

Complaints and Third Party Comment

Accreditation by the Senior College Commission of the Western Association of Schools and Colleges represents the Commission's judgment that an institution is satisfactorily achieving its mission and educational purposes and that it meets or exceeds the Commission's standards of quality, integrity, and effectiveness. The Commission values information provided by students, employees, and others in determining whether an institution's performance is consistent with the Standards of Accreditation and Commission policies and procedures. The Commission's interest also is in ensuring that member institutions maintain appropriate grievance policies and procedures and that these are reasonable, well publicized, and administered fairly and consistently. The Commission requires, in accord with federal regulations, that each institution maintain records of complaints and grievances and that these records be made available to the Commission upon request. Records of complaints filed under the institution's complaint procedures are to be retained by institutions at least as long as the time period between Capacity and Preparatory Reviews; usually seven to ten years.

The Commission has two established means for receiving comments from students, employees and members of the public about its member institutions: (1) complaints and (2) third-party comment. Individuals are encouraged to review this Complaint Policy and the Third-Party Comment Policy in order to better understand which policy serves their needs. As a general rule, complaints are written by employees and students who have grievances that draw into question the member institution's adherence to one or more Commission Accreditation Standards or Policies. Third-party comment, on the other hand, tends to consist of more general comments of a substantive nature about a member institution. Individuals interested in submitting information regarding an institution's accreditability to be considered during an upcoming accreditation review should follow the instructions for Third-Party Comment.

(1) COMPLAINTS

A. Complaints Involving Member Institutions

The procedures for processing a complaint are formal and specific. They require, for example, that individuals filing complaints identify themselves and agree to allow their identities to be disclosed to the institution. The procedures for processing third-party comments are more general and depend on the nature and timing of the comment. In order to be processed as a complaint, the communication must satisfy certain conditions set forth below. The Commission reserves the right to review information under either policy as it determines to be appropriate for the given circumstance.

A person desiring to file a complaint (the "complainant") must satisfy the following seven criteria:

- (1) The complainant must answer fully all of the questions on the Complaint Form (See www.wascsenior.org/wasc for a copy of the Complaint Form). These questions include indicating the identity, address, and phone number of the complainant. The Complaint Form must be signed by the complainant, indicating that he/she has read and understands the WASC complaint process.
- (2) The complaint must disclose the existence of a grievance against the member institution and must further indicate that the institution dealt with the situation giving rise to the grievance in a manner that draws into substantial question the institution's compliance with a Commission Accreditation Standard or policy. The mere fact that the institution ruled in a manner that was adverse to the complainant does not raise a question as to whether a Commission Standard or policy has been violated.
- (3) A complaint must be properly documented and provide supporting evidence or documentation beyond general allegations.
- (4) The complainant must have attempted to resolve the underlying grievance with the institution prior to the filing of a complaint with the Commission. The complainant must indicate

on its face that a serious effort to resolve the grievance was made prior to the filing of the complaint.

(5) Ordinarily, the Commission will not investigate complaints where (1) the matter is currently in administrative proceedings, (2) litigation has been commenced, or (3) the matter involves criminal conduct by the complainant. For this reason, the complainant must confirm (page 3 on the Complaint Form) that none of these circumstances is present. However, in extraordinary circumstances, when it is determined in the preliminary review of the complaint by Commission staff 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 to the campus community, the Commission may, at its discretion, choose to proceed with the review of the complaint. Alternatively, if litigation has been commenced but the complainant and the member institution execute the Form Litigation Agreement, in which both agree not to involve the Commission's investigation in the litigation, the Commission will proceed to process the matter as a complaint if all other criteria have been satisfied (See Form Litigation Agreement on the WASC website).

(6) The complainant must agree that his or her identity and the nature of his or her grievance may be shared with the institution. In order to investigate a complaint, it is always necessary to share the particular grievance with the institution and obtain the institution's response to the complainant's allegations. This requires that the identity of the complainant and nature of the complaint be shared with the institution. The complainant should not reveal any fact or opinion to the Commission that he or she does not want to be shared with the institution.

