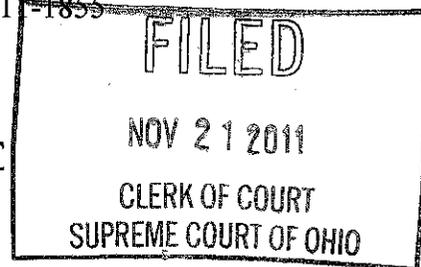


ORIGINAL

BEFORE THE COMMISSION OF FIVE JUDGES  
APPOINTED BY  
THE OHIO SUPREME COURT

In re Judicial Campaign Complaint  
Against Mark Davis

Case No. 11-1855



GRIEVANT'S ANSWER BRIEF

**I. Introduction**

The facts in this matter are not in dispute. Respondent Mark Davis ("Respondent") earned a high school diploma from Ottawa Hills High School. Respondent proceeded to earn a Bachelor of Science degree with a double major in Finance and Business Economics and a double minor in French and German from Miami University on May 12, 1991. Respondent later earned a law degree with a "Certificate in International Trade and Development" from the Ohio State University Moritz College of Law on June 11, 1999. What is in dispute is whether a candidate for judicial office can legitimately claim that these are six separate college degrees.

Respondent and his campaign committee highly touted his educational background in campaign literature leading up to the November 8, 2011 general election for Judge of the Toledo Municipal Court. Respondent's literature included such statements as "Best Educated," "earned six degrees from Miami University and Ohio State" and "graduated with honors from Miami University with degrees in Finance, Economics, French and German."

The reasonable person would not consider Respondent to have earned six college degrees. More accurately, Respondent earned two college degrees, i.e., an undergraduate college degree and law school degree. Respondent's statements were misleading to the electors and general public. In his response and objections, Respondent claims that "major" and "minor"

courses of study are degrees because they are referred to as “major degrees” and “minor degrees.” (Respondent October 21, 2011 letter, pp. 2-3; Respondent November 7, 2011 Objection to Findings, pp. 2-3). The terms “minor” and “major” before the word “degree” are critical modifiers that change the entire concept of a “degree” to a lesser part of the overall degree. The word “degree” when referenced by itself denotes the comprehensive degree that is earned from a college or university. Additionally, the award of a law school certificate can not be elevated to the status of earning an additional degree. For these reasons, the decision of the Commission Panel should be affirmed.

## **II. Argument**

### **A. Relevant Sections of Cannon 4**

Respondent violated several sections of Cannon 4 when he and his campaign committee misrepresented that he had earned six degrees from Miami University and the Ohio State University Moritz College of Law.

Jud. Cond. R. 4.3(A) states that “a judicial candidate shall not knowingly or with reckless disregard disseminate information concerning the judicial candidate, either knowing the information to be false or with a reckless disregard of whether or not it was false or, if true, that would be deceiving or misleading to a reasonable person.”

Jud. Cond. R. 4.3(F) states that “a judicial candidate shall not knowingly or with reckless disregard misrepresent his or her qualifications or other fact.”

Jud. Cond. 4.3(G) states that “a judicial candidate shall not knowingly or with reckless disregard make a false statement concerning the formal schooling or training completed by the judicial candidate or a degree, diploma, certificate, scholarship, grant, award, prize of honor received, earned or held by the judicial candidate.”

The Commission Panel was correct in its decision that Respondent violated these three sections of Cannon 4.

**B. “Reasonable Reader” Standard**

Respondent argues, and Grievant agrees, that the “reasonable reader” standard must be applied in this matter. (Respondent November 7, 2011 Objection to Findings, p. 4-5). In the context of political speech, the Courts apply the objective standard of the “reasonable reader” to determine if the statement is false, which is the same analysis used in cases involving defamatory statements. *See, e.g., McKimm v. Ohio Elections Commission* (2000), 89 Ohio St.3d 139, 143-144. The Ohio Supreme Court has interpreted United States Supreme Court holdings to mean that under the United States Constitution, courts assess the meaning of a statement from the perspective of the reasonable reader—not from the perspective of the publisher of the statement. *Id.* at 144. In this matter, the reasonable reader is the reasonable Lucas County resident, at whom the campaign literature and advertisement were directed. *See, e.g., SEIU 1199 v. Ohio Elections Commission* (10<sup>th</sup> Dist. 2004), 158 Ohio App.3d 769, 777.

