

NATIONAL ASSOCIATION OF SCHOOLS OF DANCE

RULES AND PROCEDURES FOR
THIRD-PARTY COMMENT RELATED TO INITIAL OR
PERIODIC REVIEWS FOR ACCREDITATION

Section 1. Definition

In the accreditation process, third-party comment means information provided by one or more individuals who are not speaking or writing officially on behalf of or otherwise officially representing an institution, or who are acting in any capacity on behalf of NASD with regard to that same institution.

Section 2. Purpose

- A. NASD.** Consistent with national accreditation practice and U.S. Department of Education regulations, NASD provides an opportunity for third-party comment prior to initial action by the Commission on Accreditation on applications for Membership or renewal of Membership, including first-time applications. The policies and procedures for third-party comment are solely for the purpose of addressing questions of compliance with NASD standards, procedures, and rules as published in the [NASD Handbook](#) including any addenda to the *Handbook* current at the time of the review. These texts and their interpretation by NASD elected personnel and staff are the sole basis for reviewing third-party comment. NASD does not consider third-party comment regarding issues that are beyond the scope of these cited documents. Third-party comment may be supportive or critical of an institution, or a combination of the two.
- B. Potential Filers.** Individuals considering filing third-party comment must give careful consideration to the nature of the issues they wish to present and match what they hope to achieve with the means, procedures, and remedies available. Accrediting organizations are non-governmental and thus, do not have governmental powers. Their scopes of review are limited, operating only within the boundaries established by their own published materials. Many types of concerns fall outside the purview of accrediting bodies and can only be addressed and adjudicated by the internal complaint procedures of educational institutions, or by external structures such as law enforcement agencies, courts of law, state or federal administrative agencies, or private sector organizations associated with business practices or dispute resolution. Matters of a criminal nature are the responsibilities of law enforcement, public prosecutors, or the attorneys general of the several states, or the federal government.
- C. Relationship to Complaint Procedure.** The NASD third-party comment process and the NASD complaint procedure outlined in Part II., Article VIII. of the *Rules of Practice and Procedure* are not the same, and neither one is a substitute for the other. Basic distinctions are provided below.
1. The complaint procedure is only applicable to institutions that hold accreditation either as Member or Associate Member of NASD. Third-party comment opportunities are provided in the cases of all applicants for initial accreditation and renewal of accreditation.
 2. The complaint procedure may be initiated at any time; third-party comment, only during the period applicable to and specified during the time preceding and including initial Commission review of an applicant or member institution for accreditation or reaccreditation.
 3. The complaint procedure is only for filing complaints. Third-party comment may be supportive or critical of an institution, or a combination of the two.

4. The complaint procedure may be used to address concerns about compliance with the NASD standards, the *Rules of Practice and Procedure*, or the *Code of Ethics*. Third-party comment may be used to address only matters published in the NASD standards and those aspects of the *Rules of Practice and Procedure* associated with accreditation.
5. If a complaint reaches the stage of Commission review, institutions are required to respond to the Commission having jurisdiction as requested by procedure and/or the Commission. Institutions receiving third-party comment decide whether or not they will provide a response to the Commission in the time provided for this purpose.
6. The complaint procedure is governed by the text of Part II., Article VIII. of the NASD *Rules of Practice and Procedure*; third-party comment, by Part II., Article IV., Section 1. of the *Rules of Practice and Procedure* and by this text as authorized by Part II., Article IV., Section 1.

Section 3. Eligibility

A. General Principles

1. NASD policies and procedures for reviewing third-party comment are not judicial (parties are not found guilty; awards are not made; reversals of decisions that are the prerogatives of institutions cannot be mandated); they serve only as a method or means to communicate the issues raised by individuals within the stated purposes and scope of NASD accreditation and Membership (i.e., whether the institution is in compliance with the NASD consensus-based standards and rules currently in effect at the time of the review).
2. In order to be considered, third-party comment must report and document conditions related to the overall quality of an institution's educational program in dance and/or the general welfare of the dance unit; and, it must do so in terms of compliance with NASD standards or requirements. Unless documentation shows a pattern of behavior, action, or inaction that impairs attainment of the institution's stated purposes or otherwise suggests direct violation of NASD standards or rules for member institutions, the Commission is not authorized to take action in response to the information provided.
3. All third-party comment transactions must be in writing.
4. Institutions that are the subject of third-party comment will have a specified period of time to respond to NASD prior to any action by the Commission on Accreditation.
5. Consistent with the principles and requirements of Part II., Article XIII. of the *Rules of Practice and Procedure*, NASD will not make publicly available any information provided in third-party comment or an institution's response to third-party comment or any correspondence related to third-party comment.

