



Call for Comments – April 2022

## PROPOSED CHANGES

### Policy on Conflicts of Interest

Key to Changes: **Delete**, **Add**

#### Introduction

Integrity is the foundation upon which any effective accreditation process must depend. It is therefore essential that any individual who participates in the accreditation process be free of conflicts of interest (or even the appearance of a conflict of interest) where circumstances or relationships might call into question a person's capacity to make impartial judgments regarding an institution's or program's compliance with accreditation requirements.

The ABHE Commission on Accreditation (COA) follows multiple practices to ensure that its processes will be free of conflicts of interest. Although the COA has attempted to identify and articulate the types of conflicts that may most commonly arise in its accreditation process, the COA must also depend upon the participants in the process to police themselves and call attention to potential conflicts of interest, should any questionable matters arise.

#### Obvious Conflicts of Interest

The COA recognizes the following considerations as conflicts:

- Current service at an institution with the same denominational/fellowship affiliation
- Current service at an institution with the same geographical base of constituency
- Previous employment as faculty or staff within past ten years
- Previous service as a board member within the past ten years
- Previous service as a ~~consultant or team member~~ **team evaluator** within **the** past five years
- Previous service as a reader (primary or secondary) for a meeting of the full COA within a two-year period
- Acceptance of substantive gifts or honoraria for self or spouse apart from scheduled fees during the accreditation process, including any appeals processes
- Previous attendance at or graduation from an institution being considered
- Submission of an application for employment to an institution within the past five years
- Any situation that could affect an individual's ability to be impartial

Although it is nearly impossible to develop a comprehensive list, the test of a conflict is whether it could compromise an individual's capacity to make an impartial decision.

#### Independent Consulting

**In addition to the obvious conflicts noted above, independent consulting by Commission members can lead to real or perceived conflicts of interest.**

An independent consultant is defined as a non-employee, holding an established reputation in the field of higher education, who offers paid, irregular, ad hoc services to an institution and has no direct or indirect substantial interest in the institution with which he or she is contracted. This is not an issue of how the individual is paid (e.g., contract or part-time staff). If the individual is brought on for the purpose of helping the institution achieve accreditation, then they are functionally an independent contractor. For potential conflicts related to other contracted employment relationships, such as adjunct teaching, see the Obvious Conflicts of Interest section above.

To avoid actual or perceived conflicts of interest in the accreditation process, all persons subject to the Conflicts of Interest Policy must also adhere to the following:

- May not serve as a team evaluator for any institution for which the individual served as an independent consultant in the previous five years
- May not serve as a Commission reader for any institution for which the individual served as an independent consultant in the previous five years
- May not serve as an independent consultant to ABHE institutions while serving on the ABHE Commission on Accreditation.

All persons subject to the Conflicts of Interest Policy will disclose to the ABHE Commission on Accreditation on an annual basis all consulting activities related to member institutions or related to accreditation and will agree to inform any institution or other entity with which the individual is developing a consulting relationship that he or she is acting in a personal capacity and is not representing the ABHE Commission on Accreditation.

### **Persons Subject to the Conflicts of Interest Policy**

The COA recognizes that the following types of persons serving ABHE's processes may encounter **potential** conflicts of interest:

- COA members, especially those assigned as readers
- ABHE **evaluation** team members
- ABHE board members
- ABHE staff members
- ABHE-assigned **adjunct Commission Staff Representatives (CSRs)**
- ABHE appeals panel members
- Persons having an interest in any litigation that may involve the COA, the Association, or an institution involved in ABHE's accreditation process

Although the COA staff will do its best to make team and reader assignments that are free of conflicts of interest, COA members will sign a form affirming that they are unaware of any conflicts that will affect their ability to make an impartial decision regarding the status of the institutions they are assigned to review. Commissioners will further agree to recuse themselves from consideration of any institution where they are aware of a potential conflict of interest. Recusal means that the Commissioner will declare a recusal before discussion begins, leave the table, and avoid participating in any discussion related to the institution or the decision that the COA makes relative to the institution under consideration.

Persons assigned to ABHE accreditation teams will sign a form certifying that they are free of conflicts of interest with respect to the institution they are to evaluate. Concurrently, institutions will be permitted to object to potential evaluators who they believe may have a conflict of interest. Appeal panel members will sign a form confirming that they are unaware of any conflicts of interest that may affect their ability to make an impartial decision.

Should the COA chair determine that a conflict of interest has occurred that has not been recognized, the chair will assume responsibility to take whatever action is necessary to mitigate the effects of the conflict. In the case of an egregious action by a Commissioner that creates a conflict of interest, the COA Officers will have authority to terminate a Commissioner's status as a member of the COA.

Adopted April 2012; Revised June 2014, **PROPOSED April 2022**