The Ohio Supreme Court noted, “If the law were otherwise, publishers of false statements of fact could routinely escape liability for their harmful and false assertions simply by advancing a harmless, subjective interpretation of those statements.” *McKimm*, 89 Ohio St.3d at 145. Stated another way, “A defendant cannot ‘automatically insure a favorable verdict by testifying that he published with a belief that the statements were true.’” *SEIU*, 158 Ohio App.3d at 778.

In the present matter, the “reasonable” Lucas County elector would consider a degree to be the document that is awarded after a person completes a comprehensive four or so year program at a college or university or three or so year graduate program. The “reasonable reader”

would consider major and minors to be the primary and secondary courses of studies that one completed in order to obtain their degree. Similarly, one would not consider a certificate to be a degree unto itself. Certificates, awards, and similar accolades are routinely awarded in conjunction with a person earning their degree. Respondent misled the electors and general public to suggest he was the “best educated” candidate when he in fact had completed the same amount of education as would be required for any candidate for municipal court judge, i.e., completion of a college and law school program.

**C. “Innocent-Construction” Rule**

Respondent is essentially making the argument that the “Innocent-Construction Rule” applies because of his interpretation that “minor degrees,” “major degrees,” and “certificates” could be considered degrees of their own. (Respondent October 21, 2011 letter, pp. 2-3, Respondent November 7, 2011 Objection to Findings, pp. 2-3). Regardless, this is not a proper application of the Innocent-Construction Rule.

The Rule is that “if allegedly defamatory words are susceptible [of] two meanings, one defamatory and one innocent, the defamatory meaning should be rejected, and the innocent meaning adopted.” *McKimm*, 89 Ohio St.3d at 146. However, an important caveat to the Rule is that “[t]he rule protects only those statements that are reasonably susceptible of an innocent construction.” *Id.* “To construe a publication in an unreasonable manner in order to give it an innocent interpretation is itself incompatible with the rule’s requirement that words be given their ‘natural and obvious meaning.’” *Id.* (citations omitted).

In the present matter, Respondent is advancing a self-serving argument that “majors,” “minors” and a “certificate” are elevated to the same thing as a degree in order to defend his overstatements of his educational experience to be a more appealing judicial candidate.

Respondent claims his majors and minors are college degrees based on the definition that a degree is any “title conferred on students by a college, university or professional school on completion of a program of study.” (Respondent November 7, 2011 Objection to Findings, p.2). However, taking this definition to an absurd end, a person could claim that each three hour class completed in college is a degree. Despite Respondent’s strained, overly broad definition of a “degree,” the Innocent Construction Rule should not protect Respondent as his statements overstated his educational background and were an intentional misrepresentation to mislead the general public and are not reasonably susceptible of an innocent construction.

**D. The Meaning of A Degree**

Grievant’s Exhibit A, from the National Student Clearinghouse, reflects that Respondent has one degree from Miami University. It states “Degree Title: Bachelor of Science in Business . . .Major Course(s) of Study: Finance, Business Economics . . .Minor Course(s) of Study: French, German.” Miami University is accredited by the Higher Learning Commission. The Higher Learning Commission’s Minimum Expectations within the Criteria for Accreditation is attached and details the program requirements for a degree. See Exhibit B, p. 6. This states, “The institution conforms to commonly accepted minimum program length . . .120 semester hours credits for bachelor’s degrees, 30 semester credits beyond the bachelor’s for master’s degrees, 30 semester credits beyond the master’s degree for doctorates. . .” In Respondent’s case, it is not logical that credit hours he earned towards his bachelor degree would count towards additional degrees.

Finally, it is just common sense that majors, minors, and certificates are not degrees. Respondent chose to use the term “degrees” to imply he was the most highly educated candidate

in the race for Judge of the Toledo Municipal Court. However, in reality Respondent had no more college degrees than any other candidate in the race.

