

Complaints and Third-Party Comments Policy

Accreditation by the WASC Senior College and University Commission (WSCUC) 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 (the Standards) and Commission policies and procedures. The Commission's interest is also 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 that each institution maintain records of complaints and grievances by institutional personnel or students, as well as the institution's processing of and response to such complaints and grievances, and that these records be made available to Commission representatives upon request. The above records of complaints and grievances filed in accordance with institution procedures are to be retained by the institution until the next scheduled comprehensive review so as to allow the review team an opportunity to review the records, as appropriate.

The Commission has established two means for receiving comments from students, employees, and members of the public about its member institutions: Complaints and Third-Party Comments.

1. Complaints must draw into question a member institution's adherence to one or more of the Standards of Accreditation or policies with adequate supporting materials. Complaints that meet this requirement will be shared with the subject institution and become part of a formal review process meeting the requirements of federal regulations (see 34 CFR 602.23(c)(1)).
2. Third-Party Comments, on the other hand, are more general in nature, may be submitted with limited expectation of confidentiality, and do not invoke a legally required procedure, permitting the Commission staff discretion regarding the manner in which such comments are processed. Individuals interested in submitting information regarding an institution's candidate or accreditation status to be considered during an upcoming accreditation or reaffirmation review should follow the instructions for third-party comments.

Statement on Retaliation

Member institutions may not take retaliatory action against an individual who has filed a complaint or third-party comment 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 a complaint or third-party comment, the Commission will treat such action as a violation of Standard 1, CFR 1.7, on Integrity and may invoke its policy on Summary Sanctions for Unethical Institutional Behavior (see 2013 Handbook of Accreditation, Part IV).

Policy Expectations

This policy is not intended to, nor does it create, an alternative process and forum for individuals aggrieved by an institution to seek resolution of their grievance in any manner. The Commission is not in a position to mediate or resolve grievances. The Commission's complaint and comment procedures are for the purpose of identifying and addressing institutional non-compliance with the Standards or policies. Thus, the Commission will not interpose itself as an adjudicatory or grievance-resolving body in individual matters between the institution and its employees, students, or other community members.

Further, the Commission does not and will not seek any type of compensation, damages, equitable remedy, readmission, or any other redress on an individual's behalf. It is important to understand that the Commission's investigation and ultimate action are not intended to be used to obtain a reversal of an institution's decisions with respect to a complainant's grievance or discipline, if any. The complaint and third-party comment process and any action taken as a result thereof is solely to ensure that the Commission's member institutions are operating in accordance with the Standards and policies. The collateral effects on a complainant or commenter under this policy to the extent caused by Commission action or action by Commission staff are purely incidental and not within the control of the Commission.

Procedures for Filing and Reviewing Complaints and Third-Party Comments

Information is provided on the specific procedures for filing a complaint against an institution or the Commission and its staff or for submitting a third-party comment.

Submitting and Processing Complaints Regarding an Institution

Complaints can be filed against accredited or candidate institutions. The procedures for processing a complaint with the Commission in accordance with the policy 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. In order to ensure a complaint is processed in accordance with these procedures, the submittal should satisfy certain conditions set forth below. Commission staff reserves the right to review information submitted in accordance with the complaint policy to determine if it qualifies as a complaint or as a third-party comment.

Criteria for Filing a Complaint Regarding an Institution

A person desiring to file a complaint (the complainant) is expected to:

1. Make an effort to use the options under the institution's published grievance procedure prior to the filing of a complaint with the Commission, if applicable to the subject matter of the complaint.
2. Complete the Complaint Form (available at <https://wascsenior.box.com/s/qlfs91c4lujckblp2puy>) to the best of his or her ability. These questions include indicating the identity, address, and contact information for the complainant. The Complaint Form must be signed by the complainant, indicating that he or she has read and understands the WSCUC complaint process.
3. Disclose the existence of any grievance against the member institution related to the complaint. Failure to disclose a relevant grievance by the complainant may call into question the credibility of the complainant's statements. The mere fact that the institution has ruled in a manner that was adverse to the complainant in a grievance process does not, by itself, raise a question as to whether a Standard or policy has been violated.
4. Provide or identify supporting evidence or documentation beyond general allegations.

5. Agree that the complaint, all supporting documentation, and his or her identity be shared with the institution. In order to investigate a complaint, it is always necessary to provide the institution with all complaint information to enable the institution to provide a complete response. This requires that the complaint, all supporting documentation, as well as the identity of the complainant 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.
6. Submit the complaint in a timely manner. Due to the need for information to be current, and except where the complainant provides updated information of a persisting matter of alleged institutional non-adherence to the Standards or policies related to the complaint, the Commission will not consider complaints if one year or more has passed since the event giving rise to the complaint occurred.

