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of the ATS Commission on Accrediting
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POLICIES AND PROCEDURES

Related to Membership in the ATS Commission on Accrediting
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Introduction

This document contains policies and procedures adopted by the Commission membership, as described in the Commission Bylaws, Section 2.3. Like the Standards of Accreditation (“Standards”), they are considered incumbent upon all member schools, as noted in ATS Commission Standard 2, section 2.1, "Schools accredited by the Board of Commissioners shall carry out their educational programs and institutional activities according to the Standards and Procedures established by the Commission and its Board of Commissioners . . . ."

The shortened name, “Standards and Procedures,” refers to the three documents of the Standards of Accreditation (General Institutional Standards, Education Standard, and Degree Program Standards) and the Commission Policies and Procedures.
I Membership

I.A Membership in the Commission on Accrediting of the Association of Theological Schools ("Commission") is limited to schools that meet the membership eligibility criteria of The Association of Theological Schools in the United States and Canada (ATS) and that are either Full Members of ATS or Associate Members of ATS on whom the Board of Commissioners has conferred Candidate for Accredited Member status. In addition, a school that has ceased to be a member of ATS solely as a result of a Termination for Cause may continue as a member of the Commission.

I.B Each school shall hold either Accredited Member status or Candidate for Accredited Member status by the Commission on Accrediting.
Candidate for Accredited Member status

II.A Candidate for Accredited Member status is conferred on those members of ATS that, after review on the basis of the Commission's Standards and Procedures, have been formally authorized by vote of the Board of Commissioners to begin the self-study process. Candidate for Accredited Member status is granted for a period of two years. By special action of the Board of Commissioners, candidacy may be extended for one year at a time, but in no case may candidacy extend beyond a total of five years.

II.B Criteria for Candidate for Accredited Member status

II.B.1 The applying institution shall be able to demonstrate that either it is or, by the conclusion of the self-study process, will be operating according to the Commission's General Institutional Standards, Educational Standard, and Degree Program Standards and that it has the institutional capacity to evaluate its institutional and educational effectiveness.

II.B.2 The applying institution shall demonstrate that it has the resources and capacity to complete a self-study process and report satisfactorily within the normal two-year period.

II.C Attaining Candidate for Accredited Member status by Associate Members of ATS

II.C.1 The chief administrative officer of an Associate Member school desiring candidacy should notify the ATS Commission staff in writing that the school intends to petition the Board of Commissioners for Candidate for Accredited Member status.

II.C.2 The applicant school shall undertake an internal study of its readiness for Candidate for Accredited Member status. The Board of Commissioners will provide guidance for this internal study.

II.C.3 Upon the school's completion of its internal study, an ATS Commission staff member will review the study, conduct a staff visit to the school, and prepare a report regarding the school's capacity to meet the General Institutional Standards, Educational Standard, and Degree Program Standards.

II.C.4 The Board of Commissioners will base its decision regarding candidacy on the institution's internal study report, on the report of the staff visit, and on its assessment of the extent to which the institution will be able to meet the Commission's Standards of Accreditation by the conclusion of the candidacy period. The Board of Commissioners may do one of the following:
II.C.4.a grant candidacy for a period of two years; or

II.C.4.b deny the candidacy petition.

If it denies the request for candidacy, the Board of Commissioners shall provide reasons for its action and notify the school of additional responses required to qualify for candidacy.

II.D Maintaining Candidate for Accredited Member status

II.D.1 The institution shall demonstrate evidence of progress in the self-study process.

II.D.2 The institution shall continue to meet criteria for candidacy and conduct its degree programs in conformity with the Commission's Degree Program Standards.

II.D.3 The institution shall complete the Commission’s Annual Report Forms.

II.D.4 The institution shall pay annual dues as prescribed by ATS and the Commission.

II.E Withdrawal from candidacy

A school may, on its own initiative, withdraw as a member of the Commission as a Candidate for Accredited Member status at any time during its term of candidacy, by written notice to the Board of Commissioners.
III Accredited Member status

III.A Accredited Members are institutions in the United States and Canada that are Associate Members of ATS that, after review on the basis of the Commission Standards of Accreditation, are granted accreditation by the Board of Commissioners and become Full Members of ATS.

III.B Criteria for Accredited Member status

III.B.1 Accredited institutions shall demonstrate that they operate according to the Commission's General Institutional Standards.

III.B.2 All graduate degree programs offered by Accredited Members of the Commission shall meet the Educational Standard and Degree Program Standards and be approved by the Board of Commissioners.

III.B.3 All extension education offerings that provide graduate credit toward approved degrees shall be approved by the Board of Commissioners.

III.B.4 Accredited Members must have a defined accreditable entity that offers postbaccalaureate theological degree programs, not baccalaureate degree programs.

III.C Attaining Accredited Member status

III.C.1 Candidates for Accredited Member status shall engage in the self-study process, following the guidance provided in the Board of Commissioners' Self-Study Handbook. On-site staff consultation is available to schools in the self-study process. The General Institutional Standards, Educational Standard, and appropriate Degree Program Standard(s) must be addressed in the self-study report.

III.C.2 The Board of Commissioners will examine the self-study report and determine whether it provides a sufficient basis for an on-site evaluation committee visit. If the Board of Commissioners approves the self-study report and authorizes an initial accreditation visit, an evaluation committee will be appointed. If the Board of Commissioners finds the self-study report inadequate, an evaluation committee visit will not be authorized, but staff will be instructed to work with the institution to make the changes necessary to permit future consideration.

III.C.3 The evaluation committee will conduct a two-to-three-day visit to the campus and prepare a written report evaluating the institution in the light of Commission Standards, following the procedures for evaluation
committees published in the Board of Commissioners’ Self-Study Handbook.

III.C.4 Based on the committee report and its recommendations, the Board of Commissioners may act in one of two ways:

III.C.4.a accredit the institution and approve its degree programs for a period of no longer than seven years; or

III.C.4.b deny accreditation to the institution. In this event, specific reasons will be stated in writing to the school. A school denied initial accreditation has these four options: (1) appeal the decision, following the guidelines in Section XI below; (2) petition for an extension of candidacy, if the time limit has not expired; (3) request continuation of Associate Member status, with the understanding that the school will seek Candidate for Accredited Member status again within two years; or (4) voluntarily withdraw from the Commission and the Association.

III.C.5 It is possible for schools that offer graduate, professional theological degrees and that are demonstrably engaged in educating professional leadership for communities of the Christian and Jewish faiths but that are not individually eligible for accredited membership to qualify for accreditation by virtue of resources available through membership in a cluster or by contractual arrangement with another accredited institution. Accreditation requires assessment of the strength of the individual institution, the availability and actual use of resources claimed, and adequacy of the cluster of which the school is a part. Listings in publications, both of the Commission and of the school, shall state explicitly that such an institution is “accredited by The Commission on Accrediting of the Association of Theological Schools by virtue of affiliation with __________.”

III.D Maintaining Accredited Member status

III.D.1 The institution shall maintain the Standards defined by the Commission and abide by the Procedures of ATS and the Commission.

III.D.2 The institution shall complete the Commission’s Annual Report Forms.

III.D.3 The institution shall pay annual dues as prescribed by ATS and the Commission.
III.D.4 The institution shall, at intervals specified by the Board of Commissioners, complete a process of comprehensive institutional self-study and prepare for regular scheduled visits of evaluation committees.

III.E Policy regarding teach-out plans

A member school must submit a teach-out plan to the Board of Commissioners for the Board’s approval upon the occurrence of any of the following events:

III.E.1 if the Board of Commissioners withdraws, terminates, or suspends the accreditation of the institution;

III.E.2 if the institution notifies the Board of Commissioners that it intends to cease operations entirely or close a location that provides 100 percent of at least one program;

III.E.3 if the US Department of Education notifies the Board of Commissioners of an action against the institution to limit, suspend, or terminate an institution’s participation in any Title IV program or initiates an emergency action against the institution; or

III.E.4 if a state licensing or authorizing agency notifies the Board of Commissioners that an institution’s license or legal authorization to provide an educational program has been or will be revoked.
IV. Withdrawal from Membership

A school may, on its own initiative and by written notice to the Board of Commissioners, withdraw from membership and Accredited Member status.
V Procedures Related to Degree Program Approval

V.A New degree programs shall not be announced without prior approval by the Board of Commissioners.

V.B A school considering the introduction of a new degree program shall notify ATS Commission staff and seek consultative guidance. It shall then submit a petition for consideration by the Board of Commissioners. The petition shall follow the guidelines established by the Board of Commissioners, including (1) an evaluation of the appropriateness of the proposed degree in the light of the institution's mission and purpose; (2) a detailed description of the design of the proposed degree (program features, compliance with the Standards, resources available, relation to other degrees, etc.); (3) the institution's assessment of the new degree's impact on the programs already offered; and (4) an analysis of the financial support for the new degree and its impact on the institutional budget.

V.C If the proposed degree program is at the master's level, approval by the Board of Commissioners may be granted on the basis of the written petition. If the proposed degree is at the doctoral level, approval will be considered only after a focused evaluation visit has been conducted. The Board may excuse a school from this requirement if the institution already offers an approved doctoral program in the same degree category.

V.D When a member school determines to terminate an approved degree program, it shall notify in advance the Board of Commissioners and indicate how the school proposes to make adequate provision for current students pursuing the degree program to complete their studies and earn the degree or an equivalent degree. If the termination of the degree program also entails the closing of an entire site approved to offer that complete degree, then the school shall petition for permission to close that site and submit a teach-out plan.
VI  Procedures for Approval of Extension Education (Multiple Locations or Extension Sites) and Distance Education

VI.A  Institutions shall seek appropriate Board of Commissioners’ action for all programs involving multiple locations (extension sites) and distance education. The procedures for review and approval of such programs vary with the type of program. The Board of Commissioners has developed guidelines that outline in detail the review and approval process for different types of extension sites and for distance education programs.

VI.B  Domestic sites

VI.B.1  Branch campuses. A branch campus is geographically apart and independent of the main campus of the institution as evidenced by permanence in nature, offering courses in educational programs leading to degrees, having its own faculty and administrative or supervisory organization, and having its own budgetary and hiring authority. The establishment of a branch campus requires consultation and a written petition to the Board of Commissioners identifying the educational programs to be offered and the financial, operational, management, and physical resources necessary to meet Commission Standards. A site evaluation is required within six months of the beginning of the branch campus.

VI.B.2  Complete degree sites. The offering of a full degree program at a site away from the institution’s primary location requires consultation, a written petition to and approval by the Board of Commissioners, and a site evaluation within six months of the site beginning to offer as much as 50 percent of the course work necessary for a full degree.

VI.B.3  Ongoing course offering sites. The establishment of a program at a site away from the institution’s primary location where a school intends to offer a variety of courses over time requires the submission of a written petition to the Board of Commissioners and action on the petition prior to the first offering of courses. Sites where courses are offered on an ongoing basis may be visited and evaluated as part of the Board of Commissioners’ review cycle. If as much as half of the course work required for any approved degree may be completed at the site away from the school’s primary location, a site evaluation shall be conducted within six months of the site beginning to offer as much as 50 percent of the course work necessary for a degree. Pursuant to Board policy, a school may be excused from an initial site visit.
VI.B.4 **Occasional course offering sites.** The establishment of a program in which a school intends to offer courses at a site away from the institution’s primary location less frequently than on an annual basis does not require notification of or approval by the Board of Commissioners. The Board of Commissioners requests that institutions report such occasional offerings on the Commission’s Annual Report Forms.

VI.C **International sites**

VI.C.1 **Outside Canada and the United States.** Institutions seeking to implement programs outside Canada and the United States that involve either the ongoing offering of courses or a full degree program must have the prior approval of the Board of Commissioners. In its proposal, the school shall clearly give attention to the guidelines adopted by the Board of Commissioners. After its review of the written proposal, the Board of Commissioners will ordinarily require a site review before it considers granting approval for these types of programs. The offering of occasional courses does not require notification of or approval by the Board of Commissioners. The Board of Commissioners expects that institutions report such occasional offerings on the Commission’s Annual Report Forms.

VI.C.2 **Across the Canadian/US Border.** Institutions seeking to offer a program across the Canadian/United States border that involves either the ongoing offering of courses or a full degree program must have the prior approval of the Board of Commissioners. In its proposal, the school shall clearly demonstrate that it has given appropriate attention to the guidelines adopted by the Board of Commissioners and that it has consulted with Commission member schools near the location where the program is to be offered. The offering of occasional courses does not require notification of or approval by the Board of Commissioners. The Board of Commissioners requests that institutions report such occasional offerings on the Commission’s Annual Report Forms.

VI.D **Distance education**

VI.D.1 When as many as six of the courses offered in any approved degree may be taken through distance education, it will be considered comprehensive distance education, and the institution must petition the Board of Commissioners for approval, according to guidelines adopted by the Board of Commissioners.
VI.D.2 The school shall undertake a comprehensive evaluation of its distance education offerings, either as part of its institutional self-study or at another time by request of the Board of Commissioners.

VI.D.3 In its consideration of approval of distance learning, the Board of Commissioners may require a site evaluation.

VI.D.4 Schools conducting distance education must have a process by which the institution establishes by use of secure login and pass code, proctored examinations, or other means that are effective in verifying student identity and protecting student privacy, that the student who registers in a distance education course is the same student who participates in and completes the course and receives the academic credit. In addition, the school must notify students of any projected additional student charges associated with the verification of student identity at the time of registration or enrollment.
VII  Enforcement of Standards for Accredited Members

VII.A  Through comprehensive evaluation visits

VII.A1  Comprehensive evaluations occur prior to the expiration of a grant of accreditation. Normally, a comprehensive evaluation committee visit will occur within six months of the expiration of a grant of accreditation. The grant of initial accreditation is limited to no more than seven years and reaffirmation to no more than 10 years. The Board of Commissioners may grant accreditation for shorter periods of time, with reasons given for the action in each case. Because accreditation is an ongoing relationship between the Board of Commissioners and the school, the Board of Commissioners may authorize a comprehensive evaluation at any time when regular monitoring activities indicate significant problems at multiple levels of a school or an institution initiates multiple substantive changes. The preparation of a self-study is not required when the Board of Commissioners authorizes such a special comprehensive evaluation visit, though the institution must still provide evidence that it is operating in conformity to the Standards of Accreditation.

VII.A.2  Institutions shall engage in an institutional self-study in preparation for each comprehensive evaluation. The self-study shall follow the guidance provided in the Self-Study Handbook.

VII.A.3  The self-study report shall be submitted, at least 60 days before the scheduled visit, to the ATS Commission staff who, in consultation with the chairperson of the evaluation committee, will determine whether the document is an adequate basis for conducting the visit or whether the visit should be postponed. If the visit is postponed by ATS Commission staff for more than one semester, the institution shall have the right of appeal at the next scheduled meeting of the Board of Commissioners.

VII.A.4  In preparation for an evaluation visit, a school shall advertise to its constituencies at least 60 days prior to the visit that it is receiving an evaluation committee and invite comment in writing to the school and/or to the Commission concerning the institution’s qualifications for accreditation. These comments will be available to the evaluation committee. The evaluation committee may also include an open hearing scheduled during the course of the visit.
VII.A.5 The Board of Commissioners will publish the names of schools receiving a comprehensive evaluation visit in a given year and request comment from other Commission member institutions.

VII.B Through focused evaluation visits

VII.B.1 Focused evaluation visits may be authorized by the Board of Commissioners as a response to any of the following:

VII.B.1.a a school’s invitation to the Board of Commissioners;

VII.B.1.b a school’s decision to offer a new degree program, as noted in Section V of these Policies and Procedures;

VII.B.1.c a school’s decision to offer 50 percent or more of the courses for an approved degree at a new location;

VII.B.1.d a change in ownership or substantive change in the pattern of control of the institution;

VII.B.1.e the receipt of other information that leads the Board of Commissioners to conclude that a focused evaluation visit is advisable;

VII.B.1.f an indication that the quality of a school’s programs may have been adversely affected by changes in circumstances; or

VII.B.1.g in the context of investigating a formal complaint against the institution when deemed appropriate.

VII.B.2 The Board of Commissioners will require a focused visit whenever it deems that a report will not adequately address the Board’s need for additional information of a substantive nature or not adequately address the school’s ability to improve significantly in a particular area. When a focused visit is required, the Board of Commissioners may still require the school to submit a written report, identifying the key issue(s) to be addressed, and direct that the school’s report be provided to the focused evaluation committee at least 30 days in advance of the visit. In addition, ATS Commission staff will supply the school and the committee a prospectus, describing the key issue(s), the nature of the visit, and any other documents the committee might need.

VII.B.3 In preparation for focused evaluation visits, the Board of Commissioners may require reports from the school as are appropriate to the situation,
authorize staff or other evaluators as appropriate, and provide instruction for the school and the evaluators regarding the committee's report to the Board of Commissioners. The expectations for a focused evaluation will be described to the school in the context of a written prospectus prepared for the visit.

VII.C Through approval of substantive changes

VII.C.1 Substantive changes that require petitioning for Board approval include the following:

VII.C.1.a change in an institution's fundamental mission, legal status, ownership, name, location, or governing control;

VII.C.1.b change in location(s) at which an institution offers at least 50 percent of an educational program (see Section VI above);

VII.C.1.c introduction of six or more distance learning courses (see Section VI above);

VII.C.1.d the offering of a new degree program (see Section V above);

VII.C.1.e a change in type of educational units (e.g., a change from clock hours to credit hours);

VII.C.1.f a new contract or major changes in existing contracts for educational or administrative services that would affect the school's conformity to the Standards of Accreditation (including, for Title IV participants, any contract for educational offerings with an entity not eligible to participate in Title IV programs);

VII.C.1.g the acquisition of any other institution or any program or location of another institution; and

VII.C.1.h the addition of a permanent location at a site at which the institution is conducting a teach-out for students of another institution that has ceased operating before all students have completed their program of study.

VII.C.2 It is the responsibility of an accredited school to petition the Board of Commissioners for approval of these changes prior to implementing them.
VII.C.3 In addition to substantive changes that require petitioning the Board for approval, certain other significant, but nonsubstantive changes require either a petition or notification to ATS Commission staff.

VII.C.3.a Changes requiring a petition to and approval by ATS Commission staff include (1) change in degree nomenclature, and (2) opening of an extension site that offers less than 50 percent of a degree program (i.e., one not requiring a site visit).

VII.C.3.b Changes that require notification to and acknowledgement by ATS Commission staff include (1) termination of a degree program at a location (main campus or extension site) that will continue in operation (i.e., one not requiring a teach-out plan or agreement), and (2) the closing of an extension site that offers less than 100 percent of a degree program (i.e., one not requiring a teach-out plan or agreement).

VII.C.3.c In addition, schools considering a major revision to an approved degree program that could affect its continued adherence to Commission Standards should consult with ATS Commission staff to determine if the revision constitutes a change significant enough to require formal approval.

VII.C.4 Substantive changes do not include exceptions that an institution may choose to make for an individual student.

VII.D Through the use of reports

VII.D.1 The Board of Commissioners may require a report if it judges that an accredited institution should supply additional information or needs to improve in an area or areas. In its action to require such a report, the Board will identify the Standards where it needs information or judges that the institution requires improvement, and it will set the submission date or dates according to its judgment of the time reasonably necessary to provide the information or to make the improvement.

