



State of Rhode Island and Providence Plantations  
Council on Postsecondary Education  
**OFFICE OF THE POSTSECONDARY COMMISSIONER**  
560 Jefferson Boulevard Suite 100  
Warwick, Rhode Island 02886-1304

Enclosure 7b1  
December 2, 2015

**Barbara S. Cottam**  
Chair

To: Council on Postsecondary Education

**Council on Elementary and  
Secondary Education**

From: Commissioner Jim Purcell, Ed.D.

**Daniel P. McConaghy**  
Chair

Date: November 25, 2015

Re: Amendments to "Student Complaint Procedure"

Amy Beretta, Esq.

**Background:**

Colleen A. Callahan, Ed.D.

The State Authorization Reciprocity Agreement (SARA) is an agreement among member states, D.C., and U.S. territories that establishes comparable national standards for interstate offerings of postsecondary distance education courses and programs. SARA is overseen by the National Council for State Authorization Reciprocity Agreements (NC-SARA) and administered by four regional education compacts, with the New England Board of Higher Education (NEBHE) being the regional entity for Rhode Island. Once approved as a SARA portal agency, the OPC/CPE will have the authority and responsibility to resolve student and other complaints involving Rhode Island's SARA-approved institutions. As such, the current CPE student complaint procedure needs to be amended to reflect these responsibilities and comply with SARA requirements.

Karin Forbes

Jo Eva Gaines

Marta V. Martinez

Lawrence Purtill

Joyce L. Stevos, Ph.D.

**Council on Postsecondary  
Education**

**William Foulkes**  
Chair

**Summary of proposed amendments to "Student Complaint Procedure":**

Michael Bernstein

Specific application and wording of the revised procedure can be read in the attached amended "Student Complaint Procedure." Please note that Section I of the document remains substantially unchanged, with superficial editing only. Section II represents a substantial addition to the current CPE procedure to include the necessary SARA provisions.

Dennis Duffy, Esq.

The Honorable Thomas Izzo

Judy Ouellette

Kerry I. Rafanelli, Esq.

Following discussion of the proposed amendments to "Student Complaint Procedure" at the October 14<sup>th</sup> meeting, the Council may vote on the following motions:

John J. Smith, Jr.

Dr. Jeffery A. Williams

**Motions:**

1. THAT The Council on Postsecondary Education approve the proposed amendments to the "Student Complaint Procedure," as presented; and
2. THAT The Council on Postsecondary Education direct the Office of the Postsecondary Commissioner to make this procedure a mandatory part of all SARA-approved institutional agreements, and as such direct that the SARA-approved institutions provide notification to their students regarding this procedure.

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**COUNCIL ON POSTSECONDARY EDUCATION  
STUDENT COMPLAINT PROCEDURE**

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**SECTION I (Editorial Changes Only)**

**Summary of Program Integrity Rules**

The United States Department of Education Regulation 34 CFR 600.9, the “Program Integrity Rule,” as part of its state authorization provisions, requires states to provide a process for students to file complaints relating to programs offered by postsecondary educational institutions authorized under Title IV of the Higher Education Act of 1965, as amended. The specific types of complaints covered by these regulations are:

- Allegations of state consumer protection violations, including, but not limited to fraud and false advertising;
- Allegations that state laws or rules addressing the licensure of postsecondary institutions have been violated; and
- Allegations regarding the quality of education or other accreditation requirements.

In compliance with the Federal Program Integrity Rule, the **Council on Postsecondary Education (CPE) Rhode Island Board of Governors for Higher Education**, the University of Rhode Island, Rhode Island College, and the Community College of Rhode Island have listed the following alternatives for individuals who wish to submit complaints regarding URI, RIC, and CCRI, as well as the other institutions that are under the jurisdiction of the **CPE Board of Governors**. It is expected that any student complaint will be filed in accordance with any procedures currently in place at the student’s institution before resolution is sought from the **Office of the Postsecondary Commissioner (OPC) Board’s Office of Higher Education** or the institution’s accreditation body. In the absence of a specific procedure, the complaint should be filed with the institution’s President.

**Recommended Content of the Complaint**

Initial complaints should include the complainant’s full name, address, and contact information, including e-mail address and telephone number. Complaints should specify enrollment status- whether the student is a current, former or prospective student; and they should be specific in describing the nature of the complaint and relevant information: the name of the parties involved, including witnesses, dates, the name of the institution, the policy or procedure violated (if known), and contact information. Any supporting material that substantiates the complaint should also be included.

