

20. Policy on Complaints

This policy covers DETC requirements for institutions to establish complaint policies and procedures, and complaints against accredited institutions, active applicants, DETC Evaluators, Commissioners and Staff.

The Accrediting Commission reserves the right to order a comprehensive review of an institution at any time it has concerns that the institution is not in compliance with the DETC's standards, policies, and/or procedures. (10/11)

Institutional Complaint Policies (10/11)

DETC requires applicants and accredited institutions to have written complaint policies and procedures for the purposes of receiving, responding to, addressing, and resolving as appropriate, complaints made by students, faculty, administrators, or any party, including one who has good reason to believe that an institution is not in compliance with DETC standards and policies.

DETC's Standard IV.D. addresses student complaints. At a minimum, the institution's policy must instruct students where and how to file a complaint or grievance, and the maximum time for resolution. The institution's complaint policy and procedure must be made available to all students. The institution must define what it considers to be a student complaint. Student complaints typically are about items such as administrative issues, financial issues, technical issues, faculty performance, grading, program content, program effectiveness/expectations, library services, misrepresentation of career or placement services for institutions that offer such services.

The institution must review in a timely, fair, and equitable manner any complaint it receives from students. When the complaint concerns a faculty member or administrator, the institution may not complete its review and make a final decision regarding a complaint unless, and in accordance with its published procedures, it ensures that the faculty member or administrator has sufficient opportunity to provide a response to the complaint. The institution must take any follow-up action, as necessary, including enforcement action, if necessary, based on results of its review.

The institution's complaint policy must also include how it notifies students as to where and how they may file complaints with state agencies and its accrediting agency(ies), as appropriate.

As part of DETC's review of Standard IV.D., it will address the quality and reputation of an institution by taking into account the institutions record of student complaints. DETC Evaluators will be asked to review and assess the institution's complaint policies and procedures to make certain the institution is monitoring its quality of education and services.

DETC Complaints

This section covers complaints against accredited institutions, active applicants, and DETC Evaluators, the Commissioners and Staff. This policy is designed to permit a fair and timely investigation of complaints that reasonably allege instances of non-compliance with the standards and policies of DETC. If someone has a complaint against a non-accredited institution, DETC will try to give guidance as to whom the complainant should direct the matter.

DETC has an "Online Complaint System" that enables individuals to file a complaint directly from the DETC website. The complaint form may be found at www.detc.org (select "Contact Us" and select the link in the left hand column). All complaints should be submitted using this form. For those who cannot access the Internet, written

complaints will be accepted provided they include the complainant's name and contact information and a release from the complainant(s) authorizing the Commission to forward a copy of the complaint, including identification of the complainant(s) to the institution. Where circumstances warrant, the complainant may remain anonymous to the institution, but all identifying information must be given to DETC.

Written complaints must contain the following: the basis of any allegation of noncompliance with DETC standards and policies; all relevant names and dates and a brief description of the actions forming the basis of the complaint; copies of any available documents or materials that support the allegations; a release authorizing the Commission to forward a copy of the complaint, including identification of the complaint(s) to the institution. In cases of anonymous complaints or where the complainant requests for his/her name to be kept confidential, the Commission considers how to proceed and whether the anonymous complaint sets forth reasonable and credible information that an institution may be in violation of the Commission's standards and whether the complainant's identify is not necessary to investigate. (10/11)

Definition of Complaint

A complaint is defined as notification to DETC by any person or entity (including, but not limited to, any student, any faculty or staff of an accredited institution, any member of the general public, any representative of a Federal, State, or local government, and any member of any other institution or organization) that sets forth reasonable and credible information that (1) an accredited institution; (2) an applicant institution; or (3) the Evaluators, Accrediting Commissioners or staff of the DETC are not in compliance with one or more DETC's standards or policies.

Where issues of educational services, student services, or tuition are concerned, a student complainant must have exhausted all efforts to resolve his/her complaint with the institution before considering filing a complaint with DETC. Where issues of educational quality or compliance with DETC standards or policies are not central to the complaint, the DETC will refer the complaint and/or the complainant to the appropriate federal or state agency or private entity with jurisdiction over the subject matter of the complaint and may provide a copy to the institution. (10/11)

The Commission will not intervene on behalf of individuals in cases of a personnel action, nor will it review an institution's internal administrative decisions in such matters as admissions decisions, academic honesty, assignment of grades and similar matters unless the context of an allegation suggests that there may be a violation of DETC standards or policies, or if the context of an allegation suggests that unethical or unprofessional conduct or action may have occurred that might call into question the institution's compliance with a DETC standard or policy.

Further, the Commission will not intervene on behalf of individuals in cases where the situation giving rise to the complaint had occurred so long ago that investigating and ascertaining the facts might prove to be problematic. The Executive Director will exercise professional judgment in determining which cases meet these criteria.

