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## ABSTRACT

This discourse suggests that there are nine categories of client publics (or education consumers) which individually or collectively hold expectations of accreditation and accrediting agencies: (1) the institutions, their students, faculty, and trustees; (2) the federal agencies; (3) agencies that recognize accrediting bodies, specifically the U.S. Office of Education and the Council on Postsecondary Accreditation; (4) the national organizations that represent various interest groups in education; (5) the regulatory agencies; (6) consumer protection groups; (7) elected officials; (8) general and academic critics and the investigators of accreditation; and (9) parents, the average citizen, and the taxpayer. Over the past decade, there have been three periods of consumer (client publics) attention to accreditation--1968-71, 1972-73, and 1974-76. The first period, 1968-71, was a form of consciousness-raising on the part of the accrediting establishment related to the concerns of outside forces. During this period, skeptical and hostile publics emerged, and accreditors and defenders of accreditation reacted with despair. The period 1972-73 began with accrediting agencies filled with enthusiasm to demonstrate that accrediting is accountability for stewardship of a public trust and that the system is open to constructive change and valid reform. Four studies were undertaken to provide a reexamination of the field of accrediting--the Puffer, Ward, Ash, and Seldon reports. During this period when the accrediting community was attempting to respond constructively to the range of issues raised earlier, its public began to regroup and new issues began to surface. These new issues, which characterize the period 1974-76, are: (1) the role of accreditation in education consumer protection; (2) the role of accreditation in the Federal eligibility system; and (3) the system's accountability. (MM)

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THE CONSUMER INTERESTS IN VOLUNTARY ACCREDITATION

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The Topic, "The Consumer Interests in Voluntary Accreditation," inspired some restless misgivings. Anyone reckless enough to address himself to this diversly interpreted, emotionally charged issue in accreditation today must indeed be suspect -- at least by persons knowledgeable about the subject. I would be among the first to be suspicious and would not dream of setting down even the following remarks if I did not believe in the timeliness and vital importance of the topic. It warrants exploratory consideration and, hopefully, my remarks will lead to extended reviews.

My initial instinct to flee from this assignment reminded me of the old story of Robert Benchley during his final exam week at Harvard. Benchley, as some of you may recall, was asked to discuss the arbitration of the conflict over offshore fishing rights, both from the British and American points of view. Quite understandably, Benchley hesitated for a moment, and then proceeded as follows:

I know absolutely nothing about the offshore fishing dispute from the British point of view. I know even less about the position held by the United States. I therefore should like to discuss the problem from the viewpoint of the fish.

My own plight today is not all that dissimilar to Benchley's. For example, the phrase, "The Consumer Interests", are we speaking of the "Educational Consumer". In turn, is this phrase a contemporary catchword, shibboleth, bromida, or what?

Educational Consumers -- Who are they?

There is little consensus about who "educational consumers" are. Educational consumers are often defined as the public, which embraces everyone.

More often they are defined as students who desire better educational choices and honest educational value. Neither definition, however, is adequate for our purposes here. The everyman definition is too broad and undiscerning; by contrast, confining our definition to students is too narrow and restrictive.

Who, then, are the consumers with an interest in accreditation?

At the risk of oversimplification, I would suggest that there are nine client publics which individually or collectively hold expectations of accreditation and accrediting agencies. These "publics" expand far beyond what might be described as accreditation's traditional client groups. They reflect the changing character of the accrediting community's responsibilities, from responsibilities associated strictly with private agencies to those associated with quasi-public agencies.

One writer, Richard Millard, has classified the nine publics of accreditation in terms of proximity or remoteness from the accrediting process and its impact.

The first category in this scheme are the institutions, their students, faculty and trustees or owners.

At a second level of proximity are federal agencies which rely upon accreditation as one condition of eligibility; state agencies in the same situation. Also at this level are professional groups, service and business groups for whom graduation from accredited institutions are conditions of admission or employability.

At a third level are agencies which recognize accrediting bodies, specifically the U.S. Office of Education and the Council on Postsecondary Accreditation. At this level, we should also include accrediting agencies themselves since their views or attitudes towards each other are hardly unanimous.

