



Policy Title:	FEPAC Commission Actions
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Related Commission Document:	
References:	FEPAC Public Disclosure Policy FEPAC Notification of Change Policy
Responsible Official:	Operations, Policies & Procedures Committee

Policy Summary

This guidance outlines formal actions available to the Commission and the process for reviewing and appealing Commission decisions.

The Commission confines its review to the *Accreditation Record* when determining whether a program complies with FEPAC's *Accreditation Standards, Policies* and *Procedures* in all material respects. Based on its review, the Commission may take actions to ensure continued compliance, to obtain more information to make a decision regarding accreditation or program change acceptance, or simply to keep the Commission informed of programmatic progress.

The Commission is not bound by a rigid sequence of actions, nor precluded from acting at any time, as warranted by evolving circumstances. For example, the Commission may review a program at any time if it has information that the program may no longer meet FEPAC's *Accreditation Standards, Policies* or *Procedures*. Similarly, if a program conducts activities or reports developments and changes that may affect its educational effectiveness or its ability to meet FEPAC's *Accreditation Standards, Policies* or *Procedures*, the Commission may review the program's accreditation status without regard to any previously established schedule.

When another accrediting body, the U.S. Secretary of Education, a state Department of Education, or state licensing agency issues a notification, warning, or takes adverse action against a FEPAC-accredited program, the program, consistent with FEPAC's *Notification of Change Policy* must formally notify FEPAC, and the Commission will promptly review the program to determine if it is in compliance with the FEPAC *Accreditation Standards, Policies* and *Procedures*. Except for good cause, the Commission will not knowingly take action to grant initial accreditation to, accept a notification of change from, or continue the accreditation of any program that is the subject of an action potentially leading to suspension, revocation, or termination of accreditation, or authorization by a state agency, or by another accrediting agency, or to any program that has been notified of a threatened loss of accreditation, or authorization by a state agency or by another accrediting agency. In such instances of good cause, the Commission will develop a thorough and reasonable explanation, consistent with

its standards, why the action of the other accreditor or agency does not preclude the Commission’s grant of or continuation of accreditation.

Examples of Possible Commission Actions

1. Grant Initial Accreditation, or Accept Notification of Change
2. Grant Conditional Accreditation
3. Deny Accreditation, or Notification of Change
4. Defer Action
5. Continue Accreditation
6. Issue a Notice of Concern
7. Issue a Monitoring Action
8. Issue a Warning
9. Impose Probation
10. Issue an Order to Show Cause
11. Extension for Good Cause
12. Revoke or Terminate Accreditation

A report of Commission actions is published and distributed following Commission meetings, and each FEPAC-accredited program’s status is noted on the Commission website.

Table 1. Time Frames Associated with Commission Decisions

DECISION	MAXIMUM TERM
Grant Initial Accreditation or Accept Notification of Change	Up to 5 years
Grant Conditional Accreditation	Maximum of 2 years
Deny Accreditation	May apply in next application cycle
Deny Notification of Change	No term – apply/reapply as necessary
Defer Action	Up to 1 year
Continue Accreditation	Up to 5 years
Issue a Notice of Concern	Up to the next scheduled review
Issue a Monitoring Action	As specified in the respective monitoring action(s)
Issue a Warning	Up to 2 years
Impose Probation	Up to 2 years
Issue Show Cause Order	Up to 2 years
Extension for Good Cause	Up to 2 years
Revoke or Terminate Accreditation	Effective on date specified unless stayed by a request for reconsideration or appeal

Grant Initial Accreditation or Accept Notification of Change

The institution has met all the FEPAC *Accreditation Standards, Policies and Procedures* in all material respects. This Commission Action may be accompanied by a *Monitoring Action* (see below) when the Commission requires assurance that compliance will be sustained throughout the accreditation period. Initial accreditation or *Notification of Change* acceptance is for a period not to exceed five (5) years before the next comprehensive review. The Commission may award a one-time extension of accreditation status not to exceed one (1) year in exceptional situations involving difficulties that are unpredictable despite due diligence.

