THE JAMES G. MARTIN CENTER FOR ACADEMIC RENEWAL

CARDINAL INSTITUTE FOR WEST VIRGINIA POLICY

POLICY BRIEF

How Universities Should Choose Their Next Accreditor

By Adam Kissel and Jenna Robinson
March 12, 2024

Introduction

Accreditation is one of the three tickets that every college in America must punch if it wants access to federal student aid (FSA) programs for its students. The current regulatory regime for postsecondary institutions forces each college wanting to participate in FSA programs to get authorization from the state in which it operates, meet the standards set by the U.S. Department of Education, and—strange as it may seem—get a green light from a nongovernmental organization called an accreditor.

State authorization is enough if a college doesn't mind asking its students to get loans on the private market, but extremely few colleges (such as Hillsdale College) take that route. Since almost all colleges make themselves subject to the federal government and an accreditor, each of those bodies has tremendous power. Accreditors all too often abuse their authority, as described below. (The Department of Education abuses its power, too, but those examples are for another day.)

The good news is that while American colleges can't shop for a different federal government, they can shop for a different accreditor. That's a new development. During the Trump administration, Secretary of Education Betsy DeVos instituted new regulations letting any accreditor do business anywhere in the country. Before this change, a small number of accreditors divided up the country into fiefdoms and did not intrude on each other's turf; they were therefore called regional accreditors. The historically regional accreditors are now all national accreditors.

So, which accreditor should a college choose?

State of Play

Because the regional accreditors had monopolies for so long, many state laws and regulations default to requiring accreditation by the historically regional accreditor for that state. To provide colleges with a choice, states must change these provisions to align with federal flexibility, as West Virginia did in 2023. An analysis of laws and regulations in the 11 states whose institutions are historically accredited by the Southern Association of Colleges and Schools (SACS) suggests that about one third should make major revisions, one third should make minor revisions, and one third (including North Carolina, Tennessee, and Virginia) already offer the necessary flexibility to allow institutions to switch accreditors.

Other states merely require institutional accreditation by any accreditor that is federally recognized or, in some cases, recognized by the Council for Higher Education Accreditation, a private-sector organization that vouches for accreditors. In these states, if the state's regulatory body for postsecondary education has no stray regulations that limit the choice of accreditors, no further action is necessary at the institutional level.

Action might still need to be taken at the programmatic level, however. Programs such as law receive special accreditation that is not tied to FSA programs but is essentially required if students want a license to practice their profession. Monopoly programmatic accreditors such as the American Bar Association (ABA) and the Council on Social Work Education (CSWE) also abuse their power by, for example, imposing radical ideological commitments on students.

As for institutional accreditation, within the set of states that permit a college to choose its own accreditor, Florida and North Carolina stand out. Both states do not merely permit public colleges and universities to choose their own accreditor; they now require a switch.

Making a change of accreditor at regular intervals is good policy. For all colleges, it is valuable to get a fresh set of eyes on their enterprises. This practice is like requiring companies to change financial auditors every so often, so that the institution does not get so chummy with its reviewer that the reviewer starts to miss or, worse, intentionally overlook problems.

And in states where SACS is the historically regional accreditor, it's probably a good idea to leave SACS behind. That's because SACS is the most frequent abuser of power in the area of university governance. Meanwhile, accreditors continue to turn the screws on colleges in order to press for "diversity, equity, and inclusion" (DEI) policies that, in some cases, would even constitute unlawful, unconstitutional discrimination, as in the case of an especially egregious abuse of power by the ABA.

Choosing an accreditor wisely is also important because accreditation does not just occur once and for all. Once or twice a decade, each institution must get reaccredited. The accreditor makes one or more site visits and sniffs around. The accreditation team is generally made up of faculty members and administrators from peer or otherwise similar institutions who have assessment experience and can provide a measure of external peer review.

