

# UPDATES TO PEER REVIEWER POLICIES

# Policy Change Adopted on Second Reading

The Higher Learning Commission (HLC) Board of Trustees ("the Board") adopted this policy on second reading at its meeting on June 24, 2021.

# Background

The adopted revisions to policies related to peer review and the Institutional Actions Council (IAC) do the following:

- Institutionalize through policy HLC's commitment to fostering diversity and inclusion in its Peer Corps.
- Codify rules related to service in the Peer Corps following retirement.
- Clarify that HLC may adjust terms of appointment, for example, to align with a peer reviewer's term
  of appointment on the Institutional Actions Council (IAC).
- Underscore that any decision to terminate a peer reviewer's service as an HLC volunteer is final, regardless of any reason.
- Strengthen the standards of conduct for peer reviewers.
- Hold IAC members to the same standards of conduct as peer reviewers, to the extent applicable.

HLC circulated these policy changes to the membership and other interested parties after the Board's February 2021 meeting. No comments were received. However, staff identified an opportunity for a clarification in Standards of Conduct (PEER.A.10.040) on the issue of gifts of cultural significance. The revision is noted in the policy text below.

# Implementation

These policies are effective immediately.

# **Adopted Policies**

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). Changes between first and second reading, other than minor editing, are indicated in bold italics (new wording). These revisions have been made on HLC's website at <a href="https://linear.org/policies">https://linear.org/policies</a>.

Policy Title: Commitment to Peer Review

Number: PEER.A.00.000

HLC is committed to a strong Peer Corps that will conduct evaluations and take accrediting actions on behalf of HLC's member institutions. Through As part of its recruitment and selection processes, HLC will strive develop strategies designed to systematically assure that the Peer Corps reflects the diversity of the people—professionals and students—engaged in higher education in the Higher Learning Commission region. In selecting and appointing Peer Reviewers HLC does not discriminate on matters of race, creed, gender, sexual orientation, or physical disability. When selecting or appointing peer reviewers, HLC will not discriminate on the basis of characteristics such as race, color, national origin, citizenship, ancestry, age, sex, gender, pregnancy, parental status, marital or civil union status, family status, sexual orientation, religion, gender identity, gender expression or gender preference, or disability.

**Policy Number Key** 

Section PEER: Commitment to Peer Review

Chapter A: Policies Applicable to All Peer Reviewers

Part 00: Introduction

Last Revised: June 2021

First Adopted: November 2012

Revision History: June 2021

Notes:

Related Policies:

Policy Title: Eligibility Criteria and Selection

Number: PEER.A.10.010

A majority of the members of the Peer Corps will be officially and actively employed on a full-time basis by regionally HLC-accredited institutions of higher education as faculty or instructors, administrators or other institutional personnel. Other members of the Peer Corps may include, as appropriate, members of boards of trustees of accredited institutions, legal counsel, state education or system employees, or representatives of the business community, public members or other employees of institutions. The Peer Corps may also include individuals with specialized experience in quality improvement or other areas. and rRecent retirees from any of these categories above may serve for a period typically not exceeding one term beyond the term during which retirement occurs and subject to periodic HLC review. Peer reviewers will have appropriate academic degrees from accredited institutions of higher education or the equivalent foreign degrees as well as a minimum of five years of work experience. A majority of the members of the Peer Corps will be located, either through personal residence or employment relationship, in the North Central region. HLC may include in its Peer Corps members who have an employment relationship with other institutions of higher education or other entities not located in the North Central region provided that such members comply with all other eligibility criteria for membership in the Peer Corps.

As part of ensuring effective mechanisms for evaluating institutions' ability to meet HLC requirements, HLC will assure representation in the Peer Corps on evaluation teams of individuals who are academics, including faculty members, academic deans or others who have a primary responsibility in the teaching and learning process, and administrators who have a primary responsibility of providing oversight in an institution of higher education.

The staff of HLC staff will be responsible for developing selection criteria for Ppeer Rreviewers and for implementing a selection process and will report the Corps' composition to the Board of Trustees.