Investigation of a Complaint Regarding an Institution

Commission staff will investigate a complaint in order to determine whether it appears that a Standard or policy was violated and, if such is the case, the Commission will take appropriate action within the range of options that are available to it under the Standards and policies. Both complainant and the responding institution are expected to support all statements that are material to the complaint with documentation or other forms of supporting evidence. Commission staff maintains full discretion to disregard or judge the reliability of unsupported statements.

The complainant, institution and Commission agree to maintain the complaint and all related materials disclosed in accordance with this process in strict confidence and not disclose to any third-party unless such party has a need to know such information for the purpose of furthering the review set forth in the policy (e.g., consultants, representatives, Commission volunteers such as peer evaluators and Commissioners, etc.). This duty of confidentiality shall in no way restrict the Commission from complying with any lawfully issued subpoena, court order, or request for any such complaint or related materials by a federal or state agency or law enforcement authority.

Procedures for Submitting and Processing Complaints Regarding an Institution

An individual may make an initial 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 engage in the procedures outlined here will begin only after the complainant submits a formal complaint using the WSCUC Complaint Form. Commission staff reserves the right to discontinue communications with any potential complainant until a Complaint Form has been filed. Commission staff may choose not to review or act on complaints submitted anonymously. Complaints submitted on behalf of another individual will be treated as a complaint submitted by the person filing the complaint unless Commission staff believes that doing so would make review unnecessarily burdensome or impractical in which case Commission staff may choose not to process the complaint.

Below are the steps involved in submitting and processing a complaint:

1. The complainant should complete all applicable sections of the Complaint Form to increase the chances of a timely and complete review. In completing the Complaint Form the complainant is expected to:
 - 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 complaint.
 - i. Any documents supporting the complaint that are not in the complainant's possession should be identified with sufficient detail so as to allow Commission staff to issue a specific request for such documentation with the institution based on location and content.
 - ii. The Commission expects substantial and sufficient documentation, but a complaint submission should be limited to 50 pages or fewer and directly related to the institution's alleged noncompliance the Standards or policies. Helpful documentation might include a copy of an institutional policy, relevant copy from the institutional catalog, correspondence exchanged with the institution, learning agreements, and similar documentation.
 - d. List any steps taken to resolve the underlying matter of the complaint, including intra-organizational reporting or relevant grievance and appeals processes, as applicable, and describe the action taken by the institution to date. A copy of the institution's informal or formal response to the complainant as a result of following the institution's internal reporting or grievance process should be included if in complainant's possession.
 - 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 as to whether the matter in question (1) is under litigation; (2) is involved in an administrative proceeding before a state or federal agency; and/or (3) has been reported to law enforcement or an administrative agency.
 - g. Agree to maintain the complaint and all related materials disclosed in accordance with this process in strict confidence and not disclose to any third-party unless such information is requested pursuant to a lawfully issued subpoena, court order, government investigation, or the party to whom the information is being disclosed has a need to know such information for the purpose of furthering the review set forth in the policy.
 - h. Sign and date the complaint.
2. When a Complaint Form regarding a member institution is received, an assigned staff member acknowledges, in writing, receipt of the complaint within 10 calendar 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 Commission recognizes the importance of resolving complaints as promptly as feasible, consistent with fairness to the complainant and the institution. After acknowledging receipt of the complaint, Commission staff will review the complaint within 45 calendar days from receipt of the complaint to determine if it contains reasonably supportable allegations calling into question the institution's compliance with Commission Accreditation Standards or policies.

- a. If Commission staff determines that the complaint does not relate to the institution's compliance with the Standards or policies or the complainant is not reasonably capable under the circumstances of providing sufficient information for Commission staff to make such a determination and pursue further review, Commission staff will notify the complainant and the complaint will be closed. Depending on the nature of the facts alleged, Commission staff may alternatively treat the matter as a Third-Party Comment.
- b. Commission staff may contact the complainant for further information or documentation in order to make a determination regarding whether to proceed with investigation and review the complaint.
4. 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 45 calendar days of the institution's receipt. The complainant and the Chief Executive Officer of the institution will be copied on the letter to the institution. In consideration of the circumstances of, or issues raised in the complaint, Commission staff may, on occasion, request a written response within a shorter period.
5. 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 Commission staff is otherwise satisfied upon its review that no violation of the Standards or policies has occurred, the complaint will be closed and the complainant and institution will be notified in writing.
 - b. 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 and policies.
 - c. If the institutional response is not received by the Commission within the requested time period; or if the Commission staff otherwise concludes that a violation of the Standards or policies may have occurred, the Commission staff may refer the complaint to the Commission for further proceedings as the circumstances warrant, including but not limited to convening a review team and/or 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 (see 2013 Handbook of Accreditation, Part IV).
 - d. All complaint materials submitted by the complainant and the institution to WSCUC staff as well as WSCUC correspondence relating to complaints will be shared with the complainant and the institution.
6. The complainant and the institution will be notified of the determination by the Commission or its staff, regarding a complaint in a reasonably timely manner, normally within 45 calendar days from receipt of an institution's response absent the need for further inquiry, investigation or proceedings. 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. Timelines set forth for response, review and determination may be extended for reasons including, but not limited to, the need for further investigation. If further review is

warranted, the time required to conduct the investigation may vary considerably depending on the circumstances and nature of the complaint.

