

Testimony
of
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**The Triad: Promoting a System of Shared Responsibility
Issues for Reauthorization of the Higher Education Act**

United States Senate Committee on Health, Education, Labor, and Pensions
September 19, 2013

As a preface to my testimony, I note for the record that I am a professor and Provost at the University at Albany/SUNY, that I've served the New York State Regents as an advisor in their accreditation system, and the American Psychological Association Committee (now Commission) on Accreditation. I'm a member of the joint Designation Committee of the National Register and the Association of State and Provincial Psychology Boards, and I have served on the National Advisory Committee on Institutional Quality and Integrity. I list each of those affiliations because while each has contributed to my experience in accreditation and quality assurance at the programmatic, institutional, and federal level, I do not speak for any of them today.

I've been asked to address how the "triad," the system of shared responsibility as a whole is working, and what improvements, if any, could be made, with a particular focus on the roles and responsibilities of accrediting agencies and their impact on and coordination with states and federal government.

The Committee will have heard from others how the "triad" came to be, and some of the historical features of accreditor, state, and federal actors in the system of higher education. Without repeating those features, I underscore that the assurance of higher education quality has evolved—and that it continues to evolve—as the sources and methods of providing higher education expand, as the interests in educational quality grow, as the resources devoted to higher education increase, as perspectives on defining "quality" are refined, as students attending our colleges change, and as the institutions themselves transform.

How is the system working?

In addressing the matter of “how is the system working,” I’d like to point first to three markers.

First, American colleges and universities, and the quality assurance system that supports them, are seen as the flagship for higher education across the world. US accreditation is the gold standard for quality assurance. Together with the state and federal elements of the triad, this system represents the integrity and continuous improvement of the academic enterprise, giving students and their families information and protecting them from fraud, and ensuring the appropriate administration, accountability and responsible use of public funds. These interests – integrity and improvement, information and protection, and accountability and responsibility, for short -- align and work in concert for the benefit of society. Indeed, attention to these interests has been a hallmark of our system of higher education that is known for its quality and innovation around the world. It is no surprise that the quality assurance processes in the US are sought after and emulated across the globe. This is a critical marker of a system that is working, and that is meeting the demands of a changing global environment.

A second marker that the triad is strong is, oddly, the tension evident in the system. As the interests in quality assurance, and those who advance them, have grown and changed over years, there are many opportunities for one corner of the triad to pull more dominantly than another. This, of course, creates challenges for the important and legitimate interests reflected in the other corners, lest we lapse into a system of integrity without protection, protection without responsibility, or responsibility without integrity. All must be present, and the tension among the triad of actors and their interests is essential and healthy. The collaboration and compromise to address the tension makes for a system that continues to move forward.

Finally, a third marker is that the system itself is one of continuous improvement. As the triad finds points of weakness, it adapts to make itself better. The system works, for the most part, in that accredited institutions and programs of higher education demonstrate academic integrity and commitment to improvement, inform and serve their students and families well, and provide

responsible stewardship of the public dollars directed to them. However, there are significant outliers -- some of which have been the focus of this Committee. New institutions and new ways of approaching education and accreditation have challenged us to look again, to look anew, at the issues that give rise to failures in our system. Just as accreditation itself reflects not only adherence to standards, but also a commitment to continuous self-study and improvement, so does the larger system of shared responsibility. The “triad” recalibrates itself, adjusts some of its elements, and restores its focus, and that of American colleges and universities, on the shared commitment to quality in higher education and the public good. Indeed, today’s hearing marks a significant instance of the important process of review and study, with the goal of improvement.

And what could be improved?

With the tension in the triad a mark of strength, it is also the tension that can be a source of improvement. None of the triad is an actor independent of the others; the actions of each member of the triad affect the others, and are affected by the others. Each member has an interest in and a responsibility to manage the system and its inherent tensions well.

