

Official Minutes
CCSF Academic Senate Executive Council
Wednesday, September 4, 2013, 2:30 – 5:00 pm
Ocean Avenue Campus, ARTS 218

2013–2014 Council Members Present: Anna Asebedo, Monica Bosson, Steven Brown, Venette Cook, Dayo Diggs, Matthew Duckworth , Beth Ericson, Donna Hayes, Vivian Ikeda, Lancelot Kao, Wendy Kaufmyn, Kimberly Keenan, Suzanne Lo, Lillian Marrujo-Duck, Carole Meagher, Kitty Moriwaki, Madeline Mueller, Francine Podenski, Carol Reitan, Lisa Romano, Karen Saginor, Fred Teti, Rosario Villasana, Ellen Wall, Laura Walsh, Debra Wilensky

2013–2014 Council Members Absent: Suzanne Pugh, Louis Schubert, Gloria Weinstock

Other Senate Members Present: Chantilly Apollon, Tracy Burt, Lenny Carlson, Ophelia Clark, Tarik Farrar, Robin Kaneshiro, Dana Jae Labrecque, James Macale, Caroline Minkowski, Rodolfo Padilla, Kris Whalen, Julie C. Young

Guests: Jeff Lamb, Brom McCullough

I. Call to Order

The Academic Senate Executive Council came to order at 2:33 p.m.

II. Adoption of Agenda

Council adopted the agenda as amended.

III. Approval of Minutes:

A. Plenary 13 August 2013

Council approved the Plenary minutes.

B. Council Meeting 21 August 2013

Council approved the minutes for the Executive Council meeting.

IV. Public Comment

- Attention was directed to the Guardsman article coverage of the environmental Horticulture & Retail Floristry programs.
- Mention was made of the encouraging tones of Scott Lay and Beth Smith during the Technical Assistance meeting.
- Concern was expressed regarding the length of time that CCSF would operate under a Special Trustee with Extraordinary Powers.

V. Officers' Reports

President Teti reported that:

- Senate members are directed to his written report for more details. (Appendix A)
- Note was taken during the Technical Assistance visit that the CA State Chancellor's office had been reduced to 1/4th its previous size. Resources do not exist to fully enforce Title 5. ACCJC is stepping into that role.
- An attempt is being made to pre-schedule a meeting with the incoming chancellor and Scott Lay and Beth Smith.

1st Vice-President Saginor reported that:

- Please refer to the written report for notice of all the meetings attended. (Appendix B)
- Reducing the message size allowable on EFF is under consideration. Please email one of the officers regarding any foreseeable drawbacks.
- The search for a new chancellor continues. The closing date to apply is September 16th. Rolling interviews are ongoing. The top candidates will be present at a forum where they will take pre-prepared questions from faculty constituents. Please consider any questions you would like to have the candidates field.
- Rosario was thanked for the wonderful orientation.
- A reminder was made to attend to Robert's Rules in order to facilitate difficult discussions.

2nd Vice-President Villasana reported that:

- Attendance at the retreat last week was appreciated.
- The Technical Assistance meeting with Scott Lay and Beth Smith was very productive.
- The 9th Annual Basic skills luncheon was announced.

Secretary Marrujo-Duck reported that:

- Some of the broken links to sound recordings from last year have been repaired.

VI. Unfinished Business

A. Selection of the Committee on Committees

- Karen Saginor, Rosario Villasana, Lillan Marrujo-Duck, and Donna Hayes were selected to join Fred Teti on the Committee on Committees. Monica Bosson will be an alternate. Candidates were selected by acclamation.

B. Selection of a Council Parliamentarian

- Kimberly Keenan and Dayo Diggs will serve as co-Parliamentarians. Candidates were selected by acclamation.

C. Accreditation Update

Fred Teti provided an update:

- We will continue to follow the Restoration Plan on CCSFForward.com.
- SLO reporting completion rates were at 93%. Please encourage the other 7% to complete their SLO reporting.
- Faculty were reminded of September 17th "Positive Pathways to Accreditation" meetings. Classes will be cancelled so that all faculty can attend. Some clarification was requested regarding attendance obligations for part time faculty teaching Tuesday evening classes.

D. Committee Management and Representation Issues

Karen Saginor reported:

- Last Executive Council meeting we passed a resolution to change the committee service term to expire at the end of a semester. Mid-semester appointments will be averaged out.
- In order to improve communication between committee members and the faculty constituency a proposal will be drafted to require reporting by the appointees.

