



2012 Edition

# Constitution and Bylaws

Distance Education and Training Council



# **DETC Constitution and Bylaws**

## **Article I - Name**

The name of this organization is the Distance Education and Training Council (hereinafter referred to as the **Council** or **DETC**).

## **Article II – Mission**

The mission of the Council is to promote, by means of standard-setting, evaluation, and consultation processes, the development and maintenance of high educational and ethical standards in education and training programs delivered through distance learning. The Council establishes and operates a nationally recognized institutional educational accrediting association, the DETC Accrediting Commission.

## **Article III - Administration of the Council**

Responsibility for the governance of the Council shall be vested in the Executive Committee of the Accrediting Commission. The management of the Council's affairs and related administrative duties shall be the responsibility of the Commission's Executive Director.

## **Article IV - Membership**

### **Section 4.1 - Qualifications**

Membership in the Council is limited to institutions accredited by the DETC Accrediting Commission.

### **Section 4.2 - Voting**

Each member of the Council shall have one vote. Only a representative of a member institution may

cast the vote for that member institution. Proxies shall not be permitted for any vote.

### **Section 4.3 - Directory**

A directory containing the names, addresses, and other information of all member institutions shall be published annually or as determined by the Accrediting Commission.

### **Section 4.4 - Membership Liability**

No member of the Council shall be liable for the debts of the Council in any amount in excess of the membership fees required of such member for the year in which the indebtedness is legally established, together with such voluntary subscriptions as such member may have made to the Council.

### **Section 4.5 - Indemnity**

The Distance Education and Training Council (“DETC”) will indemnify and hold harmless each participant in the work of DETC or the Accrediting Commission, to include and not be limited to any officer, staff member, appeal panel member and participant duly appointed by the DETC (subject specialist evaluators, on-site evaluators, Accrediting Commissioners, Appeals Panel Members, observers, consultants or agents) against and from all loss, cost and expenses reasonably incurred by such person in the payment, defense or settlement of any claim, suit or proceeding brought against such person because he or she acted on behalf of DETC.

The rights of indemnification set forth above will apply whether or not such person continues to be acting in such capacity at the time any loss, cost or expense is incurred. Such rights of indemnification will not apply in relation to any matters when such person has been adjudged in a final judgment to be liable for willful misconduct. The rights of indem-

nification provided herein shall not be deemed to restrict or diminish any other rights to which such person may be otherwise entitled.

## **Article V - Meetings**

### **Section 5.1 - Annual Business Meeting**

The Council shall meet annually to elect Institution Commissioners from its membership, to receive annual committee reports, and to transact other business. The Secretary shall send notice of the time and place of such meeting to each member of the Council not less than thirty (30) days prior to the meeting.

### **Section 5.2 - Special Meetings**

Special meetings of the Council shall be held at the call of the Chair of the Executive Committee or shall be called by the Secretary upon the written request of 25 percent of the members of the Council. The Secretary shall send notice of the time and place of such meeting to each member of the Council not less than fifteen (15) days prior thereto, unless such notice is waived by consent of the members of the Council in assembly with a quorum present.

### **Section 5.3 - Quorum**

At least one-fourth of the members qualified to vote shall constitute a quorum for the transaction of business at the annual or a special meeting of the Council. If there is fewer than this number, the presiding officer may adjourn the meeting from time to time until a quorum is present.

## **Article VI – The Accrediting Commission**

### **Section 6.1 - Name**

The institutional accrediting functions of the Council will be performed by the DETC Accrediting Commission (hereinafter referred to as the Commission).

### **Section 6.2. – Powers and Responsibilities of the Commission**

The Commission shall have the following powers and responsibilities:

- 6.2.a Establish and promulgate standards reflecting the qualities of sound and reputable distance education and training and determine procedures for evaluating distance education and training institutions for accreditation. For this purpose, the standards shall include, but not be limited to, coverage addressing the following areas:
- (1) Institutional mission, goals, and objectives
  - (2) Educational program objectives, curricula, and materials
  - (3) Educational services
  - (4) Student Support services
  - (5) Student achievement and satisfaction
  - (6) Qualifications of institution, owners, governing board members, administrators, instructors/faculty, and staff
  - (7) Admission practices and enrollment agreements
  - (8) Advertising, promotional literature, and recruitment personnel
  - (9) Financial responsibility and
  - (10) Tuition policies, collection procedures and cancellations/refunds

- (11) Facilities, equipment, supplies, and record protection
- (12) Research and self-improvement

- 6.2.b Receive applications for accreditation from distance education institutions and training providers.
- 6.2.c Conduct an institutional accreditation program that is compliant with extant Federal recognition criteria for nationally recognized accrediting associations.
- 6.2.d Review the reports of evaluation committees and all other pertinent material and accredit or withhold accreditation from applicant institutions. In cases where accreditation is withheld or denied, the applicant will be given the reasons for the decision and the option of appealing the adverse decision.
- 6.2.e Re-evaluate at reasonable intervals the accredited institutions.
- 6.2.f Exercise such other powers as are necessary to carry out the functions of an accrediting association.

