



HIGHER LEARNING COMMISSION

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November 8, 2017

VIA CERTIFIED MAIL

Dr. Andrew Leavitt, Chancellor
University of Wisconsin – Oshkosh
800 Algoma Blvd.
Oshkosh, WI 54901

Dear Chancellor Leavitt:

This letter is formal notification of action taken by the Higher Learning Commission (“HLC” or “the Commission”) Board of Trustees (“the Board”) concerning the University of Wisconsin - Oshkosh (“the University” or “the institution”). During its meeting on November 2-3, 2017, the Board continued the accreditation of the University and placed the University on Notice because it is at risk of being out of compliance with the Criteria for Accreditation and the Core Components identified in the Board’s findings as outlined below. This action is effective as of the date the action was taken. In taking this action, the Board considered materials from the recent Advisory Visit, including but not limited to: information submitted by the University, the report from the visiting team, the recommendation of the President of HLC, and the institutional responses to these reports.

The Board required that the University provide quarterly reports beginning February 1, 2018 on the status of the pending litigation filed by or against the University of Wisconsin system or related entities regarding the issues that are the subject of the Notice sanction, including institutional or system improvements undertaken as a result of these matters.

The Board charged the President of the Commission with monitoring the legal case (and findings in the legal case as reported in the quarterly reports) to determine whether to recommend to the Board, at any time during the sanction period, escalating the sanction to Probation or taking other action.

The Board required that the Notice sanction remain in place until such time as the legal cases have been resolved, and the University is able to provide evidence to HLC to fully explicate the facts related to these cases and to report on any remediative actions it has taken to ensure that the issues identified in this action have been fully resolved, or until March 2019, whichever comes first, at which time the University will file a Notice report demonstrating that it has resolved the issues that led to the sanction and that it is

no longer at risk for non-compliance and that the University meets the Criteria for Accreditation, the Core Components and related Assumed Practices;¹

The Board will review documents filed by the University no later than its November 2019 meeting, or at an earlier date to be determined, to ascertain whether the institution has demonstrated that it is no longer at risk for non-compliance with the Criteria for Accreditation and Core Components identified in this action and whether Notice can be removed, or if the University has not demonstrated compliance, whether the Board should place the University on Probation or take other action.

The Board placed the University on the Standard Pathway with its next comprehensive evaluation for Reaffirmation of Accreditation in spring 2018, which provides a one-year extension of its regular decennial review; this comprehensive evaluation will not include a review of the Notice sanction.

The Board based its action on the following findings made with regard to the University:

The University meets Criterion One, Core Component 1.D, “the institution’s mission demonstrates commitment to the public good,” but with concerns because lack of effective oversight by the University’s Board of Trustees appears to have occurred relative to the circumstances that ultimately led to the University’s lawsuit against two former administrators at the University.

The University meets Criterion Two, Core Component 2.A, “the institution operates with integrity in its financial, academic, personnel, and auxiliary functions; it establishes and follows policies and processes for fair and ethical behavior on the part of its governing board, administration, faculty, and staff,” but with concerns because there is insufficient evidence to indicate clearly that, as demonstrated in the circumstances that ultimately led to the University’s lawsuit against two former administrators, the University operated with integrity in its financial relationships and personnel functions.

The University meets Criterion Two, Core Component 2.B, “the institution presents itself clearly and completely to its students and to the public with regard to its programs, requirements, faculty and staff, costs to students, control, and accreditation relationships,” but with concerns because there is insufficient evidence, as indicated in the circumstances that ultimately led to the University’s lawsuit against two former administrators, to demonstrate clearly that the University’s policies and decisions have been fair, ethical, and guided by integrity, transparency and accountability.

