



November 8, 2021

BY CERTIFIED MAIL

Dr. Rick Melson, President
Southwest Baptist University
1600 University Ave.
Bolivar, MO 65613

Dear President Melson:

This letter is formal notification of action taken by the Higher Learning Commission (HLC) Board of Trustees (“the Board”) concerning Southwest Baptist University (SBU or “the Institution”). This action is effective as of the date the Board acted, November 4, 2021. In taking this action, the Board considered materials from the recent Focused Visit, including, but not limited to: the Focused Visit report the Institution submitted, the report from the peer review team, the report of the Institutional Actions Council (IAC) Hearing Committee, and the institutional responses to these reports.

Summary of the Action: The Institution has been placed on Probation because it is out of compliance with the Criteria for Accreditation. The Institution does not meet Core Components 2.C, 2.D, and 5.A. The Institution is required to host a comprehensive evaluation no later than April 2023 to determine whether it has ameliorated the findings that led to the imposition of the sanction.

Institutional Disclosure Obligation: HLC policy¹ requires that an institution inform its constituencies, including Board members, administrators, faculty, staff, students, prospective students, and any other constituencies about the sanction and how to contact HLC for further information. The policy also requires that an institution on sanction disclose this status whenever it refers to its HLC accreditation. HLC will monitor these disclosures to ensure they are accurate and in keeping with HLC policy. The institution must submit drafts of its planned disclosures to these various audiences to its HLC Staff Liaison in advance of transmission and provide the staff liaison with a link to relevant information on its website. At a minimum, an institution must: i) provide a copy of this Action Letter to its governing board, administration, and faculty, ii) provide a copy of the enclosed Public Disclosure Notice to its currently enrolled students, and iii) prominently display the Mark of Accreditation Status where accreditation status is described on its website. Once disclosures have been made, the institution must submit copies of its disclosure documents as a single .pdf file to www.hlcommission.org/upload (by selecting “Information about Institutional Disclosures”) no later than seven (7) business days following receipt of this Action Letter. HLC will retain this information as part of the institution’s record.

¹ INST.E.20.010, Probation.

Provisional Plan: HLC policy also requires that the Institution file a Provisional Plan with HLC for review and approval by the Institutional Actions Council according to HLC's substantive change procedures. This Provisional Plan must comport with HLC's requirements for Provisional Plans.² The institution must submit its Provisional Plan within 90 calendar days of this letter.

Substantive Change: HLC policy³ states that while an institution may file one or more applications for substantive change during the probation period, such applications will be subject to strict scrutiny and are likely to be denied or deferred until after the probationary period. HLC policy also requires that an institution placed on Probation be subject to additional requirements for substantive change during the probationary period and for three (3) years following the removal of Probation.⁴

Notification Program: HLC policy⁵ states that an institution placed on Probation is ineligible to apply for the Notification Program for Additional Locations until it has completed ten (10) years in good standing as required for access.

Board Rationale

The Board based its action on the following findings made with regard to the Institution as well as the entire record before the Board:

The Institution does not meet Criterion Two, Core Component 2.C, "the governing board of the institution is autonomous to make decisions in the best interest of the institution in compliance with board policies and to ensure the institution's integrity," for the following reasons:

- The initiation of changes to governing documents at the request of the Missouri Baptist Convention (MBC) without prior HLC approval, which would have recharacterized the institution as an entity of MBC with the latter as its sole member and which were only recently rescinded by the Institution's governing board before becoming legally binding, raises significant questions about the independence and autonomy of the Institution's governing board to make decisions in the best interests of the Institution.
- Although the Institution recently engaged external consultancy and board training services from the Association of Governing Board (AGB) and retained an independent consultant, more time is needed for the Institution to demonstrate the SBU board's understanding of its fiduciary responsibilities and to build a record demonstrating behaviors and practices that guard against the board overstepping its role, so as not to erode the integrity of delegating day-to-day management of SBU to the Institution's administration.
- The Institution's board recently initiated a restructuring of policies regarding promotion and tenure to ensure that knowledgeable and experienced board members

² FDCR.B.10.010, Commission Approval of Institutional Teach-Out Arrangements.

³ INST.E.20.010, Probation.

⁴ INST.F.20.040, Substantive Change.

⁵ INST.E.20.010, Probation.

serve on the committee that has this oversight; however, time is needed for the board to put these policy changes into practice and for the record to reflect a sustained pattern of policy-appropriate board engagement in these activities.

- Although the Institution recently took action resulting in the removal of one of its board members, who was later allowed to resign instead (and while neither action was opposed by MBC), more time is needed to ensure that the SBU board is free to exercise such powers without undue influence from MBC and that a pattern of such independence is evident in the SBU board's actions.

