**The ACCJC Reign of Terror**

The Accrediting Commission for Community and Junior Colleges (**ACCJC**) is the regional accreditation agency for the community colleges of California.

**Barbara Beno**, a former college president whose contract was not renewed by the college district in which she had served, was the President of the ACCJC beginning in **August of 2001.** During her term as President, the ACCJC changed from being a **collegial accrediting agency** that helps its colleges to satisfy accreditation standards by offering training and assistance to both visiting teams and college constituencies to one that **issued sanctions with a vengeance** and interfered with the internal operations of community colleges across the state.

From **2003 to 2008**, the six United States regional accrediting bodies issued a total of **126 sanctions** to community colleges in the United States. **112** of these were issued by the ACCJC under Beno’s direction. From **June 2011 to June 2012,** the ACCJC issued forty-eight of the seventy-five sanctions (**64%**) issued nationwide. The community colleges in California represent about 19% of the community colleges accredited nationally. In short, California’s community colleges (representing 19% of the colleges nationwide) that were accredited by ACCJC, generated 64% of the national sanctions. Among these sanctions was the removal of accreditation from the **Compton Community College District** as well as a failed attempt to remove the accreditation of **City College of San Francisco**.

President Beno and the Commission members had, since Beno took over, conducted a **reign of terror** in which any **sign of disloyalty** to the ACCJC or difference with any of their policies was met with **threats of more severe sanctions.** In some cases, actual sanctions have been levied against colleges where criticisms of the Commission itself have occurred. As one CEO told me, it is “***Beno’s way or the highway***.” As a result, most college administrators and faculty were **afraid to speak out** against the excesses of the ACCJC. Even visiting team members have been unwilling to step forward and expose abuses for **fear of hurting the chances of their home institutions**. In June of 2013 the ACCJC stepped up its muzzling of both visiting team members and Commission members by passing an additional series of policy changes that require **non-disclosure of Commission proceedings**.

The ACCJC directed colleges to implement “***transparent decision making, honest dialogue and widespread dissemination of internal college documents****.”* **The ACCJC itself did not live up to that standard.**The Commission operated in secret and applied its standards in an **arbitrary and inconsistent manner**. It disregarded the public policies of California. In addition, questions regarding conflict of interest on the part of Commission members and staff were raised on numerous occasions. Due to the highly secretive processes of the ACCJC, it is difficult to substantiate how Commission members might be voting even when a conflict of interest arises. In fact, there is not even a public record of how the nineteen individual commissioners vote on the sanctions of the colleges.

***Hittelman Letter of November 21, 2001*** *on Standards*

In November of 2001, I wrote a letter for the Community College Council to the ACCJC. This marked the **beginning of a sixteen year battle** against the excesses of the Commission. I wrote to the ACCJC objecting to certain policies of the ACCJC. Many of these concerns became magnified over the years. In particular, I wrote “The Community College Council of the California Federation of Teachers is opposed to the direction that the new proposed standards (Draft A) has taken. We oppose using so-called “**quantifiable outcomes**” as the **mandated approach to determine effectiveness of education**. We believe that many institutions would prefer to use qualitative issues and educational standards as their guide to institutional quality. While a few colleges may wish to use the **Total Quality Management** approach, we do not believe that it should be imposed on all institutions, especially in light of its **still controversial status.** We do not believe that the “**learning objectives**” and “**outcomes**” approach to education necessarily produces the highest quality educational experience. Many “objectives” that can be easily measured are not important whereas **many important results cannot be measured**. Education is more than standardized tests - it is a holistic experience which should include social, societal, and self-actualizing goals. **The goal of education should include the ability to learn on one’s own, be motivated to work hard in pursuit of truth, and want to continue learning.** None of these goals are valued in the new proposed standards.”

I went on to write that:” In Standard III, the new standard requires that “**Evaluations of faculty** also includes effectiveness in producing stated student learning outcomes.” By defining what evaluation must specifically include, **the Commission is entering an area that is the domain of collective bargaining.** In the past (Standard Seven), the Commission did not determine how effectiveness would be measured but rather stated that “Criteria for evaluation of faculty include teaching effectiveness, scholarship or other activities appropriate to the area of expertise, and participation in institutional service or other institutional responsibilities.” The change to the required outcome-based criteria is not appropriate. Evaluation processes are best defined at the local level via local expertise and the collective bargaining process and **that is what is required by California law**.”