Specialized Corps. The staff of HLC staff may establish within the Peer Corps specialized groups of peer reviewers who will be assigned to initial status candidacy, removal of sanction or show-cause, advisory visits or other evaluations that HLC staff determines to require peer reviewers to have specialized expertise or training or to perform particular functions on the team including chair, recorder, etc.

## **Policy Number Key**

Section PEER: Commitment to Peer Review

Chapter A: Policies Applicable to All Peer Reviewers

Part 10: General

Last Revised: June 2021

First Adopted: January 1983

Revision History: February 2002, October 2003, November 2012. April 2013, June 2014, June 2021

Notes: Former policy number 6.1

Policy Title: Terms of Appointment and Termination of Service

Number: PEER.A.10.020

#### **Terms of Appointment**

A new Ppeer Rreviewer shall be appointed **initially** to a two-year <del>probationary</del> term. HLC staff will review that appointment the peer reviewer after completion of the initial two-year <del>probationary</del> term. HLC staff will take into consideration the Ppeer Rreviewer's completion of required training as well as performance in institutional evaluations. On the basis of this review, HLC staff will decide whether to appoint the Ppeer Rreviewer to a four-year subsequent terms of service, typically a four-year term.

At the expiration of the four year each term, HLC staff may invite renew a Ppeer Rreviewer's term of service to apply for reappointment for a successive four year term. HLC staff will consider the Ppeer Rreviewer's performance in institutional evaluations, including comments from institutions, other Ppeer Rreviewers and staff, and the Ppeer Rreviewer's adherence to the Peer Reviewer Standards of Conduct and participation in required training in determining whether to appoint the Ppeer Rreviewer to a subsequent four-year term.

HLC retains the discretion to evaluate the performance of a Ppeer Rreviewer at any time and end adjust the term of a Ppeer Rreviewer if HLC determines it to be appropriate, such as aligning terms of appointment on the Institutional Actions Council.

#### **Termination of Service**

All peer reviewers are volunteers. HLC may, in its sole discretion, also end the term of any Ppeer Rreviewer before the regular completion date for any reason, including for example, if that Ppeer Rreviewer no longer

meets the eligibility criteria for the Peer Corps established by HLC policy, violates the Peer Reviewer Standards of Conduct, or otherwise fails to meet HLC expectations, or for no reason. HLC will notify the Ppeer Reviewer of such action.

**Policy Number Key** 

Section PEER: Commitment to Peer Review

Chapter A: Policies Applicable to All Peer Reviewers

Part 10: General

Last Revised: June 2021

First Adopted: February 1994

Revision History: October 2003, November 2012, June 2014, June 2021

Notes: Former policy number 6.2

Policy Title: Required Training and Professional Development

Number: PEER.A.10.030

Within the initial two-year term and prior to participation in any institutional evaluation, a Ppeer Rreviewer must participate in HLC training or professional development that educates the Ppeer Rreviewer in the application of HLC's requirements, Criteria for Accreditation and other HLC policies and the specific processes integral to HLC evaluations. Peer Rreviewers must complete training fulfill HLC training obligations at least every three years thereafter or within two years after any major initiative such as the adoption of new Criteria for Accreditation.

Such training may be customized for the specific role the Ppeer Rreviewer undertakes in HLC's evaluation process, including training in preparation for a role in HLC's decision-making or appeals processes. Training for Ppeer Rreviewers will regularly include a segments on evaluating distance and correspondence education that take into account the evaluation of academic quality in the context of various modalities.

Training may take place through in-person events or electronic mechanisms that will allow the Ppeer Rreviewer to complete the training program and HLC to assess the Ppeer Rreviewer's completion of the training material.