The Institution does not meet Criterion Two, Core Component 2.D, "the institution is committed to academic freedom and freedom of expression in the pursuit of truth in teaching and learning," for the following reasons:

- Expressions of commitment to academic freedom appeared in the Institution's undergraduate catalog and core values and in the Library's core values. However, these statements of commitment did not provide actionable information about what actually was protected by this commitment, which in practice allowed for confusion and differing interpretations of what academic freedom means at SBU.
- Some of the Institution's board members recharacterized a historically celebratory event related to the promotion and tenure process in ways that were not supported by the Institution's policies, leading to concerns about unannounced changes being made to the expectations for promotion and tenure. Although SBU's board has made recent changes to its policies that guide the composition of membership on its promotion and tenure subcommittee, more time is needed to demonstrate a pattern of board participation in promotion and tenure activities that comport with the updated policy.
- As a result of confusion regarding three different "statements of faith," additional misunderstandings regarding what curricular content is permitted to be covered in the classroom contributed to a vote of no confidence by a substantial portion of the faculty.
- While the Institution has taken some action to clarify its intent, significant confusion remains regarding the applicability of the aforementioned statements of faith to various institutional constituents, including faculty, which has destabilized and eroded the sense of academic freedom and freedom of expression at the Institution. More time is needed to ensure that these clarifications are widely understood and appropriately implemented.
- Although the Institution's board recently updated its policies regarding promotion and tenure following apparent unannounced changes in violation of previously published institutional policy, time is needed to ensure that these policy updates ameliorate the aforementioned concerns about academic freedom and freedom of expression and are effective.

The Institution does not meet Criterion Five, Core Component 5.A, "through its administrative structures and collaborative processes, the institution's leadership

demonstrates that it is effective and enables the institution to fulfill its mission,” for the following reasons:

- Although the Institution recently engaged external consultancy and board training services from AGB, board members acknowledged to HLC’s Institutional Actions Council Hearing Committee that members of the board had overstepped and intruded in the responsibilities of the administration. More time will be needed to ensure a pattern of board behaviors that reinforce that the board is aware of its role as differentiated from the role of administration.
- The Institution’s board, administration and faculty have established a workgroup to resolve troublesome issues, including an acknowledged breach of shared governance. Although progress has been made in the past several months and the board recently updated some policies, time is needed to implement these policies and ascertain their effectiveness.
- The Institution recently named a new president; given the extensive turmoil involving the board, faculty, alumni, and other constituents, time will be needed for SBU’s new leader to help the Institution’s community heal and to operationalize the changes intended to ameliorate concerns related to the board’s ability to carry out its duties effectively and the Institution’s ability to implement shared governance.

The Board of Trustees of the Higher Learning Commission has determined based on the preceding findings and evidence in the record that the Institution is not in compliance with the Criteria for Accreditation and should therefore be placed on Probation.

Next Steps in the HLC Review Process

Assurance Filing: The Board required that the Institution submit an Assurance Filing no later than February 1, 2023, or at least eight weeks prior to the comprehensive evaluation, providing evidence that the Institution has ameliorated the findings of noncompliance identified in this action that resulted in the imposition of Probation, and providing evidence that the Institution meets the Criteria for Accreditation and Federal Compliance Requirements.

Comprehensive Evaluation: The Institution will host a comprehensive evaluation no later than April 2023 to enable a team of peer reviewers to determine whether the Institution has ameliorated the findings of noncompliance that led to the imposition of Probation and whether the Institution otherwise meets the Criteria for Accreditation, and to make a recommendation about whether the Board should remove Probation or take other action.

Board Review: The Board will review the documents associated with the evaluation at its November 2023 meeting to determine whether Probation shall be removed, or if the Institution has not provided sufficient evidence of amelioration as noted above, whether other action should be taken, up to and including withdrawal of accreditation.

HLC Disclosure Obligations

The Board action resulted in changes that will be reflected in the Institution's Statement of Accreditation Status as well as the Institutional Status and Requirements Report. The Statement of Accreditation Status, including the dates of the last and next comprehensive evaluation visits, will be posted to the HLC website.

In accordance with HLC policy,⁶ information about this action is provided to members of the public and to other constituents in several ways. This Action Letter and the enclosed Public Disclosure Notice will be posted to HLC's website not more than one business day after this letter is sent to the Institution. Additionally, a summary of Board actions will be sent to appropriate state and federal agencies and accrediting associations. This summary also will be published on HLC's website. The summary will include this HLC action regarding the Institution.

On behalf of the Board of Trustees, thank you in advance for your cooperation. If you have questions about any of the information in this letter, please contact your HLC Staff Liaison, Dr. Andrew Lootens-White.

Sincerely,



Barbara Gellman-Danley
President

Enc: Public Disclosure Notice

Cc: Chair of the Board of Trustees, Southwest Baptist University
Levi Fox, Southwest Baptist University, Southwest Baptist University
Evaluation Team Chair
IAC Hearing Committee Chair
Andrew Lootens-White, Vice President of Accreditation Relations, Higher Learning
Commission
Anthea Sweeney, Vice President of Legal and Regulatory Affairs, Higher Learning
Commission
Laura Vedenhaupt, Director of Academic Affairs, Missouri Department of Higher Education
Herman Bounds, Director, Accreditation Group, Office of Postsecondary Education, U.S.
Department of Education

⁶ COMM.A.10.010, Notice of Accreditation Actions, HLC Public Notices and Public Statements