



COMPLAINTS/GRIEVANCES

1.5. COMPLAINTS/GRIEVANCES

The following policies have been established by CSS to provide a professional, fair, and expeditious method of addressing complaints and grievances against member (candidate and accredited) institutions and the Commission itself. Each complaint is handled on an individual basis and is dependent upon the nature of the charges and the evidence presented. In all cases, a good faith inquiry shall be conducted to determine whether further investigation is warranted. The Commission shall investigate complaints for the purpose of addressing non-compliance with the Commission's policies, procedures, and/or Standards for Accreditation. The Complaints/Grievances policy does not constitute quasi-judicial procedures. At all time during the handling of complaints/grievances, Policy 1.6. on Conflict of Interest shall apply.

1.5.1. Definition of Complaints/Grievances

A complaint/grievance is defined as any formal notification provided to the Commission on Secondary Schools alleging non-compliance with Commission Standards for Accreditation, policies and/or procedures. A complaint may be brought against a member institution or the Commission on Secondary Schools by one or more parties including students, parents, institutional staff, state or federal agencies, vendors, another institution, or others. A complaint may also take the form of a lien, lawsuit, disciplinary action, negative action by another accrediting body or regulatory agency or board, or a decision of a criminal or civil court.

1.5.2. Initial Complaint/Grievance Requirements

All complaints/grievances shall be issued in writing to the Executive Director of the Commission, who may assign the complaint to a staff member for review. The complaint must be signed and must provide the name and mailing address of the complainant. The complaint must clearly state the nature of concerns and indicate any steps already taken to resolve the complaint. The complaint should identify the Standards for Accreditation, policies or procedures that have allegedly been violated. The complaint shall include supporting documentation or evidence that substantially supports the allegations.

1.5.3. Complaints/Grievances about Member Institutions

1.5.3.1. Nature of Complaints about Member Institutions: The Commission shall investigate complaints for the purpose of addressing non-compliance with the Commission's policies, procedures, and/or Standards for Accreditation.

1.5.3.2. Limits of Complaints/Grievances: CSS does not intervene on behalf of individuals or act as a court of appeal in minor matters of admissions, student grades, granting or transferability of credits, fees, disciplinary matters, collective bargaining, staff appointments and dismissals, or similar matters unless a specific complaint, in the Commission's opinion, is related directly and substantively to the quality or conduct of the educational program and to the CSS Standards for Accreditation. In no event does the Commission respond to, or take action on any allegations concerning the personal lives of individuals connected with its member institutions. It is the position of the Commission to deal only with the complainant and the institution, not with third parties,

in resolving the matter of concern. For this reason, third parties are not informed regarding the action of the Commission unless specifically requested to do by the institution so or unless covered by other Commission policies.

1.5.3.3. Executive Director Responsibilities Regarding Complaints About Member Institutions: The Executive Director shall act on behalf of the Commission, acknowledging, in writing, receipt of the complaint made about member institutions within 30 days. The acknowledgement letter also informs the complainant that it is assumed that s/he has exhausted the complaint/grievance procedures of the institution prior to submitting the complaint. A copy of the Complaint Certification Form is included with the acknowledgement letter to the complainant. This form attests that all institutional grievance procedures have been exhausted or that grievance procedures have not been followed due to reasons stated on the form. The complainant will be asked to respond within 30 days with the Complaint Certification Form and supporting documentation for the complaint. Uncertified, unsubstantiated complaints will not be processed.

It is the Executive Director's responsibility to make an initial judgment whether the complaint is within the scope of Commission policies, Standards for Accreditation, and jurisdiction. If the Executive Director deems the complaint to be outside the scope of the Commission policies, Standards for Accreditation, and jurisdiction, the complainant will be notified in writing of that decision and the reasons for it.

If the Executive Director deems the complaint to be within the scope of Commission policies, Standards for Accreditation, and jurisdiction, a copy of the complaint will be forwarded to the head of the institution who will be asked to respond to the complaint within 30 days of the date the complaint is sent to the institution.

1.5.3.4. Responsibilities of the Institution Regarding Complaints: Upon receipt of the complaint, the institution has 30 days to respond to the complaint. The institution must reply with documentation that indicates one of the following:

- a.) the complaint has been resolved;
- b.) the complaint is without merit with documentation to support this determination; or
- c.) the complaint has merit with documentation to demonstrate that changes are being made to eliminate such complaints in the future.

1.5.3.5. Commission Review: The Commission, or the Commission Executive Committee acting on behalf of the Commission, shall review the results of the Executive Director's investigation of the complaint/grievance to determine whether the complaint has merit and whether the institutional response is adequate. The review shall take place within 30 days of receipt of the institution's response to the complaint.

