

## **CBHE POLICY ON COMPLAINT RESOLUTION**

### **Introduction**

In order for institutions of higher education to participate in the federal student aid programs authorized by Title IV of the Higher Education Act of 1965, an institution must be legally authorized to provide post-secondary educational programs within the state in which it is located. By rule promulgated by the U.S. Department of Education, part of this “state authorization” requirement is that the state must have “a process to review and appropriately act on complaints concerning the institution including enforcing applicable State laws ....” 34 C.F.R. § 600.9(a)(1). For its part, the institution must “provide students or prospective students with contact information for filing complaints with its accreditor and with its State approval or licensing entity and any other relevant State official or agency that would appropriately handle the student’s complaint.” *Id.* at § 668.43(b).

The Coordinating Board has determined that from the perspective of the institutions and of students and prospective students, it is preferable to have a simplified process with a central clearinghouse for addressing complaints rather than a complex matrix of contact points that might not cover every possible complaint and might also easily become outdated. Therefore, this policy sets out a process by which the Missouri Department of Higher Education will serve as the clearinghouse for complaints concerning colleges and universities authorized to operate in the State of Missouri, acting on those within its purview and forwarding those that are not to other entities for their appropriate action.

### **Complaints Not Covered**

Complaints concerning laws not applicable to a state institution of higher education are not covered by this policy. Complaints of criminal misconduct should be filed directly with local law enforcement authorities. Complaints relating to violations of Federal law should be filed directly with the Federal agency having cognizance over the matter in question (e.g., violations of the Family Educational Rights and Privacy Act with the U.S. Department of Education).

### **Exhaustion of Remedies at the Institutional Level**

Many issues fall within areas that generally are within the sole purview of an institution and its governing board. Examples include, but may not be limited to, complaints related to student life (such as, student housing, dining facilities, or student activities and organizations) and certain academic affairs (such as the assignment of grades). Moreover, issues or complaints are generally more speedily and appropriately resolved within the grievance channels available at the institution. Face-to-face discussion of the matter through open door policies or other informal means is the preferred starting point. Should that fail, the complainant should use formal dispute resolution mechanisms provided by the institution. Exhaustion of all informal and formal institutional processes, including both campus processes and any applicable system processes, is a prerequisite to filing any formal complaint with the MDHE pursuant to this policy.

### **Process**

If a mutually agreeable resolution cannot be reached at the institutional level, the student or prospective student may proceed with the MDHE’s formal complaint process. The complaint must be submitted in writing, using the MDHE complaint form available on the department’s website. It may be mailed or faxed to the department and should include any other supporting documentation. The MDHE will acknowledge receipt of the complaint, either in writing or by

email. Such acknowledgment, however, will not constitute a determination that the complaint addresses a law applicable to the institution or otherwise is a complaint covered by the policy. If there is no indication that institutional remedies have been exhausted, the complaint will be returned for that purpose.

**Filing a complaint pursuant to this policy cannot, and does not, extend or satisfy any statutory deadlines that may apply to filing particular complaints with any other state or federal agency having jurisdiction over such matters.**

Complaints that fall within the jurisdiction of the CBHE will be investigated and resolved as appropriate by the relevant unit of the MDHE. Complaints that fall within the jurisdiction of another State agency or are within the purview of an institution's accrediting body will be forwarded to that agency for appropriate investigation and resolution. The agency to which the complaint is forwarded will keep the MDHE apprised of on-going status and final disposition of the complaint. All parties to the complaint will be notified of its resolution by mail.

The MDHE will keep a log of all complaints and record the date received, the name of the complainant, the institution against which the complaint is made, a brief description of the complaint, the agency addressing the complaint, and the date and nature of its disposition.

**Note: Prior to initiating this formal process, complainants must first call the MDHE at 573-526-1577 to indicate their desire to file a complaint. At that time, the MDHE will ascertain whether the issue can be resolved through informal means and also determine whether administrative processes available within the institution of concern have been exhausted. If after that screening the complainant still desires to initiate a formal complaint, the MDHE will send the complainant the form to be filled out and returned for that purpose.**