

Addendum to the NASM *Handbook 2005-2006*

Part 1 of 2

National Association of Schools of Music
November 2006

The amendments to the NASM *Handbook 2005-2006* outlined below and in Part 2 of this document were ratified by the Membership on Sunday, November 19, 2006.

The revisions set forth in this document are effective immediately. All institutions and evaluators must follow standards and guidelines reflected in the current *Handbook* and any addenda current at the time of application.

CODE OF ETHICS

NASM *Handbook 2005-2006* – pages 21-24

Replace current text in its entirety with the following:

ARTICLE I BASIC RESPONSIBILITIES

Section 1. Each institution shall ensure that administrators, faculty members, and staff understand and abide by (a) the ethical and operational procedures and codes subscribed to by the institution, including the NASM Code of Ethics and Rules of Practice and Procedure, and (b) the laws and regulations applicable to the work of the institution as ratified, implemented, and adjudicated by federal, state, and local authorities.

Section 2. An institution's personnel shall not discredit other member institutions by disparaging the character, nature, quality, value, or scope of their courses of instruction or services; or by imputing to them dishonorable conduct, or by adversely reflecting on them in any other material respect.

ARTICLE II STUDENT RECRUITMENT

Section 1. Recruitment policies and procedures shall demonstrate concern for the needs of students, the institution, and the national effort in the education and training of music professionals.

Section 2. It is ethical for an institution to utilize procedures and techniques to develop a student body with the highest possible qualifications. However, such procedures and techniques must be applied in a national framework of common practice as outlined in Articles II., III., and IV. of this Code to protect the interests of both students and institutions.

Section 3. Institutions shall meet NASM Standards regarding published materials and Web sites in fulfillment of their responsibility to provide accurate public information.

Section 4. Students are free to attend the institutions of their choice. However, at an appropriate point in time, a commitment in writing must be made between students and institutions. At such a point, administrators, faculty members, students, and all other parties involved must clearly state the nature of these commitments, the schedules for their implementation, and the conditions under which such commitments may be released by any or all of the parties.

ARTICLE III FINANCIAL AID

Section 1.

- A. For the purposes of this Code in its entirety, financial aid is an award made directly to the student *based at least in part on demonstrated talent*, this in addition to need-oriented aid based on generic national formulas. Financial aid relates to awards at the undergraduate and graduate levels, including teaching assistantships or fellowships.
- B. For the purposes of this Code in its entirety, the music executive is the chief academic officer of the music unit—for example, dean or director of the school of music, chair or head of the department of music, or a person specifically designated by the music executive to fulfill admission and transfer functions.

Section 2. Financial aid shall be awarded according to the criteria established by the member institution granting the award.

Section 3.

- A. The acceptance of financial aid or the signing of a declaration of intent to enter a given institution to begin a specific degree or program of study shall not be binding if signed before May 1 of the calendar year of matriculation at the undergraduate level, or before April 15 of the calendar year of matriculation at the graduate level.
- B. A student shall be notified of this policy when an institution makes an offer with a response deadline prior to May 1 for undergraduate-level programs and prior to April 15 for graduate-level programs.
- C. The institution must have a procedure for developing a written understanding with students, advising them that their acceptance of financial aid represents a mutual commitment: the institution agrees to hold a place for the student and provide certain financial assistance; the student agrees to occupy that place for a certain period of time. NASM recommends that the following text or its equivalent be utilized for this purpose:

In accepting this offer of financial aid from (Institution), I understand that there is a mutual commitment on the part of myself and the institution. Therefore, I agree that after May 1 of the calendar year of matriculation into an undergraduate-level program or after April 15 of the calendar year of matriculation into a graduate-level program, I will not consider any other offer of financial aid from an institutional member of the National Association of Schools of Music or any other institution for the purpose of enrolling in a music major program for the academic year ___–___ except with the express written consent of the music executive of the above named institution.

- D. Institutions shall allow students to choose without penalty among offers of admission and financial aid until May 1 of the calendar year of matriculation for undergraduate-level programs and until April 15 of the calendar year of matriculation for graduate-level programs. Written declarations of intent become binding on these dates.