**Student Complaints Regarding the University of Rhode Island, Rhode Island College, or the Community College of Rhode Island**

*For complaints alleging consumer fraud:*

Commissioner of **Postsecondary Higher** Education  
RI Office of the **Postsecondary** Commissioner  
560 Jefferson Blvd.  
Warwick, Rhode Island 02886-1304  
401-736-1100

Written complaints and supporting documentation should be filed with the Commissioner of **Postsecondary Higher** Education at the ~~Rhode Island Office of Higher Education~~ **Office of the Postsecondary Commissioner**, and they will be reviewed accordingly. In addition, students or other

individuals with complaints involving an allegation of criminal activity will be referred to their campus police department, their local police department, or the Rhode Island State Police.

*For complaints regarding state licensing of postsecondary institutions:*

Commissioner of **Postsecondary Higher** Education  
RI Office of the **Postsecondary** Commissioner  
560 Jefferson Blvd.  
Warwick, Rhode Island 02886-1304  
401-736-1100

Written complaints and supporting documentation should be filed with the Commissioner of **Postsecondary Higher** Education at the ~~Rhode Island Office of Higher Education~~ **Office of the Postsecondary Commissioner**, and they will be reviewed accordingly.

*For complaints relating to quality of education or accreditation requirements:*

Commissioner of **Postsecondary Higher** Education  
RI Office of the **Postsecondary** Commissioner  
560 Jefferson Blvd.  
Warwick, Rhode Island 02886-1304  
401 736 1100

Written complaints and supporting documentation should be filed with the Commissioner of **Postsecondary Higher** Education at the ~~Rhode Island Office of Higher Education~~ **Office of the Postsecondary Commissioner**, and they will be reviewed accordingly.

*Complaints involving quality or accreditation requirements may also be filed directly with:*

New England Association of Schools and Colleges (NEASC)  
Commission on Institutions of Higher Education  
209 Burlington Road, Suite 201  
Bedford, Massachusetts 01730  
781-541-5413  
<http://cihe.neasc.org/information> for the public/comments and complaints

In addition, complaints involving programs at the institutions that are accredited by a specific accrediting entity may be filed with that accrediting entity.

The University of Rhode Island's accreditation documents may be viewed at:  
<http://www.uri.edu/assessment/accred.html>.

Rhode Island College's accreditation documents may be viewed at:  
<http://www.ric.edu/aboutric/accreditation.php>.

The Community College of Rhode Island's accreditation documents may be viewed at:  
<http://www.ccri.edu/acadaffairs/accreditation.html>.

For other types of student complaints involving URI, RIC or CCRI, pursuant to Rhode Island law, §16-59-4(3), the Rhode Island **Council on Postsecondary Education** ~~Board of Governors for Higher Education~~

may not intervene in the internal procedures of the university and colleges under its supervision (URI, RIC, and CCRI). As such, the Council's Board's review of such student complaints will be limited to a determination that the institution's internal complaint procedures have been utilized and followed, and that the institution has complied with its own applicable policies. Such review by the Council on Postsecondary Education Office of Higher Education will be summary in nature, and it will not involve the submission of any information or documentation that was not submitted at the institution level. Any student that has not yet used or completed the complaint processes available to him/her at their institution will be referred back to their institution. The Council Board, however, through its Office of the Postsecondary Higher Education Commissioner, does respond to complaints regarding allegations that raise significant questions about these institutions' compliance with the Board's policies and procedures, as well as compliance with Rhode Island and federal law.

Written complaints and supporting documentation should be filed with the Commissioner of Postsecondary Higher Education at the Rhode Island Office of Higher Education Office of the Postsecondary Commissioner, and they will be reviewed accordingly. In addition, students or other individuals with complaints involving an allegation of criminal activity will be referred to their campus police department, their local police department, or the Rhode Island State Police. Complaints involving allegations of discrimination will be referred to the institution's Affirmative Action Office and /or Rhode Island Commission for Human Rights (or the applicable federal EEOC office).

Before submitting a complaint, the student is encouraged to try to address and reconcile his/her complaint by meeting with the appropriate official(s) at their institution, or by initiating a review through his/her school's internal dispute resolution/complaint process and/or academic grievance procedure.

### **Student Complaints Regarding Degree-Granting Institutions and Proprietary Schools Operating in Rhode Island**

*Complaints regarding Brown University, RI School of Design, Providence College, Bryant University, Johnson & Wales University, Roger Williams University, Salve Regina University, and New England Institute of Technology*

The Rhode Island Council on Postsecondary Education Board of Governors for Higher Education does not supervise Brown University, RI School of Design, Providence College, Bryant University, Johnson & Wales University, Roger Williams University, Salve Regina University, or New England Institute of Technology. As such, any complaints regarding these specific institutions should be filed with those schools.

