

## Policy on Complaints Against an Institution or Accredited Program

Complaints from individuals, institutions or programs, or agencies regarding an institution's or program's significant noncompliance with ABHE Standards, policies, or procedures will be submitted in writing to the Director, Commission on Accreditation at 5850 T.G. Lee Blvd., Suite 130, Orlando, FL 32822. The complaints will be handled by the Director, Commission on Accreditation in accordance with the Policy on Complaints Against an Institution or Accredited Program. The nature of these complaints, method of handling, and disposition will be included in the Director, Commission on Accreditation's report to the Commission on Accreditation.

Occasionally, the Commission on Accreditation or its staff receives anonymous complaints regarding an institution that holds standing with the Commission on Accreditation. While anonymous complaints are reported to the appropriate subcommittee of the Commission on Accreditation, in the absence of a pattern of such complaints, no action is taken unless directed by the committee.

The Director, Commission on Accreditation will consider complaints from named individuals, institutions, or agencies regarding an institution's or program's noncompliance with ABHE Standards, policies, or procedures only when such allegations are substantiated with proper documentation and when such allegations are deemed to endanger the purposes and objectives of the member institution or program. (Allegations are deemed to seriously affect the purposes or objectives of an institution or program when they relate to the educational quality of its offerings or its probity in dealing with the public.) The Commission on Accreditation may make inquiry concerning such individual complaints to ascertain whether such a potentially adverse condition exists.

Since this complaint procedure is intended only to relate to substantial non-compliance with the ABHE standards, policies, or procedures, it is not to involve ABHE in disputes between individuals and member institutions, or to place ABHE in the position of reviewing individual cases of admission, grades, granting or transferability of credits, application of academic policies, fees or other financial matters, disciplinary matters or contractual rights and obligations. ABHE also will not serve as a grievance panel when the outcome of institutional grievance or appeal processes is unsatisfactory to the complainant unless it is clear that the unsatisfactory result violates ABHE Standards, policies or procedures.

### Step One

When a complaint is received by the Director, Commission on Accreditation, the following actions will be taken within 45 working days:

1. The individual filing the complaint (the complainant) is advised of this Policy on Complaints Against an Institution or Accredited Program and is asked to provide a concise, clear statement relating to the complaint, including a summary of any institutional/programmatic complaint process attempted, and also provide any documentation deemed necessary to support the complaint.
2. Upon receipt of a written statement, the Director, Commission on Accreditation will review, within 45 working days, the complaint and supportive documentation to determine if sufficient documentation is provided. He will also investigate if the complainant has followed any

institutional appeals procedures regarding the complaint. If not, the complainant may be required to follow such procedures before any further action is taken by the Commission on Accreditation.

3. When the complaint has been sufficiently documented, the Director, Commission on Accreditation will, within 45 working days, notify the chief executive officer of the institution against which the complaint and supporting documentation has been directed. The chief executive officer will receive a copy of the complaint and will be requested to reply in writing within thirty (30) days of the date of notification.
4. Upon receipt of the response from the chief executive officer of the institution, the Director, Commission on Accreditation will compare the two presentations regarding the complaint (one from the complainant and one from the institution). When appropriate, the Director, Commission on Accreditation will, within 45 working days, advise the complainant and the institution as to possible resolution of the complaint.

In the event that the resolution suggested by the Director, Commission on Accreditation is not acceptable to one or both parties, the complaint will, within 45 working days, be referred to the appropriate Commission on Accreditation committee, if requested by the dissatisfied party. In such cases, both the complainant and the institution are notified of the referral.

### **Step Two**

In the case of a referral to the Commission on Accreditation committee, the following procedure is utilized for the resolution of the complaint.

1. The Commission on Accreditation committee will review the documentation presented by both parties. Any supplemental information will be included in this review. The recommended resolution of the Director, Commission on Accreditation and subsequent response of the complainant and the institution will also be part of the review material.
2. The Commission on Accreditation committee will initially attempt to resolve the complaint without the necessity of a hearing. At its next regular meeting, the Commission on Accreditation committee will make a determination as to its recommended resolution. Each party will have thirty (30) days to respond to the recommended resolution. If the institution has agreed to certain action as a result of the recommended resolution, these actions will be made known to the Commission on Accreditation committee upon the finalization of those actions.

If the proposed resolution recommended by the Commission on Accreditation committee is unsatisfactory to one or both parties, the dissatisfied party(ies) may request a hearing for the purpose of resolving the complaint. Upon receipt of such a request, the Director, Commission on Accreditation will begin efforts to organize a panel for the purpose of hearing the complaint.

### **Step Three**

The panel will be normally be comprised of five persons, three of whom will be appointed by the Director, Commission on Accreditation. The Director will choose three persons from among current or former Commissioners and/or senior team evaluators. He will select one of the three to be the chair of the hearing panel. Both the institution and the complainants will be offered an opportunity to nominate one

panelist each to represent their respective interests. In order to be confirmed, the nominated panelists must **agree to sign the confidentiality agreement attached to this policy.**

The panel will conduct a special meeting for the purpose of resolving the complaint. The panel chair will conduct the meeting and will have the power to limit the testimony of any witnesses. Each party to the complaint may be represented at the hearing by whomsoever it chooses. The party requesting the hearing will bear the entire cost of the hearing.

1. Upon the conclusion of a hearing between the complainant and the institution, the hearing panel may choose to:
  - (a) recommend a final disposition to both parties; or
  - (b) recommend an institutional visit to review the allegations of the complainant. The visit will be conducted by a team of three evaluators from member institutions/ programs. The Director, Commission on Accreditation will provide the names of these evaluators from a pool of persons experienced in making institutional visits. The institution has the right to reject any member of the proposed panel of evaluators.

The procedure of this evaluation team will be to review the process for the complaint prior to the review. The team will make an institutional visit to determine the nature of the complaint, the facts surrounding the complaint, and make inquiry of individuals, records, and evidence that may exist at the institution concerning the complaint.

The team may also make inquiry of the complainant regarding the facts, nature, and records related to the complaint. The evaluation team will advise the hearing panel of its findings. The hearing panel will take final action upon receipt of the recommendations of the team.

The hearing panel may require an institution or an individual party to take corrective steps, and it may include publication of findings concerning an institution, the program, or individual party. The hearing panel will establish the deadline for corrective action. In these cases, the institution will submit a report to the hearing panel concerning its actions. The panel will review this report and take whatever action that it deems necessary at that time.

Failure to follow the recommendations of the hearing panel will cause that institution or program to be reviewed by the Commission on Accreditation regarding the institution or program's accredited status.

Upon completion of all phases of the complaint review process, the hearing panel action will be considered final for both parties.

## Costs

When special hearings are requested or an institutional or programmatic review is recommended, all related costs are to be borne by the complainant. Complainants will be required to post a \$5,000 bond with the Commission on Accreditation pending a decision regarding the complaint. Should an institution or program be found at fault in a complaint, it will be required to reimburse the complainant for all expenses in the processing of the complaint. When the fault cannot be clearly determined, the costs will be assessed at the discretion of the hearing panel.

Adopted October 1982, Revised October 1997; November 2007, February 2011, November 2011