I continued: “We are concerned with the removal of what seemed to be, in the previous standards, a **commitment to collegial governance**. The changes seem to reflect a veiled attempt to overthrow the gains made through the passage AB 1725 in California. In addition, the new “Vested Authority” section is too prescriptive as to the rights of the chief executive officer. One example is the statement that ‘(T)he governing board delegates full responsibility and authority to him/her to implement and administer board policies without interference and holds him/her accountable for the operation of the district, system, or college.’ This seems more like a “**protect administrators**” device rather than an accreditation standard. Another example of **micro managing** by the Commission is the statement in the multi-college district section where it requires that the chief executive ‘**delegates full responsibility and authority to them to implement and administer district or system policies without interference** and holds them accountable for the operations of the colleges.’ ”

“The Community College Council also believes that a community college district should be required to comply with the laws and regulations governing districts including those requiring the participation of faculty, staff, and students in the development of district and college policy. Faculty rights and responsibilities are specified and guaranteed in the California Code of Regulations (Title 5) and therefore should be addressed in the accreditation self-study. The issue has been partially addressed in the current standard Ten B.7 in the statement that ‘faculty have established an academic senate or other appropriate organization’ and that "faculty have a substantive and clearly defined role in institutionalized governance.” This language should be continued and enlarged to include classified and student participation. “

“The CCC also believes that there should also be a standard directed at the **working relations between the district and its collective bargaining agents.** It should be noted that most districts currently include faculty unions in the development of policy and in January 2002 will be required to include classified unions as representatives in shared governance. How these arrangements work reflect on the quality of the experience at the college and should be addressed in a standard and reflected in the college self-study.”

In 2009, the **Community College Association** (an affiliate of the California Teachers Association) noted their concerns with the work of Beno and the Commission. It particular they complained with regard to a statement that Beno had made: “If the faculty do not adopt Student Learning Outcomes **regardless of collective bargaining the college will lose its accreditation and close at the end of the 2009 Spring semester.”** Later the Academic Senate of the Community Colleges of California approved a number of resolutions opposing the actions of the CCC and other organizations like FACCC and the Independent Unions joined the battle. Over time the statewide faculty organizations became united in their effort to change the behavior of the ACCJC.

***October 13, 2008 Hittelman Letter to ACCJC***

Later in October of 2008, acting as the president of the California Federation of Teachers, I wrote a letter to the ACCJC with regard to the actions of the ACCJC. I wrote with respect to amendments to Standards III.A.1.c and II.A.6. The letter was as follows:

“I write as **President of the California Federation of Teachers**, AFT/AFL CIO. As you know, the Accrediting Commission for the California Junior Colleges (ACCJC) serves an important function by virtue of California law. In particular, the State has dictated that, "Each community college within a district shall be an accredited institution. **The Accrediting Commission for California Junior Colleges shall determine accreditation**." (5 Cal. Code Regs. 51016)”

“In conferring on this important responsibility on the ACCJC, the State of California and the Board of Governors of the California Community Colleges expect the ACCJC to fulfill an important state objective, providing education through accredited public community colleges. ACCJC may or may not be a quasi-governmental entity, but either way **it must respect State laws created by the Legislature, when fulfilling its functions**.”

“Of particular importance to the California Federation of Teachers, and its constituent locals, is the **Educational Employment Relations Act**, California Government Code section 3540 et seq... The Act, as you know, provides a framework for collective bargaining for faculty in the California Community Colleges.”

“One of the most important rights faculty have is to **negotiate with their employer over evaluation procedures, criteria and standards.** In fact, this right is so important that the Legislature deemed it worthy of explicit enumeration within the Act. In addition, pursuant to the EERA **academic freedom policies are negotiated at community colleges**.”

“In recent years, considerable controversy has existed within the community colleges over the issue of **Student Learning Outcomes** or SLOs. It is an understatement to say that many within the college community, faculty and administrators alike, feel the ACCJC has gone too far in its demands regarding SLOs, **because they intrude on negotiable evaluation criteria, and violate principles of academic freedom**.”

“Not long ago, the CFT invited comment from its faculty unions about SLOs, and their impact on their local colleges. Of particular concern to CFT is the propensity with which accreditation teams from the ACCJC have indicated to the colleges that they should ‘develop and implement policies and procedures to incorporate **student learning outcomes** into evaluation of those with direct responsibility for student learning.’ This directive is based on ACCJC Accreditation Standard III.A.1.c., which states, ‘Faculty and others directly responsible for student programs toward achieving stated student learning outcomes have, as a **component of their evaluation**, effectiveness in producing those student learning outcomes.’ (ACCJC Accreditation Standard III.A.1.c.)”

“Another standard has been used by accreditation teams to justify changes in faculty work such as **syllabi**. This standard, which has interfered in faculty's academic freedom rights, states: one:

‘The institution assures that students and prospective students receive clear and accurate information ... In every class section students receive a course syllabus that specifies learning objectives consistent with those in the institution's officially approved course outline." (ACCJC Accreditation Standard II.A.6.)’”