*Complaints Regarding Degree-Granting Institutions Authorized to Operate in Rhode Island by the Council on Postsecondary Education Board of Governors for Higher Education*

Complaints regarding degree-granting institutions authorized to operate in Rhode Island by the Council on Postsecondary Education Board of Governors for Higher Education are addressed in the same manner as student complaints regarding proprietary schools, and as described below.

*Complaints Regarding Proprietary Schools Operating in Rhode Island*

Student complaints regarding non-degree-granting proprietary schools are handled by the Office of the Postsecondary Commissioner Board of Governors through its Office of Higher Education.

*For complaints alleging consumer fraud:*

Commissioner of Postsecondary Higher Education

RI Office of the Postsecondary Commissioner  
560 Jefferson Blvd.  
Warwick, Rhode Island 02886-1304  
401-736-1100

Written complaints and supporting documentation should be filed with the Commissioner of Postsecondary Higher Education at the ~~Rhode Island Office of Higher Education~~ Office of the Postsecondary Commissioner, and they will be reviewed accordingly. In addition, students or other individuals with complaints involving an allegation of criminal activity will be referred to their campus police department, their local police department, or the Rhode Island State Police.

*For complaints regarding state licensing of postsecondary institutions:*

Commissioner of Postsecondary Higher Education  
RI Office of the Postsecondary Commissioner  
560 Jefferson Blvd.  
Warwick, Rhode Island 02886-1304  
401-736-1100

Written complaints and supporting documentation should be filed with the Commissioner of Postsecondary Higher Education at the ~~Rhode Island Office of Higher Education~~ Office of the Postsecondary Commissioner, and they will be reviewed accordingly. Complaints regarding programs that are also subject to approval by any other state agency will also be referred the applicable state agency (the RI Department of Health, for example).

*For complaints relating to quality of education or accreditation requirements **contact:***

Commissioner of Postsecondary Higher Education  
RI Office of the Postsecondary Commissioner  
560 Jefferson Blvd.  
Warwick, Rhode Island 02886-1304  
401-736-1100

Written complaints and supporting documentation should be filed with the Commissioner of Postsecondary Higher Education at the ~~Rhode Island Office of Higher Education~~ Office of the Postsecondary Commissioner, and they will be reviewed accordingly. The Office of the Postsecondary Commissioner Higher education will attempt to resolve the matter with the school and student; however, if it is unable to do so, the student will be referred to the school's accrediting agency.

All students and/or third-party individuals who file the above and other types of complaints with the Office of the Postsecondary Commissioner ~~Office of Higher Education~~ will be initially directed to follow the school's internal complaint procedure. If that procedure fails to resolve the complaint, the Office of the Postsecondary Commissioner ~~Office of Higher Education~~ will then refer the student and/or third-party individuals with complaints related to federal or state laws or regulations to the appropriate federal or state agency. In addition, students or other individuals with complaints involving an allegation of criminal and/or illegal activity will be referred to their campus police department, their local police department, or the Rhode Island State Police. Complaints involving allegations of discrimination will be referred to the institution's Affirmative Action Office and/or Rhode Island Commission for Human Rights (or the applicable federal EEOC office).

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SECTION II (Substantial additions associated with SARA application)

Regarding Degree-Granting Higher Education Institutions Approved by the Council on Postsecondary Education (CPE) and the Office of the Postsecondary Commissioner (OPC) to Provide Online Courses and Programs as Part of the Rhode Island State Authorization Reciprocity Agreement (RI-SARA)

Rhode Island has been accepted as part of the National Council for State Authorization Reciprocity Agreement (NC-SARA) through the New England Board of Higher Education (NEBHE).

The State Authorization Reciprocity Agreement (SARA) is an agreement among member states, D.C., and U.S. territories that establishes comparable national standards for interstate offerings of postsecondary distance education courses and programs. It is intended to make it easier for students to take online courses offered by postsecondary institutions based in another state. SARA is overseen by the National Council for State Authorization Reciprocity Agreements (NC-SARA) and administered by four regional education compacts, with the NEBHE being the regional entity for Rhode Island.

The Rhode Island Council on Postsecondary Education (CPE) and the Office of the Postsecondary Commissioner (OPC) are the Rhode Island portal agencies for NC-SARA and have the authority and responsibility to resolve student and other complaints about Rhode Island's SARA-approved institutions.