The University meets Criterion Two, Core Component 2.C, “the governing board of the institution is sufficiently autonomous to make decisions in the best interest of the institution and to assure its integrity,” but with concerns because there is insufficient evidence, as indicated in the circumstances that ultimately led to the University’s lawsuit against two former

¹ Note that HLC policy allows for a focused evaluation in conjunction with reviewing the evidence provided by an institution seeking removal of the Notice sanction; depending on the evidence provided by the University and the status of the legal cases HLC staff may call for a focused or other visit in spring of 2019 to review this evidence.

administrators, to demonstrate clearly that the University's Board preserves its autonomy and the best interests of the University of Wisconsin System ("the System") from undue influence from third-party ownership interests or other external parties.

The University meets Criterion Five, Core Component 5.B, "the institution's governance and administrative structures promote effective leadership and support collaborative processes that enable the institution to fulfill its mission," but with concerns because, as indicated in the circumstances that ultimately led to the University's lawsuit against two former administrators:

- There is insufficient evidence to demonstrate clearly that the University's Board makes institutional improvement a key priority;
- There is insufficient evidence to demonstrate clearly that the University's Board and leadership participate in essential activities such as a regular assessment program of their effectiveness or a professional development program focused on improving their understanding of the System's operations, State of Wisconsin rules and regulations pertinent to administering the System's campuses, relationship with external but related entities such as foundations, and the expectations of accreditation;
- There is insufficient evidence to demonstrate clearly that the University's current administrative structure strategically supervises campus activities in a way that assures clarity, accountability, transparency, collaboration and trust; and
- There is insufficient evidence to demonstrate clearly that the University's Board has established a well-grounded conflict of interest policy for both the Board itself and for top University leaders and officers.

The University has demonstrated that it meets the Criteria for Accreditation but with concerns and thus is also at risk of non-compliance with the Criteria and should be placed on Notice.

The Board also asked me to remind you of the importance in the future of timely reporting to HLC of issues such as those that arose at the University and that formed the basis of the recent Advisory Visit and of this action.

The Board action resulted in changes to the affiliation of the University. These changes are reflected on the Institutional Status and Requirements Report. Some of the information on that document, such as the dates of the last and next comprehensive evaluation visits, will be posted to the HLC website.

Information about the sanction is provided to members of the public and to other constituents in several ways. Commission Policy INST.G.10.010, Management of Commission Information, anticipates that the Commission will release action letters related to the imposition of a sanction to members of the public. The Commission will do so by posting this action letter on the Commission website. Also, the enclosed Public Disclosure Notice will be posted to the Commission's website not more than 24 hours after you receive this letter.

Commission policy INST.E.10.010, Notice, subsection Disclosure of Notice Actions, 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 the

Commission for further information. The policy also requires that an institution on Notice disclose this status whenever it refers to its Commission accreditation. The Commission will monitor these disclosures to ensure they are accurate and in keeping with Commission policy. I ask that you copy your HLC Staff Liaison, Dr. Jeffrey Rosen, on emails or other communications with campus constituents regarding the sanction as required and provide him with a link to information on your website and samples of related disclosures.

In addition, Commission policy COMM.A.10.010, Commission Public Notices and Statements, requires that the Commission prepare a summary of actions to be sent to appropriate state and federal agencies and accrediting associations, and published on its website. The summary will include the Commission Board action regarding the University. The Commission will also simultaneously inform the U.S. Department of Education of the sanction by copy of this letter.

On behalf of the Board of Trustees, I thank you and your associates for your cooperation. If you have questions about any of the information in this letter, please contact Dr. Rosen.

Sincerely,



Barbara Gellman-Danley
President

Enclosure: Public Disclosure Notice

Cc: Chair of the Board of Trustees, University of Wisconsin – Oshkosh
Charles Hill, Acting Associate Vice Chancellor, University of Wisconsin – Oshkosh
Evaluation team chair
Jeffrey Rosen, Vice President for Accreditation Relations and Director of the Open Pathway,
Higher Learning Commission
Karen Peterson Solinski, Executive Vice President for Legal and Governmental Affairs, Higher
Learning Commission
Herman Bounds, Accreditation and State Liaison, Office of Postsecondary Education, U.S.
Department of Education