### **III. Respondent's Failure to Comply with Cease and Desist**

On November 4, 2011, the Commission's Five Judge Panel issued an interim order that the Respondent "immediately and permanently cease and desist from using campaign materials that indicate the respondent has earned more than two college 'degrees,' that his major or minor areas of study are separate college 'degrees' and that his Certificate in International Trade and Development is a college 'degree.'" Respondent claimed in his November 7, 2011 Affidavit that "the undersigned states that even before said Order, campaign materials stating any reference to the degrees has already ceased to issue." (Respondent's Affidavit, ¶4). However, this was not an accurate statement.

As of November 7, 2011, three days after the cease and desist order and after he filed his Affidavit, Respondent's campaign web materials and campaign Facebook page still contained several references to Respondent earning six degrees from Miami University and the Ohio State University. (See Grievant's Affidavit of Counsel for Grievant in Response to Respondent's Affidavit). A candidate's campaign web site and Facebook page are two of the primary methods that a candidate communicates with the electors and general public in the modern era. Both sources could have easily been amended once the cease and desist order was provided to Respondent. Respondent clearly disregarded the cease and desist order imposed by the Commission's Five Judge Panel.

### **IV. Requested Sanctions**

In television ads and the distribution of thousands of pieces of printed campaign material, Respondent misled the electors and general public regarding his educational experience during

his 2011 campaign for Judge of the Toledo Municipal Court. Later, he blatantly disregarded a cease and desist order and further misrepresented to the Commission that he had ceased to disseminate the misinformation. (*See*, November 7, 2011 Affidavit of Grievant's counsel). Due to the fact that the false statements were widely disseminated to the general public, it would be appropriate for the Commission to impose, at a minimum, a public reprimand against the Respondent. This would be consistent with such cases as *Disciplinary Counsel v. Cuckler* (2004), 101 Ohio St.3d 318, ¶11, in which the Ohio Supreme Court determined a law school graduate deceived the public by misrepresenting his qualifications.

Additionally, the Grievant Lucas County Democratic Party has incurred considerable legal fees and expenses to bring this matter to the attention of the Board of Commissioners on Grievances and Discipline. Grievant has incurred \$9,635.50 in legal fees and expenses through the date of this filing. Grievant requests the Commission to order Respondent to pay these legal fees and expenses as part of any order.

Respectfully submitted,



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*Counsel for Grievant*

**CERTIFICATE OF SERVICE**

This is to certify a copy of the foregoing was served by electronic mail on this the 21st day of November, 2011, upon the following:

Mark Davis, Esq.  
2535 Underhill  
Toledo, OH 43615



Donald J. McTigue  
Attorney at Law

# Degree Verify Certificate

Transaction ID#: 025675274 Date Requested: 10/13/2011 09:12 EST  
Requested by: COLIN HUTCHISON Date Notified: 10/13/2011 09:12 EST  
NATIONAL STUDENT CLEARINGHOUSE  
Status: Confirmed  
Fee: \$0.00

## INFORMATION YOU PROVIDED

Subject Name: MARK A DAVIS  
First Name Middle Name Last Name  
Name Used While Attending School: (if different from above)  
First Name Middle Name Last Name  
Date of Birth: 10/05/1968  
mm/dd/yyyy  
School Name: MIAMI UNIVERSITY  
Attempt To: Verify a degree  
Your Case ID: TIP: 025675274

## INFORMATION VERIFIED

Name On School's Records: MARK A DAVIS  
Date Awarded: 05/12/1991  
Degree Title: BACHELOR OF SCIENCE IN BUSINESS  
Official Name of School: MIAMI UNIVERSITY  
School Division: SCHOOL OF BUSINESS ADM.  
Major Course(s) of Study FINANCE 520801  
(and NCES CIP Code, if available): BUSINESS ECONOMICS 520601  
Minor Course(s) of Study FRENCH  
(and NCES CIP Code, if available): GERMAN

All information verified was obtained directly and exclusively from the individual's educational institution. The Clearinghouse disclaims any responsibility or liability for errors or omissions, including direct, indirect, incidental, special or consequential damages based in contract, tort or any other cause of action, resulting from the use of information supplied by the educational institution and provided by the Clearinghouse. The Clearinghouse also does not verify the accuracy or correctness of any information provided by the requestor.

