

Universidad de Puerto Rico
Recinto de Rio Piedras
Asuntos Académicos

CONTROL DE CORRESPONDENCIA

Número de Control Año Fiscal URGENTE

FECHA RECIBIDO FECHA DEL DOCUMENTO

REMITENTE:

NOMBRE

FACULTAD/DECANATO

UNIDAD

DEPARTAMENTO

DESTINO

POR CONDUCTO

TIPO DE DOCUMENTO

EXPEDIENTE

ASUNTO

REFERIDO A

STATUS FECHA FINALIZADO



Middle States Commission on Higher Education

3624 Market Street, Philadelphia, PA 19104-2680. Tel: 267-284-5000. Fax: 215-662-5501
www.msche.org

June 10, 2013

Dr. Ethel Ríos Orlandi
Rectora Interina
Recinto de Río Piedras
Universidad de Puerto Rico
PO Box 23300
Río Piedras, PR 00931-3300

Dear Dr. Ríos Orlandi,

As the Middle States Commission on Higher Education (MSCHE) staff liaison to University of Puerto Rico - Río Piedras, I am writing in response to recent coverage in the media concerning the changes in governance and administration at UPR Río Piedras and the investigation by the National Science Foundation's Office of the Inspector General and the Federal Bureau of Investigation.

The MSCHE policy on "Public Communication in the Accreditation Process" (<http://www.msche.org/documents/P4.1-PublicCommunication.pdf>) states, "If an institution conducts its affairs in ways which generate serious public concern, the Commission reserves the right to request further information from the institution."

Recent media reports raise questions that may have implications for the University's current and future compliance with three of the 14 accreditation standards: Standard 4 (Leadership and Governance), Standard 5 (Administration) and Standard 6 (Integrity) (<http://www.msche.org/publications/CHX-2011-WEB.pdf>), and the Commission's policy on "Political Intervention in Education" (www.msche.org/documents/P4.4-PoliticalIntervention.doc).

In light of MSCHE policy, I request that Recinto de Río Piedras submit a written report concerning the recent developments described in the media reports regarding the changes in governance and administration and the NSF/FBI investigation and actions planned or taken by the University to ensure ongoing compliance with the MSCHE policy and accreditation standards identified above.

Please provide the Commission with this report by no later than July 10, 2013.

We appreciate your cooperation await your response. Please ensure that your response specifically addresses Standards 4, 5, and 6, and the MSCHE policy on "Political Intervention in Education." If you have any questions or concerns, please do not hesitate to contact me by email, Tguerrero@msche.org or by phone at 267-284-5061.

Sincerely,

Tito Guerrero, III
Vice President

TG/deb

Enclosures: MSCHE Policy on Public Communication in the Accreditation Process
MSCHE Policy on Political Intervention in Education

cc ✓ Dr. Beatriz Rivera, Accreditation Liaison Officer
Dr. José A. Lasalde Dominicci, Presidente Interino



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Policy

Public Communication in the Accrediting Process

Accrediting agencies and institutions must demonstrate integrity in their actions and communicate clearly to the public not only their purposes, but also whether and how these purposes are being achieved. They cannot earn public confidence simply by stating that they operate with integrity. While maintaining the privacy of the self-study and evaluation process, Commission policies provide for sharing with the public essential information about its standards, its procedures, and the status of its constituents.

Institutions, as well, must hold themselves accountable for honest communication with the public on institution-related issues in which the public has a legitimate interest. To the extent that each institution assumes this responsibility, its autonomy will be strengthened, and its freedom from external controls will be enhanced. Beyond these pragmatic considerations, the Commission holds honest public communication to be a matter of institutional integrity.

This policy statement covers the following areas:

- I. Community Involvement:**
Addresses the involvement of a member institution's constituencies in the accreditation process.
- II. Distribution of Reports and Records:**
Describes each of the reports and records of the accreditation process and the Commission's expectation with regard to distribution and sharing of each type of report.
- III. Notification of Accreditation Decisions:**
Provides the Commission's practices with regard to notification and publication of its accreditation decisions.
- IV. Statement of Accreditation Status:**
Describes the Commission's official public statement of an institution's accredited status and recent accreditation activity.
- V. Communication and Information Sharing with State Agencies and Others:**
Describes the Commission's expectation with regard to institutional communication with state agencies.
- VI. Public Statements by Institutions:**
Provides for an appeals procedure for adverse accrediting decisions and describes the Commission's authority in the event that an institution misrepresents its accredited status.