VII.D.2 The circumstances meriting reports are not instances of noncompliance, and insufficient improvement does not signal noncompliance.
VII.E Through the use of notations

VII.E.1 On the basis of reports received either from an evaluation committee or from a member institution, the Board of Commissioners shall impose a notation or notations when it judges that an institution insufficiently meets one or more Standards of Accreditation or that principles contained in the Standards are not being adequately translated into practice. The Board views a notation as a notice or warning that a school partially meets a Commission Standard, but it does not fully meet the Standard until appropriate action is taken in a timely manner.

VII.E.2 A notation is a public characterization of membership status. The Membership List includes any notations imposed by the Board of Commissioners as part of the institution’s formal Accredited Member status.

VII.E.3 Within two years following the imposition of a notation, the Board of Commissioners will consider evidence as to why the notation should be removed. The school must submit that evidence at least two months prior to the meeting in which the Board of Commissioners will act, as specified in the Board’s action letter that imposes the notation. If the institution does not provide the requisite evidence, the Board of Commissioners shall take an adverse action. In certain cases and for demonstrated good cause, the Board of Commissioners may extend by one year the period of imposition of a notation.

VII.F Through the use of probation

VII.F.1 Probation is designed to respond to the circumstance in which an institution does not meet one or more of the General Institutional Standards, Educational Standard, or Degree Program Standards.

VII.F.2 No institution will be placed on probation without an on-site visit. The evaluation committee will prepare a written report and submit it to the institution for its response. The evaluation committee’s report and the institution’s response will be considered by the Board of Commissioners and will serve as the basis for the decision of the Board of Commissioners.

VII.F.3 In any action imposing probation, the Board of Commissioners will identify the Standards that it judges that the institution is no longer meeting and describe its expectations regarding changes necessary to correct the situation.
VII.F.4 The time assigned to an institution for the remedial action required for the removal of probation will be not less than 12 nor more than 24 months. If an institution demonstrates that the conditions to remove probation have been met prior to the deadline, the institution may petition the Board of Commissioners for an early decision on the request to remove probation.

VII.F.5 Prior to the end of the period of probation, a visit by an evaluation committee will be conducted to bring a report to the Board of Commissioners with a recommendation as to whether the Board of Commissioners should remove probation or take an adverse action. In certain cases and for demonstrated good cause, the Board of Commissioners may extend by one year the period an institution has to demonstrate that the conditions to remove probation have been met.

VII.F.6 When probation is imposed upon an institution, the action of the Board of Commissioners will be communicated in the Membership List and in the Board of Commissioners’ reports provided by the Board’s policies. The institution will continue to appear in the list of accredited institutions, but following its name will appear the note, “Probation (date) to (date).”

VII.G Through withdrawal of accreditation

VII.G.1 Notations and probation are not sequential actions.

VII.G.2 If, at the end of the term of a notation and any extension for good cause, an institution does not demonstrate that it has remedied the problem identified by the notation, the Board shall withdraw accreditation.

VII.G.3 If, after a period of probation (including any extension for good cause), an on-site visit, examination of the evaluation committee’s report, and receipt of an institution’s response, the Board of Commissioners determines that an institution has failed to demonstrate that it can or will function according to the Standards of Accreditation, the Board of Commissioners shall withdraw institutional accreditation.

VII.G.4 Once accreditation is withdrawn, an institution may not apply for reaccreditation for a period of three years. Application will follow the procedures outlined in Section III above.

VII.H Adverse accrediting actions

Adverse accrediting actions by the Board of Commissioners are defined as denial of accreditation or withdrawal of accreditation.
VII.I  Letter of Concern and Show Cause Order

VII.I.1  The Board of Commissioners may issue a nonpublic Letter of Concern prior to imposing a public notation if it determines that an institution, though still meeting the Standards, has not responded appropriately to concerns it has raised or if it sees issues arising that need the institution's immediate and serious attention. The Letter of Concern will specify the exact nature of the concern(s) or issue(s), including instructions regarding any interactions expected with the Board (e.g., any report[s] to be submitted or any visit[s] to be scheduled, as well as a timetable for any such interactions).

VII.I.2  The Board of Commissioners may issue a Show Cause Order prior to imposing probation or prior to withdrawing accreditation, though it is under no obligation to do so. A Show Cause Order provides an opportunity for an institution to demonstrate to the Board beforehand why probation should not be imposed or why accreditation should not be withdrawn. A Show Cause Order is normally reserved for situations of a very serious nature that come unexpectedly to the Board's attention and indicate that the school may not be meeting one or more Standards of Accreditation. The Show Cause Order will specify the time frame in which the institution must respond (not to exceed six months), the reason(s) for the Board's action, and any required action(s), such as site visits or written reports. The Show Cause Order may be public or private, at the Board's discretion.
VIII  The Board of Commissioners

VIII.A  Composition and duties

VIII.A.1 The composition and duties of the Board of Commissioners are defined by the Bylaws of the Commission on Accrediting of the Association of Theological Schools.

VIII.A.2 The primary duties of the Board of Commissioners include (1) the oversight of the corporate work of the Commission, as authorized by the Bylaws; (2) the compilation and maintenance of the list of schools accredited in accordance with the Standards determined by the Commission, including the authority to add schools to or delete them from the list; (3) the undertaking, on an ongoing basis, of a review of accredited schools for continued inclusion on the list of Accredited Member schools, including all aspects of Commission accreditation pursuant to the Standards and Procedures of the Commission; and (4) the regular and continuous review of the Standards of Accreditation and bringing recommendations for changes to Commission member schools.

VIII.A.3 In the context of its duties to make decisions regarding accreditation, the Board of Commissioners is responsible for adopting and overseeing policies and procedures that ensure thorough and fair evaluation of schools and for consistently applying the Commission’s Policies and Procedures and Standards of Accreditation.

VIII.B  Procedures

VIII.B.1 Members of the Board of Commissioners must absent themselves from discussion and voting on matters having to do with schools in which they are currently or have been previously employed and schools that they have attended as students.

VIII.B.2 In making decisions following evaluation committee visits, the Board of Commissioners will consider the self-study of the school under consideration, the written report of the evaluation committee, the committee’s recommendations contained in that report, and the responses of the institution to both the report and the recommendations. The actions that the Board of Commissioners takes will be based on these materials and will reflect both the Board of Commissioners’ experience of applying the Commission’s Standards and the decisions it has made regarding other institutions.
VIII.B.3 Subcommittees of the Board of Commissioners will give preliminary consideration to evaluation committee reports and recommendations. Members of the Board of Commissioners may not serve on a subcommittee considering a report from an evaluation committee on which they served, nor may they vote on decisions about schools they visited.

VIII.B.4 Any school about which the Board of Commissioners is considering an accreditation action has the right to request an appearance by its designated representative(s) before the Board of Commissioners or a subcommittee of the Board of Commissioners.

VIII.B.5 Letters reporting the actions of the Board of Commissioners will be sent to schools no later than 30 days from the date of the action.

VIII.B.6 When an institution plans to close, or if the Board of Commissioners determines that an institution is in danger of closing, the institution shall be required to provide a plan detailing agreements with other institutions and the means of support necessary to allow students to complete the degree programs to which they were admitted in a manner and at a cost consistent with their enrollment in the institution that is closing.

VIII.B.7 Accreditation is a continuing relationship between an institution and the Commission, which is subject to review and consideration.
IX Evaluation Committees

IX.A Committees evaluating institutions for initial accreditation, for reaffirmation of accreditation, and for focused evaluations will be selected according to procedures adopted by the Board of Commissioners and published in the Self-Study Handbook.

IX.B The Board of Commissioners and its staff will receive nominations for potential visitors from the executive officers of any institution that is a member of the Commission.

IX.C The Board of Commissioners will provide the resources, training, and staff support to ensure informed and responsible work by members of evaluation committees.

IX.D Evaluation committee members will be selected by ATS Commission staff, under the supervision of the Board of Commissioners and in consultation with the institution to be visited, and with due consideration of the purpose, programs, and context of the institution. At least one member of the committee will not be a member of the Board of Commissioners or ATS Board of Directors. Schools may object to the appointment of persons to a committee if the appointee has attended the school as a student or been employed by the institution. The number of persons appointed to evaluation committees will vary according to the nature of the visit and will be determined in consultation with the institution.

IX.E If a school is given permission by ATS Commission staff to host a joint evaluation visit with another accrediting agency (see Policies and Procedures, XIII.D), the composition of the committee will be negotiated by ATS Commission staff with that agency to ensure that all committee members are mutually acceptable.

IX.F Comprehensive evaluation visits normally require the equivalent of three days on-site at the institution, but that time may be adjusted in view of the size of the school and its overall situation. Committees conducting focused evaluation visits normally spend the equivalent of one or two days on-site at the institution.

IX.G Members of evaluation committees serve without remuneration except for reimbursement of related out-of-pocket expenses, travel, meals, and other costs incurred.

IX.H Committees are responsible for conducting their work and preparing their reports according to the guidelines provided by the Board of Commissioners in its Self-Study Handbook.
X Policy on Disclosure and Confidentiality

X.A Accredited Member status

X.A.1 The Commission will publish a Membership List on the ATS website. The Membership List reports the formal accredited status of schools, including accreditation status, approved degree programs, approved degrees at locations other than the institution’s primary location, approved programs of distance learning, the date of the most recent comprehensive evaluation visit, the date of the next scheduled evaluation, and reports required of schools during the current grant of accreditation. If the institution is on probation or has notations, this status shall also be disclosed. An institution’s entry will not be published until the period for receiving appeals of actions by the Board of Commissioners, as specified in these Policies and Procedures (Section XI below) and in the Bylaws of the Commission on Accrediting of the Association of Theological Schools (Article II, section 2.14), has expired. No adverse accrediting action will be published while an appeal is in process. Adverse accrediting actions are defined in Section VII.H above.

X.A.2 Accredited Members shall disclose the following information in their printed and/or electronic bulletin, calendar, or catalog: the status of their accreditation with the following language “the school is accredited by the Commission on Accrediting of the Association of Theological Schools,” and provide the Commission’s mailing address and phone number. Schools shall also disclose the status of each degree program with the following language: “The following degree programs are approved by the Commission on Accrediting (name of degree programs).” When schools have been approved to offer full degree programs at more than one site, the school shall disclose this information as well.

X.A.3 Candidate members shall publish their formal status with the Commission as “Candidate for Accredited Member status.”

X.B Self-study reports

X.B.1 An institution may release for internal or public distribution the contents of its self-study.

X.B.2 The Board of Commissioners may permit representatives from member institutions access to another institution’s self-study report to aid in the self-study process. This access will be permitted only if an institution has
given prior approval for use of its self-study in this way. The Board of Commissioners may also approve the use of self-study reports by educators who are conducting research, the purpose of which is the improvement of the accrediting process. The Council for Higher Education Accreditation and the US Department of Education may be allowed access to self-study reports in conjunction with the process of recognition that the Board of Commissioners undergoes with these entities.

X.C Evaluation committee reports

X.C.1 As part of the accreditation process, reports prepared by evaluation committees of the Board of Commissioners shall be made available to governing boards and faculties by the chief executive officers of the schools.

X.C.2 An institution may make public the report of an evaluation committee, although this is not mandatory and is not advisable prior to formal action by the Board of Commissioners. If the institution makes a report public, it must make clear that the document is a report of the evaluation committee to the Board of Commissioners and is not an action of the Board of Commissioners.

X.C.3 The recommendations of the evaluation committee to the Board of Commissioners shall not be published by the institution as actions. Only the actions of the Board of Commissioners comprise the formal accreditation.

X.C.4 If, in the judgment of the Board of Commissioners, a school publishes selected portions of a report on an accreditation evaluation in such a way as to distort the overall import of that report, the Board of Commissioners has the authority to release the full text of the report in question.

X.C.5 The Board of Commissioners will not release evaluation committee reports to the public. With the approval of the institution, the Board of Commissioners may approve access to a report to those conducting research that contributes to the improvement of the accrediting process. Evaluation committee reports may be examined by the Council for Higher Education Accreditation and the US Department of Education only in the context of reviews of the Board of Commissioners by those agencies, for the purpose of recognition. Evaluation committee reports will also be shared with regional accrediting agencies in the case of dually accredited schools.
X.D Other accrediting documents

X.D.1 Minutes of the Board of Commissioners are available to the members of the Board of Commissioners. A summary report of all actions of the Board of Commissioners is published biennially in the ATS Bulletin.

X.D.2 An institution that has officially appealed an adverse action of the Board of Commissioners may request those sections of official minutes that pertain to the adverse action.

X.D.3 Correspondence between the Board of Commissioners and a member or an applying institution shall be treated confidentially by both parties.

X.D.4 Institutional reports will not be released to the public by the Board of Commissioners. These reports, however, may be released by the institution after action has been taken by the Board of Commissioners.

X.D.5 The Board of Commissioners will share its correspondence to member schools with the appropriate regional accrediting agencies, with the Council for Higher Education Accreditation and the US Department of Education in conjunction with the recognition process, and, as required, with appropriate state or provincial authorities.

X.E Public statements by institutions

If an institution uses the public forum to take issue with an action by the Board of Commissioners relating to that institution, the chair of the Board of Commissioners may make available to the public any information pertinent to the decision. “Taking issue in a public forum” does not include an announcement by an institution that it intends to appeal an action of the Board of Commissioners.

X.F Disclosure by the Board of Commissioners of information about member or applying institutions

X.F.1 Upon inquiry, the Board of Commissioners will release the following information about member or applying institutions:

X.F.1.a Membership and accreditation status.

X.F.1.b The dates when the Board of Commissioners conferred Candidate for Accredited Member status and, as relevant, granted initial accreditation.

X.F.1.c The dates of the last comprehensive evaluation and of the next scheduled comprehensive evaluation.
X.F.1.d The date of the next scheduled focused evaluation visit and formal reasons for the visit.

X.F.1.e The date a formal application for membership began and the estimated date a decision on the application will be made.

X.F.1.f The date of denial of candidacy or removal from candidacy.

X.F.1.g The submission date and action taken on the most recent written report required by the Board of Commissioners.

X.F.1.h The Board of Commissioners' action subsequent to the last evaluation visit regarding accreditation.

X.F.1.i Whether an institution has appealed an adverse accrediting action of the Board of Commissioners and the status and outcome of such appeal.

X.F.1.j Actions of the appropriate appeal bodies with reasons for the actions.

X.F.2 The Membership List will identify institutions removed or withdrawing from Accredited Member status or Candidate for Accredited Member status, and institutions placed on probation.

X.F.3 The summary report of the Board of Commissioners, published biennially, identifies institutions removed or withdrawing from Accredited Member status or Candidate for Accredited Member status, or placed on probation during the period of the report.

X.F.4 In all cases of adverse accrediting actions, a public statement about the action will be prepared in consultation with the institution for response to inquiries. The Board of Commissioners reserves the right to make final determination of the nature and content of the public statement. The Board of Commissioners will identify the reasons for the adverse accrediting action in the public statement.
XI Appeals of Actions by the Board of Commissioners

(cf. Bylaws of the Commission on Accrediting of the Association of Theological Schools, Article II, section 2.14, Appeal of Accreditation Decisions)

XI.A Unless otherwise specified, the time for requesting an appeal shall be within 30 days from receipt of the letter reporting the action of the Board of Commissioners. The request for an appeal shall be in writing. Appeals are limited to decisions identified in Sections B and C below.

XI.B Regarding actions of the Board of Commissioners related to the failure to approve new degrees, extension sites, or distance education programs, the imposition of a notation, or the imposition of probation:

XI.B.1 If the institution believes that the action of the Board of Commissioners is unjust or based on erroneous information, the institution shall, either on its own initiative or at the invitation of the Board of Commissioners, first meet with three Commissioners appointed by the chair of the Board of Commissioners to seek a mutually satisfactory resolution. The response of the Board of Commissioners to a written appeal, including relevant specifics, shall be communicated in writing.

XI.B.2 If, after such consultation, the institution believes the action of the Board of Commissioners still to be unjust or based on erroneous information, it shall have the right to appeal in writing within 60 days of the receipt of the written findings, to the Appeals Panel as elected biennially by member schools. Within 120 days after receiving the notice of appeal, accompanied by a consent and waiver to be bound by the provisions therein and hereof, the Appeals Panel shall arrange for a hearing to review the findings of the Board of Commissioners and the position of such member. The recommendation of the Appeals Panel, including relevant specifics, shall be made to the Board of Commissioners, which shall act on the recommendation. The decision of the Board of Commissioners shall be communicated in writing and shall be final and binding in accordance with the consent and waiver referenced herein (and as submitted concurrent with the appeal procedures).

XI.C Regarding adverse actions of the Board of Commissioners that are defined by the Procedures as failure to grant initial accreditation or withdrawal of accreditation:

XI.C.1 If the institution believes that the action of the Board of Commissioners is unjust or based on erroneous information, the institution shall, either on its own initiative or at the invitation of the Board of Commissioners, first
meet with three Commissioners appointed by the chair of the Board of Commissioners to seek a mutually satisfactory resolution. The response of the Board of Commissioners to a written appeal, including relevant specifics, shall be communicated in writing.

XI.C.2 If, after such consultation, the institution believes the action of the Board of Commissioners still to be unjust or based on erroneous information, it shall have the right to appeal in writing within 60 days of the receipt of the written findings, to the Appeals Panel as elected biennially by member schools. Within 120 days after receiving the notice of appeal, accompanied by a consent and waiver to be bound by the provisions therein and hereof, the Appeals Panel shall arrange for a hearing to review the findings of the Board of Commissioners and the position of such member. The Appeals Panel shall make a decision to affirm, amend, or reverse the adverse action, or remand to the Board of Commissioners with instruction regarding its conclusions. The decision of the Appeals Panel is final and binding on both the Board of Commissioners and the member school. The Board of Commissioners in all cases will be responsible for implementing the decision.

XI.D The Board of Commissioners and the moving party/parties shall have the right to representation in person and by counsel, if desired, at any level of appeal, and the school may provide new or additional information at any level of appeal that further demonstrates that the school is appropriately implementing the Standards of Accreditation.
XII Complaints

The Commission has an obligation to the various publics it serves to give responsible consideration to complaints that may be made against any accredited school. The Board of Commissioners maintains policies and procedures for reviewing and responding to complaints. The complaint must be filed in writing, together with substantial documentation, as appropriate for the circumstance. The Board of Commissioners will determine if the complaint has standing with reference to any membership criterion or Standards of Accreditation of the Commission. If the complaint has standing, the Board of Commissioners will conduct an investigation. The Board of Commissioners will communicate its conclusions and actions to the institution and the party raising the complaint. The Board of Commissioners assumes no responsibility for or obligation to adjudicate individual grievances.
XIII Dual Accreditation

XIII.A Any institution seeking or holding accreditation by more than one accrediting body recognized by the Council for Higher Education Accreditation or the US Department of Education must describe itself in identical terms to each recognized accrediting body with regard to purpose, governance, programs, degrees, diplomas, certificates, personnel, finances, and constituents; and it must keep each accrediting body apprised of any change in its status with one or another accrediting body.

XIII.B The Board of Commissioners will withhold actions granting reaffirmation of accreditation, granting Candidate for Accredited Member status, or extending the term of candidacy to any institution that is currently subject to (1) an adverse accrediting action by another accrediting agency recognized by the US Department of Education or (2) an action by an appropriate governmental authority that may lead to suspension, revocation, or termination of the school's legal authority to provide degree-granting higher education. If, after review, the Board of Commissioners determines that the institution is in compliance with Commission Standards, it will proceed with the actions appropriate to Commission procedures, criteria, and standards.