Section 4. If the student is to be offered admission after May 1 for undergraduate-level programs and after April 15 for graduate-level programs, and before August 1 of the year of matriculation with a financial aid award made directly to the student based at least in part on demonstrated talent, prior to making the offer, the offering institution shall determine from the student whether he or she has accepted an offer of admission with a talent-based financial award from another institution. If so, the offering institution may not offer admission with talent-based financial aid during the first term of enrollment until the music executive of the school the student previously agreed to attend has given permission for the student to withdraw from the commitments, obligations, and benefits of his or her financial award.

Section 5. Any offer of admission with a talent-based scholarship made after August 1 of the year of matriculation is considered a transfer under provisions of Article IV. of the Code of Ethics.

ARTICLE IV TRANSFER STUDENTS

Section 1. Institutional personnel shall not knowingly influence or encourage any student to leave another educational institution in which the student is enrolled, registered, or has submitted a tuition or matriculation deposit, especially by encouraging an individual to change schools with an offer of financial aid. However, the date-certain provisions of Article III., Section 3. apply in conjunction with Article IV., Section 1. to students entering new degree programs for the first time.

Section 2. Institutions recognize that students are free to make inquiries about study at any institution at any time. However, if a student begins to make an application for transfer, the institution to which the student is applying must inform the student of its institutional obligations under Article IV. of the NASM Code of Ethics.

Section 3. A transferring student who has not completed a degree program may be considered eligible for financial aid during the first term of enrollment in the new institution only if the music executive of the school from which the student is transferring specifically indicates to the music executive of the prospective new institution that permission will be given for the student to withdraw from the commitments, obligations, and benefits of his or her financial award. These arrangements are formally transacted between the music executives of member institutions. Approval is to be sought *prior* to the offering of the financial award by the institution to which the student may transfer.

Section 4. The provisions of Section 3. apply only to currently enrolled students who are (1) majoring in music, (2) receiving merit-based financial aid, and (3) planning to continue study as a music major at the new institution in the next academic term. Students who have completed a degree program at any level, including community/junior-college students who have completed a two-year program of study, or whatever part of the parallel university curriculum is available at the two-year college attended, are exempt from the provisions of Section 3.

ARTICLE V FACULTY APPOINTMENTS

Section 1. Article V. of the NASM Code of Ethics is intended to apply to the conduct of member institutions and their employees or agents who are involved in the negotiation of faculty employment agreements or appointments on behalf of their respective institutions. It is not intended to govern the activities of individual faculty members who may seek employment with other institutions. The purpose of the provision is to encourage communications between institutions so as to avoid, to the extent possible, last-minute disruptions in faculty coverage that could significantly impact an institution's ability to fulfill its artistic and academic obligations to its students.

Section 2. Inquiries about an individual's interest in and conversation concerning a new, full-time academic appointment are in order at any time of the year.

Section 3. However, after May 1, a written contract for an appointment to take effect in the next academic year will not be offered to a faculty candidate who is currently under contract with another college, school, or institute unless the administrative head (usually the music executive) of the offering college, school, or institute, has previously consulted with the administrative head of the college, school or institute that the individual will be leaving and, to the extent possible, determined that the date at which the appointment is to take effect or the manner in which duties will be shared is agreeable to the administrative head of the college, school, or institute that the individual will be leaving if the individual accepts the new appointment. This provision shall remain applicable to both institutions, even if the individual who is accepting a new appointment has already resigned from his or her former position, if such resignation takes place less than 30 days before the date that the contract is signed with the new institution.

Section 4. As an issue of courtesy and good practice, NASM strongly recommends that when it is not clear that negotiations will be completed prior to May 1, the administrative head of the offering school advise the administrative head of the institution where the faculty member is currently employed that negotiations are underway.

ARTICLE VI COMPLIANCE

If the parties involved cannot resolve an alleged violation, a complaint following rules specified by NASM may be filed with the NASM Executive Director, who shall then institute the process outlined in the Procedures for Reviewing Complaints Directed Against Member Institutions of the National Association of Schools of Music (see Rules of Practice and Procedure, Article VII).