In addition, if, for any reason, the Commission suspects any type of unethical behavior, including fraud and abuse, by an applicant or accredited institution, the Commission reserves the right to investigate the allegations. The Commission is obligated under Federal regulations [CF 602.27(a)(6)] to report to the Secretary of Education any institution it has reason to believe is failing to meet its Title IV program responsibilities or is engaged in fraud and abuse. (10/11)

Records of Complaints

The DETC maintains records of all complaints. Complaints received against accredited institutions and the manner of their resolution is kept for two accreditation cycles (8-10 years). Complaints received against initial applicants are kept for a period of three years. The DETC provides summaries of these files to visiting examining committees when they conduct on-site visits. The Accrediting Commission also considers these summary files when it acts on an institution's application for initial or re-accreditation. The complaints are analyzed according to how the institution handles them or how they were resolved. (10/11)

In addition, all other complaint files are tabulated and summarized and presented at each meeting of the Accrediting Commission. The summary provides an analysis of any complaints unresolved, categories of complaints by nature and source, and any other information the Commission desires regarding the record of complaints received by the DETC.

1. Complaints Against Accredited Institutions

When the Accrediting Commission of the DETC (hereafter DETC) accredits an institution, it expects that institution to remain in compliance with all of the DETC standards for accreditation throughout the accreditation period granted. Therefore, one of the principal concerns of the DETC when it receives a complaint about an accredited institution is whether the institution is in compliance with the published standards and policies. The burden of proof rests with the institution to prove that it is meeting DETC's published standards and policies, at all times, including proving compliance after accreditation is awarded.

Another concern of the DETC is the methods, policies, philosophy, and procedures of the institution for handling complaints on an ongoing basis. The DETC expects its accredited institutions to have operational procedures in place for fairly and promptly resolving complaints so that they do *not* become a matter for concern by outside agencies. DETC will consider a complaint even if the institution is involved in litigation with the Commission or other third parties. Therefore, in investigating a specific complaint against an accredited institution, the DETC also examines whether or not the institution has effective methods for handling student problems on a routine basis. In so doing, the DETC looks to see if the institution's procedures are equitable, consistently applied, and effective in resolving problems. (10/11)

Finally, the DETC is concerned about the frequency and pattern of complaints about an accredited institution. DETC expects the institution to monitor all complaints it receives, and expects the institution to take steps to ensure that similar complaints do not become repetitive or routine.

Action

When DETC receives a complaint against an applicant or accredited institution, the DETC's procedure for handling the complaint consists of the following steps:

1. After receipt of the complaint, the Commission staff will send a letter or e-mail to the complainant acknowledging receipt of the complaint and explaining the process the DETC will follow in investigating the complaint.
2. DETC staff will conduct an initial review of the complaint to determine whether the complaint sets forth information or allegations that reasonably suggest that an institution may not be in compliance with DETC's standards, policies, and procedures. If additional information or clarification is required, the Executive Director

(acting on behalf of the Commission) will send a request to the complainant. If the requested information is not received within **15** days, the complaint may be considered abandoned and may not be investigated by DETC. (10/11)

3. If the Executive Director determines after the initial review of the complaint that the information or allegations do not reasonably demonstrate that an institution is out of compliance with DETC standards, policies, or procedures, the complaint may be considered closed and not investigated by DETC. (10/11)
4. If the Executive Director determines after the initial review of the complaint that the information or allegations reasonably suggest that an institution may not be in compliance with DETC standards, policies and procedures, the Executive Director will notify the institution that a complaint has been filed. The notice will summarize the allegations, identify the DETC standards, policies, or procedures that were allegedly violated, and provide a copy of the original complaint to the institution. The institution will be given **30** days to provide a response, except for: (10/11)
 - In cases of advertising violations, Commission staff forwards a copy of the advertisement to the institution, citing the standard that may have been violated. The institution is required a response within **15** days.
 - If a news article or media broadcast carries a negative report on a DETC accredited institution, the institution is required to respond to the statement(s) within **15** days.
 - In cases when the complaints are from students concerning administrative services, student services, educational services, or tuition, the institution will be required to respond directly to the student within **15** days to address his/her concerns.
5. The Executive Director will review the complaint and the institution's response for compliance with the accrediting standards, policies, and procedures.
6. If the Executive Director concludes that the allegations do not establish there has been a violation of standards, policies, or procedure, he/she will consider the complaint closed, and no further action is required.
7. If the Executive Director concludes that the allegations may establish a violation of DETC standards, policies and/or procedures, he/she may take one of the following actions: (10/11)
 - Postpone final action on the complaint for a period not to exceed **60** days if there is evidence that the institution is making progress in rectifying the situation. In the case of postponement of action, the complainant will be kept informed of the status of the complaint and its final action. NOTE: The failure of the institution to rectify the situation by the end of the **60** day period and will be referred to the Accrediting Commission for consideration and action.
 - Notify the institution that, on the basis of the information provided, the DETC has determined that the institution is failing to meet the DETC standards and that the DETC is taking appropriate action. Such action may include requiring the institution to take specific corrective action and report back to the Accrediting Commission and/or conducting a Special Visit to the institution on an announced or unannounced basis. If circumstances warrant, the Accrediting Commission may initiate action, including a show cause proceeding, that may result in the termination of the institution's accreditation. If appropriate, it may also include referring the matter to Federal, State, or local agencies for review and possible action.