US Department of Education-Recognized Institutional Accreditors

Higher Learning Commission (HLC)
Middle States Commission on Higher Education (MSCHE)
New England Commission of Higher Education (NECHE)
Northwest Commission on Colleges and Universities (NWCCU)
Southern Association of of Colleges and Schools Commission on Colleges (SACSCOC)
WASC Senior College and University Commission (WSCUC) & Accrediting Commission for Community and Junior Colleges (ACCJC)

What to Seek and What to Avoid in an Accreditor

Governance
As mentioned above, colleges should avoid an accreditor with a track record of interference in university governance. SACS has interfered with "red" states' processes of choosing a university president multiple times. (For examples and details, see this Texas Public Policy Foundation report coauthored by one of this policy brief's writers.) Instead, schools should look for an accreditor whose policies and standards respect state law and the state's common processes for selecting leadership, including respect for the roles of the state legislature, the governor, ex officio members of the board of a university or the state university system, and the board itself.

For example, if the governor is an ex officio board member, will the accreditor complain about the governor's statements about who would make a good leader? If the board normally does not include undergraduates on the selection committee, will the accreditor complain? It will be valuable to understand whether the accreditor will leave the university free in this area.

Similarly, when the board uses its authority to crack down on a president because of certain areas of performance, will the accreditor see this intervention as good for institutional improvement? Or, as SACS did in the case of the University of Virginia, will the accreditor take sides and impose its own views about the limits of board power and the role of faculty members in governance?

Ideological Pressure
The most egregious examples of ideological pressure have come from programmatic accreditors such as the ABA and CSWE, as described above. But as Heritage Foundation research fellow Jonathan Butcher has noted, the historically regional accreditors have been moving more stridently to push institutions to adopt ideological DEI policies and practices.

Problems with DEI have been well documented elsewhere, but, in brief, DEI offices and officers tend to support oppressive speech codes and "bias-incident" protocols, frequently push racially divisive concepts and programs, and advocate for racially discriminatory admission and hiring policies. Many such efforts are flatly unlawful or skirt the legal line. Following an accreditor's DEI advice can put a university at legal risk and, ultimately, at risk of a federal civil-rights complaint that could result in the loss of federal funding (including FSA access).

For now, institutional accreditors are not blatantly requiring DEI, but some of them seem poised to do so within the next several years. When choosing an accreditor, it is important to read DEI-related accreditation standards carefully and to examine accreditors' announcements of their own ideological commitments and intentions. Since your institution is the customer, it would be appropriate to directly ask a prospective accreditor about its DEI-related policies and where it intends to take them in the future.

Costs and Benefits

The most common complaint of administrators and faculty members who work on accreditation is that they spend considerable resources to create reports and produce recommendations that subsequently go unused, never to be examined until the next round of accreditation. Often, for them, accreditation is a farce. Accreditors rarely show concern with outcomes but, instead, focus almost entirely on inputs and processes, as Stig Leschly and Yazmin Guzmin have shown. Institutions that have flourished for decades or centuries do not really need a regular process checkup that ignores outcomes. It no longer necessary to count the number of books in their libraries.

On the cost side, consider not just what accreditation services cost in fees to the accreditor but also the internal costs in time, trouble, and money to create the reports and produce the information that an accreditor requires.

Universities should consider comparing fees for various accreditation services, which can add up quickly. Smaller colleges may be more sensitive to price. Compare, for example, the dues and fees schedule of the Higher Learning Commission (HLC) with fee information from the accrediting body of the Western Association of Schools and Colleges (WASC). It appears that HLC requires an institution to pay for HLC's legal expenses, plus 15 percent if an institution challenges HLC's findings. WASC looks much less expensive overall, although institutions should check carefully to compare apples to apples.

For intangible costs, schools should ask peer institutions about their accreditation experiences. Don't ask just the president and provost, but find out what compliance, in practice, looks like for deans and department heads.

