



Middle States Commissions on Elementary and Secondary Schools
3624 Market Street, Philadelphia, PA 19104-2680
Telephone: (267) 284-5000 www.msa-cess.org

POLICY 1.5

COMPLAINTS AGAINST ACCREDITED AND CANDIDATE INSTITUTIONS AND THE COMMISSIONS ON ELEMENTARY AND SECONDARY SCHOOLS

This policy provides a professional, fair, and expeditious method of addressing complaints against candidate and accredited institutions and/or the Commissions on Elementary and Secondary Schools. Each complaint shall be handled on an individual basis and its resolution shall depend upon the nature of the allegations and the evidence presented.

- a. In all cases, a good faith inquiry will be conducted when it is determined that an investigation is warranted.
- b. This complaints policy does not constitute quasi-judicial procedures.
- c. Commissions Policy 1.6., Conflict of Interest, applies during the handling of all complaints.

1.5.1. Complaints against Accredited and Candidate Institutions.

1.5.1.1. A complaint is defined as any formal notification provided to the Commission(s) that alleges that:

- a. an accredited institution is not in compliance with the Commissions' policies, procedures, expectations for accredited institutions, and/or Standards for Accreditation.
- b. a candidate institution is not in compliance with the Commissions' policies, procedures, and/or Standards for Accreditation.

1.5.1.2. The Commissions shall investigate only complaints that meet these definitions.

1.5.1.3. A complaint may be brought against an accredited or candidate institution or the Commission(s) by one or more parties including students, parents, members of the institution's staff, state or federal agencies, vendors, another institution, or others.

1.5.1.4. 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. Requirements for Submitting a Complaint.

1.5.2.1. All complaints must be submitted in writing to the President of the Commissions.

1.5.2.2. Complaints must be signed by and include the name and mailing address of the complainant.

1.5.2.3. The complaint must clearly state the nature of the alleged failure to comply and indicate any steps already taken to resolve the complaint.

1.5.2.4. The complaint must identify the Standard(s) for Accreditation, expectation(s) for accredited institutions, and/or policy(ies) or procedure(s) of the Commissions that allegedly have been violated.

1.5.2.5. The complaint must include any documentation or evidence that supports the complaint.

1.5.3. Limits on Complaints against Accredited and Candidate Institutions.

1.5.3.1. The Commissions will not investigate or intervene on behalf of individuals or act as a court of appeal in 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 one or more of the Commissions' policies, procedures, expectations for accredited institutions, and/or Standards for Accreditation.

1.5.3.2. In no case will the Commissions respond to or take action on any allegations concerning the personal lives of individuals connected with accredited and candidate institutions.

1.5.3.3. In investigating a complaint, the Commissions shall interact only with the complainant and the institution against which the complaint is made, not with third parties. For this reason, third parties will not be informed regarding actions of the Commission(s) unless specifically requested to do so by the complainant or institution or unless directed to do so by other policies of the Commissions.

1.5.4. Actions of the Commissions Regarding a Complaint.

1.5.4.1. The President shall act on behalf of the Commissions by acknowledging, in writing, receipt of a complaint about an accredited or candidate institution within 30 business days of receipt of the complaint.

1.5.4.2. The acknowledgement letter shall include a statement that the Commissions assume that the complainant has exhausted the complaint procedures of the institution prior to submitting the complaint to the Commissions.

1.5.4.3. The acknowledgement letter will include the Complaint Certification Form. This form requires the complainant to attest that all of the institution's complaint procedures have been exhausted or that the complaint procedures have not been followed by the institution for reasons stated on the form.

1.5.4.4. The complainant will be directed to submit the Complaint Certification Form and supporting documentation for the complaint within 20 business days of receipt of the acknowledgement letter.

1.5.4.5. The Commissions will not investigate or take action on complaints that are not submitted on the Complaint Certification Form, are not signed by the complainant, and/or do not include name and mailing address of the complainant.

1.5.4.6. The Commissions shall treat all complaints as confidential matters between the complainant and the Commissions until such time as the Complaint

1.5.4.7. Certification Form is received from the complainant. The Commissions will not contact the institution concerning the complaint until this form is received.