At a fourth level are the various national organizations that represent the various interest groups in education, most of whom are concerned with accreditation from their own particular perspectives, perspectives which may vary at times radically.

At a fifth level are various types of regulatory agencies who tend to view accreditation and its effectiveness with something less than equanimity in terms of meeting student, public or funding agency needs.

At a sixth level one finds a range of consumer protection groups within and without government again with varying attitudes towards accreditation but generally believing that accreditation is not enough to protect students or the general public from fraudulent and unethical practices in education.

At a seventh level are elected public officials -- congressmen, state legislators, governors and others -- who feel the pressures from all the other groups.

At an eighth level are what might be described as the general and academic critics, and investigators of accreditation.

Finally, there are the parents, the average citizens, the taxpayers and the contributors to education who, to the extent that they are aware of it, consider accreditation to be a reasonable assurance of minimal quality but become confused and disturbed when accrediting agencies do not or cannot move quickly to correct what they consider to be abuses within the educational system.

These nine client publics are as much as an abstraction as an oversimplification. The reason for this is that the accreditation community is faced with a kaleidoscope of shifting publics, and these publics and their attitudes change in light of the question at issue. This can be seen in the stimulus response pattern over the past decade. A pattern of interaction between the accreditation community and its consumers which, for good or bad, has clearly awakened both groups to the changing character of accreditation's public responsibilities.

Stimulus - Response Patterns

Over the past decade, I believe that there have been three distinct periods of consumer (now defined as "client publics") attention to accreditation. These periods are:

- 1968-71: "Consciousness Raising - or Taking It Between the Eyes"
- 1972-73: "Constructive Reaction and Consensus Building"
- 1974-76: "Renewed, Intensified Attention and the Emergence of New Forces"

Normally, I dislike discursive surveys. But in this case, it is the only way I know for developing the context for understanding several critical consumer-related issues which voluntary accreditation faces today.

Period, 1968-71

I indicated that the first period, between 1968 and 1972, was a form of consciousness raising on the part of the accrediting establishment to the concerns of outside forces. During this period skeptical and hostile publics surfaced and, quite understandably, the first reaction of some accreditors and defenders of accreditation was not unrelated to despair.

In February, 1969, the case of Marjorie Webster Junior College vs. the Middle States Association of Colleges and Secondary Schools came to trial. The importance of this case to our concerns are with the issues raised and less with the case's outcome, which was not insignificant.

The case of Marjorie Webster Junior College raised four key issues:

Who is to be served by accreditation?

Is the profit motive acceptable in higher education?

Is higher education a trade and is regional accreditation a monopoly restraining it?

What "public responsibility" do private accrediting agencies hold? Do they serve quasi-public functions?

At the time Marjorie Webster seemed to have opened the flood-water gates, and many accreditors wondered whether they would be able to successfully ride the crest of the waves that descended. Quickly, individuals with prickly views on accrediting surfaced.

At a conference on "Accreditation and the Public Interest," sponsored by the U.S. Office of Education and the National Commission of Accrediting, in November 1970, the keynote speaker, James Koerner, launched an attack on accrediting associations. He raised with some force the question Juvenal once asked: "Who will stand guard over the guards themselves?"

To Koerner, more than anything else, the Marjorie Webster case stood as an indictment of the general narrowness and lack of imagination of the regional associations. At the podium in Washington that November, he put it bluntly: "[National, regional and specialized accrediting bodies] have become nothing but old-fashioned trade associations piously pretending to represent the public interest."<sup>2</sup>

The abuses of the public trust of which he believed accrediting associations were guilty, included:

- protection of the status quo;
- use of standards based on popularity, not research;
- claims of voluntarism;
- operations shrouded in a veil of secrecy;
- failure to provide students with comprehensive and comparative guidance to institutions.

