



ECONOMIC POLICIES FOR THE 21ST CENTURY

Not Impartial

Examining Accreditation Commissioners' Conflicts of Interest

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The author is grateful for the research assistance of Allie Howell. All errors are his own.

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Key Findings

Fifteen regional and national accreditors are recognized by the Department of Education as gatekeepers of access to federal Title IV aid. These accreditors employ 332 commissioners or board members.

- Among these 332 commissioners, 221 (67 percent) have a potential conflict of interest: employment at an institution of postsecondary education that their agency accredits.
- Of these 221 commissioners, 196 (89 percent) are currently employed as administrators.
- 113 college presidents serve on their school's accreditor's commission or board. This group represents 34 percent of all commissioners and 51 percent of commissioners employed by a school that their agency accredits.
- Among regional accreditors, 68 percent of commissioners are employed at a school accredited by their agency. This is true for 62 percent of commissioners at national accreditors.
- Schools that receive more Title IV aid tend to have accreditors with more commissioners with potential conflicts of interest. The average dollar of Title IV aid flows to a school whose accreditor has 80 percent commissioners with potential conflicts of interest.

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Overview of Accreditation in the United States

Accreditors are organizations that exist to ensure institutions of postsecondary education in the United States meet basic standards of quality and financial soundness. With a couple exceptions, all are private nonprofit entities. To participate in Title IV programs, which include federal student loans and Pell Grants, an institution must obtain accreditation from an agency recognized by the Department of Education. In other words, accreditors are the “gatekeepers” of federal student aid programs.

Although this gatekeeper role has come to define our modern conception of accreditation, the accreditation agencies themselves predate Title IV programs. Accreditors first developed in the late 19th century as a means for institutions to “self-regulate.” The role of accreditors changed in 1952, when Congress passed the Veterans Readjustment Assistance Act. This law required that institutions receive accreditation before they could become eligible for GI Bill funds. In 1965, Congress expanded accreditors’ role again with the passage of the Higher Education Act (HEA), which allowed all students to take advantage of federal aid programs. Under the HEA in 1965, institutions participating in Title IV programs had to either obtain accreditation or make reasonable progress toward accreditation.¹ The modern iteration of the Higher Education Act sets standards for accreditors as well, requiring that they take a number of specific factors into account when assessing postsecondary institutions.²

The Department of Education and the National Advisory Committee on Institutional Quality and Integrity periodically scrutinize accreditors to ensure that they are properly performing their roles. The Department may opt to revoke recognition of an accreditor that it determines is not complying with the standards of the Higher Education Act. In a rare move, earlier this year, the Department discontinued the recognition of the Accrediting Council for Independent Colleges and Schools (ACICS). ACICS plans to appeal the decision.^{3,4}

The Department recognizes several types of accreditors. This report only considers regional and national accreditors and ignores specialized or programmatic accreditors.⁵ Regional and national accreditors represent 75 percent of Title IV institutions and 99 percent of Title IV-eligible degree-seeking undergraduates, so focusing on them paints a reasonable picture of accreditation in America.

Six regional accreditors cover a particular region of the United States (Figure 1).⁶ One other regional

Figure 1. Coverage Areas of Regional Accreditors.