VII. Communication between the Commission and Member or Candidate

Institutions:

Outlines the nature of the reporting relationship between the Commission and its member or candidate institutions.

VIII. Other Published Information:

Describes the information that the Commission may make public in its directory.

IX. Commission Reporting to the U.S. Department of Education:

Describes the federal reporting requirements with which the Middle States Commission on Higher Education complies.

I. Community Involvement

Institutional commitment to quality and improvement is demonstrated through the institution's involvement of administrators, faculty, students, and trustees in the self-study process. While administrators, faculty, students, and trustees are essential participants in the self-study activities, alumnae, alumni, and representatives of the local community may contribute as well. Although the size of the college or university may affect the number of those participating in the self-study, involvement must be representative of the institution's constituencies.

Each institution may define its public constituencies differently. In defining these, an institution may wish to consider its relationship with groups such as students (current, former, and prospective), the local community (including neighbors, local government, elementary and secondary schools), employers of graduates, financial supporters (including parents and religious or other sponsors), state government, sponsoring corporations, and contractual partners.

In order to involve the appropriate constituent groups, institutions should inform them of the application for Candidacy or the self-study process and explain how these constituents can be involved. Because the Commission cannot possibly reach all constituencies of member or candidate institutions, it is particularly important that the institution keep the community informed through mechanisms that may include the campus website; a campus newspaper, newsletter or other on-campus media; or specific outreach such as an information letter, press release, or survey. Institutions should choose the media that are appropriate to the constituencies it defines. (For example, the alumni newsletter can be used to reach alumni and parents.)

II. Distribution of Reports and Records

As part of the accrediting process, the Commission distributes confidential copies of evaluation team reports to the members of the Commission and members of the evaluation team (but not to Evaluation Team Associates). When an institution is being discussed by the Committee on Evaluation Reports, the Committee on Follow-up, the Committee on Periodic Review Reports, or other committee, the Commission also distributes to the members of the committee confidential copies of the chair's brief or the reviewer's report, which includes the recommended accreditation action, and the institutional response. Unless explicitly permitted by the institution or required by Commission policies or applicable law, the Commission does not share evaluation team reports or other documents in the accreditation process directly with any of an institution's constituencies, with governmental or any other public or private agency, or with individuals. Discussion during meetings of the Commission and its committees is confidential.

Institutional Reports and Submissions: Self-Studies, Periodic Review Reports, Follow-Up Reports, Substantive Change Requests

Self-studies and evaluation team reports (and the parallel documents in the Periodic Review and other processes) become the property of the institution following Commission review; thus, the ultimate responsibility for distributing or providing access to these documents rests with the institution.

Commission Reviewers' Reports: Evaluation Team Reports, PRR Reviewers' Reports, and Special Visit Reports

An institution may release its team report or reviewers' report to any audience after final Commission action. Indeed, the Commission on Higher Education requires the institution to make the reports readily available or distribute them as widely as possible on campus, because reports are addressed to an institution's entire constituency—administration, trustees, faculty, students and staff. The institution is required also to communicate the Commission's formal action to institutional constituencies.

When distributing a report, however, the institution should indicate that the report does not constitute a summary of the entire Middle States evaluation process. It is only one piece of a much larger whole which may include the institutional self-study, the site visit, the Commission's committee review, and deliberations of the full Commission. The Commission's review processes sometimes result in an accrediting action other than the one recommended by the team or the reviewers.

An institution may use excerpts from a team report, provided that the excerpt includes an appropriate context. Excerpts must be accompanied by a note saying that a copy of the entire report is available upon request.

When an institution has misrepresented a team report, misquoted excerpts from a report, or otherwise used a report to create a misleading impression about the institution or its accredited status, the Commission reserves the right to release the full report to the public. The Commission will endeavor to settle such issues first with the institution and may require the institution to take steps necessary to correct any misquotes or misleading impressions.

