



## PEER REVIEWER ASSIGNMENTS

### Policy Change Adopted on Second Reading

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The Higher Learning Commission (HLC) Board of Trustees (“the Board”) adopted this policy on second reading at its meeting on June 28–29, 2018.

#### Background

HLC has had various informal practices over the years for determining when a peer reviewer might be assigned to review an institution that he or she had previously evaluated for HLC. In addition, HLC has had a practice of not assigning peer reviewers from institutions on sanction to an upcoming evaluation. The policy changes codify these current practices to ensure consistent approaches to assigning peer reviewers to teams, panels or other evaluative groups. The changes also clarify the existing policy on peer reviewers serving as independent consultants for HLC member institutions.

HLC circulated this policy change to the membership and other interested parties after the Board’s February meeting. No comments were received.

#### Implementation

This policy is effective immediately.

#### Adopted Policy

Wording that was deleted or revised is shown as strikethrough (~~old wording~~); new language, whether through addition or revision, is shown in bold (**new wording**). These revisions have been made on HLC’s website at [hlcommission.org](http://hlcommission.org).

Policy Title: Standards of Conduct  
Number: PEER.A.10.040

The Commission expects Peer Reviewers to behave with the highest level of ethics and integrity while conducting any activity for the Commission. Peer reviewers must abide by appropriate and ethical

standards of conduct to assure the public and the higher education community that evaluations have been carried out objectively and with the goal of assuring the public good.

While participating as Peer Reviewers in any institutional evaluation, hearing or other Commission activity as a Peer Reviewer, Peer Reviewers shall agree to abide by the following Standards of Conduct:

Peer Reviewers:

1. Conduct themselves with appropriate dignity and professionalism while representing the Commission.
2. Treat all institutional representatives, members of the public, fellow peer reviewers and Commission staff with courtesy and respect.
3. Adhere to the Commission's Policy on Objectivity and Conflict of Interest and disclose any actual or apparent conflicts to the Commission staff in advance of accepting any assignment.
4. Avoid representing interests that conflict or compete, or provide the appearance of conflict, competition or bias, with the fair and objective review of every institution.
5. Act with competence in all Commission activities by reading assigned materials in advance, reviewing Commission requirements, attending required training, and participating in all evaluation activities as outlined by Commission staff.
6. Follow the Commission policy for Peer Reviewers on Independent Consulting and guidelines on independent consulting and mock visits.
7. Decline any offer of gifts, incentives, or other compensation from any institution under review unless those gifts are nominal in nature (less than \$50 fair market value per individual gift) or of significance in a particular cultural context and notify the Commission staff of an offer of such gift that exceeds this threshold. (Note that the institution may provide a meal or social function for an evaluation team or other Commission group provided that the function is conducted simply and at reasonable cost.)

8. Act with appropriate fiscal moderation while conducting an institutional evaluation or other Commission activity and provide an accurate and honest reporting of all expenses incurred during that activity.
9. During an evaluation visit to an institution and for a period of one year after Commission action in the evaluation, refrain from seeking employment from or accepting employment, or any future relationship, with the institution under review.
10. During an evaluation visit to an institution and for a period of one year after Commission action in the evaluation, refrain from seeking to employ or otherwise hire or retain any employee of the institution under review.
11. Protect confidential information received through the Commission's processes and observe the Commission Policy on Confidentiality.
12. Refrain from commenting on the details of any institutional review in which they have been engaged unless compelled by legal process.
13. Cooperate in any legal process in which the Commission or its Board of Trustees or staff have become engaged, refrain from responding to any inquiries related to legal action made by institutions or their counsel, and direct such inquiries to Commission staff.

**Policy on Objectivity and Conflict of Interest.** Peer Reviewers must be able to render impartial and objective decisions on behalf of the Commission. Therefore, the Commission 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 (Assurance Review, Focused Visit, Change Panel or Visit, or AQIP process). Peer Reviewers will inform the staff of the Commission of any barrier to impartiality and objectivity known to them.

**Confirmation of Objectivity Form.** Through the Confirmation of Objectivity form a Peer Reviewer affirms a commitment to, and capacity for, impartiality. Before participating in any institutional evaluation each Peer Reviewer will sign a Confirmation of Objectivity form regarding each institution being evaluated. Before participating in any panel review, each Peer Reviewer will sign or orally agree to a Confirmation of Objectivity for each institution under consideration.

The Confirmation of Objectivity form will identify situations involving conflict of interest as well as provide examples of other situations that raise the potential for conflict of interest. The form will require that the person disclose any such conflicts, predisposition, or affiliation that could appear to jeopardize objectivity. When appropriate, Commission staff will notify the institution of that potential and will consult with the Peer Reviewer and the institution regarding that person's suitability for the assignment. The Commission staff reserves final responsibility for determining whether the Peer Reviewer who has identified a potential bias or predisposition will participate in an institutional evaluation, or review.