ARTICLE VII AMENDMENTS

The Code of Ethics may be amended by a two-thirds vote of the membership present and voting at any Annual Meeting, provided a written notice of the proposed amendment is sent to all institutional members at least two weeks before said meeting.

RULES OF PRACTICE AND PROCEDURE

NASM Handbook 2005-2006 – pages 31-32

Article IV. Association Procedures

Section 7. Commission Procedures in Extreme Matters of Institutional Viability and Integrity

Replace current text with the following:

Section 7. Commission Procedures in Extreme Matters of Institutional Viability and Integrity.

- A. When the Commission(s) has cause to believe that an institution's non-compliance with NASM consensus-based standards and/or Code of Ethics threaten its fundamental viability or integrity because –
1. the fundamental purposes of the institution or music unit cannot be fulfilled; or
 2. there are serious conditions that cause major adverse effects on the overall financial viability or operational integrity of the institution or music unit; or
 3. the program or programs, or courses or study, offered in the academic catalog of the institution cannot be delivered; or
 4. the institution or music unit is deliberately misrepresenting itself or its program(s) to students and the public in categories of published information required by NASM Standards;
- the Commission(s) may request the institution to provide written information documenting the relationship between conditions at the institution and/or the music unit and compliance with applicable NASM Standards.
- B. If information is not forthcoming within the time stipulated, or the Commission(s) finds that, with respect to the institution or the music unit, institutional viability has been lost, is in jeopardy, or that institutional integrity has been seriously undermined, the Commission(s) may –
1. with regard to an institution that is an applicant, but not yet a member, cease the application process.
 2. with regard to a member institution,

- a. issue an order requesting that the institution show cause why its membership status should not be revoked, and providing an appropriate timeline for reply and suggested corrective actions; or
- b. in extreme cases, immediately sever the relationship between the institution and NASM by revoking or terminating accreditation.

The institution may appeal the decision of the Commission(s) in accordance with the NASM Appeals Procedure.

NASM Handbook 2005-2006 – pages 34-37

Article VII. Procedures for Reviewing Complaints Directed Against Member Institutions of the National Association of Schools of Music

Replace Article VII in its entirety with the following:

Section 1. Purpose

A. NASM

Occasionally, NASM receives complaint inquiries or complaints against member institutions. The policies and procedures in Article VII. are only for the purpose of addressing questions of compliance with NASM Standards, procedures, rules, and the Code of Ethics as published in the NASM Handbook including any addenda to the Handbook current at the time of the inquiry or complaint. These texts and their interpretation by NASM staff and elected personnel are the sole bases for reviewing complaints. NASM does not consider complaints on issues that are beyond the scope of these documents.

B. Potential Complainants

Individuals considering filing a complaint against a NASM member institution must give careful consideration to the nature of the potential complaint and match what they hope to achieve with the means, procedures, and remedies available. Accrediting organizations are non-governmental and thus, do not have governmental powers. Their scopes of review are limited, operating only within their own published materials. Many types of complaints fall outside the purview of accrediting bodies and can only be addressed and adjudicated by the internal complaint procedures of educational institutions, or by external structures such as law enforcement agencies, courts of law, state or federal administrative agencies, or private sector organizations associated with business practices or dispute resolution. Matters of a criminal nature are the responsibilities of law enforcement, public prosecutors, or the attorneys general of the several states. Individuals with intentions of filing complaints against member institutions should ensure that the nature and intent of the complaint fall within the scope of NASM by studying Section 2. below.

Section 2. Eligibility

A. General Principles

1. NASM policies and procedures for reviewing complaints are not judicial (parties are not found guilty; awards are not made; reversals of decisions cannot be mandated); they serve only as a method or means to communicate allegations, determine facts, and resolve issues within the stated purposes and scope of NASM accreditation and membership, i.e., whether the institution is in compliance with the NASM consensus-based standards, rules, and Code of Ethics currently in effect.
2. In order to be considered, complaints must report and document conditions that jeopardize the overall quality of an institution's educational program in music and/or the general welfare of the music unit to the extent that the institution is no longer in compliance with NASM standards or

requirements. Unless documentation shows a pattern of behavior, action, or inaction that impairs attainment of the institution's stated purposes or otherwise suggests direct violation of NASM Standards, rules, and/or Code of Ethics for member institutions, the Association is not authorized to intervene.

