Antitrust Compliance Policy

Effective Date: July 1, 2020

I. Purpose

The Middle States Commission on Higher Education (MSCHE or the Commission) seeks to ensure that Commission representatives observe high standards of professional and personal ethics in the conduct of their duties and responsibilities. The purpose of this policy is to articulate the Commission’s expectation for its representatives to practice honesty and integrity in fulfilling responsibilities and adhering to all applicable laws and regulations. This policy requires that Commission representatives comply with the antitrust laws of the United States as failing to do so presents significant consequences for the Commission and its representatives. These consequences include substantial fines and imprisonment.

II. Statement of Policy

The Commission shall require that all Commission representatives act in accordance with their responsibilities to recognize and avoid or prevent situations that violate antitrust laws of the United States or that otherwise facilitate unreasonable restraints on competition or harm consumer welfare. Commission representatives shall therefore avoid conspiracies, agreements, or invitations to collude with actual or potential competitors. A Commission representative who fails to comply with the antitrust laws of the United States in connection with MSCHE or refuses to act consistently with this policy on antitrust compliance is subject to discipline, including prohibition from participating in MSCHE activities and/or termination of employment. Commission representatives shall report wrongful conduct under this policy in accordance with established procedures.

III. Procedures

The Commission staff will develop procedures as are necessary to ensure the consistent implementation of policies. See the Commission’s Antitrust Compliance Procedures as well as the Employee Handbook.

IV. Definitions

The following definitions are used in this policy and/or procedures.

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, prices, 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 refusals to deal with other competitors; (9) limiting output or otherwise constraining capacity; (10) monopolization; (11) price discrimination; (12) inviting competitors to collude in an anticompetitive action; (13) arriving at any understanding with regard to anticompetitive action; (14) attempting or conspiring to engage in any of the above activities; (15) facilitating any of the above activities.

B. Commission representative. Any individual who represents or serves the Commission, including assigned peer evaluators, Commission staff, and Commissioners.

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Related Documents: MSCHE Employee Handbook