As I recall, it rained that November day in Washington, and the atmosphere outside enveloped those inside -- for this was a conference of accreditors, attended by over 100 persons representing all phases of the accrediting community. Understandably, the response to Koerner was in kind, a defensive counterattack. However, I do remember the remarks of one light-hearted panelist who responded as follows:

A man and his wife went to church to pray one day. Out loud, the man prayed: "Oh, Lord, make me successful, and please keep me humble." His wife, kneeling beside him, chimed in with a corrective plea! "Oh, Lord, you make him successful, I'll keep him humble." 3

I suspect, however, that most of the audience on that gloomy day would have preferred to respond to Mr. Koerner in a way similar to Fats Waller, who, when asked by a dowager for a definition of jazz, said: "Lady, if you have to ask what it is, don't mess with it." But as subsequent events were to make clear, accreditors were no longer permitted the luxury of such a graceless response when pushed about on the question of accreditation.

Exit James Koerner, enter Frank Newman.



As some of you may know, in March 1971 a task force headed by Frank Newman of Stanford University published a 113-page report which sharply criticized the country's colleges and universities for what it called lukewarm interest in innovation and self-reform.<sup>4</sup> The Washington higher education establishment reacted coldly to the Newman report and asked, in effect, for "specific proposals." In response, H.E.W. Secretary Elliot Richardson commissioned Newman and a small group of academic and governmental experts to do just that, a decision which many in higher education were to later regret.

One major follow-up study by the Newman people focused on "Accreditation and Institutional Eligibility." This study appeared in draft form on November 24, 1971. The draft has never been publicly published, but since it was circulated widely at the time, it became the focus of considerable public debate.

The central thesis of the Newman task force was not unlike that of James Koerner, namely:

The structure of accreditation is a problem, for it is a structure of power without accountability.

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Accrediting agencies should not be seen simply as benign trade associations, but as organizations which possess the power of monopolies. They are analogous to cartels in their ability to stifle innovation and limit competition, analogous to subgovernments in their ability to determine eligibility for public funds, and analogous to protection societies in their roles as defenders of certain educational standards and practices.<sup>5</sup>

The Newman people recommended a basic clarification of the Federal role in accreditation and institutional eligibility leading to (1) a new system for establishing eligibility for Federal funds, (2) new measures for protecting educational consumers, and (3) new Federal support for experimental accrediting mechanisms.

The Newman critique provided some interesting, if not stimulating, discussion both within and outside accrediting circles. In a fascinating way, the Newman task force frolicked in the forest without looking at the trees. To illustrate, the task force appeared to question seriously the efficacy of the accreditation system and, accordingly, the Federal government's reliance upon it. On the other hand, it recommended more of the same, though under different sponsorship -- which is to say that the Newman task force continued to endorse the very process which it believed was not susceptible to reform.<sup>6</sup>

Period, 1972-73

The chairman of a board of trustees was once asked what had become of his last president. "He left us as he came," he replied, "fired with enthusiasm."

The period 1972-73 began with accrediting agencies fired with enthusiasm to demonstrate that accrediting is accountability for stewardship of a public trust, and that the system was open to constructive change and valid reform.

As you might anticipate, the seeds for change had been planted by the accrediting agencies themselves in the preceding period. Four studies

were undertaken which collectively provided a comprehensive reexamination of the field of accrediting. The Newman people referred to this process as the "Gentle Reexamination" and were disposed to see it as an anesthetizing exercise which avoided more important questions.

The four studies were:

- the Puffer report, a major study of institutional accreditation sponsored by FRACHE, the Federation of Regional Accrediting Commissions of Higher Education.
- the Ward report, a study concerned with accrediting occupational education sponsored by the Southern Regional Association.<sup>8</sup>
- the Ash report, a study again concerned with the accrediting of vocational technical programs sponsored by the American Vocational Association.<sup>9</sup>
- the Selden report, a major study of the field of allied health accreditations sponsored by the American Medical Association, the Association of Schools of Allied Health, and the National Commission on Accrediting.<sup>10</sup>

These studies documented, among other things, the lack of consensus about the meaning and measurement of quality in education, the variation in accrediting procedures and standards, the emphasis on inputs (faculty salaries, library resources, etc.) as opposed to outputs (quality of graduates), and the immense impact of accreditation on well-established and developing institutions alike.