### **Section 6.3 - Selection of Commissioners**

- 6.3.a The Accrediting Commission shall be comprised of nine (9) members: five (5) members from DETC-accredited institutions elected by the Council and four (4) members appointed by the Commission to represent the public. At least two members of the Commission must be “academics,” defined by DETC as a person who works full time at an educational institution who, possibly in addition to other duties, actively teaches, delivers educational content to learners, or engages in educational research

related to the institution's mission. At least two members of the Commission must be "administrators" defined by DETC as a person currently or recently directly engaged in a significant manner in the administration of an institution.

- 6.3.b At its Annual Business Meeting, the Distance Education and Training Council members shall elect Institution Commissioners from the ranks of the Council membership to replace those whose terms of office expire that year. Public Commissioners shall be appointed by the Accrediting Commission at its January meeting to replace those whose terms expire that year.
- 6.3.c Institution Commissioners shall be currently active in the day-to-day administration or teaching at a member institution that does not have a representative serving on the Accrediting Commission.
- 6.3.d When an unexpected vacancy occurs by reason of resignation or otherwise, or when an Institution Commissioner is no longer currently active in a Council member institution, the Chair of the Commission will declare the position vacant and appoint a qualified individual to fill the position, thereby starting his/her own first term upon taking his/her seat on the Commission.

## **Section 6.4 - Terms of Office**

The Commissioners shall serve the following terms:

- 6.4.a Commissioners shall serve for three year terms or until their successors are elected.



- 6.4.b Each newly elected Commissioner shall take office at the first meeting of the Commission following election or appointment.
- 6.4.c The five Institution Commissioners shall not serve more than two consecutive terms. The four Public Commissioners shall not serve more than three consecutive terms.
- 6.4.d Insofar as possible, the expiring terms of office shall be staggered so that only a portion of terms will expire in any one year.
- 6.4.e In the event that a Commission member is absent from two consecutive Commission meetings, the Chair of the Commission may immediately declare that Commission member's position vacant, and may immediately fill the vacancy as described in Article 6.3.d.

## **Section 6.5 - Duties of Commissioners**

- 6.5.a The Commissioners shall have the power, acting through the Executive Committee, to engage the Executive Director, who shall perform such duties as the Commission may judge necessary or desirable.
- 6.5.b The Commissioners shall devise and carry out such other measures as they deem proper and expedient for fulfilling the mission and attaining the objectives of the Commission.

## **Section 6.6 - Subcommittees**

- 6.6.a Subcommittee on Financial Affairs: This committee is charged with reviewing financial statements/documentations submitted with Annual Reports or otherwise requested by the Commission. This committee is also

charged with reviewing changes of ownership applications and making recommendations to the Commission. The committee shall be comprised of not fewer than two members of the Commission.

- 6.6.b Subcommittee on Academic Reviews: This committee is charged with reviewing reports when institutions add or revise new courses/programs and grant final approval and report its action to the Commission. The committee shall be comprised of not fewer than three members of the Commission.

## **Article VII – Officers of the Commission**

### **Section 7.1 - Election of Officers**

The officers of the DETC Accrediting Commission shall be a Chair, a Vice Chair, a Secretary, an Executive Director and a Treasurer, to be elected by the Commission annually. The Chair and Vice Chair must be serving Commissioners. The Executive Director may also serve as Secretary.

### **Section 7.2 - Duties of Officers**

The duties and powers of the officers of this Commission shall be as follows:

**CHAIR** - The Chair shall preside at all meetings of the Commission.

**VICE CHAIR** - In the absence of the Chair, the Vice Chair shall preside.

**SECRETARY** - The Secretary (or the Executive Director) shall issue notices of all meetings. He/she shall also keep a full and complete record of all business conducted during the meetings and performs other duties as are incidental to the office or as may be required by the Chair of the Accrediting Commission.

**TREASURER** - The Treasurer shall have custody of all funds and securities of the Council, shall deposit the same in the name of the Council in such financial institutions or instruments as the Council may approve, and shall direct the disbursement of the funds of the Council in accordance with the will of the Council. He/she shall at all reasonable times exhibit his/her books or accounts to any Commissioner or member of the Council, except such information contained therein which relates to the dues and fees paid or payable by an individual Council member. He/she shall keep a full and complete record of all monies received and all monies paid. He/she need not be a member of the Commission.

**EXECUTIVE DIRECTOR** - The DETC Executive Committee, on behalf of the Commission, will choose the Executive Director. He/she will serve as the Chief Executive Officer of the Council. The Executive Committee shall fix the amount of his/her compensation. He/she shall keep the Commission Chair, the Chair of the Executive Committee, other officers, and Commissioners informed of the affairs of the Commission and of the Council. He/she shall perform such other duties as may be assigned to him/her by the Chair.

### **Section 7.3 - Vacancies**

The Chair of the Commission may fill unexpected vacancies in any office.

## **Article VIII - Executive Committee**

### **Section 8.1 - Powers & Responsibilities**

The Executive Committee shall possess and exercise the powers and responsibilities of the Council in the intervals between regularly scheduled meetings of the Council and keep the members of the Council advised of its activities.