XIII.C The Board of Commissioners will withhold actions granting reaffirmation of accreditation, granting Candidate for Accredited Member status, or extending candidacy status to a college-related or university-related theological school, if the institution to which it is related is currently subject to an adverse action by another accrediting agency recognized by the US Department of Education or an interim action by a governmental agency leading to suspension, revocation, or termination of the institution's authority to offer degree-granting higher education. If, after review, the Board of Commissioners determines to grant candidacy, initial accreditation, or reaffirmation of accreditation to schools related to colleges or universities, subject to the conditions noted above, the Board of Commissioners will provide an explanation for its action to the US Secretary of Education and to the recognized accrediting agency.

XIII.D Member schools that are dually accredited and desire to host a joint or coordinated visit should consult with ATS Commission staff at least a year prior to the visit.
POLICY MANUAL
Of the Board of Commissioners
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Preface

The procedures adopted by the Commission on Accrediting ("Commission") state: "In the context of its duties to make decisions regarding accreditation, the Board of Commissioners ("Board") is responsible for adopting and overseeing policies and procedures that ensure thorough and fair evaluation of schools and for consistently applying Commission Policies and Procedures and Standards of Accreditation (ATS Commission Policies and Procedures, VIII.A.3). For brevity, the Commission Standards of Accreditation ("Standards") and the Commission Policies and Procedures ("Procedures") hereafter may be referred to as "Standards and Procedures."

The Policy Manual of the Board of Commissioners ("Policy Manual") contains all the policies adopted by the Board. The policies address matters of Board procedure and interpretation; they also reference the formally adopted guidelines the Board has prepared for schools to use in conducting self-studies and petitioning the Board for approval of a variety of institutional initiatives.

The Policy Manual is published by the Board and is available on the ATS website at www.ats.edu.
I  General

I.A  Authority and duties

I.A.1  The authority of the Board is derived from the Commission Bylaws (3.1), and its duties are prescribed in the Bylaws and in the Policies and Procedures adopted by the Commission (ATS Commission Policies and Procedures, VIII).

I.A.2  Duties

I.A.2.a  Exercise responsibility for all decisions related to the accreditation status of members.

I.A.2.a(1)  Maintain a list of accredited theological schools under the Standards and Procedures determined by the Commission.

I.A.2.a(2)  Investigate, review, and grant candidacy for accredited member status to applicant members of The Association of Theological Schools in the United States and Canada (“ATS”).

I.A.2.a(3)  Investigate, review, and grant initial accreditation to candidate institutions.

I.A.2.a(4)  Evaluate new degree programs, extension sites, and distance education programs for inclusion in institutional accreditation.

I.A.2.a(5)  Provide for the periodic evaluation of institutions for reaffirmation of accreditation not less frequently than each 10 years.

I.A.2.a(6)  Prepare self-study guides, report forms, and other documentation that will assist the schools in meeting their responsibilities in relation to accreditation.

I.A.2.a(7)  Respond to complaints brought against members or the Commission.

I.A.2.a(8)  Adopt and oversee policies and procedures that ensure thorough and fair evaluation of schools.

I.A.2.a(9)  Make such information public about accreditation status as serves the public interest and meets the requirements of governmental and nongovernmental entities that recognize the Commission.
I.A.2.a(10) Monitor changes in accreditation and patterns of higher education quality improvement in the United States and Canada, including consultations with appropriate governmental and nongovernmental entities.

I.A.2.a(11) Assess each institution’s continuing conformity to the Commission’s Standards of Accreditation through a review by the ATS Commission staff of the information provided by member schools in the Annual Report Forms to monitor financial, enrollment, placement, and growth indicators (overall and significant) as outlined in Appendix 1, "List of Approved Administrative Practices." The Board will review at each summer meeting any significant results of this monitoring and take appropriate action.

I.A.2.a(12) Establish administrative procedures ("List of Approved Administrative Practices") that ensure that appropriate policies and practices are properly implemented and documented.

I.A.2.b Review and evaluate the accrediting Standards and Procedures in a regular and continuous manner and bring recommendations regarding appropriate changes for consideration for adoption by the members.

I.A.2.c Propose to the members amendments to the Bylaws and the articles of incorporation of the Commission, subject to the approval of ATS as provided in the Bylaws (9.1 and 11.1).

I.A.2.d Appoint task forces and accreditation committees deemed necessary for fulfilling its responsibilities.

I.A.2.e Adopt and oversee the Commission’s budget.

I.A.2.e(1) Establish fees to be assessed in the conduct of accreditation activities.

I.A.2.e(2) Recommend changes to the dues structure.

I.A.2.f Evaluate the administrative and other services secured by contract with the Association and establish and evaluate the employment policies of the Commission through its agreement for contracted services with the Association.

I.A.2.g Oversee the Corporation’s assets and approve the auditors employed by the Corporation.
I.B  Composition and terms

I.B.1  The Board shall consist of not fewer than 12 nor more than 20 persons, of whom not fewer than three nor more than five shall be public representatives. At least two of the public members shall be ministry practitioners, and two from accredited institutions shall carry significant teaching responsibilities in their institutions. The Board shall include members knowledgeable in aspects of theological education (including distance education), who will receive training in the content and interpretation of the Bylaws, Standards of Accreditation, Policies and Procedures, including the review and evaluation of distance education.

I.B.2  Terms of service: Members from accredited institutions serve for six years and are ineligible for immediate reelection. Public members serve for two years and are eligible for reelection.

I.B.3  Eligibility: The members in each six-year class must be from accredited schools; a public member may not be a person who is (a) enrolled as a student in or who is an employee or member of the governing board of or a consultant to an institution that is either accredited or a candidate for accreditation by the Commission or has applied for accreditation or candidate status, or (b) a member of any association or membership organization affiliated with the Commission, or (c) a spouse, parent, child, or sibling of an individual identified in (a) or (b). No member may simultaneously serve on the Board of Commissioners and on the ATS Board of Directors (excepting the Commission representative to ATS).

I.B.4  The chair, vice chair, and Commission representative to ATS (normally the third member of the Officers Committee) are elected by the Commission membership. The secretary is elected by the Board from among the ATS Commission staff members who support the work of the Commission.

I.C  Powers

I.C.1  Powers defined

I.C.1.a  The Board may initiate and carry through all steps leading to a decision on accredited membership or candidate for accredited membership and to decisions regarding individual degree programs (ATS Commission Bylaws, 3.1).

I.C.1.b  The Board may require reports or evaluations as necessary to implement the Standards or to determine the conformity of schools to the Standards, as prescribed by the Policies and Procedures of the Commission.
I.C.2  Powers limited

I.C.2.a  No act of the Board shall be held to control the policy or line of action of any institution belonging to the Commission. Member schools have the right to be creative and diverse in determining how best to organize themselves and use their resources in conformity with Commission Standards and Procedures.

I.C.2.b  The Board shall take no action initiating procedures to examine an institution for Candidate for Accredited Membership status or initial accreditation except at the specific request of the chief administrative officer of the institution.

I.C.2.c  The Board shall act only on those matters assigned to it by the Commission and within the guidelines established by the Policies and Procedures of the Commission and the Policy Manual of the Board.

I.C.2.d  Commissioners, Appeals Panel members, and ATS Commission staff shall annually complete a conflict of interest form. Evaluation committee members and consultants shall complete a conflict of interest form prior to any engagement in the evaluation of a school. A potential conflict of interest includes the following relationships with a school undergoing evaluation, whether the relationship involves that person or an immediate family member: employment (including past employment or prior/current application for employment); current employment at a school in a consortial relationship; enrollment as a student (past or present, including denial of admission); recipient of an award or honor; provision of goods or services; service as a trustee (past or present); regular recruitment of prospective students or staff; or any other relationship that could threaten a fair and objective evaluation. No Commissioner, Appeals Panel member, or ATS Commission staff member who has a potential conflict of interest shall be involved in an evaluation or accrediting decision, unless a majority of Commissioners who do not have a conflict in relation to the school determine that the potential conflict of interest has no bearing on the evaluation or decision. No evaluation committee member or consultant who has a potential conflict of interest shall be involved in an evaluation or accrediting decision.
II The Board of Commissioners

II.A General responsibilities for the Standards of Accreditation

II.A.1 The Board is responsible for the ongoing review of the Standards of Accreditation and the recommendation of changes of the Standards to the membership of the Commission.

II.A.2 The Board will maintain a formally adopted plan for the ongoing evaluation of the Standards, with reference to their validity in content and use and their reliability as a means of determining institutional viability and educational effectiveness. This plan ensures that, in addition to the general and comprehensive review of the Standards flowing from the survey that every school undergoing a comprehensive evaluation receives, each standard is formally and specifically evaluated not less frequently than every five years.

II.A.3 The Board should review the validity of the Standards by addressing questions such as the following: Are the Standards sufficiently comprehensive as to provide principles by which the institutional integrity and educational effectiveness can be assessed? Are the Standards sufficiently current that they reflect changing trends, needs, and practices in theological education? Do the Standards address reasonably and comprehensively those practices of theological education that most influence its effectiveness?

II.A.4 The Board should review the reliability of the Standards by addressing questions such as the following: Are the Standards appropriate across the range of Commission member schools? Do the Standards provide a basis for evaluating schools consistently over time so institutional improvement can be noted? Do the Standards provide a basis by which different evaluation committees could arrive at similar accrediting recommendations for the same school? Do the Standards support consistent interpretation and decision making by the Board over time?

II.A.5 If the Board determines, in the course of its systematic review of the Standards or in other ways, that it needs to make changes to the Standards or Procedures, it will initiate action to make the changes within 12 months, according to the requirements of the Bylaws (3.1).

II.B Meetings

II.B.1 The Board normally meets twice annually, in February and June.

II.B.2 The Board will normally meet during the working hours of two days or as may be required.
II.B.3 Normally, the Board meets at the offices of the ATS Commission.

II.B.4 If needed, special meetings shall be called by the secretary upon order of the chair or at the written request of a quorum of the Commissioners. The agenda items for a special meeting shall be stated at the time the meeting is called. The Officers Committee may authorize a vote by mail.

II.B.5 Commissioners are expected to attend all meetings.

II.B.6 The elected chair presides at all meetings; the elected vice chair presides if the chair is absent, or when the chair has other duties in the meeting, or when the chair has recused himself or herself.

II.B.7 Agendas for meetings of the Board are prepared by ATS Commission staff in consultation with the Board chair. Materials related to matters coming before the Board are made available to Commissioners three weeks in advance of the meeting. These materials include self-studies, evaluation committee reports and school responses thereto, required reports from member schools, and substantive change petitions. These materials shall be posted on the Board's secure website according to the "List of Approved Administrative Practices" (see Appendix 1).

II.B.8 Reports submitted to the Board by evaluation committees shall be reviewed by ATS Commission staff for clarification and by the chief administrative officer of the institution for factual corrections according to the "List of Approved Administrative Practices" (see Appendix 1).

II.B.9 Each meeting of the Board will include plenary sessions at which the full Board takes action, working sessions during which committees of the Board consider reports and recommend actions, and an executive session (see also Appendix 7). To effectively conduct its business, the Board of Commissioners may use a consent agenda. The consent agenda permits any Board committee to have an action item removed from deliberation in a plenary session. Recommended actions placed on the consent agenda by a Board committee are seen by the full Board before being ratified in plenary session in one vote. Any Commissioner for good reason may request any consent agenda item be discussed by the full Board before final action. Consent agendas will not be finalized until each Board committee has reviewed thoroughly the action items assigned to it. Any recommended action seen by the full Board and then changed by a Board committee may not be placed on the consent agenda, unless the change is minor in nature (e.g., change in report date or minor editorial change). Actions that may not be placed on a consent agenda include any involving membership status (e.g., candidacy, initial or continued accreditation, notations, probation,
withdrawals or denials of accreditation, and issuing a letter of concern or show cause order) or any involving an educational experiment or exception.

II.B.10 The Board may authorize subcommittees to meet at other times to consider and act upon reports and petitions from member schools that do not affect the school’s accredited status.

II.B.11 Representatives from institutions that have agenda items before the Board may address the Board or its subcommittees. Representatives from schools with pending decisions regarding the overall accredited status of the institution will typically address the full Board. Representatives from schools with pending decisions regarding degree programs, extension programs, or similar issues will typically address the appropriate Board subcommittee.

II.B.12 Minutes of meetings are prepared by staff in draft form, sent to the Commissioners for correction, and revised for consideration for adoption at the succeeding Board meeting.

II.B.13 A Commissioner may abstain from voting on any accreditation decision for any reason. A Commissioner must recuse himself or herself from any accreditation discussion or decision affecting a school with which he or she has been involved in any of these capacities: (1) service as a current or former employee or student of that school, (2) service as a current employee of a school in a consortium with that school, (3) service on an evaluation committee whose recommendations about that school are being considered, or (4) recent service on a committee or commission for another accrediting agency that evaluated that school (typically within the past three years). Recusals require the Commissioner to absent himself or herself from the room during the discussion and the decision. All abstentions and recusals will be noted in the minutes.

II.B.14 The Board will take time toward the end of each meeting to review its actions to assure the consistency and fairness of its accrediting decisions. These two concepts do not require uniformity in all decisions, but do assume conformity to all published standards, procedures, and policies. The Board determines consistency and fairness through these criteria:

II.B.14.a Decisions are based on the Commission’s Standards and Procedures and follow the Board’s Policy Manual.

II.B.14.b Decisions respect each institution’s unique mission and help achieve its stated educational outcomes in its own context.
II.B.14.c Decisions are made in light of each institution's resources, capacity to plan and evaluate, and its ongoing relationship with the Commission, as well as the reliability, relevance, and completeness of the information it provides.

II.B.14.d Decisions are reviewed in light of relevant prior decisions of the Board, as well as relevant current decisions.

II.B.14.e Decisions are communicated promptly and clearly with a written rationale.

II.B.15 Once in each biennium, the Board will evaluate the quality of its work by devoting time to a comprehensive review of its policies, procedures, and practices. The opening plenary session of the February meeting will include a presentation of significant issues arising, relative to the Standards and Procedures, during the past year.

II.B.16 The chair and vice chair of the Commission, together with a third Commissioner (normally the Commission Representative to ATS), constitute the Officers Committee of the Board and are authorized to make necessary decisions, not affecting the accredited status of institutions, between Board meetings. All such actions must be reported to the Board at its next meeting.

II.C Operational policies

II.C.1 The Board is responsible for implementing the Commission Policies and Procedures as published, including all adverse actions of the Board.

II.C.2 In order to provide appropriate historical background to its work, the Board requires the retention and preservation of materials related to the last full accreditation review of each institution, including on-site evaluation committee reports, the institution's responses to on-site reports, periodic review reports, any reports of special reviews conducted between regular reviews, a copy of the institution's most recent self-study, and a copy of all accreditation decisions, including all adverse actions. In addition, the “List of Approved Administrative Practices” (Appendix 1) requires a record of all decisions made throughout an institution's affiliation regarding the accreditation of the institution and any substantive changes, including all correspondence that is significantly related to those decisions.

II.C.3 The Board will evaluate any teach-out plan or agreement, using Board-adopted criteria (see Appendix 5), to ensure that it provides affected students the ability to complete their studies without moving or traveling a substantial distance and at reasonable cost. Students should be able to complete their studies in a program of acceptable quality and with reasonably similar content, structure, and scheduling. The teach-out plan or agreement should provide for timely notification to students of
the terms of the teach-out plan or agreement and information about any additional charges or costs. The Board may require a member institution to enter into a teach-out agreement with another institution accredited by an agency recognized by the US Secretary of Education for United States schools, or another appropriate authority for Canadian schools, as part of the institution’s teach-out plan. When a teach-out plan or agreement involves another institution accredited by an agency recognized by the US Secretary of Education for United States schools, or another appropriate authority for Canadian schools, the Board will evaluate the capacity of the other institution to provide the education required by the teach-out agreement. In order to determine if the other institution is qualified to provide the teach-out program necessary, the Board will (a) assess the resources, experience, and support services of the other institution; (b) evaluate its ability to provide a program of acceptable quality that is reasonably similar in content, structure, and scheduling to the discontinued program; (c) determine if the other institution is stable and able to carry out its mission and meet all obligations to existing students; and (d) determine if the institution is capable of providing a program to teach-out students that does not require substantial travel or additional charges. If the other institution is not accredited by the ATS Commission on Accrediting, the Board will notify the other accrediting agency within 30 days of its action to approve a teach-out agreement that involves a school accredited by that agency.

II.C.4 If a member institution required by federal regulations to submit a teach-out plan fails to submit an acceptable teach-out plan or agreement, the Board will impose probation. If a member institution closes without a teach-out plan or agreement, the Board will work with the US Department of Education and the appropriate provincial or state agencies, to the extent feasible, to assist students in finding reasonable opportunities to complete their education without additional charge.

II.C.5 ATS Commission staff will monitor accredited schools to ensure continued conformity with Commission Standards of Accreditation. This monitoring will include items described in Appendix 1, section 6. The Board may request additional monitoring information or authorize a required report, a focused evaluation visit, or a special comprehensive evaluation review, if it determines a review of educational quality is warranted.

II.C.6 All actions of the Board must be communicated to the schools affected by the actions within 30 days of the date of the action. Schools have 30 days from receipt of the communication of Board action to appeal decisions regarding failure to approve new degrees, extension sites, or distance education programs; the imposition of a notation; the imposition of probation; or an adverse action. Such actions become final after the deadline for appeals. All other actions are final upon initial Board action.
II.C.7  Normally, the Board will impose a notation or probation or take an adverse action only after a member institution has an opportunity to provide additional information. Comprehensive and focused evaluation committee reports and recommendations, with an invitation to respond, shall be understood as providing such an opportunity.

II.C.8  The Board of Commissioners defines "good cause" as a circumstance in which the institution has shown significant progress on the issue of the notation or probation and there is reason to anticipate that a one-year extension of time will enable the institution to rectify the deficiency indicated by the notation or probation.

II.C.9  Before the Board takes a final adverse action decision or an Appeals Panel takes a final action to sustain an adverse decision on appeal, any new financial information available at the time the decision is made should be reviewed, if all of the following conditions are met:

II.C.9.a  The financial information was unavailable to the institution until after the decision subject to appeal was made.

II.C.9.b  The financial information is significant and bears materially on the financial deficiencies identified by the Board.

II.C.9.c  The only remaining deficiency cited by the Board in support of a final adverse action decision is the institution’s failure to meet the standard pertaining to financial resources.

II.C.10  The effective date of Board action approving a substantive change is the date of the Board’s action, which shall be noted explicitly in the letter communicating the action. The Board is responsible for reviewing its actions at each meeting to ensure that substantive change actions were not taken retroactively and that the minutes of the meeting indicate the Board’s attention to this policy.

II.C.11  The Board of Commissioners shall give due attention to substantive change petitions submitted by member schools. The ATS Commission staff shall provide guidance to assist member schools in the preparation of substantive change petitions. The "List of Approved Administrative Practices" (Appendix 1) shall contain criteria for determining and terminology for characterizing substantive change thresholds (i.e., a guideline to determine when a school action is simply making a minor adjustment and when an adjustment becomes a substantive change).

II.C.12  The Board of Commissioners, when making a determination regarding a special comprehensive review, shall use the Board-adopted “Evalutative Guideline for Special Comprehensive Evaluations” in its deliberation. (See Appendix 4.)
II.C.13 When a focused evaluation visit or a special comprehensive evaluation review is required, the Board of Commissioners will provide the school with a prospectus for the focused evaluation visit or special comprehensive review. The prospectus will identify the reasons for the focused evaluation visit or special comprehensive review, provide the date for the site visit, and require the school to provide evidence of the school's conformity to the applicable Standards of Accreditation (in the case of a special comprehensive review, all of the Standards of Accreditation). The school is to use the prospectus as a guide to prepare for the review, and the evaluation committee will use the prospectus in conducting the onsite visit and making its recommendations to the Board of Commissioners.