**“**We believe both of these standards, as written and as applied, **intrude on matters left to collective bargaining by the Legislature**. For a time, we recognized that the ACCJC's inclusion of these standards appeared to be mandated by the regulations and approach of the U.S. Department of Education, hence we understood ACCJC's apparent justification for including them.”

“it is CFT's position that the **ACCJC has no statutory mandate which prescribes inclusion of the above referenced standards dealing with faculty evaluations, and syllabi.** Under the EERA, absent mandatory proscriptions in the law, each and every aspect of evaluation is negotiable. See, e.g., Walnut Valley Unified School District (1983) PERB Dec. No. 289, 7 PERC & 14084, pp. 321 322; Holtville Unified School District (1982) PERB Dec. No. 250, 6 PERC & 13235, p. 906. The Legislature reaffirmed the negotiability of evaluation procedures and criteria when it adopted A.B. 1725 in 1989. (See Cal. Ed. Code ' 87610.1, 877663(f)). The Legislature did specify that community college evaluations procedures must include a peer review process and, to the extent practicable, student evaluations. (See Cal. Ed. Code ' 87663(g)). However, it did not mandate SLOs.”

“While ACCJC is free to encourage colleges and their faculty organizations to negotiate over this topic, **it is not free to mandate or coerce the adoption of such standards by sanctioning colleges which do not adopt standards that ACCJC would prefer in these areas**. Given its state function, **ACCJC must respect the negotiations process mandated by state law, and academic freedom rights adopted by contract or policy**.

“I call upon ACCJC to **take prompt and appropriate action to amend its standards to respect the boundaries established by the Legislature and not purport to regulate the methods by which faculty are evaluated or determine their course work such as syllabi.**”

Over the years, the ACCJC was cited for **numerous violations** of federal and state laws from a variety of sources including the U.S. Department of Education, the California Legislature’s audit of ACCJC, the Academic Senate of the California Community Colleges, the San Francisco Superior Court, members of Congress, the California Federation of Teachers, and the California Community College Chancellors Office Task Force on Accreditation.

On April 30, 2013, the California Federation of Teachers (CFT) and its City College San Francisco (CCSF) affiliate, **AFT 2121**, **filed a complaint** and “third party comment” protesting ACCJC’s action placing CCSF on SHOW CAUSE. The CFT attempted to file the complaint at the Novato office of the Commission but the people working there refused to receive the complaint or even time stamp the complaint and threatened to call the police if the CFT representative’s did not leave the office. The CFT left the office but left the complaint at the office. The staff then locked the door to the office and pulled the shades closed.

The complaint was directed at “the abuse of authority by the Accrediting Commission for Community and Junior Colleges in performing the functions entrusted to it by the U.S. Department of Education, and the California Legislature. The Commission has violated nearly every Federal regulation which guides it, disregards its own policies, misrepresents its actions or legal requirements, fails to respect the law and public policy of the State, violates Federal common law due process and California common law fair procedure, and acts arbitrarily, capaciously, unfairly and inconsistently in evaluating colleges and districts throughout the State, thereby harming colleges, students, faculty and staff, boards of trustees and ultimately the People. And that is how it evaluated City College of San Francisco in June 2012.”

After a lack of an adequate response from ACCJC, on July 26, 2013 the CFT filed a complaint with the **Department of Education** which it eventually won.

On **September 24, 2013** the California Federation of Teachers, AFT Local 2121, and several students and faculty members at **City College of San Francisco** filed a **class action complaint with the Superior Court of the State of California**, County of San Francisco. The plaintiffs asked the Court to:

1. Order the ACCJC to restore the status quo accreditation status of CCSF “*by vacating and rescinding the improper Show Cause and Disaccreditation decisions against CCSF, and restoring CCSF's accreditation, subject to future reviews that are conducted in accordance with California law, legitimate ACCJC policies and Federal regulations*”;

2. *“Enjoin the ACCJC from engaging in accreditation evaluations of CCSF, and any of California's 112 community colleges in a manner that violates applicable federal or state law, or any of its own legal policies and procedures”*;

3. *“Order ACCJC to rescind, and cease giving force and effect to its Standards, elements of Standards, policies and procedures which constitute unlawful or unfair business practices”*;

4. “*Order the recusal from evaluation or actions involving CCSF, of ACCJC officers, agents, putative team members, and representatives who participated in the unfair and unlawful business practices proven in this case, including but not limited to Barbara Beno, Sherrill Amador, Frank Gornick, Steven Kinsella, John Nixon, Norval Wellsfry, Krista Johns, and Garmon Jack Pond; and anyone affiliated with (i) the CCLC JPA trust from 2006 onwards and (ii) anyone involved in advocating directly, or indirectly through another entity, for the Student Success Task Force or as a member or participant with a trade or other association pursuing matters involving CCSF; and for anyone else involved in an actual or apparent conflict of interest involving CCSF*.”