(7) The complaint must be submitted in a timely manner. Because of the need for information to be current, except in extraordinary circumstances, the Commission will not consider complaints if one year or more has passed since the complainant completed the institution's grievance procedure.

The Commission is not in a position to mediate or resolve grievances. The Commission's complaint procedures are for the purpose of addressing significant non-compliance with the Standards of Accreditation and Commission policies. Thus, the Commission will not interpose itself as an adjudicatory or grievance-resolving body in individual matters of admission, granting or transfer of academic credit, grades, fees, student financial aid, student discipline, collective bargaining, faculty or staff appointments, promotion, tenure, contractual rights and obligations, and dismissals or similar matters. Nor does the Commission seek any type of compensation, damages, readmission, or any other redress on an individual's behalf. Furthermore, the Commission will not respond to, or take action on, any complaint or allegation that contains defamatory statements. The Commission's staff will investigate a complaint in order to determine whether it appears that a Commission Standard or Policy was violated and, if such in the case, it will take appropriate action within the range of options that are available to it under Commission Standards and Policies. Even when it appears that a Commission Standard or policy may have been violated, the Commission's action may not result in the complainant being offered a different result from the member institution. It is important to understand that the Commission's investigation is not intended to be used to obtain a reversal of an institution's decisions with respect to a complainant.

Procedures for Submitting and Processing Complaints

1. An individual may make an oral or electronic inquiry regarding complaint procedures or about issues and concerns that could be considered complaints; however, the Commission's response and its obligation to meet the procedures outlined here will begin only after the complainant submits a formal complaint using the WASC Complaint Form with accompanying documentation. The Commission will not act on anonymous complaints or on complaints submitted on behalf of another individual.
2. When a Complaint Form regarding a member institution is received, an assigned staff member acknowledges, in writing, receipt of the complaint within 30 business days. When a Complaint Form regarding a member institution is forwarded by another agency, that agency will receive a

copy of the acknowledgement.

3. The complainant must complete all applicable sections of the Complaint Form for the complaint to be reviewed. In completing the Complaint Form, it is the complainant's responsibility to do the following:
 - a. State the complaint in the clearest possible terms.
 - b. Describe the details and circumstances of the complaint. The narrative should state relevant and provable facts, moving beyond assertions and allegations to include the necessary information that will inform Commission staff in the review of the complaint.
 - c. List and include the documents that are in the complainant's possession and are necessary to support the veracity of the allegations in the closed complaint. The Commission expects substantial and sufficient documentation, but care should be taken that the materials are limited to and directly related to the reported case. Helpful documentation might include a copy of an institutional policy, relevant copy from the college Catalog, letters exchanged with the institution, learning agreements, etc.
 - d. List the steps taken to resolve the complaint, including relevant grievance and appeals processes, and describe the action taken by the institution to date. A copy of the institution's response to the complainant as a result of following the institution's grievance process should be included.
 - e. Acknowledge awareness that Commission staff will notify the institution of the complaint and will provide sufficient opportunity for the institution to respond to the complaint before the matter is concluded.
 - f. Attest that the matter in question (1) is not under litigation; (2) involved in an administrative proceeding; and (3) does not involve criminal conduct by the complainant.
 - g. Sign and date the complaint.
4. The Commission recognizes the importance of timely resolution of complaints as promptly as feasible, consistent with fairness to the complainant and the institution. After acknowledging receipt of the complaint, WASC staff will review the complaint within 30 business days to determine if it is within the scope of Commission policies and jurisdiction and if there is adequate documentation.
 - a. If the complaint is not within the purview of the Commission (does not meet all of the seven criteria listed above), Commission staff will notify the complainant and the complaint will be closed. Depending on the nature of the facts alleged, the matter may be treated as Third-Party Comment (See Policy on Third-Party Comment).
 - b. If it is not clear whether the complaint appears to be within the purview of the Commission, the complainant will be contacted in writing for further information or documentation in order to determine the status of the complaint. If the complaint is within the purview of the Commission, but the complaint has inadequate documentation, the complainant will be asked to provide further documentation. If the complainant fails to provide further documentation, the matter will be closed.
5. In those cases where there is sufficient substance to warrant further review, Commission staff will forward a copy of the complaint to the Accreditation Liaison Officer of the institution and request a response within 30 business days after receipt of the complaint. The Chief Executive Officer of the institution and the complainant will be copied on the letter to the institution. In consideration of the circumstances of, or issues raised in the complaint, the Commission may, on occasion, request a written response within a shorter period.