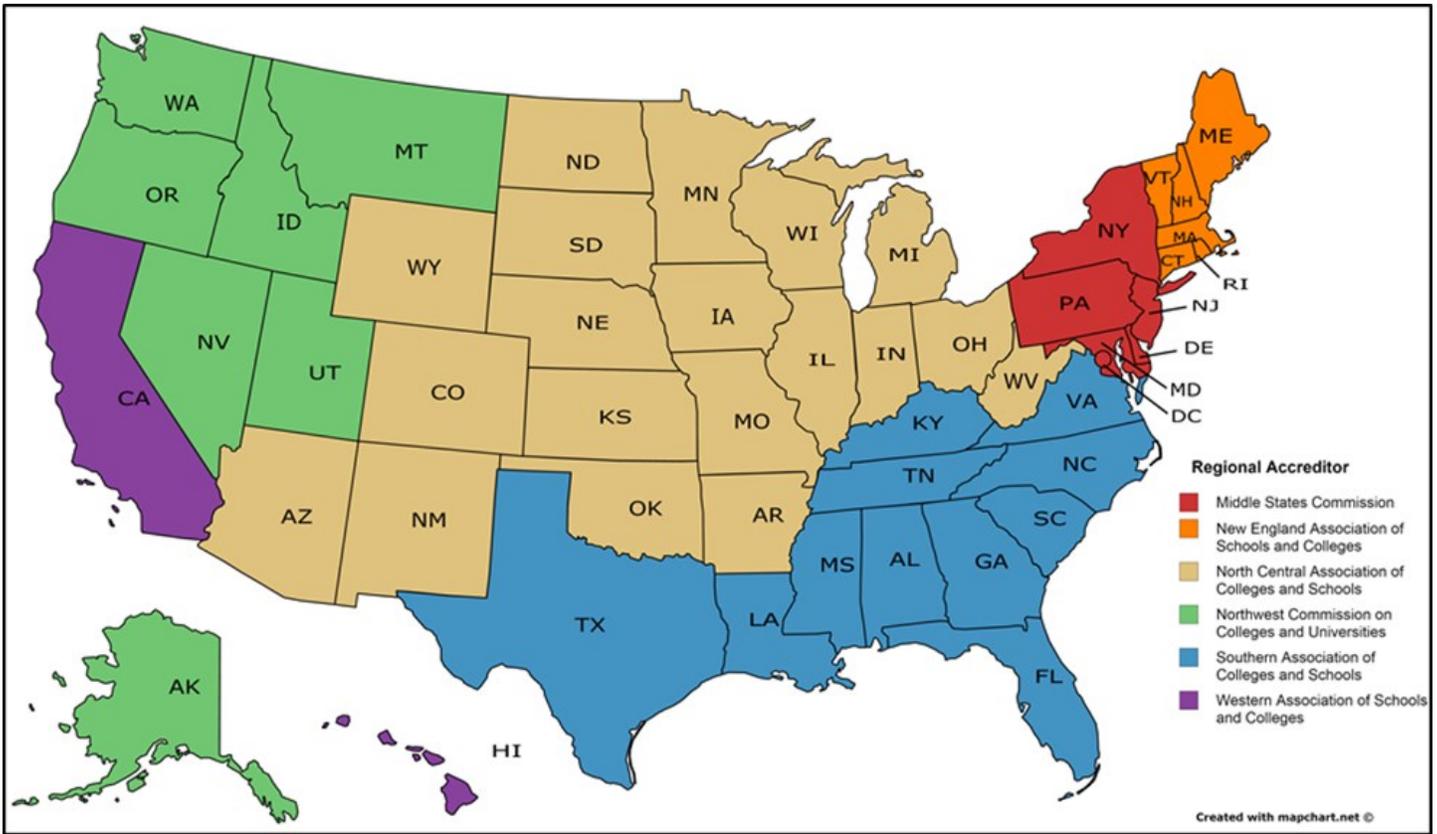


Figure 2. Regional Accreditors by Distribution of Schools

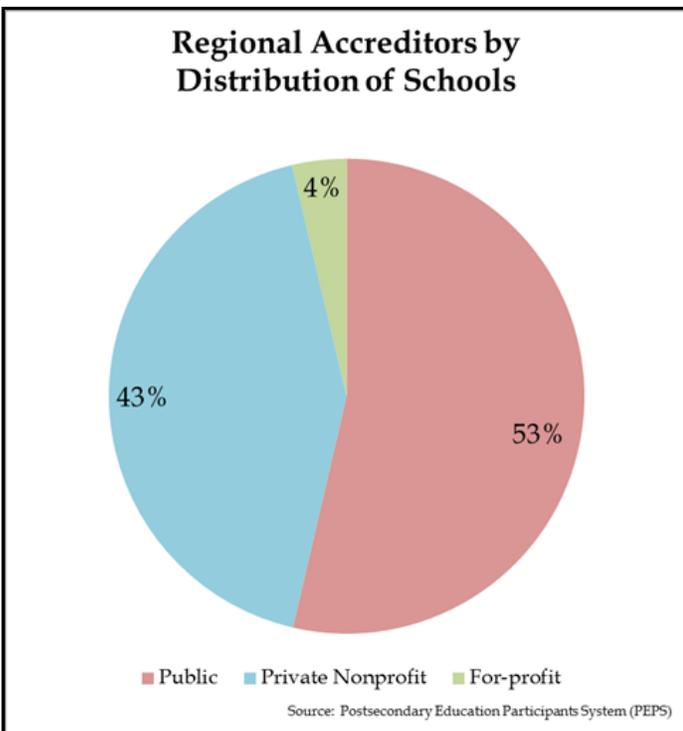


Figure 3. National Accreditors by Distribution of Schools

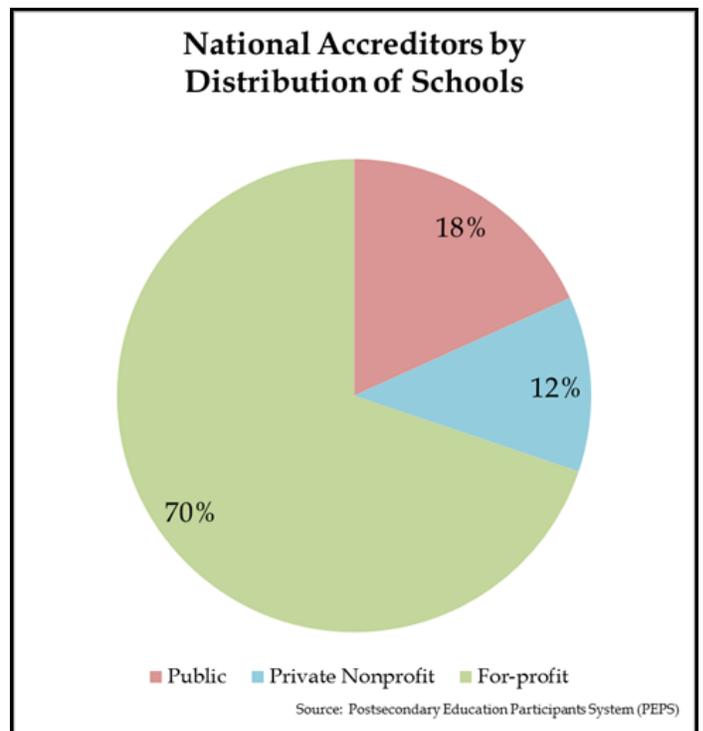


Table 1. Characteristics of Regional and National Accreditors.

Accreditor Name	Accreditor Type	Number of Institutions Accredited	Amount of Title IV Aid Disbursed (Millions of Dollars, Academic Year 2013-14)	Number of Degree-Seeking Undergraduates
Accrediting Commission of Career Schools and Colleges	National	390	\$2,973	232,416
Accrediting Council for Continuing Education & Training	National	67	\$241	25,065
Accrediting Council for Independent Colleges and Schools	National	245	\$4,760	361,054
Council on Occupational Education	National	378	\$795	134,400
Distance Education Accrediting Commission	National	13	\$245	33,353
Transnational Association of Christian Colleges and Schools	National	43	\$97	10,621
National Total		1,136	\$9,112	796,909
Middle States Commission on Higher Education	Regional	470	\$21,098	2,357,546
Middle States Commission on Secondary Schools	Regional	13	\$10	1,757
New England Association of Schools and Colleges	Regional	221	\$6,849	738,477
New York Board of Regents	Regional	32	\$94	8,755
North Central Association of Colleges and Schools: Higher Learning Commission	Regional	950	\$40,790	4,664,014
Northwest Commission on Colleges and Universities	Regional	159	\$6,039	861,254
Southern Association of Colleges and Schools	Regional	763	\$32,714	4,435,026
Western Association of Schools and Colleges: Accrediting Commission for Community and Junior Colleges	Regional	130	\$2,273	1,356,247
Western Association of Schools and Colleges: Senior Colleges & Universities	Regional	152	\$10,045	874,466
Regional Total		2,890	\$119,910	15,297,542
Grand Total		4,026	\$129,022	16,094,451