7. 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 review team at the next regularly scheduled institutional review.
8. The Commission decisions, communicated by Commission staff to the institution, are final.
9. The Commission will process complaints, 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 staff reserve the right to suspend or terminate any further communication with complainant. If the complaint cannot reasonably proceed in the review process without participation of the complainant, the complaint process will be terminated without the ability of the complainant to reopen.

Submitting and Processing Complaints Regarding the Commission and Its Staff

Individuals may file complaints against the Commission and its staff if they believe the Commission has failed to fulfill its responsibilities as set forth in its published materials or applicable regulations.

Procedures for Submitting and Processing Complaints Regarding the Commission and its Staff

Below are the steps involved in submitting and processing complaints against the Commission and/or its staff.

1. The complainant must submit the complaint in writing to the President of the Commission.
2. A complaint against the Commission regarding the results of a complaint review as described in the prior section must be submitted within 90 calendar days of receipt of the letter from the Commission staff member concluding the disposition of such complaint.
3. A complaint should specifically identify the alleged failure of responsibility by the Commission or its staff.¹
4. In the event the President does not believe s/he can review process the complaint in an unbiased and objective manner as required by 34 CFR 602.23, the President will forward the complaint and all relevant records to the Chair of the Commission for review and action as appropriate in accordance with the policy and regulatory requirements.
5. All complaints will be reviewed by the President or Chair of the Commission in a timely, fair, and equitable manner. The President or Chair will apply unbiased judgment and take follow-up action, as appropriate, based on the results of the review.
6. The investigation of any complaint shall be conducted and a formal response made within 30 calendar days of receipt unless the circumstances reasonably require a longer period to respond.

Submitting and Processing Third-Party Comments

The WSCUC Senior College and University Commission recognizes the value of information provided by students, employees, and others associated with member institutions in determining whether an institution meets the Standards or policies. The procedures for processing a third-party comment are more general than those for a complaint and depend upon the nature and timing of the comment. The Commission invites the public to submit comments following the procedures outlined below.

Procedures for Submitting and Processing Third-Party Comments

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 (available at www.wscuc.org/institutions). The Commission also posts the dates of upcoming reviews.

¹ In the event that a complaint against the Commission concerns the Commission's handling of a Complaint involving an institution, the complainant should be aware that the Commission may apply its professional judgment and the professional judgment of its peer reviewers in determining whether an institution complies with a Standard or policy.

The Commission has established the following procedures for filing a third-party comment:

1. Third-party comments must be presented on the Third-Party Comment Form (available at <https://wascsenior.box.com/s/hex2whv3qxyvymey3te5>). 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 not to reveal his or her identity, the Commission staff may decide to disregard the comment. The Third-Party Comment Form asks commenters to indicate if they are willing to have their 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 identity shared with the institution.
2. All third-party comments must be in writing and include a clear statement describing the institution's performance in relation to the institution's compliance with the Standards or policies (see <https://www.wscuc.org/>).
3. Substantive comments concerning the institution's performance in relation to the Standards or policies should be accompanied by appropriate supporting documentation. Ordinarily, the Commission does not consider unsupported comments.
4. If appropriate, staff may contact the commenter for clarification or additional information.
5. Commission staff will determine the appropriate course of review of and action on any comment which may include, but is not limited to:
 - a. Sending the information to the institution, with or without the commenter's name for its information or follow up;
 - b. Referring the information or a summary of issues to a future review team; if information is forwarded to a future team, the team will be instructed to verify information contained in the comment with other sources in order to determine its validity;
 - c. Holding the information in a file for future reference; or
 - d. Disregarding the information and taking no action.
6. Institutional responses to WSCUC inquiries regarding third-party comments are confidential and are not typically shared with the commenter.

Email Comments as Part of the Institutional Review Process

As a part of all site visits to institutions, the Commission establishes 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 WSCUC visiting team and WSCUC staff liaison have access to the email account. The account remains open only for a brief period of 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 the 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. Email comments submitted as part of an institution's site visit will not be processed in accordance with the processes identified for complaints or third-party comments. Submission of an email to the team does not constitute filing a formal complaint against an institution.

For further information regarding these procedures, please contact the WSCUC office by email at wascsr@wscuc.org or call 510-748-9001.

*Approved by the Commission, June 2006 Revised, February 2008
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