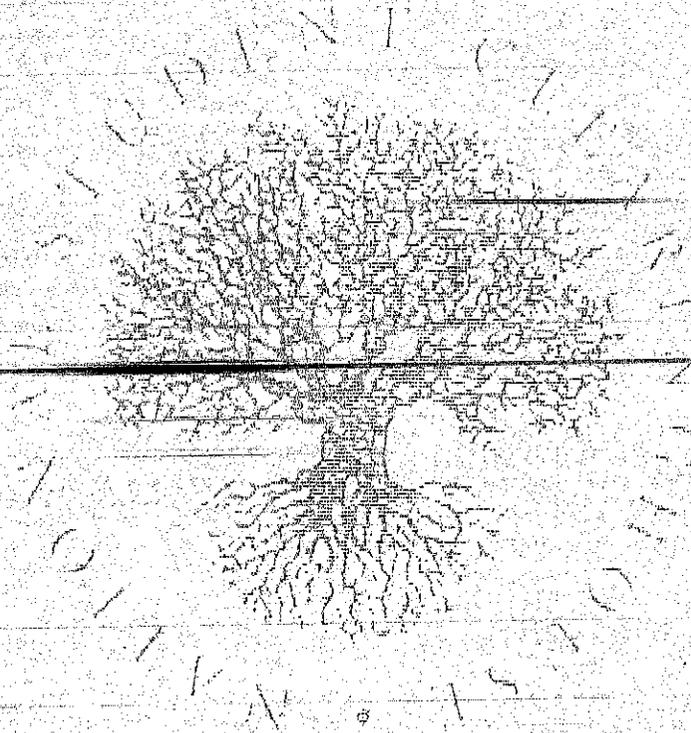
## **DegreeVerify Certificate**

**Subject:** MARK A DAVIS

**Academic Honors:** CUM LAUDE

**Other Honors:** UNIVERSITY HONORS

**Dates of Attendance:** 08/1987 to 05/1991



*All information verified was obtained directly and exclusively from the individual's educational institution. The Clearinghouse disclaims any responsibility or liability for errors or omissions, including direct, indirect, incidental, special or consequential damages based in contract, tort or any other cause of action, resulting from the use of information supplied by the educational institution and provided by the Clearinghouse. The Clearinghouse also does not verify the accuracy or correctness of any information provided by the requestor.*

## Documenting Fundamental Understandings: Minimum Expectations within the Criteria for Accreditation

### Overview

This undertaking was initiated by a requirement of the Office of Postsecondary Education (OPE) of the U. S. Department of Education that the Commission provide guidance to institutions and peer reviewers with regard to minimum expectations for the Criteria for Accreditation. However, as described below, the Commission had already been considering a review of its expectations for affiliated institutions. The timeline for such review was accelerated by the OPE requirement that the Commission file a compliance report by August 2, 2010. Therefore, the Commission is carrying out this exercise in two phases:

Phase I has been devoted to developing "Minimum Expectations within the Criteria for Accreditation," whereby the Commission documents the fundamental understandings that it believes have been in effect in practice but have not been articulated or formally recorded in conjunction with the Criteria for Accreditation. This document provides the outcome of that process and explains the impact it will have on affiliated institutions. The Criteria for Accreditation and their Core Components are designed to spur the review, consideration, questions, and conversations that may lead an institution and its evaluators to continuous improvement and ever higher expectations beyond mere compliance. Tactically, however, the Commission has relied upon minimum levels of quality that are broadly and well understood in the higher education community. In recent years, it has become clear that the Commission's commitment to greater transparency, consistency and accountability will be advanced through the articulation of these understandings. Accordingly, the Commission has prepared "Minimum Expectations within the Criteria for Accreditation."

