



*Commission on Colleges
Southern Association of Colleges and Schools
1866 Southern Lane
Decatur, Georgia 30033-4097*

LITIGATION: INSTITUTIONAL OBLIGATIONS

- Policy Statement -

Costs of Compliance with Third-Party Discovery Requests

The costs of compliance with third-party discovery requests made on the Commission with regard to member institutions can be high and can not be reasonably anticipated for budgeting purposes. To defray these costs in part, where reimbursement for copying and delivery costs is not offered to the Commission by the party serving the subpoena or document request, the Commission may charge copying and delivery costs at a reasonable rate to the member institution the documents of which are the object of the subpoena or request. *Approved: Executive Council, February 2006.*

Institutional Financial Obligations following Litigation

Any institution which takes legal action against the Southern Association of Colleges and Schools regarding an accreditation decision and withdraws or loses its case is responsible for assuming all costs incurred by the Southern Association while defending its position, including attorney fees. These costs must be paid in full within 45 days following the institution's receipt of the Commission's invoice, unless other arrangements are approved by the Executive Council acting on behalf of the Commission's Board of Trustees.

For an institution seeking accreditation as a separately accredited unit, the Commission will not accept an application nor authorize a candidacy committee until all obligations have been paid in full.

Revised: Board of Trustees of SACS COC, June 2009

Choice of Law, Jurisdiction, and Venue

As a condition of receiving any status with either the Commission (Commission on Colleges) or the Council (Council on Accreditation and School Improvement) of the Southern Association of Colleges and Schools, each institution concedes that all agreements created by the respective body's granting such status shall be deemed to have been entered into in DeKalb County, Georgia, and shall be interpreted in accordance with the laws of the State of Georgia. Further, each institution agrees that jurisdiction and venue for any action which might arise from any membership agreement between the institution and the Commission or the Council, regardless of which party shall initiate the action, shall be exclusively in the United States District Court for the Northern District of Georgia or the state courts of DeKalb County, Georgia, whichever of these courts shall have proper subject matter jurisdiction. The Commission and the Council shall notify all institutions seeking or accorded status with that body that the provisions of this Bylaw are a condition of the institution's being accorded any status with the Commission or the Council. (*Bylaws of the Southern Association of Colleges and Schools, Article XV*)

*From the Bylaws of SACS Commission on Colleges:: July 2005
Approved for inclusion into Commission policy: Commission on Colleges, December 2007*