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September 21, 2026

Mr. Aaron Washington
Office of Postsecondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

Re: Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies; Docket ID ED-2025-OPE-1042; RIN 1840-AD82

Dear Mr. Washington:

On behalf of the American Association of University Women (AAUW), we submit these comments in strong opposition to the Department of Education's (Department) proposed Accreditation, Innovation, and Modernization (AIM) regulations. The proposed rule would fundamentally change the purpose and operation of accreditation, exceed the Department's statutory authority, and use access to federal student aid to advance political priorities. AAUW urges the Department to withdraw the proposal and not finalize it as currently written.

For nearly 145 years, AAUW has worked to remove barriers to women's education and economic opportunity. Our mission is to advance equity for women and girls through research, education, and advocacy. Access to an affordable, high quality education is central to that mission, as are strong civil rights protections and colleges and universities where students can learn and faculty can teach and conduct research without political interference.

Accreditation is critical to that access. Accrediting agencies evaluate whether colleges, universities, and programs provide education of sufficient quality. They also serve as gatekeepers to federal student aid: in most cases, an institution must be accredited by an agency recognized by the Department for its students to receive Pell Grants, federal student loans, and other assistance under Title IV of the Higher Education Act. The Department reports that these programs provide more than \$100 billion each year. Accreditation policy therefore directly affects whether students can afford to enroll, remain in school, and complete a degree or credential.ⁱ

At the end of the day, this proposal is about students. It would affect which institutions can participate in federal student aid programs, how educational quality is judged, and whether colleges remain able to serve students who have historically faced barriers to higher education. AAUW is particularly concerned about the proposal's effect on access to high quality higher education, civil rights enforcement, academic freedom, lawful diversity and equity programs, and the educational opportunities available to women, students of color, LGBTQ+ students, student parents, and other underserved students.

AAUW urges the Department to extend the public comment period and provide stakeholders adequate time to evaluate the proposal's sweeping and interdependent changes. The current 32-day period is not sufficient for a rule that would revise the federal recognition framework across 34 C.F.R. parts 600, 602, and 668 and fundamentally change accreditors' responsibilities. If the



Department makes material changes to the consensus language, it should also reconvene the negotiated rulemaking process or provide the written explanation required by the AIM committee protocols.

AAUW shares the stated goals of stronger accountability, better student outcomes, less unnecessary regulatory burden, greater innovation, and better protection for students and taxpayers. But this proposal would not achieve those goals. It would prescribe matters Congress left to accreditors and institutions, add subjective and politically contestable requirements to the accreditation process, and assign accreditors legal compliance functions outside their quality assurance role. Turning accreditors into legal compliance officers does not strengthen accreditation. It changes its purpose.

Our comments focus on the provisions most directly connected to AAUW's expertise and mission. Much of the proposed rule falls outside AAUW's area of expertise, and we take no position on provisions not discussed below.

I. The proposed rule exceeds the Department's statutory authority.

Congress drew clear boundaries around the Department's role in accreditation. Section 496(g) of the Higher Education Act of 1965 (HEA), codified at 20 U.S.C. § 1099b(g), provides that nothing in the Act permits the Secretary to establish criteria for accrediting agencies that are not required by section 496. It also protects an accreditor's ability to adopt additional standards and bars the Secretary from specifying, defining, or prescribing the standards used to assess an institution's success with respect to student achievement.ⁱⁱ

Section 496(o), 20 U.S.C. § 1099b(o), authorizes the Secretary to regulate recognition and appeal procedures. But it also states that the Secretary "shall not promulgate any regulation with respect to the standards of an accreditation agency or association" described in section 496(a)(5). Section 496(p) protects accreditor and institutional judgment. Accreditors set and apply standards with the involvement of their members. Institutions develop measures of student achievement appropriate to their missions.ⁱⁱⁱ

The Department of Education Organization Act reinforces those limits. The Department may not direct or control an institution's curriculum, instruction, administration, or personnel. It may not direct or control accrediting agencies or instructional materials, except as authorized by law.^{iv}

Several provisions cross those statutory lines. Section 602.17 would impose more than 20 new requirements. It would prescribe measures for student achievement and economic returns. It would require reviews of academic freedom, intellectual diversity, faculty staffing, research integrity, and student aid administration. It would also mandate a cost-benefit analysis of institutional activities. Sections 602.17(g) and 602.23(h) would direct accreditors' treatment of federal and state law. These provisions tell accreditors what to examine and how to judge institutions.

