IV.2 Grounds for appeal and burden of proof

IV.2.1 Grounds for appeal

An institution may file an appeal of a COA decision to withdraw accreditation or to deny initial accreditation. The appeal must be based on either or both of the following grounds:

1. That the COA failed to follow its established published procedures in reaching its decision, and that this failure to follow procedures caused the decision to be unfair; and/or
2. That the COA decision was arbitrary, capricious or not supported by significant, relevant information or evidence that the institution submitted in writing to the External Review Panel (ERP) and/or to the COA at the time of the review or before the decision, and that this oversight resulted in an unfair decision.

Guiding questions are 1) Was the action relevant to the issues at hand, within the agency's scope of authority and free from bias or malice? 2) Was the decision supported by substantial evidence? 3) Was the institution given adequate notice and an opportunity to be heard prior to the adverse action being taken? Specifically, did the institution have adequate time to respond, a meaningful opportunity to respond to the bases of the adverse action before it was taken and was there sufficient enough notice for the institution to know what the specific bases of an adverse action were before the action was taken? (Drinker Biddle LLC, 2009 Association of Specialized and Professional Accreditors Fall Meeting, Item V.G.3)

When filing an appeal, the institution cannot include information not submitted during the review process or changes that occurred after the COA decision.

IV.2.2 Burden of proof

The institution filing an appeal has the burden of proving that the COA committed clear error in making its accreditation decision, that this error resulted in an unfair decision, and that the error falls within the grounds for appeal set forth in this document. The Appeal Review Committee (ARC) members are to determine not whether they would have reached the same conclusion as the COA, but rather whether the COA followed established published procedures and reached its decision in a fair manner.

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