6. When the response from the institution is received, Commission staff will review the information provided by the complainant and the institution and will determine one of the following:
 - a. If the institutional response satisfactorily addresses the issue(s) raised in the complaint, or if the Commission is otherwise satisfied upon its review that no violation of the Standards of Accreditation, eligibility requirements, policies, or procedures has occurred, the complaint will be closed and the complainant and institution will be notified in writing.
 - b. The institution's response may be determined to have sufficient substance to warrant further review. The Commission staff member may undertake the review or a visiting team to the institution may be asked to investigate the matter further.
 - c. Where appropriate, a resolution may be suggested to the complainant and the institution, including recommendations for changes in policies or procedures related to the Standards of Accreditation and policies of the Commission.
 - d. If the 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 resolved the issue(s) raised in the complaint; or if the Commission otherwise concludes that a violation of the Commission's Standards, eligibility requirements, policies, or procedures may have occurred, the Commission may initiate further proceedings as the circumstances warrant, including the initiation of proceedings which may result in an adverse accreditation action. If the complaint raises issues regarding the noncompliance of an institution under Standard One on Institutional Integrity, the Commission may invoke its policy on "Summary Sanctions for Unethical Institutional Behavior."
7. The complainant and the institution will be notified of the Commission's determination regarding the complaint in a reasonably timely manner. In most cases, the complainant will be provided a copy of the institution's response. Every effort will be made to expedite any further review and/or final decision; however, it is not possible to guarantee a specific time frame in which the process will be completed. If further review is warranted, the time required to conduct the investigation may vary considerably depending on the circumstances and nature of the complaint.
8. If a complaint prompts action by the Commission, it is placed in the institution's file in the Commission office and may be shared with the visiting team at the next regularly scheduled institutional review. All complaint records are maintained in the Commission office for a period of ten (10) years.
9. The decision as communicated by the Commission staff liaison to the institution is final.
10. The Commission will process complaints as stated under this Policy, using good faith in its review. If during the processing of complaints, the complainant becomes abusive, threatening, or aggressive in communications with Commission staff or with anyone involved in responding to the complaint, the Commission reserves the right to suspend or terminate any further processing or action on the complaint. If the complaint process is terminated, such action is final and the case will not be reopened.

B. Complaints Against WASC

Individuals may file complaints against the Commission and its staff on matters about which they believe they have been personally aggrieved. This kind of complaint covers situations in which the complainant believes that WASC did not follow the procedures for processing a complaint against a WASC institution, as set forth above in this policy. The complainant may submit such a written complaint to the President/Executive Director of the Commission within 90 days of receipt of the letter from the WASC staff member concluding disposition of the complaint. The complaint should describe the matter

over which the individual claims to have been aggrieved specifically identifying what policy or procedure of the Commission was not followed. Concern that a Commission action was not in accordance with the complainant's desires is not grounds for a re-review of the earlier complaint. If the complaint against WASC relates to a complaint previously filed about a WASC-accredited institution and that complaint was handled by the President/Executive Director, the complaint will be forwarded to the Chair of the Commission. Accordingly, the President or Chair of the Commission will investigate the matter appropriately and respond within thirty (30) business days.

C. Retaliation Prohibited

Member institutions may not take retaliatory action against any individual who has filed a complaint with the Commission. Any allegation of retaliatory action will be immediately investigated by the Commission, and the Commission expects member institutions to cooperate fully in any such investigation. If the Commission finds that an institution has taken any form of retaliatory action in response to the filing of a complaint, the Commission will treat such action as a violation of Standard 1, Integrity. Under such circumstances, the Commission may invoke its policy on "Summary Sanctions for Unethical Institutional Behavior."

