



Appeals Policy

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CAEP Appeals Policy

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Section I. Introduction

The Council for the Accreditation of Educator Preparation (CAEP) is a non-governmental, voluntary, non-profit association of parties committed to the effective preparation of teachers and other P-12 professional educators. CAEP, through an Accreditation Council, accredits educator preparation providers (EPPs).

The activities of CAEP are carried out by three distinct bodies; the Governing Board of Directors, the Accreditation Council, and the Appeals Council. The duties and responsibilities of these bodies are described in the CAEP Bylaws and each is governed by a distinct set of policies. This policy document contains the policies, including those that are implied by the CAEP Bylaws, for the Appeals Council and has an accompanying standard operating procedures document which provides specificity regarding how policies are carried out by CAEP staff and/or members of the Council.

In any section of this document which references or quotes CAEP Bylaws, the language of the ratified bylaws shall supersede the language contained herein.

Policy 1.01 Compliance

As long as CAEP chooses to be recognized or seek recognition by the United States Secretary of Education (USED) and/or the Council on Higher Education Accreditation (CHEA), it shall comply with any applicable requirements, including those for composition of the Appeals Council and any appointed Appeals Panel, particularly the proportions of educators, practitioners, and representatives of the public required on decision-making bodies.

Policy 1.02 Independence

Any appeal decisions made by the Appeals Council shall be independent of any accreditation decisions made by the Accreditation Council.

Policy 1.03 Costs Associated with Appeals

The EPP is responsible for any and all costs associated with EPP attendance at the Appeals hearing.

CAEP covers costs associated with convening the Appeals Panel for the hearing.

Section II. Appeals Council

Policy 2.01 Composition, Qualifications, and Term

The Appeals Council, a “designated body” of CAEP, as permitted and within the meaning prescribed under §401.02(8) and §406.12 of the D.C. Nonprofit Corporations Act, shall consist of fifteen (15) members who are selected by the President in consultation with the Chair and Vice-Chair of the Board of Directors. Appeals Council members will comprise a mix of qualified academic and administrative personnel and educators and practitioners as appropriate.

No current Board member or member of the Accreditation Council may be appointed to the Appeals Council. To serve on the Appeals Council, an individual must successfully complete an Appeals Council training course within sixty (60) days from appointment, which shall include

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training on CAEP policy and procedures on the appeals process, the CAEP commitment to diversity, standards of conduct, and conflicts of interest policy. In carrying out the responsibilities of the Appeals Council, members shall at all times act in accordance with the CAEP standards of conduct and conflict of interest policy. Council members shall serve staggered terms of not more than three (3) years. No Council member may serve more than two (2) consecutive terms.

Policy 2.02 Appeals Panels

For each appeal of an accreditation decision by the Accreditation Council, the President shall appoint an Appeals Panel of five (5) members drawn from the Appeals Council, a majority of whom shall have formerly served on the Accreditation Council or as a CAEP site visitor, and including at least one public representative. In no case shall an individual be appointed to an Appeals Panel charged with handling the review of adverse action with regard to which the individual was involved, including but not limited to involvement as an Accreditation Council Councilor, site visitor, or accreditation consultant.

Policy 2.03 Appointment to an Appeals Panel

Upon appointment to an Appeals Panel, the Council members are required to acknowledge understanding of and compliance with the CAEP standards of conduct and conflict of interest policy. Panel members will be given full access to the EPP's petition and all documentation used by the Accreditation Council in making its determination. This shall minimally include the policies and procedures applicable to the review, EPP's self-study report, evidence of met standards submitted by the EPP, the site visit report, EPP response to the report and the lead site visitor's response (if submitted), the accreditation action letter, Accreditation Council action report, and any new financial information that bears directly on previously identified deficiencies.

Section III. Appeals Process

Policy 3.01 Scope of Appeal

An Education Preparation Provider (EPP) may appeal an adverse action taken by the CAEP Accreditation Council. Adverse actions are defined in the Accreditation Council Policy document and may include denial or revocation of accreditation. An EPP may not appeal or request reconsideration of stipulations or areas for improvement.

Policy 3.02 Appeals of Adverse Accreditation Decisions

CAEP will consider appeals of adverse accreditation decisions provided sufficient evidence is presented that:

- Stated procedures were not followed by the site visitors, the Accreditation Council, or CAEP staff; or
- Demonstrable bias, conflict of interest, or prejudice by site visitors or members of the Accreditation Council influenced the Accreditation Council's accreditation decision; or
- CAEP's decision was not supported adequately or was contrary to the facts presented and known at the time of the decision.