B. A complaint may be eligible for review if it:

1. is presented in writing.
2. is forwarded to the NASM National Office by U.S. Mail or courier service. E-mail, facsimile, and verbal transmissions are not acceptable.
3. is signed by the complainant.

(Please note: NASM will not confirm receipt of or respond to complaints that do not meet the requirements outlined in items B.1., 2., and 3. above.)

4. includes a signed copy of the NASM Official Complaint Form.
5. presents itemized issues or concerns directly related to specific NASM Standards, rules, or the Code of Ethics as published in the NASM Handbook and any addenda to the Handbook current at the time of the complaint, and includes specific, factual documentation corroborating each concern raised.
6. presents evidence that the institutional review or grievance procedures available and applicable to the complaint and complainant have been completed or exhausted.
7. is not subject to the criteria set forth in section C. below.

C. A complaint is not eligible for review if it:

1. contains inflammatory and/or undocumented defamatory statements regarding an individual or an institution.
2. alleges criminal conduct.
3. seeks a review or adjudication of individual problems or grievances with an institution or its decisions regarding issues such as, but not limited to:
 - a. student admission;
 - b. retention;
 - c. dismissal;
 - d. application of academic policies;
 - e. granting or transfer of credits;
 - f. grades and other evaluations;
 - g. scholarship awards except as addressed by the NASM Code of Ethics;
 - h. fees;
 - i. disciplinary matters;
 - j. collective bargaining;

- k. faculty appointments and dismissals; or
 - l. other contractual rights and obligations.
4. is or constitutes a request to serve as a grievance or appeals body when the outcome of institutional grievance or appeals procedures is unsatisfactory to the complainant.
 5. is, at the time of filing the complaint, the subject of administrative or institutional proceedings, or if such proceedings are known to the complainant to be forthcoming.
 6. is the subject of prosecution or litigation in which the NASM member institution or its employees are in any way engaged, or if prosecution or litigation is known to the complainant to be forthcoming.
 7. seeks action or otherwise seeks to engage the Association in matters associated with compensation, damages, redress, or readmission on behalf of an individual or group.
 8. is submitted on behalf of another individual.
 9. is a copy of a complaint submitted to other entities or parties.
 10. has not been submitted to, and fully processed and exhausted by, the institution's complaint or grievance procedure.
 11. has been submitted for review by another accrediting association with broader institutional responsibility than that of NASM.
 12. is beyond the scope of the music program or the jurisdiction of NASM at a multidisciplinary institution.
 13. repeats substantially the same allegations by the same party regarding the same institution that has previously been the subject of a completed review by the NASM Committee on Ethics or Commission(s) on Accreditation.
 14. is the subject of published articles that have resulted from attempts by the complainant to focus public attention on the behavior, actions, or inactions of the institution that is the subject of the complaint immediately prior to and especially during the course of the NASM Complaint Procedure.

Section 3. Authority

- A. NASM is a voluntary association of schools of music. The only requirement of its members is compliance with its published consensus-based standards, rules, procedures, and Code of Ethics. The sole and final authorities regarding compliance are the elected and staff officials of NASM operating under the requirements of the Association's Handbook.
- B. Procedural authority for the review of complaints outlined in Article VII. is vested in the Executive Director of NASM.
- C. Decision-making authority regarding complaints under Article VII. is vested as specified in the various provisions of this article.
- D. The Executive Director shall have the authority to stop the complaint process at any point or any time upon the appearance of evidence that would disqualify the complaint under policies outlined above, or in Article IV., Section 1. of the Rules of Practice and Procedure, or if the complaint otherwise moves beyond the scope or jurisdiction of the Association.