With Phase II the Commission will undertake an 11-month process that is considerably wider in scope, and deeper, and will be characterized by public notice and consultation with member institutions. The foundation for this review was laid in the fall of 2009, with a Commission survey of its membership on the effectiveness of the Criteria for Accreditation. In December, the Board of Trustees reviewed the results of that survey, studied the criteria or standards of other agencies, and re-examined its Obligations of Membership, its Eligibility Requirements, and a document no longer in force called the "General Institutional Requirements." The Board determined that the Criteria for Accreditation provide at once sufficient guidance for rigorous decisions and sufficient flexibility to recognize the diversity of good practice in American higher education and to accommodate innovation in both content and delivery of education. The Board also recommended that the Commission staff prepare a document or documents that would serve as an "overlay" to the Criteria, gathering the standards that are rendered variously in the Eligibility Requirements, the Obligations of Membership, other Commission documents such as the Commission Statements, and the erstwhile General Institutional Requirements, and adding to them as necessary, so as to create a coherent and clear stipulation of basic requirements for accreditation undergirding the Criteria.

### Documenting Fundamental Understandings: Minimum Expectations within the Criteria for Accreditation

In Phase II, most, probably all, of what is currently embodied in the Minimum Expectations within the Criteria will become integrated with the products of Phase II. In addition, through the review process we expect that items will be added to the Minimum Expectations. We will also seek to integrate Commission policies related to such areas as verification of student identity, transfer, advertising, etc., that are required by specific Federal regulations and exist in the Commission's "Federal Compliance Program."

### Implementation Timeline and Expectations

Beginning  
August 2, 2010:

The Minimum Expectations within the Criteria for Accreditation are effective.

#### For Currently Accredited Institutions

The purpose of the Minimum Expectations is to document for some aspects of the Criteria a floor below which an accredited institution should not fall. The Minimum Expectations are not intended to suggest a list of evidence that institutions must provide or a checklist for teams to use in determining compliance. Neither are they comprehensive, and meeting them is not sufficient to demonstrate that the institution meets the Criteria and is therefore **accreditable**.

Institutions currently accredited should already be at or above this floor. Therefore, an institution should use the Minimum Expectations as one tool in evaluating itself against the Criteria for Accreditation. An accredited institution that finds it is in danger of not meeting one of the Minimum Expectations should take immediate steps to rectify the situation. The institution does not need to report such correction to the Commission unless the situation will take time to remedy. In such cases, the institution should contact its Commission liaison to discuss next steps. The Commission may require monitoring of the institution to ensure that the situation is rectified.

An accredited institution preparing for an upcoming evaluation will address the Minimum Expectations specifically in its self-study or other report to the Commission only when it identifies an issue. If the institution finds that it is in danger of not meeting one of the Minimum Expectations, it should identify it and provide a plan for rectifying the situation.

An accredited institution that fails to meet any of the specific items in the Minimum Expectations will be required to submit a monitoring report to the Commission within three months of the final Commission action or other determination. Depending upon the extent and nature of the deficiency, the report will demonstrate that the situation has been rectified or it will indicate how the situation will be rectified within a maximum of two years. The latter case will require additional Commission follow-up.

#### For Peer Reviewers

Peer reviewers preparing for the upcoming cycle of visits and evaluations will be trained in the use of the Minimum Expectations as a reference tool in evaluating institutions against the Criteria for Accreditation. Those peer reviewers will be notified separately of the training schedule. Peer reviewers evaluating institutions currently accredited will address the Minimum Expectations specifically in their reports only when they identify a concern about one or more of the Criteria, either already noted by the institution or

discovered in the course of their own evaluations, and the Minimum Expectations are useful in supporting their judgments.

**For Non-Affiliated Institutions and Institutions in Candidacy**

Institutions seeking initial candidacy will be required to meet all of the Minimum Expectations prior to admission to candidacy.

Institutions in candidacy that do not maintain these Minimum Expectations during the candidacy period may have their status withdrawn.

Institutions seeking initial accreditation will be granted that status only when all Minimum Expectations and all Criteria for Accreditation are in place at the level expected of accredited institutions.

Phase II is conducted.

