

NACCAS 2012 SUPPLEMENTAL POLICY CALL FOR COMMENT

COMPARISON OF PROPOSED CHANGES TO STANDARDS, CRITERIA, RULES, APPENDICES AND BY-LAWS

General Notes on Changes:

1. More than one Proposal may relate to the same provision of NACCAS' Standards, Policies, Rules of Practice and Procedure, Appendices, By-Laws or Glossary. Unless otherwise noted, all Proposals relating to a given Standard, Policy, etc. are included in a comprehensive mark-up of that provision.
2. Language to be deleted is overstruck (~~overstruck~~) and language to be added is in **bold, underlined** text.
3. Proposals adopted by Emergency Action precede Proposals not yet adopted by the Commission.
4. Any Proposal adopted under emergency action is given a Proposal Number with an "E". The effective date for each such Proposal is noted in the Call for Comment Survey document.

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PROPOSAL 2012-SUPP-1E

Proposal 2012-SUPP-1E: The Commission proposes to amend Section 11.4 of NACCAS' Rules of Practice and Procedure to permit NACCAS' Executive Director to promptly notify the U.S. Department of education of the name of any accredited school which NACCAS has reason to believe is failing to meet its Title IV, HEA program responsibilities or is engaged in fraud or abuse. (The Proposal was adopted by the Commission under emergency action and became effective May 24, 2012. The Proposal is presented for comment as it remains subject to change by the Commission.)

Rationale: To conform to the requirements of 34 C.F.R. §602.27(a)(6). NACCAS has been advised by the U.S. Department of Education that the previous version of Section 11.4 did not permit the Commission to act with sufficient promptness to meet the requirements of this regulation.

PROPOSED REVISIONS

Section 11.4 Notification to Government Entities

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NACCAS' Executive Director 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,~~ which NACCAS 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~~ NACCAS' concern.

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PROPOSAL 2012-SUPP-1

Proposal 2012-SUPP-1: The Commission proposes to amend Articles V and VII of NACCAS' By-Laws to provide that the Chair, Vice-Chairs, Secretary and Treasurer of the Commission shall be elected at the last Commission meeting of the year, and shall take office on the January 1 immediately following their election.

Rationale: Under the current By-Laws, new Officers do not assume their offices until the first face-to-face meeting of the Commission each year (typically, in February). If the prior holder of an Officer position is no longer on the Commission, that position is empty for several weeks. The Commission believes that seating its Officers effective January 1 will eliminate such transition problems.

PROPOSED REVISIONS

ARTICLE V – MEETING

SECTION I

The annual meeting of the Commission shall be the first meeting of each calendar year at which Commissioners are physically present. Two-thirds of the Commission shall constitute a quorum at the Annual Meeting or any prescribed Commission meeting under [Section II](#) (below).

The agenda of the annual meeting of the Commission shall include ~~the election of the new Chair and the Officers,~~ receipt of the annual report of the immediate past Commission Chair, Officers and Committees, and the transaction of all other business. The date and place of the annual meeting shall be fixed by the Commission. Notice of such meeting, stating the date, place and time of the meeting, signed by the Secretary, shall be mailed to the last recorded address of each Commissioner at least thirty (30) days before the time appointed for the meeting.

ARTICLE VII – OFFICERS

SECTION II

The Chair, Vice-Chairs, Secretary and Treasurer shall be elected by the Commission from the members of the Commission, and will have served at least one year on the Commission by the time they take office. The officers shall serve a one-year term commencing **January 1 of the calendar year immediately following** ~~at the conclusion of the meeting at which they are elected.~~ Any officer may serve more than one term.

The election of officers shall be ~~by secret written ballot of Commissioners physically present at the meeting at which the elections are held.~~ **conducted by secret ballot of Commissioners in attendance at the meeting at which the elections are held. In the event that such meeting is by teleconference or other means by which Commissioners may attend without being physically present, the vote shall be conducted by a method (electronic or otherwise) that has been approved in advance of the meeting by vote of the Commission and that (1) permits the casting of secret ballots whose authenticity can be verified, (2) permits**

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PROPOSAL 2012-SUPP-1

nominations from the floor, and (3) permits the vote to be calculated by the chair of the Nominating Committee, independently confirmed by the Executive Director (or, in the absence of the Executive Director, by another person selected by the Chair) and announced at the meeting at which the vote takes place. Voting by proxy shall not be allowed. The candidate with the majority of the votes cast shall be declared the winner in each election.

Ballots shall be pre-printed with the slate proposed by the Nominating Committee. Any nominations from the floor shall be written in by a person designated by the chair of the Nominating Committee. Each Commissioner shall receive a ballot for the position to deposit in a receptacle designated by the chair of the Nominating Committee.

The chair of the Nominating Committee shall read the ballots in front of the Commission to be confirmed by the candidates for the position. The winner shall be announced by the chair of the Nominating Committee. Ballots shall be available until the count is confirmed, then destroyed.

SECTION V - Election of Officers

- A. Prior to the ~~annual meeting~~ **final meeting of the Commission in each calendar year**, the Chair of the Commission shall appoint a nominating committee of three (3) Commissioners, to be known as the Officer Nominating Committee.

The Officer Nominating Committee shall prepare a slate of only one candidate for each officer position to present at the ~~annual~~ **final Commission** meeting in any calendar year. Any committee member who places his/her name under consideration for an officer position must promptly resign from the **Officer** Nominating Committee and the Chair of the Commission shall appoint a replacement.

At the meeting at which officers are elected, nominations may be made from the floor.

- B. Officers shall be elected by a majority vote of the Commission members ~~physically present~~ **in attendance** and voting. Any tie shall be put to a re-vote. If this second vote results in a tie, it shall be broken by the vote of the Commissioner chairing the election. This in no way limits the right of the Chair to vote for officers.
- C. The officers of the Commission shall hold office for one calendar year or until their successors are chosen and qualify. Any officer or agent, elected or appointed by the Commission, may be removed by the Commission whenever, in its judgment, the best interests of the Commission will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Any vacancy occurring in any office of the Commission by death, resignation, removal, or otherwise shall be filled by the Commission.