II.C.14 In addition to the conditions listed in the ATS Commission Policies and Procedures, VII.B.1, a focused visit may be required whenever the Board believes any of these conditions are present:

- A series of on-site, face-to-face conversations with multiple parties at a school will provide information and context that a single report, often written by a single individual, may not;

- A series of on-site, face-to-face conversations will highlight the importance of, and/or help give a school guidance in, one or more areas of improvement in ways that a written report may not.

- A series of on-site, face-to-face conversations will underscore the timeliness and/or urgency of the need for the school to provide additional information and/or help a school improve significantly (e.g., when a serious and/or public controversy has arisen that could impact the school’s ability to meet one or more Standards).

II.D Operating budget

II.D.1 The Commission receives as dues 75 percent of the membership fee charged to all ATS associate, candidate, and accredited member schools.

II.D.2 The Board is responsible for establishing and adopting its budget, which is based on revenue derived from dues, assessment fees, reimbursement for evaluator travel, and as appropriate, grants from foundations. The expenditures budget shall provide for all direct and indirect expenses for the Commission’s work of accreditation as conducted by the Board.

II.D.3 The Board establishes the amount of the assessment fee charged to schools receiving an accreditation evaluation. The fee shall be set annually by the Board to support the costs of hosting evaluation committees, office costs related to
preparation of committee reports and Board agenda books, and other such direct costs as necessary to support the on-site evaluation of member schools.

II.D.4 The Board determines travel reimbursement costs to be charged to schools receiving a Commission evaluation committee according to the following policy: the Board averages the travel expenses of all Board-appointed evaluators and ATS Commission staff for a given semester and invoices that average travel cost for each of these who was part of the evaluation committee.

II.D.5 Board-appointed committee members serve without honoraria or remuneration.

II.E Reimbursement for expenses

II.E.1 Out-of-pocket expenses for meetings of the Board, subcommittees, task forces, or accreditation evaluation visits are paid by the Commission. No honoraria are paid for service in such groups.

II.E.2 Travel is paid at air coach rate, unless it is impossible to secure other than first class.

II.E.3 If an automobile is used for travel, reimbursement will be on the basis of coach air fare or the current mileage rate of the Board, whichever is lower.

II.E.4 Hotel expenses will be reimbursed for accommodations in the area of the meeting.

II.E.5 All reasonable meal expenses will be reimbursed; alcoholic beverages should not be charged to the Board.

II.E.6 Child care expenses are reimbursable.

II.F Work product

The Board shall review the work product provided by its memorandum of agreement with the Association on an annual basis with the findings of the review to be available by the time that the Board considers extending the agreement in the first Board meeting of each year.
III Accredited Members

III.A Accreditation evaluations

The Board, through its ATS Commission staff, oversees the conduct of all accreditation evaluations to Commission-related schools.

III.A.1 Schedule

III.A.1.a ATS Commission Policies and Procedures, VII.A.1, authorize accreditation evaluation committees for a comprehensive evaluation at the end of an approved period of accreditation. In cases of special institutional need, the Board or the Commission's Officers Committee may authorize a focused or comprehensive evaluation.

III.A.1.b While the Board may call for a focused evaluation in response to any notification of substantive change, it must require a focused evaluation within six months of the change in the case of a change in ownership that results in a change of control. The Board will review the ownership change to determine the identity of the new ownership or control and assure itself that the school's educational quality will be sustained.

III.A.1.c The Board may authorize a comprehensive review of a member institution when changes in institutional purpose, educational programs, or financial capacity are associated with a change of ownership.

III.A.1.d The Board, for purposes of granting approval of substantive changes related to extension sites and branch campuses, will require a focused evaluation of any site within six months of the site beginning to offer as much as 50 percent of the course work necessary for a degree. An evaluation is not required, but may be authorized, when a member school seeks approval to offer 50 percent or more of an additional approved degree at a site already approved to offer 50 percent or more of an approved degree at the same level as the additional degree. The Board does not grant preapproval for extension sites or branch campuses, so a member school must petition well in advance of the initiation of any such sites. Upon consideration of a petition to establish an extension site or branch campus to offer as much as 50 percent of a Board-approved degree, the Board may approve the petition and authorize a required site evaluation to corroborate the claims made in the petition. If the required site evaluation does not corroborate the claims made in the petition, approval for that site may be withdrawn.
III.A.1.e  The Board, for purposes of reaffirming institutional accreditation, as well as granting initial approval for a new extension site, will require an evaluation of all extension sites or branch campuses offering at least 50 percent of the course work of a Board-approved degree. The Board may authorize an exemption to this requirement if the institution meets the following criteria:

III.A.1.e(1)  Has requested an exemption with its petition or self-study report

III.A.1.e(2)  Has been accredited for at least 10 years

III.A.1.e(3)  Has operated in adherence to the Standards at least three approved extensions sites or branch campuses offering as much as 50 percent of an approved degree

III.A.1.e(4)  Has operated the prior five years without the imposition of a notation or probation

If an exemption is authorized, a representative sample of extension sites or branch campuses will be evaluated during any reaffirmation process. ATS Commission staff will select the representative sample in consultation with the institution. The representative sample will include at least 25 percent and not fewer than two of the approved extension sites or branch campuses. Exemptions granted for initial approval for a new extension site do not require any evaluation of a representative sample of sites.

III.A.1.f  The closing or relocation of an approved extension site requires one of the following actions, depending on the level of approval granted that site and on whether the closing site will be relocated:

III.A.1.f(1)  If the extension site being closed is approved to offer less than a complete degree program, then the school must simply notify ATS Commission staff before closing that site, indicating how the educational needs of affected students will be appropriately met.

III.A.1.f(2)  If the extension site being closed is approved to offer a complete degree program, then prior to its closing, the school must submit a Petition for Closing a Complete Degree Site to the Board of Commissioners. The petition includes information regarding a formal teach-out plan for all affected students (see guidelines in Appendix 5).

III.A.1.f(3)  If the extension site (or main campus) being closed is being relocated to another site, then prior to the relocation, the
school must submit a Petition for Relocating an Approved Extension Site (or campus). If the new extension site will offer less than half a degree, the petition may be approved by ATS Commission staff (per ATS Commission Policies and Procedures, VII.C.3). If the new extension site will offer at least half a degree or a complete degree, the petition must be approved by the Board of Commissioners (per ATS Commission Policies and Procedures, VII.C.2). The Board will also authorize a site visit to be conducted within six months of the new site’s establishment, unless an exemption based on the four criteria in III.A.1.e above is requested and granted. A school relocating a main campus is not exempt from a site visit, but the Board may grant an exemption for an embedded school located on the campus of a larger institution that is simply moving to a different part of the larger campus or within the same community.

III.A.1.f(4) If the relocation discussed in the preceding paragraph occurs quickly due to unforeseen circumstances beyond the school’s control (e.g., natural disaster or sudden loss of rented facilities), then the school should contact ATS Commission staff as soon as possible. The same Petition for Relocating an Approved Extension Site (or campus) is required, but staff may temporarily authorize courses to begin at the new location until the Board of Commissioners can meet and act officially on the relocation.

III.A.1.g When a member school petitions for another type of substantive change or a degree program approval that requires a site evaluation, the Board requires that the evaluation be conducted within one calendar year of its authorization. Every effort will be made to schedule the evaluation within six months of the Board’s authorization, if possible.

III.A.2 Evaluation Committees

III.A.2.a Commissioners will normally be invited to participate in or chair at least one accreditation evaluation each year of their term of service. The training that Commissioners receive, as outlined (I.B.1), prepares them for this service on accreditation evaluation committees. In addition, they will receive specialized training when serving as a chair and the regular training that occurs for evaluators.

III.A.2.b Members of Commission accreditation evaluation committees will be appointed according to the following guidelines:
III.A.2.b(1)  ATS Commission staff will be responsible for the enlistment and independent appointment of qualified evaluators for committees, the maintenance of a roster of active evaluators, overseeing an evaluation process of personnel to ensure that persons who remain on the active evaluator roster function effectively, and reporting regularly to the Board on the roster of active evaluators.

III.A.2.b(2)  The Board expects individuals who serve on evaluation committees to reflect the following characteristics: expertise in aspects of theological education or higher education (including distance education for evaluations of those institutions that offer distance education), capacity to evaluate an institution on the basis of the Commission Standards of Accreditation, openness to the range of confessional and religious traditions represented by the schools in the Commission, and capacity to work effectively as a member of an evaluation committee. Evaluation committees should reflect the diversity of race, ethnicity, gender, nationality, and ecclesial communities present in member schools.

III.A.2.b(2)(a)  Evaluators will generally be appointed from member schools and/or persons actively engaged in the practice of ministry. Persons not employed by member schools or actively engaged in the practice of ministry who, having particular expertise and experience, could provide valuable expertise, may serve on evaluation committees. In preparation for service on evaluation committees, first-time committee members will receive training in the content and interpretation of the Commission Standards of Accreditation and *Policies and Procedures*, including the review and evaluation of distance education, in advance of their service on an evaluation committee. Other evaluation committee members will periodically receive refresher training on the content and interpretation of the Standards of Accreditation and *Policies and Procedures*, including the review and evaluation of distance education.

III.A.2.b(2)(b)  A comprehensive evaluation committee shall include theological school administrators, educators or faculty members, and ministry practitioners. If the school receiving a comprehensive evaluation committee conducts distance education, the committee shall have a member with experience and expertise in distance education. Focused evaluation committees will consist of members with expertise related to the focused evaluation.
III.A.2.b(3) Institutions receiving evaluation committees have the right to object to individuals nominated to serve on committees for the following reasons: (a) the individual has attended the institution as a student; (b) the individual has previously been employed by the institution; or (c) some clear evidence exists that a conflict of interest may threaten balanced and objective judgments. A more detailed statement of possible conflicts may be found above in I.C.2.d.

III.A.2.b(4) Whenever possible, ATS Commission staff should be present during at least part of accreditation evaluations to interpret the Standards of Accreditation and Policies and Procedures on behalf of the Board, to provide guidance and counsel to committees, and to provide background information about the evaluation to the Board as requested.

III.A.2.b(5) As part of preparation for a Board evaluation committee, a school must advertise to its constituencies that it is receiving a Commission committee and invite comment in writing concerning the institution’s qualifications for accreditation. These comments will be available to the evaluation committee. A Commission evaluation may also include an open hearing scheduled during the course of the evaluation. In addition, the Commission on Accrediting will publish on the Accrediting section of the ATS website all schools scheduled to receive a comprehensive evaluation committee in each semester. The list will be posted no later than two months prior to the beginning of the semester. The web page will include an invitation for respondents to reply with comments about any school directly to the Board. The Board will forward all comments received to the comprehensive evaluation committee evaluating the school.

III.A.3 Reports

III.A.3.a The written report should include the following sections: (1) a brief introduction/history of the school, (2) a section on each of the General Institutional Standards, (3) a section on the Educational Standard, (4) a section on each of the degree programs offered by the institution, and (5) the committee’s formal recommendations to the Board. Reports shall be written in gender-neutral language.

III.A.3.b All comprehensive evaluation committee reports shall include an assessment of the school’s performance with respect to the educational effectiveness of the institution's degree programs and the criteria used by the
school to determine educational effectiveness. This assessment shall include
the committee’s judgment with respect to indicators such as the percentage of
students who complete degree programs and the placement rate of graduates.

III.A.3.c The Board requests evaluation committees to assess the self-study
report in terms of its thoroughness, as well as its reflection of the institution's
capacity to evaluate itself critically, to make prudent recommendations based
on its self-evaluation, and to address the Standards by which the Board makes
its accreditation decisions. This evaluation of the self-study report should be
included in the introduction of each evaluation committee's report.

III.B Guidelines for institutional petitions and other matters

The following guidelines are formally adopted policies of the Board, which are
published separately for ease of distribution to schools preparing petitions and
other matters. All original documents submitted to the Board must be in English or
accompanied by English translations. Please note that most petitions have formal
templates (available on the Accrediting section of the ATS website) that must be used.
The Board will review all petitions for substantive changes that are described in the
ATS Commission Policies and Procedures, VII.C.1. ATS Commission staff will review
petitions that are described in the ATS Commission Policies and Procedures, VII.C.3.

III.B.1 Conducting an Institutional Self-Study (Self-Study Handbook, Chapter Two)

III.B.2 Evaluation of Proposals for Programs of International Theological
Education (Self-Study Handbook, Chapter Six)

III.B.3 Members of Accreditation Evaluation Committees (Self-Study Handbook,
Chapter Four)

III.B.4 Petitioning the Board of Commissioners for Approval of New or Revised
Degree Programs (Guidelines for Petitioning the Board of Commissioners)

III.B.5 Petitioning the Board of Commissioners for Candidacy for Accredited
Membership (Guidelines for Petitioning the Board of Commissioners)

III.B.6 Petitioning the Board of Commissioners for Educational Experiments and
Exceptions (Guidelines for Petitioning the Board of Commissioners)

III.B.7 Petitioning the Board of Commissioners regarding Multiple Locations
(Extension Sites) and Distance Education (Guidelines for Petitioning the Board of
Commissioners)
III.B.8 Regarding Comprehensive Evaluation Logistics (Self-Study Handbook, Chapter Three)

III.B.9 Regarding the Submission of Teach-out Plans and Agreements (Guidelines for Petitioning the Board of Commissioners)

IV Appeals Panel

IV.A The Board requires the Nominating Committee to nominate to the Appeals Panel at least one person in each of the following primary roles: a faculty member, an administrator, a ministry practitioner, and a public member.

IV.B Appeals Panel members are subject to the same conflict of interest procedures and policies as apply to members of the Board of Commissioners and, upon election, will sign the statement on conflict of interest. Appeals Panel members shall receive training in the content and interpretation of the Standards of Accreditation, Policies and Procedures (including the review and evaluation of distance education), and any concerns related to the specific issues of an appeal.

IV.C The Appeals Panel shall elect from among its members a chair, vice chair, and secretary. The chair shall call meetings by providing notice of the date, time, and place. The chair is responsible for determining the agenda for meetings of the Appeals Panel, convening the Appeals Panel, and chairing its meetings. The vice chair convenes and chairs meetings of the Appeals Panel at the request of the chair. The secretary records the actions of the Appeals Panel and communicates the actions to the Board of Commissioners.

IV.D The Board of Commissioners is to report Appeals Panel actions to schools no later than 30 days after it is notified of the date of the action.

IV.E Vacancies occurring on the Appeals Panel by death, resignation, refusal or inability to serve, or otherwise between Biennial Meetings shall be filled by majority vote of the Board of Commissioners. Each Appeals Panel member so appointed shall serve until the next Biennial Meeting and until the member's successor is elected and qualified or until such member's death, resignation, or removal. The removal of any Appeals Panel member shall be by the Board of Commissioners upon the recommendation of a majority of the Appeals Panel members subject to the same causes as articulated in the Commission Bylaws (3.14).

IV.F In the event that a matter enters into any level of appeal, the Board and moving party/parties shall have the right to representation in person and by counsel, if desired and at cost to the party/parties represented by counsel.
V  Disclosure and Confidentiality

V.A  Accredited members

V.A.1  Institutions shall disclose their complete accredited status as required by the Policies and Procedures, X.A.2. If an inadequate or inaccurate description is published, the Board authorizes staff to contact the school and require a correction of the published statement. If the school fails to correct the issue, staff will refer the issue to the Board for action.

V.A.2  The Membership List reports the formal accredited status of schools and will not be published until the stated period for receiving appeals of Board actions has expired (cf. Policies and Procedures, XI.A). No adverse accrediting action will be published while it is undergoing review.

V.A.3  If a school has not corrected inaccurate public disclosure of its accredited status with the Commission on Accrediting, after requested by ATS Commission staff, the Board will impose Notation 2.d until the appropriate correction is made and, if the correction is not made within the required time period, impose an adverse accrediting action.

V.B  Candidate members

V.B.1  The institution shall publish its formal status with the Commission.

V.B.2  The Board will publish a list of schools that have been granted Candidate for Accredited Membership status in the Membership List.

V.C  Self-study reports

V.C.1  An institution may release for internal or public distribution the contents of its self-study.

V.C.2  The Board may permit representatives from member institutions access to another institution’s self-study report to aid in the self-study process. This access will be permitted only if an institution has given prior approval for use of its self-study in this way. The Board may also approve the use of self-study reports by educators who are conducting research, the purpose of which is the improvement of the accrediting process. The entities that formally recognize the Commission on Accrediting may be allowed access to self-study reports in conjunction with the process of petitioning for continued recognition.
V.D Evaluation committee reports and recommendations

V.D.1 As part of the accreditation process, reports and recommendations prepared by Commission evaluation committees shall be made available to governing boards and faculties by the chief administrative officers of schools.

V.D.2 The recommendations of the evaluation committee to the Board may not be published by the institution. Only the actions of the Board constitute the formal accreditation.

V.D.3 An institution may make public the report of an evaluation committee, although this is not mandatory, but it is not advisable prior to formal Board action. If the institution makes a report public, it must make clear that the document is a report of the evaluation committee to the Board and is not an action of the Board.

V.D.4 If, in the judgment of the Board, a school publishes selected portions of an accrediting committee report in such a way as to distort the overall import of that report, the Board has the authority to release the full text of the report in question.

V.D.5 The Board will not release evaluation committee reports to the public. With the approval of the institution, the Board may approve access to a report to those conducting research that contributes to the improvement of the accrediting process. Evaluating committee reports may be examined by the entities that recognize the Commission on Accrediting only in the context of reviews of the Commission on Accrediting by those agencies for the purpose of recognition.

V.D.6 If a school publishes, or makes public, inaccurate information related to its accredited status or relationship with the Commission, the Board shall require the school to publicly correct the inaccurate information, or the Board will issue correct information.

V.E Other accrediting documents

V.E.1 Minutes of the Board are available to the members of the Board. A summary report of all actions of the Board is published biennially in the Bulletin.

V.E.2 An institution that has officially appealed an adverse action of the Board may request those sections of official minutes pertaining to the adverse action.

V.E.3 Correspondence between the Board and a member or applying institution must be treated confidentially by both parties, though official actions from a visit will be shared with the chair of that visit.
V.E.4 Institutional progress and follow-up reports will not be released to the public by the Board. These reports, however, may be released by the institution after action has been taken by the Board.

V.E.5 In conjunction with the recognition process, the Board will share its correspondence to member schools with the appropriate regional accrediting agencies; with the Council for Higher Education Accreditation and the US Department of Education; and, as required, with appropriate state or provincial authorities.

V.F Public statements by institutions

V.F.1 If an institution uses the public forum to take issue with an action of the Board relating to that institution, the chair of the Board may make available to the public any information pertinent to the action. Taking issue in a public forum does not include an announcement by an institution that it intends to appeal an action of the Board.

V.F.2 Press releases and news items that may become necessary as the result of the Board's actions shall be made only by the executive director after consultation with the Board chair.

V.G Commission disclosure of information about member or applying institutions

The Commission discloses required information promptly and is prepared to disclose certain information upon request according to the following policies:

V.G.1 Required by governmental authorities and other accrediting agencies

V.G.1.a The Board maintains several policies regarding the disclosure of accrediting-related information and actions to regional accrediting agencies, governmental authorities, the membership of the Commission, and the public.

