

## Policy on Conflict of Interest for Commissioners, Evaluation Team Members, Consultants, Administrative Staff, and Other Commission Representatives

*(Adopted June 1997; Revised June 1999, March 2001; Edited June 2005;  
Revised January 2006, January 2012; Edited August 2012;  
Revised June 2013; October 2013)*

### **Purpose**

The Commission seeks to assure that those who engage in accreditation activities make every effort to protect the integrity of accrediting processes and outcomes. The intent of the Commission is to:

- maintain the credibility of the accreditation process and confidence in its decisions;
- assure that decisions are made with fairness and impartiality;
- assure that allegations of undue influence; relationships which might bias deliberations, decisions, or actions; and situations which could inhibit an individual's capacity to make objective decisions are minimized;
- make all of its decisions in an atmosphere which avoids even the appearance of conflict of interest; and
- provide the means to disclose any existing or apparent conflict of interest.

### **Policy**

A conflict of interest is any circumstance in which an individual's capacity to make an impartial and unbiased decision may be affected because of a prior, current, or anticipated institutional/district/system affiliation or other significant relationship(s) with an accredited institution/district/system or with an institution seeking initial accreditation, candidacy, or reaffirmation of accreditation.

The Commission seeks to assure that its decisions on institutions and on all other matters before the Commission are based solely on professional judgment and an objective application of its Eligibility Requirements, Accreditation Standards, and Commission policies (together Commission's Standards). Accordingly, the Commission takes all necessary measures to assure that conflicts of interest and the appearance of conflicts of interest on the part of Commissioners, evaluation team members, consultants, administrative staff, or other agency representatives are avoided.

The Commission expects that all individuals associated with the Commission, whether as Commissioners, evaluation team members, consultants, administrative staff or other agency representatives, will display personal and professional integrity and guard against conflicts of interest, or the appearance of conflicts of interest, by adhering to this Policy and by refusing any assignment where the potential for conflict of interest exists.

## **Policy Elements**

Each Commissioner, evaluation team member, consultant, member of the Commission administrative staff, and other agency representative is asked to review this Policy and consider potential conflicts of interest in his/her proposed assignments.

The following interactions with an institution/district/system have been determined to be of the type that constitute a conflict of interest or the appearance thereof, normally within the last five years:

- a. current or prior employment at the institution/district/system being evaluated;
- b. candidacy for employment at the institution/district/system being evaluated;
- c. current or prior service as a paid consultant or other business relationship with the institution/district/system being evaluated;
- d. a written agreement with an institution/district/system that may create a conflict or the appearance of a conflict of interest with the institution/district/system;
- e. personal or financial interest in the ownership or operation of the institution/district/system;
- f. close personal or familial relationships with a member of the institution/district/system;
- g. other personal or professional connections that would create either a conflict or the appearance of a conflict of interest; or
- h. receipt of any remuneration, honoraria, honorary degrees, honors or other awards from the institution/district/system.

Notwithstanding the definition of a conflict of interest provided in this policy and in the above list of types of conflicts or potential conflicts of interest, a conflict of interest arising from one of these types of relationships does not go into perpetuity, but normally expires five years after the relationship ends. Nevertheless, the individual is expected to ask him/herself whether the existence of such relationship would in any way interfere with his/her objectivity, and, if the answer is in the affirmative, he/she is expected to refuse the assignment or recuse him/herself from the deliberations related to the issue that caused the conflict of interest.

The following interactions with an institution/district/system have been determined to be of the type that do not constitute a conflict of interest or the appearance thereof:

- a. attending meetings or cultural events on a campus;
- b. having infrequent social contact with members of institutions/districts/systems;
- c. making a presentation at an institution on a one-time, unpaid basis, with no sustained relationship with the institution; or
- d. fulfilling a professional assignment with members of an institution on an issue not related to the institution's accreditation.

## **Avoiding the Appearance of Conflict of Interest**

To achieve the purposes of this policy, it is expected that Commission representatives will make every effort to avoid the appearance of conflict of interest, in both formal and informal interactions with members of the field and with the public. Commissioners and committee

members should adhere to the Policy on Professional and Ethical Responsibilities of Commission Members when presented with inquiries or opportunities for public comment on member institutions, ACCJC business or accreditation practices.

