

# Antitrust Policy

## Scope and Purpose of Policy

The basic principle underlying this Antitrust Policy is that the Commission shall not encourage or authorize conduct that violates the letter or spirit of Antitrust Laws. The Commission has adopted this Antitrust Policy to prevent violations of Antitrust Laws, and also to avoid even the appearance of a violation. The need for compliance with Antitrust Laws is significant, not only because the penalties for noncompliance may be severe for the Commission and any individuals involved in the challenged conduct, but also because the Commission believes its underlying mission is best served by fair competition.

In carrying out its accreditation activities, the Commission is committed to ensuring that all of its officers, commissioners, employees and other staff (collectively, "Commissioners and staff") comply with applicable federal and state antitrust, competition, and unfair trade practice laws (collectively "Antitrust Laws"). Commissioners and staff are not expected to determine how Antitrust Laws should be applied to any given set of facts. This Antitrust Policy and other resources (such as related training programs) are intended to (a) identify activities that Commissioners and staff must never engage in; (b) require Commissioners and staff to seek legal advice if they believe a situation raises potential antitrust issues; and (c) require Commissioners and staff to promptly report a suspected violation of this Antitrust Policy.

## Overarching Principles

The Commission has adopted the following overarching principles to help ensure its compliance with Antitrust Laws:

- In developing and carrying out its accreditation practices, the Commission shall act independently and in the best interests of the Commission and its mission.
- In conducting its accreditation activities, the Commission shall strive to maintain and consistently apply appropriate accreditation criteria.
- The Commission shall seek to maintain positive professional relationships with other accrediting organizations, but Commissioners and staff must be mindful of limits imposed by Antitrust Laws on collaboration and information sharing.

## Specific Conduct Prohibited

Commissioners and staff shall not engage in the following conduct:

- Policies or practices purposely designed to harm another accreditor;

- Policies or practices purposely designed to hinder or prevent an accredited institution from conducting business with another accreditor;
- Agreeing (either implicitly or explicitly) or discussing with representatives of another accreditor either organization's plans for competing (or not competing) in geographic areas;
- Agreeing (either implicitly or explicitly) or discussing with representatives of another accreditor either organization's current or future financial arrangements with existing or potentially accredited institutions;
- Agreeing (either implicitly or explicitly) or discussing with representatives of another accreditor decisions about whether to grant accreditation or any other accreditation action with regard to any particular institution;
- Without express written approval of the Commission's President and General Counsel, sharing or discussing with representatives of another accreditor commercially sensitive information, including, without limitation, the terms of employment of employees and other staff; and
- Discussions among members of the Commission regarding commercially sensitive information of their respective institutions, such as tuition, financial aid, early admission policies, or employee wages and benefits.

## Seeking Legal Advice Regarding Antitrust Laws

If Commissioners are uncertain as to whether a given situation raises potential antitrust issues, they should err on the side of caution and seek legal advice by contacting the Chair or the President.

If employees and staff are uncertain as to whether a given situation raises potential antitrust issues, they should err on the side of caution and seek legal advice by contacting the President.

If a given situation raises potential antitrust issues involving the Chair or the President, Commissioners and staff should seek legal advice by contacting the Commission's General Counsel.

## Duty to Report Suspected Violations of Antitrust Policy

To the extent any Commissioner becomes aware, or reasonably suspects, that a violation of this Antitrust Policy has occurred, such individual shall promptly report such information to the Chair or President.

To the extent any employee or staff becomes aware, or reasonably suspects, that a violation of this Antitrust Policy has occurred, such individual shall promptly report such information to the President.

To the extent any Commissioner or staff becomes aware, or reasonably suspects, that a violation of this Antitrust Policy has occurred that involves the Chair or the President, such individual shall promptly report such information to the Commission's General Counsel.

## **Enforcement of Antitrust Policy**

Any violation of this Antitrust Policy may result in corrective action, depending on the nature of the conduct and other circumstances, up to and including removal as Commissioner or termination as staff.

## **Promulgation of Antitrust Policy**

The Commission shall take reasonable steps to ensure that this Antitrust Policy is brought to the attention of all Commissioners and staff in initial training upon joining the Commission or staff and periodically thereafter. The Commission shall also seek to ensure that training is provided to Commissioners and staff on an as-needed basis in order to promote familiarity and compliance with this Antitrust Policy.

*Approved by the Commission, June 2020*