VII. New Business:

A. First Reading: G.E. Area C Outcomes Assessment:

Chantilly Apollon presented proposed changes to language of the Area C National Sciences General Education Outcomes. Council will vote next meeting on forwarding the final version to the Bipartite Committee on Graduation Requirements.

B. Resolution thanking the San Francisco City Attorney's Office

Appreciation of Herrera's work was expressed, but there were concerns about possible negative consequences for the college should the Academic Senate approve the resolution. The resolution was withdrawn.

C. Endorsement of 3rd party comment to the Department of Education

Resolution 2013.09.04.01 RESOLUTION FOR THE ACADEMIC SENATE OF CITY COLLEGE OF SAN FRANCISCO SUBMISSION OF THIRD PARTY COMMENT CONCERNING ACCJC TO THE UNITED STATES DEPARTMENT OF EDUCATION

Whereas, we affirm the goal of accreditation and the commitment of standards to be the provision of quality education to students; and

Whereas the Department of Education has found the ACCJC to be out of compliance with Code of Federal Regulations Title 34 §602 and failings of the ACCJC tend to defeat rather than strengthen the overarching goal of accreditation to provide quality education; and

Whereas as we work to meet all accreditation standards, we seek fair evaluation of our efforts; therefore, be it

Resolved that the Academic Senate endorse the Third Party comment as edited on September 4th, 2013 and with additional minor edits made by the officers of the Academic Senate; and be it further

Resolved that the Academic Senate officers submit it to the Department of Education on behalf of the Academic Senate on or before the deadline of September 6th, 2013..

Moved: Karen Saginor; Seconded: Steven Brown; MC; Abstained Anna Asebedo, Lancelot Kao, Carol Reitan (Appendix C)

D. Resolution on Transparency during the Accreditation Process

Resolution 2013.09.04.1102 Resolution to Ensure Transparency during the Accreditation Process

Whereas, the ACCJC demanded that the justification for a review of the decision to terminate accreditation which CCSF filed on August 20, 2013 be kept confidential, despite the fact that no ACCJC written policies have been found among the published policies that require confidentiality of the material; and

Whereas, after independently conducted exhaustive searches of ACCJC published policies, many

researchers have failed to find a statement anywhere among ACCJC's published policies that require an institution to forbid constituency input into the appeals process; and

Whereas, DOE policy does not permit an institution's internal governance policies to be dismantled by the accrediting commission, according to due process regulations 602.25 that govern the review or appeal of accrediting decisions, therefore be it

Resolved, that the CCSF Academic Senate recommend to the administration that it allow the college constituencies, through the constituencies' leaders, to have input into all the upcoming appeals processes to the fullest extent permitted by ACCJC policy; and be it further

Resolved, that the CCSF Academic Senate recommend to the administration that it provide a fair, open, and transparent process in all matters relating to the accreditation appeals process.

Moved: Steven Brown; Seconded: Wendy Kaufmyn; MCU

E. Update on the Education Master Plan

Fred Teti recommends that the Academic Senate take the initiative to begin an update to the Education Master Plan. Please let us know if you are willing to serve on an ad hoc committee.

F. First reading: Resolution urging improvement in ACCJC practices and conduct
Postponed.

IX. Open Forum:

- Concern was expressed about how the CCSF college board may be reconstituted.
- Some information from the Technical Assistance visit was shared.

X. Adjournment: The meeting adjourned at 5:15 p.m.

Appendix A: President's Report.

Appendix B: First Vice President's Report.

Appendix C: City College of San Francisco submission of third party comment concerning ACCJC to the United States Department of Education.

The Rhetoric from Frederick

Past Meetings/Events include

- 2013-08-21: Executive Council meeting
- 2013-08-26: Crisis Management Team
- 2013-08-26: Conference call with Karen Saginor and ASCCC President Beth Smith
- 2013-08-27: Officers meeting
- 2013-08-27: Vice Chancellor Goldstein's budget presentation
- 2013-08-28: Executive Council Retreat and Orientation
- 2013-08-30: Technical Assistance Visit from Beth Smith and Scott Lay
- 2013-09-03: Officers meeting
- 2013-09-03: Accreditation Committee (with Karen Saginor)

Draft Job Announcements reviewed (some with minor changes)

- Philippine Studies: sent recommendations for mild changes 8/22

Technical Assistance Visit 2013-08-30 notes

The "visitors", Beth Smith and Scott Lay, shared with the audience their advice for, concerns about, and opinions of many issues.