September 2010-  
June 2011

Beginning  
July 1, 2011

The goal is to have the outcomes of Phase II implemented effective July 1, 2011, or phased in thereafter. This means that "Documenting Fundamental Understandings: Minimum Expectations within the Criteria for Accreditation" is a transitional document that will be in effect for approximately 16 months, from August 2, 2010, through no later than December 2011.

The Commission will implement consequences for an accredited institution that does not meet one or more of the specific items as they appear in the Phase II documents. These consequences may range from requirement of immediate correction to sanction or withdrawal of accreditation.

Institutions seeking clarification should submit questions to [criteria@hcommission.org](mailto:criteria@hcommission.org). The Commission will respond within a few days.

Questions

**Minimum Expectations within the Criteria for Accreditation**

The Minimum Expectations are organized by six areas: Fiduciary Responsibility, Public Information, Programs and Instruction, Faculty, Student Support Services, and Resources. For each specific item, the chart identifies the Criteria and Core Component(s) to which it refers. Please note that some of the specific items are in fact derived from, and often identical to, statements that are already present in the Criteria in the form of the "examples of evidence" which are offered for each component.

**Part I. Fiduciary Responsibility**

*The specific items in these Minimum Expectations are not additional requirements. Rather, they state fundamental understandings and should be used as needed in conducting the institution against the Criteria for Accreditation.*

The institution has the legal documents required to confirm its status as an institution of higher education (public, non-profit, for-profit).	Criterion: 1 Core Components: 1d, 1e
The institution has legal authority to grant degrees and meets the legal requirements to operate as an institution of higher education wherever it conducts its activities.	Criterion: 1 Core Component: 1e
The institution understands and abides by local, state, and federal laws and regulations applicable to it (or bylaws and regulations established by federally sovereign entities).	Criterion: 1 Core Component: 1e
The institution has a governing board that possesses and exercises the necessary legal power to establish and review the basic policies that govern the institution. <ul style="list-style-type: none"> <li>— The board provides oversight of the institution's finances as well as its academic and business operations.</li> <li>— The board is sufficiently autonomous from the administration, ownership, and other related entities to assure the integrity of the institution and to allow the board to make decisions in the best interest of the institution.</li> <li>— The board authorizes the institution's affiliation with the Commission.</li> </ul>	Criteria: 1, 2 Core Components: 1e, 1d, 1e, 2a, 2d
The institution has a qualified Chief Executive Officer, Chief Financial Officer and Chief Academic Officer (titles may vary).	Criterion: 1 Core Component: 1d
The institution has a published conflict of interest policy for the governing board and the senior administrative leadership.	Criterion: 1 Core Components: 1d, 1e
The institution defines and applies minimum qualifications for administrators.	Criterion: 1 Core Component: 1d
The institution follows established administrative policies and procedures.	Criterion: 1 Core Component: 1d
The institution evaluates its governance and administrative structures and processes regularly.	Criterion: 2 Core Component: 2e
The institution presents to the Commission a clear and complete description of its relationship to any corporate parent or other related legal entity to which the institution is subject.	Criterion: 1 Core Components: 1d, 1e

Documenting Fundamental Understandings: Minimum Expectations within the Criteria for Accreditation

The institution documents outsourcing of services in written agreements, including agreements with parent or affiliated organizations.	Criterion: 1 Core Component: 1c
The institution addresses diversity of students and staff within the values and purposes of its mission.	Criteria: 1, 5 Core Components: 1b, 5a
The institution responds to complaints and grievances, particularly those of students, in a timely manner.	Criterion: 1 Core Component: 1e

**Part 2. Public Information**

*The specific items in these Minimum Expectations are not additional requirements. Rather, they state fundamental understandings and should be used as needed in evaluating the institution against the Criteria for Accreditation.*