5. *“Order the ACCJC to pay the costs of suit”*;

6. *“Order ACCJC to pay attorney’s fees pursuant to Motion, in accordance with California's private attorney general statute, Code of Civil Procedure section 1021.5".*

7. *“Provide such other and further and additional relief as is just and proper”*.

On **August 22, 2013** **San Francisco City Attorney Dennis Herrera** filed **two civil lawsuits** challenging the termination of City College of San Francisco’s accreditation. The first lawsuit was against the ACCJC for “*unlawfully allowed its* ***advocacy and political bias*** *to prejudice its evaluation of college accreditation standards*.” The second lawsuit was against the **Board of Governors of the California Community Colleges** for impermissibly delegating “*its statutory obligations to set standards and determine eligibility for public funding to a* ***wholly unaccountable private entity*** *in the ACCJC*.”

City Attorney Herrera's civil action alleged that the commission **acted to withdraw accreditation** "*in* ***retaliation*** *for City College having embraced and advocated a different vision for California's community colleges than the ACCJC itself."* The complaint was filed in San Francisco Superior Court. The complaint notes that “*the accrediting commission's* ***multiple conflicts of interest, improper evaluation process and politically motivated decision-making constitute unfair and unlawful business practices under California law****.*”

Herrera noted that “"*Nothing about the actions I've filed today should distract or delay City College from doing everything in its power to solve the problems threatening its survival," said Herrera. "But neither should these steps tempt accreditors to consider -- for even one moment -- retaliating against City College for legitimate challenges to their conduct and authority under the law*."

"*The evidence is clear that the ACCJC ignored multiple conflicts of interest, flouted laws, and allowed its political advocacy to color public responsibilities it should frankly never have been given," Herrera continued. "For this, the State Board of Governors is also to blame for unlawfully ceding its public duties to a private entity wholly beyond the reach of public accountability. Though I seek to enjoin the ACCJC from improperly terminating City College's accreditation, the issues raised by both actions* ***go far beyond any single college alone****. This accreditation process has exposed bias, institutional flaws and illegalities in the oversight of the nation's largest higher education system. It potentially affects 72 community college districts, 112 community colleges, and more than 2 million students in California. The issues are serious, and they merit rigorous scrutiny."*

Herrera addressed what he considerd ACCJC’s “*extensive financial and political relationships with advocacy organizations and private foundations representing for-profit colleges and powerful student lender interests, with which the ACCJC has in recent years shared a policy agenda to significantly narrow community colleges' longstanding open access mission.*” Included in the suit was information regarding the role of the Lumina Foundation for Education’s role in funding programs, such as those at ACCJC, “that call for public community colleges to narrow their offerings and focus on degree completion.” He points out how that agenda was directed toward **CCSF’s long-time commitment to open access** and culminating with a decision to remove accreditation.

The law suit asked the Superior Court to:

* *“Order the ACCJC to* ***vacate the improper Show Cause and Termination decisions against City College****;*
* *Enjoin the ACCJC from engaging in accreditation evaluations of* ***any of California’s 112 community colleges*** *in a manner that violates applicable federal or state law;*
* *Order the ACCJC to pay $2,500 in civil penalties for each unlawful or unfair act, pursuant to Business and Professions Code Section 17206;*
* *Order the ACCJC to pay the costs of suit; and*
* *Provide such further and additional relief as the Court deems proper.”*

In **2016,** under intense pressure at the state and federal level, Beno **gave notice that she would retire in June of 2017**. In December of 2016 she was put on **administrative leave** by the Commission and the ACCJC reign of terror was over. New leadership was installed in 2017.

An ACCJC under new leadership **granted City College of San Francisco accreditation for a seven-year period.** Their assault against CCSF appears to have ended. In addition, ACCJC approved the granting of **accreditation to Compton College** at its June 2017 meeting. This after eleven years of control by the El Camino Community College District.

By January of 2018, the ACCJC imposed **no sanctions on colleges,** although they still imposed a few accreditations of only 18 months instead of the new seven years. This pattern continued in June of 2018.

Throughout the battle against the excesses of Beno and the ACCJC, I maintained the website [www.accreditationwatch.com](http://www.accreditationwatch.com). Readers interested in learning the details of the years of abuse are encourage to visit the site.

It was easy for me to come out against the ACCJC – they could not take away my accreditation. The faculty from colleges all over the state and particularly at City College of San Francisco took real risks in fighting the ACCJC and they deserve credit for its eventual fall. Attorney Bob Bezemek was extremely important in developing the legal case against the ACCJC. His work has been critical in defending and extending the rights of collective bargaining units across the state.