Grant Conditional Accreditation

Signifies that the Commission has identified some weakness(es) in the program that must be corrected within a time frame specified by the Commission. This Commission Action may be accompanied by a *Monitoring Action* (see below) when the Commission requires assurance that compliance will be sustained throughout the conditional accreditation period. The time frame may not exceed two (2) years. This status may be assigned to programs seeking initial accreditation or reaccreditation.

Deny Accreditation

Denial of accreditation reflects the Commission's finding that a program has failed to demonstrate that it is compliant with FEPAC's *Accreditation Standards, Policies and Procedures* in all material respects at the required levels. In its decision to deny accreditation, Commission policy provides that a program may reapply once it has demonstrated that it has addressed the issues leading to the denial. In all cases, this may occur within the next accreditation cycle. Denial decisions are subject to the Commission's appeal process as outlined below.

Deny Acceptance of Notification of Change

Denial of a *Notification of Change* reflects the Commission's finding that a program has failed to demonstrate that it is compliant with FEPAC *Accreditation Standards, Policies or Procedures* in all material respects at the required levels. In its decision to deny the acceptance of a *Notification of Change*, Commission policy provides that a program may resubmit once it has demonstrated that it has addressed the issues leading to the denial.

Defer Action

Defer action is not a final decision. It is used when the Commission needs more information to determine whether an institution/program is meeting one or more of FEPAC's *Accreditation Standards*. Deferrals are granted for a maximum period of one (1) year.

Continue ("Reaffirm") Accreditation

Continuation (or reaffirmation) of accreditation occurs at the completion of a comprehensive review cycle or when the Commission removes a sanction previously imposed upon a program. This action indicates that the Commission has found a program has met or exceeded the expectations of FEPAC's *Accreditation Standards, Policies and Procedures* in all material respects. Continuation or reaffirmation is granted for a period not to exceed five (5) years and may be accompanied by a *Monitoring Action* (see below) when the Commission requires assurance that compliance will be sustained throughout the accreditation period. The Commission may award a one-time extension of accreditation status not to exceed one (1) year in exceptional situations involving difficulties that are unpredictable despite due diligence.

Notice of Concern

A *Notice of Concern* is used by the Commission to inform a program that if the Commission's concerns are not fully addressed by the time of the next review or reporting deadline, a sanction may be imposed, as described

below. A *Notice of Concern* may also be issued when a program is removed from a sanction and the Commission wishes to emphasize the need for continued progress and monitoring. Programs issued a *Notice of Concern* may also be subject to *Monitoring Actions* (see below).

Monitoring Actions

A *Monitoring Action* is issued when a program fails to timely submit required reports, or the Commission identifies one or more of FEPAC's *Accreditation Standards, Policies or Procedures* with which a program may not be or remain in compliance with unless the program gives careful attention and commitment to continuing progress. Types of *Monitoring Actions* include, but are not limited to, requiring programs or institutions to submit *Interim Reports, Supplemental Information Reports, Progress Reports* and/or hosting interim site visits.

A. Interim Report

The Commission or its staff may direct the program to describe in an *Interim Report* its progress relative to remediating findings of the Commission. The Commission or its staff may also require a program to address activities that were being planned or implemented at the time of an on-site evaluation to enhance program effectiveness.

B. Supplemental Information Report

If information is insufficient to substantiate program compliance with one or more of any FEPAC *Accreditation Standards, Policies or Procedures*, the Commission or staff may request a *Supplemental Information Report* for review.

C. Progress Report

The Commission or its staff may require a *Progress Report* when it has been determined that the program is: (1) noncompliant with any FEPAC *Accreditation Standards, Policies or Procedures*, (2) the Commission is concerned about the potential for future non-compliance with one or more requirements of any FEPAC *Accreditation Standards, Policies or Procedures*, (3) when issues are very complex or numerous, or (4) when issues require a more substantive, detailed response. Programs that are required to submit a *Progress Report* must address compliance with specific eligibility requirements, or standards and criteria, at designated times prescribed by the Commission or its staff (e.g., quarterly, bi-annually). At the discretion of the Commission, *Annual Reports* may be used for this purpose as well.