- They supported the new use of the word "Participatory" instead of "Shared".
- Although the Board is the District's final decision-making body, the Board can delegate decisions to the Chancellor or to the Senate (as it does somewhat in our "rely primarily" policy).
- Scott Lay intends to renew the statewide discussion of student equity.
- Meetings are not necessarily bad things. Sitting around a table is often more effective than a flurry of memos.
- Participatory governance might slow decision-making but it yields better decisions.
- Scott Lay emphasized the role of *goodwill* in governance processes.
- The State Chancellor's Office is only one-quarter its former size and hence isn't enforcing Title 5 as rigorously as it should. This explains how, in part, the accrediting commission has taken on a fiscal-enforcement role.
- All districts struggle with the "exceptional circumstances" and the "compelling reasons" for which a District may act against the advice of the Senate.
- They encouraged the Senate to enter into a formal MOU with the union to ensure we agree on what matters are the Senate's and which theirs (e.g., professional development).
- The Classified union *is* the state-recognized appointing agent for Classified staff. (The union may *choose* to delegate such appointments to the Classified Senate.)
- They recommended another MOU between the Senate and the Planning Office to resolve potential "10+1" conflicts. (Indeed, Scott Lay said "...the Senate should have ownership of the planning process.." and delegate the tedium to the Institutional Effectiveness Office. Dean Mery and I traded interesting glances on that one.)
- Having the Chancellor as PGC chair is not a best practice. Observer, yes, but not member or chair.
- The PGC guidelines should address explicitly what happens if the PGC considers a 10+1 issue.
- The PGC guidelines should indicate the "entry points" for recommendations. It is not best practice to allow "people to jump in anywhere".
- Beth and Scott instructed me to set up a meeting with them, the Special Trustee, and the newly-hired chancellor. I will try to arrange for that to happen around the second week of November.

Planning Committee 2013–08–22 notes (courtesy of Karen)

The Committee's operational guidelines will follow PGC guidelines, once developed. A productive discussion with the new Associate Vice Chancellor of Centers about program review reports for Centers touched on intersecting information with program reviews for schools, student support services, library services, etc. The Vision/Mission questionnaire has been launched. It is intended to be a feedback tool, more than a survey counting percentages of responses. Dean Mery showed where annual indicators can be found online. Board priorities will be set by the Special Trustee no later than September 17 -- they will be announced/discussed at the Sept. 17 Flex program. The program review process this year will follow the timeline set (though not adhered to) last year. Some improvements will be made compared to the process last year. Small workgroups formed to address different aspects of modifying program review for this year. There is no quick-'n-easy resolution to the fact that we do not have a full, reliable list of which priorities identified for funding through last year's program review have actually been funded or will definitely be funded, and which were not and should therefore be requested again. The Education Master Plan is on a back burner for now. Faculty suggested that the Academic Senate might work on it.

Accreditation Committee meeting 2013—09—03 notes

(Gohar Momjian, Grace Estaban, Aaron Holmberg, Andrea Niosi, Tim Ryan, Doug Re, Kristin Charles, Kristina Whalen, Judy Seto, Edissa Nicholas, Donna Hayes, Wendy Kaufmyn, Karen Saginor, et moi)

- CCSF Forward site: Gohar announced that she decided to keep the dot-com domain name and not pursue switching to a different one. Graphic Communications is working on ways to promote the site and “nudge” folks to use it.
- Restoration Plan: Gohar is learning how to do “queries” from the Smartsheet. (e.g., “Which items are at 100% completion?”) She thanked Susan Lopez for her assistance.
- Donna conveyed a concern that many faculty don't see where their efforts fit into the Plan.
- The September 17 flex day SLO program is entitled “Positive Pathways”. Kristina assures us that the program will be all about dialog, not reports. I suggested a logo featuring the word “monologues” with the “Do Not Do” symbol superimposed. (Why can I leave the -ue off of “dialog(ue)” with no trouble but cleaving it from “monologue” disturbs me?)

Program Review and Outcomes for the Senate?