V.G.1.b The Board will notify the US Department of Education of any proposed change to the Board Policy Manual, Commission Policies and Procedures, or Commission Standards of Accreditation that might alter its scope of recognition or compliance with the criteria for recognition.

V.G.1.c Board policy on the communication of Board accrediting decisions requires that all actions must be communicated to the schools affected by the actions within 30 days of the date of the action. Schools have 30 days from receipt of the communication of Board action to appeal decisions regarding failure to approve new degrees, extension sites, or distance education programs; the imposition of a notation; the imposition of probation; or an adverse action. Such actions become final after the deadline for appeals (the “appeal
date”). All other actions are final upon the initial Board action (the “decision date”).

V.G.1.d Within 30 days of the deadline for appeals of Board actions, the Board will notify the US Secretary of Education, appropriate state licensing or authorizing agencies, and regional accrediting bodies of all actions related to the formal accredited status of Commission member schools. In the case of a final Board action to deny, withdraw, or suspend accreditation of a US institution, the Board will notify the Secretary at the same time it notifies the institution of this action (the appeal date), and it will report this decision on the web page for that member school in the Member Schools section of the ATS website within 24 hours. The Board will provide within 60 days a brief statement on the web page for the member school in the Member Schools section of the ATS website summarizing the reasons for the action to deny, withdraw, or terminate the accreditation of the institution, and it will include the comments of the affected institution with regard to the decision.

V.G.1.e The Board will notify in writing the Office of Federal Student Aid concerning actions on substantive changes, as appropriate, within 30 days of final action (the decision date).

V.G.1.f The Board will notify the US Secretary of Education, the appropriate state licensing or authorizing agency, the appropriate accrediting agencies, and the public if an Accredited Member or Candidate for Accredited Membership institution (a) decides to withdraw voluntarily from accredited or candidate status, within 30 days of receiving notification from the institution or program that it is withdrawing voluntarily from accredited or candidate status or (b) lets its accreditation or candidate status lapse, within 30 days of the date on which accredited or candidate status lapses.

V.G.1.g ATS Commission staff will notify the US Secretary of Education when reasonable evidence suggests that an institution may be failing to meet its Title IV program responsibilities or is engaged in fraudulent activities with regard to Title IV program responsibilities. The Board will also provide information, upon request by the US Secretary of Education, regarding compliance of an accredited institution with Title IV responsibilities. The Board will not notify the institution of any notification to the US Secretary of Education pursuant to this policy.

V.G.1.h The Membership List will identify all institutions whose status is listed as Accredited Members and Candidate for Accredited Membership as well as institutions whose membership has been removed from Accredited
Member or Candidate for Accredited Membership status, placed on probation, or withdrawing from candidacy or accredited membership during the year preceding the publication of the Membership List. A copy of the Membership List will be submitted annually to the US Secretary of Education.

**V.G.1.i** If an accredited or candidate for accredited member receives an adverse accrediting action, or is placed on probation or equivalent status by another recognized institutional accrediting agency, or if the larger institution of which the member is a part receives an adverse accrediting action or is placed on probation by its accrediting agency, the Board will authorize a focused evaluation committee to visit the institution to determine if the Board should consider an adverse action on the member institution.

**V.G.1.j** If the Board determines that an institution is in compliance with Commission Standards and proceeds with appropriate action (i.e., granting initial or renewed accreditation or candidacy) even though it knows, or has reasonable cause to know, that the institution is the subject of (1) a decision by another US Department of Education-recognized accrediting body to deny accreditation or preaccreditation, impose probation, or equivalent status; or (2) an adverse accrediting action by another US Department of Education-recognized accrediting body; or (3) a pending or final action brought by a state agency leading to suspension, revocation, withdrawal, or termination of its legal authority to provide postsecondary education in the state, the Board will provide to the US Secretary of Education, within 30 days, a thorough written explanation as to why the action of the other body does not preclude the Board’s action.

**V.G.1.k** If the Board reaffirms accreditation or grants initial accreditation to a US institution that is the subject of an adverse action (i.e., denial, withdrawal, suspension, or revocation of accreditation) or is placed on probation by another recognized accrediting body or a state agency, the Board will formally notify the US Secretary of Education, as well as appropriate state and recognized accrediting agencies, as to the reason for its actions.

**V.G.1.l** The Board of Commissioners will communicate the following positive accrediting decisions to the US Department of Education, relevant state agencies, and any accrediting agencies that accredit the institutions within 30 days of the decision (the decision date; see V.G.1.c–d): grant of candidacy, grant or reaffirmation of accreditation, new extension sites that offer at least half of a complete degree program, and change of name or ownership. It will also post this information on the web page of the member school in the
Member Schools section of the ATS website for the public within 30 days of the decision date.

V.G.1.m The Board of Commissioners will communicate the following negative accrediting decisions to the US Department of Education, relevant state agencies, and any recognized accrediting agencies that accredit the institution within 30 days of the final appeal date (appeal date; see V.G.1.c–d): impose a notation, place an institution on probation, deny initial accreditation, or withdraw accreditation, including any voluntary withdrawal or lapsing of accreditation. The Board will notify the public within 24 hours of notifying the institution of any final decision (after the appeal process) to deny, withdraw, or suspend accreditation (per V.G.1.c–d). It will do so by posting this information on the web page of the member school in the Member Schools section of the ATS website.

V.G.2 Responsive disclosures

V.G.2.a The Board routinely releases the following information on the Member Schools section of the ATS website (and upon inquiry will release information on those items so noted below):

V.G.2.a(1) Membership and accredited status

V.G.2.a(2) The dates when associate membership, candidacy, and initial accreditation were obtained

V.G.2.a(3) The dates of the last comprehensive evaluation and of the next scheduled comprehensive evaluation

V.G.2.a(4) The date of the next scheduled focused evaluation, if any, and the formal reasons for it

V.G.2.a(5) Upon inquiry, the date a formal application for candidacy began and the estimated date a decision on the application will be made

V.G.2.a(6) The date of denial of candidacy or removal from candidacy

V.G.2.a(7) Upon inquiry, the due date of and action taken on the most recent written report required by the Board during the current grant of accreditation
V.G.2.a(8) The Board’s action subsequent to the last evaluation regarding accreditation

V.G.2.a(9) Upon inquiry, whether an institution has appealed an adverse accrediting action of the Board and the status and outcome of such appeal

V.G.2.a(10) Actions of the appropriate appeal bodies with reasons for the actions

V.G.2.b In all cases of adverse accrediting actions, a public statement about the action will be posted on the web page for the member school in the Member Schools section of the ATS website, including any response the institution may choose to make. The Board reserves the right to make final determination of the nature and content of the public statement. The Board will identify the reasons for the adverse accrediting action in the public statement. This statement may be the same one identified in V.G.1.d.

V.G.2.c The Board of Commissioners will share information regarding any accrediting action, including adverse actions, at the request of an appropriately recognized accrediting agency for that information.

V.G.3 Other disclosures

V.G.3.a The Board shall make a report on its work to each Biennial Meeting.

V.G.3.b The Board’s summary report, published biennially, will identify institutions denied membership, or removed from candidacy or accredited membership, or placed on probation, or withdrawing from candidate or accredited membership during the period of that report.

V.G.3.c The Board of Commissioners understands section ES.6.4.4 of the Educational Standard to require schools to make public a statement of educational effectiveness in order to address concerns about public accountability regarding student achievement. A school’s public statement of educational effectiveness should provide data on how well it is meeting the goals or outcomes for each of its degree programs, as well as data from more institution-wide measures of educational effectiveness. The statement may begin with a school’s program goals or outcomes, but it must also provide evidence of how well those are being achieved. That evidence should include assessment data that is direct and indirect, quantitative and qualitative.
For example, a school’s public statement of educational effectiveness might include the following information for each degree program: graduation rates, placement rates, time to completion rates, numbers of completers, ratings from student satisfaction surveys and/or exit interviews, alumni/ae ratings, summary data from course evaluation forms, assessment data from capstone projects and portfolios, and other relevant assessment data. While voluntary, information from the ATS Graduating Student Questionnaire and Alumni/ae Questionnaire could also be helpful, as well as student and alumni/ae testimonies. The public statement of educational effectiveness should be reviewed and updated regularly, preferably annually. Member schools must provide the web address for its public statement each fall on the ATS Annual Report Form.
VI Complaints

VI.A General Statement

The Commission requires the Board to evaluate complaints regarding member institutions, the Board itself, or its ATS Commission staff.

VI.B Complaints regarding member schools

VI.B.1 Upon receipt of a complaint, the Board’s ATS Commission staff will review the complaint to determine whether there is sufficient documentation for the Board of Commissioners to determine if the complaint relates to any membership criterion or accreditation standard of the Commission and will write the complainant within 30 days to describe the procedures and, if necessary, to identify what additional information may be required in order for the Board to proceed. If the complaint does not meaningfully relate to any membership criterion or accreditation standard or if the complainant is seeking an adjudication of an individual grievance, the ATS Commission staff member will communicate the limitations of the role of the Board of Commissioners.

VI.B.2 Within two weeks of receiving a formal, signed complaint that is determined to have sufficient documentation to proceed, the ATS Commission staff member shall forward the documentation to the Officers Committee of the Board together with a recommendation with respect to whether the complaint has standing. The Officers Committee shall act within 30 days of receiving this recommendation.

VI.B.2.a If the Officers Committee determines that the complaint has standing with reference to any membership criterion or accreditation standard of the Commission, ATS Commission staff will write the member school within two weeks, explaining the complaint that has been received and requesting the school to respond within 30 days to the complaint in terms of its understanding of the action or policy under question.

VI.B.2.b If the Officers Committee determines that the complaint does not have standing, ATS Commission staff will communicate this decision, with an appropriate explanation, to the complainant.

VI.B.3 Once the school’s response has been received, ATS Commission staff will review the received documentation in the light of the appropriate Commission membership criteria and Standards of Accreditation and forward this material to the Officers Committee with one of four recommendations: (1) to take no action and consider the matter closed, (2) to authorize the accreditation staff to conduct a staff evaluation to assess the situation and to prepare a report for consideration at the earliest practicable Board meeting following the receipt of the formal complaint, (3) to
appoint a focused evaluation committee that will prepare a report for consideration at the earliest practicable Board meeting following receipt of the complaint, or (4) to take an action that responds to the complaint. The Officers Committee shall take one of the four actions above within 90 days of staff determining that a complaint has sufficient documentation to proceed.

VI.B.4 Any action beyond assimilation of information and assessment of standing of the complaint must be taken by the Board, or by its Officers Committee (see VI.B.3 above), and the Board can request a review of ATS Commission staff actions or Officers Committee actions regarding complaints at any time.

VI.B.5 The Board will process complaints in a timely manner, and in no case will its response occur later than the second Board meeting following receipt of a complaint determined to have standing (see VI.B.2).

VI.C Complaints regarding the Board or its personnel

VI.C.1 The Board will review, at its first meeting following receipt, confirmed formal complaints regarding its own conduct in the context of the ATS Commission Policies and Procedures and the policies the Board has established in the Policy Manual of the Board of Commissioners to determine if it has failed to function within the parameters established by the procedures or policies. If the Board determines that its action does not conform to these procedures and policies, it will correct its practice and review any decision related to the complaint. Confirmed formal complaints regarding ATS Commission staff will be reviewed by the executive director within thirty days following receipt and, at the request of the executive director, by the Board. The review will occur in the context of the Commission Policies and Procedures and the Board Policy Manual.
Appendix 1

List of Approved Administrative Practices

1. **Archived Accrediting Records**

ATS Commission staff members are responsible for maintaining accrediting records according to the Board of Commissioners’ (“Board”) policy (Policy Manual, II.C.2) and for maintaining an inventory of these records.

2. **Visit Cycle Checklist**

ATS Commission staff members are responsible for maintaining a log of activity for each school receiving a comprehensive evaluation visit. This log should note both the activity and, in those cases where Board policy requires a mandatory time interval, a note should be made that these intervals have been maintained (see Policy Manual, II.B.8) See also Appendix 2, “Time Frame for Institutions Responding to Committee Reports.”

3. **Posting of Self-Studies, Institutional Accreditation Histories, and Evaluation Committee Reports**

ATS Commission staff members are responsible for posting self-studies, institutional accreditation histories, and evaluation committee reports to the secure website of the Board of Commissioners. Staff members are responsible for notifying first and second readers as these materials are posted for the schools they will present (see Policy Manual, II.B.7).

4. **Comprehensive Evaluation Targeted Issue Checklist**

Comprehensive evaluation committees are responsible for completing the Targeted Issue Checklist (TIC) to ensure that specific issues related to the Standards of Accreditation and the Policies and Procedures have been assessed during the visit. The TIC shall be submitted with the committee’s final report. ATS Commission staff members will include the TIC in the material sent to schools and as part of the material provided on the secure website of the Board of Commissioners (see Policy Manual, III.A.3.b).

5. **Substantive Change Guideline**

ATS Commission staff shall provide guidance to assist member schools in the preparation of substantive change petitions. Please see Appendix 3, “Guidelines Regarding Petitions for Change” to determine when a school action is simply making a minor adjustment and when an adjustment becomes a substantive change. The guideline shall contain criteria for determining and terminology for characterizing substantive change thresholds (see Policy Manual, II.C.11).

6. **Monitoring Continuing Implementation**

The Board of Commissioners authorizes ATS Commission staff members to monitor year-to-year changes in enrollment, placement, and financial strength, as reported on the Annual Report Forms.
For the purpose of this monitoring the following thresholds will be used to determine if a change is significant (with allowance made for percent changes that reflect small actual numbers):

a. Headcount enrollment of ± 25 percent (including total institutional, degree program, and distance education enrollment as separate categories)

b. Placement rates (in appropriate positions within one year of graduation) by a reduction of 25 percent or more in one year

c. Unrestricted fund balance reduction by 25 percent or more in one year

d. Cumulative losses in operations over the last three years

When a significant change is noted, the ATS Commission staff will ask the school to explain the factors that led to variation and indicate its understanding of the effect of the change on the school's conformity to the Commission's Standards of Accreditation. The school will be asked to describe the cause for the variation and indicate its understanding of the effect of the change on the school's conformity to the Standards and educational effectiveness. If a school's response suggests further followup is necessary, the ATS Commission staff will refer the matter to the Board of Commissioners for action. The Board of Commissioners may require a report, a focused evaluation, or a special comprehensive evaluation review (see Policy Manual, II.C.5).

7. **Regular Review of Commission Member Schools**

ATS Commission staff will undertake and document a regular review of the ATS website of each member school to document each school's disclosure of its complete accredited status and the provision of the Commission's mailing address and telephone number. References shall comply with the designations in the Membership List as to accredited status, approved degree programs, and approved locations for offering degrees if other than the institution's primary location. If the school is on probation, this status shall also be disclosed (see ATS Commission Policies and Procedures, X.A.2 and X.A.3).

8. **Teach-Out Plans**

ATS Commission staff members will maintain a cumulative record of teach-out plans that involve closing an extension site, or branch campus, or when the institution itself closes and will assess whether each teach-out plan, as proposed and approved, has been implemented effectively (see Policy Manual, II.C.3 and II.C.4). The Board of Commissioners will evaluate any teach-out plan or agreement, using Appendix 5, "Criteria for Evaluating Teach-Out Plans and Agreements."

9. **Complaint Policy**

ATS Commission staff will maintain a cumulative record of complaints, ensuring that complaints received are managed according to the Board's revised complaint policies. The cumulative record will include a complaint procedures checklist for each complaint received (see Policy Manual, VI.B).
Appendix 2

Time Frame for Responding to Committee Reports

- An evaluation committee is to provide the school reviewed with its recommendations during an exit session at the conclusion of the visit.

- An evaluation committee is to provide the school reviewed with a complete draft of its report for a check of factual errors. The school has two weeks to conduct this check for factual errors. Any factual errors discovered are reported to the evaluation committee for correcting the committee report.

- Upon the submission of the final committee report, the Commission office provides the school with the final report. After the receipt of the final committee report, the school then has an additional two weeks (beyond the two weeks noted above when it first received the committee report) to submit additional materials and/or challenge the committee’s findings. Materials submitted by the school are provided to the Board of Commissioners along with the self-study report and the evaluation committee report. A school may elect to reduce this total four-week period by formally notifying the Commission office earlier that it is satisfied with the committee report.

This time line does not limit the right for school representatives to address the Board of Commissioners or appropriate Board subcommittees in person. That face-to-face opportunity provides the school with at least another four weeks—beyond the original four weeks described above—to present additional materials and/or challenge the committee’s findings.
Appendix 3

Guidelines Regarding Petitions for Change

The Board of Commissioners has adopted the following policy regarding petitions for change (see also ATS Commission Policies and Procedures, VII.C).

1. Substantive changes that require petitioning for Board approval include the following:
   - change in an institution’s fundamental mission, legal status, ownership, name, location, or governing control; change in location(s) at which an institution offers at least 50 percent of an educational program (see ATS Commission Policies and Procedures, VI); introduction of six or more distance learning courses (see ATS Commission Policies and Procedures, VI);
   - the offering of a new degree program (see ATS Commission Policies and Procedures, V); a change in type of educational units; a new contract or major changes in existing contracts for educational or administrative services that would affect the school's conformity to the Standards of Accreditation (including any contract for educational offerings with an entity not eligible to participate in Title IV programs); the acquisition of any other institution or any program or location of another institution; and the addition of a permanent location at a site at which the institution is conducting a teach-out for students of another institution that has ceased operating before all students have completed their program of study.

2. In addition to substantive changes that require petitioning the Board for approval, certain other significant but nonsubstantive changes require either a petition or notification to ATS Commission staff.
   - Changes requiring a petition to and approval by ATS Commission staff include (1) change in degree nomenclature and (2) opening of an extension site that offers less than 50 percent of a degree program (i.e., no requiring a site visit).
   - Changes that require notification to and acknowledgement by ATS Commission staff include (1) the termination of a degree program at a location (main campus or extension site) that will continue in operation (i.e., no requiring a teach-out plan or agreement) and (2) the closing of an extension site that offers less than 100 percent of a degree program (i.e., no requiring a teach-out plan or agreement).
   - In addition, schools considering a major revision to an approved degree program that could affect its continued adherence to Commission Standards should consult with ATS Commission staff to determine if the revision constitutes a change significant enough to require formal approval (see 3.e–g below for further guidance).