Policy 3.03 Review of New Financial Information

After satisfying one or more of the criteria for an appeal (Policy 3.02), an EPP may seek review of new financial information. This review may be conducted only once and any determination by the Appeals Council with respect to that review does not provide the basis for an additional appeal. The new financial information must:

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- Have been unavailable to the EPP until after the accreditation decision was made; or
- Be significant and bear directly on financial deficiencies identified during the site visit and/or review; or
- Be the only remaining deficiency in support of an adverse action against the EPP.

Policy 3.04 Election to Appeal

Within fifteen (15) days of receiving notification of the adverse decision, an EPP must inform CAEP in writing of its intention to appeal an adverse action. Within thirty (30) days of providing notice of intent to appeal, the EPP must submit its petition for appeal to CAEP staff.

Policy 3.05 Evidence for Appeals

The appeal petition submitted by an EPP must be based on one or more of the appeal criteria (Policy 3.02) and provide or cite evidence sufficient for CAEP to make a determination that the petition is eligible to for consideration. The burden of proof is on the EPP.

Other than financial information described in Policy 3.03, no evidence will be considered as part of the appeals process that was not reviewed or considered by the CAEP Accreditation Council at the time of its decision. The appeals process will not take into account evidence of corrective action that occurs after the date of the decision by the Accreditation Council.

Policy 3.06 Verification of Basis for Appeal

Within five (5) days of receipt of a petition for appeal from an EPP, CAEP staff or the Compliance Officer will review the petition and determine whether the EPP has presented a valid basis for the appeal.

If it is determined that the petition for appeal does not present a valid basis for appeal, CAEP staff will immediately notify the EPP of the deficiency. The EPP will then have seven (7) days from notification to submit an amended petition for appeal.

If it is determined that the petition for appeal does present a valid basis for appeal, the President will appoint members to the Appeals Panel and begin the appeals process.

Policy 3.07 Status while Pending Appeal

While the appeal is pending, the EPP's prior accreditation status remains in effect.

Policy 3.08 Notice to the State of an Appeal

For states in which an agreement is in effect, the state is notified that an appeal is pending.

Policy 3.09 Appeals Hearing Scheduling

CAEP staff will communicate with the designated representative of the EPP and Appeals Panel regarding the timeline for the appeal process, which includes the date, time, and location of the hearing. The hearing shall be scheduled to conclude prior to the next Accreditation Council meeting.

Policy 3.10 Confidentiality of Appeals Panel Proceedings

Appeals Panel proceedings are not public meetings, despite there being public representatives on each panel. Information provided during the course of the appeal is considered confidential, with the exception of information or materials that are public or have already been made public, and information on the final decision that is required to be made public by the state in which the EPP operates, CHEA, or USED.

Policy 3.11 Appeals Hearing Participation

During the hearing, a designated representative of the EPP is invited to make a thirty (30) minute oral presentation. The lead site visitor and Chair or a designated member of the Accreditation Council initial review panel may be present to respond to questions from the panel about the case.

Policy 3.12 Counsel

The EPP is permitted to be represented by counsel during its appeal, if desired. This counsel will be chosen by the EPP and the EPP will pay any and all expenses related to the participation of EPP's counsel.

CAEP's counsel will be present during all hearings, and CAEP will pay any and all expenses related to the participation of CAEP's counsel.

Policy 3.13 Electronic Participation in Appeals Hearing

Any Appeals Panel member or approved attendee may participate in the hearing via telephone or videoconference (if available).

Policy 3.14 Decisions by the Appeals Panel

At the conclusion of its deliberation, the Appeals Panel may Affirm, Amend, Reverse or Remand a decision of the Accreditation Council. A decision to Affirm, Amend, or Reverse is final. When the decision is to Amend or Reverse, the Appeals Panel must cite stipulations and/or AFIs (if any) for the decision and adhere to relevant Accreditation Terms of the Accreditation Council.

If the decision is to Remand, the Appeals Panel must provide instructions for further consideration to the Accreditation Council. The Accreditation Council must take action in a manner consistent with the Appeals Panel decision and instructions.

Policy 3.15 Notification of Accreditation Decisions

The decision of the Appeals Panel and the basis for the result are provided to the EPP in writing. Notice of accreditation decision is governed by the relevant section of the Accreditation Council Policy.