

## **Conflict of Interest: Commission Representatives**

*Effective Date: June 3, 2017*

### Contents

- I. Purpose
- II. Statement of Policy
- III. Conflicts of Interest
- IV. Financial Conflicts
- V. Service As A Commissioner
- VI. Conflict of Interest Disclosure Procedures

### **I. Purpose**

This policy summarizes the conflict of interest standards that govern service to the Middle States Commission on Higher Education (the Commission). The purpose of this policy is to ensure objectivity in the accreditation process by maintaining integrity, credibility, and codes of good conduct in accreditation and policy making processes and to avoid actual conflicts, potential conflicts, or even the appearance of conflicts of interest in the Commission's accreditation actions.

### **II. Statement of Policy**

The Commission is committed to maintaining the integrity and credibility of the accreditation process. To assure confidence in the fairness and impartiality of its decision-making process, the Commission seeks to avoid circumstances that may lead to allegations of undue influence in the accreditation process, such as relationships that might bias the actions, deliberations, or decisions of the Commission; conflicts that would impair the judgment of a decision-maker; and circumstances that may interfere with an individual's capacity to make objective, detached decisions. The Commission also seeks to assure that opinions are free of self-interest and personal bias.

Commission representatives provide a vital service to the organization. The quality and integrity of the Commission accreditation actions are dependent upon the diligence, good faith, and integrity of its volunteers. Strict adherence to these standards will assure the continued independence, integrity, and reputation of the Commission.

Commission representatives must disclose any potential conflicts of interest and recuse themselves from any discussion, deliberation, or decision making regarding the institution. All commission representatives should disclose any potential conflicts of interest through the attached *Conflict of Interest Disclosure Statement*.

Individuals covered by this policy are all individuals who represent or serve the Commission during the peer review process. Commission representatives will exercise their best efforts to comply with this policy. Failure to comply with this policy, however, does not invalidate Commission actions nor constitute grounds for liability of the individual Commission representative, unless applicable law so requires.

### **III. Conflicts of Interest**

The Commission holds the following circumstances to represent actual or potential conflicts of interest. The Commission expects any individual acting on behalf of the Commission to decline to serve and/or recuse him or herself from any discussion or accreditation decision if any of the following conditions exist.

- The individual's home institution is part of the same public or private system.
- The individual or his or her immediate family member is an applicant or enrolled student, or an alumnus or alumna of the institution, or has been awarded an honorary degree by the institution. For purposes of this policy, an "immediate family member" is a spouse, partner, child, and other dependent. This also includes any other person living in the individual's household.
- The individual belongs to the governing body of the institution.
- The individual has been employed by the institution within the past five years.
- The individual has been a candidate for employment in the evaluated institution within the past two years.
- The individual has an immediate family member who is an employee, board member, or candidate for employment at the institution. For purposes of this policy, an "immediate family member" is a spouse, partner, child, and other dependent. This also includes any other person living in the individual's household.
- The individual has an immediate family member who is a Commissioner, Commission employee, or currently a candidate for employment at the Commission. For purposes of this policy, an "immediate family member" is a spouse, partner, child, and other dependent. This also includes any other person living in the individual's household.
- The individual has a personal, business, consultative, or other interest in or relationship with the institution under review and consideration, or with its affiliates, partners, or other constituents or interested parties, that could affect his or her objectivity.
- The individual has served as a consultant on matters related to or resulting from MSCHE accreditation activities within one year.
- The individual or the individual's institution has a material interest in a particular accreditation outcome based on a significant business or other fiduciary agreement (excluding routine articulation or similar inter-institutional agreements).
- The individual or his or her immediate family members hold shares of stock (excluding shares held indirectly through mutual funds, insurance policies or blind trusts) in an applicant, candidate or accredited institution, or their respective parent company or affiliated entity. For purposes of this policy, an "immediate family member" is a spouse, partner, child, and other dependent. This also includes any other person living in the individual's household.

- In the individual's or the Commission's judgment, there is any other circumstance that could be perceived as a conflict of interest.

Prior to making assignments, the Commission shall take measures to assure that no Commission representative will be assigned to review an institution with which the individual has a conflict or appearance of a conflict. If a conflict arises after an assignment is made, the Commission will review the nature of the conflict and either remove the individual or the institution will be given the right to refuse or accept the individual.

All Commission representatives are expected to honor this policy. For one year following an MSCHE assignment to an institution, Commission representatives should not serve as paid consultants or accept permanent employment at that institution.

## **V. Financial Conflicts**

Restrictions regarding insider trading of the stock of publicly held companies apply to all Commission representatives. No person who has non-public information about any issuer of securities of a public company, including without limitation because of Commission matters (including without limitation proposed actions about individual accredited or candidate institutions), may personally or on behalf of others buy or sell any security of such issuer, disclose or use such information until it is public or use it for personal gain or the gain of others, or for any other purpose that would be or appear to be inappropriate use of such information.