The Department itself acknowledges the statutory distinction: section 496(o) permits recognition procedures while leaving accreditors responsible for developing and applying their own substantive standards. Yet the proposed text does not consistently honor that distinction.^v

These conflicts reach the rule's core requirements. Section 496(a)(5) identifies the areas in which an accreditor must have standards. It does not authorize the Department to write those standards



or dictate the evidence accreditors must use. Section 496(g) expressly denies that authority. Calling substantive requirements recognition “criteria” does not avoid the statutory limit. If labels controlled, Congress’s limit would have no effect.

The proposed student outcome framework illustrates the problem. Section 496(a)(5)(A) requires standards addressing student achievement “in relation to the institution’s mission” and allows different standards for different institutions or programs, as established by the institution.

Proposed § 602.17(a)(1)(ii), by contrast, identifies five categories of evidence that accreditors must evaluate and adds federally prescribed concepts of economic return. That is precisely the type of federal specification of accreditation standards that sections 496(g) and 496(o) prohibit.

The same problem appears in the academic freedom, intellectual diversity, staffing, research integrity, cost-benefit, student aid, civil rights, and state law provisions. Some address important subjects, but importance does not create statutory authority. Congress assigned the Department, states, accreditors, and institutions different responsibilities. The Department may enforce the laws within its jurisdiction and determine whether an accrediting agency is a reliable authority on educational quality. It may not use recognition to compel accreditors to administer a broader federal agenda that Congress did not include in section 496.

The Department also cannot rely on Executive Order 14279 as an independent source of authority. An executive order may direct an agency to exercise lawful discretion, but it cannot enlarge authority that Congress withheld. Where the executive order’s directives conflict with the HEA’s express protections for accretor and institutional judgment, the statute controls.

AAUW urges the Department to withdraw requirements that lack a clear basis in section 496. These include the substantive mandates in § 602.17(a)(1)–(3), §§ 602.17(g), 602.18, and 602.23(h)–(j). They are central to the rule and cannot be fixed through technical edits. The Department should withdraw the NPRM.

II. The proposed academic freedom and “intellectual diversity” provisions would add subjectivity and invite political interference.

AAUW strongly supports academic freedom and the free exchange of ideas. Those principles are essential to rigorous teaching, research, and learning. The concern is not the stated value; it is the federal mechanism proposed to enforce it.

Section 602.17(a)(2)(iii)–(viii) would require reviews of institutional policies on academic freedom, First Amendment rights, research integrity, civil rights, freedom of inquiry, and “intellectual diversity.” Section 602.18 would require accrediting decisions to be neutral with respect to viewpoint and ideology. But the rule does not define key terms or explain how an institution should “appropriately prioritize” intellectual diversity. The Department removed its proposed definition of academic freedom after negotiators objected. It kept the requirement that accreditors judge institutional compliance with the concept.^{vi}

The NPRM includes religious mission accommodations. Section 602.18(b)(3) protects an institution’s religious mission based policies, decisions, and practices in specified areas. Section 602.18(b)(4) also provides that an accrediting agency with a religious mission need not be neutral



with respect to viewpoints. AAUW recognizes those protections. They do not resolve the broader problem: the Department would still impose an undefined federal viewpoint and ideology mandate on other accreditors and place federal officials in a position to judge how that mandate is applied.

The rule would make accreditation more subjective. Accreditors would judge the range of campus viewpoints, faculty speech, teaching, and research. The Department would then decide whether those judgments meet federal expectations. Yet “intellectual diversity” has no clear definition in the NPRM, the HEA, or the regulatory text. It could refer to academic disciplines, research methods, schools of thought, partisan affiliation, personal ideology, or something else. The rule does not say who would decide whether the range of views is sufficient.

That ambiguity is particularly dangerous because accreditation determines access to federal student aid. Institutions could face pressure to demonstrate a politically preferred form of “balance” in faculty hiring, course offerings, invited speakers, research agendas, or classroom instruction. A concept presented as a protection for free inquiry could instead become a basis for monitoring lawful teaching and scholarship. Complaints could be driven by disagreement with a course, professor, or research finding rather than evidence of deficient educational quality.