Source: U.S. Department of Education

accreditor, the New York Board of Regents, covers a handful of institutions within the state of New York. Regional accreditors mostly accredit public and private nonprofit institutions (Figure 2).

National accreditors may accredit schools nationwide. Seventy percent of schools accredited by national accreditors are for-profit (Figure 3).

Table 1 lists characteristics of each accreditor in this analysis. This report considers six national accreditors and nine regional accreditors, for a total of fifteen accreditors.⁷ Regional accreditors represent 2,890 institutions, or 72 percent of the regional-national total.

During the 2013-14 academic year, schools accredited by agencies in this analysis received \$129 billion in Title IV aid. Schools recognized by regional accreditors account for 93 percent of this total. The schools accredited by agencies in this analysis enroll about 16.1 million degree-seeking undergraduates, of which 95 percent attend schools recognized by regional accreditors. It is worth noting, however, that regional accreditors recognize a greater proportion of four-year institutions than national accreditors do. Since students move through less-than-four-year institutions at a faster rate than four-year institutions, the enrollment figures given here likely understate the true number of undergraduates affected by schools recognized by national accreditors.

Each accreditor has a commission or board of directors or regents that issues final decisions on whether schools can receive accreditation. These commissions, which comprise between nine and seventy-three commissioners per agency, generally have the power to either recognize or terminate the recognition of accredited institutions, as well as set the standards by which these decisions are made. The affiliations of these commissioners are the focus of this report.

Findings

This report analyzes fifteen accreditors listed on the Department of Education’s website as regional or national accreditors.⁸ The analysis uses the members of each accreditor’s commission or board and the institutions of postsecondary education (if any) at which the commissioner works. See Appendix A for a detailed description of the methodology.

The report finds that of the 332 commissioners at these fifteen accreditation agencies, 235 are currently employed at an institution of postsecondary education (Table 2). The vast majority of these commissioners (221) are employed at institutions that their agency accredits, a potential conflict of interest. These “interested” commissioners represent 67 percent of all commissioners (Table 3).

What is an “interested” commissioner?

An interested commissioner is a commissioner who is also employed at an institution of postsecondary education accredited by the agency at which he or she is a commissioner—a potential conflict of interest.

Interested commissioners do not necessarily represent all commissioners with potential conflicts of interest. For instance, commissioners do not count as interested if they were employed in the past at an institution accredited by their agency. Only commissioners who currently hold a position at an accredited college or university qualify as “interested” under this report’s definition.

Table 2: Potential Conflicts of Interest Among Accreditors: Numbers.

Accreditor Name	Accreditor Type	Number of Commissioners	Number of Interested Commissioners	Number of Interested Commissioners Currently Employed as Administrators	Number of Interested Commissioners Employed as College Presidents
Accrediting Commission of Career Schools and Colleges	National	13	9	9	2
Accrediting Council for Continuing Education & Training	National	13	8	8	1
Accrediting Council for Independent Colleges and Schools	National	15	7	7	1
Council on Occupational Education	National	21	11	10	3
Distance Education Accrediting Commission	National	9	5	5	3
Transnational Association of Christian Colleges and Schools	National	18	15	14	8
National Total		89	55	53	18
Middle States Commission on Higher Education	Regional	26	20	15	9
Middle States Commission on Secondary Schools	Regional	18	1	1	0
New England Association of Schools and Colleges	Regional	26	21	19	9
New York Board of Regents	Regional	18	0	0	0
North Central Association of Colleges and Schools: Higher Learning Commission	Regional	18	15	11	11
Northwest Commission on Colleges and Universities	Regional	20	14	14	11
Southern Association of Colleges and Schools	Regional	73	64	61	43
Western Association of Schools and Colleges: Accrediting Commission for Community and Junior Colleges	Regional	16	10	5	4
Western Association of Schools and Colleges: Senior Colleges & Universities	Regional	28	21	17	8
Regional Total		243	166	143	95
Grand Total		332	221	196	113

Source: Author's analysis and accreditor websites.

Table 3: Potential Conflicts of Interest Among Accreditors: Ratios.

Accreditor Name	Accreditor Type	Interested Commissioners as Share of All Commissioners	Current Administrators as Share of Interested Commissioners	College Presidents as Share of Interested Commissioners	Interested College Presidents as Share of All Commissioners
Accrediting Commission of Career Schools and Colleges	National	69%	100%	22%	15%
Accrediting Council for Continuing Education & Training	National	62%	100%	13%	8%
Accrediting Council for Independent Colleges and Schools	National	47%	100%	14%	7%
Council on Occupational Education	National	52%	91%	27%	14%
Distance Education Accrediting Commission	National	56%	100%	60%	33%
Transnational Association of Christian Colleges and Schools	National	83%	93%	53%	44%
National Total		62%	96%	33%	20%
Middle States Commission on Higher Education	Regional	77%	75%	45%	35%
Middle States Commission on Secondary Schools	Regional	6%	100%	0%	0%
New England Association of Schools and Colleges	Regional	81%	90%	43%	35%
New York Board of Regents	Regional	0%	n/a	n/a	0%
North Central Association of Colleges and Schools: Higher Learning Commission	Regional	83%	73%	73%	61%
Northwest Commission on Colleges and Universities	Regional	70%	100%	79%	55%
Southern Association of Colleges and Schools	Regional	88%	95%	67%	59%
Western Association of Schools and Colleges: Accrediting Commission for Community and Junior Colleges	Regional	63%	50%	40%	25%
Western Association of Schools and Colleges: Senior Colleges & Universities	Regional	75%	81%	38%	29%
Regional Total		68%	86%	57%	39%
Grand Total		67%	89%	51%	34%

Source: Author's analysis and accreditor websites.