1.5.4.8. Based on the information and documentation submitted on the Complaint Certification Form, the President shall make an initial judgment whether the complaint is within the scope of this policy and its jurisdiction. If the President deems the complaint to be outside the scope of the Commissions' policy and/or jurisdiction, the complainant will be notified in writing of that decision and the reasons for it.

1.5.4.9. If the President deems the complaint to be within the scope of this policy and/or the Commissions' jurisdiction and that sufficient information has been provided to warrant an investigation of the complaint, a copy of the complaint shall be forwarded to the head of the institution against which the complaint is being made with the requirement to respond to the complaint within 30 business days of the date the complaint is sent to the institution.

1.5.4.10. If the President deems it necessary for the purpose of determining the validity of the complaint, s/he may initiate a fact-finding inquiry. The inquiry may include seeking more detailed information to substantiate the complaint from the complainant and/or an onsite visit to the institution. Such investigations shall be made with the knowledge of and in consultation with those affected by the complaint, including the institution. The institution shall assume any costs incurred for the conduct 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.

1.5.5. Institution's Response to the Complaint. Upon receipt of the complaint, the institution shall respond to the appropriate Commission(s) within 20 business days. The response must state one of the following determinations:

- a. the complaint has been resolved;
- b. the complaint is without merit, and documentation to support this determination must be included; or

- c. the complaint has merit, and documentation to demonstrate that changes are being made to remedy the complaint and to eliminate such complaints in the future must be included.

1.5.6. President's Action on the Institution's Response. Upon receipt of the institution's response to the complaint, the President will determine whether the institution's response to the complaint is adequate to resolve the complaint. The President shall then submit a written report to the appropriate Commission including:

- a. The initial complaint;
- b. The institution's response to the complaint and any accompanying documentation; and
- c. A recommendation for the action the Commission(s) should take regarding the complaint.

1.5.7. Commissions' Action Regarding a Complaint. Upon receipt of the President's report on the complaint, the appropriate Commission(s) or the appropriate Executive Committee acting on behalf of the Commission(s) shall:

- a. Review the President's report. The review shall be completed within 30 business days of receipt of the institution's response to the complaint.
- b. The Commission(s) may issue one of the following decisions:
 - 1) The complaint has been resolved;
 - 2) The complaint has no merit;
 - 3) Action on the complaint is deferred until additional information can be gathered and/or a site visit can be conducted;
 - 4) The complaint has merit and the institution is directed to make specific changes to ensure that the complaint is resolved;
 - 5) The complaint is of a serious nature and the institution's accreditation status is changed to Probationary Accreditation. The notice will include the reasons for this decision and the specific actions then institution must take together with deadlines for taking such actions to have the Probationary Accreditation removed;
 - 6) The complaint identifies an ethical breach of the institution's obligations to the Commission(s) and its own stakeholders, and the evidence is so

compelling that the Commission(s) removes the institution's accreditation and its membership in the Middle States Commission on Elementary Schools and/or Commission on Secondary Schools.

- c. Both the complainant and the institution shall be notified in writing of the Commission(s)' decision within 30 business days of the date on which the decision was made. These notifications will be sent by certified mail, return receipt requested.

1.5.8. Right to Appeal. If the Commission(s) takes an adverse accrediting action, the institution shall be informed of its right to appeal the action in accordance with Commissions Policy 1.4, Appeals from Adverse Accrediting Actions.

1.5.8.1. Issues of Serious Public Concern. The Commission(s) and their staff have the responsibility to recognize and act in situations that are brought to their attention that present serious public concerns. When a complaint alleges issues that are of such a serious magnitude that the health and safety of students and/or members of the staff of an accredited or candidate institution might be in danger, the President will refer the complaint immediately to the Commission(s) or the appropriate Executive Committee(s) for immediate action. When neither the Commission(s) nor the Executive Committee(s) is available within a reasonable time, the President may act on behalf of the Commission(s) and take any action deemed necessary to respond to the complaint. Such actions may include but are not limited to contacting:

- The head of the institution;
- The institution's governing board and/or the head of the school system/corporation of which the institution is a component;
- The police department and/or district attorney in the community in which the institution is located.