### **Evaluation Team Members**

The Commission will not knowingly invite or assign participation in the evaluation of an institution to anyone who has a conflict of interest or the appearance thereof. Team members are required to confirm in writing that they have reviewed this Policy when they are invited to serve on a team. In order to avoid an appearance of conflict to the public, immediate family members of Commissioners and Commission staff will not be invited or assigned to participate on an evaluation team.

Institutions being evaluated should review the prospective evaluation team members for potential conflict of interest. The Commission President should be notified immediately if there are conflicts of interest or any concerns that there might be conflicts of interest.

During the period in which the visit is occurring and Commission action is pending, evaluation team chairs and team members are expected to refrain from any of the above listed situations of potential conflicts of interest with an institution for which they have been an evaluation team member.

### **Commissioners**

A Commissioner is expected to recuse him/herself from any deliberation or vote on decisions regarding individual institutions where any of the conflicts of interest listed above exist. A Commissioner who served on the most recent evaluation team of an institution being considered must recuse him/herself. Any such potential conflict of interest shall be reported to the Commission in advance of the deliberation and action and shall be recorded in the Commission minutes.

A Commissioner who is uncertain regarding a possible conflict of interest may recuse him/herself, or abstain from voting on decisions regarding the institution, in which case there is no requirement to disclose the nature of the contact(s) for review by the Commission. Alternatively, the Commissioner may disclose the nature of the potential conflict of interest for review by the Commission. The Commission shall then determine in all such cases by majority vote whether the situation raises a conflict of interest or the appearance of conflict of interest. If the Commission determines that the situation raises a conflict, the affected Commissioner will be recused from the deliberations of the case that caused the conflict.

In the case where a Commissioner or the Commission President believes that a Commissioner may have a conflict of interest or the appearance of conflict of interest that the Commissioner has not acted upon, that other Commissioner or the Commission President should bring the conflict of interest or the appearance of conflict of interest to the attention of the Commissioner and give him/her an opportunity to recuse him/herself from the deliberations of the case that caused the conflict. If the matter is not resolved, the other Commissioner or the Commission President may bring the matter to the attention of the full Commission, which will then consider the matter and determine by majority vote on whether the situation raises a conflict of interest or the appearance of conflict of interest. If the Commission determines that the situation raises a conflict, the affected Commissioner will be recused from the deliberations of the case that caused the conflict.

Commission decisions regarding any issue raised relating to conflict of interest shall be noted in the minutes.

At no time during their appointment as Commissioners, should Commissioners consult with institutions on matters of accreditation for compensation.

### **Commission Staff and Consultants**

During the period of Commission employment, Commission staff members, including consultants, are expected to refrain from connections and relationships with candidate or member institutions which could represent a conflict of interest. In the case where a Commissioner or another Commission staff believes that a Commission staff member may have a conflict of interest or the appearance of conflict of interest that the staff member has not acted upon, that Commissioner or the other Commission staff should bring the conflict of interest or the appearance of conflict of interest to the attention of the Commission President. The Commission President will determine whether the situation raises a conflict of interest or the appearance of conflict of interest. If the Commission President determines that the situation raises a conflict, Commission staff will be removed from the assignment that caused the conflict.

Commission staff may not engage in private consulting or employment with, nor accept honoraria, or honorary degrees from member institutions. Commission staff may engage in such arrangements with outside organizations or institutions other than member institutions only with the approval of the Commission President. The Commission President may engage in such arrangements only with the approval of the Commission Chair.

### **Suspension or Removal**

When a conflict or apparent conflict of interest arises, the Commission President or Commission by majority vote may direct that the involved role or behavior of the affected individual (Commissioner, evaluation team member, consultant, administrative staff member, commission representative) shall cease immediately. When a conflict cannot be resolved by recusal or immediately ending the affected individual's role or behavior that created the conflict or perception of conflict, then:

- a. the Commission President, in case of an Evaluation Team Member, Consultant, Administrative Staff Member or other Commission Representative, may elect to suspend or remove the affected individual or take such other action as is deemed appropriate;
- b. or the Commission by majority vote, in the case of a Commissioner, may elect to suspend or remove the affected individual or take such other action as is deemed appropriate.