The rule’s meaning could change from one administration to the next. An accreditor could follow one interpretation and later be told that its standards reflect improper ideology. Institutions would begin anticipating the preferences of federal officials. Disciplinary expertise, faculty governance, and institutional mission would carry less weight. That uncertainty would chill free inquiry.

The proposal also expands accreditation beyond its central purpose: determining whether an institution or program provides education of sufficient quality. Academic freedom is protected best by clear institutional policies, shared governance, professional standards, constitutional protections where applicable, and independent peer review. It is not protected by conditioning access to federal student aid on subjective federal judgments about campus viewpoints.

AAUW urges the Department to remove §§ 602.17(a)(2)(iii)–(viii) and the viewpoint and ideology provisions in § 602.18. If the Department retains any reference to academic freedom, it should be limited to whether an institution has publicly disclosed policies consistent with its mission and applies those policies consistently. The regulation should not authorize the Department or accreditors to prescribe curricular balance, evaluate lawful viewpoints, establish ideological quotas, or substitute political judgments for academic expertise.

III. The proposal would use accreditation to end lawful diversity and equity programs.

AAUW strongly opposes discrimination. We also reject the rule’s treatment of diversity and equity programs as presumptively suspect. Accreditation should not be used to end lawful efforts to expand opportunity. Section 602.17(g) would prohibit standards that lead institutions to violate federal or state law. It specifically cites policies that provide “any preferences on the basis of race.” Section 602.23(h) would prohibit accreditor policies that require “unlawful preferences” based on race, color, national origin, or sex.

These provisions send a broader message. Standards addressing diversity, equity, inclusion, and equal opportunity could place federal recognition or student aid eligibility at risk. The selective examples and connection to Executive Order 14279 reinforce that warning. Yet the rule does not



distinguish unlawful discrimination from lawful work to identify barriers, improve campus climate, broaden outreach, or support student success.

The ambiguity will encourage overcompliance. Accreditors may weaken standards on campus climate, inclusive teaching, equal opportunity, sexual harassment, accessibility, or student support. Institutions may eliminate lawful programs to avoid an accreditation dispute. That risk extends to programs serving women in science and engineering, women of color, LGBTQ+ students, student parents, first-generation students, veterans, and students with disabilities. These programs could be chilled even when they exclude no one and confer no unlawful preference.

Unequal participation and outcomes often reflect structural barriers that formally neutral policies do not reveal. Colleges need to collect and analyze data. They need to conduct targeted outreach, address harassment and hostile climates, and provide mentoring and support. They must also examine whether their own practices create unequal access. Accreditors must be able to consider these issues when they affect educational quality and student success.

The proposed provisions could also weaken Title IX accountability. At a time when students continue to experience sex discrimination and harassment, accreditors should not be discouraged from examining whether institutional systems support student safety, persistence, and equal access. Accreditation is not a substitute for civil rights enforcement, but neither should it be used to insulate institutions from quality review when discrimination impairs students' education.

The Department should remove §§ 602.17(g) and 602.23(h). Any future language must protect lawful diversity, equity, inclusion, outreach, support, data analysis, and nondiscrimination programs. It must allow accreditors to evaluate barriers to student participation and success. It must also preserve standards that protect civil rights and educational access.

IV. Accreditors should not be turned into legal compliance officers.

Proposed §§ 602.17(g) and 602.23(h) would prohibit standards or policies that encourage or require institutions to violate federal or state law. Section 602.23(h) singles out Title VI and Title IX and states that agencies may not require "unlawful preferences" based on race, color, national origin, or sex. Proposed § 602.23(j) would prohibit review of aspects of public institution governance established by state law, including appointments by state officials.^{vii}

Institutions and accreditors must comply with applicable law. But determining what federal and state law requires, particularly when laws conflict or are under active litigation, is the responsibility of courts and the government agencies charged with enforcement. The Office for Civil Rights, the Department of Justice, state authorities, and courts have investigative powers, procedural safeguards, legal expertise, and avenues for review. Accreditors are not structured to resolve contested legal questions, and accreditation consequences can place an institution's access to federal student aid at risk before those questions are settled.

