Student Complaint Procedures

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Background

The U.S. Department of Education (ED) promulgated *Program Integrity* regulations that require each state to have "a process to review and appropriately act on complaints concerning higher education institutions including enforcing applicable State laws" to be legally authorized by the state and eligible for Title IV funds.

In December, 2011, Texas's Office of the Attorney General issued an opinion stating that the THECB has authority, under Texas Education Code § 61.031, to promulgate procedures that comply with the ED's requirement. Subsequently, THECB proposed new Texas Administrative Code Title 19, Chapter 1, Subchapter E, Sections 1.110-1.120, Student Complaint Procedure. The rules were adopted by the Coordinating Board on October 25, 2012.

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Synopsis

The procedure begins with a student complaint that is filed with the THECB. The complaint may then be referred by the THECB to other agencies or entities as applicable to the nature of the complaint, or the THECB may handle the complaint itself.

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Student Complaint

- Student Complaint Form - § 1.110(6)
  - Required for filing a student complaint with THECB.
  - Available as hard copy or may be downloaded from THECB website
- Complaints Not Reviewed - § 1.113
  - Anonymous complaints, grade disputes, student organizations, litigated matters, religious programs, unauthorized institutions, tribal institutions, criminal matters
- Filing § 1.114
  - Via StudentComplaints@THECB.state.tx.us or U.S. Mail - § 1.114(b)
  - Additional Forms
    - FERPA Consent and Release - § 1.114(c)
    - Authorization to Disclose Medical Record Information - § 1.114(c)

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Complaint Referrals

THECB may refer a student complaint to another agency or entity for investigation and resolution. Such referral does not absolve THECB from having ultimate responsibility. THECB can refer a complaint to one of the following, as indicated:

- ✓ Office of the Attorney General of Texas, § 1.115(1)
  - ✓ Complaint implicating state consumer protection laws, such as fraud or false advertising
- ✓ University System, § 1.115(2)
  - ✓ Complaint pertaining to an institution within a particular university system

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Complaint Referrals

- Accrediting Agency, § 1.115(3)
  - Complaint regarding institutional issue of concern to accrediting agency's standards for its member institutions
  - Southern Association of Colleges and Schools, for example, and other THECB recognized regional, national, and professional accrediting agencies
- Educational Association, § 1.115(4)
  - Complaint regarding an institutional issue of concern to an educational association's standards for its member institutions
  - ICUT – Independent Colleges & Universities of Texas, Inc.

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THECB Complaint Investigation

- ✓ Prior to investigating a student complaint, THECB requires that the student exhaust all of the institution's grievance and appeal procedures. § 1.116(b)
- ✓ THECB will request a written response from the institution.
  - ✓ Will attach a copy of the student complaint
  - ✓ Institution has 30 days to respond

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THECB Complaint Investigation

- ✓ THECB may contact persons or entities named in the complaint. § 1.116(e)
- ✓ THECB will provide a copy of its policies and procedures relating to the investigation and resolution of complaints. § 1.116(f)
- ✓ THECB will notify the affected parties of the complaint's status. § 1.116(g)
  - ✓ Quarterly notifications

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THCEB Complaint File § 1.116(h)(1)-(6)

THECB will maintain a file on each student complaint form filed with the agency, to include:

- ✓ The name of the student complainant
- ✓ The date the complaint is received
- ✓ The subject matter
- ✓ The name of each person contacted
- ✓ A summary of the results of the review or investigation
- ✓ An explanatory reason the file was closed, if it was closed without further action beyond the investigation

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Complaint Resolution

- Informal Resolution
  - The goal of the THECB is to resolve student complaints informally, when appropriate, by facilitating a resolution that is mutually satisfactory between the complainant and institution.
- Resolution Recommendation to Commissioner
  - When an informal resolution is not feasible, THECB staff will recommend a course of action for final resolution to the Commission of Higher Education.
  - If complaint found to be meritless – recommend dismissal
  - If complaint found to have merit – recommend that the institution take a specific action to remedy complaint