Institutional Response to the Report of Commission Teams and Reviewers

The institution is required to submit to the Commission a formal response to the report of the team or reviewer. Because the institutional response to the report is considered a further extension of the evaluation process, it should involve the institution's constituencies as appropriate to the areas being addressed, and it should be shared with them. (See *Conducting and Hosting an Evaluation Visit, Handbook for the Periodic Review Report, or Follow-up Reports and Visits*, as appropriate.)

Other Accrediting Documents and Records

Correspondence between the Commission and a member or applying institution should be treated confidentially by both parties, except that the Commission may share such correspondence between the Commission and a member or candidate institution on a confidential basis with other recognized accrediting bodies, with the Council for Higher Education Accreditation (CHEA), or with the U.S. Department of Education (USED) in conjunction with the recognition process. The institution also may share it with the USED in conjunction with its application to participate in Title IV programs.

Minutes of the Commission's Executive Committee, the Commission, and committee meetings shall be available to members of the Commission on Higher Education and to the Commission's professional staff.

III. Notification of Accreditation Decisions

The Middle States Commission on Higher Education makes every effort to notify institutions of all accrediting decisions (decennial evaluation, periodic review reports, follow-up reports, substantive change requests, applicant assessment and other special visits) within 10 business days following a Commission meeting. The Commission makes additional notification of accreditation decisions as outlined below.

Initial or Renewed Accreditation

The Commission will provide written notice of decisions to award initial accreditation or candidacy, or to renew accreditation within 30 business days of the Commission's decision to the U.S. Secretary of Education, the appropriate State or other licensing or authorizing agency, and the appropriate accrediting agencies.

The public will be informed within 30 days of the decision through the Commission website, currently found at www.msche.org.

Final Decisions on Probation, Denial, Withdrawal, or Termination

No later than 30 days after each Commission meeting, the Commission provides written notice of final decisions on probation and final unappealable decisions to deny, withdraw, suspend, revoke, or terminate candidacy or accreditation to the U.S. Secretary of Education, the appropriate state or other licensing or authorizing agency, and the appropriate accrediting agencies. For institutions which have appealed an adverse Commission decision, the final action is published only after the appeals process has been completed.

When the Commission action involves warning, probation, or show cause, Commission staff will develop a Public Disclosure Statement that is sent to the institution with the Commission's action letter and the Statement of Accreditation Status.

For any decision to deny, withdraw, suspend, revoke, or terminate the accreditation or preaccreditation of an institution, the Commission makes available to the same agencies and the public, upon request, no later than 60 days after the decision, a brief statement summarizing the reasons for the Commission's decision and the comments, if any, that the affected institution or program may wish to make regarding the decision.

The Commission provides written notice to the public within 24 hours of informing the institution of decisions to place an institution on probation or to deny, withdraw, suspend, revoke, or terminate accreditation. The information is made available on the Statement of Accreditation Status, described below.

If an institution decides to file an appeal, information about the appeal may be included by the Commission in the Public Disclosure Statement. The Commission will direct further public inquiries to the institution itself if additional information is requested.

Voluntary Withdrawal or Lapse of Accreditation

In the event that an institution voluntarily withdraws from accreditation or candidacy, the Commission will notify within 30 days of receiving notification from the institution of the institution's decision: the U.S. Secretary of Education, the appropriate State or other licensing or authorizing agency, and the appropriate accrediting agencies. If an institution allows its accreditation or candidacy to lapse, the Commission will notify the same agencies within 30 days of the date on which accreditation or candidacy lapses.

Other Forms of Notification Regarding Accreditation Actions

Notification to the U.S. Secretary of Education occurs through a letter listing all Commission accreditation actions from a meeting. A copy of the letter is sent to each state licensing or authorizing agency in the Middle States region or other appropriate governmental authority and to regional accrediting agencies and specialized accrediting agencies.

The Commission also notifies the public by means of the Statement of Accreditation Status described below.