Complaint Resolution

Absent applicable law or policy establishing another remedy, the first step in resolving student or other complaints or grievances is to attempt to resolve the matter directly with the administration of the involved institution under established institution complaint or grievance procedures. Every Rhode Island institution (non-profit private, for-profit, and public) is required to establish, publish, and enforce policies related to redress of complaints and grievances as part of their RI-SARA approved distance learning programs. With limited exceptions, any Rhode Island in-state or out-of-state student or other person who contacts the OPC regarding complaints about RI-SARA institutions will be referred to the specific RI-SARA college or university official(s) responsible for resolving those matters.

In the event that the institutional processes do not result in a successful resolution of a RI-SARA complaint, the OPC is responsible for final resolution of any such complaints originating at any RI-SARA participant institution, public or private.

Conversely, if a Rhode Island resident attends a distance education program at a NC-SARA institution in another state, s/he will need to begin the grievance process at that institution. In the event that institutional processes do not result in a successful resolution of the complaint, the NC-SARA portal agency of that state is responsible for final resolution of the complaint in accordance with their state student complaint procedures and regulations.

With the exception of reporting fraud, waste, or abuse, the OPC does not review anonymous complaints or matters that are or have been in litigation, and does not conduct a judicial investigation or evidentiary hearing. The OPC may conduct a paper review, discuss the matter with the parties, and take other steps as may be appropriate in an attempt to resolve the complaint.

NC-SARA policies and standards, including those for consumer protection and the resolution of complaints, apply to interstate distance education offered by participating NC-SARA institutions to students in other NC-SARA states. *Complaints about a RI-SARA institution's operations are to be resolved under the RI-SARA provisions.*

In addition to dealing with alleged fraudulent activity, the OPC has consumer protection authority among RI-SARA institutions and authorizes OPC to investigate and resolve complaints that an RI-SARA institution is operating a course or program contrary to practices set forth in the *Interregional Guidelines for the Evaluation of Distance Education* when a program or course of study operates in such a way that a student is harmed. Examples of issues that may arise in regard to alleged fraudulent activity or more general complaints include, but are not limited to:

- a. Veracity of recruitment and marketing materials;
- b. Accuracy of job placement data;
- c. Accuracy of information about tuition, fees, and financial aid;
- d. Complete and accurate admission requirements for courses and programs;
- e. Accuracy of information about the institution's accreditation and/or any programmatic/specialized accreditation held by the institution's programs;
- f. Accuracy of information about whether course work meets any relevant professional licensing requirements or the requirements of specialized accrediting bodies;
- g. Accuracy of information about whether the institution's course work will transfer to other institutions; and
- h. Operation of distance education programs consistent with practices expected by institutional accreditors (and, if applicable, programmatic/specialized accreditors) and/or the *Interregional Guidelines for the Evaluation of Distance Education*.

### Complaint Resolution Processes

- a. Complaints against an institution operating under RI-SARA are first processed through the institution's own procedures for resolution of grievances. Institutions operating under RI-SARA are required to make their and RI-SARA's complaint resolution policies and procedures readily available to students taking courses under the institution's RI-SARA provisions.
- b. Complaints regarding student grades, examination results, and/or student conduct violations are governed entirely by the institution's policy and are therefore not subject to resolution through RI-SARA procedures.
- c. If a person bringing a complaint is not satisfied with the outcome of the institutional process for handling complaints, the complaint (except for complaints about grades or student conduct violations) may be appealed, within two years of the incident about which the complaint is made,

to the Rhode Island Office of the Postsecondary Commissioner (OPC). The resolution of the complaint by the OPC, through its RI-SARA complaint resolution process, will be final.

For submission of a complaint relating to a Rhode Island-based institution participating in the RI-SARA, please contact:

Office of the Postsecondary Commissioner  
560 Jefferson Blvd.  
Warwick, Rhode Island 02886-1304  
Phone: 401-736-1100

or online at <http://www.ribghe.org>.

After receiving a complaint through our complaint form, the OPC will review the submitted materials and contact the submitter for any required additional information or clarifications. The OPC will then send a copy of the complaint to the RI-SARA institution against which the complaint has been filed and ask for a response within three weeks.

After receiving the college or university's response, the OPC will determine whether the institution's student complaint process has been followed and exhausted and what additional steps or follow-up may be taken. The OPC will inform both parties involved in the complaint.

Students or other individuals with complaints involving an allegation of criminal activity will be referred to their campus police department, their local police department, or the Rhode Island State Police.

If you have additional questions about the complaint process, or want to clarify that your individual complaint is reviewable by the OPC, please feel free to contact the main office at (401) 736-1100 or online at <http://www.ribghe.org>.