D. Interim Site Visit

The Commission or its staff may require that an interim site visit be conducted in conjunction with other processes, including a request for a *Progress Report, Interim Report, or Supplemental Information Report*. A visit may also be required if verification of program status, and/or progress, requires an on-site review in addition to a document review. A visit is often required with a *Show Cause* action (see below). A visit may be conducted by FEPAC staff or a site visit team, depending on the nature and number of the Commission or staff concerns. Site visit costs will be borne by the Program (see *Fees and Dues Policy*).

Commission Sanctions

When the Commission finds that a program fails to meet one or more of the FEPAC's *Accreditation Standards, Policies or Procedures* they are formally notified of these findings through the use of a sanction (see below) and unless otherwise directed, they are given up to two (2) years from the date of this determination to correct the

situation. If a program has not remedied the deficiencies by the conclusion of the maximum two-year period, the Commission will take “adverse action” as defined in FEPAC’s Glossary to include termination of accreditation, or to extend for “good cause” as described below. Thus, all programs must address the areas cited by the Commission expeditiously, with seriousness and full attention of the program’s leadership. It is the responsibility of the Commission to determine, at the end of the sanction period, whether the program has corrected the deficiencies and has come into compliance with the FEPAC *Accreditation Standards, Policies and Procedures* in all material respects.

The Commission uses sanctions to inform the program and the public of the severity of its concerns about the program’s failure to meet one or more of any FEPAC *Accreditation Standards, Policies or Procedures*. Sanctions are not intended to be applied sequentially. When a program is placed on a sanction, the Commission typically requests that a meeting be held between FEPAC and the program’s senior faculty leadership within thirty (30) calendar days following imposition of the sanction. The purposes of the meeting are to communicate the reasons for the Commission action, and to discuss the program’s plans for addressing the issues that gave rise to the sanction. In imposing a sanction, the Commission also may require that the program undergo a site visit (at the expense of the program) and/or produce reports (see Monitoring Actions).

Federal law permits an extension of FEPAC’s maximum two-year time frame when “good cause” (refer to FEPAC’s *Glossary* definition) is found. The Commission may grant an extension for good cause only under exceptional circumstances and only when the following criteria are met:

1. The program must have demonstrated significant accomplishments in addressing the areas of non-compliance during the period under sanction, OR
2. The program must have demonstrated at least partial compliance with any cited FEPAC *Accreditation Standards, Policies or Procedures*, and for any remaining deficiencies, demonstrate an understanding of those deficiencies, as well as readiness, program capacity, and a plan to remedy those deficiencies within the period of extension granted by the Commission.

In determining whether these conditions have been met, the Commission will also consider whether:

1. The quality of education provided by the program/institution is judged to be in material compliance with the FEPAC *Accreditation Standards, Policies and Procedures* at the time of the extension, AND
2. The Commission has no evidence of any new or continuing violations of any FEPAC *Accreditation Standards, Policies or Procedures* regarding programmatic honesty and integrity, AND
3. The Commission has no evidence of other reasons or current circumstances why the program’s accreditation should not be continued for “good cause.”

For a showing of “good cause” by the program, the Commission may extend accreditation to correct the situation up to a total of two (2) more years, not to extend past the program’s accreditation or reaffirmation date, depending on the seriousness of the issues involved, and on its judgment of how much additional time is appropriate. By the conclusion of the extension period identified by the Commission, the program must prepare a report that details its progress on the cited deficiencies and its compliance with those FEPAC *Accreditation Standards, Policies or Procedures* cited by the Commission. Demonstrated compliance with any FEPAC *Accreditation Standards, Policies and Procedures* is required and must be supported by verifiable evidence. Progress, or promise of future action after such an extension, is not sufficient.

All sanctions are made public and published on FEPAC’s website consistent with FEPAC’s *Public Disclosure Policy*. To protect students and the public, the Commission reserves the right to make the final determination about the content of the public notice. The program is also expected to notify its constituents about the Commission’s action as outlined in FEPAC’s *Public Disclosure Policy*.