B. A third-party comment may be eligible for review if it meets all eight of the following criteria:

1. Is presented in writing and meets NASD requirements regarding length, specified in the NASD Official Third-Party Comment Form.
2. Is forwarded to the NASD National Office by U.S. Mail or courier service. E-mail, facsimile, and verbal transmissions are not acceptable.
3. Is received by the NASD National Office no later than 5:00 p.m. Eastern Time on the date specified in the call for comment.

4. Is signed by the filer or filers of the comment.
5. Includes a signed copy of the NASD Official Third-Party Comment Form.

(Please note: NASD will not confirm receipt of or respond to third-party comments that do not meet the requirements outlined in items B.1., 2., 3., 4., and 5. above.)

6. Presents itemized issues or concerns directly related to specific NASD standards or rules as published in the NASD *Handbook* and any addenda to the *Handbook* current at the time of the third-party comment, and includes specific, factual documentation corroborating each point or issue raised.
7. If applicable, presents evidence that the institutional review or grievance procedures available to the filer of the third-party comment have been completed or exhausted.
8. Is not subject to the criteria set forth in Section C. below.

C. A third-party comment is not eligible for review if it:

1. Is a general promotional or advocacy statement presented by an employee of the institution that does not address or is not associated with the NASD standards-based review.
2. Contains inflammatory and/or undocumented defamatory statements regarding an individual, group of individuals, or an institution.
3. Has been or is sent or otherwise distributed or is the subject of communication by or on behalf of the filers, before or during the review period, to members of the NASD Commission on Accreditation, the Board of Directors of NASD, or on-site visitors to the institution. Other means are provided for discussing concerns with on-site visitors. All communications to NASD and NASD-related personnel regarding third-party comment must be directly and solely with the NASD National Office.
4. Alleges criminal conduct, with the exception of matters regarding an institution or program's compliance with specific provisions of Title IV of the federal Higher Education Act and associated regulations as amended from time to time that are under the purview of NASD as an accrediting agency.
5. Seeks a review or adjudication of individual problems or grievances with an institution or its decisions when compliance with NASD standards is not in question regarding issues such as, but not limited to:
 - a. student admission;
 - b. retention;
 - c. dismissal;
 - d. application of academic policies;
 - e. granting or transfer of credits;
 - f. grades or other evaluations;
 - g. scholarship or other awards, except as addressed by the NASD Code of Ethics;
 - h. fees;

- i. disciplinary matters;
 - j. collective bargaining;
 - k. faculty appointments and dismissals; or
 - l. other contractual rights and obligations.
6. Is filed at a time when an NASD complaint procedure regarding the same institution, initiated by all or virtually all of the same parties, and addressing all or substantially the same issues is in any phase of review.
 7. Is or constitutes a request to serve as a grievance or appeals body when the outcome of institutional grievance or appeals procedures is unsatisfactory to the filer of third-party comment.
 8. Is, at the time of filing the third-party comment, the subject of administrative or institutional proceedings that have not been completed, or if such proceedings are known to the filer of the third-party comment to be scheduled.
 9. Is the subject of prosecution or litigation in which the NASD member institution or its employees are in any way engaged. This requirement applies to the specific issue(s) addressed in the third-party comment, not to prosecution or litigation on other matters.
 10. Seeks action or otherwise seeks to engage the Association in matters associated with compensation, damages, redress, or readmission on behalf of an individual, group, or entity.
 11. Is submitted on behalf of another individual.
 12. If an issue of concern, has not been submitted to, and fully processed and exhausted by, the institution's review, complaint, or grievance procedure.
 13. Has been submitted for review by another accrediting association with broader institutional responsibility than that of NASD.
 14. Is beyond the scope of the dance program or the jurisdiction of NASD at a multidisciplinary institution.
 15. Repeats substantially the same allegations by the same party regarding the same institution that has previously been the subject of a completed review under the NASD Complaint Procedure by the NASD Committee on Ethics or Commission on Accreditation.
 16. Is publicly distributed at the time of filing or during the course of the NASD review of the third-party comment, or if any other publication or public relations actions of the filers or their representatives during the NASD review period, produce conditions inconsistent with the confidentiality promised to the filer and the institution in Part II. Article IV., Section 1. of the *Rules of Practice and Procedure* or with conditions necessary for an objective review by the Commission based on information provided by the filing date.

