

## **Complaints Involving Member and Candidate Institutions**

*Effective Date: August 3, 2018*

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### **I. Purpose**

This policy defines the purpose and scope of the Middle States Commission on Higher Education's procedures to review complaints involving its member institutions.

### **II. Statement of Policy**

The Middle States Commission on Higher Education recognizes the value of information provided by students, employees, and others in determining whether an institution's performance is consistent with the Commission's standards and expectations for accreditation. The Commission's interest also is in assuring that member institutions maintain appropriate grievance procedures and standards of procedural fairness and that procedures are followed appropriately.

Individuals can submit at any time a complaint regarding an institution's compliance with Commission Requirements of Affiliation, standards, or policies or regarding an institution's compliance with its own policies or procedures. Individuals interested in submitting information regarding an institution's accreditability to be considered during an upcoming accreditation review should follow the Commission's policy on *Third-Party Comment*. The Commission reserves the right to review incoming complaints under either policy as appropriate to the circumstances.

The Commission's complaint procedures are created to address non-compliance with the Commission's standards for accreditation, requirements of affiliation, policies or procedures, or the institution's own policies or procedures.

Matters outside of the Commission's purview include disputes between individuals and affiliated institutions about admission, grades, granting or transferability of credits, application of academic policies, fees or other financial matters, disciplinary matters, contractual rights and obligations, personnel decisions, or similar matters. In addition, the Commission does not involve itself in collective bargaining disputes.

The Commission does not seek any type of compensation, damages, readmission, or any other redress on an individual's behalf. The Commission does not respond to, or take action on, any complaint or allegation that is defamatory, hostile, or contains profanity.

The Commission expects individuals to attempt to resolve the issue through the institution's own published grievance procedures before submitting a complaint to the Commission. Therefore, the Commission's practice is not to consider a complaint which is currently in administrative proceedings, including institutional proceedings, or in

litigation. However, if the Commission determines that the complainant raises issues which are so immediate that delay may put the institution's accreditation in jeopardy, or delay has the potential to cause harm to students or the campus community, the Commission may, at its discretion, choose to proceed with the review.

Because of the need for information to be current, except in extraordinary circumstances, the Commission will not consider complaints if two years or more have passed since the complainant initiated the institution's grievance procedure.

The Commission will not accept anonymous complaints, nor will it act on complaints that are submitted by an individual or agency on behalf of another individual. The Commission will neither accept nor discuss complaints via the telephone.

### **III. Procedures**

The following procedures will be followed for all complaints received by the Middle States Commission on Higher Education.

- All complaints must be submitted online using the Commission's official [Complaints and Third Party Comment Form](#). Complaints submitted without this form completed in its entirety will not be reviewed.
- The complaint and all related materials, including accompanying evidence, must be submitted in English.
- The complaint should identify the specific Commission standards for accreditation, requirements of affiliation, policies and procedures, or institutional policies or procedures that have been allegedly violated.
- The complainant should identify any steps already taken to resolve the complaint within the process provided for by the institution.
- The Commission staff will acknowledge receipt of all complaints within 15 business days. The Commission recognizes the importance of timely resolution of complaints as promptly as feasible.
- The Commission will not act on anonymous complaints submitted to the Commission. The Commission considers all complaints to be confidential between the complainant and the Commission until such time as written permission for disclosure is received from the complainant or unless otherwise compelled by a court of law. Because the Commission cannot guarantee the confidentiality of the complainant once the institution is contacted, the Commission will not contact the institution concerning the complaint until such permission is received. However, the Commission cannot proceed with its review unless the institution is permitted to see the complaint and to respond to specific charges regarding its compliance with accreditation requirements or its own policies or procedures.
- If the complaint is not within the purview of the Commission, the Commission will notify the complainant. If it is not clear whether the complaint appears to be within the purview

of the Commission, the complainant will be contacted for further information or documentation in order to determine the status of the complaint.

- If the complaint appears to be within the purview of the Commission, the assigned staff will contact the complainant regarding the Commission's consideration of the complaint, seeking further clarification or support of the complaint in order to consider the complaint fairly.
- The Commission will then ordinarily forward a copy of the complaint to the principal administrative officer of the institution and request an institutional response. The institution is asked to respond to the Commission regarding the complaint within 30 business days after the Commission mails a copy of the complaint and related materials to the institution. In consideration of the circumstances of or issues raised in the complaint, the Commission may, on occasion, request a response within a shorter period. In its letter to the institution, the Commission will provide the specific date by which the response must be received.
- If an institutional response is not received by the Commission within the requested time period, or if the Commission does not consider the institutional response to have satisfactorily demonstrated compliance, or if the Commission otherwise concludes that a violation of the Commission's standards for accreditation, requirements of affiliation, or policies and procedures, or institutional policies or procedures may have occurred, the Commission may initiate further proceedings as the circumstances warrant, including initiation of proceedings which may result in an adverse accreditation action.
- If the institution is found out of compliance, the President of the Commission places the matter on the agenda of the Executive Committee for its determination as to the future course of action. If a complaint prompts action by the Commission, it is placed in the institution's file in the Commission office and is shared with the next evaluation team. All complaint records are maintained in the Commission office.
- If the Commission determines that the institutional response satisfactorily addresses the issue(s) raised in the complaint, or if the Commission is otherwise satisfied upon its own review that no violation of the Commission's accreditation standards, requirements of affiliation, or policies or procedures has occurred, or that no violation of the institution's policies or procedures has occurred, the matter will be considered closed.
- The Commission will attempt to notify the complainant and the institution of the results of the review in writing within 15 business days after the institution has submitted its response.

The Commission will not be responsible for delays in the complaint review process resulting from failure of the complainant to provide required information in a timely manner.

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Related Documents: *Third Party Comment; Complaints Against the Commission*

Federal Regulations: 34 CFR Part §602.23(c) The Secretary's Recognition of Accrediting Agencies