3. To assist member schools, the following interpretive statements further clarify when a substantive change requires a petition and formal approval by the Board of Commissioners.
a. The expansion of institutional mission or objective beyond preparing persons for ministry or providing graduate study in the various theological disciplines requires formal action by the Board of Commissioners. Revisions or restatements of institution mission or objective, which retain a primary focus on preparing persons for ministry or providing graduate study in the various theological disciplines are changes that do not require a substantive change petition.

b. The change of legal status requires a petition and approval by the Board of Commissioners. These include changes from a non-profit corporation to a for-profit corporation or the reverse action, or reincorporating an institution in a different jurisdiction. Institutional name changes (including any new "doing business as" designations) require official notification to the Board of Commissioners and may be addressed by the Officers Committee on behalf of the Board.

c. All changes in ownership or governing control of an institution, including mergers, require substantive change petition and board approval. A restructuring of governance, including revising of institutional bylaws, without a change of ownership or governing control, does not require a substantive change petition.

d. A change of physical location for the main campus or extension site requires a petition to the Board of Commissioners if the new location offers at least half a degree and a petition to ATS Commission staff if it offers less than half a degree. A change of postal address, without a change of physical location, requires notification to the Board of Commissioners but does not require a substantive change petition.

e. As noted in 2 above, schools considering a major revision to an approved degree program that could affect its continued adherence to Commission Standards should consult with ATS Commission staff to determine if the revision constitutes a change significant enough to require formal approval by the Board of Commissioners (or by one of its reader panels; see Appendix 7, section 1), for example, changing the curriculum of a Standard D degree in such a way that it more closely aligns with a Standard B degree or adding specializations in an approved degree without adequate educational resources. A reduction in total degree program hours does not necessarily constitute a substantive change, unless the reduction means the program no longer meets the duration requirements in the applicable degree program standard (typically interpreted as at least 72 semester hours for an MDiv and at least 36 semester hours for an MA). In such cases, a petition for an exception is required.

f. A change in degree program nomenclature is a significant but not substantive change that requires a petition to and approval from ATS Commission staff and can be submitted at any time.

g. Terminating a degree program, including the suspension of admissions to a degree program or a hiatus in offering a degree program for more than one year (at any location), does not require a petition or teach-out plan to the Board of Commissioners, but it does require
notification, including how the educational needs of current students in that program will be met, and subsequent notice when the last student graduates from the program. If a program is suspended for more than a year at any location, the school must notify ATS Commission staff of that fact, which will be treated as a closure.

h. Approval of any petition for change is effective with the date specified in the official action. Such approval expects the change will be implemented within a year of that approval date. If the change cannot be implemented within that time frame, the school must submit a satisfactory explanation for the delay and a modified time line for implementation. Absent implementation of the change or granting a request for additional time, the approval will expire one year after the initial grant date. In such cases, the school would need to submit a new petition seeking permission to implement the change after that one-year period. In addition, any contingency attached to an approved petition must be satisfied before the change can be implemented, typically within a year, unless the school provides a satisfactory explanation for the delay and additional time is granted.
Appendix 4

Evaluative Guideline for Special Comprehensive Evaluations

When considering the possibility of requiring a special comprehensive evaluation, the Board of Commissioners shall use this guideline to determine if such an evaluation may be warranted. The Board of Commissioners in its determination should give particular attention to any dynamic educational changes calling into serious question the institution's ability to maintain conformity to the Standards of Accreditation. When a special comprehensive evaluation is required within 12 months of a regularly scheduled comprehensive evaluation visit, the Board of Commissioners may consolidate the comprehensive reviews.

When a special comprehensive evaluation is required, a prospectus for the evaluation will be issued to the institution stating the reasons for the special comprehensive evaluation and the date for an evaluation committee site visit, and requiring the institution to provide evidence the institution is operating in conformity to the Standards of Accreditation prior to the site visit.

Criteria for authorizing a special comprehensive evaluation:

1. **Change of governing control or ownership** (in combination with any two of the following): change of legal status, change of fundamental mission/purpose, change of location, change of educational unit, establishment of two or more extension sites, establishment of a comprehensive distance education program, acquisition of another institution or any program or location of another institution, or declaration of financial exigency.

2. **Multiple concurrent substantive changes** (when any three of the following substantive changes occur within 12 months): change of legal status, change of fundamental mission/purpose, change of location, acquisition of any other institution or of any program or location of another institution, or new contract or major changes in existing contracts for educational or administrative services that would affect the school's conformity to the Standards of Accreditation.

3. **Dynamic concurrent changes in the indicators of educational conditions or effectiveness in association with substantive changes** (when any two of the following unanticipated significant changes and one substantive change noted in item 2 above occur within 12 months): unanticipated significant enrollment increases or decreases (more than ± 25 percent), unanticipated significant changes in unrestricted fund balances (~25 percent or more), unanticipated significant changes in distance education enrollment (more than ± 25 percent), unanticipated significant changes in the placement of graduates (~25 percent or more), unanticipated significant reductions in the number of the full-time faculty (50 percent or more), or declaration of financial exigency.
Appendix 5

Criteria for Evaluating Teach-Out Plans and Agreements

In deciding whether to approve a teach-out plan, the Board of Commissioners will evaluate the overall plan based upon three essential elements: (a) equitable treatment for all affected students, (b) reasonable opportunity for those students to finish, and (c) notification to those students of any additional charges that may result from the teach-out arrangements. Those three essential elements are considered met when the Board finds evidence in the teach-out plan that the following issues are addressed:

1. **Counsel and Communication**: The plan must describe how students are informed of the planned closure, their options for completing the closed program(s), and the length of time such options might take. The plan must include evidence (i.e., examples) of how the closure decision is communicated to all affected parties, especially students, but also faculty, staff, and other key constituents.

2. **Completion Options**: The plan must further delineate the various options available for students to complete their program with a minimum of disruption and how those options will be implemented, including such options as continuing to offer all the necessary courses at the location to be closed until students finish (provide projected course schedules), offering courses at an approved nearby location, offering online courses if appropriate and if approved to do so, helping students transfer to equitable programs, and/or establishing a teach-out agreement with an institution with comparable offerings accredited by an agency recognized by the US Secretary of Education for US schools, or another appropriate authority for Canadian schools.

3. **Student Plans**: The plan should append a list of all affected students with a brief note as to how the educational needs of each student will be met, (i.e., which option[s] described above will be used by which students [e.g., Jones will graduate before closure, Smith will finish all required courses at that location before closure, Ortiz has chosen to transfer, etc.]). If the list of students is excessively long, it can be summarized by category (e.g., 20 students will graduate before closure, 30 students will finish courses before closure, and the remaining 50 will participate in a teach-out agreement).

4. **Notification of Charges**: The plan must document any additional charges that students may incur as a result of the closure; including how and when students are notified of those charges.

5. **Anticipated Time Line**: The plan must specify the dates for how the closure will unfold, including these dates: the last students admitted, the first students will finish, the last students will finish, and the effective date of closure. If applicable, the time line should also include when the institution or location will lose degree granting authority and/or access to Title IV funds.
6. **List of Other Agencies:** If the program or location being closed is also accredited by one or more other agencies, the plan must list all of them, along with contact information, since the Board must notify them of any teach-out plan it approves. The plan must provide contact information for any state agency to which the institution is accountable.

The Board will also consider any additional information provided by the school in its petition. If the site closure means the school ceases to operate completely and permanently, the plan must indicate where all existing student records will be stored, being sensitive to any state-required regulations.
Appendix 6

Policy on Approving New Extension Sites

The Board of Commissioners has adopted the following policy on approving new extension sites, including which approved degree programs can be offered at those sites.

1. Petitions for new extension sites offering less than half a degree can be approved by ATS Commission staff, if the petition documents that all applicable standards are met. No site visit is required. Approval of such sites permits the school to offer less than half of any approved degree within the same category of degrees as in the original petition—without any further approval of the site. For example, if staff approves a school’s petition to offer less than half of a degree within the category of “basic programs oriented toward ministerial leadership,” it may offer less than half of any degree program in that category without any further petitions or approvals. Categories of degrees are described in Educational Standard, sections ES.1.2–5.

2. Petitions for new extension sites offering half or more of a degree, including a complete degree, can be approved only by the ATS Board of Commissioners. A site visit is required within six months of the first course(s) offered, unless the school includes in its petition a request for an exemption to the site visit, based on meeting the four exemption criteria described in section III.A.1(e) of the Policy Manual. If the school is petitioning to offer a complete degree, then the approval is limited to that particular degree. If the school is petitioning to offer less than a complete degree, then the approval will include any degree within that category (as described in the previous paragraph).
Appendix 7

Policy on Board Reader Panels and Reports to Staff

The Board of Commissioners has adopted the following policy on how it does its work.

1. The Board of Commissioners meets twice per year in person in plenary sessions and other times per year via conference call in committees called “reader panels.” Reader panels may act on certain kinds of reports and certain kinds of petitions, though actions on petitions that constitute substantive changes must be ratified by the full Board. The reports on which reader panels may act include any whose final action does not impact membership status (e.g., reader panels cannot remove or impose a notation, place a school on probation, withdraw or deny accreditation, or issue a show cause order). The petitions on which reader panels may act include (1) new extension sites that do not represent the first site for that school, (2) new master’s programs in a degree category already approved for that school (e.g., another professional master’s), (3) revisions to an approved degree program that require a petition (see Appendix 3, section 3.e), and (4) any teach-out plans or agreements for a closed location (other than closing a main campus).

2. The Board of Commissioners delegates to ATS Commission staff action on any nonsubstantive change petitions (see Appendix 3, section 2, above) and any reports that fall into one of these three categories deemed routine:
   a. Reports that do not affect membership status (e.g., staff cannot impose notations)
   b. Reports that do not deal with substantive or controversial issues (e.g., serious financial concerns, difficult governance issues, or contentious issues in the media)
   c. Reports that do not require further Board action (e.g., staff cannot require follow-up reports or visits)
Appendix 8

Guidelines for Candidacy Petitions

The process for petitioning for candidacy status with the ATS Commission on Accrediting is described in Guidelines for Petitioning the Board of Commissioners. The criteria and policies related to "Candidate for Accredited Status" are described in the ATS Commission Policies and Procedures, II. The guidelines the ATS Board of Commissioners normally follow in granting petitions for candidacy are these:

Grant candidacy on “fast track” (within 2 years of receiving Associate Member status) if a school . . .

- is established for more than five years and/or accredited by another recognized agency;
- demonstrates institutional vitality and educational quality with ample resources and established assessment efforts; and
- seems to meet or be close to meeting all Commission Standards of Accreditation.

Grant candidacy on “normal track” (within 2–5 years of receiving Associate Member status) if a school . . .

- is established for five or fewer years and/or not accredited by another recognized agency;
- demonstrates institutional and educational capacity with sufficient resources and promising assessment efforts; and
- meets most Commission Standards of Accreditation and can meet all within two years.

Not grant candidacy, but extend Associate Member status “beyond usual track” (another 5 years) if . . .

- few of the factors above are present, but school making good progress; and
- if the school formally applies for renewal of Associate Member status (see guidelines).

The normal period of candidacy is two years, from either February through February or June through June, the two months in which the Board typically meets. That two-year period actually extends until the next meeting of the Board that follows the last month listed (i.e., through the following June for a February to February candidacy and through the following February for a June to June candidacy). Candidate schools who cannot meet that two-year time line may petition for an extension, per ATS Commission Policies and Procedures, II.A.

If a school does not petition for and achieve Candidate for Accredited Membership status within five years of being granted Associate Membership status, the policies described in the ATS Procedures, II.C.4 and II.E apply.
Appendix 9

Policy on Use and Release of Data from the Institutional Database

The Commission on Accrediting of the Association of Theological Schools (“Commission”) maintains a comprehensive institutional database on theological schools in North America. These data are provided by the member schools on Annual Report Forms in the fall of each year. The database contains information related to a range of educational and accrediting issues, and it supports the mission of the Commission “to promote the improvement and enhancement of theological schools.” In addition, it provides data central to the administrative and programmatic work of The Association of Theological Schools in the United States and Canada ("Association"). As appropriate, it also serves as a valuable resource for researchers and organizations that share an interest in theological education, church and denominational bodies, representatives of the media, and the general public.

The Commission uses and makes these data available to responsible entities according to the following policies:

1. The Commission shares all data in the institutional database with the Association for its use.

2. The Commission may release data for use by researchers, other than the Association. In these cases, the following stipulations will apply:

   2.1 Independent researchers may receive individual school data, for one-time use, only when permission to release the data is provided in writing to the executive director by the chief administrative officer(s) of the identified member school(s).

   2.2 Research organizations may contract with the Commission for the use of the institutional data, by written agreement, for specific projects that advance the mission of the Commission and the Association or that address an identified need for research in theological education.

   2.3 When data are provided according to 2.1 or 2.2 above, the researcher or organization may not (1) share the data with any other organization(s) or individual(s) and (2) use the data more than once or for any other reason than the sole purpose stated when the data were requested. A Data Request Form is provided for this purpose. The Commission reserves the right to review reports to ensure they do not divulge confidential information.

   2.4 Individual salary information is not eligible for release in the research agreements identified in 2.1 and 2.2 above.
2.5 Custom queries of the database may be conducted and a report produced only with permission granted by designated members of the Commission’s or Association’s director staff. Fees may apply depending on the amount of staff time required.

2.6 When any data obtained from the Commission are subsequently reported by an agency or individual according to these various policies, the Commission is to be identified in the following manner as the source of any published data: “Source: The Commission on Accrediting of the Association of Theological Schools, Pittsburgh, PA.” The Commission reserves the right to review reports containing provided data prior to their publication.

2.7 All reasonable steps must be taken to protect the confidentiality of the database as a whole and limit access only to qualified staff members of the contracting organization for use in performing their job-related responsibilities.

3. The information in the database that is considered public information is published in individually or institutionally identifiable forms in the Commission’s Annual Data Tables, the Fact Book on Theological Education, and in the Membership List. The only individual school data published by the Commission or Association includes Annual Data Table 1.2 “Significant Institutional Characteristics of Each Member School,” Table 2.15 “Head Count and Full-Time Equivalent Enrollments by Degree Category in All Member Schools,” and individual contact information, selected statistics, and the accreditation status of each member institution in the Membership List.

3.1 The Commission or the Association will release public information to representatives of the media and the general public upon request. Individual school data other than public information will not be released, although the Commission or Association may counsel inquirers to contact the school(s) directly for the information.

3.2 Mailing lists are provided for a fee to member schools. Nonmembers that provide a member-school endorsement of their request for a mailing list are charged at double the rate to member institutions. Mailing lists provided to members and nonmembers carry the following requirement: “In receiving this mailing list, you agree to the following stipulations: (1) that you will not share the list with any other organization(s) or individual(s) and (2) that the list will be used only once, and then for the purpose stated in your original request.”

3.3 Individual email addresses of member school personnel are not shared by the Commission or Association.
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NOTE: The shortened name, “Standards and Procedures,” refers to the three documents of the Standards of Accreditation (General Institutional Standards, Educational Standard, and Degree Program Standards) and the Commission Policies and Procedures.
Article I

Introductory

Section 1.1 Name

The name of the corporation is Commission on Accrediting of the Association of Theological Schools ("Commission").

Section 1.2 Statement of Purposes

As provided in its Articles of Incorporation, the Commission is organized for the purposes set forth in Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) ("Code") and in furtherance thereof to (i) contribute to the enhancement and improvement of theological education through the accreditation of schools that are members of The Association of Theological Schools in the United States and Canada ("ATS") and (ii) collect data from all members of ATS for use in accrediting and to provide the data resources supporting applied research undertaken by ATS.

Section 1.3 Offices

The principal and registered office of the Commission shall be located at 10 Summit Park Drive, Pittsburgh, Pennsylvania 15275, or at such other place as the Board of Commissioners may designate from time to time.

Section 1.4 Fiscal Year

The fiscal year of the Commission shall end on June 30 of each year or on such other date as may be fixed from time to time by resolution of the Board of Commissioners.

Section 1.5 Seal

The corporate seal of the Commission shall be a circle with the name of the Commission and the state of incorporation around the border and the words "Corporate Seal" in the center.

Section 1.6 Governing Law

This Commission is governed by the Pennsylvania Nonprofit Commission Law of 1988, as it may be amended from time to time ("NPCL").
Article II

Members

Section 2.1  Eligibility

Membership in the Commission is limited to schools located in the United States and Canada that (i) offer graduate, professional theological degrees, (ii) are demonstrably engaged in educating professional leadership for communities of the Christian and Jewish faiths, (iii) are members of ATS (except as set forth in Section 2.13 below), and (iv) meet the Standards of Accreditation (for accredited schools) or criteria for Candidate for Accredited Member status (for candidate schools) (together “Eligible Schools”). A Member that ceases to be accredited by the Commission or to be a candidate for accreditation or that ceases to be an Eligible School, including without limitation by virtue of ceasing to be a member of ATS (except as otherwise provided in Section 2.13 of these Bylaws), is no longer eligible for membership in the Commission, and such Member’s membership in the Commission may be terminated as provided in Section 2.13 of these Bylaws.

Section 2.2  Election to Membership

The Members of the Commission shall comprise the Eligible Schools that are granted Accredited Member status by the Commission or are conferred Candidate for Accredited Member status by the Commission. Membership continues for so long as the school remains an Eligible School, timely pays all dues, and is accredited by the Commission or is a candidate for accreditation, provided that a Member may voluntarily relinquish membership and accreditation by so notifying the Commission in writing and, provided further, that membership may be terminated in accordance with Section 2.13 of these Bylaws.

Section 2.3  Powers of the Membership

In addition to any powers conferred on members of a nonprofit corporation under the relevant provisions of the NPCL, the Members of the Commission shall (i) adopt the dues structure for Members, (ii) elect the Commissioners, and (iii) adopt, maintain, modify, and revoke the Commission Standards of Accreditation and the Commission Policies
and Procedures. Modifications to any of these documents (hereafter “Standards and Procedures”) shall require the approval of two-thirds (2/3) of the Members present at a duly organized meeting of the Members at which a quorum is present.

Section 2.4 Duties of Membership

Each Member must (i) maintain its accreditation or candidacy for accreditation by the Commission pursuant to the Standards and Procedures, (ii) deliver to the Commission annual dues in an amount determined from time to time by the Members, (iii) continue to be an Eligible School, and (iv) provide institutional data to the Commission annually and when requested by the Commission in connection with its accreditation activities.

Section 2.5 Meetings of the Members

Meetings of the Members may be held at such place within or without the Commonwealth of Pennsylvania as the person calling the meeting shall so indicate in the meeting notice. The Members shall meet biennially in each even-numbered year (the “Biennial Meeting”) at such time and place as the Board may determine from time to time by resolution, each Biennial Meeting to be held in conjunction with the Biennial Meeting of the membership of ATS. Special meetings of the Members shall be called by the Secretary at the request of the Board of Commissioners or the written request of ten percent (10%) of the Members of record or at the instruction of the Chair.

If the Board of Commissioners has determined that an emergency exists requiring action by the Members, the Board may call a special meeting of the Members with thirty (30) days advance notice to the Members (“Emergency Meeting”). Members may participate in an Emergency Meeting via proxy. Members may not participate by proxy in any meeting of the Members that is not an Emergency Meeting.

The senior officer of the Commission present shall preside at each meeting of the Members. If no officers are present, the Members present shall elect a presiding officer for the meeting then being held. The presiding officer shall determine the order of business and shall have the authority to establish equitable rules for the conduct of the meeting. The presiding officer shall announce at the meeting when the polls close for each matter voted upon. If no announcement is made,
the polls shall be deemed to have closed upon the final adjournment of the meeting. After the polls close, no ballots or votes and no revocations or changes thereto may be accepted.

Section 2.6 Notice

With the exception of Emergency Meetings, which shall be called as described in Section 2.5 above, written notice of the date, time, and place of each meeting of the Members shall be given to all Members of record entitled to vote at the meeting at least ninety (90) days prior to the date of the meeting, and the proposed agenda for the meeting shall be given to all Members no later than forty-five (45) days prior to the meeting. Such notice shall be given by sending a copy thereof by first-class or express mail, postage prepaid, or by telegram (with messenger service specified), telex or TWX (with answer back received), or courier service, charges prepaid, or by facsimile to the Member's address (or telex, TWX, or facsimile number) appearing on the books of the Commission. If the notice is sent by mail, telegraph, or courier service, it shall be deemed to have been given to the person entitled thereto when deposited in the US mail or with a telegraph office or courier service or, in the case of telex or TWX, when dispatched.

Section 2.7 Voting

Each Member of the Commission is entitled to one vote on each matter before the Members. The manner of voting on any matter may be by voice, ballot, mail, or any other reasonable means. Each Member may send as many representatives to any meeting of the Members as it chooses; however, each Member attending any meeting of the membership shall designate to the Commission one individual to cast its ballot. In the event of a dispute regarding the individual who is authorized to exercise a Member’s voting rights, the judges of election are authorized to award such voting rights to one of the individuals representing the Member, and the decision of the judges of election shall be final.