Notification of Substantive Change and Follow-up Actions

Substantive change and follow-up actions are official actions of the Commission and are included in the Statement of Accreditation Status.

IV. Statement of Accreditation Status

For each candidate or accredited institution in its membership, the Commission maintains an official statement of that institution's current status and recent accreditation history. This document, the Statement of Accreditation Status (SAS), is developed by the Commission based on Commission action and information provided by the institution through annual reporting.

The SAS provides information to interested members of the public who wish to have more detailed background about an institution than that which is available from the Commission's directory. The Commission shares the SAS with the general public after the institution has been given notice regarding the action from the Commission.

The range of possible Commission actions includes adverse actions as well as actions that may be perceived as negative by the institution. When the Commission takes any action other than reaffirmation of accreditation—whether based on an evaluation visit, a periodic review report (PRR), a required follow-up, or an unanticipated development in an institution's affairs—the SAS will note the date of and reasons for the action. (For a complete list of the Commission's

actions, see “Range of Commission Actions on Accreditation” and “Standardized Language for Commission Actions on Accreditation.”)

If an institution appeals an adverse Commission action (denying candidacy or initial accreditation, or terminating or denying renewal of candidacy or accreditation), the SAS will note the date of any request for reconsideration, the first step in the appeals process, and the date of an appeal and its status or outcome.

The first section of the SAS contains information, based on self-reported data provided annually by the institution on its Institutional Profile, such as:

- Contact information for chief administrators.
- The type of institution and degree levels. Changes such as expansion or change of degree programs or establishing degrees through distance learning may have been included by the institution in its annual Institutional Profile, but if they have not been approved in advance by the Commission as required by “Substantive Change,” the institutional changes are not included within the scope of the institution’s accreditation and may affect its accreditation.
- An indication of whether the institution utilizes distance learning delivery. If more than two programs have been approved, and approval of additional programs is not required, the SAS will simply say “Yes” for distance learning delivery.
- National and specialized accreditation.
- A list of branch campuses, additional locations offering at least 50% of a degree program, and other instructional sites.

The second section of the SAS presents a brief history of the institution’s relationship with the Commission and indicates the ways in which the Commission may monitor the institution in the future, including:

- The institution’s current accreditation status (Candidate for Accreditation or Member), the date when the current status was first granted, and the date of the most recent reaffirmation of that status.
- The date and nature of the most recent accreditation action, including a description of any required follow-up activities and the specific areas in which follow-up is required.
- The date of the last comprehensive evaluation and a description of accreditation activities and actions since that evaluation.

- The academic year in which the next regularly scheduled on-site evaluation following self-study is expected, unless changed by the Commission. (A self-study is currently required every 10 years.)
- The date when the next periodic review report is regularly due, unless changed. (A PRR is currently required in the fifth year after the self-study evaluation, unless changed by the Commission.)
- The date the SAS is printed.
- Any other information appropriate under Commission policies or applicable laws or regulations.

V. Communication and Information Sharing with State Agencies and Others

Institutions may share with State agencies and others self-studies, PRRs, and evaluation reports and their responses to these reports. It is the institution's responsibility to determine whether and when to share a self-study, PRR, evaluation team report, or other documents and related responses with a State agency or others. Commission policy is to submit evaluation team reports only to the individual institutions but to share final accreditation actions with State agencies. (See the policy on "Government Agencies and the Commission on Higher Education" for a comprehensive statement on this topic.)

VI. Public Statements by Institutions

Should an institution choose to contest an adverse decision of the Commission, an appeals procedure is provided for in the Commission's policy, *Procedures for Appeals from Adverse Accrediting Actions*. If an institution publicly takes issue with an official Commission action (relating to that institution), the institution waives the confidentiality of the proceedings resulting in such action.

The Commission reserves the right to request additional information from the institution concerning any institutional action or policy that may affect any matter within the Commission's jurisdiction.

In the event that an institution misrepresents the accreditation action taken by the Commission or the institution's accredited status, the Commission reserves the right to make a public statement regarding the action or status, to disclose the team report, or to require the institution itself to make a public correction. The Commission will endeavor to contact the institution first.