Not all of these commissioners serve as administrators at their institutions; some may be professors or hold emeritus titles. Interested commissioners who currently hold administrative positions at their institutions total 196 commissioners.⁹ This number represents 59 percent of all commissioners and 89 percent of interested commissioners.

College presidents also frequently serve on accreditation commissions. One hundred thirteen college presidents serve as commissioners at their institution's accreditors.¹⁰ These college presidents account for 51 percent of interested commissioners and 34 percent of all commissioners.

National accreditors, which mainly recognize for-profit institutions, tend to have fewer interested commissioners than regional accreditors, which mainly recognize private nonprofit and public institutions. Sixty-two percent of national accreditation commissioners are interested, compared to 68 percent of regional accreditation commissioners. National accreditors also have fewer college presidents serving on their commissions: college presidents make up 20 percent of commissioners at national accreditors versus 39 percent of commissioners at regional accreditors.

Weighted Figures

The figures described in the previous section are raw totals: e.g., the total number of interested commissioners divided by the total number of commissioners. A more informative approach, arguably, is to weight the figures by other variables.

Relevant variables include the number of institutions recognized by each accreditor, the amount of Title IV aid that flows to each accreditor's schools, and the number of degree-seeking undergraduates at each accreditor's schools. These data are listed in Table 1 and are available on an accreditor-by-accreditor basis from the Department of Education.¹¹

Table 4 weights the results by each of these variables. Accreditors receive more weight in each analysis if they recognize more institutions, recognize institutions that receive more Title IV funding, or recognize institutions that enroll more degree-seeking undergraduates. The various measures of potential conflict of interest generally rise when weights are applied, largely due to the higher percentage of interested commissioners and interested college presidents at regional accreditors.

Weighting by the number of institutions raises the share of interested commissioners to 74 percent, up from 67 percent. An alternate interpretation of this statistic is that the average school's accreditor has a commission composed of 74 percent interested commissioners.

Weighting by Title IV aid raises the share of interested commissioners to 80 percent. In other words, the average dollar of Title IV aid flows to a school whose accreditor has 80 percent interested commissioners.

Weighting by the number of degree-seeking undergraduates keeps the share of interested commissioners at 79 percent. An alternate interpretation is that the average degree-seeking undergraduate attends a school whose accreditor has 79 percent interested commissioners.

Weighting along other dimensions yields additional insights. Weighting by undergraduates, the share of commissioners who are interested college presidents rises to 48 percent (up from 34 per-

Table 4: Potential Conflicts of Interest Among Accreditors: Weighted Ratios.

Weighting	Interested Commissioners as Share of All Commissioners	Current Administrators Share of Interested Commissioners	College Presidents as Share of Interested Commissioners	Interested College Presidents as Share of All Commissioners
Unweighted (bottom row of Table 3)	67%	89%	51%	34%
Weighted by Number of Institutions	74%	85%	50%	40%
Weighted by Title IV Aid	80%	83%	59%	48%
Weighted by Number of Degree-Seeking Undergraduates	79%	81%	59%	48%

Source: Author's analysis, accreditor websites, and Department of Education.

cent). In other words, 48 percent of degree-seeking undergraduates attend a school at which the president potentially has influence over the school's accreditation.

Notes on Specific Accreditors

Looking at the findings on an accreditor-by-accreditor basis, a few matters stand out. Two regional accreditors, the Middle States Commission on Secondary Schools and the New York Board of Regents, have none or very few interested commissioners. Excluding these two accreditors raises the share of regional accreditation commissioners who are interested from 68 percent to 80 percent (unweighted).

The New York Board of Regents is unique among accreditors, as it is an agency of the New York state government rather than a private entity.¹² It has no interested commissioners. Although the Middle States Commission is New York's regional accreditor, some institutions within New York state receive their primary accreditation from the Board of Regents and the State Commissioner of Education. The United States Department of Education recognizes the New York State Board of Regents and the Commissioner of Education as an accreditation agency for schools for which the primary reason for accreditation is having access to Higher Education Act programs such as Title IV funding.¹³ The accredited institutions are all relatively small and located solely in New York.

The Middle States Commission on Secondary Schools accredits public and private institutions that educate students in middle school, high school, non-degree granting programs, and special purpose schools such as distance learning. Because post-secondary institutions are only a small component of the commission's oversight, it makes sense that the commission has only one interested member out of eighteen. There are 13 post-secondary institutions that are accredited by the Middle States Commission on Secondary Schools, some of which serve high school students or a combination of high school students and adult students.

Aside from these two agencies, all accreditors in this analysis have roughly half or more interested commissioners. The accreditor with the fewest potential conflicts of interest is the Accrediting Council for Independent Colleges and Schools (47 percent interested commissioners), which had its recognition revoked by the Department of Education earlier this year (pending appeal).

