



*Southern Association of Colleges and Schools  
Commission on Colleges  
1866 Southern Lane  
Decatur, Georgia 30033-4097*

## **ANTITRUST COMPLIANCE**

### **Policy Statement**

Integrity is the foundational principle of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). It is the first Core Requirement of the *Principles of Accreditation: Foundations of Quality Enhancement (Principles)*, the standards that SACSCOC member institutions are bound to maintain. Likewise, SACSCOC representatives and staff observe high standards of professional and personal ethics in effectuating their respective duties and responsibilities; performing all things with integrity is first among these expectations. This policy outlines the responsibilities of SACSCOC representatives in observance of applicable antitrust laws and regulations of the United States.

Historically, SACSCOC has been recognized by the US Department of Education (USDE) as one of seven regional accrediting bodies, accrediting institutions within specific geographic regions across the United States and beyond. With the adoption of new federal regulations, effective July 1, 2020, institutions can elect to apply for membership with any USDE-recognized institutional accreditor, but the regulations do not mandate that the accreditors accept applications for membership from outside their previously defined geographic area. As private, non-profit, peer membership organizations, decisions about membership requirements remain with the member institutions. It is understood that non-competitive, collegial exchange between USDE-recognized accrediting agencies is part of the fabric of higher education of which institutions and their institutional accreditors are a part. Assuring educational quality and improving the effectiveness of member institutions is SACSCOC's core mission and should not impede intra-agency communications.

All SACSCOC representatives, in accordance with their responsibilities, are required to recognize, avoid and prevent situations that violate antitrust laws of the United States or that otherwise facilitate unreasonable restraints on competition or harm consumer welfare. SACSCOC representatives shall therefore avoid discussions, agreements, or invitations to collude with actual or potential competitors as it relates to antitrust conduct. SACSCOC representatives who fail to comply with the antitrust laws of the United States in connection with SACSCOC activities or refuses to act consistently with this policy statement are subject to discipline, including prohibition from participating in any SACSCOC activities or termination of employment. SACSCOC representatives shall report any wrongful conduct or the appearance of violating this policy to the SACSCOC President.

### **Definitions**

For purposes of this policy the following definitions apply:

- A. **Antitrust laws of the United States:** Four federal antitrust laws are the primary focus including the Sherman Act, the Clayton Act, the Robinson-Patman Act and the Federal Trade Commission Act. These laws generally prohibit the following conduct:
1. Fixing fees, dues, prices, or input costs;
  2. Coordinating conduct in connection with fees, dues, or purchases;
  3. Rigging or coordinating bids;
  4. Fixing employee compensation or entering into “no poach” agreements with competitors;
  5. Exchanging competitively sensitive information with competitors;
  6. Dividing markets (by geography or services);
  7. Boycotting or refusing to deal with actual or potential customers or suppliers;
  8. Agreeing with competitors on refusal to deal with other competitors;
  9. Limiting output or otherwise constraining capacity;
  10. Monopolization;
  11. Price discrimination;
  12. Inviting competitors to collude in an anti-competitive action;
  13. Arriving at any understanding with regard to anti-competitive action;
  14. Attempting or conspiring to engage in any of the above activities; and
  15. Facilitating any of the above activities.

Higher education related activities that may violate the Antitrust laws may include:

1. Policies or practices purposely designed to harm another accreditor;
2. Policies or practices purposely designed to hinder or prevent an accredited institution from conducting business with another accreditor;
3. Agreeing (either implicitly or explicitly) or discussing with representatives of another accreditor either organization’s plans for competing (or not competing) in specific geographic areas;
4. 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;
5. 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;
6. Without express written approval of the SACSCOC President and General Counsel, sharing or discussing with representatives of another accreditor commercially sensitive information, including, without limitation, the terms of employment of SACSCOC personnel; and
7. Discussions among SACSCOC representatives regarding commercially sensitive information of their respective institutions, such as tuition, financial aid, early admission policies, or employee wages and benefits.

- B. **SACSCOC representative(s):** Any individual(s) who represents or serves SACSCOC, including assigned peer evaluators, SACSCOC staff members or members of the SACSCOC Board of Trustees or the College Delegate Assembly.

## **Implementation**

SACSCOC staff will develop and revise procedures to ensure the consistent orientation and implementation of this policy for its employees, peer evaluators, the SACSCOC Board of Trustees, and members of the College Delegate Assembly. SACSCOC shall also take reasonable steps to ensure that this Antitrust Policy

is brought to the attention of all SACSCOC representatives and periodically thereafter. Every effort shall also be made to ensure that training is provided to SACSCOC personnel on an as-needed basis in order to promote familiarity and compliance with this policy.

**Document History**

*Approved; SACSCOC Board of Trustees, September 2020*