The suggested recommendations for improving the accreditation/evaluation process varied, of course. But, in identifying the issues, these studies served not only the accrediting community but also other forums with a direct interest in accreditation matters. One of these forums was the Commissioner of Education's Advisory Committee on Accreditation and

Institutional Eligibility. This little-known body, which performs a key role in the process of recognizing accrediting agencies, had been struggling with essentially the same issues which accreditors faced.

Since 1952 accreditation has played an important if not decisive role in determining eligibility for many types of Federal aid programs.

Contained within the eligibility section of various Federal statutes is a clause which requires the U.S. Commissioner of Education to publish a list of nationally recognized accrediting agencies which he determines to be reliable authorities as to the quality of training offered by educational institutions and programs. By 1972, the Commissioner's list of recognized accrediting bodies had grown to 47 agencies (today 69 agencies are listed). It stood to reason, then, that an attack on the accrediting system's credibility amounted also to an attack on the credibility of the Commissioner's recognition function.

- if, as was charged, accrediting associations were essentially a conservative force working against innovation and experimentation and in effect for homogenization of education, then the Federal government was implementing such a policy through its distribution of Federal aid.
- if, as was charged, accrediting associations lack clear cut standards and procedures as well as valid and reliable measuring instruments, then the Federal government was using an unreliable benchmark for distributing aid.
- if, as was charged, the decisions of accrediting associations were at times arbitrary and capricious and based on the values of a narrow educational elite, then the Federal government was tacitly endorsing those values as the "best" ones for society.

In short, at the beginning of 1972, a "crisis of confidence" existed in regard to the Office of Education's gate-keeping function - a function which the critics of accreditation had ignored; and the Office moved to

act on the messages it had received. For the Accrediting community, this meant another force to consider had stirred.

In April 1972 the Office circulated a first working draft on revisions to the Criteria for Nationally Recognized Accrediting Agencies and Associations. The revised Criteria placed increased emphasis upon accrediting agencies' responsibility to the public interest and their reliability of operations. Specific consumer-related items were proposed; but it is important to note that these items were intimately tied to sound accrediting procedures. These items were:

- clear definitions for awarding and denying accreditation;
- involvement of public representatives in policy and decision-making bodies;
- written procedures for the review of complaints;
- assurance of due process in procedures;
- a program of evaluation to assess the validity and reliability of standards;
- procedures to guard against conflicts of interest in rendering of decisions.

As important as these substantive changes in the recognition criteria were, I believe that the process whereby the Office of Education secured adoption of the revisions to be equally, if not more, important.

Comments on the first working draft were received from the chief executive officers of recognized accrediting agencies, chief State school officers and directors, statewide Boards of higher education, consumer groups and institutional leaders. A revised second draft was again distributed to this constituency, and input from circulation of the

second draft led to the construction of a third draft which was again circulated. The revised Criteria were finally published under notice of proposed rule making on March 1, 1974, and published in final form on August 20, 1974, becoming effective at that date.<sup>11</sup>

The end result of this process was that the Commissioner's recognition function was fully ventilated, and something approaching a national consensus emerged regarding the scope of the Federal oversight of the operations of accrediting agencies recognized by the Commissioner.

One of the pressing questions raised during the public debate at that time was just how far this oversight can and should go in order to achieve realistic assurance that accrediting agencies are acting in the public interest, while at the same time avoiding unwarranted Federal intrusion into the accrediting process.

Let me mislead you about this period, however, let me stress that consensus did not prevail in all quarters. Frank G. Dickey and Jerry W. Miller of the National Commission on Accrediting in a 1972 report, A Current Perspective on Accreditation, warned against Federal expansion into accreditation.<sup>12</sup>

And in an article published in the July 1973 issue of The Journal of Law and Education, Matthew W. Finkin argued for a "strict-constructionist" or limited view of the role of the Office of Education in the accrediting process, contending that legislative authority was lacking for the Commissioner to include such factors as public representatives on accrediting bodies, or support for educational innovation, in the set of criteria used to recognize accrediting

agencies. According to Finkin, neither factor would directly relate to the legal requirement to determine an accrediting agency's reliability in assessing program quality.

This philosophical concern of the educational community regarding accreditation and eligibility was to further crystalize in the period 1974 to the present.