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Section PEER: Commitment to Peer Review

Chapter A: Policies Applicable to All Peer Reviewers

Part 10: General

Last Revised: June 2021

First Adopted: February 1994

Revision History: October 2003, February 2004, February 2010, November 2012, June 2021

Notes: Policies combined in November 2012 – 6.3

Policy Title: Standards of Conduct

Number: PEER.A.10.040

HLC expects Ppeer Reviewers to behave with the highest level of ethics and integrity while conducting any activity for on behalf of HLC. 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 Ppeer Rreviewers in any institutional evaluation, hearing or other HLC activity as a Ppeer Rreviewer, Ppeer Rreviewers shall agree to abide by the following Standards of Conduct:

#### Peer Rreviewers:

- 1. Conduct themselves with appropriate dignity and professionalism while representing HLC.
- 2. Treat all institutional representatives, members of the public, fellow peer reviewers and HLC staff with courtesy and respect.
- 3. Adhere to Follow HLC's Policy on Objectivity and Conflict of Interest, as detailed below and disclose any actual or apparent conflicts to HLC 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. Rely on expectations indicated in HLC's Criteria for Accreditation and other HLC requirements to form professional judgments about institutions under evaluation and refrain from expressing personal opinions based on preconceived notions, biases or predispositions.

- 5. Act reliably and with competence in all HLC activities. This includes, for example, by reading assigned materials in advance, reviewing HLC requirements, attending required training, collaborating with other team members, meeting team chair expectations and participating in all evaluation activities as outlined by HLC staff.
- 6. Follow HLC's pPolicy for Peer Reviewers on Independent Consulting, as detailed below 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 of reasonable value;* and notify HLC 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 HLC 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 HLC activity. and pProvide an accurate and honest reporting of all expenses incurred during that activity and otherwise comply with HLC's financial and reimbursement policies and procedures.
- 9. During an evaluation visit to an institution and for a period of one year after HLC action in the evaluation and for one year thereafter, refrain from seeking employment from or accepting employment, or exploring any future relationship, with the institution under review.
- 10. During an evaluation visit to an institution and for a period of one year after HLC action in the evaluation, refrain from seeking soliciting for employment at their home institution or otherwise hire or retain any employee of the institution under review.
- 11. Protect confidential information received through HLC's processes and observe Follow HLC's Policy on Confidentiality, as detailed below.
- 12. Be familiar with HLC's expectations regarding antitrust compliance and conduct themselves in accordance with these expectations when engaging in HLC business or otherwise representing HLC. In general, HLC prohibits peer reviewers from engaging in conduct (including activities and communications) that with intent or effect of limiting competition amongst accreditors, as prohibited by antitrust laws. When peer reviewers have questions regarding particular activities or communications, they will consult with HLC's Antitrust Compliance Team.
- 13. Refrain from commenting verbally or in writing on the details of any institutional review in which they have been engaged, whether during the course of any institution's evaluation or otherwise

- unless compelled by legal process or otherwise authorized by HLC. This requirement applies even if the institution's identity is kept confidential.
- 14. Cooperate in any legal process in which HLC 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 HLC staff.
- 15. Destroy any materials related to an evaluation following final decision making related to that evaluation, unless otherwise instructed by HLC staff.

Policy on Objectivity and Conflict of Interest. 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 reasonably be expected to affect his or her ability to be impartial and objective to participate in an institutional evaluation (Assurance Review, Focused Visit, Change Panel or Visit). HLC shall establish procedures related to objectivity and conflict of interest. Peer Reviewers will inform the staff of HLC of any barrier to impartiality and objectivity known to them disclose any information as required by that policy to HLC staff in advance of accepting any assignment.

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, HLC staff will notify the institution of that potential conflicts of interest and will consult with the Ppeer Rreviewer and the institution regarding that person's suitability for the assignment. HLC staff reserves final responsibility for determining whether the Ppeer Rreviewer who has identified a potential bias or predisposition will participate in an institutional evaluation, or review.

Policy on Confidentiality. In all HLC accreditation processes, a Ppeer Rreviewer 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 HLC's review processes. Confidential information includes, but is not limited to:

- 1. Information about the institution not made available to the public through the institution's own program to share information by the institution and not already available as a result of its reporting to the Federal Government's Integrated Postsecondary Educational Data System (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. 2. Information provided in the institutional self study report or Assurance Filing institutional reports, and any 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) to the peer review team prior to finalization of the team report;
  - 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. 3. Information shared orally during an on-site visit and any face to face hearing that might be as part of HLC's review processes.

