

NACCAS Rules of Practice & Procedure
February 2012

Part 11 – Confidentiality And Information Sharing

Section 11.0 **Confidentiality of Records**

- (a) The Commission recognizes the confidential nature of certain information that a school submits during the processes of becoming accredited, renewing accreditation, or maintaining its accreditation. To this end, NACCAS Commissioners, staff, and on-site evaluators shall protect the confidentiality of information provided by schools during the accrediting process from disclosure, unless excepted under this Part.
- (b) With respect to complaints filed with NACCAS pursuant to [Part 6](#) (see page 90), NACCAS shall have no duty to disclose the identity of the complainant, except as provided in [Sections 6.2](#) (see page 91) and [11.3](#) (see below) of these *Rules*.

Section 11.1 **Directory of Accredited Schools**

No less than once per year, the Commission shall publish on its Web site or through other means a *NACCAS Directory of Accredited Schools*, which shall list, by state and in alphabetical order, the name, address and telephone number of the school, the Owner, or a school designated official, the year the school was initially accredited, the accredited programs offered by the school and the date of the next scheduled accreditation review (as of the date of publication).

Section 11.2 **Exception for Certain Information Concerning a School's Status**

The Commission shall make available to the public, and may publish in any official NACCAS publication, the following information concerning the status of an institution with the Commission:

- (a) The name and address of the institution;
- (b) The form of business (corporate, partnership, sole proprietorship, etc.), and whether it is part of a multi-school system;
- (c) The accredited (or non-accredited) status of the school, including the date of initial accreditation, renewal of accreditation or previous accreditation, date of voluntary or involuntary withdrawal of accreditation, the date of the most recent final action by the Commission concerning a school, the time frame for processing an application and whether a site visit has been conducted.

Section 11.3 **Sharing Information With Other Accrediting Agencies and Government Bodies**

NACCAS shall notify the appropriate accrediting agencies of a decision by the Commission to grant initial accreditation or renewal of accreditation, to place an institution on probation, and a decision to deny or withdraw accreditation, as well as a decision by an institution to voluntarily relinquish its accreditation, within 30 days of the decision.

NACCAS shall grant all reasonable special requests for accreditation information made by other accreditation agencies and governmental entities, including the United States Department of Education. Requests for information from such entities shall be in writing, submitted to the Executive Director, and

NACCAS Rules of Practice & Procedure February 2012

shall state the name and address of the institution for which the information is sought, the nature of the information requested, as well as the purpose for which the information is to be used. A decision to deny such a request is not subject to appeal. In the event that the United States Department of Education requests that a request for information be treated as confidential, NACCAS shall honor that request. In all other cases, NACCAS shall review the circumstances surrounding the contact by the United States Department of Education, including the need for the confidentiality of that contact, before determining whether the institution will be notified when such requests for information have been granted. NACCAS shall also comply with requests from the United States Department of Education for special reports such as an annual data summary.

Institution seeking accreditation from NACCAS shall agree to provide a release for purposes of eliciting information from state boards and government entities, as well as an acknowledgement of the fact that accrediting information may, at the discretion of NACCAS or as required by applicable statutes or regulations, be shared with other accrediting agencies and governmental entities.

Section 11.4 Notification to Government Entities

NACCAS shall inform the U.S. Department of Education and the appropriate State oversight agency, at the same time that it notifies the institution, of any final denial or withdrawal actions, and of any action to place an institution's accreditation on probation, taken pursuant to [Parts 4](#) (see page 75) and [8](#) (see page 101) of the *Rules*. A final decision is one reached after an institution has exhausted the appeals process provided under [Part 9](#) (see page 113) of these *Rules*, or which is entered after an institution has failed to avail itself or its appeal rights with the prescribed time frame. No later than 60 days after a final decision to deny or withdraw accreditation, NACCAS shall make available to the U.S. Department of Education and the appropriate State oversight entity a brief statement summarizing the reasons for the Commission's decision and the comments, if any, that the affected institution submits with regard to that decision.

NACCAS shall notify the United States Department of Education and the appropriate State oversight agency, within 30 days, of any decision to grant initial accreditation, renewal of accreditation, or approve a change under [Parts 4](#) (see page 75) and [8](#) (see page 101) of the *Rules*. Also, NACCAS shall notify these government entities, within 30 days, of an institution's decision to voluntarily relinquish its accreditation and the effective date of that relinquishment.

NACCAS shall inform the United States Department of Education of the name of any institution or program accredited by the agency with the Commission, upon review of the team report and response, interim visit report, complaint and response to complaint allegations or annual report information, has reason to believe is failing to meet its Title IV, HEA program responsibilities or is engaged in fraud or abuse and the reason for the Commission's concern.

Section 11.5 Exception in Event of Appropriate Legal Request

As a general rule, the Commission has no authority or duty to refuse to disclose information about a school when requested to do so pursuant to appropriate legal process. If the request is made by a party with the ability to obtain school records through a legal process, it shall be within the discretion of the Commission whether to require that the formalities of the legal process be observed or to provide such information to the requester as if the legal process had been followed. In either event, the Commission will make a reasonable effort to ensure that the documents provided are used only for the legal purpose for which they were sought. The Commission shall be under no obligation to inform a school that such a request has been made

NACCAS Rules of Practice & Procedure February 2012

and complied with. Such notice may be furnished to the school if the Commission so decides and if such notice is in accordance with law; provided, however, that NACCAS shall honor all requests by the United States Department of Education to maintain the confidentiality of contact with the Department.

Section 11.6 Public Availability of Summary Information

NACCAS shall notify the public of a decision by the Commission to grant initial accreditation, renewal of accreditation, to place an institution on probation, and a decision to deny or withdraw accreditation, as well as a decision by an institution to voluntarily relinquish its accreditation, within 30 days of the decision. The Commission shall provide written notice to the public within 24 hours after a decision to place an institution on probation or to withdraw its accreditation (all appeal rights exhausted), by posting the notice on the NACCAS [web site](#) or other means.

NACCAS shall make available to the public, upon written request, a summary of a final accrediting decision to deny or terminate accreditation, together with any comments submitted by the institution no later than 60 days after the decision becomes final.

Section 11.7 Authorized Disclosure of Information

If a school wishes specific accreditation information that is otherwise to be treated as confidential under this part released to third parties, the chief executive officer of such school or a school-designated official shall provide a written release to the Commission stating the precise information sought to be released and the party or parties to whom the information is to be released.

Section 11.8 Exception for Disclosure Necessary to Correct Misrepresentation

If a school releases information to any third party that misrepresents any action by the Commission, the Commission shall, at its discretion, disclose information about the school in any manner it deems necessary to correct such misrepresentation.

Section 11.9 Document Retention Policy

Accreditation documentation shall be maintained and disposed of in accordance with NACCAS' Document Retention Policy.

Related Documents

The following documents may be helpful to you in understanding the requirements of this Part of the NACCAS *Rule: 34 CFR Part 602* and **Family Educational Right and Privacy Act**.