

Objectivity and Conflict of Interest

Information for Peer Reviewers, Institutional Actions Council Members and Appeals Body Members

Introduction

Higher Learning Commission (HLC) policy indicates that all peer reviewers must “be able to render impartial and objective decisions on behalf of HLC. Therefore, HLC will not knowingly allow any person whose past or present activities could affect his or her ability to be impartial and objective to participate in an institutional evaluation” ([HLC Policy PEER.A.10.040: Standards of Conduct](#)).

Likewise, when peer reviewers are serving as members of the Institutional Actions Council (IAC), and for public members of the IAC, HLC “expects that all IAC members will act with objectivity and without conflict of interest when participating in IAC activities. HLC will not knowingly allow any IAC member to participate in discussions, recommendations, or actions where the IAC member has a conflict of interest that may cause the IAC member to lack objectivity, that may result in the appearance of bias, or that may otherwise call into question the integrity, fairness, or credibility of the IAC processes” ([HLC Policy INST.D.20.010: Institutional Actions Council](#)).

Additionally, members of the Appeals Body serving on an Appeal Panel “shall have no conflict of interest that will prevent fair and objective consideration of the appeal” ([HLC Policy INST.E.90.010: Appeals](#)).

Information about determining whether a peer reviewer may have a conflict of interest is below. For purposes of this information, the term “peer reviewer” is used to include peer reviewers, peer reviewers who are serving as members of the Institutional Actions Council (IAC), public members of the IAC, and members of the Appeals Body.

In general, a peer reviewer has a Conflict of Interest with an institution if:

1. The peer reviewer has an Education Relationship with an institution;
2. The peer reviewer has a Financial Relationship with an institution; or
3. Other circumstances exist that create a Conflict of Interest.

All final determinations as to whether or not a peer reviewer has a Conflict of Interest with an institution are ultimately at the discretion of HLC.

Conflict of Interest

A Conflict of Interest is a situation in which a peer reviewer, because of an Education Relationship, Financial Relationship, or other circumstances **cannot fulfill** their obligations as a peer reviewer in an objective and independent manner or as otherwise required in compliance with applicable laws and regulations.

For purpose of this procedure, the term Conflict of Interest also includes:

- A **potential conflict of interest**, in which a peer reviewer, because of an Education Relationship, Financial Relationship, or other circumstances **may not be able to fulfill** their obligations as a peer reviewer in an objective and independent manner or as otherwise required in compliance with applicable laws and regulations.
- An **apparent conflict of interest**, in which a peer reviewer, because of an Education Relationship, Financial Relationship, or other circumstances **may not appear to be able to fulfill** their obligations as a peer reviewer in an objective and independent manner or as otherwise required in compliance with applicable laws and regulations.

Education Relationship

A peer reviewer has an Education Relationship with an institution if:

1. The peer reviewer graduated from, attended, attends, has applied to attend, or has accepted an offer of admission to attend the institution in the future.
2. A Related Individual graduated from or attended the institution in the last 10 years, or a Related Individual currently attends, has applied to attend, or has accepted an offer of admission to attend the institution in the future.

Financial Relationship

A peer reviewer has a Financial Relationship with an institution if:

1. The peer reviewer is currently, or has been, an employee of the institution.
2. The peer reviewer is currently, or in the last 10 years has:
 - i. Been an officer, board member, director, partner, trustee, or in another similar relationship with an institution;
 - ii. Had more than a nominal ownership interest or investment in an institution; or
 - iii. Received, or anticipates receiving, more than nominal compensation or other benefits from the institution, including gifts.

3. A Related Individual currently, or in the last 10 years has:
 - i. Been an employee, officer, board member, director, partner, trustee, or in another similar relationship with an institution;
 - ii. Had more than a nominal ownership interest or investment in an institution; or
 - iii. Received, or anticipates receiving, more than nominal compensation or other benefits from the institution, including gifts.

Other Circumstances

In addition to Education Relationships and Financial Relationships, there are other circumstances that could result in a Conflict of Interest. These include, but are not limited to:

- A peer reviewer's or Related Individual's close professional or personal relationship with key representatives of an institution.
- A peer reviewer's previous other dealings with an institution, such as the peer reviewer's or a Related Individual's recent application for employment, or the peer reviewer's or a Related Individual's recent receipt of awards or honorary degrees.
- A peer reviewer's review of an institution through an accreditor other than HLC in the past 10 years.
- A peer reviewer's cooperative or competitive relationship with an institution.
- A peer reviewer's or a Related Individual's relationship with a third party that is involved in an institutional evaluation (for example, a contractual partner of an institution).
- Previous HLC service record. *(Note: Peer reviewers do not need to disclose this information, as HLC monitors the previous activity of peer reviewers.)*
- Any other circumstances that might create a Conflict of Interest.

Definitions

For purposes of determining a Conflict of Interest:

Related Individual means a peer reviewer's

- i. Spouse;
- ii. Child, grandchild, or great-grandchild (or the spouse of same);
- iii. Parent or grandparent (or the spouse of same);

- iv. Sibling (or the spouse of same); or
- v. Any other related individual (or the spouse of the same) if living in the same household as the peer reviewer.

The term “spouse” in this section includes domestic partners. The terms in sub-sections (ii)-(iv) include “step” relations.

Determining what amount is **nominal** will vary based on the circumstances of a situation. For example, the dollar value for a nominal gift is different than the dollar value for nominal compensation as an independent contractor. In general, an amount is “more than nominal” if it could reasonably be perceived as significant enough to influence an individual’s objectivity.

Expectations Regarding Conflict of Interest

HLC expects that all peer reviewers will act without Conflict of Interest and with objectivity when conducting HLC business or when engaged in HLC-related activities.

In situations where a peer reviewer has a Conflict of Interest or may otherwise lack objectivity, HLC will not knowingly allow the peer reviewer to perform evaluative reviews in a manner that may result in the appearance of bias, or that may otherwise call into question the integrity, fairness, or credibility of HLC’s processes.

Peer reviewers are expected to refrain from improperly influencing or attempting to influence other HLC employees, peer reviewers, members of the IAC, members of the Board of Trustees or others related to any institution or Third Party with which that peer reviewer has a Conflict of Interest or may otherwise lack objectivity.

Conflict of Interest Disclosures

Peer reviewers will disclose all of their Education Relationships, Financial Relationships, and other circumstances that could result in a Conflict of Interest at the start of their term on the Peer Corps and annually thereafter by completing the Annual Conflict of Interest and Objectivity Declaration. Each year, on the annual disclosure, peer reviewers will be asked to update the information that they have provided or confirm that the information is still correct. For annual disclosures, peer reviewers may simply update the disclosures.

Prior to engaging in each evaluative or decision-making activity, peer reviewers will be asked to affirm that there are no Education Relationships, Financial Relationships, or other circumstances that may result in a Conflict of Interest with respect to a particular institution for an evaluative or decision-making assignment.

Peer reviewers are expected to update their information in [Canopy](#) as circumstances change that could result in a Conflict of Interest.

Determining and Managing Conflicts of Interest

The Director of Peer Corps Relations and Services has authority for making all determinations regarding Conflicts of Interest and objectivity, in consultation with HLC’s General Counsel as needed.

In managing Conflicts of Interest, a peer reviewer may not be assigned to a review and an IAC member may need to recuse from a case or not be assigned to a case.

Questions?

Contact accreditation@hlcommission.org