



Outcomes | Innovation | Improvement

ACCREDITING COMMISSION FOR
COMMUNITY AND JUNIOR COLLEGES

Dear Colleagues,

The second week of the Accreditation, Innovation, and Modernization (AIM) Negotiated Rulemaking concluded yesterday, and the Department of Education released its May 21, 2026, consensus draft. As it stands, the draft proposes some of the most significant revisions to federal accreditation regulations in years. Several provisions directly affect accrediting agency governance, institutional autonomy, faculty protections, and transfer-of-credit obligations. The proposed changes collectively signal a stronger federal emphasis on transparency, independence from affiliated organizations, viewpoint protections, and student mobility. Below are summaries of the provisions ACCJC has been tracking most closely and that you may be interested in reviewing.

1. Conflicts of Interest and Related Parties

The most sweeping proposed changes concern accreditor independence and relationships with affiliated trade or membership organizations. The draft substantially strengthens the “separate and independent” requirements in 34 CFR § 602.14 and expands conflict-of-interest expectations throughout 34 CFR § 602.15.

Major Proposed Changes

The draft would:

- Expand conflict-of-interest controls beyond commissioners to include officers, directors, employees, volunteers, contractors, and evaluators.
- Prohibit accrediting agencies from sharing personnel, services, office space, information technology, or facilities with related trade associations or professional organizations.
- Require accrediting agencies to maintain separate dues structures and independently develop budgets without consultation from related organizations.
- Require annual staff training on “separate and independent” obligations.
- Require agencies to publicly disclose all relationships with affiliated organizations on their websites.
- Prohibit “interlocking” leadership relationships where officers, directors, or employees simultaneously serve in accreditor and related trade association leadership roles, unless required by State law.

Broader Policy Direction

The proposed rules appear designed to reduce perceived industry capture and limit the influence of professional or membership organizations over accrediting agencies – particularly programmatic accreditors.

The draft also introduces new provisions prohibiting agencies from imposing standards that may unnecessarily “restrict access to employment” by increasing credentialing requirements or educational costs unless the accreditor can demonstrate, through “clear and convincing evidence,” that the restrictions are necessary to protect the public interest.

2. Academic Freedom and First Amendment Protections

The consensus draft significantly expands federal regulatory language concerning academic freedom, intellectual diversity, and viewpoint protections. These changes appear throughout 34 CFR § 602.15, 602.16, and 602.17.

Major Proposed Changes

The regulations would require accrediting agencies to evaluate whether institutions maintain:

- Clearly articulated academic freedom protections applied consistently regardless of viewpoint or ideology.
- Protections for freedom of inquiry in teaching, scholarship, and research.
- Policies supporting “intellectual diversity” and exposure to a “range of viewpoints and perspectives.”
- Policies protecting civil rights and, where applicable, First Amendment rights.

Religious Mission Carve-Outs

Throughout these provisions, institutions with religious missions receive explicit exemptions or modified standards. The consensus draft repeatedly states that academic freedom protections may be interpreted consistent with an institution’s religious mission.

Broader Policy Direction

The proposed language reflects growing national debates surrounding viewpoint diversity, campus speech, faculty expression, and political neutrality in higher education. The regulations move beyond traditional accreditation expectations related to academic quality and institutional autonomy and place accreditors into a more direct oversight role concerning speech and viewpoint-related protections.

3. Transfer of Credit

The consensus draft reflects a broader federal push toward reducing barriers to student mobility and limiting accreditor practices perceived as restrictive or anti-competitive.

The draft emphasizes:

- Reducing “unnecessary barriers” to innovation and student progression.
- Avoiding burdensome or duplicative accreditation practices.
- Supporting shorter credentials and alternative delivery models.

- Facilitating accreditor changes and common forms/templates for institutions seeking to switch accreditors.

The transfer-of-credit provisions discussed in negotiations earlier this week appear aligned with this philosophy by likely increasing institutional obligations to accept or fairly evaluate transfer credits based on learning outcomes and accreditation status rather than institutional reputation or historical practice.

If adopted, these provisions could:

- Increase scrutiny of institutional transfer denials
- Require clearer published transfer policies and rationale
- Increase pressure for interoperability among institutions and accreditors
- Potentially reduce institutional discretion in transfer-credit evaluation

Overall, the consensus draft reflects a significant federal shift toward promoting portability, workforce responsiveness, and student consumer protections while simultaneously imposing more prescriptive expectations on accrediting agencies regarding governance independence, academic freedom oversight, and institutional practices.

We will continue to keep member institutions informed on operational and policy impacts and opportunities for public comment as they become available. The [ACCJC Negotiated Rulemaking FAQ webpage](#) has been updated for interested constituents.

Sincerely,

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A handwritten signature in dark ink, appearing to be 'Mac Powell', with a stylized, flowing script.

Mac Powell, MBA, PhD

President

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