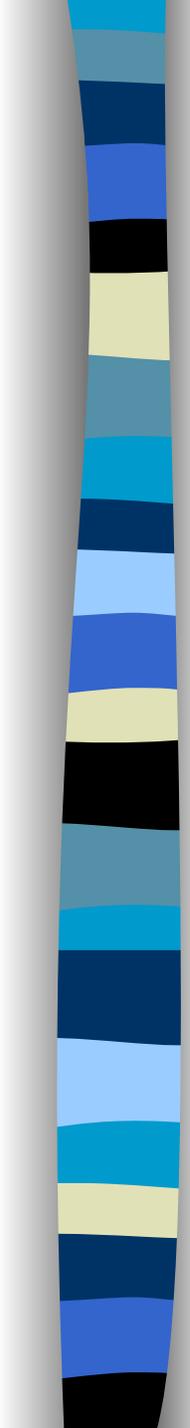


Adopted by the ALA Executive Board  
January 2003



# The New Appeal Process History & Background

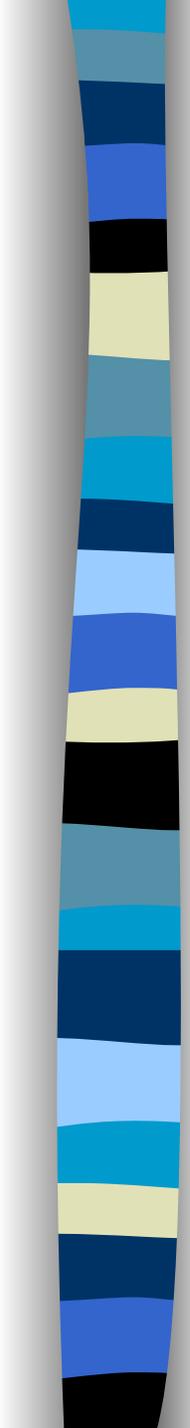
- Approved January 2003 by the ALA Executive Board
- Developed with broad consultation from programs, the ALA Executive Board (EB), legal counsel, ERP members & other accreditors
- Result of direct experience with application of 1985 appeal process



# The New Appeal Process

## Major Features & Changes

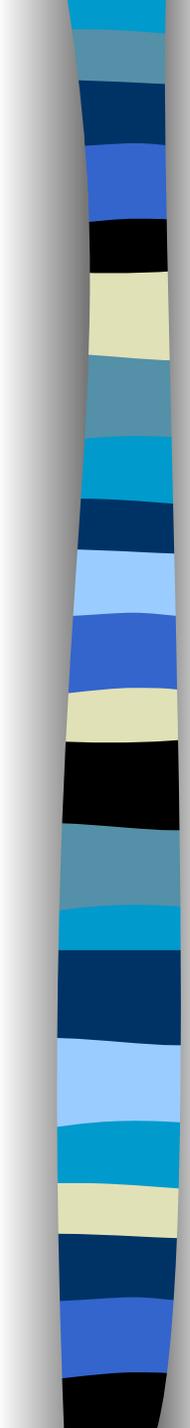
- COA Procedural Changes
  - Conditional status required before accreditation can be withdrawn
  - Notice of concern for use between reviews
  - Improved written communication
  - New precandidacy & candidacy procedures
  - ERP receives correspondence log before the visit



# The New Appeal Process

## Major Features & Changes

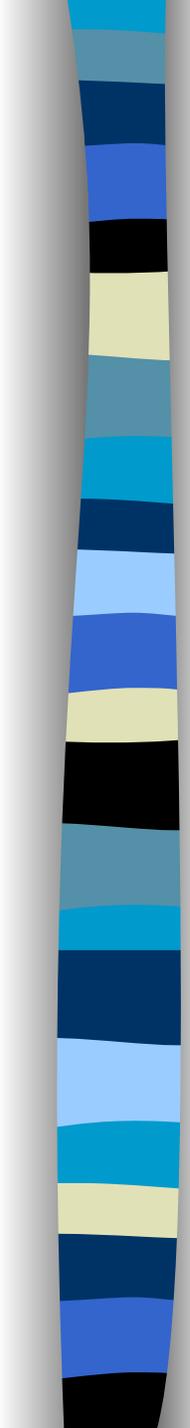
- Appeal Process Changes
  - Shorter timeline
  - Firm deadlines
  - Less adversarial
  - Documentation specified
  - Maintenance of Appeal Review Committee (ARC) pool
  - Annual training of ARC pool



# The ALA Appeal Process

## Role of the ARC

- The charge of the ARC is to review the process and the evidence used to make the decision.
- The role of the ARC is to evaluate whether COA, the Office, or the ERP acted in a way that caused the decision to be unjust.
- The ARC must evaluate whether the decision and the appeal were reasonable based on the evidence.