The civil rights consequences are serious. Title VI and Title IX protect students from discrimination and support equal access to education. Broad, undefined references to "preferences" could chill lawful programs that remove barriers for women and other underserved students. They could also discourage accreditors from examining how institutions prevent and respond to sex discrimination and harassment. Those systems bear directly on student safety and educational quality.



The state law provisions create another path for political interference. A state could restrict curriculum, shared governance, tenure, faculty authority, or diversity, equity, and inclusion initiatives. It could then argue that an accreditor may not examine the effect on educational quality or institutional integrity. Section 602.23(j) could also shield politically motivated governance changes from review, even when they compromise independence, continuity, or academic quality.

AAUW urges the Department to remove §§ 602.17(g) and 602.23(h)–(j). Accreditors should not investigate or decide legal disputes. They should be able to rely on final, binding decisions by the responsible agency or court. They must also remain free to evaluate how institutional policies and governance affect educational quality. The law should preserve standards that advance equal opportunity and protect students from discrimination.

V. Student access provisions would entrench existing inequities and discourage institutions from serving students with the greatest barriers.

AAUW supports meaningful accountability for student outcomes and transparent information that helps students make informed decisions. However, proposed § 602.17(a)(1)(ii) would require accreditors to apply specified measures, including completion, licensure, standardized assessments, and educational and economic returns relative to cost. Congress expressly protected mission based and institution developed measures of student achievement. A uniform federal framework risks treating labor market outcomes as direct measures of educational quality when they also reflect discrimination, occupational segregation, regional labor markets, caregiving responsibilities, and unequal access to opportunity.^{viii}

Women remain concentrated in socially essential but historically undervalued fields such as teaching, nursing, social work, and public service. Women of color experience even wider pay disparities. Earnings are therefore a poor standalone measure of program quality. Programs preparing students for these fields could appear weaker than programs leading to higher paid occupations, regardless of instructional quality or public value. Institutions could also be pushed to enroll fewer student parents, low-income students, first-generation students, and students with disabilities because they face greater barriers to completion.

Retention and completion rates present a related risk. These measures can provide useful information, but without sufficient context they reflect differences in the students institutions enroll as much as differences in educational quality. Students who work long hours, provide unpaid care, attend part-time, experience food or housing insecurity, or drop out due to financial emergencies face barriers unrelated to academic ability. Women are more likely to shoulder caregiving responsibilities, and Black, Latina, Native, and low-income women often encounter overlapping economic and institutional barriers. Penalizing institutions for serving these students could reduce access rather than improve outcomes.

The proposed use of standardized assessments may also reproduce longstanding racial, gender, disability, and income disparities. Scores frequently track access to well resourced schools, test preparation, time, accommodations, and family wealth. If programs believe that enrolling students with lower scores could jeopardize accreditation, they may rely more heavily on screening tools that exclude capable students and undermine efforts to evaluate applicants more fully.



We are concerned that § 602.17(a)(1)(ii)(A)–(E) would reward institutions for changing whom they admit instead of improving how they educate and support students. Institutions enrolling students with the fewest barriers could appear strongest. Open access institutions, minority serving institutions, regional public colleges, and programs serving adult learners and student parents could face greater scrutiny. The rule would confuse selectivity with quality and punish institutions for advancing access.

The Department should withdraw the prescribed outcome framework in § 602.17(a)(1)(ii) and retain the HEA's mission relative approach. If outcome measures remain, the regulation should require disaggregation, contextual analysis, safeguards against selective admissions or program closures, and multiple measures that recognize transfer, part-time attendance, public service careers, and other legitimate institutional missions. Earnings should never be treated as a standalone proxy for educational quality.

VI. Peer review is necessary to credible, independent accreditation.

The proposal would make peer review optional as a primary duty under § 602.3 and limit the participation of institutional representatives in accreditor decision making. These changes misunderstand how accreditation produces credible judgments. Peer review brings direct knowledge of curriculum, pedagogy, assessment, faculty roles, institutional mission, student services, and the practical operation of colleges and universities to a complex quality assurance process. Accreditation cannot reliably evaluate educational quality without people who understand how education is designed and delivered.^{ix}

Peer review also protects independence. Decisions made through published standards and the judgment of qualified educators are less vulnerable to pressure from a federal administration, state officials, institutional competitors, or outside political organizations. Peer reviewers can distinguish a genuine quality concern from a disagreement about institutional mission, curricular content, or a controversial research finding. Weakening their role while adding undefined tests for ideology and legal compliance would move accreditation in the opposite direction.