Section 2.8 Record Date

The Board of Commissioners may fix a time not more than ninety (90) days prior to the date of any meeting of the Members as a record date for the purpose of determining the Members entitled to notice of or to vote at such meeting. In such case, only Members of record on the
date so fixed shall be entitled to notice and/or to vote notwithstanding any increase or other change on the books of the Commission after the record date. If the Board of Commissioners does not fix a record date, then (a) the record date for determining Members entitled to notice of or to vote at the meeting shall be the close of business on the date before notice is given or if notice is waived, the date before the meeting is held, (b) the record date for determining Members entitled to express consent or dissent to corporate action in writing without a meeting, when no prior action of the Board of Commissioners is required, shall be the date on which the first written consent or dissent is expressed, and (c) for any other purpose the record date shall be the close of business on the day on which the Board of Commissioners adopts the resolution relating thereto.

Section 2.9 Judges of Election

In advance of any meeting of Members, the Board of Commissioners may appoint judges of election, who need not be Members, to act at such meeting or any adjournment thereof. If judges of election are not so appointed, the presiding officer may, and on the request of any Member shall, make such appointment at the meeting. The number of judges shall be one or three. No person who is a candidate for office shall act as a judge. If any person appointed as judge fails to appear or fails or refuses to act, the vacancy may be filled by appointment made by the Board of Commissioners in advance of the meeting or at the meeting by the presiding officer. The judges of election shall determine the number of Members of record and voting power of each; the Members present at the meeting; the existence of a quorum; the authenticity, validity, and effect of proxies, if any; receive votes or ballots; hear and determine all challenges and questions in any way arising in connection with the right to vote; count and tabulate all votes; determine the result; and do such acts as may be proper to conduct the election or vote in an equitable manner. The judges of election shall perform their duties impartially, in good faith, to the best of their ability, and as expeditiously as is practical. If there are three judges of election, the decision, act, or certificate of a majority shall be effective in all respects as the decision, act, or certificate of all. On the request of the presiding officer of the meeting, or of any Member, the judges shall make a report in writing of any challenge or question or matter determined by them, and execute a certificate of any fact
found by them. Any report or certificate made by them shall be prima facie evidence of the facts stated therein.

**Section 2.10 Liability of Members**

No Member shall be liable, solely by reason of being a Member, under an order of court or in any other manner, for a debt, obligation, or liability of the Commission of any kind or for the acts of any Member or representative of the Commission. A Member shall be liable to the Commission only to the extent of any unpaid portion of the capital contributions, membership dues, or assessments that the Commission may have lawfully imposed on the Member or for any other indebtedness owed by the Member to the Commission.

**Section 2.11 Waiver of Notice**

Whenever any written notice is required to be given, a waiver thereof in writing signed by the Members entitled to notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of notice. Attendance of a Member at a meeting shall constitute a waiver of notice of the meeting unless the Member attends for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting was not lawfully called or convened.

**Section 2.12 Quorum**

The presence in person (and in the case of an Emergency Meeting only, also by proxy) of voting representatives of at least seventy-five (75) Members shall constitute a quorum. The Members present at a duly organized meeting can continue to do business until adjournment, notwithstanding the withdrawal of enough Members to leave less than a quorum. The vote of a majority of the Members present at a duly organized meeting of the Members at which a quorum is present shall be the act of the Members.

**Section 2.13 Termination**

(a) **Termination for Loss of Accreditation.** Any Member’s membership in the Commission shall terminate automatically upon the Member’s loss of its accreditation in accordance with the procedures set forth in the Standards and Procedures. The termination of
Membership shall be effective upon the effective date of the loss of accreditation.

(b) **Administrative Termination.** Any Member’s membership may be terminated by the Board of Commissioners (i) for failure to pay dues, (ii) for failure to remain a Member of ATS, or (iii) for other failure to remain an Eligible School (each an "Administrative Termination"). The Administrative Termination of Membership shall result in the simultaneous termination of the affected Member’s accreditation, provided, however, that when a Member ceases to be a Member of ATS solely as a result of a Termination for Cause as defined in Section 2.13 of the ATS Bylaws, the loss of ATS membership shall not result in the loss of accreditation.

(c) **Hearings Related to Administrative Termination.** Administrative Termination of membership is not an appealable action. However, in the case of a termination of membership pursuant to clause (iii) of Section 2.13(b) above for failure to remain an Eligible School, the affected Member shall be afforded a hearing before the Board of Commissioners. The Member shall be given at least thirty (30) days’ advance written notice of the meeting at which such matter is to be considered, which notice shall specify the reason the Member is no longer an Eligible School. The affected Member shall be permitted to make a written response and to attend the meeting at which the Commission determines whether to terminate the membership and to make a brief oral response. The decision of the Board of Commissioners shall be final. The foregoing procedure for hearing shall not apply to termination for failure to pay dues or remain an ATS Member, set forth in Section 2.13(b), clauses (i) and (ii) above, respectively.

(d) **Withdrawal.** The membership year shall be the Commission’s fiscal year or such other time as the Board of Commissioners may specify from time to time. If at any time a Member is two years in arrears in payment of its annual dues, it shall be deemed to have voluntarily withdrawn as a Member of the Commission and its accreditation, and membership shall be terminated effective as of such time.
Section 2.14  Appeal of Accreditation Decisions

Members may appeal decisions of the Commission that affect the Member’s accredited status according to the Policies and Procedures for Accreditation, as adopted and amended from time to time by the Members.

Section 2.15  Transfer of Membership

Membership in this Commission is nontransferable and nonassignable.
Article III  The Board of Commissioners

Section 3.1  Authority

Subject to the rights of the Members and any limitations set forth elsewhere in these Bylaws or the Articles of Incorporation of the Commission, the affairs of the Commission shall be under the general direction of the Board of Commissioners, which shall administer, manage, preserve, and protect the property of the Commission.

The authority of the Board of Commissioners shall include, without limitation: responsibility for all decisions related to the accredited status of Members; adoption and oversight of the Commission’s budget; proposal to the Members of amendments to these Bylaws and the Articles of Incorporation of the Commission, subject to the approval of ATS as provided in Sections 9.1 and 11.1; oversight of the Commission’s assets; approval of the auditors employed by the Commission; establishment of fees to be assessed in the conduct of accreditation activities; recommendation of changes to the dues structure; review and evaluation of the Standards and Procedures and recommendation of appropriate changes for consideration for adoption by the Members; appointment of task forces and accreditation committees as it deems necessary for fulfilling its responsibilities; evaluation of administrative and other services secured by contract with the Association; and establishment and evaluation of the employment policies of the Commission through its agreement for contracted services with the Association.

Section 3.2 Number and Term

There shall be a minimum of sixteen (16) and a maximum of twenty (20) Commissioners. No fewer than three (3) and no more than five (5) of the Commissioners shall be Public or Ministry Practitioner Commissioners. The remaining Commissioners shall be Institutional Commissioners. Institutional Commissioners are individuals who, at the time of their election as Commissioners, are employed by a Member of the Commission. Public Commissioners are individuals who, at the time of their election or reelection, are not (a) enrolled as a student in, or employed by, or a member of the governing board of,
or a consultant to an institution that holds either Accredited Member status or Candidate for Accredited Member status by the Commission or (b) a member of the governing board of, or employed by, ATS or (c) a spouse, parent, child, or sibling of any individual identified in (a) or (b). Ministry Practitioners are persons who, at the time of their election or reelection, are active in vocational ministry.

With the exception of the initial Commissioners, whose terms shall be specified in the resolution appointing them, each Commissioner shall serve for the following terms:

(a) Public or Ministry Practitioner Commissioners shall serve two-year terms and until such Commissioner's successor has been duly elected and qualified or until the Commissioner's earlier death, resignation, or removal; and

(b) Institutional Commissioners shall serve six-year, nonrenewable terms and until such Commissioner's successor has been duly elected and qualified or until the Commissioner's earlier death, resignation, or removal.

An Institutional Commissioner is not eligible to serve as a Commissioner for a period of one year after completing one full six-year term. A Public or Ministry Practitioner Commissioner is not eligible to serve as a Commissioner for a period of one year after completing two consecutive, full two-year terms.

Section 3.3 Nomination and Election

At least thirty (30) days prior to the Biennial Meeting (or special meeting held to elect Commissioners), the Nominating Committee shall nominate one or more persons for each Commissioner position the term of which is due to expire in such year. At the Biennial Meeting or any special meeting called for such purpose, the Members shall elect the Commissioners from among the persons nominated (a) by the Nominating Committee or (b) if any Member submits a petition signed by at least five (5) Members and the written consent(s) of the person(s) nominated, from the floor. Unless otherwise specified at the time of the election, new Commissioners shall take office at the conclusion of the meeting at which they are elected.
Section 3.4 Vacancies

Vacancies occurring on the Board of Commissioners by death, resignation, refusal to serve, increase in the number of Commissioners, or otherwise between Biennial Meetings shall be filled by majority vote of the Board of Commissioners, and each Commissioner so appointed shall serve until the next Biennial Meeting and until the Commissioner’s successor is elected and qualified or until such Commissioner’s earlier death, resignation, or removal.

Section 3.5 Compensation

No compensation shall be paid to any Commissioner for services as a Commissioner, but, at the discretion of the Board of Commissioners, a Commissioner may be reimbursed for travel and actual expenses necessarily incurred in attending meetings and performing other duties on behalf of the Commission. A Commissioner may not be a salaried officer of the Commission.

Section 3.6 Meetings

The Board of Commissioners shall meet at least twice each year at a date and time established by the Commission. The annual meeting of the Board of Commissioners shall be the first meeting following the Biennial Meeting of Members in odd-numbered years and the first meeting of the year in even-numbered years. Special meetings shall be called by the Secretary upon the order of the Chair or at the written request of a number of Commissioners constituting a quorum of the Board of Commissioners then in office and entitled to vote. All meetings of the Board of Commissioners shall be held at the registered office of the Commission unless otherwise designated in the notice.

Section 3.7 Quorum

At all meetings of the Board of Commissioners, the presence of a majority of the Commissioners in office and entitled to vote shall constitute a quorum. In addition to those Commissioners who are actually present at a meeting, Commissioners shall be deemed as present at such meeting if a telephone or similar communication equipment by means of which all persons participating in the meeting can hear each other at the same time is used. The Commissioners present at a duly organized meeting shall continue to constitute a
quorum notwithstanding the withdrawal of enough Commissioners to leave less than a majority. The act of a majority of the Commissioners entitled to vote at a meeting at which a quorum is present shall be the act of the Board of Commissioners. A majority of the Commissioners present and entitled to vote, whether or not a quorum exists, may adjourn any meeting of the Board of Commissioners to another time and place. Notice of any such adjourned meeting shall be given to the Commissioners who are not present at the time of adjournment.

Section 3.8 Voting

Each Commissioner entitled to vote shall be entitled to one vote on each matter submitted to a vote of the Board of Commissioners.

Section 3.9 Notices

Written notice of the date, time, and place of each meeting of the Board of Commissioners shall be given to all Commissioners at least thirty (30) days in advance of the date thereof. Such notice shall set forth the date, time, and place of the meeting. Whenever written notice is required to be given to a Commissioner under this Section 3.9, it may be given to the Commissioner personally or by sending a copy thereof by either of the following methods:

(a) By first-class or express mail, postage prepaid; or by telegram (with messenger service specified); telex, TWX (with answerback received); or courier service, charges prepaid; or by facsimile transmission to the Commissioner’s address (or telex, TWX, or facsimile number) appearing on the books of the Commission. If the notice is sent by mail, telegraph, or courier service, it shall be deemed to have been given to the Commissioner entitled thereto when deposited in the US mail or with a telegraph office or courier service for delivery to that Commissioner, or in the case of telex or TWX, when dispatched. Notice pursuant to this paragraph shall be deemed to have been given to the Commissioner entitled thereto when deposited in the US mail or with a courier service for delivery to that Commissioner.

(b) By facsimile transmission, email, or other electronic communication to the Commissioner’s facsimile number or address for email or other electronic communications supplied by the Commissioner to the Commission for the purpose of notice. Notice pursuant
Section 3.10 Waiver of Notice

Whenever any written notice whatsoever is required to be given to a Commissioner under the provisions of applicable law, the Articles of Incorporation of this Commission, or these Bylaws, a waiver of such notice in writing signed by the Commissioner entitled to notice, whether before or after the time stated in such waiver, shall be deemed equivalent to the giving of such notice. In the case of a special meeting, such waiver of notice shall specify the general nature of the business to be transacted. Attendance of a Commissioner at a meeting shall constitute a waiver of notice of the meeting unless the Commissioner attends for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting was not lawfully called or convened.

Section 3.11 Standard of Care and Fiduciary Duty

Each Commissioner shall stand in a fiduciary relation to this Commission and shall perform his or her duties as a Commissioner, including his or her duties as a member of any committee of the Commission upon which the Commissioner may serve, in good faith, in a manner the Commissioner reasonably believes to be in the best interest of this Commission, and with such care, including reasonable inquiry, skill, and diligence, as a person of ordinary prudence would use under similar circumstances. In performing his or her duties, each Commissioner shall be entitled to rely in good faith on information, opinions, reports, or statements, including financial statements and other financial data, in each case prepared or presented by any of the following:

(a) one or more officers or employees of this Commission whom the Commissioner reasonably believes to be reliable and competent in the matters presented;

(b) counsel, public accountants, or other persons as to matters that the Commissioner reasonably believes to be within the professional or expert competence of such persons; and
(c) a committee of this Commission upon which the Commissioner does not serve, as to matters within its designated authority, which committee the Commissioner reasonably believes to merit confidence.

A Commissioner shall not be considered to be acting in good faith if the Commissioner has knowledge concerning the matter in question that would cause his or her reliance to be unwarranted.

Section 3.12 Factors that May Be Considered by Commissioners

In discharging the duties of their respective positions, the Board of Commissioners, committees of the Board of Commissioners, and individual Commissioners may, in considering the best interest of this Commission, consider to the extent they deem appropriate the following:

(a) the effects of any action upon any or all groups affected by such action, including Members, employees, suppliers, customers, and creditors of the Commission and upon communities in which offices or other establishments of the Commission are located;

(b) the short-term and long-term interests of the Commission, including the benefits that may accrue to the Commission from its long-term plans and the possibility that these interests may be best served by the continued independence of the Commission;

(c) the resources, intent, and conduct (past, stated, and potential) of any person seeking to acquire control of the Commission; and

(d) all other pertinent factors.

The Board of Commissioners, committees, and Commissioners are not required, in considering the best interest of the Commission or the effects of any action, to regard any corporate interest or the interests of any particular group affected by such action as a dominant or controlling interest or factor. The consideration of interests and factors in the manner described in this section shall not constitute a violation of Section 3.11 hereof.
Section 3.13 Rules and Regulations

The Board of Commissioners may adopt rules and regulations not inconsistent with these Bylaws or the Standards and Procedures adopted from time to time by the Members for the administration and conduct of the affairs of the Commission and may alter, amend, or repeal any such rules or regulations adopted by it. Such rules and regulations may be amended by majority vote of the Board of Commissioners present and entitled to vote at a meeting of the Commission where a quorum is present.

Section 3.14 Removal of Commissioners

(a) By the Board of Commissioners. The Board of Commissioners, by a majority vote of all of the Commissioners, may declare vacant the office of any Commissioner who is declared of unsound mind by an order of the court or is convicted of a felony or other cause. "Other cause" shall mean any action or inaction that, in the sole discretion of the Board of Commissioners, materially and adversely affects or may affect the Commission.

(b) Institutional Commissioners; Loss of Affiliation with Member. No Commissioner shall be removed from his or her position as an Institutional Commissioner solely because he or she ceases to be employed by the Member that employed the Commissioner at the time of his or her election as a Commissioner, and it is presumed that such a Commissioner shall continue to serve on the Board of Commissioners for the remainder of his or her term. However, if any conflict of interest (as that term is defined in Section 3.16, below) arises due to any new position held by the Commissioner, such conflict of interest may be considered to constitute "other cause" supporting the removal of the Commissioner by the Board of Commissioners as provided in subsection (a) of this Section 3.14.

Section 3.15 Consents

Any action that may be taken at a meeting of the Board of Commissioners may be taken without a meeting, if a consent or consents in writing setting forth the action so taken shall be signed by all of the Commissioners in office and entitled to vote and shall be filed with the Secretary of the Commission.
Section 3.16 Conflict of Interest: Corporate

An actual or potential conflict of interest exists when any of the following exists:

(a) An officer or Commissioner has an ownership or investment interest in or compensation relationship with an organization with which the Commission does or proposes to do business or an organization that competes with the Commission; or

(b) An officer or Commissioner receives remuneration for performing services for the Commission and the Commission is determining his or her remuneration; or

(c) An officer or Commissioner serves as an officer or director or key employee of an organization that competes with or does business with the Commission.

A conflict also exists when a similar circumstance exists with respect to a family member of a Commissioner or company thirty-five percent (35%) owned by a Commissioner and his or her family members. Annually, each Commissioner and officer shall complete a disclosure statement reflecting his or her interests.

Commissioners shall act in a manner intended to further the best interest of the Commission. If at any time a Commissioner (i) has or may have a conflict of interest or (ii) is unable to act in the best interest of the Commission on any issue because of a personal situation, employment, conflicting interest, or other reason, the Commissioner shall recuse himself or herself from voting on the subject and shall leave the room while the matter is discussed. Recusing himself or herself shall not prevent a Commissioner from participating in other activities or discussions where no conflict of interest exists.

The Board of Commissioners may approve a transaction that is the subject of a conflict of interest only if it has determined (i) that the transaction or arrangement is in the Commission's best interest and for its own benefit, (ii) that it is fair and reasonable to the Commission, and (iii) that after exercising due diligence, the Commission would not obtain a more advantageous transaction with reasonable efforts under the circumstances. Where appropriate the Board shall obtain comparable information to assist it in reaching such conclusions. In
such cases, the transaction or arrangement must be authorized by the affirmative vote of a majority of the Commissioners that do not have a conflict in relation to the relevant transaction or arrangement.

The minutes of all meetings shall reflect (i) the names of the persons who disclosed any conflicts; (ii) the determination as to whether an actual or potential conflict of interest existed; (iii) the names of the persons who were present for discussions and votes relating to the transaction or arrangement; (iv) the content of the discussions, including any alternatives to the proposed transaction or arrangement and the basis for the determination of the Commission, including any comparability data; (v) the voting record, including any abstention from voting; and (vi) any action to be taken.

**Section 3.17 Conflict of Interest: Accrediting Actions**

The Board of Commissioners shall adopt and implement policies prohibiting conflicts of interest in decisions regarding the accredited status of schools that are or seek to become Members of the Commission.
Article IV Officers

Section 4.1 Enumeration

The officers of the Commission shall consist of a Chair, Vice Chair, Secretary, Treasurer, and such other officers and assistant officers as the Members may, from time to time, designate.

Section 4.2 Term of Office

Each officer shall serve for a term of two (2) years and until the officer’s successor is duly elected and takes office.