On the benefits side, universities must consider what areas of institutional quality and institutional improvement are most likely to benefit from external peer review, and then choose an accreditor that demonstrates expertise in those areas. Remember that each round of accreditation can be with a different accreditor, so your institution can choose a particular set of accreditation skills for one round, then a different set of skills in the next round. Of course, an accreditation team is not the only place to go for peer review, but you might as well get some institutional benefit (beyond FSA eligibility) in exchange for the costs.

Flexibility for Innovation

Minor institutional changes do not need an accreditor's approval and do not necessarily require notice. But when an institution wants to make a "substantive change," an accreditor requires both notice and approval. Accreditors can compete on risk tolerance, support for innovation, and accuracy in interpreting federal laws and regulations.

A great deal is at stake in competing on these margins. When Western Governors University (WGU) introduced direct assessment of learning in competency-based programs—a potential improvement upon traditional measures of seat time in classes—its decision was cleared by its accreditor, the Northwest Commission on Colleges and Universities (NWCCU). But the U.S. Department of Education's Office of Inspector General (OIG) took a different view in 2017. OIG claimed that the WGU courses were out of compliance with the federal requirement of "regular and substantive interaction" between students and instructors in such courses and that WGU's credit-hour policy was also out of compliance. Therefore, OIG argued, WGU should be required to return more than $700 million in funding from Federal Student Aid programs.

Since the OIG opinion was not binding, FSA undertook its own review. In 2019, FSA decided that the interaction requirement was ambiguous and should be resolved in favor of the university. The accreditor's statements were critical in FSA's determination. The evidence showed a "reasonable and good faith effort to comply" (pp. 8-9). FSA also determined that NWCCU had approved WGU's credit-hour policy and that FSA "relies on the accreditor's performance of [its review and approval] role" (p. 13), again finding in favor of the university.

Since the U.S. Department of Education relies so heavily on private-sector accreditation, any institution that wishes to innovate should assess very seriously an accreditor's approaches to innovation and to the interpretation of federal requirements and flexibilities.

Conclusion

Colleges and universities have a tremendous opportunity to change accreditors in states that permit or require such a change. Now that institutional accreditors no longer have monopoly power, they can compete for business. Institutions should evaluate potential accreditors' toleration for the actual system of governance under which they operate. Institutions also should assess an accreditor's ideological commitments and requirements and should take note of the financial cost and administrative burden involved in complying with a potential accreditor's rules. Finally, innovative institutions should engage in thorough conversations with potential accreditors to assess their support for innovation, including where any particular substantive changes that an institution is considering are concerned.

Furthermore, breaking the accreditors' monopoly power has made it easier for institutions to push back when their accreditor starts going too far. Although some programmatic accreditors retain monopolies and can bully programs—like how the ABA treated George Mason University's law school—the historically regional accreditors no longer have this luxury in states where changing accreditors is allowed.

In states where laws or regulations must be changed to open accreditation to competition, we recommend that institutions advocate for this opportunity to legislators and state regulatory bodies. Texas, for example, considered a bill to this end in 2023 and is likely to consider another such bill at its next regular session in 2025.

Choosing an accreditor is an enterprise-level decision. This guide can help colleges and universities decide prudently.

Adam Kissel (adamkissel@cardinalinstitute.com) is senior fellow of the Cardinal Institute for West Virginia Policy.

Jenna A. Robinson (jarobinson@jamesgmartin.center) is president of the James G. Martin Center for Academic Renewal.

About the Martin Center

The James G. Martin Center for Academic Renewal is a private nonprofit institute dedicated to improving higher education policy. Our mission is to renew and fulfill the promise of higher education in North Carolina and across the country. We advocate responsible governance, viewpoint diversity, academic quality, cost-effective education solutions, and innovative market-based reform.

About the Cardinal Institute

The Cardinal Institute for West Virginia Policy is dedicated to researching, developing, and communicating free-market economic public policies that promote liberty, prosperity, and personal responsibility in West Virginia. We believe these principles will help West Virginia thrive like never before—and achieve the economic turnaround that we like to call the "West Virginia Miracle."