Types of Sanctions:

A. Warning

A *Warning* reflects the Commission's finding that a program failed to timely submit required reports or fails to meet one or more of any FEPAC *Accreditation Standards, Policies or Procedures*. The maximum period during which an accredited program may continue under a *Warning* condition is two (2) years – **during which the program continues its accredited status**. During this period, the program is not permitted to initiate or seek FEPAC approval for new programs or concentrations. A Commission action to impose a *Warning* is not subject to appeal.

B. Order to Show Cause

An *Order to Show Cause* is a sanction issued by the Commission to terminate the accreditation of a program within a maximum period of one (1) year from the date of the Order, unless the program can show good cause why such action should not be taken. Such an Order may be issued when a program is found to be in noncompliance with one or more FEPAC *Accreditation Standards, Policies or Procedures* or, having been placed on *Warning* or *Probation* for at least one year, has not been found to have made sufficient progress to come into compliance with the FEPAC *Accreditation Standards, Policies and Procedures*. An *Order to Show Cause* may also be issued for unethical programmatic behavior. In response to the Order, the program has the burden of proving why its accreditation should not be terminated. The program must demonstrate that it has responded satisfactorily to Commission concerns and has come into compliance with all FEPAC *Accreditation Standards, Policies and Procedures*. **FEPAC requires a program issued an *Order to Show Cause* to submit a teach-out plan, consistent with federal requirements and FEPAC's *Teach-Out Policy*, to the Commission for review and action.** The issuance of an Order to Show Cause is not subject to appeal.

The accreditation status of the program continues during the *Show Cause* period, but during this period, the program is not permitted to initiate or seek FEPAC approval for new programs or concentrations. Additionally, the program may be subject to additional *Monitoring Actions*.

C. Probation

Probation reflects the Commission's findings that a currently accredited program fails to meet one or more of any FEPAC *Accreditation Standards, Policies or Procedures*. *Probation* is notice to the program that, if it does not substantially correct the deficiencies noted by the Commission by the end of the probationary period, accreditation status will be withdrawn. While on *Probation*, the program is subject to special scrutiny by the Commission, which may include a *Monitoring Action*. **FEPAC requires a program placed on *Probation* to submit a teach-out plan, consistent with federal requirements and FEPAC's *Teach-Out Policy*, to the Commission for review and action.** In addition, while on *Probation*, the program may not initiate or seek FEPAC approval for new programs or concentrations.

Probation is limited to a specific time-period, which may be extended by the Commission upon a showing of progress toward remediating the deficiency or deficiencies that led to the probation, and any other deficiencies that developed or became apparent in the interim provided. The probationary period, as extended, may not extend beyond one (1) year from the time probation began unless the Commission, for *good cause*, determines that an additional extension is warranted. *Probation* and all extensions cannot exceed or be extended beyond a maximum two-year timeframe. If all deficiencies are corrected within

the probationary period, *Probation* status will be lifted. If all deficiencies are not corrected within the probationary period, accreditation will be withdrawn. Probationary status shall not extend beyond the maximum period of accreditation status, including any extensions thereto.

The accredited status of the program continues during the *Probation* period.

D. Revoke or Terminate Accreditation or Continuing Accreditation

A decision to terminate or revoke accreditation is an *adverse action* taken by the Commission when a program: (1) fails to timely pay required and uncontested fees and dues (See *Fees and Dues Policy*) within the time limit set by the Commission, (2) retaliates against an individual or entity that files a complaint in good faith with the Commission, or (3) has been found to be seriously out of compliance with one or more of any FEPAC *Accreditation Standards, Policies or Procedures*. Although not required, a decision to terminate may be made after an *Order to Show Cause* or a sanction has been imposed, and the program has failed to come into compliance. When accreditation is terminated, the date of termination is specified. Actions to revoke or terminate accreditation are eligible for reconsideration and appeal as outlined herein. If a program closes after a termination action, the program must comply with FEPAC's *Teach-Out Policy*.

A program may begin the process of accreditation again by submitting a new Self-Study Report no earlier than two (2) years from the date when accreditation was terminated or revoked. During this time, the program must also successfully graduate two (2) classes and demonstrate that it has corrected the deficiencies noted in the former accreditation process.