VII. Communication between the Commission and Member or Candidate Institutions

The Commission endeavors to maintain complete openness of communication between itself and the institutions with which it works. Thus, every member and candidate institution is expected to provide the Commission with any information deemed pertinent to a determination of its accreditation or other recognized status. Failure to give information to the Commission is sufficient reason for reconsidering an institution's status. Simultaneously, it is the Commission's obligation to maintain the confidentiality of information received and not to disclose any action with respect to the status of an individual institution, except as provided in Commission policies or applicable laws or regulations. However, the Commission cannot be responsible for unintended uses of its position or correspondence.

If an institution conducts its affairs in ways which generate serious public concern, the Commission reserves the right to request further information from the institution. The Commission also may find it necessary and appropriate to disclose its position. This may result in a need to breach the usual confidential character of the Commission's relations with an institution.

When institutions are related to a centralized system or state agency, the Commission will at all times strive to work directly with the individual units. The Commission may at its discretion correspond or consult directly with a coordinating or other agency.

VIII. Other Published Information

In addition to the Commission actions listed on the Commission's website, selected data about each institution may be included in the Commission's on-line Directory of Member and Candidate Institutions, such as: name of institution, address, telephone number, name of chief executive officer and chief academic officer; degrees offered and type of institution; institutional control; enrollment; affiliation; date of initial accreditation and most recent reaccreditation; for candidate institutions, date when candidacy was granted; other instructional locations.

IX. Commission Reporting to the U.S. Department of Education

In addition to the reporting detailed in this policy, the Middle States Commission on Higher Education complies with federal reporting requirements by providing to the U.S. Department of Education:

1. a copy of any annual report it prepares;

2. a copy of any printed directory of accredited and candidate institutions or access to the directory on the Commission's website;
3. a summary of major accrediting activities during the previous year, if requested by the Secretary to carry out the Secretary's responsibilities;
4. notification of any proposed change in policies, procedures, or accreditation or preaccreditation standards that might alter its scope of recognition or compliance with the criteria for recognition;
5. the name of any institution accredited by MSCHE that MSCHE has reason to believe is failing to meet its Title IV, Higher Education Act (HEOA) program responsibilities or is engaged in fraud or abuse, along with the agency's reason for concern about the institution;
6. and, if the Secretary requests, information that may bear upon an accredited or preaccredited institution's compliance with its Title IV, HEOA program responsibilities, including the eligibility of the institution to participate in Title IV, HEOA programs.

In accordance with 34 CFR 602.27, the Middle States Commission on Higher Education (MSCHE) affirms its commitment to timely submission to the U.S. Department of Education (USDE) of information about any proposed changes in policies, procedures, or accreditation/preaccreditation standards that might alter the scope of recognition and/or compliance with the criteria for recognition.



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Policy

Political Intervention in Education

The interdependence of educational institutions and their academic freedom are essential to the quality and integrity of all education. Teaching and learning require free and full exposure to information and ideas, the right to question or dissent, and opportunities to study, research, and debate, free of political pressure. The academy requires that inquiry and analysis must be guided by evidence and ethics, unfettered by political intervention.

A college or university must be sensitive to the conditions of the society in which it exists, but it must also be free to determine how to be most responsive and responsible. Political interference in the affairs of an educational institution presents a threat to its freedom and effectiveness. Direct intervention by elected or appointed officials, political parties, or pressure groups in the selection of faculty, the determination of curricula, textbooks, course content, or in admissions or retention policies, injects factors which are often inimical to the fulfillment of an institution's mission. In the matter of appointments, for example, political control at any level results in divided loyalty and weakened authority. To impose political considerations upon faculty selection and retention harms an institution intellectually and educationally, not only by reducing its options in the recruitment of talent, but also by creating pressures against dissent on important policy issues. When political considerations irrelevant to the functions of the office determine the selection of trustees or similar officers, they impose restrictions on choice. Moreover, appointments based on political grounds entail external liaisons which may contravene the educational purposes of the institution.

If the tenure of an educational administrator is subject to political partisanship, or if appointments to the board of trustees or the faculty are made only with regard to their political implications, the institution may be weakened and its prospects for excellence seriously diminished.