Right now, only District units with allocated budgets (“Cost Centers”) conduct program review. Nonetheless, other units can benefit from the process. I have been discussing with the officers the possibility of the *Senate's* writing a program review. This will mean developing and assessing measurable outcomes. Some (not many) colleges' senates have such, but I find their measurements rather uninspiring. I suppose reporting the number of appointments made to committees is a measurement of productivity but it doesn't capture the effectiveness of the representation. I encourage all the think about what a “Senate outcome” would look like and share with me your thoughts.

Appendix B:

September 4, 2013

Report of First Vice President of the Academic Senate

Karen Saginor, ksaginor@ccsf.edu

Past Meetings and Events

Chancellor Search Committee work

August 21, Academic Senate Executive Council meeting.

August 27. Budget Presentation by Peter Goldstein.

August 30. Technical Assistance with July 15 with Beth Smith, President of ASCCC and Scott Lay, CEO and President of the Community College League of California.

September 3. Accreditation Committee meeting

Notes, Reports and Drafts.

Compilation of relevant documents for Technical Assistance visit. (paper packets and online pdf)

<http://tinyurl.com/TechAssisDocs>

DRAFT Third Party Comment <http://tinyurl.com/nzy579p>

Ongoing projects

Committee Vacancy List posted and revised

Committee appointment records

Records on faculty interested in Committee appointments

Academic Senate Committees Assessment work

Future projects

Report on Academic Senate Executive Council Survey conducted May, 2013

**Appendix C: RESOLUTION FOR THE ACADEMIC SENATE OF CITY COLLEGE OF SAN FRANCISCO
SUBMISSION OF THIRD PARTY COMMENT CONCERNING ACCJC TO THE UNITED STATES
DEPARTMENT OF EDUCATION**

Whereas, we affirm the goal of accreditation and the commitment of standards to be the provision of quality education to students and

Whereas the Department of Education has found the ACCJC to be out of compliance with Code of Federal Regulations Title 34 §602 and failings of the ACCJC tend to defeat rather than strengthen the overarching goal of accreditation to provide quality education; and

Whereas as we work to meet all accreditation standards, we seek fair evaluation of our efforts; therefore, be it

Resolved that the Academic Senate endorse the Third Party comment as edited on September 4th, 2013 and with additional minor edits made by the officers of the Academic Senate; and be it further

Resolved that the Academic Senate officers submit it to the Department of Education on behalf of the Academic Senate on or before the deadline of September 6th, 2013.

DRAFT --- DRAFT --- DRAFT --- DRAFT --- DRAFT --- DRAFT --- DRAFT --- DRAFT --- DRAFT

TO: accreditationcommittees@ed.gov
Kay Gilcher, Director, Accreditation Group
Carol Griffiths, Director, NACIQI

FROM: Fred Teti and Karen Saginor

TITLE/OCCUPATION/PROFESSION: President and First Vice President of the Academic Senate of City College of San Francisco

AFFILIATION: City College of San Francisco

MAILING ADDRESS: 50 Phelan Avenue, E202, San Francisco, California 94112 USA

E-MAIL: fteti@ccsf.edu and ksaginor@ccsf.edu

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WEBSITE: -www.ccsf.edu/academic-senate

SUBJECT: Written Comment: re ACCJC

Summary: Accreditation serves an essential purpose for both students and society by providing assurance of educational value. We affirm our commitment to standards designed to ensure quality education to students. It is the responsibility of the ACCJC to adopt and adhere to policies that facilitate impartial evaluation of colleges and processes for the correction of deficiencies, with the overarching goal of providing quality education. We are concerned that the ACCJC appears to be out of compliance with several sections of 34 CFR §602 relating to the composition of visiting teams, clarity of identification of deficiencies, and public provision of written materials describing the standards and procedures of the agency. We have a further concern that compliance with a requirement of the ACCJC has put City College of San Francisco out of compliance with state law.

Affirmation of the purpose of the ACCJC and of institutional compliance with standards. We commend the ACCJC for posting prominently on its web pages for the public this statement:

The ACCJC accreditation process provides assurance to the public that the accredited member colleges meet the Standards; the education earned at the institutions is of value to the student who earned it; and

employers, trade or profession-related licensing agencies, and other colleges and universities can accept a student's credential as legitimate. <http://www.accjc.org/>

We are committed to upholding standards and working to rectify deficiencies, especially as they impact access and quality of education. It is the proper role of the ACCJC to evaluate the success or shortcomings of colleges in meeting the standards, to make recommendations and to provide time-certain processes to colleges to correct deficiencies.