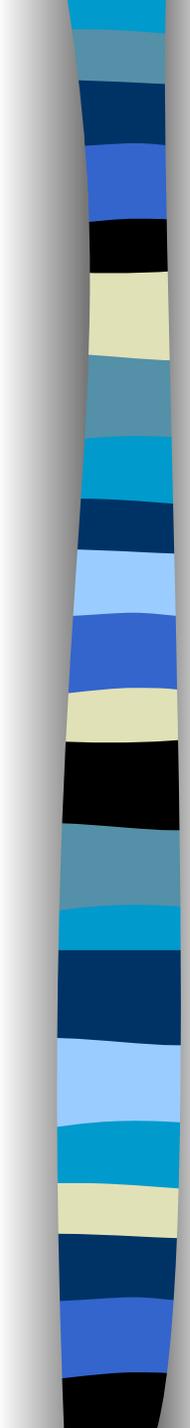


# The ALA Appeal Process

## Burden of Proof

The appealing institution has the burden of proving:

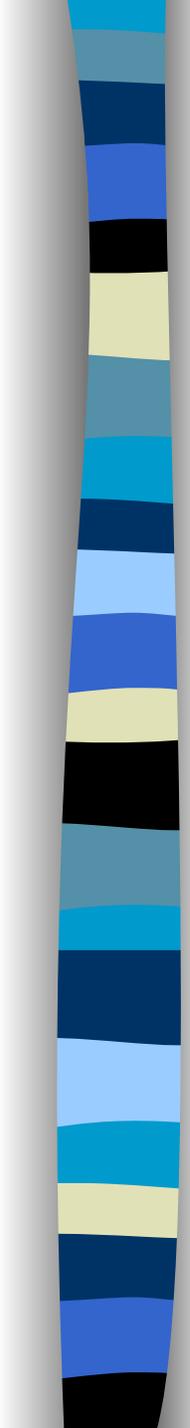
- That the COA committed clear error in making its accreditation decision.
- That this error resulted in an unfair decision.
- That the error falls within the grounds for appeal (See *AP3*, IV.2.1).



# The ALA Appeal Process

## Grounds for Appeal

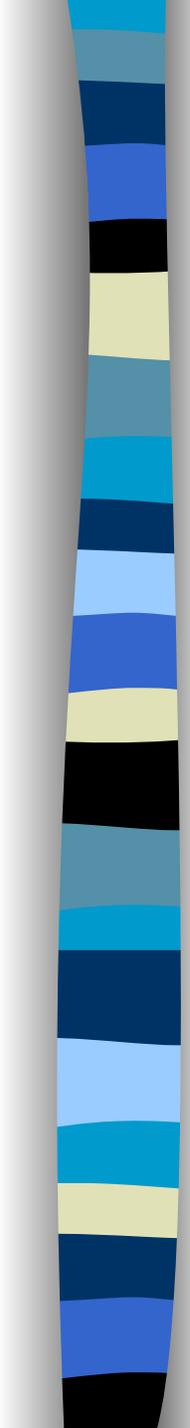
- Only COA decisions to withdraw accreditation or to deny initial accreditation can be appealed.
- Grounds for appeal:
  - That the Committee on Accreditation failed to follow its established published procedures in reaching its decision, and that this failure to follow procedures caused the decision to be unfair.
  - That the COA's decision was arbitrary, capricious, or not supported by significant, relevant information or evidence that the institution submitted in writing to the External Review Panel (ERP) and/or to the COA at the time of the review or before the decision, and that this oversight resulted in an unfair decision.



# The ALA Appeal Process

## Grounds for Appeal

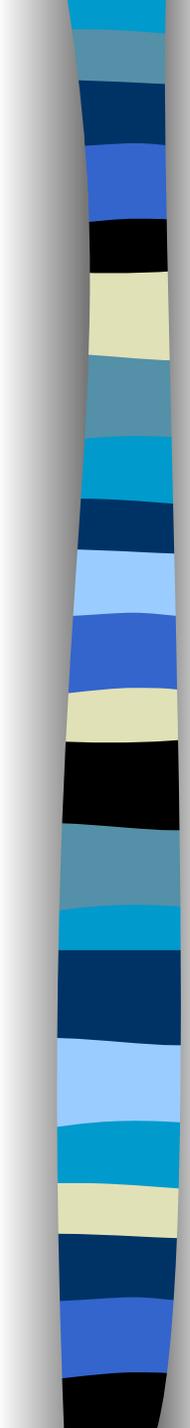
- In the appeal, the institution cannot include information about the program that was not submitted during the review process or about changes at the program that occurred after the COA's decision.