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

#### Independent Consulting

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

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

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

Violations of the Standards of Conduct. HLC staff will investigate review allegations that a Ppeer Rreviewer has violated the Standards of Conduct or has otherwise failed to meet HLC expectations and may ask the Ppeer Rreviewer or and others involved to provide information. If there is a determination that a Ppeer Rreviewer has violated a Standard of Conduct or has otherwise failed to meet HLC expectations, the President of HLC may issue a letter of reprimand or may ask an HLC staff member to provide a verbal warning to the Peer Reviewer authorized HLC staff will address the issue with the peer reviewer. This may include various corrective interventions, including verbal feedback, recommendations for additional training or professional development activities. HLC may also opt to terminate the peer reviewer's service consistent with these policies. HLC may end the term of the Peer Reviewer prior to the regular completion date.

## **Policy Number Key**

Section PEER: Commitment to Peer Review

Chapter A: Policies Applicable to All Peer Reviewers

Part 10: General

Last Revised: June 2021

First Adopted: January 1983, February 1984, August 1990, February 2001, November 2006
Revision History: October 2003, November 2012, April 2013, June 2018, November 2018, November 2020,
June 2021

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

Related Policies:

Policy Title: Peer Corps Members on HLC Evaluation Activities

Number: PEER.A.10.050

HLC staff shall determine the specific number of peer reviewers comprising any evaluation activity following HLC 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 review (e.g., unusual new institutional dynamics, pending implementation of significant changes, response to alternative evaluation agreements) may add to the size of the group of peer reviewers conducting the review. Staff may also consider institutional requests for a large enough group of peer reviewers to ensure that specific institutional issues are addressed.

With the exception of where deemed appropriate for continuity purposes by HLC staff, a peer reviewer who participated in an HLC panel or other evaluative activity not involving reaffirmation, in an HLC decision-making body, or in an Academy assignment may not be assigned to another evaluative or decision-making assignment at or regarding that same institution for a period of three years. In addition, HLC staff has the discretion to exclude or remove from any evaluative activity, decision-making body or Academy assignment any peer reviewer. Typical reasons include, but are not limited to, when a peer reviewer who is employed by (or serves on the Board of Trustees of) an institution on an HLC sanction or designation 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 HLC staff to compose a team to visit an institution will be submitted to the institution. The institution will be free is then invited to comment on upon the initial composition of the proposed team, and staff will take such comments into consideration in completing finalizing the team. Should If any changes in the team be are 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 HLC reserves the sole right to replace peer reviewers and, unless the institution identifies a bona fide conflict of interest with the new reviewer, HLC considers the team finalized.

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

## **Policy Number Key**

Section PEER: Commitment to Peer Review

Chapter A: Policies Applicable to All Peer Reviewers

Part 10: General

Last Revised: June 2021

First Adopted: February 1994

Revision History: October 2003, November 2012, June 2018, February 2020, June 2021

Notes: Former policy number 6.7, 6.8

Related Policies:

Policy Title: Institutional Actions Council

Number: INST.D.20.010

## Composition, Selection, Term, and Activity

The Institutional Actions Council (IAC) shall consist of no fewer than forty (40) members who have been nominated by HLC staff and who have been appointed by the Board of Trustees. IAC members who represent institutions shall be broadly representative of institutions accredited by HLC, with attention to institutional type, control, size, and geographical distribution, and shall be current members of the Peer Review Corps. The IAC shall include representation of individuals who are academics, including faculty members, academic deans or others who have a primary responsibility in the teaching and learning process, and administrators who have a primary responsibility of providing oversight in an institution of higher education.

The IAC shall include a sufficient number of public members to allow for one public member to be appointed to each committee. IAC members who are representative of the public shall not be, or have a familial relationship with, current employees, consultants, owners, shareholders, or members of the governing board of any member institution, organization, or applicant thereof, or higher education agency, and shall reside or have a principal place of employment within the area of HLC's jurisdiction.