Section 4.3 Nomination and Election

At least thirty (30) days prior to the Biennial Meeting or any special meeting held to elect officers, the Nominating Committee shall nominate one or more persons for consideration for the positions of Chair, Vice Chair, and Commission Representative to ATS. The nominee for Chair must be a current member of the Board of Commissioners. At the Biennial Meeting or a special meeting called for that purpose, the Members shall elect these officers from among the persons nominated (a) by the Nominating Committee or (b) if any Member submits a petition signed by at least five (5) Members and the written consent(s) of the person(s) nominated, from the floor. Unless otherwise specified at the time of election, new officers shall take office at the conclusion of the meeting at which they are elected.

The Board of Commissioners shall elect the Secretary from among the director staff members who support the work of the Commission. The Vice Chair serves as Treasurer by virtue of the office (see Section 4.6).

Section 4.4 Vacancies

The Chair may fill vacancies in any office at which a quorum is present for the period ending upon the date of the next meeting of the Board of Commissioners, when the Commissioners shall fill such vacancy for the period ending at the next Biennial Meeting.
Section 4.5  Chair

The Chair is responsible for determining the agenda for meetings of the Board of Commissioners, convening the Board of Commissioners and chairing its sessions, and participating in the work of the Commission.

Section 4.6  Vice Chair

The Vice Chair of the Commission convenes and chairs the meetings of the Board of Commissioners at the request of the Chair and serves as the Treasurer of the Commission.

Section 4.7  Secretary

The Secretary shall make or cause to be made minutes of all meetings of the Board of Commissioners and the Members. The Secretary shall be responsible for the timely mailing or delivery of all notices of meetings of the Board of Commissioners and the Members, shall affix the corporate seal at the direction of the Chair, and, generally, will perform all duties incident to the office of secretary of a corporation and such other duties as may be required by law, by the Articles of Incorporation or by these Bylaws, or that may be assigned from time to time by the Board of Commissioners.

Section 4.8  Treasurer

The Treasurer shall supervise the financial activities of the Commission. Specifically, the Treasurer shall see that (a) full and accurate accounts of receipts and disbursements are kept, (b) a system is in place such that all monies and other valuable effects are deposited in the name and to the credit of the Association in such depositories as shall be designated by the Board of Commissioners, (c) the Commissioners, at the regular meetings of the Board of Commissioners or whenever they may require it, receive an account of the financial condition of the Commission, and (d) an annual audit of the Commission's books and records is performed by an auditor selected by the Board of Commissioners. In performing these functions, the Treasurer may rely on employees of the Commission or any affiliated Commission who possess special financial training and skills and whose employment responsibilities include management of the Commission's financial affairs. In the absence or disability of the
Treasurer, the Assistant Treasurer, if any, shall perform all the duties of the Treasurer and when so acting shall have all of the powers of and be subject to all of the restrictions upon the Treasurer.

Section 4.9 Commission Representative to ATS and Other Officers

The Commission Representative to ATS shall be a current member of the Board of Commissioners and serve with voice and vote on the ATS Board of Directors.

Each other officer shall have such responsibilities and perform such duties as may be prescribed by the Members or the Board of Commissioners from time to time. Each assistant officer shall carry out the responsibilities and duties of the officer that the assistant officer assists in the event such officer is unable to perform such responsibilities or duties, except that no assistant officer shall become a Commissioner solely by virtue of being an assistant officer.

Section 4.10 Bonds

The Board of Commissioners may, in its discretion, require the Treasurer and any other officer to give bond in such amount and with such surety or sureties as may be satisfactory to the Board of Commissioners for the faithful discharge of the duties of the office and for the restoration to the Commission, in case of the officer’s death, resignation, retirement, or removal from office, of all books, papers, vouchers, money, and other property of whatever kind belonging to the Commission in the officer’s possession or under the officer’s control.

Section 4.11 Removal of Officers

Any officer elected or appointed to office may be removed by the persons authorized under these Bylaws or the Commission’s Articles of Incorporation to elect or appoint such officers whenever in their judgment the best interest of the Commission will be served.

Section 4.12 Administration

The Commission will normally contract with the Association for all of its personnel, facilities, administrative, and other organizational needs. The Executive Director of the Association serves as an ex officio member of all Commission committees and task forces, with voice but not vote.
Article V  Committees

Section 5.1  Committees

The Commission shall have the following standing committees: Officers Committee, Nominating Committee, Coordinating Committee, Finance Committee, Audit Committee, and Appeals Panel. There shall be such other standing and ad hoc committees as the Board of Commissioners may deem advisable in the administration and conduct of the affairs of the Commission. Such committees shall meet as necessary to accomplish their goals. The Board of Commissioners is authorized in its discretion to approve reimbursement for travel and other actual expenses necessarily incurred by members of committees in attending committee meetings and in performing other official duties as such.

Except as otherwise provided in these Bylaws or in the resolution creating the applicable committee, the Board of Commissioners or the Members at the Biennial Meeting or any special meeting called for that purpose shall elect committee members. In the case of committee members elected by the Members, the committee members shall be nominated by the Nominating Committee or, if any Member submits a petition signed by at least five (5) Members and the written consent(s) of the person(s) nominated, from the floor. The Chair shall appoint all committee chairpersons, except as otherwise provided in these Bylaws or in the resolution creating the applicable committee.

Upon expiration of their initial terms, committee chairpersons and members may be reelected to a committee for one additional term only. With the exception of the Officers Committee, persons who are not Commissioners are eligible to serve as committee members. Any person authorized to appoint the chairperson and/or members of any committee by these Bylaws or the resolution creating the applicable committee may appoint himself or herself as chairperson and/or committee member. The chairperson of each committee shall determine the date and place of all committee meetings. Each committee may adopt its own rules of procedure not inconsistent with these Bylaws.
Section 5.2  Limitation on Power of Committees

No such committee shall have any power or authority as to the following:

(a) the submission to the Members of any action requiring approval of the Members;

(b) the creation or filling of vacancies in the Board of Commissioners;

(c) the adoption, amendment, or repeal of the Bylaws;

(d) the amendment or repeal of any resolution of the Board of Commissioners that by its terms is amendable or repealable only by the Board of Commissioners; or

(e) action on matters committed by the Bylaws or a resolution of the Board of Commissioners exclusively to another committee.

Section 5.3  Officers Committee

The Officers Committee shall consist of the Chair, Vice Chair, and the Commission Representative to ATS. The Chair shall serve as the chairperson of the Officers Committee. The Officers Committee may act for the Board of Commissioners between meetings, provided that it may not make decisions affecting accreditation status. The Officers Committee shall meet at such times as the Chair may call or on petition of two (2) Officers Committee members. At least twenty-four (24) hours’ oral or written notice shall be given for such meetings. A quorum for conducting business at a meeting of the Officers Committee shall be no fewer than two (2) members. The Chair shall present a full report of all Officers Committee decisions to the Board of Commissioners at the next regularly scheduled meeting of the Board of Commissioners.

Section 5.4  Nominating Committee

The Nominating Committee shall consist of five (5) persons appointed by the Chair of the Board of Commissioners, including two (2) Commissioners and three (3) representatives of Members that are not represented on the Board of Commissioners. The Nominating Committee shall nominate the Chair, Vice Chair, and Commission Representative to ATS, and Commissioners as provided in Section 3.3 hereof and shall nominate other committee members, including
Appeals Panel Members, consistent with the policies of the Board of Commissioners.

**Section 5.5 Coordinating Committee**

The Coordinating Committee shall consist of the President, Vice President, Secretary, and Treasurer of the Association, and of the Chair of the Commission, the Vice Chair of the Commission, the Commission representative to ATS, and the immediate past president of the Association, who will serve as a member of the committee and chair it. The Coordinating Committee has two primary functions: (1) It shall oversee the implementation of personnel policies of the Association, consult with the Executive Director regarding personnel issues, recommend compensation ranges, recommend changes to personnel policies to the ATS Board of Directors, and review and evaluate the performance of the Executive Director. (2) It will provide a venue for interpreting the work of the ATS Board of Directors and the work of the Board of Commissioners to one another and for coordinating that work on behalf of their respective member schools, respecting the independent missions and authority of the two boards.

**Section 5.6 Finance Committee**

The Finance Committee shall consist of the President and the Treasurer of the Association, the Vice Chair of the Commission, and such additional persons with expertise in financial matters as may be appointed by the Board of Directors of ATS. The Finance Committee shall oversee and provide advice to the Commission on financial matters. The Finance Committee shall regularly review and recommend to the Board of Commissioners policies to protect and enhance the assets of the Commission.

**Section 5.7 Audit Committee**

The Audit Committee shall consist of three (3) to five (5) persons elected by the Members. Audit Committee members shall be persons knowledgeable about financial matters, a majority of whom shall be independent. The Audit Committee shall make recommendations to the Board of Commissioners regarding the selection of the Commission's auditors, shall oversee the auditor's activities, shall set rules and processes for addressing complaints concerning accounting
and internal control problems, and shall assume such other responsibilities as may be appropriate for an Audit Committee.

Section 5.8 Appeals Panel

The Appeals Panel shall be composed of five (5) persons who are former Commissioners or former Directors of ATS, at least one of whom shall have been a Public Commissioner or Public Director. Appeals Panel members shall be elected by the Members and shall serve two-year terms. The Appeals Panel membership shall include at least one person in each of the following primary roles: a faculty member, an administrator, a ministry practitioner, and a public member. A person who has served for two consecutive two-year terms is not eligible for reelection until he or she has not served for two years. The Appeals Panel shall process appeals of Member schools regarding accrediting decisions in accordance with the Standards and Procedures of the Commission and policies of the Board of Commissioners.
Article VI  Limitation of Personal Liability of Commissioners

Section 6.1  Limitation of Commissioners’ Personal Liability

A Commissioner shall not be personally liable for monetary damages for any action taken unless the Commissioner has breached or failed to perform the duties of his or her office under Chapter 57, Subchapter B, of the NPCL, as in effect at the time of the alleged action by such Commissioner, and the breach or failure to perform constitutes self-dealing, willful misconduct, or recklessness. Such limitation on liability does not apply to the responsibility or liability of a Commissioner pursuant to any criminal statute or for payment of taxes pursuant to any Federal, state, or local law.

Section 6.2  Preservation of Rights

Any repeal or modification of this Article by the Commission shall not adversely affect any right or protection existing at the time of such repeal or modification to which any Commissioner or former Commissioner may be entitled under this Article. The rights conferred by this Article shall continue as to any person who has ceased to be a Commissioner of the Commission and shall inure to the benefit of the heirs, executors, and administrators of such person.
Article VII  

Indemnification

Section 7.1  Mandatory Indemnification of Commissioners and Officers

The Commission shall indemnify, to the fullest extent now or hereafter permitted by law (including but not limited to the indemnification provided by Chapter 57, Subchapter D, of the NPCL), each Commissioner and/or officer (including each former Commissioner or officer) of the Commission who was or is or is threatened to be made a party to or a witness in any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that the Commissioner or officer is or was an authorized representative of the Commission or is or was serving at the request of the Commission as a representative of another domestic or foreign Commission for profit or not-for-profit, partnership, joint venture, trust, or other enterprise, against all expenses (including attorneys’ fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by the Commissioner or officer in connection with such action, suit, or proceeding if such Commissioner or officer acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interest of the Commission and, with respect to any criminal proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action or proceeding by judgment, order, settlement, or conviction or upon a plea of nolo contendere or its equivalent shall not of itself create a presumption that the person did not act in good faith and in a manner that he or she reasonably believed to be in, or not opposed to, the best interest of the Commission and, with respect to any criminal proceeding, had reasonable cause to believe that his or her conduct was unlawful.

Section 7.2  Mandatory Advancement of Expenses to Commissioners and Officers

The Commission shall pay expenses (including attorneys’ fees) incurred by a Commissioner or officer of the Commission referred to in Section 7.1 hereof in defending or appearing as a witness in
any civil or criminal action, suit, or proceeding described in Section 7.1 hereof in advance of the final disposition of such action, suit, or proceeding, only upon receipt of an undertaking by or on behalf of such Commissioner or officer to repay all amounts advanced if it shall ultimately be determined that the Commissioner or officer is not entitled to be indemnified by the Commission as provided in Section 7.4 hereof.

Section 7.3 Permissive Indemnification and Advancement of Expenses

The Commission may, as determined by the Board from time to time, indemnify, in full or in part, to the fullest extent now or hereafter permitted by law, any person who was or is or is threatened to be made a party to or a witness in, or is otherwise involved in, any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that such person is or was an authorized representative of the Commission or is or was serving at the request of the Commission as a representative of another domestic or foreign corporation for profit or not-for-profit, partnership, joint venture, trust, or other enterprise, both as to action in his or her official capacity and as to action in another capacity while holding such office or position, against all expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by such person in conjunction with such action, suit, or proceeding if such person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interest of the Commission and, with respect to any criminal proceeding, had no reasonable cause to believe his or her conduct was unlawful. The Commission may, as determined by the Board from time to time, pay expenses incurred by any such person by reason of such person's participation in an action, suit, or proceeding referred to in this Section 7.3 in advance of the final disposition of such action, suit, or proceeding upon receipt of an undertaking by or on behalf of such person to repay such amount if it shall ultimately be determined that such person is not entitled to be indemnified by the Commission as provided in Section 7.4 hereof.
Section 7.4 Scope of Indemnification

Indemnification under this Article shall not be made by the Commission in any case where a court determines that the alleged act or failure to act giving rise to the claim for indemnification is expressly prohibited by Chapter 57, Subchapter D, of the NPCL or any successor statute as in effect at the time of such alleged action or failure to take action.

Section 7.5 Miscellaneous

Each Commissioner and officer of the Commission shall be deemed to act in such capacity in reliance upon such rights of indemnification and advancement of expenses as are provided in this Article. The rights of indemnification and advancement of expenses provided by this Article shall not be deemed exclusive of any other rights to which any person seeking indemnification or advancement of expenses may be entitled under any agreement, vote of members, disinterested Commissioners, statute, or otherwise, both as to action in such person's official capacity and as to action in another capacity while holding such office or position, and shall continue as to a person who has ceased to be an authorized representative of the Commission and shall inure to the benefit of the heirs, executors, and administrators of such person. Any repeal or modification of this Article by the members or the Board of Commissioners of the Commission shall not adversely affect any right or protection existing at the time of such appeal or modification to which any person may be entitled under this Article.

Section 7.6 Definition of Authorized Representative

For the purposes of this Article, the term, “authorized representative” shall mean a director, officer, or employee of the Commission or of any corporation controlled by the Commission, or a trustee, custodian, administrator, committeeman, or fiduciary of any employee benefit plan established and maintained by the Commission or by any corporation controlled by the Commission, or person serving another corporation, partnership, joint venture, trust, or other enterprise in any of the foregoing capacities at the request of the Commission. The term “authorized representative” shall not include money managers or investment advisors (or any employees thereof) hired by the Commission and shall not include agents of the Commission unless indemnification thereof is expressly approved by the Board of Commissioners.
Section 7.7 Procedure for Effecting Indemnification

Unless ordered by a court, any indemnification under this Article VII or the NPCL shall be made only following a determination that the indemnification is proper in the circumstances because the person seeking indemnification has met the applicable standard of conduct. Such determination shall be made:

(a) by the Board of Commissioners by a majority vote of a quorum consisting of Commissioners who were not party to the action or proceeding;

(b) if such a quorum is not obtainable or if obtainable and a majority vote of a quorum of disinterested Commissioners so directs, by independent legal counsel in a written opinion; or

(c) by the Members.
Article VIII

Restrictions Regarding the Operations of the Commission; Administration of Funds

Section 8.1  No Private or Political Beneficiaries

In keeping with the statement of purpose of the Commission as set forth in its Articles of Incorporation, no part of the earnings or assets of the Commission shall inure to the benefit of any private individual, and no substantial part of the activities of the Commission shall be used for lobbying, and the Commission shall not engage in any political campaign activities on behalf of or in opposition to any candidate for public office.

Section 8.2  No Violation of Purposes

In no event and under no circumstances shall the Commission make any distribution or expenditure, engage in any activity, hold any assets, or enter into any transaction whatsoever the effect of which under applicable federal laws then in force will cause the Commission to lose its status as an organization to which contributions are deductible in computing the taxable income of the contributor for purposes of federal income taxation.

Section 8.3  Tax Records

The Commission shall maintain at its principal office a copy of its application for exemption and all tax returns filed with the Internal Revenue Service. To the extent required by law, such documents shall be made available during regular business hours for inspection by any person requesting to see them.

Section 8.4  Annual Report

The Vice Chair shall submit annually to the Board of Commissioners a statement containing those details required to be included under the provisions of the NPCL, as it may be amended from time to time or any successor statute governing Pennsylvania nonprofit Commissions or these Bylaws.
Section 8.5 Books and Records

This Commission shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of the Members, the Board of Commissioners, and committees exercising the authority of the Board of Commissioners. The Commission shall keep at its registered office the original or a copy of its Bylaws including amendments to date, certified by the Secretary of the Commission, and a membership register, giving the names and addresses of all Members and the class and other details of membership. Every Member shall, upon verified written demand stating the purpose thereof, have a right to examine, in person, or by agent or attorney during the usual hours for business for any proper purpose, the membership register, books and records of account, and records of the proceedings of the Members and the Board of Commissioners, and to make copies or extracts therefrom. A proper purpose shall mean a purpose reasonably related to the interest of such person as a Member. Where an attorney or other agent is the person who seeks the right of inspection, the demand under oath shall be accompanied by a verified power of attorney or another writing authorizing the attorney or other agent to act on behalf of the Member.

Section 8.6 Definition of Code

Unless the context requires otherwise, terms used in this Article VIII of these Bylaws shall have the meanings ascribed to them in the Code. References to the Code in this Article shall be deemed to extend to corresponding provisions of any subsequent United States tax laws. The provisions of this Article shall apply notwithstanding other provisions of these Bylaws, if any, that are inconsistent.
Article IX

Bylaw Amendments

Section 9.1 Authority

These Bylaws may be altered, amended, and/or repealed from time to time by the affirmative vote of the Members entitled to vote and present at the Biennial Meeting or any special meeting called to consider such alteration, amendment, and/or repeal, provided, however, that no such alteration, amendment, and/or repeal shall be effective prior to the approval of ATS as provided in Section 11.1(a).

Section 9.2 Notice

The Members of the Commission shall be given at least thirty (30) days' prior written notice of any meeting of the Members at which proposed changes to the Bylaws of the Commission are to be considered or acted upon. Such written notice shall include a copy of the proposed amendment or a summary of the changes to be effected thereby.
Article X   

Dissolution

Section 10.1 Distribution of Assets upon Dissolution

In the event of the dissolution of the Commission or in the winding up of its affairs or other liquidation of its assets, the Commission’s property shall not be conveyed to any organization created or operated for profit or to any individual for less than the fair market value of such property. All assets remaining after all debts and expenses of the Commission have been paid or provided for shall be conveyed or distributed by the Board of Commissioners, in descending order of priority (i) to ATS if it then is recognized as an organization described in Code Section 501(c)(3); or (ii) equally among the Members that then qualify for the exemption afforded by Section 501(c)(3) of the Code or, in the case of Members that are Canadian entities equivalent to Section 501(c)(3) organizations; or (iii) to one or more organizations qualifying for the exemption afforded by Section 501(c)(3) of the Code. Any such assets not so distributed shall be disposed of pursuant to an order by a court of competent jurisdiction, exclusively for such purposes or to such organization or organizations, as said court shall determine.
Article XI  Limitation of Powers

Section 11.1 Limitation of Powers

The Commission shall in its operation be subject to the following exclusive rights of ATS:

(a) To approve all amendments to the Commission's Bylaws and the Articles of Incorporation;

(b) To approve all fundamental changes with respect to the Commission, as that term is defined in the NPCL.