

Peer Evaluators Policy

Effective Date: September 1, 2018

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I. Purpose

The Middle States Commission on Higher Education (herein after MSCHE or the Commission) seeks to ensure the utilization of competent, knowledgeable, qualified, and trained peer evaluators for the purposes of peer review. The purpose of this policy is to define the requirements and responsibilities of the Commission to utilize competent, knowledgeable, and qualified peer evaluators who adhere to a code of conduct. See also the Commission's *Peer Evaluators Procedures*.

II. Statement of Policy

Commission staff shall establish a pool of peer evaluators who are competent, knowledgeable, appropriately qualified by educational and professional experience, and shall provide opportunities for regular training to support MSCHE peer review processes. Commission staff shall implement recruitment, training, assignment, and assessment procedures in accordance with *34 CFR § 602.15(a)(2)*.

A. Recruitment of Peer Evaluators

Commission staff shall employ a process to recruit potential peer evaluators who have the necessary educational and professional experience to implement the peer review and accreditation decision making process. Commission staff shall develop selection criteria for peer evaluators and any requirements for their participation.

B. Training of Peer Evaluators

Commission staff shall provide training to potential peer evaluators on their roles and responsibilities, as appropriate to their assignments, to conduct evaluations on behalf of MSCHE, in accordance with *34 CFR §602.15(a)(2)* and through established procedures. Peer evaluators shall be trained to implement the peer review process and propose accreditation actions in accordance with Commission requirements of affiliation, standards for accreditation, policies, and procedures.

C. Assignment of Peer Evaluators

Commission staff shall assign qualified peer evaluators to support all of MSCHE's peer review processes, including the use of academic and administrative representatives, as appropriate to meet federal regulation (*34 CFR §602.15(a)(3)*). In making assignments, the Commission will assign competent, knowledgeable, qualified, and trained peer evaluators who are free from conflicts of interest. See the Commission policy *Conflict of Interest: Commission Representatives*.

III. Statement of Ethical Conduct

The Commission expects all peer evaluators to honor MSCHE policies and procedures and exercise due

diligence in the fair and equitable evaluation of institutions. See the *Procedures for Statement of Ethical Conduct* in *Peer Evaluators Procedures*.

IV. Protection from Liability in the Event of Legal Action

Peer evaluators are entitled to protection from liability and civil immunity in the event of a lawsuit or other legal proceeding that arises out of representation of the organization in the peer review process. This indemnification right includes the provision of legal counsel to defend peer evaluators. MSCHE maintains liability insurance that must be notified promptly of any claim, and the insurance carrier has a right to select the legal counsel to defend the organization and its representatives. If a peer evaluator has reason to believe that a third party may assert, or has asserted, a claim, against him or her or MSCHE, it must be reported to MSCHE's Vice President for Legal Affairs and Chief of Staff immediately.

This immunity and protection from personal liability will be forfeited if a peer evaluator's actions are not in good faith and are not in the best interests of the Commission. The Commission's policies and procedures, including its *Statement of Ethical Conduct* that is certified at the time an invitation is accepted, establish the conduct that all peer evaluators for the organization are expected to practice. Any conduct that is in violation of MSCHE's policies and procedures, falls substantially below these expectations, or creates a substantial risk of harm to the person or the property of another will result in a loss of the Commission's indemnification and the legal immunity that a peer evaluator would otherwise be entitled to receive under MSCHE's bylaws or applicable law.

V. Procedures

The Commission staff will develop procedures as are necessary to ensure the consistent implementation of policies. See the Commission's *Peer Evaluators Procedures*.

VI. Definitions

- A. **Academic Representative** - An individual who is currently or recently engaged in a significant manner in postsecondary teaching and/or research, or other appropriate professionals with sufficient responsibility to the institution to assure the continuity and coherence of the institution's educational programs (34 CFR §602.15(a)(3)).
- B. **Administrative Representative** - An individual who is currently or recently directly engaged in a significant manner in postsecondary program or institutional administration (34 CFR §602.15(a)(3)).
- C. **Peer Evaluator** – Any individual who evaluates an institution and proposes an accreditation action. Peer evaluator is not intended to include a Commissioner serving in an official Commissioner capacity on a committee or the Commission.

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Related Documents: *Peer Evaluators Procedures; Conflict of Interest; Commission Representatives; MSCHE Bylaws*

Federal Regulations: 34 CFR Part §602.15(a)(2) *Competent and knowledgeable individuals* and §602.15(a)(3) *Academic and administrative personnel*