Section 4. Time

A. Review Schedules

1. The Association will resolve complaints against member institutions in a timely manner, moving as quickly as feasible between stages of the Complaint Procedure.
2. The Executive Director shall have the authority to establish timelines for each specific step of the process.
3. Unless circumstances require alternative timeframes, as determined by the Executive Director –
 - a. 30 business days is the period for each stage outlined in Sections 6., 8., or 9. below;
 - b. business to come before the Committee on Ethics or the appropriate accrediting Commission will be scheduled at regular meetings of these groups.
4. The time required to conduct inquiries in Section 7. below may vary based on the nature and circumstances of the complaint, as determined by the Executive Director.

B. Time Restrictions

Except under circumstances the Executive Director deems extraordinary, complaints will not be considered after two years or more from the date of the last incident or incidents that are the subject of the complaint.

Section 5. Multiple Complaints

If a number of individual complaints over time suggest a pattern of noncompliance by the institution, the Committee on Ethics or the Commission on Accreditation may be informed during the course of a review under Sections 8. and/or 9. below.

Section 6. Initial Review

- A. Consistent with provisions outlined in Section 4. above, the National Office staff will acknowledge a formal written complaint within 15 business days of its receipt.
- B. Within 30 business days after acknowledging receipt of the complaint, the National Office staff will:
 1. review the complaint and its documentation.
 2. determine whether the complaint meets the eligibility criteria outlined in Section 2. above.
 3. inform the complainant regarding the disposition of the complaint using one of the following statements:
 - a. no further action will be taken because the complaint does not meet the eligibility requirements of Section 2., or there is insufficient documentation.
 - b. the decision regarding further action is postponed while the complainant is given 20 business days to provide additional documentation. The complainant is then informed that the decision regarding the complaint is that described in either Section 6., items B.3.a. or c.
 - c. the complaint has sufficient substance to warrant the opening of a proceeding for further review.
- C. The Executive Director of NASM, at his or her sole discretion, makes the final determination regarding all provisions of Section 6., including determination whether the complaint raises issues that are directly relevant to an institution's accreditation or membership status.

Section 7. Executive Director Negotiations

- A. If the decision in the initial review is to open a proceeding as specified in Section 6., item B.3.c., the Executive Director of NASM contacts the music executive of the institution against which the complaint has been filed, advises of the complaint, provides the complaint and documentation submitted by the complainant, and seeks information from the institution(s) involved regarding circumstances surrounding the complaint. The Executive Director may also seek additional information from other sources, as he or she deems appropriate.
- B. The Executive Director, using procedures and personnel he or she determines, and in correspondence with the institution(s) and the complainant, attempts to negotiate, mediate, or otherwise develop a resolution of the complaint without further formal action. The Executive Director may appoint an agent to serve on his or her behalf. The Executive Director or his or her agent may recommend mediation or arbitration by third parties.
- C. If the complaint is resolved, the Executive Director informs the complainant and the institution(s) in writing.
- D. If the complaint is not resolved, the Executive Director initiates committee review (see Section 8.) or Commission review (see Section 9.) as appropriate.

Section 8. Committee Review of Complaints Involving the Code of Ethics

- A. The Executive Director develops a dossier containing the following:
 - 1. the formal complaint with complete documentation;
 - 2. information obtained from the institution(s) involved regarding the circumstances surrounding the complaint;
 - 3. information from the procedure outlined in Section 7.; and
 - 4. the relevant section(s) of the Code of Ethics.
- B. The Executive Director informs the Committee on Ethics that a complaint has been filed and places the dossier on the agenda of the Committee.
- C. The Committee on Ethics reviews the dossier and formulates a decision concerning the case. Possible decisions are:
 - 1. the institution is found to be in compliance with the Code of Ethics;
 - 2. the institution is found to be generally in compliance with the Code of Ethics, but the complaint has merit in this particular circumstance; or
 - 3. the institution is found to be not in compliance with the Code of Ethics.
- D. If the recommendation is C.1. above, the complainant and the institution are so informed in writing by the Executive Director.
- E. If the recommendation is C.2. or C.3. above, the Committee on Ethics may require the institution to submit a response within a specified time showing satisfactory resolution of the complaint and compliance with the Code of Ethics. The response may require the report of an on-site consultant. The procedure for establishing and operating such consultancy shall be that in effect for on-site accreditation visits.