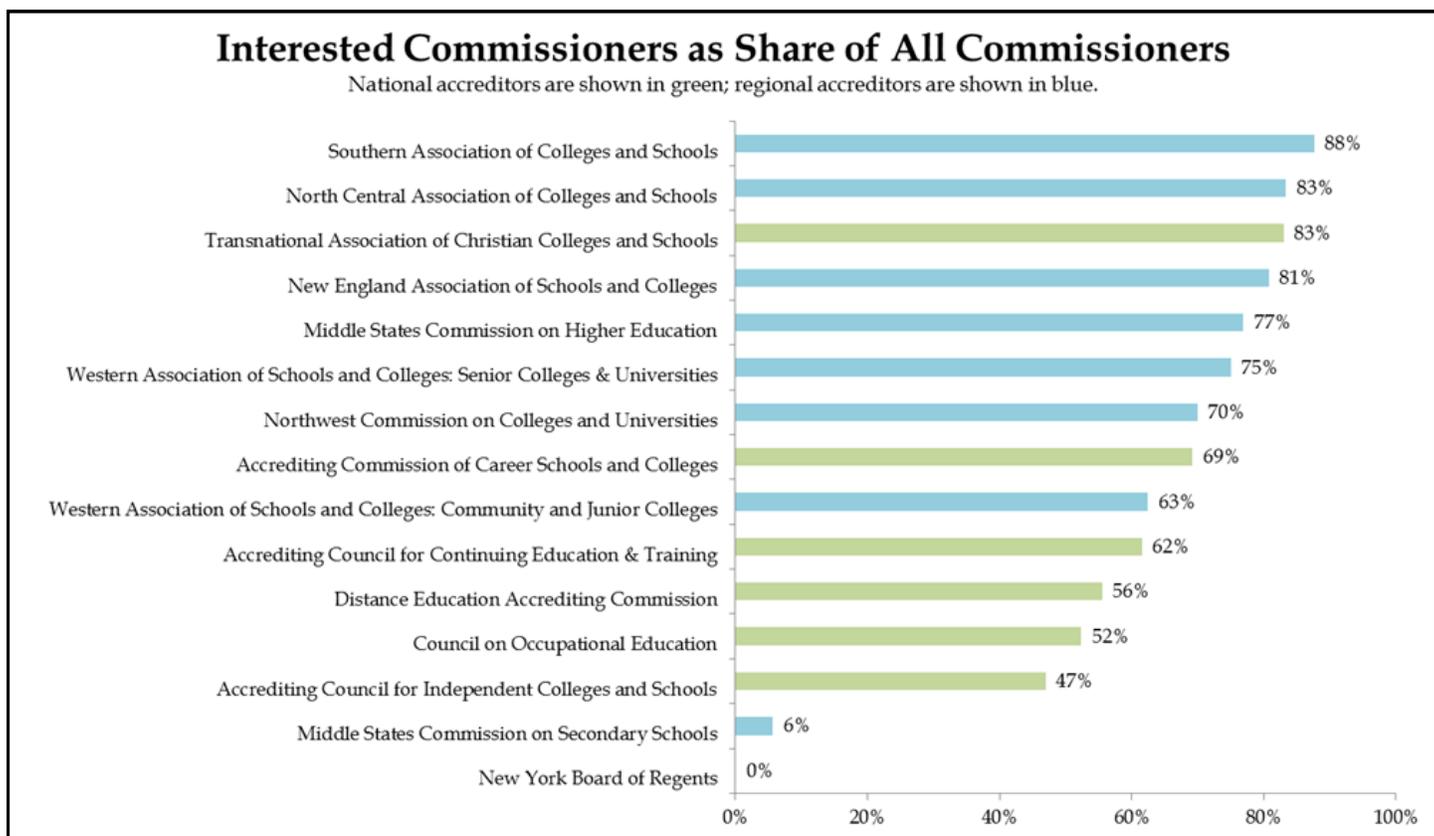
The accreditor with the most potential conflicts of interest is the Southern Association of Colleges and Schools (88 percent interested commissioners), a regional accreditor. The national accreditor with the most potential conflicts of interest is the Transnational Association of Christian Colleges and Schools (83 percent interested commissioners). This agency is unique among national accreditors in that it accredits mostly private nonprofit institutions instead of for-profits.

Regional and national accreditors' proportions of interested commissioners are shown visually in Figure 4. In general, regional accreditors have a higher proportion of interested commissioners than national accreditors, though there are exceptions.

Pros and Cons of the Current System

The potential conflicts of interest detailed in this analysis may be troubling at first, but it would be unwise to dismiss the current system out of hand. After all, accreditation commissioners must be experts in higher education, and higher education itself is the most reliable source of such experts. This may be especially true for regional accreditors, at which commissioners must not only have knowledge of the workings of higher education, but may also need to be familiar with state- and lo-

Figure 4: Interested Commissioners as Share of All Commissioners, by Accreditor.



Source: Author's analysis and accreditor websites.

cality-specific higher education policies. Hence, there is a case to be made that having such a high share of interested commissioners, particularly at regional accreditation agencies, is necessary.

Furthermore, all the accreditors analyzed here have policies to guard against conflicts of interest. Most of these policies require commissioners to recuse themselves from decisions regarding a school with which the commissioner is affiliated. Appendix B summarizes each of these policies.

However, it is reasonable to argue that these safeguards do not go far enough. Even if interested commissioners are required to recuse themselves from deliberations regarding their institutions, or leave the room when such deliberations occur, there are other ways commissioners may influence decisions that affect their schools.

An obvious possibility is logrolling: an interested commissioner casting a favorable vote toward a particular school with which he is not affiliated in exchange for the explicit or implicit promise that other commissioners will make a favorable decision toward his own school when the time comes. As long as an accreditation commission has a substantial number of interested commissioners, it is difficult to prevent such favor-trading.

Public choice economists James Buchanan and Gordon Tullock laid out the theory of logrolling comprehensively in their 1962 book, *The Calculus of Consent: Logical Foundations of Constitutional Democracy*.¹⁴ According to their analysis, participants in collective choice making recognize that decisions are not isolated. A participant may “exchang[e] his vote on one issue for reciprocal support of his own interest by other participants on other issues.”