Compliance of the ACCJC with Code of Federal Regulations Title 34 §602.21(b)(4) Review of standards.... The agency determines the specific procedures it follows in evaluating its standards, but the agency must ensure that its program of review... involves all of the agency's relevant constituencies in the review and affords them a meaningful opportunity to provide input into the review.

ACCJC has fallen short of this requirement for California community colleges. In the case of City College of San Francisco, the evaluation team sent in 2012 included only 1 instructor (Professor, English and ESL) and two faculty department heads (Department Chair, ESL, and Department Chair, Business and Law) on a team of 16 evaluators. (Accreditation Evaluation Report of CCSF by ACCJC 2012, p.2 ccsfforward.com/wp-content/uploads/keydocuments/Accreditation_Evaluation_Report_2012.pdf) In 2013, the Show Cause visiting Team included only 1 instructor among 8 evaluators. (Show Cause Evaluation Report of CCSF by ACCJC 2013, p.2 ccsfforward.com/wp-content/uploads/keydocuments/CCSF_Show_Cause_Visit_Team_Report_05_20_2013.pdf) This lack of representation of faculty on visiting teams appears to have contributed to violations of additional regulations.

Compliance with Code of Federal Regulations Title 34 §602.18(e) Ensuring consistency in decision-making. The agency must consistently apply and enforce standards that respect the stated mission of the institution, including religious mission, and that ensure that the education or training offered by an institution or program, including any offered through distance education or correspondence education, is of sufficient quality to achieve its stated objective for the duration of any accreditation or preaccreditation period granted by the agency. The agency meets this requirement if the agency Provides the institution or program with a detailed written report that clearly identifies any deficiencies in the institution's or program's compliance with the agency's standards.

and

Compliance with Code of Federal Regulations Title 34 §602.25(c) Due Process. The agency must demonstrate that the procedures it uses throughout the accrediting process satisfy due process. The agency meets this requirement if the agency.... Provides written specification of any deficiencies identified at the institution or program examined.

ACCJC has fallen short of this requirement in multiple ways.

1) As was documented by the California Federation of Teachers and confirmed by the Decision letter of August 13, 2013 from Director Kay Gilcher to the ACCJC President Barbara Beno, the decision to reaffirm the accreditation of City College of San Francisco in June 2006 either did not clearly identify deficiencies in meeting standards or did not identify deficiencies at all. Subsequent letters from the ACCJC to City College of San Francisco did not identify whether the ACCJC's recommendations were intended to increase institutional effectiveness, or were necessary to meet standards. (WASC Letter 06/29/2007 for City College of San Francisco ccsfforward.com/wp-content/uploads/keydocuments/2007-06-29_WASC_Letter.pdf) (WASC Letter 06/30/2009 for City College of San Francisco ccsfforward.com/wp-content/uploads/keydocuments/2009-06-30_WASC_Letter.pdf) (WASC Letter 06/30/2010 for City College of San Francisco http://ccsfforward.com/wp-content/uploads/keydocuments/2010-06-30_WASC_Letter.pdf)

2) The decision letter provided to City College of San Francisco on July 3, 2013, also falls short of the requirement to clearly identify deficiencies. (Accrediting Commission Decision Letter ccsfforward.com/wp-

content/uploads/keydocuments/Decision_07_03_2013.pdf) This letter listed references to the ACCJC standards that it alleged that City College had failed to meet. Specifically, the Commission determined that City College of San Francisco does not yet meet Standards I.A.3; I.B.1; I.B.2; I.B.3; I.B.4; II.A.1; II.A.2; II.A.6; II.B.1; II.B.3; II.B.4; II.C.1; II.C.2; III.A.2; III.A.6; III.B.1; III.B.2; III.C.1; III.C.2; III.D.1; III.D.2; III.D.3; III.D.4; IV.A.1; IV.A.2; IV.A.3; IV.A.4; IV.A.5; IV.B.1; IV.B.2 For the majority of these standards, no clarification is provided within the decision letter concerning the failure of City College of San Francisco to meet the standards. Exceptions are standards III.D, IV.A and IV.B for which explanatory text is provided within the decision letter. However, much of that explanatory text consists of allegations and misleading statements that are not supported by evidence. We question whether these statements meet the requirement for deficiencies to be clearly identified – a requirement of particular importance for a decision to terminate accreditation.

