

**Jahan Culbreath:**

Hi, I'm Jahan Culbreath. CHEA's Director of Federal Relations. Joining me today is Jan Friis, CHEA's Vice President of Government Affairs. Today, we're gonna be discussing CHEA's new arbitration program. Welcome Jan.

**Jan Friis:**

It's nice to be here.

**Jahan Culbreath:**

So tell us about the CHEA arbitration program.

**Jan Friis:**

The CHEA arbitration program was developed as a member benefit, and what it does is allow members--CHEA members--to come for a non-binding impartial arbitration. If they disagree with a final decision, a final accrediting decision made by their accreditor.

**Jahan Culbreath:**

So, it was developed for CHEA members, but is it open to everyone?

**Jan Friis:**

It's open to accredited institutions as long as they're accredited by a recognized accreditor. That can be a CHEA recognized accreditor or a department recognized accreditor.

**Jahan Culbreath:**

And what was the thought process with CHEA in establishing the program?

**Jan Friis:**

CHEA established the program because there is a section in statute and in regulation that requires an institution to go through arbitration prior to going to federal court if they disagree with an accreditor decision. And it became clear in the last administration that the department was going to start enforcing that provision in the statute. So CHEA was asked to develop some kind of arbitration program. We decided to develop that program as a non-binding arbitration program, because we didn't want to take away from institutions, their opportunity to go to federal court. In addition, the department has expressed a concern about binding arbitration--compulsory binding arbitration. So we wanted to make sure that this was not binding.

**Jahan Culbreath:**

Okay. So, for the process to begin, what's an institution to do?

**Jan Friis:**

An institution would, through an authorized representative, communicate with CHEA through email or a letter to start the process. And then CHEA would connect with the accreditor. See if they agree to participate in the process, get an arbitrator, or a list of arbitrators that the institution and accreditor will choose from. And then the process will go forward.

**Jahan Culbreath:**

So it's my understanding that the entire process lasts about 120 days?

**Jan Friis:**

Yes, we wanted this to be a short process because if an institution should be accredited, we want to remove the stigma of a bad accreditation decision. And if an institution should not be accredited, we don't want them to be holding themselves out as an accredited institution to students and hurting students. So we want this process to be very quick. You should also know that an institution holds the burden of proof. So they will have to show that the accreditor in some way was incorrect in their decision.

**Jahan Culbreath:**

Okay. So for more information, an institution can do to do what?

**Jan Friis:**

More information will be available on the CHEA website as of November 1st, 2022. The program will begin taking requests for arbitration on January 1st, 2023.

**Jahan Culbreath:**

And will the fees be available on the website? Or is it something that...

**Jan Friis:**

The fees are being developed at this point And they'll be available on November 1st. They will be much less expensive than if you were going through a federal court process.

**Jahan Culbreath:**

Okay, fantastic! Thank you. This is a wonderful opportunity that CHEA has put forth for the institution. So thanks for being here today. CHEA's arbitration program is just another service that CHEA offers to its members. For more information, please visit [CHEA.org](http://CHEA.org).