(2) THIRD PARTY COMMENT

The Commission for Senior Colleges and Universities (the "Commission") recognizes the value of information provided by students, employees, and others in determining whether an institution meets WASC Standards and complies with WASC policies. Therefore, the Commission invites the public to submit comments following the procedures outlined below.

A. Procedures for Filing Third-Party Comment

Anyone may file a third-party comment regarding an accredited or candidate institution. The names of institutions holding candidacy or accredited status with the Commission are updated regularly and posted on the Commission website, www.wascsenior.org. The Commission also posts a list of visits to be conducted during the current and following years including the dates of the on-site review.

At any point in time, any member of the public may use a third-party comment form, found on the WASC website, to provide general comments about an accredited or candidate institution. The Commission has established general procedures for filing a third party comment:

1. Third-party comments should be presented on the form that the Commission provides for this purpose (See www.wascsenior.org/wasc). This form includes a place for the commenter's name, mailing address, email address, and phone number. The Commission encourages commenters to identify themselves since it is often difficult to understand the context for the comment without this information. If the commenter chooses to not reveal his or her identity, the Commission staff may decide to disregard the comment. The third-party comment form asks the commenter to indicate if he or she is willing to have his or her identity shared with the institution. If the commenter indicates that his or her identity may not be shared with the institution, the Commission will make every effort to preserve the confidentiality of the commenter; however, depending on the nature of the comment and the circumstances, it may not be possible to determine the validity of the comment unless this information is shared with the institution. For this reason, the Commission staff may choose to disregard any comment that indicates that the commenter wishes not to have his or her identify shared with the institution.
2. All third-party comment must be in writing and include a clear statement describing the institution's performance in relation to the institution's compliance with the Commission's Standards of Accreditation or the Policies of the Commission (See www.wascsenior.org/wasc)

3. Substantive comments concerning the institution's performance in relation to Commission standards or policies should be accompanied by appropriate supporting documentation. Ordinarily, the Commission does not consider unsupported comments.

Third-party comments should be submitted to the address provided on the Third Party Comment Form.

B. Handling of Third Party Comments

Third-party comments are reviewed by Commission staff in accordance with the procedures specified above. Normally, no response is made to the commenter. If appropriate, staff may contact the commenter for clarification or additional information.

Commission staff will determine the appropriate handling of the comment which may include, but is not limited to: sending the information to the institution, with or without the commenter's name for its information or follow up; referring the information or a summary of issues to a future visiting team; holding the information in a file for future reference, or disregarding the information. If information is forwarded to a future visiting team, the team will be instructed to verify information contained in the comment with other sources in order to determine its validity.

C. Email Comments As Part of the Institutional Review Process

As a part of all site visits to institutions, the Commission establishes for a brief period of time a confidential email account to which any member of the institution's community may send comments about the institution. Using the confidential email account to communicate with the team is especially useful for students enrolled in distance education programs and off-campus sites and others who cannot meet with the team during visit activities scheduled for this purpose. Shortly before the visit, the institution is required to circulate the email address to the institutional community. Only the WASC visiting team has access to the email account. The account remains open only for a brief period time before the site visit and is closed at the end of the site visit.

Commenters using the email account are encouraged, as with third party comments above, to specify their name, position or relationship to the institution, and to substantiate any comments provided. Teams are under no obligation to respond to email comments received or to use the information in its review. As with all information provided to the team during the course of the visit, any comments received are treated as material that should be verified and is not to be used by the team without inquiry as to its validity and accuracy. Where appropriate, the team will ask the institution to provide additional information regarding any issues raised.

D. Retaliation Prohibited

Member institutions may not take retaliatory action against an individual who has filed third-party comment or complaint with the Commission. Allegations of retaliatory action will be investigated by the Commission, and the Commission expects member institutions to cooperate fully in such investigations. If the Commission finds that an institution has taken any form of retaliatory action in response to the filing of third-party comment or complaint, the Commission will treat such action as a violation of Standard 1 on Integrity and may invoke its policy on "Summary Sanctions for Unethical Institutional Behavior."

For further information, please contact the WASC office at www.wascsenior.org or call 510-748-9001.

Revised and approved by the Commission, 11/06/2009