8. In all instances, the Executive Director will send a letter to the complainant and the institution regarding the final disposition of the complaint, and a record of the complaint will be kept on file at the DETC office subject to the Commission's document retention policies. (10/11)

NOTE: The failure of the institution to provide either a response to the complaint or any additional information as requested by the Executive Director within the specified time frames will be considered a violation of the DETC's policy on complaints and will be referred to the Accrediting Commission for consideration and action.

An adverse action against an institution arising from a complaint will not be taken until the institution has had an opportunity to respond to the complaint within the time frames set forth by the Commission.

2. Complaints About Applicant Institutions

The Commission posts on its website and publishes a list of applicant institutions and encourages third-party comments. DETC's D.13. Third-Party Comments addresses receiving, processing, reviewing, and acting on third-party comments. (10/11)

If a complaint (as defined above) is received about an applicant institution, the procedures followed for handling the complaint are the same as for handling a complaint about an accredited institution (see above). (10/11)

3. Complaints About DETC Evaluators, Accrediting Commissioners, and Staff

The DETC promptly reviews any complaint it receives against the DETC Evaluators, Accrediting Commissioners, and/or its staff. Because of the seriousness with which it regards complaints of this type, the DETC requests that such complaints be in writing and filed through DETC's Online Complaint form on its website (see above). If a complaint is received orally, the complainant will be asked to submit the complaint in writing. Anonymity will be honored only for good cause and at DETC's discretion in these cases. The person against whom the complaint is lodged will not participate in making the final decision. As described below, the Chair or Vice Chair of the Commission or the Executive Committee will review in a fair and equitable manner, and apply unbiased judgment to, any complaint against itself and take follow-up action, as appropriate, based on the results of the review. (Rev 10/11)

Action

The procedures for handling complaints against DETC Evaluators, an Accrediting Commissioner, and/or its staff for alleged violations of DETC's standards, policies, or code of conduct are as follows:

1. After the receipt of the complaint by DETC, all materials related to the complaint are forwarded to the Chair of the Accrediting Commission (unless the complaint is about him or her). If the complaint is about the Chair, the complaint and all materials are forwarded to the Vice Chair. (10/11)
2. After the receipt of the complaint, the Chair or Vice Chair sends a letter to the complainant acknowledging receipt of the complaint and explaining the process the DETC will follow in investigating the complaint. (10/11)
3. Also after the receipt of the complaint, the Chair or Vice Chair reviews the complaint and decides whether any additional information is needed from the complainant, the DETC Evaluator, Commissioner, and/or DETC staff before the complaint can be considered. If so, the Chair or Vice Chair requests that the information be provided to the Chair within **30** days. If the requested information is not received within the specified timeframe, the complaint may be considered abandoned and may not be investigated by DETC. (10/11)

4. Within **30** days of receipt of all the information pertaining to the complaint, including the original complaint and any additional information, the Chair or Vice Chair convenes a conference call of the Executive Committee of the Commission to review the complaint. The Executive Committee will not complete its review and make a decision regarding the complaint unless it ensures that the Evaluator, Commissioner or staff member has had sufficient opportunity to provide a response to the complaint. *(10/11)*
5. After review of the complaint and the response by the person named in the complaint, the Executive Committee summarizes its findings and presents those to the full Commission at its next regularly scheduled meeting, at which time the Commission reviews the matter and reaches a final decision. If, however, the Executive Committee determines that the matter is of such urgency that it must be discussed and decided immediately rather than await the next Commission meeting, the Chair will schedule a conference call of the full Commission as soon as possible so that the Commission can review the matter and reach a final decision. *(10/11)*
6. The Commission can make a decision using its best judgment on what action it wishes to take in cases where it has determined that there has been a violation of DETC standards, policies or code of conduct. The action may include personal admonishment, letter of reprimand, or termination.
7. The Chair or Vice Chair notifies the person to whom the complaint was about of the Commission's final decision within **30** days of the close of the Commission meeting (or conference call) and if any follow-up is required. *(10/11)*
8. The Chair or Vice Chair notifies the complainant in writing of the Commission's decision within **30** days of the close of the Commission meeting (or conference call) during which the complaint was reviewed.

A record of the complaint and all documenting materials, and the action letter is kept on file at the DETC offices in accordance with document retention policies and procedures. *(10/11)*

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