1.5.8.2. Actions by Other Accrediting Agencies. The Commissions on Elementary and Secondary Schools act independently of other accrediting agencies in all matters. The Commission(s) may, therefore, if deemed appropriate, consider a complaint that has been resolved, rejected, or is under investigation by another agency that has accredited the institution or for which the institution is a candidate for accreditation.

1.5.9. Complaints against the Commission on Elementary Schools and/or Commission on Secondary Schools.

1.5.9.1. Nature of Complaints against the Commission(s). A complaint against the Commission on Elementary Schools and/or the Commission on Secondary Schools is defined as any formal notification provided to the Commission(s) that alleges that the Commission(s) is not in compliance with the Commissions' policies and procedures.

1.5.9.2. President's Responsibilities Regarding Complaints. The President shall act on behalf of the Commission(s) and acknowledge a complaint made against the Commission(s) within ten (10) calendar days of receipt of the complaint. The President shall notify the appropriate Executive Committee(s) and the Commission(s) immediately when a complaint against the Commission(s) has been received.

1.5.9.3. Issues Not Resolved by the President.

- a. If a complaint filed against the Commission(s) under the provisions of this policy is not resolved by the President to the satisfaction of the complainant within 30 calendar days of receipt of the complaint, the complaint shall be referred to the Chair of the appropriate Commission(s).
- b. The Chair shall appoint one or more members of the Commission(s) as a committee to investigate the complaint.
- c. The committee shall investigate the complaint and issue a report of its findings and recommendations to the Chair of the Commission within 30 calendar days of its appointment.
- d. The Commission(s) or the appropriate Executive Committee(s) acting on behalf of the Commission(s) shall review the report and make one of the following determinations:
 - 1) the complaint has been resolved;

- 2) the complaint is without merit; documentation to support this determination must be included or
 - 3) the complaint has merit; documentation to demonstrate that changes are being made to remedy the complaint and to eliminate such complaints in the future must be included.
- e. The Chair of the appropriate Commission(s) shall notify the complainant and the President of the Commission(s)' decision within 30 calendar days of the date on which the decision was made.
- 1.5.10. Complaints against the President of the Commissions on Elementary and Secondary Schools. If a complaint is filed against the President, the Chairs of the Commission shall designate an *ad hoc* committee of two or more Commissioners representing both Commissions to investigate the complaint.
- a. The committee shall investigate the complaint and issue a report of its findings and recommendations to the Chairs of the Commissions within 30 calendar days of its appointment.
 - b. The Commissions or their Executive Committees acting on behalf of the Commissions shall review the report and make one of the following decisions:
 - 1) the complaint has been resolved;
 - 2) the complaint is without merit, and documentation to support this determination must be included; or
 - 3) the complaint has merit, and documentation to demonstrate that changes are being made to remedy the complaint and to eliminate such complaints in the future must be included.
 - c. The Chairs of the Commissions shall notify the complainant and the President of the Commissions of the decision within 30 calendar days of the date on which the decision was made.

1.5.11. Complaints against Postsecondary Institutions.

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

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

1.5.12. Limits of Public Disclosure. Upon advice of legal counsel, the Commissions retain the right to withhold public disclosure of information if a complaint involves potential legal action.

1.5.13. Legal Representation. When a complainant is represented by legal counsel, the complainant’s attorney must permit the institution to submit material on its behalf in writing, or the complainant’s attorney must interact directly with the institution’s legal counsel. The Commissions on Elementary and Secondary Schools’ staff will not communicate orally or in writing with attorneys on either side of an adversarial proceeding.

1.5.14. Records of Complaints. The Commissions on Elementary and Secondary Schools shall maintain complete records of complaints against accredited and candidate institutions and the Commissions for a period of three years.

Action	Date	Notes
Initial Adoption	April 15, 2011	Adoption as a MSA-CESS policy; new policy for MSA-CES and revised policy for MSA-CSS
Revisions		