

Matters under Litigation Policy

It is the policy of the Commission not to become involved in litigation within an institution. The Commission is not an adjudicatory agency, and it is not the role or function of the Commission to arrive at any determination regarding the merits of any aspect of pending litigation. The Commission's concerns are to determine whether an institution is in compliance with Commission Standards and to assist institutions, through established procedures, in the improvement of quality.

Because of the sensitivities created when litigation is pending during a review, the Commission has developed the following guidelines.

RESPONSIBILITY OF THE INSTITUTION

It is the responsibility of the institution to inform the Commission staff, prior to a review, of any relevant pending litigation against the institution. The staff will consult with the accreditation liaison officer to determine if any special advice will need to be provided to the team chair. If interviews with the team are requested, the team chair shall determine how such interviews are to be conducted.

RESPONSIBILITY OF THE REVIEW TEAM

Review teams should not comment on pending litigation in such a way as to express an opinion about the merits of the lawsuit or its outcome. Team members are not precluded from meeting with individuals involved in litigation and hearing from them regarding the litigation itself, or issues that are the subject of the litigation. However, team members are responsible for reporting such discussions to the team chair. If such a meeting is held, or if the subject of the litigation arises during the course of interviews, the institution will be informed by the team chair. Team members are cautioned against saying or writing anything that may be used by either party in support of their positions in the lawsuit.

If questions arise prior to, during, or after a review, Commission staff should be consulted.