As we pass from the second to the third period of consumer attention to accreditation, it is again instructive to note that during the second period when the accrediting community was attempting to respond constructively to the range of issues raised earlier, its client publics began to regroup, and new, if not more threatening, issues began to surface.<sup>14</sup>

#### Period, 1974-76

The final period which I entitled, "Renewed, Intensified Attention and the Emergence of New Forces," is probably too fresh in all of our memories for an objective treatment. I know I still wince at wounds received from skirmishes encountered over this period of almost 3 years.

What happened? Well, when you are faced with a chorus of exaggerated expectations and a chorus of indefinite expectations at the same time, and the language is inflammatory, you have a house full of cats and there's going to be some yowling. The topic was educational consumer protection and the whipping boy, for awhile, was accreditation. Yet the message which the accrediting community received during this period went far beyond

consumer fraud issues and included some characteristics contained within the new national attitude toward all kinds of governing bodies, public and private. As one perceptive commentator observed:

"For non-governmental accreditation to continue to be accepted and respected there actually must be no conflicts of interests and there must also seem to be no possibilities of such conflicts."<sup>15</sup>

In October, 1974, a 576-page, two-volume report, entitled, Private Accreditation and Public Eligibility, was released.<sup>16</sup> Prepared under contract for the Office of Education by four staff members of the National Academy of Public Administration Foundation and the Brookings Institution, it became known as the Orlans report for its chief author, Harold Orlans. The report probably gained more detractors than supporters, but it is important for our discussion because it concentrated on three themes - themes raised earlier but still very much a part of the public debate:

- the role of accreditation in the Federal eligibility system;
- the role of accreditation in educational consumer protection;
- the system's accountability.

Briefly let's look at each theme and follow its path of progression, acknowledging at the outset that the three subjects are closely inter-related.

#### Role of Accreditation in the Federal Eligibility System

Similar to the Newman stance, the Orlans report recommended that the monopoly power of accrediting agencies over the eligibility of postsecondary schools and programs for Federal benefits should be broken. In short, the U.S. Office of Education should rely less heavily on accreditation.



This thesis was subsequently reviewed at a National Invitational Conference on Institutional Eligibility.<sup>17</sup> Sponsored in the Spring of 1975 by the Office of Education, members of the academic and accrediting communities, national and State public officials (in short, many "client publics" of accreditation) were asked to review and analyze the issues surrounding funding eligibility for postsecondary education. On the issue of the role of accreditation in the eligibility system, there was almost unanimous agreement that accreditation is a necessary and essential element in the process of determining eligibility for funding at the postsecondary level. In other words, the conference affirmed the present system of pluralistic approach, involving the States, the private accrediting sector, and the Federal Government. Accreditation was perceived as being a constructive element in the balance of forces between the public and private sectors of our society and as a constructive governing force for the public welfare.

Channeling this thesis to the present, new consumer-related challenges have arisen for the accrediting community in the form of proposed "Sunset and Sunshine laws." As you know, sunset laws call for a periodic public review of an agency's objectives and performance, and if found wanting, the message is self-destruct. Sunshine laws call for public access to an agency's documents and to its deliberative process. In California and Florida, the sunshine States, accreditation has been the target of sunset/sunshine proponents. In short, it is a challenge that all agencies whose functions have a direct or indirect relationship to the welfare of society must face.<sup>18</sup>

## Role of Accreditation in Educational Consumer Protection

On the subject of accreditation and educational consumer protection, Mr. Orleans was contentious. He asserted:

The attempt of some OE officials to plant consumer protection in the accrediting process is as promising as a crop of Arctic coconuts.

Clearly, Mr. Orleans identified himself with the Koerners, the Newmans and others on this issue.

During 1974 there was a rising chorus of alarm. Educational student complaints rose significantly, indicating that all was not well within the system of Federal educational assistance programs. High student dropout rates, loan defaults, and school closures testified to the plight of Federal programs managers who found their efforts undermined by unethical and questionable practices of some "eligible" institutions. Public awareness of the scope and nature of these problems was further stimulated by articles in the National press. The Boston Globe, Washington Post, Saturday Review, and the New York Times reported on educational problems ranging from weaknesses in the accreditation and eligibility process to false promises of job placement.

