

December 3, 2019

Dr. Robert Kratochvil
President
Los Medanos College
2700 East Leland Road
Pittsburg, CA 94565

Dear President Kratochvil:

Dr. Debra Daniels, President of Taft College, has been appointed as team chair for the External Evaluation Visit to Los Medanos College scheduled for October 5-8, 2020. If you identify any conflict of interest as described in the ACCJC Policy on Conflict of Interest (attached), please let me know by December 13, 2019.

We are in the process of constructing a team and will provide you with a team roster as soon as the selection process is complete.

As always, feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Droker". The signature is written in a cursive, flowing style.

Stephanie Droker, Ed.D.
Senior Vice President

Enclosure

Cc: Dr. Chialin Hsieh, Accreditation Liaison Officer

Policy on Conflict of Interest for Commissioners, Evaluation Team Members, Consultants, Administrative Staff, and Other Commission Representatives

*Approved Revision
October 2013*

Purpose

The Commission seeks to assure that those who engage in accreditation activities make every effort to protect the integrity of accrediting processes and outcomes. The intent of the Commission is to:

- maintain the credibility of the accreditation process and confidence in its decisions;
- assure that decisions are made with fairness and impartiality;
- assure that allegations of undue influence; relationships which might bias deliberations, decisions, or actions; and situations which could inhibit an individual's capacity to make objective decisions are minimized;
- make all of its decisions in an atmosphere which avoids even the appearance of conflict of interest; and
- provide the means to disclose any existing or apparent conflict of interest.

Policy

A conflict of interest is any circumstance in which an individual's capacity to make an impartial and unbiased decision may be affected because of a prior, current, or anticipated institutional/district/system affiliation or other significant relationship(s) with an accredited institution/district/system or with an institution seeking initial accreditation, candidacy, or reaffirmation of accreditation.

The Commission seeks to assure that its decisions on institutions and on all other matters before the Commission are based solely on professional judgment and an objective application of its Eligibility Requirements, Accreditation Standards, and Commission policies (together Commission's Standards). Accordingly, the Commission takes all necessary measures to assure that conflicts of interest and the appearance of conflicts of interest on the part of Commissioners, evaluation team members, consultants, administrative staff, or other agency representatives are avoided.

The Commission expects that all individuals associated with the Commission, whether as Commissioners, evaluation team members, consultants, administrative staff or other agency representatives, 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.

Policy Elements

Each Commissioner, evaluation team member, consultant, member of the Commission administrative staff, and other agency representative is asked to review this Policy and consider potential conflicts of interest in his/her proposed assignments.

The following interactions with an institution/district/system have been determined to be of the type that constitute a conflict of interest or the appearance thereof, normally within the last five years:

- a. current or prior employment at the institution/district/system being evaluated;
- b. candidacy for employment at the institution/district/system being evaluated;
- c. current or prior service as a paid consultant or other business relationship with the institution/district/system being evaluated;
- d. a written agreement with an institution/district/system that may create a conflict or the appearance of a conflict of interest with the institution/district/system;
- e. personal or financial interest in the ownership or operation of the institution/district/system;
- f. close personal or familial relationships with a member of the institution/district/system;
- g. other personal or professional connections that would create either a conflict or the appearance of a conflict of interest; or
- h. receipt of any remuneration, honoraria, honorary degrees, honors or other awards from the institution/district/system.

Notwithstanding the definition of a conflict of interest provided in this policy and in the above list of types of conflicts or potential conflicts of interest, a conflict of interest arising from one of these types of relationships does not go into perpetuity, but normally expires five years after the relationship ends. Nevertheless, the individual is expected to ask him/herself whether the existence of such relationship would in any way interfere with his/her objectivity, and, if the answer is in the affirmative, he/she is expected to refuse the assignment or recuse him/herself from the deliberations related to the issue that caused the conflict of interest.

The following interactions with an institution/district/system have been determined to be of the type that do not constitute a conflict of interest or the appearance thereof:

- a. attending meetings or cultural events on a campus;
- b. having infrequent social contact with members of institutions/districts/systems;
- c. making a presentation at an institution on a one-time, unpaid basis, with no sustained relationship with the institution; or
- d. fulfilling a professional assignment with members of an institution on an issue not related to the institution's accreditation.

Avoiding the Appearance of Conflict of Interest

To achieve the purposes of this policy, it is expected that Commission representatives will make every effort to avoid the appearance of conflict of interest, in both formal and informal interactions with members of the field and with the public. Commissioners and committee members should adhere to the Policy on Professional and Ethical Responsibilities of Commission Members when presented with inquiries or opportunities for public comment on member institutions, ACCJC business or accreditation practices.