Logrolling is more prevalent in small decision-making bodies, such as accreditors. Even if explicit favor-trading is prohibited, implicit logrolling can also occur. Buchanan and Tullock noted that there is no real cultural stigma to prevent the practice: most of our political organizations operate using logrolling.

In addition to trading direct votes on their own institutions, interested commissioners also have a say in developing accreditation standards, which can be designed to be favorable to particular schools without mentioning any by name. Perhaps more importantly, commissioners can design standards that are unfavorable towards schools seeking to gain accreditation. Since a school generally needs accreditation to gain access to Title IV funding, interested commissioners may throw up barriers to accreditation in order to hamper potential competition for their institutions.

This report makes no claims about whether any of these practices are taking place. The insight here is only that the current accreditation regime, with its high prevalence of interested commissioners, creates ideal conditions for such practices to occur.

Options for Reform

Accreditors are mostly private organizations. Policymakers should be cautious when intervening in the private market, as private entities are more efficient at allocating resources than public ones. Government intervention may thus result in inefficiency. However, even though they are private organizations, accreditors have extensive power over the flow of taxpayer dollars, given that an institution of postsecondary education generally must be accredited in order to gain access to Title IV funding.

It is therefore appropriate for the government to regulate accreditors in a way that it should not regulate other private entities. The catch is that any new legislation or regulation should specify that it does not apply to accreditors in general, but only to accreditors that wish to be recognized by the Department of Education as gatekeepers of Title IV aid.

Several proposals in Congress exist to reform accreditation. The Higher Education Reform and Opportunity Act, introduced by Senator Mike Lee (R-UT) and cosponsored by five other Republican senators, would allow states to create alternative accreditation processes for institutions to bypass the established accreditors.¹⁵ The Higher Education Innovation Act, introduced by Senators Marco Rubio (R-FL) and Michael Bennet (D-CO), would create alternative pathways at the federal level for schools to gain access to Title IV funding. Eligibility for this alternative approval process would be based on student outcomes and would allow schools to bypass accreditation entirely.¹⁶

These two bills would address one consequence of interested commissioners: the incentive for commissioners to design accreditation standards that hamper institutions seeking accreditation (and thus entry into the higher education marketplace). By creating alternative pathways to Title IV eligibility, institutions would no longer be obliged to seek approval from their established competitors before gaining access to federal funds.

A third bill, the Accreditation Reform and Enhanced Accountability Act, introduced earlier this year by Senators Elizabeth Warren (D-MA), Brian Schatz (D-HI), and Dick Durbin (D-IL), tackles the conflict of interest problem more directly. Among other new requirements, this bill would ban administrative officers and other individuals with a financial interest in an institution from serving on the board or commission of that institution's accreditor.¹⁷

This report suggests the bill might affect the 196 commissioners (59 percent of all commissioners) who currently serve as administrators at schools that their agency accredits.¹⁸ But, the bill does not fully address the conflict of interest problem. There are ways besides being an administrative officer that might cause a commissioner to approach the accreditation of an institution in a biased manner, such as holding a faculty position or being formerly employed there.

Conclusion

Accreditors, which act as gatekeepers of federal Title IV aid, employ commissioners who decide which schools receive accreditation and which do not. This analysis has shown that roughly two-thirds of commissioners at regional and national accreditors recognized by the Department of Education are employed at institutions that their agency accredits. This figure rises when weighted by various characteristics of the accreditors' recognized institutions. While all accreditors have policies in place to guard against conflicts of interest, these may not be sufficient to stem the undesirable consequences of the high number of interested commissioners at these agencies.

Appendix A: Methodology

The United States Department of Education has a list of all recognized Regional and National accreditors.¹⁹ Fifteen accreditation agencies accredit institutions within regional areas or nationally. The Department's list contains a link to each accreditor's website. All the accreditor websites besides the Middle States Commission on Secondary Schools have a list of their commission members and their affiliations posted.²⁰ See below for links to each accreditor's commissioner biography page.

The commissioner biographies do not state whether that commissioner works at an institution accredited by that agency; it only lists current or previous employment. Out of 332 commissioners currently working at the fifteen agencies, 235 were listed as working at a college or school. For this study, we only looked at current employment and did not analyze previous employment in our data. We made a record of all the commissioners, their listed affiliations, and position at the institution (if any).

In order to determine if a commissioner works for an institution that is accredited by the commissioner's agency, we used the United States Department of Education Database of Accredited Post-secondary Institutions and Programs.²¹ This database allows us to determine an institution's accreditor by searching the school name. We searched all 235 schools in the Department's database and kept track of the school's accreditor in connection with the associated commission member.²² This data made it possible to calculate the percentage of commission members who also work at an institution accredited by that agency.

In our dataset, we then recorded commissioners as an "administrator" if they had President, Vice President, Provost, Dean, Officer, Chancellor, Specialist, Manager, or Treasurer in their title. We did not include emeritus titles. We considered commissioners to be college presidents if they held the title "President" or "Chancellor."

Commissioner Biography Sources

Below are links to the commissioner biography page on each accreditor's website. Our analysis only included members of each accreditor's commission or board of trustees, and excluded other employees or panels.