## **Section 8.2 - Composition**

The Executive Committee shall be comprised of five Institution Commissioners from the Council membership. The Vice Chair of the Accrediting Commission shall be the Chair of the Executive Committee.

## **Article IX - Committees**

### **Section 9.1 - Formation**

The Chair of the Executive Committee shall appoint all standing and special committees and their chairs.

### **Section 9.2 - Reporting**

All committees shall make reports to the Council members at its Annual Business Meeting.

### **Section 9.3 - Standards Committee**

This committee is charged with surveying the effectiveness of distance education instructional methods and recommending to the Commission standards, policies, and practices to govern members of the Council. It shall also investigate business practices and make recommendations designed to promote the observance of ethical practices and business standards, and it shall investigate and make recommendations on the standards of ethical conduct to the Commission. The committee shall be composed of not fewer than five members. The Standards Committee will be comprised of a Research and Educational Standards Subcommittee and a Business Standards Subcommittee.

### **Section 9.4 - Awards and Recognition Committee**

This Committee is to determine the individuals

who shall receive awards or other recognition of distinguished service to the DETC or the distance education and training field. The Commission shall determine which awards or other recognition of distinguished service shall be given; however, the selection of the award recipients shall be the sole responsibility of the Awards Committee.

### **Section 9.5 - Finance, Budget and Audit Committee**

This Committee shall have the responsibility of approving an annual budget prepared by the Treasurer and the Executive Director for presentation to the Council members at the Annual Business Meeting. It shall also study and recommend methods of determining equitable dues and fees. This committee shall be comprised of five people, including the Treasurer, acting as Chair, and no fewer than three Institution Commissioners.

### **Section 9.6 - Nominating Committee**

This Committee is charged with nominating individuals to be elected or appointed to the Accrediting Commission. Institution members of the Commission will be elected by members of the Council, and public members of the Commission will be appointed by the Accrediting Commission. It shall be comprised of three individuals from the Council membership.

### **Section 9.7 - Committee Meetings**

Committees may hold meetings at such times and places as in the respective Committee Chair deems appropriate. In the event a member of any committee is unable to attend, that member's institution may designate a substitute.

## **Article X - Compensation**

Any member of the Council, including members

of the Commission, with the approval of the Accrediting Commission, may be reimbursed for any reasonable expenses incurred in connection with the performance of delegated duties.

## **Article XI - Dues and Assessments**

### **Section 11.1 - Budget**

At each Annual Business Meeting, the Finance, Budget and Audit Committee shall present to the Council its approved budget of necessary expenditures.

### **Section 11.2 - Fiscal Year and Payment of Dues**

The fiscal year of the Council shall be from April 1 through March 31. Annual dues and fees rates shall be set by the Commission and shall be payable in advance. In the event that dues and fees are not paid by April 30th or within thirty days of billing, the member will be classified as delinquent in its financial obligations to the Council. The Commission shall be empowered to take adverse action against any accredited institution whose dues are delinquent.

## **Article XII - Miscellaneous Provisions**

### **Section 12.1 - Dissolution**

Upon dissolution of this Council or this Commission, any sums remaining in the Treasury, after satisfaction of all debts and claims against the Council, shall be given to a nonprofit charitable organization selected by the Commission.

### **Section 12.2 - Interpretation and Appeal**

An institution challenging a final adverse decision on accreditation must submit to binding arbitration pursuant to the appropriate Commission policy in the DETC Accreditation Handbook. An institution

which seeks to overturn an adverse arbitration decision, or filing suit for any other reason, must bring the suit in the Federal Court for the District of Columbia. The institution must escrow sufficient funds to guarantee that the Commission will recover its legal fees in defending the suit if the institution does not prevail. Should the institution prevail over the Commission, the escrow will be returned.

## **Article XIII - Amendments and Rules of Orders**

### **Section 13.1 - Amendments**

The *DETC Constitution and Bylaws* may be amended, repealed, or altered, either in whole or in part, by two-thirds vote of members present and voting at any duly organized meeting of the Council, regular or special, provided the proposed change will have been filed with the Secretary at least forty-five (45) days in advance of the meeting date, and a notice of such proposed amendment, with a copy thereof, shall have been mailed to the entire membership of the Council not less than thirty days (30) in advance of such meeting which is to consider the change.

### **Section 13.2 - Rules of Order**

Roberts Rules of Order shall apply to all matters not specifically covered by the *DETC Constitution and Bylaws*.

## **Article XIV - Adoption**

The *Constitution and Bylaws* were duly adopted by vote of the members of the Council on May 11, 1960 and amended May 3, 1962; April 26, 1965; April 29, 1968; April 25, 1972; March 18, 1975; April 26, 1977; March 6, 1978; March 12, 1984; April 15, 1985; April 19, 1989; April 10, 1991; April 6, 1992, March 14, 1994; April 10, 2000, April 15, 2002, April 19, 2004, April 6, 2009, March 18, 2011, and April 16, 2012.



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