# The ALA Appeal Process

## Evidence

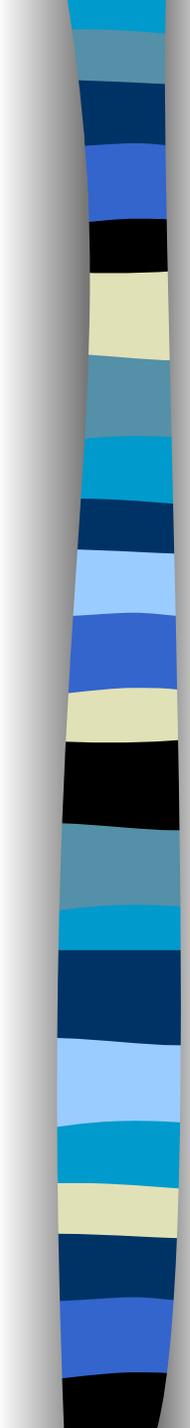
- The ARC may not consider any new evidence in making its decision.
  - The only evidence that may be considered is evidence that was presented to COA during the original review process, the COA decision document, the institution's appeal document, and COA's response to the appeal (if any).



# The ALA Appeal Process

## Meeting of the ARC

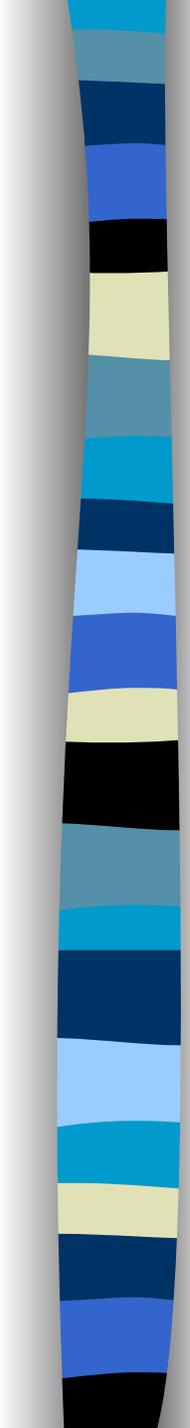
- The purpose of the meeting of the ARC is to clarify documentation, ask questions about procedure, etc.
  - No cross examination by the institution or COA is allowed.
- At the meeting of the ARC, representatives from the institution, COA and their legal counsel are present.
  - An ALA Executive Board representative and the Director of the Office for Accreditation are also present.
  - The ARC can request that others be present e.g. ERP Chair.
- Each side has an equal amount of time to make their presentation about the appeal.
- The ARC cannot consider any evidence that isn't in the documents.
- The ARC cannot consider any evidence of events in the program that occurred after COA's decision.



# The ALA Appeal Process

## Possible Decisions of the ARC

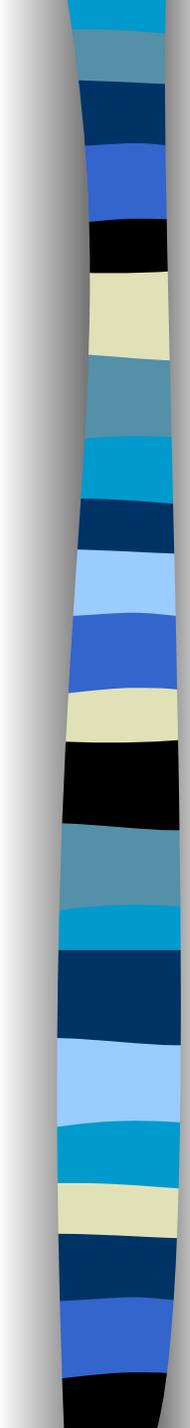
- The ARC determines whether the COA followed established published procedures and reached its decision in a fair manner.
  - The ARC does not determine whether it would have reached the same conclusion as the COA
- The ARC can make one of two decisions: 1) to uphold the COA's decision or 2) to remand the decision back to the COA with comment.
- The ARC writes a report that explains all of the reasons and evidence relied upon in reaching its decision which is sent to the the Executive Board.