Accrediting Commission of Career Schools and Colleges: <http://www.accsc.org/About-Us/Who-We-Are-Commissioner-Biographies.aspx>

Accrediting Council for Continuing Education and Training: <http://accet.org/commission/accet-commissioners>

Accrediting Council for Independent Colleges and Schools: <http://www.acics.org/contact/content.aspx?id=2272>

Council on Occupational Education: <http://www.council.org/leadership/>

Distance Education Accrediting Commission: <http://www.deac.org/Discover-DEAC/The-DEAC-Accrediting-Commission.aspx>

Middle States Commission on Higher Education: http://www.msche.org/about_commissioners.asp

Middle States Commission on Secondary Schools: We requested the commissioner biographies by email. The contact information for this accreditor is available here: <http://www.msa-cess.org/RelId/606483/ISvars/default/Contact.htm>

New England Association of Schools and Colleges: <https://cihe.neasc.org/about-us/commission>

New York Board of Regents: <http://www.regents.nysed.gov/members>

North Central Association of Colleges and Schools: <http://www.hlcommission.org/About-the-Commission/hlc-board-of-trustees.html>²³

Northwest Commission on Colleges and Universities: <http://www.nwccu.org/About/Commissioners/NWCCU%20Commissioners.htm>

Southern Association of Colleges and Schools: <http://www.sacscoc.org/commorg1.asp>
(Commissioners listed separately for each state)

Transnational Association of Christian Colleges and Schools: http://www.tracs.org/TRACS_Commission.html

Western Association of Schools and Colleges: Community and Junior Colleges: <http://www.accjc.org/commission-members>

Western Association of Schools and Colleges: Senior Colleges and Universities: <https://www.wascenior.org/commission/commissioners>

Appendix B: Conflict of Interest Policies

The Accrediting Commission of Career Schools and Colleges has a code of conduct that is intended to help team members “clarify any situations that might present a conflict of interest or the appearance of a conflict of interest.”²⁴

The Accrediting Council for Continuing Education and Training has a conflict of interest policy that applies to situations in which a financial transaction between the agency and an institution might benefit a commissioner or other staff member.²⁵ The policy requires disclosure of this conflict of interest and the committee then votes to determine if a conflict exists.²⁶

The Accrediting Council for Independent Colleges and Schools has Standards of Ethical Responsibility in which “commissioners are systematically and methodically excluded from any and all discussions and decisions involving institutions with which they are affiliated.”²⁷

The Council on Occupational Education requires all commissioners to sign an oath of office. This requires disclosure of any conflict of interest. When a conflict of interest exists with any particular action, commission members are not allowed to participate in such action.²⁸

The Distance Education Accrediting Commission requires that a commissioner recuse themselves in any situation in which a conflict of interest exists.²⁹

The Middle States Commission on Higher Education conflict of interest policy states: “No Commissioner will knowingly be assigned as a Commissioner-reader or reviewer of any institution for which a conflict exists.”³⁰ Additionally, possibly conflicted commissioners should absent themselves during accreditation decisions, but any other decisions made with good-faith and full-disclosure are allowed.

The Middle States Commission on Secondary Schools has a conflict of interest policy that requires commission members to recuse themselves from decisions related to institutions with which they may have conflicts of interest.³¹

The New England Association of Schools and Colleges, Commission on Institutions of Higher Education asks commissioners to exempt themselves from discussions or decisions in which a conflict of interest exists.³²

The New York Board of Regents, Commissioner of Education, and any other staff involved in the accreditation process are under a conflict of interest policy. Staffers are required to recuse themselves if they are “a present or former employee, student, member of the governing board, owner or shareholder of, or consultant to the institution that is seeking institutional accreditation from the Commissioner and the Board of Regents.”³³

The North Central Association of Colleges and Schools, Higher Learning Commission does not list in its Policy Book a conflict of interest policy for their Board of Trustees – the primary decision making body for accreditation. There is a conflict of interest policy for the Institutional Actions Council, which has the power to reaffirm a school’s accreditation.³⁴

The Northwest Commission on Colleges and Universities requires commissioners to “abstain themselves from deliberations or votes on decisions regarding institutions with which they are affiliated.”³⁵

The Southern Association of Colleges and Schools, Commission on Colleges requires all “Board of Trustee members who are employed by an institution under consideration shall absent themselves from the room during the discussion and voting on their own institution during the meetings of the Committees on Compliance and Reports and the Executive Council.”³⁶

The Transnational Association of Christian Colleges and Schools, Accreditation Commission requires all conflicts of interest to be disclosed and for commissioners to recuse themselves from any discussion or decision on the institution.³⁷

The Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges “expects that all individuals associated with the Commission... will display personal and professional integrity and guard against conflicts of interest, or the appearance of conflicts of interest, by adhering to this Policy and by refusing any assignment where the potential for conflict of interest exists.”³⁸

The Western Association of Schools and Colleges, Senior Colleges and University Commission requires commissioners to leave the room during discussions regarding institutions where a conflict of interest is present.³⁹