Section 4. Authority

- A. NASD is a voluntary association of schools of dance. The only requirements of its members are compliance with its published consensus-based standards, rules, procedures, and Code of Ethics; conducting comprehensive reviews as scheduled; and payment of appropriate dues and fees. The sole and final authorities regarding compliance are the elected officials and staff of NASD operating under

the organizational structures, requirements, and procedures of the Association's *Handbook* and any addenda to the *Handbook* current at the time of the complaint.

- B. Procedural authority for the review of third-party comment outlined in Part II., Article IV., Section 1. of the NASD *Rules of Practice and Procedure* and in these procedures is vested in the Executive Director of NASD.
- C. Decision-making authority regarding third-party comment is vested in the Commission on Accreditation.
- D. The Executive Director shall have the authority to stop the third-party comment process at any point or any time in the review of an institution upon the appearance of evidence that would disqualify the comment under policies outlined above, or in Part II., Article IV., Section 1. of the NASD *Rules of Practice and Procedure*, or if the subject or subjects of the comment otherwise move beyond the scope or jurisdiction of the Association.

Section 5. Procedures and Filing Deadlines

- A. The specific dates and times of filing deadlines will be provided on each notice of opportunity for third-party comment. The guidelines for setting those dates are provided below.
- B. Approximately five (5) months before the date of a scheduled Commission on Accreditation meeting, NASD will publish a notice in the Current Information section of its Web site indicating the names of the institutions for which reviews are scheduled and inviting third-party comment. The notice will include Web access to the standards and rules published in the NASD *Handbook*. It will also include references to these procedures and stipulations regarding the length, manner of documentation, and other aspects of third-party comment.
- C. Third-party comment will be due at a specific date and time stipulated typically within four (4) to five (5) weeks of the publication of the notice.
- D. The NASD National Office staff will acknowledge receipt of third-party comment within seven (7) business days of receipt if conditions in Sections 3.B.1., 2., 3., and 4. are all met. If these conditions are not met, no acknowledgement or response will be provided.
- E. If conditions in Sections 3.B.1., 2., 3., and 4. are all met, within thirty (30) calendar days of the filing deadline, the National Office staff will:
 - 1. Process third-party comment and documentation.
 - 2. Inform the filer of the third-party comment regarding the disposition of the comment using one of the following statements:
 - a. No further action will be taken because the comment does not meet the eligibility requirements of Section 3, or there is insufficient documentation. If the comment raises concerns of the appropriate type, the filer will be informed of the NASD complaint procedure. Being informed of the complaint procedure in this manner does not cancel any of the requirements in the complaint procedure or signify any official position on present or future eligibility or the viability of the filer's potential complaint, or cancel or alter any other aspect of the complaint procedure. See Section 2.C. above.

- b. The comment will be included in materials regarding the institution to be reviewed by the Commission, and the institution will be given an opportunity to respond to the third-party comment prior to Commission action.
- F. No further response from NASD will be provided to filers of third-party comment.
- G. Third-party comment may be withdrawn by the filers at any time upon written notice to the NASD National Office. Withdrawal will cancel NASD consideration of the third-party comment and any institutional response to third-party comment, including consideration by the NASD Commission.
- H. The National Office staff will forward eligible third-party comment to the institution between six (6) to eight (8) weeks before the deadline for submitting responses and documentation prior to a specific Commission meeting along with a notice regarding the deadline for providing a written response to the third-party comment scheduled for review by the Commission, and a copy of these procedures.
- I. If the institution does not respond during this time, the Commission will regard the third-party comment as a statement either acceptable to or not contested by the institution.
- J. The National Office staff will place the third-party comment and any response from the institution with the materials regarding the institution's comprehensive evaluation to be reviewed by the Commission.
- K. At this point, regular NASD procedures govern continuation of the Commission review process and all associated processes and rules including publication of accreditation actions. The Commission will consider all information and documentation provided in the entire accreditation review, including if applicable any eligible third-party comment and any institutional response, and make a decision regarding the accreditation status of the institution and inform the institution.

Anyone wishing to file third-party comment eligible for consideration by the Commission must read and abide by these rules. All third-party comment must be filed using the "NASM Official Third-Party Comment Form" found on the current notices page on the Public Notice related to Institutions Currently Scheduled for Comprehensive NASD Accreditation Review.