

## § 602.1

602.43 How is a decision on limitation, suspension, or termination of recognition reached?

### APPEAL RIGHTS AND PROCEDURES

602.44 How may an agency appeal the subcommittee's recommendation?

602.45 May an agency appeal the Secretary's final decision to limit, suspend, or terminate its recognition?

### Subpart E—Department Responsibilities

602.50 What information does the Department share with a recognized agency about its accredited institutions and programs?

AUTHORITY: 20 U.S.C. 1099b, unless otherwise noted.

SOURCE: 64 FR 56617, Oct. 20, 1999, unless otherwise noted.

### Subpart A—General

#### § 602.1 Why does the Secretary recognize accrediting agencies?

(a) The Secretary recognizes accrediting agencies to ensure that these agencies are, for the purposes of the Higher Education Act of 1965, as amended (HEA), or for other Federal purposes, reliable authorities regarding the quality of education or training offered by the institutions or programs they accredit.

(b) The Secretary lists an agency as a nationally recognized accrediting agency if the agency meets the criteria for recognition listed in subpart B of this part.

(Authority: 20 U.S.C. 1099b)

#### § 602.2 How do I know which agencies the Secretary recognizes?

(a) Periodically, the Secretary publishes a list of recognized agencies in the FEDERAL REGISTER, together with each agency's scope of recognition. You may obtain a copy of the list from the Department at any time. The list is also available on the Department's web site.

(b) If the Secretary denies continued recognition to a previously recognized agency, or if the Secretary limits, suspends, or terminates the agency's recognition before the end of its recognition period, the Secretary publishes a notice of that action in the FEDERAL REGISTER. The Secretary also makes

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the reasons for the action available to the public, on request.

(Authority: 20 U.S.C. 1099b)

#### § 602.3 What definitions apply to this part?

The following definitions apply to this part:

*Accreditation* means the status of public recognition that an accrediting agency grants to an educational institution or program that meets the agency's standards and requirements.

*Accrediting agency* or *agency* means a legal entity, or that part of a legal entity, that conducts accrediting activities through voluntary, non-Federal peer review and makes decisions concerning the accreditation or preaccreditation status of institutions, programs, or both.

*Act* means the Higher Education Act of 1965, as amended.

*Adverse accrediting action* or *adverse action* means the denial, withdrawal, suspension, revocation, or termination of accreditation or preaccreditation, or any comparable accrediting action an agency may take against an institution or program.

*Advisory Committee* means the National Advisory Committee on Institutional Quality and Integrity.

*Branch campus* means a location of an institution that meets the definition of branch campus in 34 CFR 600.2.

*Distance education* means an educational process that is characterized by the separation, in time or place, between instructor and student. The term includes courses offered principally through the use of—

(1) Television, audio, or computer transmission, such as open broadcast, closed circuit, cable, microwave, or satellite transmission;

(2) Audio or computer conferencing;

(3) Video cassettes or disks; or

(4) Correspondence.

*Final accrediting action* means a final determination by an accrediting agency regarding the accreditation or preaccreditation status of an institution or program. A final accrediting action is not appealable within the agency.

*Institution of higher education* or *institution* means an educational institution

that qualifies, or may qualify, as an eligible institution under 34 CFR part 600.

*Institutional accrediting agency* means an agency that accredits institutions of higher education.

*Nationally recognized accrediting agency, nationally recognized agency, or recognized agency* means an accrediting agency that the Secretary recognizes under this part.

*Preaccreditation* means the status of public recognition that an accrediting agency grants to an institution or program for a limited period of time that signifies the agency has determined that the institution or program is progressing towards accreditation and is likely to attain accreditation before the expiration of that limited period of time.

*Program* means a postsecondary educational program offered by an institution of higher education that leads to an academic or professional degree, certificate, or other recognized educational credential.

*Programmatic accrediting agency* means an agency that accredits specific educational programs that prepare students for entry into a profession, occupation, or vocation.

*Representative of the public* means a person who is not—

(1) An employee, member of the governing board, owner, or shareholder of, or consultant to, an institution or program that either is accredited or preaccredited by the agency or has applied for accreditation or preaccreditation;

(2) A member of any trade association or membership organization related to, affiliated with, or associated with the agency; or

(3) A spouse, parent, child, or sibling of an individual identified in paragraph (1) or (2) of this definition.

*Scope of recognition* or *scope* means the range of accrediting activities for which the Secretary recognizes an agency. The Secretary may place a limitation on the scope of an agency's recognition for Title IV, HEA purposes. The Secretary's designation of scope defines the recognition granted according to—

(1) Geographic area of accrediting activities;

(2) Types of degrees and certificates covered;

(3) Types of institutions and programs covered;

(4) Types of preaccreditation status covered, if any; and

(5) Coverage of accrediting activities related to distance education, if any.

*Secretary* means the Secretary of the U.S. Department of Education or any official or employee of the Department acting for the Secretary under a delegation of authority.

*Senior Department official* means the senior official in the U.S. Department of Education who reports directly to the Secretary regarding accrediting agency recognition.

*State* means a State of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The latter three are also known as the Freely Associated States.

*Teach-out agreement* means a written agreement between institutions that provides for the equitable treatment of students if one of those institutions stops offering an educational program before all students enrolled in that program have completed the program.

(Authority: 20 U.S.C. 1099b)

### Subpart B—The Criteria for Recognition

#### BASIC ELIGIBILITY REQUIREMENTS

#### § 602.10 Link to Federal programs.

The agency must demonstrate that—

(a) If the agency accredits institutions of higher education, its accreditation is a required element in enabling at least one of those institutions to establish eligibility to participate in HEA programs; or

(b) If the agency accredits institutions of higher education or higher education programs, or both, its accreditation is a required element in enabling at least one of those entities to establish eligibility to participate in non-HEA Federal programs.

(Authority: 20 U.S.C. 1099b)