Consumer protection seemed to interest the press and the public.

In March, and again in November, 1974, the Education Commission of the States sponsored two National conferences on consumer protection in postsecondary education.<sup>19</sup> In July a Federal Inter-Agency Committee on Education published a Report on consumer abuses.

By the end of the year, Congress was in the act, and before the blitz was over, four Congressional committees had heard testimony on the plight of postsecondary educational consumers.<sup>21</sup> One observer of this process was to comment: "It is clear that the 'age of consumerism' has coincided with the emergence of education as big business."

To many, the system was not working because it sought to rely on the work of voluntary accrediting bodies; to which several accrediting agencies insisted there was no relationship between accreditation and consumer protection.<sup>22</sup> I do not agree with this latter contention, just as I do not agree with fashionable critics who, with relative ease, convict the duck of not being a swan.

Here, again, the 1975 National Invitational Conference was helpful in piercing the fog by suggesting that the needs of consumer protection can be apportioned among the several existing dimensions of responsibility for eligibility determination depending on the function performed. In other words, some consumer matters can best be policed by the States, some governed through accreditation, and others administered by Federal and State program managers.

My own opinion is that consumer protection is a primary function of the States, given that the States have legislative mandate and administrative strength in the area of licensing and/or approval to deal with programs of questionable strength and validity.<sup>23</sup> At the same time I believe that the accrediting process is the best possible means for determining educational quality and institutional probity.

Institutional probity is, I believe, an integral function of accreditation. In other words, an accrediting agency has an obligation to assure itself that all institutions which it accredits conduct their affairs with honesty and frankness, and are not acting in unethical ways or deliberately misrepresenting themselves to students or to the public. In this connection, I believe that a pressing consumer-related issue for accrediting agencies today is the issue of satellite operations. Attention must be given to the failure of some accrediting agencies to examine carefully off-campus, credit and non-credit, programs that some accredited institutions engage in primarily to secure funds -- programs, however, that are poorly staffed and without concern for quality.

#### The System's Accountability

This brings me to the final issue, the system's accountability. This is a challenging area.

It was because Senator Percy of Illinois believed that the accrediting system was not vigilant, not fully accountable, that this past summer he suggested to the Secretary, H.E.W., and to the Commissioner of Education that the Office of Education provide closer monitoring of the accrediting process, by requiring accrediting agencies, among other things, to conduct unannounced visits to schools, and to notarize and send their reports to the Office of Education. He also proposed a section to the Education Amendments of 1976 which would have made it a crime for any person to knowingly and willfully make any false statement, furnish any false information, or conceal any material information in connection with

an application for accreditation by a nationally recognized accrediting agency. Fortunately, this section was removed from the Higher Education Amendments by the Conference committee.

Proposals along these lines misconstrue, I believe, the nature of the accrediting process. The relationship between accrediting agencies and institutions rests upon mutuality of confidence, trust, institutional self-evaluation, and peer-group review. Accrediting bodies are not regulatory bodies. Such proposals further misconstrue the actual use of accrediting decisions in the Federal eligibility system which relies upon the results and outcomes of the accrediting process rather than the individual confidential reports themselves.

Clearly, autonomy is of paramount importance to preserving the integrity of the voluntary accrediting system. Autonomy and accountability are not mutually compatible concepts, however. A climate of "creative tension" exists between the two: Accountability makes some supervision necessary; preserving autonomy suggests that the supervision should be carefully limited.

I believe that the recognition process which establishes the tie between the accrediting community and the Federal Government provides an important level of accounting on the part of accrediting agencies. The review process requires accrediting agencies to look critically at themselves, to assess their strengths and weaknesses, and to adopt specific measures which provide assurance to the public that they are conducting accreditation for and in the public interest.

The recognition process has its critics. At one polar point is the view (or charge in the case of the Orleans report) that the review of accrediting agencies by the Office of Education is a charade. To say that the review is a charade overlooks major changes that have been brought about in a number of agencies over the past few years as a result of the review. In a fascinating way, perhaps as a result of these changes, the process is also perceived by others as an unwarranted form of Federal intrusion.

