



January 11, 2017

Dr. Neville G. Pinto
Acting President
University of Louisville
2301 South Third Street
Grawemeyer Hall
Louisville, KY 40292-0001

Dear Dr. Pinto:

The following action regarding your institution was taken by the Board of Trustees of the Southern Association of Colleges and Schools Commission on Colleges during its meeting held on December 4, 2016:

The SACSCOC Board of Trustees reviewed the institution's Special Report following receipt of unsolicited information from media sources that address ongoing compliance with standards related to the institution's governing board, CEO evaluation and selection, external influence, Board dismissal, and substantive change. The Commission placed the institution on Probation for twelve months for failure to comply with Core Requirement 2.2 (Governing board), Comprehensive Standard 3.2.1 (CEO evaluation/selection), Comprehensive Standard 3.2.4 (External influence), and Comprehensive Standard 3.2.5 (Board dismissal) of the *Principles of Accreditation*. The Commission authorized a Special Committee to visit the institution.

The institution is requested to submit a First Monitoring Report due four weeks prior to the date of the Special Committee visit and not later than **September 8, 2017**, addressing the following referenced standards of the *Principles of Accreditation*:

CR 2.2 (Governing board)

This standard expects an institution to have a governing board of at least five members that is the legal body with specific authority over the institution; a board that is an active policy-making body for the institution and is ultimately responsible for ensuring that the financial resources of the institution are adequate to provide a sound educational program. Further, the board is not controlled by a minority of board members or by organizations or interests separate from it. Finally, both the presiding officer of the board and a majority of other voting members of the board are free of any contractual, employment, or personal or familial financial interest in the institution.

The institution has failed to demonstrate that the board is not controlled by a minority of board members or interests separate from it. The Governor's actions would have concentrated his influence regarding the composition of the board and the appointment



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of its members, by-passing the protections against such influence addressed in state statutes that provide for a separation of powers and a schedule of replacement of board members that ensure staggered appointments. As such, the Governor's actions demonstrate the board is functioning with considerable external control and influence and places in jeopardy board capacity to be ultimately responsible for providing a sound education program.

CS 3.2.1 (CEO evaluation/selection)

This standard expects an institution's governing board to be responsible for the selection and the periodic evaluation of the chief executive officer.

The involvement of the Governor in the negotiated resignation of the president, without board involvement (board had been dissolved), indicates interference with the board's ability to make decisions regarding the evaluation and selection of the president.

CS 3.2.4 (External influence)

This standard expects an institution's governing board to be free from undue influence from political, religious, or other external bodies and to protect the institution from such influence.

The Governor's executive order to abolish the board, and subsequently make new appointments, are inconsistent with SACSCOC expectations that institutions be able to operate without undue political influence in institutional governance. There appears to be an inconsistency between the institution's policies regarding board dismissal and the Governor's actions, which follow his assertion that dismissal procedures and protections do not apply under board reorganization. Any changes to legislation, Board governing documents, and institutional policies need to include appropriate provisions to ensure the protection of the institution's governing Board from future instances of undue political pressure.

CS 3.2.5 (Board dismissal)

This standard expects an institution's governing board to have a policy whereby members can be dismissed only for appropriate reasons and by a fair process.

The Governor dismissed board members without adequate due process in accordance with existing Kentucky statutes and policies. Board reorganization efforts appear to have been used to circumvent the use of an adequate and fair process for the dismissal of board members.

Guidelines for the monitoring report are enclosed. Because it is essential that institutions follow these guidelines, **please make certain that those responsible for preparing the report receive the document. If there are any questions about the format, contact the Commission staff member assigned to your institution.** When submitting your report, please send **six copies** to your Commission staff member.



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Because your institution has been placed on Probation, the Commission calls to your attention the enclosed policy "Sanctions, Denial of Reaffirmation, and Removal from Membership."

Federal regulations and Commission policy stipulate that an institution must demonstrate compliance with all standards and requirements of the *Principles of Accreditation* within two years following the Board of Trustees' initial action on the institution. At the end of that two-year period, if the institution continues on Probation and does not comply with all the standards and requirements in the *Principles*, representatives from the institution will be required to appear for a meeting on the record before SACSCOC Board of Trustees, or one of its standing committees, to answer questions as to why the institution should not be removed from membership.

In addition, if the institution does not make substantial progress in its compliance with all standards and requirements in the *Principles* **within the two-year period of monitoring while on Probation**, removal from membership is a Board option. If that is the case, representatives from the institution will be invited to appear before the Board of Trustees, or one of its standing committees, to answer questions as to why the institution should not be removed from membership.

Please note that an institution's accreditation cannot be extended if it has been on Probation for two successive years. If the institution is not in compliance at the end of two years on Probation, removal from membership is mandatory. *The institution bears the burden of proof to provide evidence why the Commission should not remove it from membership.*

In accordance with SACSCOC policy, and as noted earlier, a Special Committee has been authorized to visit your institution to review evidence of compliance with the specific standards of the *Principles* cited in this notification letter. The Committee may extend its initial focus if any evidence of additional accreditation-related concerns comes to its attention. Your Commission staff member will contact you to discuss arrangements for this Special Committee.

If you have any questions regarding this letter or the process, please contact your Commission staff member.

Sincerely,

A handwritten signature in cursive script that reads "Belle S. Wheelan".

Belle S. Wheelan, Ph.D.
President

BSW:ch

Enclosures

cc: Dr. Patricia L. Donat
Dr. Larry Benz, Chairman of the Board of Trustees