

not violate the provisions of paragraph (b) of this section if—

(1) The agency pays the fair market value for its proportionate share of the joint use; and

(2) The joint use does not compromise the independence and confidentiality of the accreditation process.

National Office for Arts Accreditation in Higher Education

11250 Roger Bacon Drive, Suite 21, Reston, Virginia 22090, 703-437-0700

September 29, 1995.

John F. Greaney, Chief,
Computers and Finance Section, U.S.
Department of Justice, Antitrust Division,
555 4th Street, N.W.—Room 9903,
Washington, DC 20001

Dear Mr. Greaney: I write on behalf of the National Association of Schools of Music, National Association of Schools of Art and Design, National Association of Schools of Theatre, and National Association of Schools of Dance. These organizations represent over 850 programs and institutions concerned with professional education and training in the arts. Each is recognized by the United States Secretary of Education, and each has a distinguished history of accreditation service.

We appreciate the opportunity to comment on the proposed settlement of the antitrust suit of the United States of America against the American Bar Association filed June 27, 1995, in Civil Action No. 95-1211(CR). The four associations wish to support and endorse positions and ideas contained in the letter about this action from the Association of Specialized and Professional Accreditors (ASPA) to you dated September 25, 1995.

Since each of the above arts accreditors has voluntary membership, and since there are no connections in the arts between accreditation and licensure, we are traditionally supportive of free market principles in higher education. We

appreciate the role the Justice Department has played in raising antitrust policy issues for the accreditation community. We look forward to a positive and productive result from the continuation of your deliberations. However, without presuming to enter into legal questions beyond our expertise, we urge you and your colleagues to heed the warnings contained in the ASPA letter and to be especially sure that in pursuing issues and concerns with a particular accrediting body, the Justice Department does not set inappropriate precedents or provide loopholes that will preclude accrediting bodies from working effectively in their most difficult situations with problem institutions. By following the recommendations of the ASPA letter, the Justice Department should be able to create clarity on pure antitrust issues without unintended counterproductive results.

Please do not hesitate to contact us if we may provide any additional clarification or information.

With best regards, I remain

Sincerely yours,

Samuel Hope,

Executive Director.

SH:ck

cc: Cynthia Davenport, Executive Director,
Association of Specialized and
Professional Accreditors

Association of Collegiate Business Schools
and Programs

July 27, 1995.

Anne K. Kingaman,
Assistant Attorney General, United States
Department of Justice, Antitrust Division,
10th and Constitution Avenue NW.,
Washington, D.C. 20530

Dear Ms. Kingaman: I am writing this letter in reaction to the recent ruling by the U.S. Justice Department on the American Bar Association accreditation activities.

In the professional field of business there are two accrediting bodies: (1) The Association of Collegiate Business Schools and Programs (ACBSP) which is seven years old, and (2) The American Assembly of Collegiate Schools of Business (AACSB) which was established more than 70 years ago. For many years the AACSB accrediting body dominated the professional field of business in terms of accreditation with stringent requirements for faculty research and faculty release time to conduct research. Our association, ACBSP, was created to provide an opportunity to institutions with a primary mission of teaching to have an opportunity to become accredited without having a heavy research emphasis.

ACBSP has maintained, since its inception, that it should complement AACSB. The association would exist to address the unmet needs of institutions which were not served by AACSB. Thus, ACBSP views its market niche as business schools and programs offered by the mid-sized and small institutions, as well as the community and junior colleges.

There are approximately 2400 institutions that conduct business programs in American higher education. About 1/2 of these are two year colleges and the other half are four year colleges, some of which have graduate programs. Business education as a professional field of study is four times as large as the next largest professional field which is teacher education. AACSB does not allow the two year colleges to be members of its association and of its 657 members only 293 are accredited by AACSB. Our association, ACBSP, has approximately 500 members and 175 of these are accredited. In addition, our association allows two year colleges to be members as well as four year colleges. Take A and B summarize some of the differences between the two organizations.

TABLE A.—DIFFERENCES IN AACSB AND ACBSP

	AACSB	ACBSP
Mission	Fosters excellence in research	Advances excellence in teaching; stresses articulation/transfer policy statements and agreements.
Organization	657 U.S. Colleges and Universities, 293 accredited. Only accredited schools vote on standards.	475 U.S. Colleges, 9 Int'l. institutions, 175 accredited. All member schools vote on standards.
Accreditation Philosophy	Mission-based: (new) encourages diversity	Mission-based: encourages creativity and innovation.
Types of Accreditation	Bachelors, Masters, Doctorate	Associate, Bachelors, Masters.
Evaluation	Process of review and evaluation required	Outcomes assessment program with results used for improvement required.
Costs	See Table B	See Table B.

Table B presents a comparison of membership and accreditation expenses.

TABLE B.—A COMPARISON OF MEMBERSHIP AND ACCREDITATION EXPENSES

	AACSB	ACBSP
Annual Dues	*\$2,000—\$3,400	\$800
Non-accredited Institutions	**800	
Initial Accreditation:		
Application	***3,000—5,000	1,350
Continuing Analysis	***3,000—5,000	100
Reaccreditation	***4,000—6,500	1,350