For example, the decision letter says (on p. 3) "Testimony indicated that, within the college, some faculty feel strong pressure, even intimidation, to defer to designated faculty leaders even when they feel that a different approach should be considered."

- This statement implies a lack of legitimate authority for faculty leaders to speak for their constituency by using the term "designated faculty leaders" rather than "elected faculty leaders."
- This statement is literally about the feelings of some faculty. However, it gives readers the impression that faculty leaders have engaged in intimidating behavior without saying so explicitly, nor adducing any evidence for that insinuation.
- This statement associates intimidation with faculty leaders while ignoring intimidating words and actions by the interim chancellor, such as the firing of all academic administrators, effective June 30, 2013.

On the following page 4, the decision letter continues its discussion of deficiencies portrayed as rooted in faculty resistance:

"The Participatory Governance Council System and the relationship between it and the Collegial Governance System has not yet been defined. The Show Cause Visiting Team found that no operating principles or processes have been defined for the revised governance structure."

Here and in additional passages, the decision letter quotes the Visiting Team report out of context. (Ref to Westerberg paper www.ccsf.edu/Organizations/Academic_Senate/ContextOfQuotes.pdf) In the decision letter, these statements imply that the constituent representatives have been derelict in defining the relationship between the Participatory Governance Council System and the Collegial Governance System, and derelict in defining operating principles or processes. The facts, as documented by materials available to the visiting team and to the commission are otherwise.

- The officers of the CCSF Academic Senate actively sought to define the collegial consultation relationship, preparing information about best practices from other community colleges and seeking resolution through discussion with the interim chancellor, but the interim chancellor demurred defining the relationship. [provide references]
- Operating principles and processes were defined for Collegial Governance System, and evidence documenting these was published online and made available to the visiting team. [provide references]
- Members of the Participatory Governance Council sought to complete the parallel work for that Council, but forward movement was stalled by the interim chancellor who chaired the Council and set its agenda. [provide references]

The decision letter goes on to note that the "two interim chancellors over the last year have 'focused on correcting the deficiencies cited by the Commission in 2012...' without mentioning their failure to take crucial steps in the development of governance structures. The decision letter states that "not all constituencies are ready to follow college leadership to make needed changes in a timely manner," (p.4) implying that lack of progress in the development of governing structures has been due to faculty resistance.

If these are overly particular examples for which clarity of expression and factual accuracy are not essential, then we must question why these statements are featured in the letter explaining the decision of the ACCJC to terminate accreditation for City College of San Francisco. An integral part of providing a report that “clearly identifies any deficiencies in meeting standards” for a decision letter terminating accreditation for an institution should be a clear, evidence based focus on the deciding factors that led the ACCJC to their decision.

3) The decision letter provided to City College of San Francisco on July 3, 2013, also falls short of the requirement to clearly identify deficiencies because the decision letter lists many standards in which City College of San Francisco is deficient, but identifies what those deficiencies are for only a handful of them. Instead, the decision letter refers to the Report of the Show Cause Visiting Team that City College of San Francisco was directed to make public when it received the decision letter. We question whether referral to the Report of the Show Cause Visiting Team is sufficient to meet the requirements of **34 CFR §602.18(e)**. The decision letter lists 30 parts of standards in which it asserts that City College of San Francisco is deficient. However, for one third of these parts of standards, the Report of the Show Cause Visiting Team had stated that City College of San Francisco meets the Standard. For I.A.3; I.B.1; I.B.2; II.A.6; II.B.4; III.B.1; III.C.1; III.C.2; III.D.1; and IV.A.1, the Report of the Show Cause Visiting Team states that City College of San Francisco **meets** the standard. The Decision letter states that for these same ten areas City College of San Francisco **does not meet** the standard. Of these ten areas, the decision letter only identifies deficiencies for one – IV.A.1. For the other nine, the ACCJC has not clearly identified deficiencies in either the Show Cause Visiting Team Report nor in the decision letter.