## **IV. Service As A Commissioner**

### *A. Service as a Commissioner*

Individuals who serve as Commissioners are governed by the standards for conflict of interest articulated in this policy. In addition, Commissioners also must adhere to the policy *Mid-Atlantic Region Commission on Higher Education Conflict of Interest Policy for Corporate Actions*. Commissioners are required to submit signed disclosure statements under both policies at the commencement of their service as a Commissioner and annually thereafter.

Any Commissioner who served as a member of an on-site evaluation team must formally abstain in the voting process while the Commission is taking formal action regarding the institution; however, the Commissioner may answer questions at the request of the Commission.

Commissioners must refrain from self-dealing, usurping corporate opportunities and receiving improper personal benefits.

Commissioners may not be employed by the Middle States Commission on Higher Education within a one-year period following their tenure in office.

### *B. Service as a Middle States Association Trustee*

The Commission appoints Commissioners or other representatives from institutional members to serve as Middle States Association (Association) trustees. The Commission's president shall serve as an *ex-officio*

non-voting trustee (MARCHE Bylaws, Article VII, Section 7.01b). Commissioners serving as Trustees are expected to comply with any Association policies on conflict of interest.

#### **VI. Conflict of Interest Disclosure Procedures**

Commission representatives shall submit the attached *Conflict of Interest Disclosure Statement* prior to commencing an institutional assignment. Commission representatives shall update their conflict of interest statement annually and when a relevant change in circumstances occurs. The Commission will use the information provided to help control the compilation of information for participants in the accreditation process, to monitor the participation of readers and representatives on visits, and to determine who participates in discussions or decisions concerning institutions.

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Related Documents: *Conflict of Interest: Commission Employees; Conflict of Interest for MSCHE Commissioners Serving on the Middle States Association (MSA) Board of Trustees; The Middle States Commission on Higher Education Bylaws, November 20, 2014*

Federal Regulations: 34 CFR The Secretary's Recognition of Accrediting Agencies, Part 602.15

## Conflict of Interest Disclosure Statement Commission Representatives

**Section 1: Certification of No Conflicts of Interest with a Current Assignment:**

*Please certify that you do not have any conflicts of interest with a current assignment.* Indicate the name of the institution and how you are participating in the accreditation process below. You may be asked to complete a form each time you participate in a different aspect of the accreditation process.

**I am serving or being considered as one of the following for (name of institution) \_\_\_\_\_:**

- Commissioner
- Commissioner *Pro Tempore*
- Team Chair
- Team Member
- Substantive Change Reviewer
- PRR Reviewer
- Mid-Point Peer Reviewer
- Finance Associate
- Compliance Reviewer
- Appeals Panel Member

I certify that I have no known conflicts of interest with this institution.

Please Print Name \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Date \_\_\_\_\_

**Section 2: Disclosure of All Known Conflicts of Interest**

Please **disclose any conflicts or potential conflicts of interest at the bottom, and sign and return the form to the Commission office as soon as possible.** If, in your opinion, you are not involved in any situations or circumstances which would be considered conflicts or potential conflicts of interest, simply write "None". You will be asked to update this information annually.

*List all institutions with which you have a conflict of interest as defined in this policy. Attach separate sheet(s), if necessary:*

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I have read and fully understand the attached *Conflict of Interest: Commission Representatives* policy.

To the best of my knowledge, I have disclosed below all situations and circumstances which may be considered conflicts of interest or potential conflicts of interest. Also, during my service to the Commission, I will voluntarily disclose any situation or circumstance which may, in my judgment, be considered a conflict or potential conflict of interest as it arises.

Please Print Name \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Date \_\_\_\_\_

**Complete this section only if you are currently serving, will serve, or are being considered as a Public Representative on the Commission, the Appeals Panel, or in any other decision making role.**

### **Certification of Eligibility to Serve as a Public Member on the Commission**

**If you are serving or being considered as a Commissioner, please indicate your status:**

- I **am** (being considered as) a Public Representative of the Commission
  
- I **am not** (being considered as) a Public Representative of the Commission

A Public Representative is an individual who is **not** an employee, governing board member, owner, shareholder, or consultant of an institution accredited by the Commission or a candidate for accreditation by the Commission; who is **not** a member of any trade association or membership organization related to, affiliated with, or associated with the Commission; and who is **not** a spouse, parent, child, or sibling of any of the above.

I have read and fully understand the definition of a *Public Representative*. By signing this document, I hereby certify that I meet this definition for service as a Public Representative on the Commission. I agree that, should my circumstances change and I no longer meet the definition of Public Representative on the Commission, I will immediately notify the Commission and will resign my position as a Public Representative.

Please Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_