# The ALA Appeal Process

## Possible Decisions of the EB

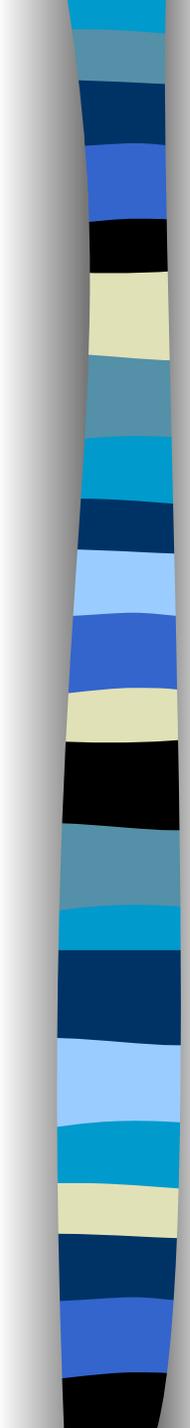
- The Executive Board reviews the ARC's report and decision and can make one of two decisions:
  - To uphold the COA's decision or
  - To remand the decision back to the COA with comment.
- The Executive Board members:
  - Do determine whether the ARC committed clear error by failing to follow established published procedures, resulting in an unfair decision or by reaching an arbitrary or capricious conclusion.
  - Do not determine whether they would have reached the same conclusions as the COA and/or the ARC.



# The ALA Appeal Process

## Conclusion of the Process

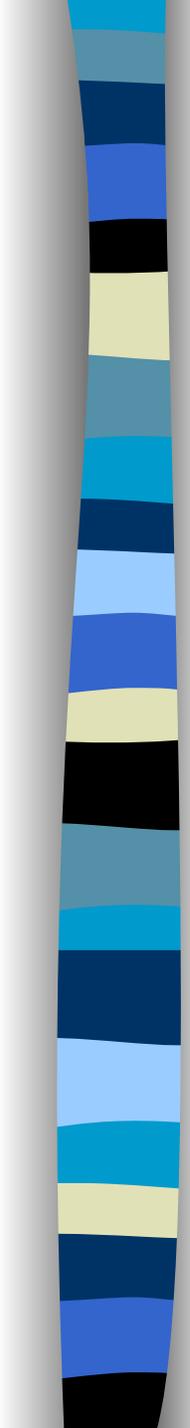
- The Executive Board sends a report of its decision and the ARC's decision and report to the institution, the COA, ARC members, and the ALA President within ten (10) business days of the Board's receipt of the ARC report.
- If the Executive Board upholds the COA's decision, then the COA's decision is considered final.
- If the decision is remanded back to the COA, COA will re-review the program based on the Program Presentation, ERP report, school response, decision document, appeal document, the COA's response to appeal, the ARC decision and report, and the Executive Board report and decision.



# The ALA Appeal Process Confidentiality

**The proceedings of the the ARC are confidential**

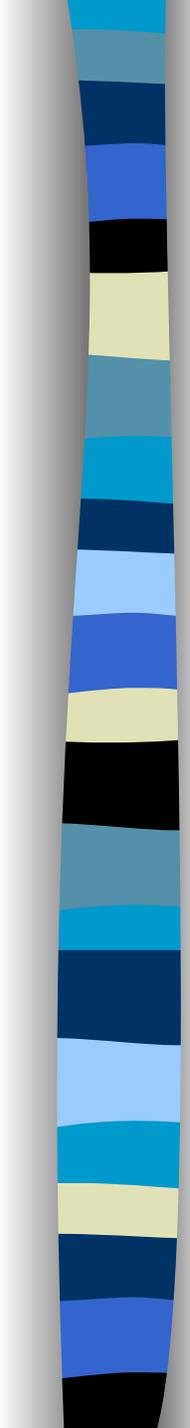
- The COA's accreditation decision is confidential until the deadline for the notice of intent to file an appeal has passed, or until 8 calendar days after the institution has received the COA's decision document.



# The ALA Appeal Process

## Conflict of Interest

- A person cannot serve on an ARC for any institution at which that person:
  - Received a graduate-level degree.
  - Is currently, or has ever been, an employee or paid consultant.
  - Is related by blood or marriage to an employee at that institution.
  - Served on the COA when it made the last accreditation decision for that program.
  - Served on an ERP for that program within the past 10 years.
  - Has any other interest that he or she believes might prevent their objectivity or might cause a reasonable person to believe that he or she is biased.



# The ALA Appeal Process

## Duties of the ARC

- Objectivity
- Time commitment
- Adherence to the appeal process policies and procedures (See Section IV of *AP3*)
- Maintenance of confidentiality for all proceedings