**Policy on Confidentiality.** In all Commission accreditation processes, a Peer Reviewer must agree to keep confidential any information provided by the institution under review and information gained as a result of participating in any part of the Commission's review processes. Confidential information includes, but is not limited to:

1. Information about the institution not available to the public through the institution's own program to share information and its reporting to the Federal Government (IPEDS);
2. Information the institution identifies as "proprietary" such as recruitment strategies including pricing policies, new strategic initiatives being considered or planned for, impending but not public changes in personnel, legal activities not yet part of the public record, planned acquisitions or mergers, courseware and software created by the institution for its own use;
3. Information provided in the institutional self study report or Assurance Filing, and information made available in the resource room or electronically including such documents as personnel files, minutes of meetings, transcripts of grievances and hearings, management letters from external auditors, reports from internal and external quality assurance activities (i.e., reports from specialized accrediting agencies or program reviews);
4. Information identified explicitly by the institution as "Confidential";
5. In clinical settings, patient identity, history, and all other information related to the patient's involvement with the clinic;

6. Information shared orally during an on-site visit and any face-to-face hearing that might be part of the Commission's review processes.

Keeping information confidential requires that the Peer Reviewer not discuss or disclose institutional information except as needed to further the purpose of the Commission's evaluation processes. It also requires that the Peer Reviewer not make use of the information to benefit any person or organization. Maintenance of confidentiality survives the evaluation visit and continues after the process has concluded.

### **Independent Consulting (Non-HLC Activities)**

To avoid the appearance of possible conflict of interest in the accreditation process, no Peer Reviewer who evaluated an institution ~~for the Commission~~ **will** may serve as an independent consultant to that institution for a period of three years following the official Commission accrediting action. In addition, no Peer Reviewer will participate in ~~an~~ **a Commission** evaluation of an institution for which that Peer Reviewer served as an ~~institutional~~ **independent** consultant in the previous ten years. (See **Commission Policy PEER.A.10.050: Peer Corps Members in HLC Evaluation Activities.**)

Peer Reviewers will disclose to the Commission on an annual basis all consulting activities related to an institution accredited by the Commission or related to accreditation and will agree to inform any institution or other entity with which the Peer Reviewer is developing a consulting relationship that the Peer Reviewer is acting in a personal capacity and is not representing the Commission.

Any Peer Reviewer who violates this policy will be removed automatically from the Peer Review Corps.

**Violations of the Standards of Conduct.** The Commission staff will investigate allegations that a Peer Reviewer has violated the Standards of Conduct and may ask the Peer Reviewer or others involved to provide information. If there is a determination that a Peer Reviewer has violated a Standard of Conduct, the President of the Commission may issue a letter of reprimand or may ask a Commission staff member to provide a verbal warning to the Peer Reviewer. The Commission may end the term of the Peer Reviewer prior to the regular completion date.

## Policy History

*Last Revised: June 2018*

*First Adopted: January 1983, February 1984, August 1990, February 2001, November 2006*

*Revision History: October 2003, November 2012, April 2013, June 2018*

*Notes: Policies combined in November 2012 – 5.1, 5.1(a), 5.2, 5.3, 8.2*

**Policy Title: Peer Corps Members on Teams HLC Evaluation Activities**

**Number: PEER.A.10.050**

The Commission staff shall determine the specific number of peer reviewers comprising any evaluation ~~team~~ activity following Commission policies related to the specific type of evaluation being conducted. The **panel, committee, team or other evaluative group** shall be large enough to make a thorough and professional evaluation of the particular institution. In composing the **team or evaluative group**, staff will weigh variables such as institutional mission, number of students served, number of degree levels offered, number of programs offered, breadth of services provided students and other constituencies, and number and type of off-campus offerings supported by the institution. Matters unique to a ~~visit~~ review (e.g., unusual new institutional dynamics, pending implementation of significant changes, response to alternative evaluation agreements) may add to the size of the ~~team~~ **group of peer reviewers conducting the review**. Staff may also consider institutional requests for a large enough ~~team~~ **group of peer reviewers** to ensure that specific institutional issues are addressed.

**With the exception of allowing for one peer reviewer from a reaffirmation visit to be placed on the following mid-cycle review team for the purpose of improved historical context for the mid-cycle review, Commission staff shall not assign a peer reviewer who participated in a Commission comprehensive reaffirmation evaluation to another evaluative assignment at that same institution for a period of ten years. A peer reviewer who participated in a Commission panel or other evaluative activity not involving reaffirmation, in a Commission decision-making body, or in an Academy assignment may be assigned to another evaluative or decision-making assignment at or regarding that same institution after a period of three years. In addition, Commission staff has the discretion to exclude or remove from any evaluative activity, decision-making body or Academy**

assignment any peer reviewer who is employed by an institution on a Commission sanction or that has been the subject of a show-cause order or withdrawal action.

**Institutional Review of Peer Reviewers Identified for a Team.** The names of persons proposed by the Commission staff to compose a team to visit an institution will be submitted to the institution. The institution will be free to comment on the composition of the team, and staff will take such comments into consideration in completing the team. Should any changes in the team be necessary after the initial team is set, the changes will be discussed with the institution by the staff, and institutional comments will be given consideration in making necessary changes.

The Commission reserves final responsibility and authority for composing teams that visit institutions as part of a Commission evaluation. In exercising that responsibility, the Commission has determined that issues of equity and diversity will be addressed as well as issues of institutional fit and educational and administrative emphases.

### **Policy History**

*Last Revised: June 2018*

*First Adopted: February 1994*

*Revision History: October 2003, November 2012, June 2018*

*Notes: Former policy number 6.7, 6.8*