Evaluation Team Members

The Commission will not knowingly invite or assign participation in the evaluation of an institution to anyone who has a conflict of interest or the appearance thereof. Team members are required to confirm in writing that they have reviewed this Policy when they are invited to serve on a team. In order to avoid an appearance of conflict to the public, immediate family members of Commissioners and Commission staff will not be invited or assigned to participate on an evaluation team.

Institutions being evaluated should review the prospective evaluation team members for potential conflict of interest. The Commission President should be notified immediately if there are conflicts of interest or any concerns that there might be conflicts of interest.

During the period in which the visit is occurring and Commission action is pending, evaluation team chairs and team members are expected to refrain from any of the above listed situations of potential conflicts of interest with an institution for which they have been an evaluation team member.

Commissioners

A Commissioner is expected to recuse him/herself from any deliberation or vote on decisions regarding individual institutions where any of the conflicts of interest listed above exist. A Commissioner who served on the most recent evaluation team of an institution being considered must recuse him/herself. Any such potential conflict of interest shall be reported to the Commission in advance of the deliberation and action and shall be recorded in the Commission minutes.

A Commissioner who is uncertain regarding a possible conflict of interest may recuse him/herself, or abstain from voting on decisions regarding the institution, in which case there is no requirement to disclose the nature of the contact(s) for review by the Commission. Alternatively, the Commissioner may disclose the nature of the potential conflict of interest for review by the Commission. The Commission shall then determine in all such cases by majority vote whether the situation raises a conflict of interest or the appearance of conflict of interest. If the Commission determines that the situation raises a conflict, the affected Commissioner will be recused from the deliberations of the case that caused the conflict.

In the case where a Commissioner or the Commission President believes that a Commissioner may have a conflict of interest or the appearance of conflict of interest that the Commissioner has not acted upon, that other Commissioner or the Commission President should bring the conflict of interest or the appearance of conflict of interest to the attention of the Commissioner and give him/her an opportunity to recuse him/herself from the deliberations of the case that caused the conflict. If the matter is not resolved, the other Commissioner or the Commission President may bring the matter to the attention of the full Commission, which will then consider the matter and determine by majority vote on whether the situation raises a conflict of interest or the appearance of conflict of interest. If the Commission determines that the situation raises a conflict, the affected Commissioner will be recused from the deliberations of the case that caused the conflict.

Commission decisions regarding any issue raised relating to conflict of interest shall be noted in the minutes.

At no time during their appointment as Commissioners, should Commissioners consult with institutions on matters of accreditation for compensation.

Commission Staff and Consultants

During the period of Commission employment, Commission staff members, including consultants, are expected to refrain from connections and relationships with candidate or member institutions which could represent a conflict of interest. In the case where a Commissioner or another Commission staff believes that a Commission staff member may have a conflict of interest or the appearance of conflict of interest that the staff member has not acted upon, that Commissioner or the other Commission staff should bring the conflict of interest or the appearance of conflict of interest to the attention of the Commission President. The Commission President will determine whether the situation raises a conflict of interest or the appearance of conflict of interest. If the Commission President determines that the situation raises a conflict, Commission staff will be removed from the assignment that caused the conflict.

Commission staff may not engage in private consulting or employment with, nor accept honoraria, or honorary degrees from member institutions. Commission staff may engage in such arrangements with outside organizations or institutions other than member institutions only with the approval of the Commission President. The Commission President may engage in such arrangements only with the approval of the Commission Chair.

Suspension or Removal

When a conflict or apparent conflict of interest arises, the Commission President or Commission by majority vote may direct that the involved role or behavior of the affected individual (Commissioner, evaluation team member, consultant, administrative staff member, commission representative) shall cease immediately. When a conflict cannot be resolved by recusal or immediately ending the affected individual's role or behavior that created the conflict or perception of conflict, then:

- a. the Commission President, in case of an Evaluation Team Member, Consultant, Administrative Staff Member or other Commission Representative, may elect to suspend or remove the affected individual or take such other action as is deemed appropriate;
- b. or the Commission by majority vote, in the case of a Commissioner, may elect to suspend or remove the affected individual or take such other action as is deemed appropriate.

Adopted June 1997; Revised June 1999, March 2001; Edited June 2005; Revised January 2006, January 2012; Edited August 2012; Revised June 2013, October 2013