The Board has adopted and published statements of mission, vision, values, goals and organizational priorities that together clearly and broadly define the organization's mission.	Criterion: 1 Core Component: 1a
The institution presents itself accurately and honestly to the public: <ul style="list-style-type: none"> <li>— The institution advertises only programs it actually provides.</li> <li>— The institution's catalog, with full descriptions of programs and admission requirements, is accessible to the public.</li> <li>— The institution portrays its accreditation status clearly to the public, including the status of its branch campuses and related entities and its specialized and professional accreditations.</li> <li>— The institution communicates to its constituencies and applicants any Public Disclosure Notice it receives from the Higher Learning Commission.</li> </ul>	Criterion: 1 Core Components: 1d, 1e
The institution presents itself clearly and honestly to students and applicants: <ul style="list-style-type: none"> <li>— The institution provides students clear, timely, and accurate disclosure of all costs: tuition, fees, training, and incidentals.</li> <li>— The institution provides students timely and accurate information on its refund policy.</li> <li>— The institution explains clearly to applicants its requirements for admission to particular programs or majors as well as to the institution.</li> <li>— The institution explains clearly to applicants in advance of enrollment its policies on acceptance of transfer credit.</li> <li>— The institution clearly indicates to students what services it provides and how to access them.</li> </ul>	Criteria: 1, 5 Core Components: 1d, 1e, 5b
The institution includes on its Web site a telephone number that includes an option to speak with a representative of the institution.	Criteria: 1, 5 Core Components: 1e, 5b

Documenting Fundamental Understandings: Minimum Expectations within the Criteria for Accreditation

<b>Part 3. Programs and Instruction</b>	Related Criteria and Core Components
<i>The specific items in these Minimum Expectations are not additional requirements. Rather, they state fundamental understandings and should be used as needed in evaluating the institution against the Criteria for Accreditation.</i>	

The institution follows established academic policies and procedures that reflect commonly accepted practice in higher education: <ul style="list-style-type: none"> <li>— Faculty have primary authority for the assignment of grades.</li> <li>— The institution has clear published policies on student academic load.</li> <li>— Syllabi are provided for all courses offered.</li> <li>— Residency requirements for each program are stated.</li> <li>— The institution has formal, written agreements for managing internships and clinical placements.</li> </ul>	Criterion: 3 Core Components: 3b, 3e
The institution maintains a practice of regular academic program reviews that include attention to currency and relevance of courses and programs.	Criteria: 2, 3, 4 Core Components: 2c, 3c, 4e
Assessment provides evidence of student learning: <ul style="list-style-type: none"> <li>— Programs, majors, degrees and general education have stated learning outcomes.</li> <li>— Processes for assessment of student learning are in effect.</li> </ul>	Criterion: 3 Core Component: 3a
The institution follows appropriate policies for academic level and program requirements: <ul style="list-style-type: none"> <li>— The institution clearly differentiates its learning goals for undergraduate, graduate, and post-baccalaureate programs by identifying the expected learning outcomes for each.</li> <li>— No graduate program is composed primarily of courses that are available for both graduate and undergraduate credit.</li> <li>— Credits earned in remedial courses do not receive degree credit.</li> <li>— The institution conforms to commonly accepted minimum program length: 60 semester credits for associate's degrees, 120 semester credits for bachelor's degrees, 30 semester credits beyond the bachelor's for master's degrees, 30 semester credits beyond the master's degree for doctorates. Any exception to these minima must be explained and justified.</li> <li>— The institution maintains a minimum requirement for general education for all of its undergraduate programs whether through the traditional distributed curricula (15 semester credits for technical associate's degree, 24 for transfer associate's degrees, and 30 for bachelor's degrees) or through integrated, embedded, interdisciplinary, or other accepted models that demonstrate a minimum requirement equivalent to the distributed model. Any exceptions are explained and justified.</li> <li>— The institution assigns credit values to courses based on commonly accepted assumptions for traditional classroom learning, distance learning, hybrid programs, and compressed schedules. (Note: This item will incorporate whatever definition of a credit hour results from the federal regulatory process in progress during 2010.)</li> </ul>	Criteria: 3, 4 Core Components: 3a, 3b, 4b

Documenting Fundamental Understandings: Minimum Expectations within the Criteria for Accreditation