The Commission may issue one of the following decisions:

- a.) The complaint has been resolved.
- b.) The complaint has no merit.
- c.) The decision on the complaint is deferred until additional information can be gathered and/or a site visit can be conducted.
- d.) The complaint has merit and the institution is directed to make specific changes to ensure that the situation in question is rectified.
- e.) The complaint is of a serious nature and the institution is placed on probationary status.

f.) The complaint identifies such a serious ethical breach and the evidence is so compelling that the Commission severs its relationship with the institution. Both the complainant and the institution are notified in writing of the Commission's decision within 30 days of the decision.

1.5.3.6. Fact-finding Investigations: If the Executive Director deems that the complaint is within the scope of Commission policies, procedures, Standards for Accreditation, and jurisdiction, a fact-finding inquiry may be initiated. The inquiry may include seeking more detailed information from the complainant to substantiate the allegations and/or an onsite visit to the institution. Such investigations shall be made with the knowledge of and in conference with those concerned, including the institution in question. The institution shall assume any costs incurred for the fact-finding investigation. Findings will be reported to the Executive Committee or the full Commission for its consideration within 30 days of the completion of the fact-finding investigation. All investigations shall be conducted with proper attention to due process, and procedures shall be followed to protect the rights of all parties.

1.5.3.7. Confidentiality Regarding the Complaint: The Commission considers all complaints to be confidential between the complainant and the Commission, until such time as Complaint Certification Form is received from the complainant. The Commission will not contact the institution concerning the complaint until this form is received.

1.5.3.8. Right of Due Process: Should the Commission's deliberations lead to a recommendation for an adverse accreditation action, the institution may invoke the appeals procedures of MSCSS Policy 1.4, Requests for Reconsideration, Appeals and Due Process.

1.5.3.9. Issues of Serious Public Concern: The Commission and the staff have an important responsibility to recognize and act immediately in emergency situations. When it appears that the complaint is of such a serious magnitude that the health and safety of students are in danger, the complaint may be taken immediately to the Commission or the Commission Executive Committee for immediate resolution. When neither the Commission nor the Commission Executive Committee is available, the Executive Director may act on behalf of the Commission in response to such an emergency situation.

1.5.3.10. Actions by Other Accrediting Agencies: The Commission on Secondary Schools acts independently of other accrediting agencies in all matters. The Commission may, therefore, if it deems appropriate, consider a complaint that has been resolved, rejected, or is under investigation by another accrediting agency.

1.5.4. Complaints/Grievances against the Commission on Secondary Schools

1.5.4.1. Nature of Complaints about the Commission: To be considered a formal complaint against the Commission on Secondary Schools, a complaint must involve broader issues related to the policies and operation of the Commission.

1.5.4.2. Executive Director Responsibilities Regarding Complaints: The Executive Director shall act on behalf of the Commission, responding to each complaint made against the Commission within 30 days. The Executive Director shall report regularly to

the Executive Committee and the Commission on the nature and disposition of complaints against the Commission.

1.5.4.3. Issues Unresolved by the Executive Director: If a complaint filed against the Commission under the provisions of this policy are not resolved by the Executive Director, the Commission Chair shall designate one or more persons to review the handling of the complaint. The Commission shall review the report of the designated reviewer(s) and shall notify the complainant and the Executive Director of its response within 30 days.

1.5.4.4. Complaints/Grievances against the Executive Director of the Commission on Secondary Schools: If a complaint is filed against the Executive Director, the Commission Chair shall designate one or more persons to review the handling of the complaint. The Commission shall review the report of the designated reviewer(s) and shall notify the complainant and the Executive Director of its response, in writing, within 30 days.

1.5.5. Complaints/Grievances Policies against Postsecondary Institutions

1.5.5.1. Postsecondary, non-degree granting career and technology institutions shall establish and implement policies governing the fair and equitable handling of complaints and grievance by students. These policies shall be communicated to all concerned and published in the institution's publications provided to students.

1.5.5.2. The institution shall maintain records of all complaints and grievances by students and the resolution to all complaints and grievances for a period of five years.

1.5.6. Limits of Public Disclosure

Upon advice of legal counsel, the Commission retains the right to withhold public disclosure of information if potential legal action is involved in the complaint.

1.5.7. Legal Representation

When a complainant is represented by legal counsel, the complainant's attorney must allow the institution to submit material on its behalf in writing or the attorney will deal directly with the institution's legal counsel. The Commission on Secondary Schools staff will not communicate in oral or written form with attorneys on either side of an adversarial proceeding.

1.5.8. Records of Complaints

The Commission on Secondary Schools shall maintain complete records of complaints against member institutions and the Commission itself for a period of three years.

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