The Committee on Ethics shall review the response when received and take one of the following actions:

1. accept the response and consider the complaint resolved. The institution and complainant are notified in writing; the action is not made public.
 2. accept the response and consider the complaint resolved, but request a progress report(s) to determine further compliance with the Code of Ethics. The institution and complainant are notified in writing; the action is not made public.
 3. acknowledge receipt of the response, but consider the complaint unresolved and the institution to be in noncompliance with the Code of Ethics. In this case, the Committee on Ethics may recommend to the appropriate Commission(s) that the institution be placed on probation and required to submit a probationary response to the Committee on Ethics within a specified time. Public notice follows NASM rules regarding probation. Upon receipt of the probationary response, the Committee on Ethics recommends that the Commission(s) either remove probation or revoke membership. Membership status is made public through appropriate published materials.
 4. if the initial response is not received within the specified time, the institution is placed on probation by the appropriate Commission; public notice follows NASM rules regarding probation. The institution is requested to submit a probationary response within a specified time.
 5. if a probationary response is not received within the specified time, the membership of the institution is revoked and membership status is made public through appropriate published materials.
- F. Either the complainant or the institution may appeal any decision of the Committee on Ethics and/or the Commission(s) consistent with eligibility requirements of the applicable procedures outlined in Articles VIII. through X. of the “Rules of Practice and Procedure.”

Section 9. Commission Review of Complaints Involving the Standards of the Association

- A. The Executive Director develops a dossier containing the following:
1. the formal complaint with complete documentation;
 2. information obtained from the institution(s) involved regarding the circumstances surrounding the complaint;
 3. information from the procedure outlined in Section 7.; and
 4. the relevant section(s) of the Standards of the Association.
- B. The Executive Director informs the appropriate Commission that a complaint has been made and places the dossier on the agenda of the Commission.
- C. The Commission reviews the dossier and formulates a decision concerning the case. Possible decisions are:
1. the institution is found to be in compliance with the standards;
 2. the institution is found to be generally in compliance with the standards, but the complaint has merit in this particular circumstance; or
 3. the institution is found to be in noncompliance with the standards.

- D. If the recommendation is C.1. above, the complainant and the institution are so informed by the Executive Director.
- E. If the recommendation is C.2. or C.3. above, the Commission may require the institution to submit a response within a specific time showing satisfactory resolution of the complaint and compliance with the standards. The response may require the report of an on-site consultant. The procedure for establishing and operating such consultancy shall be that in effect for onsite accreditation visits.

The Commission shall review the response when received and take one of the following actions:

1. accept the response and consider the complaint resolved. The institution and the complainant are notified in writing; the action is not made public.
 2. accept the response and consider the complaint resolved, but request a progress report(s) to determine future compliance with the standards. The institution and complainant are notified in writing; the action is not made public.
 3. acknowledge receipt of the response, but consider the complaint unresolved and the institution to be in noncompliance with the standards. In this case, the Commission may recommend that the institution be placed on probation and required to submit a probationary response to the Commission within a specified time. Public notice follows NASM rules regarding probation. Upon receipt of the probationary response the Commission either removes probation or revokes membership. Membership status is made public through appropriate published materials.
 4. if the initial response is not received within the specified time, the institution is placed on probation by the appropriate Commission; public notice follows NASM rules regarding probation. The institution is requested to submit a probationary response within a specified time.
 5. if a probationary response is not received within a specified time, the membership of the institution is revoked and membership status is made public through appropriate published materials.
- F. Either the complainant or the institution may appeal any decision of the Committee on Ethics and/or the Commission(s) consistent with eligibility requirements of the applicable procedures outlined in Articles VIII. through X. of the “Rules of Practice and Procedure.”

Extensive revisions to the Standards for Accreditation ratified by the NASM Membership in November 2006 are documented in Part 2 of the Addendum to the NASM Handbook 2005-06.