

Initial Arbitration Policy

Scope of This Policy

Federal law (§ 1099b(e)) stipulates “The Secretary may not recognize the accreditation of any institution of higher education unless the institution of higher education agrees to submit any dispute involving the final denial, withdrawal, or termination of accreditation to initial arbitration prior to any other legal action.” This policy defines how the COCA will conduct an Initial Arbitration with an institution that meets this policy.

Circumstances for Arbitration

A COM that has received an Adverse Action as defined in COCA’s “Adverse Action Appeal Policy,” has appealed the Commission’s decision, had that decision upheld by the appeal panel, and is considering legal actions regarding that decision, is required by federal policy to submit to initial arbitration prior to initiating any legal action. The COCA will facilitate arbitration as described in this policy.

Notice to the COM

Upon notice to a COM that an adverse action has been upheld upon appeal, the COCA will notify the COM that, should it be considering legal action related to this action, it must first submit to initial (non-binding) arbitration. The following terms will apply to that process:

- The selection of the arbitration body will provide for input from the COM.
- The arbitration body will have no relationship to the COCA, will be subject to its conflicts of interest policies, and will not have a decision-making function on behalf of the COCA. It will thus have no advantage over the COM in the arbitration process.
- In keeping with due-process expectations, the times set for arbitration deliberations will be reasonable.
- If both parties agree, the arbitration may be conducted under the rules of the American Arbitration Association.

Related Federal Requirements:

34 C.F.R. § 602.20(e)