To begin, the system needs better communication among the elements about and for their common interests in higher education. Improved communication might well start with clarifying and articulating the roles and responsibilities of each member, including but not limited to:

- Academic program quality
- Quality improvement
- Protection of various public interests
- Information for students and families
- Authorization to operate an educational enterprise
- Compliance with state and federal law and regulation
- Fiscal integrity of federal student financial aid
- Responsible stewardship of federal funding

Also needed for the system is better data to guide decision making. The critical issue here is not *more* data, but rather *better* data – data that is that is of high quality, critical to the enterprise and not a burden to collect. Obviously, data that is not reliable and meaningful and clearly understood is not helpful to the enterprise. Moreover, data useful for some parts of the quality assurance enterprise (quality improvement, for instance) are not necessarily relevant to others (regulatory compliance, for instance). And, as new data needs have risen, often with slightly different nuances or differing definitions, there is not a corresponding decrease of data no longer needed. The quality and benefit of various data, and the cost to obtain it, should be reviewed across the triad. With greater common understanding of the roles and responsibilities of each member of the triad, such a review could reduce duplication of data requests and increase the level of trust within the triad that each member is conducting its business with due diligence and reliable and valid data.

Since we are speaking today in a congressional context, it is important to note that it should not be a federal responsibility to manage the triad; each of the triad of actors should be engaged participants with critical roles and responsibilities, and each should seize opportunities for improved contribution to the overall system. Much like the relationship of the states to the federal government, there is a sovereign responsibility for some elements of the system that resides in each leg of the triad. Attending to that responsibility is essential, as is respecting the responsibilities of the other legs and also working in collaboration toward common goals. Some recommendations for accreditation, for federal actors, and for states are noted below.

Accreditation. Accreditation verifies adherence to standards that are consistent with institutional mission and student needs, accomplished through a review undertaken by peers at other accredited institutions for the purposes of quality assurance and continuous improvement. This is a unique feature of the US system: a voluntary, nongovernmental quality assurance system. We don't have a central ministry, nor do we mandate a single model of compliance. Instead, our system of accreditation affords for diverse institutions the opportunity to be innovative and mission-driven, to engage in ongoing self-study and quality improvement, and to inform and to be informed by knowledgeable peers. For specialized or program accreditation, it provides

similar opportunity in specific areas of study and professions for whom specialized education and expertise is the focus¹.

Accreditors, themselves, have a commitment to continuous improvement, and are already on the path of making changes as they encounter needs for improvement, and as the institutions of higher education evolve. Recent examples include the adaptations made in online education and in considering competency-based education. Ensuring highly skilled peer review teams, making their processes more simple for institutions and the public to understand, and ensuring room for innovation and experimentation are also topics in discussion among both institutional and programmatic accreditors.

Other changes for accreditors to consider come from shifts in how the triad works together: Accreditors are increasingly called upon to serve as compliance actors—to be the police, judge, and jury for the institutional behaviors expected by those in other parts of the triad. For example, accreditation has been called to address matters of transparency and consumer information. These are worthy matters to address but are ones that need to be taken up in the context of an accreditation process never meant to be a tool for accountability. The accreditors need to consider these matters in the context of what information is useful, both to the various publics served and to the quality assurance process. Accreditors have also been called upon to address whether the student outcomes of an institution are in line with expectations about responsible use of public funds. These also are important questions to ask, and it is of note that the accreditation community has sought to adapt to accommodate these kinds of perspectives, within the context of their scope and capacity. Yet other questions arise in the context of the evolution of how and where and when higher education occurs. Accreditors are undertaking discussion about their structure, scope and organization, in light of the diversity of educational activity and mission that has evolved. They are considering how more flexibility and nuance might be afforded in the quality review process, and how that process might be made more expedited and less costly. All of these are laudable and necessary initiatives, and ones that will continue to respond to the changing environment of students, institutions, and policy.

¹ For a quick comparison of institutional versus programmatic accreditation, please see “Types of Accreditation” at <http://www.aspa-usa.org/content/about-accreditation>.

Federal Actors. The federal role in this enterprise has grown, corresponding to its growing investment in making available financial aid to students. There is, of course, reasonable federal interest in the appropriate administration of the public dollars and the assurance that those funds are being responsibly used. This interest has created a need for a way to designate what programs and institutions would qualify for these funds, which, in turn, has resulted in reliance on accreditation serving as the assurance of academic quality and thereby a marker of responsible use. A process of recognition of accreditors has resulted, and a set of compliance criteria for accreditation agencies has been promulgated.