## Policy on Professional and Ethical Responsibilities of Commission Members

*(Adopted January 2001; Edited June 2001, June 2003, June 2005; Revised June 2013)*

### Purposes of the Commission

ACCJC Commissioners are expected to accept and subscribe to the defined purposes of accreditation, and to support and uphold the ACCJC's purposes, Eligibility Requirements, Accreditation Standards, Commission policies, and processes.

The purposes of accreditation shall be the evaluation of member institutions to assure the educational community, the general public, and other organizations and agencies that an institution has clearly defined objectives appropriate to higher education; has established conditions under which their achievement can reasonably be expected; appears in fact to be accomplishing them substantially; is so organized, staffed, and supported that it can be expected to continue to do so; and demonstrates that it meets Commission standards. The Commission encourages and supports institutional development and improvement through self evaluation and periodic evaluation by qualified peer professionals<sup>1</sup>.

### Commission Responsibilities

The Commission as a whole:

- Establishes and periodically reviews Eligibility Requirements, Accreditation Standards, policies, and practices for member institutions;
- Serves as the primary decision-maker on accredited status of member institutions;
- Evaluates institutions in terms of their own stated purposes;
- Strives for consistency in determining accredited status of institutions;
- Assists in explaining broad purposes of accreditation and its intended impact on educational quality to the public served by the Commission.

### Professional Responsibilities of Commission Members

A Commissioner:

- Participates in all Commission meetings and attends them for their entire duration;
- Studies documents as assigned prior to the meetings;
- Serves as an in-depth reader of evaluation visit materials as assigned;
- Votes according to his or her best professional judgment in accordance with existing policy and standards;
- Participates on Commission committees and in activities representing the Commission's interests as assigned;

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<sup>1</sup> ACCJC Bylaws

- Attends and actively participates in Commission activities such as evaluation team visits and workshops;
- Participates in self evaluation and evaluation of the Commission;
- Participates in Commission planning efforts;
- Ensures that all functions of the Commission are executed responsibly through the Commission President;
- Refers all inquiries or requests for information concerning ACCJC business, member institutions, and accreditation practices to the Commission President or Commission Chair who serve as the official spokespersons for the ACCJC;
- Speaks on behalf of the Commission only when designated to do so by the Commission President or Commission Chair;
- Participates in the evaluation of the Commission President;
- Notifies the Commission Chair or Commission President in a timely manner if the Commissioner's position or status changes during a term so that the Commissioner no longer meets the requirement for the category to which appointed.

## **Ethical Responsibilities of Commission Members**

A Commissioner:

- Respects the confidentiality of relationships between the Commission and the institutions it accredits.
- Avoids conflicts of interest and the appearance of conflicts of interest, and subscribes to the Policy on Conflict of Interest for Commissioners, Evaluation Team Members, Consultants, Administrative Staff, and Other Commission Representatives.
- Is familiar with and adheres to established Commission bylaws and policies.
- Notifies the Commission President or Commission Chair if s/he is unable to perform the duties and carry out the responsibilities of a Commissioner.

## **Responsibilities of Commissioner Confidentiality in Reviewing Institutions**

In reviewing institutions, a Commissioner will:

- Treat all institution-related documents as confidential unless they are explicitly identified to the contrary in writing, and refrain from discussing all such documents and related information except within their role as Commissioners with those who have a need for such information in the course of reviewing an institution.
- Protect all confidential documents provided to Commissioners in the course of ACCJC business, and refrain from discussing all such documents and related information except within their role as Commissioners and with those who have a need for such information in the courses of conducting Commission business.
- Take reasonable measures to assure the confidentiality of all documents in their possession by retaining those documents only on private electronic devices such as computers or ipads, or in private paper files.
- Return to the ACCJC or dispose of all documents, paper and electronic, when it is no longer necessary to retain them and when they are no longer needed for the matter

under consideration by destroying them, either by shredding them or permanently deleting them from all electronic files and devices.

- Adhere to the ACCJC "Statement On the Process for Preserving Confidentiality of Documents Related to Institutional Evaluations."