Compliance with Code of Federal Regulations Title 34 §602.23. Operating procedures all agencies must have. (a) The agency must maintain and make available to the public, upon request, written materials describing -- (1) Each type of accreditation and preaccreditation it grants; (2) The procedures that institutions or programs must follow in applying for accreditation or preaccreditation; (3) The standards and procedures it uses to determine whether to grant, reaffirm, reinstate, restrict, deny, revoke, terminate, or take any other action related to each type of accreditation and preaccreditation that the agency grants;

The ACCJC has fallen short of this requirement in regards to the City College of San Francisco request for review of the July 2013 adverse decision of the ACCJC. The ACCJC provides a written Policy on Review of Commission Actions available online http://www.accjc.org/wp-content/uploads/2013/06/Review-of-Commission-Actions_Rev-June-2013.pdf This policy identifies bases for a college to request review of a decision by the ACCJC and provides other information about that process. The policy does not state that College administration and the trustees of a college are required to keep the review request confidential from other members of the college community or from the public.

ACCJC’s posted Policy on Review of Commission Actions informs colleges that appropriate grounds for requesting review of a decision include evidence that “there were errors or omissions in carrying out prescribed procedures on the part of the evaluation team and/or the Commission which materially affected the Commission's decision...” According to this policy, in its request for review, City College of San Francisco should properly include reference to the Decision letter of August 13, 2013 from Director Kay Gilcher to the ACCJC President Barbara Beno detailing several areas in which the ACCJC’s actions on City College of San Francisco have been found to be out of compliance with Title 34 CFR §602. Contrary to ACCJC’s posted policy stating that error or omissions on the part of the evaluation team and/or the Commission are relevant to a request for review, representatives of the ACCJC advised CCSF Special Trustee Agrella, Interim Chancellor Scott Skillman, and Accreditation Liaison Officer Momjian of City College of San Francisco to omit references to the DOE decision letter and the issues raised by it in composing the request for review of ACCJC’s decision to terminate accreditation.

Further, representatives of the ACCJC informed the Special Trustee of City College, that the ACCJC policy requires that the review request be kept confidential from constituency leaders and from the public. This policy had been unknown to Special Trustee Agrella and to California Community Colleges Chancellor Harris, who had announced at a large public meeting that the review request would be widely shared even before it was sent to the ACCJC. This newly announced confidentiality requirement is not included in the ACCJC Policy on Review of Commission Actions published online. The ACCJC provides additional written materials online about its policies and procedures in regards to confidentiality, in particular:

Policy on Public Disclosure and Confidentiality in the Accreditation Process http://www.accjc.org/wp-content/uploads/2013/06/Public-Disclosure-and-Confidentiality_Rev-June2013.pdf

including a Section entitled The Commission's Responsibility for Confidentiality

Statement on the Process for Preserving Confidentiality of Documents Related to Institutional Evaluations

http://www.accjc.org/wp-content/uploads/2013/06/Statement-on-Process-for-Preserving-Confidentiality-of-Docs_Adopted-June-2013.pdf

These two documents direct the ACCJC staff, commissioners, team and committee members to keep certain types of documents confidential (or to destroy documents in some circumstances), but do not forbid an institution from sharing its own review request or other documents created by the institution. After independently conducted exhaustive searches of ACCJC published policies, many researchers have failed to find a statement anywhere among ACCJC's published policies that require an institution to maintain any level of confidentiality for its own review request.

It appears that both in advising City College of San Francisco to omit any reference to the substance of the Department of Education Decision letter and in requiring City College of San Francisco to keep its own review request confidential, the ACCJC is using policies and procedures that are substantially at odds with the written materials available to the public describing its standards and procedures.

Compliance with applicable state laws.

Although we have not found a statement within 34 CFR §602 that specifies the relationship between the standards and requirements of accrediting agencies and the laws of the states in which they operate, we consider it important to bring to the attention of the Department of Education that compliance with the requirements of the ACCJC has put City College of San Francisco out of compliance with the law of California. In particular, the letter written by officials of City College of San Francisco requesting that the ACCJC review its July 2013 decision to terminate accreditation falls under the California Public Records Act. The San Francisco Chronicle announced in an editorial on September 2, 2013, that it “seeks the contents of the appeal [meaning review request], which was generated by tax-supported employees and is a public document.”

<http://www.sfgate.com/opinion/editorials/article/Accrediting-commission-must-open-CCSF-records-4780273.php>

Other parties in addition to the San Francisco Chronicle have filed similar requests for this document. The ACCJC's requirement that City College of San Francisco keep its review request confidential has put the college in the untenable position of accruing legal expenses and becoming liable for legal penalties because it is taking an action directed by representative of the ACCJC.