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Complaint Resolution

- ✓ Written Determination by Commissioner
- ✓ Upon receiving THECB staff recommendation(s), the Commissioner for Higher Education will consider them and render a written determination.
  - ✓ If the complaint is found to be without merit – Dismissed
  - ✓ If the complaint is found to have merit –
    - ✓ May require specific actions to be taken by the institution to remedy the matter
    - ✓ May forward the complaint to the Board if it regards institutional integrity

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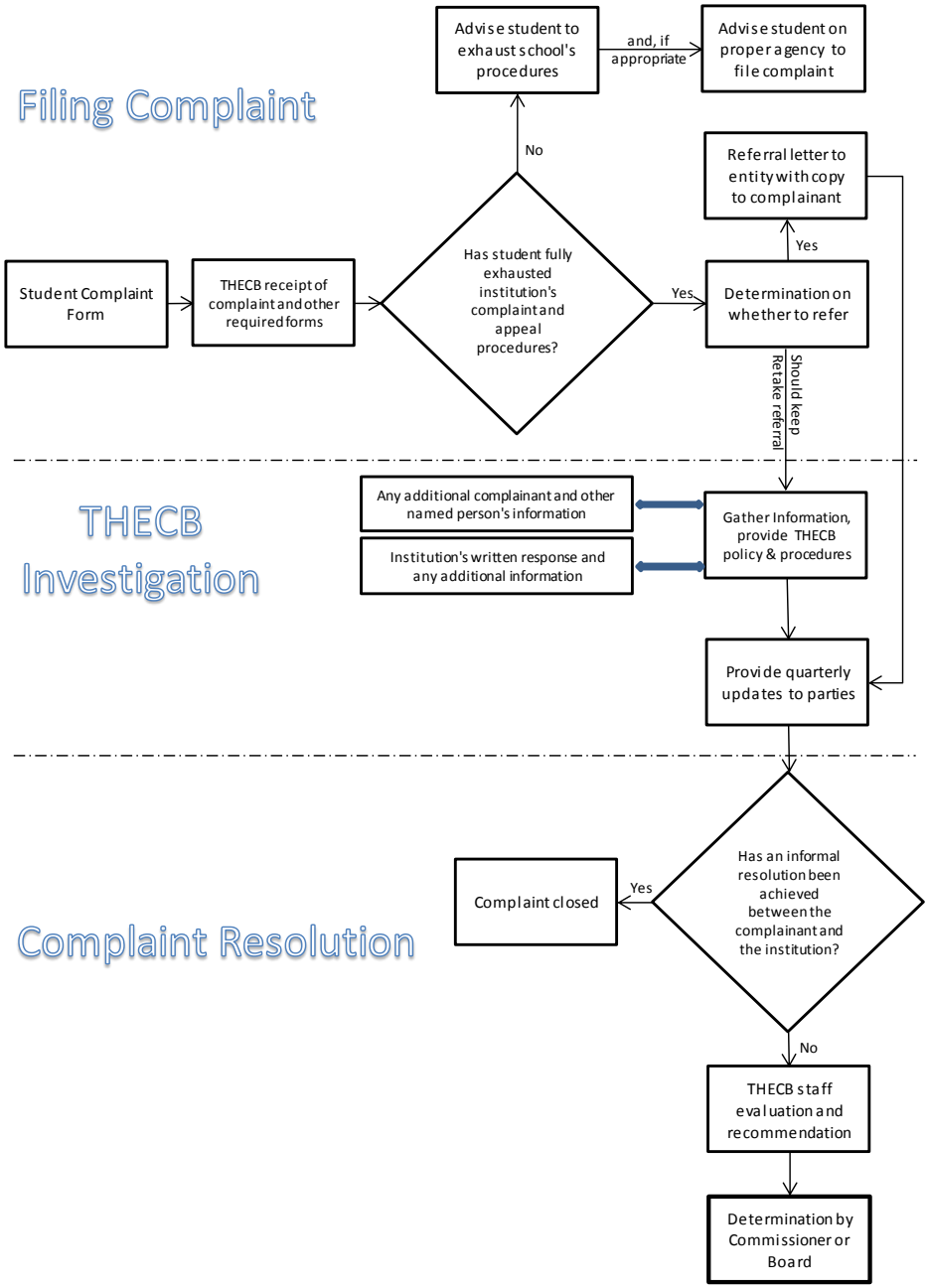
Community, State, & Technical College Liaison Meeting



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