Conflict of interest protections are necessary, but they should not be confused with eliminating relevant expertise. Accreditors can require disclosure, recusal, balanced panels, public standards, reasoned decisions, and meaningful appeals while retaining institutional and faculty participation. Replacing experienced peers with reviewers unfamiliar with academic practice would not make decisions more neutral. It would make them less informed and more susceptible to simplistic or political judgments.

The Department should preserve peer review as a central requirement of accreditation. Educators and institutions should participate under strong conflict of interest rules. Accreditation decisions need their expertise.

VII. The proposal would increase regulatory burden while weakening institutional autonomy.

The NPRM says it would reduce unnecessary burden. AAUW supports eliminating duplicative reporting and making accreditation more efficient. But the rule would require new policies, surveys, analyses, compliance controls, and review processes. These requirements span academic



freedom, intellectual diversity, research integrity, cost benefit analysis, student aid, civil rights, antitrust law, and state governance. They would consume legal and administrative resources that institutions could otherwise use for instruction, financial aid counseling, student support, civil rights compliance, and continuous improvement.

The new requirements would fall unevenly. Large institutions may be able to absorb additional legal review, data reporting, surveys, and documentation. Community colleges, regional institutions, minority serving institutions, and smaller nonprofit colleges often operate with far fewer staff and resources. A rule framed as burden reduction could therefore increase costs most for the institutions serving students with the greatest financial and educational needs.

The Department should conduct a fuller analysis of the cumulative costs created by the proposal and the effect of those costs on students and student facing services. Burden reduction cannot be achieved by eliminating established quality assurance tools while layering on new federal tests that fall outside accreditors' expertise and institutional missions.

Conclusion

AAUW supports accountability, innovation, educational quality, and strong protections for students and taxpayers. But the proposed rule would not advance those goals. It would exceed statutory limits, expand subjective federal oversight of academic matters, turn accreditors into legal compliance officers, invite political influence, and risk worsening inequities in access and outcomes.

The Department should withdraw this NPRM and should not finalize the rule as written. Its defects are central, not technical. The rule exceeds the Department's authority. It threatens lawful diversity and equity programs, invites political interference, could restrict student access, and weakens peer review. It also assigns accreditors duties outside their role and expertise.

If the Department pursues a different approach, it should return to a meaningful negotiated process with adequate public participation. Any new rule must stay within the boundaries Congress established. It must also preserve independent, peer based accreditation focused on educational quality and continuous improvement.

AAUW respectfully urges the Department to withdraw the proposed rule and return to the negotiated rulemaking process to develop an approach that strengthens educational quality, accountability, and student access while preserving independent, peer based accreditation, before pursuing changes of this scope.

Sincerely,

A handwritten signature in purple ink that reads "Meghan Kissell".

Meghan Kissell
Senior Director, Policy & Member Advocacy

ⁱ Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies, 91 Fed. Reg. 53,940, 53,943–45 (Aug. 20, 2026); AIM committee protocols and consensus discussion, id. at 53,945.

ⁱⁱ Higher Education Act § 496(g), 20 U.S.C. § 1099b(g).

ⁱⁱⁱ Higher Education Act § 496(o)–(p), 20 U.S.C. § 1099b(o)–(p).



^{iv} U.S. Department of Education Organization Act § 103(b), 20 U.S.C. § 3403(b).

^v 91 Fed. Reg. at 53,945 (Department's statement of authority); see also proposed 34 C.F.R. §§ 602.16–602.18, 602.23.

^{vi} 91 Fed. Reg. at 53,957–59, 54,008–10 (proposed § 602.17 and discussion of academic freedom and intellectual diversity)

^{vii} 91 Fed. Reg. at 53,963–64, 54,012 (proposed §§ 602.17(g) and 602.23(h)–(j))

^{viii} 91 Fed. Reg. at 53,954–57, 54,007–08 (proposed student-achievement and economic-return measures)

^{ix} American Council on Education et al., Comments on Docket ID ED-2025-OPE-1042, at 5–7 (Sept. 16, 2026).