On this point I believe the Office of Education has assiduously avoided imposing stipulations upon accrediting bodies which might force such agencies into a regulatory mode of operation which a nongovernmental, voluntary system of peer review could not support legally, financially, or as a matter of principle. Having said this, I would urge you to remain ever-vigilant to all proposals calling for a closer monitoring of nationally recognized accrediting agencies.<sup>24</sup>

My final observation is that if a consumer-awareness scale were to be constructed and applied to accreditation, the New England Association and its four commissions would rank very high. Your Association's introspective analysis of several years back, the changes in structure and procedures which followed, indicated an awareness of the need to revise and adapt to changing conditions, so that this Association could continue to be a constructive force in the process of educational governance.

Thank you for the pleasurable privilege of sharing some thoughts and perceptions with you relative to the accreditation process. I appreciate the opportunity to be in your midst and look with confidence

and eagerness to the important task which we share in this changing, vital area of the educational spectrum.

## FOOTNOTES

1. Richard M. Millard, The Many Publics of Accreditation, Education Commission of the States, Denver, Colorado, October 20, 1975. Dr. Millard's statement on the "publics" of accreditation provides several important analytical frameworks for reviewing this topic. Regarding the listing I used, a number of editorial changes were made in order to accommodate space and time constraints.
2. James D. Koerner, "Who Benefits from Accreditation: Special Interests or the Public?" Seminar: Accreditation and the Public Interest, sponsored by the U.S. Office of Education and the National Commission on Accrediting, November 6, 1970.
3. Ewald B. Nyquist, "Response to Keynote Address," Ibid.
4. Frank Newman (Chairman), Report on Higher Education, Report of a Task Force to the Secretary of U.S. Department of Health, Education and Welfare, U.S. Government Printing Office, Washington, D.C., 1971.
5. Accreditation and Institutional Eligibility, Draft copy, DHEW, November 24, 1971.
6. Another significant thrust during this period was the attempt by accrediting bodies to shore-up their due process procedures. Additional litigation involving accrediting agencies followed the Marjorie Webster case. One was a lawsuit that involved the American Board of Funeral Service Education, which resulted in the first preliminary injunction issued by an American court against an accrediting body. Another dispute involved the Council on Social Work Education and its denial of accreditation to the Graduate School of Social Work at San Francisco State College. Still another involved an antitrust action by Crowell, Collier & Macmillan against the National Home Study Council for its denial of reaccreditation to Crowell Collier's six correspondence schools. A fourth case involved a complaint filed by the American Society of Clinical Pathologists charging the latter with improper practices in the certification of medical technologists and the accreditation of medical technology schools. Marjorie Webster may or may not have provided some of the impetus to this litigation. Whatever the origins, it



was clear that both the regional associations and the specialized accrediting agencies were going to be increasingly confronted with lawsuits by expelled or excluded institutions. This expectation resulted in USOE and the NCA again co-sponsoring a national seminar, this time on "Due Process in Accreditation." When the accrediting community gathered for this event in May 1970, our staff estimated that more than 60% of the participating agencies did not have published procedures governing either their rule-making or adjudicative processes. This deficiency no longer exists.

7. Claude E. Puffer, Ed., Regional Accreditation of Institutions of Higher Education, A Study Prepared for the Federation of Regional Accrediting Commissions of Higher Education, Washington, D.C., 1970.
8. Charles F. Ward, The State of Accreditation and Evaluation of Postsecondary Occupational Education in the United States, Center for Occupational Education, North Carolina State University at Raleigh, 1970.
9. National Study for the Accreditation of Vocational Education, Instruments and Procedures for the Evaluation of Vocational/Technical Education, American Vocational Association, Washington, D.C., 1971.
10. Study of Accreditation of Selected Health Educational Programs: Parts 1-11 and Commission Report, National Commission on Accrediting, Washington, D.C., 1972.
11. Nationally Recognized Accrediting Agencies and Associations: Criteria and Procedures for Listing by the U.S. Commissioner of Education and Current List, June 1975, The Accreditation and Institutional Eligibility Staff, DHEW/OE/BPE.
12. Frank G. Dickey and Jerry Miller, A Current Perspective on Accreditation, American Association for Higher Education, ERIC Clearinghouse on Higher Education Series, Washington, D.C., 1972.
13. Matthew W. Finkin, "Federal Reliance on Voluntary Accreditation: The Power to Recognize as the Power to Regulate," Journal of Law and Education, 2:3, July 1973.