Loss of Accreditation Status

There are several ways that a program's accreditation status may stop:

1. A program may voluntarily withdraw from accreditation with the Commission. In such instances, accreditation status of the relevant program(s) or institution will stop on the date identified in the program/institution's notice of voluntary withdrawal, or thirty (30) days thereafter, whichever date occurs earlier.
 - a. Program may choose not to reapply to continue accreditation. See *Notification of Change Policy*.
2. When an *Adverse Action* becomes final.¹

When the Commission takes adverse action against a program, all FEPAC accreditation status held by the program shall end coterminously with the date the adverse action becomes final.

¹ A Commission decision becomes *final* when a Program: (A) has not timely availed itself to the Commission's *Appeal* procedure outlined herein (i.e., waived its right to seek an appellate review), or (B) has exhausted and was unsuccessful in its *Appeal* attempts to overturn the Commission's decision.

Commission Appeal Process and Procedures

Appeal Procedure Scope

A program has the right to appeal FEPAC accreditation decisions involving denial or revocation of accreditation. A program may appeal the FEPAC decision only on the grounds that FEPAC's decision was arbitrary, capricious, and/or not supported by the evidence available to the Commission on the date it made its decision. If a program files an appeal, any accreditation status held prior to the original FEPAC decision remains in effect until the appeal is heard and a final decision rendered.

Notice of Intent to Appeal

If a program wishes to appeal the FEPAC decision to deny or revoke accreditation, the program must submit a letter of intent, signed by the appropriate administrator of the institution, to FEPAC within fifteen (15) calendar days of receipt of the FEPAC decision. The program has an additional thirty (30) calendar days (up to forty-five (45) calendar days total) from the date of initial notification to submit to the Accreditation & Outreach Manager:

1. the written grounds for its appeal, with supporting documentation (Documentation of circumstances, activities, or courses not in existence at the time of the Commission decision shall **not** be allowed to be offered as a basis of the appeal.),
2. the appropriate payment (See *Fees and Dues Policy* for applicable fees), and
3. if applicable, written notification of the program's request for a meeting with the Appeal Board (See *Request for a Meeting* section below).

If a program fails to submit a letter of intent to appeal with the above listed content within the specified time frames, the appeal will be dismissed and the original FEPAC decision becomes final.

After the program successfully submits its written grounds for the appeal, the Accreditation & Outreach Manager provides each member of the Appeal Board (see below) with a copy of the program's notice of intent and grounds for appeal, the Self-Study, the FEPAC administrative team report, the program's response to the team report, and any other written documents on which the decision was based, together with FEPAC's decision letter.

Appeal Board

Once a letter of intent to appeal the decision is received by FEPAC, the Chair of the Commission shall appoint a three (3) person Appeal Board, including a Chair. The members of the Appeal Board are selected from forensic science educators and practitioners who (1) have experience with the FEPAC accreditation process, (2) have no conflicts of interest, and (3) were not involved in any way in the original decision. The members may include current and former On-Site Evaluators as well as former Commissioners.

Request for Meeting

At the time the documentation of the appeal is filed, the program may request either a telephone conference call, virtual or in-person meeting with the Appeal Board to make a presentation and explain the basis for the appeal. All expenses are the responsibility of the program. If the program has requested a meeting with the

Appeal Board, the Chair of the Appeal Board shall contact the program within fifteen (15) days to schedule the meeting.

Conduct of the Meeting

The program and FEPAC have the right to be represented by legal counsel during the meeting at their own expense. Due to the potential scope and nature of appeals, the Chair of the Appeal Board will moderate the meeting and ensure that the process and content of the meeting (as determined by the Chair of the Appeal Board) is maintained. During the meeting, FEPAC will be allowed an opportunity to explain any of FEPAC’s *Accreditation Standards, Policies and Procedures* and the basis of its decision. The Appeal Board will be responsible for maintaining the minutes of the meeting and issuing a final report to the Commission.

At the conclusion of the meeting, the Appeal Board shall convene in closed session, without representatives of the program or FEPAC present, to reach a ruling. The Appeal Board may either uphold the original FEPAC decision or remand the issue(s) to the Commission for further consideration. The Accreditation & Outreach Manager is informed in writing of the Appeal Board’s ruling within thirty (30) calendar days of the meeting.

