

USDE LETTER TO CCE

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team members with professional, economic and/or geographic conflicts of interest were utilized in the decision making process leading to the revocation of accreditation of Life University College of Chiropractic (LUCC). Specifically, individuals who participated in the decision making process subsequently attempted to purchase LUCC, or solicit students from LUCC.

DECE Allegation: Since 1999, the CCE leadership reorganized itself, and made several policy decisions, in violation of its own charter and bylaws.

CCE Response: With regard to the CNJC allegation, CCE states that it had no part in efforts to recruit LUCC students or to purchase LUCC, and that it never received any complaints that such activities were taking place. CCE asserts that had it received such a complaint and identified such activities, it would have deemed them unacceptable and would have taken "appropriate actions." The agency also points to a number of policies designed to prevent conflicts of interest.

With regard to the DECE allegation, CCE acknowledges a series of errors since 1998 that resulted in, on one occasion, a discrepancy between the CCE Articles of Incorporation and the Bylaws. On another occasion, authority to amend the Articles of Incorporation and bylaws was given to a committee that no longer existed. CCE explains that an ongoing lawsuit is now prompting the agency to correct these "language discrepancies" and that the agency's accreditation functions and decisions have not been impacted.

Staff Finding: The agency is not in compliance with this criterion.

CCE apparently has never directly responded to the allegation of conflict of interest by its members, commissioners, and evaluation team members, despite having received a letter of complaint from CNJC on March 24, 2003. (See staff finding under §602.23(c)(3).) Although the agency identifies policies designed to prevent conflict of interest, it has apparently not investigated this allegation to determine if violations of its policies took place. In the absence of such an investigation, Department staff must conclude that either CCE does not have clear and effective controls against conflict of interest, or has failed to implement such controls where appropriate.

With regard to the DECE allegation, staff is concerned that continuing discrepancies between CCE internal policy documents may compromise the agency's ability to effectively carry out its accreditation activities.

The CCE needs to review its internal policy documents for discrepancies and take corrective action to correct all discrepancies. The agency also needs to investigate the allegation of conflict of interest by its members, commissioners, and evaluations team members in its review of LUCC. Finally, the agency also needs to take action as outlined in the Staff Finding for §602.23(c)(3) in this document.

§602.18 Ensuring consistency in decision-making.

The agency must consistently apply and enforce its standards to ensure that the education and training offered by an institution or program, including any offered through distance education, is of sufficient quality to achieve its stated objective for the duration of any accreditation or preaccreditation period granted by the agency. The agency meets this requirement if the agency —

- (b) **Has effective controls against the inconsistent application of the agency's standards;**
- (c) **Bases decisions regarding accreditation and preaccreditation on the agency's published standards;**

DECE Allegation: CCE's creation of a "special accreditation process" for LUCC is inconsistent with its policies governing timeframes for reaccreditation.

CCE Response: The "special accreditation process" referred to by DECE relates to the August, 2003 litigation settlement between CCE and LUCC. The terms of the settlement are confidential and, consequently, CCE is unable to disclose information relating to this process.

Staff Finding: The agency is in non-compliance with the criterion. Staff understands the agency's position with regard to the confidentiality of the settlement reached with LUCC. However, the fact remains that the settlement was reached in August 2003 restoring accreditation status to an institution that had previously had its accreditation suspended in June 2002. Since CCE policies require treatment of institutions with revoked accreditation as new applicants, and new applicants are required to show evidence of two years of compliance with certain requirements in CCE standards, LUCC was not eligible for reinstatement as an accredited institution in August 2003. Staff agrees with DECE that CCE's action to reinstate LUCC in August 2003 represented an inconsistent application of agency standards.

Staff recognizes that the restoration of accreditation to LUCC was the result of litigation settlement and that CCE was not at liberty to fully adhere to its established policies. Staff merely notes that the procedure was not consistent with established CCE policy and acknowledges that there is no resolution available or required at his time.

§602.21 Review of Standards.

- (d) **The agency must maintain a systematic program of review that demonstrates that its standards are adequate to evaluate the quality of the education or training provided by the institutions or programs it accredits and relevant to the educational or training needs of students.**
- (e) **The agency determines the specific procedures it follows in evaluating standards, but the agency must ensure that its program of review-**
 - (6) **Is comprehensive;**
 - (7) **Occurs at regular, yet reasonable, intervals or on an ongoing basis;**
 - (8) **Examines each of the agency's standards and the standards as a whole; and**

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