14. A forerunner of later events was the passage of the Mondale amendment to the Higher Education Act amendments of 1972. The Mondale amendment called upon the Commissioner of Education to publish a list of State agencies which he judged to be reliable authorities as to the quality of public postsecondary vocational education. In brief, the Mondale amendment provides an alternative to accreditation for the purpose of determining eligibility for Federal student assistance programs. Its passage by the Congress came about primarily because of a long-standing insensitivity on the part of higher education accreditors toward vocational education.
15. William K. Selden, Accreditation and the Public Interest, The Council on Postsecondary Accreditation, Washington, D.C., June 1976, page 8.
16. Harold Orlan, et al., Private Accreditation and Public Eligibility, preliminary draft of a Report for the U.S. Office of Education, Washington, D.C., February 1974.
17. Proceedings of the National Invitational Conference on Institutional Eligibility, April 30-May 2, 1975, sponsored by the Office of Education, United States Department of Health, Education, and Welfare, DHEW/OE/BPE/AIBS.
18. For a perceptive analysis of the meaning and implication of the new challenge see Louis H. Heilbron, Confidentiality and Accreditation The Council on Postsecondary Accreditation, Washington, D.C., July 1976.
19. Consumer Protection in Postsecondary Education, Education Commission of the States (Denver, Colorado, 1974) and the Report of the Second National Conference, Education Commission of the States, Denver, Colorado, 1975.
20. Toward A Federal Strategy For Protection Of The Consumer Of Education, Federal Interagency Committee on Education, DHEW/ASE, Washington, D.C., July 1975.
21. Proprietary Vocational Schools, Hearings Before a Subcommittee of the Committee on Government Operations, House of Representatives, 93rd Congress, 2nd Session, U.S. Government Printing Office, Washington, D.C., 1974; Federal Higher Education Programs, Institutional Eligibility, Hearings Before the Special Subcommittee on Education of the House Committee on Education and Labor, 93rd Congress, 2nd Session, Part I, Accreditation, U.S. Government Printing Office, Washington, D.C. 1974; Accreditation of Postsecondary Educational Institutions, 1974, Hearings Before the Subcommittee

on Education of the Senate Committee on Labor and Public Welfare, 93rd Congress, 2nd Session, U.S. Government Printing Office, Washington, D.C., 1974.

22. For example, the statement by the President of the Council on Postsecondary Accreditation, Dr. Kenneth E. Young, before the annual meeting of the American Association of Collegiate Schools of Business, April 29, 1976:

"Accreditation is not an appropriate mechanism for guaranteeing students 'consumer protection'."

I cite this statement to highlight again the difficulty in pursuing the subject, "Consumer Interests in Accreditation."

23. In this connection, the Office of Education has issued a contract to the American Institutes for Research in the Behavioral Sciences to conduct a Study of State Oversight in Postsecondary Education (Contract No. 300-76-0377).
24. The relationship between the U.S. Commissioner of Education and accrediting agencies is clearly a tenuous, delicate, and complex one. One observer has called the relationship a unique experiment in government-private cooperation:

In it the government is exploring a new kind of role for itself: this is not the role of the accreditor nor the regulator. In its present and what seems to be its contemplated role, the Office of Education eschews the role of accreditor or regulator, seeking to leave accreditation to some vehicle within the educational community. The role of government would seem to be to franchise the regulator, by setting standards and recognizing the private agency for its compliance with the standards.

Samuel P. Martin, M.D.  
Address at the October 1975  
Meeting of the Advisory Committee  
on Accreditation and Institutional  
Eligibility

If it is true that the recognition process amounts to a unique experiment, it is also true that the system is vulnerable to politicization--and the problem here is that the room for trade-offs vis-a-vis the Criteria for Recognition is quite restricted.