If no presentation has been requested, the Appeal Board will schedule a meeting of its members at the earliest possible date.

Outcomes

If the Appeal Board upholds the original FEPAC decision, the Accreditation & Outreach Manager will notify the program in writing, and the decision becomes final on the date of that letter.

If the Appeal Board remands the issue(s) to the Commission for further consideration, the Commission shall take the matter up at its next regular meeting or at a special meeting (if the next regular meeting is not scheduled to occur within the next thirty (30) days) to consider the action of the Appeal Board and the reasons for the remand. The Commission may make a final determination at that meeting or take other action as appropriate, based on the circumstances, before reaching a final determination. Within thirty (30) calendar days of making its final determination, the Accreditation & Outreach Manager shall notify the program in writing of the Commission’s decision.

Appeal Timeline

Calendar Days from FEPAC Notification*	Action
0	Notification of FEPAC decision on accreditation status
15	Program notifies FEPAC of intent to appeal; Appeal Board is appointed
45	Program provides FEPAC with written basis for appeal and all supporting documentation

60	If a meeting with the Appeal Board was requested, the Chair of the Appeal Board contacts the program to schedule a meeting
46-90	Appeal Board convenes and renders its ruling
76-120	Letter from Accreditation & Outreach Manager of the Appeal Board ruling
>90	FEPAC meets or convenes a special meeting to resolve Appeal Board rulings, if any

Manner of Communication

Written communication regarding an appeal must be sent in a manner that confirms receipt (e.g., email, USPS certified mail Return Receipt Requested, commercial courier), and addressed to: FEPAC Accreditation & Outreach Manager, American Academy of Forensic Sciences, 410 North 21st Street, Colorado Springs, CO 80904. All letters sent by FEPAC relating to these matters shall be in a manner that confirms receipt (e.g., email, USPS certified mail Return Receipt Requested, commercial couriers).

Notification of Decisions

Commission Decisions Regarding Accreditation Status

Within thirty (30) days of making its official decisions, FEPAC will provide written notice of the following types of decisions to the appropriate accrediting agencies and the public:

1. A decision to award initial accreditation to a program.
2. A decision to renew a program's accreditation.
3. A decision to place a program on warning, show cause, probation or conditional accreditation.
4. A final decision involving adverse action.

For all decisions listed under (1), (2), (3) and (4), FEPAC provides written notice to the appropriate accrediting agencies at the same time it notifies the program and makes the information available to the public on its website at least fourteen (14) calendar days after its notice to the program. Accreditation decisions will be placed on the FEPAC website for a period of not less than sixty (60) days. The basis for adverse decisions will also be posted. Accreditation decisions involving sanctions will be posted publicly for a period of not less than sixty (60) days or until the sanctions are resolved.

For decisions (3) and (4) listed above, FEPAC requires the program to disclose the decision to current and prospective students within fifteen (15) calendar days of receipt.

For all decisions listed under (1), (2), (3) and (4), FEPAC makes available upon written request to the appropriate accrediting agencies and the public, no later than sixty (60) days after the decision, a brief statement summarizing the reasons for FEPAC's decision and any comments that the affected program may wish to make with regard to that decision.

Finally, FEPAC notifies the public if an accredited program:

1. decides to withdraw voluntarily from accreditation (public notification within thirty (30) days of receiving notification from the program that it is withdrawing voluntarily from accreditation), or
2. allows accreditation to lapse (public notification within thirty (30) days of the date on which accreditation lapses).

Regard for Decisions of the Department and Other Agencies

FEPAC requires programs to notify the Commission of any changes that could impact the accreditation status of the program (see *Notification of Change* policy). If the Commission is notified by the program or by a state agency that a FEPAC-accredited program has been informed of suspension, revocation, or termination of the program's legal authority to provide postsecondary education, the Commission will review its own status of recognition for that program to determine compliance with any FEPAC *Accreditation Standards, Policies and Procedures*. If the Commission finds the program is no longer in compliance with any of FEPAC's *Accreditation Standards, Policies or Procedures*, the Commission will determine the appropriate action to be taken.

Revision History

Date Revised	Summary of Revisions	Approved By