While these would seem reasonable consequences of a legitimate interest of the federal leg of the triad, concerns about these processes and criteria have been raised from a number of quarters, prompting calls for reconsideration of how the federal interests play out in the system. Increasing calls have sounded from both accreditation agencies and institutions that point to the burden and intrusiveness of increasingly granular and prescriptive expectations from the federal corner of the triad. Expectations about accreditor evaluation of institutional adherence to the federal definition of the “credit hour” is an example, where there is hot debate – on one side -- about federal intrusion into what has been the province of educational institutions, and – on another side – about the need for protection of the federal interest in insuring the integrity of the unit for which funds are awarded.

Burden is also evident in a compliance review system that is extremely detailed, and offers little nuance in judgment. For instance, as enacted, there are 94 separate criteria for compliance, each of which entails detailed response and evidence by the accrediting agency. The criteria range in scope from “Student Achievement” to “Public Disclosure of Accreditation Status.” Evaluation against the federal recognition criteria is undertaken via review of hundreds of pages by both Department staff and members of NACIQI.² In these reviews, 100% compliance with every one of those criteria is the only passing score. The change initiated just recently by the Department of Education that affords an opportunity for accreditation agencies to be evaluated on a critical subset of the various criteria has been a welcome experiment. It has been further suggested in

² National Advisory Council on institutional Quality and Integrity

the recent NACIQI recommendations that there be more opportunity for gradation in compliance judgments. Even at the crude level of “outstanding,” “satisfactory,” and “poor,” compliance judgments could move away from the current all-or-none options. (Note that there is a similar call for gradations in the review processes among accreditors.)

There has also been concern about how matters of compliance have been defined outside of regulation. This has meant that some compliance expectations have not been subject to the discussion and concurrence process of negotiated rule making. In some cases, the resulting expectations – while intended to provide helpful guidance – become de facto standards for compliance that make little sense, or worse, for some sectors of the education community.

The triad would be well served by a federal review and reconsideration of statutory and regulatory strategies to insure that they not only satisfy the federal interest in responsible use of the federal dollar, but also recognize the rights, expertise, and interests of the institutions, their accreditors, and their states.

States. States, of course, have broad interest in the quality of education for their citizens and occurring within their borders, and are most frequently cited with the role and responsibility to license and/or otherwise authorize the educational enterprises that operate within their boundaries. The emergence of multi-state higher education with locations online and on ground presents a new challenge to the states and to the providers of higher education who must navigate a highly individual and costly process of state-by-state authorization. Critical conversations and initiatives are already underway to consider how authorization processes might accommodate the growth of cross-state educational activity.

Further, some states have extensive review and approval processes; others are more limited and focused in their oversight of higher education. One result of the diversity of state engagement is unevenness of attention, such that higher education in some states receives far more scrutiny than that in other states. While it is the right of states to establish their own priorities and processes, the variability of different states renders different pressures on the other two parts of the triad. In some instances, there is less concern about the viability of an educational institution, because of

more stringent state scrutiny; in other instances, there is greater pressure to seek reassurance not fully afforded by the state that a new educational entity, for instance, has legitimate standing. The articulation and clarification of the roles and responsibilities of the various members of the triad, called for above, might well lead to conversations among the states, and across the triad, about how the pressures and concerns of each could be more evenly accommodated across the system.

Concluding thoughts

The conclusion to be drawn here is that “the triad” works. American educational quality and accreditation is recognized around the world. The tensions in the system are healthy and important to sustain. The actors must and do work in concert in a process of continuous improvement. Moving forward this important work, the system as a whole needs better communication and better data, and each of the actors can and must be expected to consider anew the challenges within its role and responsibility as well as collaborate with those in the other corners toward the ultimate goals to assure integrity and continuous improvement of the academic enterprise, to give students and their families information and protecting them from fraud, and to ensure the appropriate administration, accountability and responsible use of public funds.