Endnotes

1. Elaine El-Khawas, "Accreditation in the USA: origins, developments and future prospects." *International Institute for Educational Planning*, 2001. <http://unesdoc.unesco.org/images/0012/001292/129295e.pdf>
2. 20 U.S.C. 1099b
3. "Department of Education Decision." *Accrediting Council for Independent Colleges and Schools*, September 22, 2016. <http://www.acics.org/news/content.aspx?id=6782>
4. We analyze ACICS in our data because it is still listed as an approved institutional accreditor on the Department of Education's website. This is likely because ACICS' appeal has not yet been resolved. Perhaps surprisingly, our results show that ACICS has among the fewest conflicts of interest of any accreditor we analyze.
5. Specialized or programmatic accreditors generally accredit schools of a specific type. For instance, the American Bar Association is a specialized accreditor that recognizes nineteen law schools around the country.
6. Two regional accreditors, the Western Association of Schools and Colleges and the Middle States Commission, each have two separate commissions accrediting institutions of postsecondary education. These commissions are counted as separate accreditors in our analysis.
7. The list of recognized regional and national institutional accrediting agencies is provided by the Department of Education at http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html
8. "Accreditation in the United States." *U.S. Department of Education*, October 14, 2016. http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html
9. We considered an "administrative position" to be one with President, Vice President, Provost, Dean, Officer, Chancellor, Specialist, Manager, or Treasurer in their title. We did not include emeritus titles.
10. We considered individuals with the title "Chancellor" to be equivalent to presidents. Only eight interested commissioners held the title "Chancellor."
11. "Accreditation: Universities and Higher Education." *U.S. Department of Education*, June 27, 2016. <http://www.ed.gov/accreditation> Data available from an Excel spreadsheet under "Performance Data by Accreditor."
12. "About the University of the State of New York (USNY)." *New York State Education Department*, 2015. <http://www.nysed.gov/about/about-usny>
13. "Institutional Accreditation by the Board of Regents." *New York State Education Department*, September 16, 2016. <http://www.highered.nysed.gov/ocue/accred/accredinfo.htm>
14. James M. Buchanan and Gordon Tullock, "The Calculus of Consent: Logical Foundations of Constitutional Democracy." *The Online Library of Liberty*, 1962. http://files.libertyfund.org/files/1063/Buchanan_0102-03_EBk_v6.0.pdf
15. "Higher Education Reform and Opportunity Act of 2015." S.649, Introduced March 4, 2015. <https://www.congress.gov/bill/114th-congress/senate-bill/649>
16. "Higher Education Innovation Act." S.2111, Introduced August 30, 2015. <https://www.congress.gov/bill/114th-congress/senate-bill/2111>
17. "Accreditation Reform and Enhanced Accountability Act of 2016." S.3380, Introduced September 22, 2016. <https://www.congress.gov/bill/114th-congress/senate-bill/3380/text>
18. The bill did not offer a definition of "administrative officer." The true figure could be higher or lower if the definition adopted by the Department of Education differs from our definition of "administrator."
19. "Accreditation in the United States." *U.S. Department of Education*, October 14, 2016. http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html
20. After contacting the Middle State Commission on Secondary Schools, we were provided with a list of commissioners and their affiliations. Unlike the other accreditation commissions, the Middle States Commission on Secondary Schools accredits both K-12 schools and some non-degree granting technical and career post-secondary institutions.

Most of the commissioners worked in K-12 education, but we found that two worked at post-secondary institutions and thus have included these commissioners in our calculations.

21. "The Database of Accredited Postsecondary Institutions and Programs." *U.S. Department of Education*. <http://ope.ed.gov/accreditation/Search.aspx>
22. Not all of the listed institutions were found in the database. We used schools' websites to find accreditation information for schools that were not listed by the Department of Education. This was only a problem for six schools.
23. For this accreditor we included only the Board of Trustees, with which the accreditor's decision-making authority rests, in our analysis. We excluded the Institutional Actions Council, which has more limited powers.
24. "Code of Conduct." *Accrediting Commission of Career Schools and Colleges*. <http://www.accsc.org/Volunteers/Evaluator-Resources/Code-of-Conduct.aspx>
25. "ACCET Conflict of Interest Policy Relative to Financial Transactions." *Accrediting Council for Continuing Education and Training*, April 2011. http://docs.accet.org/downloads/docs/conflict_of_interest_policy.pdf
26. "On-Site Evaluators." *Accrediting Council for Continuing Education and Training*. <http://acct.org/news/onsiteevaluators>
27. "ACICS Responds to ProPublica/Chronicle of Higher Ed Article." *Accrediting Council for Independent Colleges and Schools*. <http://www.acics.org/news/content.aspx?id=6616>
28. "Bylaws of the Council on Occupational Education." *Council on Occupational Education*, November 22, 2014. <http://www8.spinenet/council-org/files/downloads/2015/02/Bylaws-Documents-2015-Edition.pdf>
29. "DEAC Conflict of Interest Policy." *Distance Education Accrediting Commission*, January 20, 2016. <https://detc.wufoo.com/forms/m1s6mni50sfo8yo/>
30. "Conflict of Interest: Peer Evaluators and Commissioners." *Middle States Commission on Higher Education*, October, 2012. <http://www.msche.org/documents/ConflictofInterestPolicyRev1012.pdf>
31. "Policy 1.6A Conflict of Interest." *Middle States Commission on Elementary and Secondary Schools*. http://www.msacess.org/Customized/Uploads/ByDate/2015/December_2015/December_18th_2015/1.6%20Conflict%20of%20Interest32470.pdf
32. "Policy on Conflict of Interest." *Commission on Institutions of Higher Education: New England Association of Schools and Colleges*. https://cihe.neasc.org/sites/cihe.neasc.org/files/downloads/POLICIES/Pp38-Conflict_of_Interest.pdf
33. "Conflict of Interest Guidelines and Recusal Policy." *Office of College and University Evaluation: New York State Education Department*, March 4, 2014. <http://www.highered.nysed.gov/ocue/accred/ConflictofInterest.htm>
34. "Policy Book." *Higher Learning Commission*, August 2016. http://download.hlcommission.org/policy/HLCPolicyBook_POL.pdf
35. "Conflict of Interest Policy." *Northwest Commission on Colleges and Universities*, 2013. <http://www.nwccu.org/Standards%20and%20Policies/Policies/PolicyDocs/Conflict%20of%20Interest%20Policy.pdf>
36. "Ethical Obligations of Members of the SACSCOC Board of Trustees." *Southern Association of Colleges and Schools Commission on Colleges*, January 2012. <http://www.sacscoc.org/pdf/081705/Ethical%20Obligations.pdf>
37. "Policies and Procedures Manual." *Transnational Association of Christian Colleges and Schools*, January 2013. <http://www.tracs.org/files/January2013-PoliciesandProceduresManual.pdf>
38. "Accrediting Reference Handbook." *Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges*, July 2016. http://www.accjc.org/wp-content/uploads/2016/08/Accreditation_Reference_Handbook_July_2016.pdf
39. "Conflict of Interest Policy." *Western Association of Schools and Colleges Senior Colleges and University Commission*. <https://www.wascsenior.org/content/conflict-interest-policy>