The IAC shall make use of committees, known as Institutional Actions Council Meeting Committees and Institutional Actions Council Hearing Committees, in completing its responsibilities for decision-making that may result in final actions or in making recommendations to the Board of Trustees. HLC staff will select individuals from the IAC to compose committees to conduct reviews, as outlined in this policy.

The term of appointment to the IAC shall be renewable four-year terms, to begin at the start of HLC's fiscal year. HLC may make such term adjustments as it deems necessary consistent with its policies related to peer review.

The IAC shall meet as a body at least one time each year to review the decision process and engage in training.

## IAC Authority to Take Action on Accreditation Decisions

The IAC, acting through its committees, is authorized to take action on accreditation decisions to:

- 1. reaffirm accreditation;
- 2. approve recommendations resulting from biennial visits in candidacy;
- 3. approve or deny applications for substantive change requiring review by a decision structure, but not including Change of Control, Structure, or Organization;
- 4. approve recommendations resulting from focused evaluations; and
- 5. approve recommendations from staff or financial/non-financial panels for required monitoring or changes in the Statement of Accreditation Status.

For these cases, the IAC is authorized to set the next comprehensive evaluation visit date, establish a schedule of required monitoring, and make other changes in the Statement of Accreditation Status.

IAC Authority to Make Recommendations for Accreditation Decisions That Require Board Action The IAC, acting through its committees, is authorized to review the following recommendations arising from an evaluation process and to forward a recommendation to the Board of Trustees to:

- 1. grant or deny initial status, including initial candidacy and initial accreditation;
- 2. issue or withdraw a sanction, including notice or probation, except where the Board of Trustees in a previous accreditation decision may have outlined specific provisions for a recommendation related to the sanction to move directly to the Board;
- 3. issue a Show-Cause Order; and
- 4. withdraw accredited or candidate status.

#### Conflict of Interest

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 IAC processes.

IAC members will periodically be required to confirm their agreement to abide by the conflict of interest and objectivity requirements for IAC members set forth by HLC.

IAC members will also periodically be required to disclose specific circumstances that may result in a conflict of interest. IAC members are expected to promptly update these disclosures, including during an Institutional Actions Council Meeting Committee or Institutional Actions Council Hearing Committee, as needed.

Any conflicts of interest or other recusals will be noted in minutes, as applicable.

## Confidentiality

An IAC member agrees to keep confidential any information provided by the institution under review and information gained as a result of participating in an action or hearing. Keeping information confidential requires that the IAC member not discuss or disclose institutional information except as needed to further the purpose of HLC's decision-making processes. It also requires that the IAC member not make use of the information to benefit any person or organization. This obligation to maintain confidentiality continues after the process has concluded. (See PEER.A.10.040, Standards of Conduct, for a list of examples of confidential information available to IAC members.)

#### **Antitrust Compliance**

IAC members will be familiar with HLC's expectations regarding antitrust compliance and conduct themselves in accordance with these expectations when engaging in HLC business or otherwise representing HLC. In general, HLC prohibits IAC members from engaging in conduct (including activities and communications) with the intent or effect of limiting competition amongst accreditors, as prohibited by antitrust laws. When IAC members have questions regarding particular activities or communications, they will consult with HLC's Antitrust Compliance Team.

#### **Other Standards of Conduct**

To the extent applicable and not already stated in this policy, IAC members are expected to adhere to the Standards of Conduct applicable to peer reviewers.

#### **Policy Number Key**

Section INST: Institutional Processes

Chapter D: Decision-Making Bodies and Process

Part 20: Institutional Actions Council

Last Revised: June 2021

First Adopted: June 2011

Revision History: April 2013, June 2014, November 2019, June 2020, November 2020, June 2021

Notes: Policies combined November 2012 - 2.2(d)1.2, 2.2(d)1.2a, 2.2(d)1.2b, 2.2(d)1.2b1, 2.2(d)1.2b2

Related Policies: INST.D.40.010 Institutional Actions Council Processes