Students have access to the resources necessary to support learning and teaching (e.g., research laboratories, libraries, performance spaces, clinical practice sites) and those resources are appropriate for the institution's mission and programs.	Criteria: 3, 4 Core Components: 3c, 3d, 4d
Students have access to guidance in the use of research and information resources.	Criterion: 4 Core Component: 4d
Faculty members at the institution are available for student inquiry and mentoring.	Criteria: 3, 4 Core Components: 3c, 4d
The rigor of programs is consistent wherever and however curricula are delivered (on the main campus, at additional locations, by distance delivery, as dual credit, etc.).	Criterion: 4 Core Component: 4c

**Part 4. Faculty**

*The specific items in these Minimum Expectations are not additional requirements. Rather, they state fundamental understandings and should be used as needed in evaluating the institution against the Criteria for Accreditation.*

Faculty members possess an academic degree one level above the level at which they teach, except in programs for terminal degrees or when equivalent experience is established. In terminal degree programs, faculty members possess the same level of degree. When faculty members are employed based on equivalent experience, the institution defines a minimum threshold of experience and an evaluation process.	Criterion: 3 Core Component: 3b
Faculty members teaching at the doctoral level have a record of recognized scholarship, creative endeavor or achievement in practice commensurate to doctoral expectations.	Criteria: 3, 4 Core Components: 3b, 4a
The institution has a process for assuring that faculty members are current in their disciplines.	Criteria: 3, 4 Core Components: 3b, 4a
All faculty members are evaluated regularly in accordance with established procedures.	Criterion: 3 Core Component: 3b
The institution has a sufficient number of faculty members to carry out the administrative roles of faculty, in particular oversight of the curriculum and assurance that students meet program requirements.	Criteria: 2, 3 Core Components: 2b, 3b

**Part 5. Student Support Services**

*The specific items in these Minimum Expectations are not additional requirements. Rather, they state fundamental understandings and should be used as needed in evaluating the institution against the Criteria for Accreditation.*

The institution provides student support services consistent with the type of students admitted:	Criteria: 3, 5 Core Components: 3d, 5c
— Qualified staffing is provided for the student services offered.	
— Appropriate academic advising is provided.	
— Financial aid advising clearly and comprehensively reviews the student's	

Documenting Fundamental Understandings: Minimum Expectations within the Criteria for Accreditation

eligibility for federal assistance and scholarships and the student's debt capacity.	Criterion: 1 Core Components: 1c, 1d
— Timely and accurate transcript and records services are maintained.	
The institution assesses the quality and integrity of its admissions function.	Criterion: 1, 5 Core Components: 1d, 5c
The institution maintains contact information for student support services on its Web site for its main campus, off-campus locations, branch campuses, and online delivery. Contact information is also provided for students to use should a service not be readily available.	

**Part 6. Resources**

*The specific items in these Minimum Expectations are not additional requirements. Rather, they state fundamental understandings and should be used as needed in evaluating the institution against the Criteria for Accreditation.*

The institution is fiscally viable.	Criterion: 2 Core Component: 2b
The accredited entity has an external financial audit by a certified public accountant or a public audit agency. For private institutions the audit is annual; for public institutions it conforms with state practice.	Criterion: 2 Core Components: 2b, 2c, 2d
The institution's resources are adequate to ensure the quality of the academic programs and services it claims to provide.	Criterion: 2 Core Component: 2b
The institution maintains an annual statement of revenue and expense.	Criterion: 2 Core Components: 2b, 2c
The institution has a prepared budget for the current year and the capacity to compare it with budgets of previous years.	Criterion: 2 Core Components: 2b, 2c
The institution has a system of ongoing planning and a current operational plan.	Criterion: 2 Core Components: 2b, 2c
The institution's planning processes are linked with its budgeting process.	Criterion: 2 Core Components: 2b, 2c
The institution maintains systems for collecting, analyzing, and using institutional information.	Criterion: 2 Core Components: 2a, 2d
The institution has a process for regular review of its physical infrastructure at all locations.	Criterion: 2 Core Component: 2b
The institution's facilities are compliant with the Americans with Disabilities Act.	Criterion: 1 Core Component: 1c
The institution's facilities are compliant with state and local regulations to ensure health and safety.	Criterion: 1 Core Component: 1c

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