POLICY ON FORMAL STUDENT COMPLAINT PROCEURES

Administrative Division	**Academics**
Policy Title	**Policy on Formal Student Complaint Procedures**
Administrative Office	**Provost's Office**
Effective Date of Policy	**03.13.20** **Amended Policy: 10.26.26**

Purpose
The Kansas Wesleyan University Formal Student Complaint Policy is available to students who wish to have a concern resolved regarding a university community process or person. The objective of the Kansas Wesleyan University Formal Student Complaint Policy is to resolve concerns as quickly and efficiently as possible, at the level closest to the student. A formal complaint should be filed during the semester of occurrence but no later than 60 days from the first day of the following academic semester.

In addition to FERPA obligations, Kansas Wesleyan University maintains safeguards consistent with the Gramm-Leach-Bliley Act (GLBA) Safeguards Rule for 'customer information' handled in the administration of student financial services (including Title IV federal student aid and related billing/financial assistance records). Records created or received under this policy may include personally identifiable information (PII) and, when related to financial aid or billing, GLBA-covered customer information. Such information must be collected, used, shared, retained, and disposed of in accordance with the University's Information Systems Program, data classification standard, and incident response procedures.

Implementation
The amended policy was revised on September 21, 2026 and is effective November 1, 2026.

Policy
WHAT IS CONSIDERED AN INFORMAL COMPLAINT
Student-generated hand-written or electronically-written (e.g., email, letters, etc.) complaints signed and dated by a student and provided to the Registrar's Office will be considered to be an informal complaint. All informal complaints will not be tracked.

Informal complaints may be provided via US mail, private (personal) email, KWU email, faxed, or hand-delivered. For the purposes of this policy, a student is defined as someone who is currently enrolled full- or part-time or who has recently been enrolled in the institution. If the informal complainant is someone who has not been enrolled during the previous two semesters or academic year, (or) must reapply for admission, or an alumnus who received a KWU degree or other award two or more years ago, will not be considered a student for the purposes of this policy. Informal complaints received from non-students will not be tracked

for the purposes of this policy, including non-student informal complaints that might relate to a Kansas Wesleyan University student(s) or representative(s).

WHAT IS CONSIDERED TO BE A FORMAL COMPLAINT

Kansas Wesleyan University (KWU) acknowledges any formal institutionally-recognized **petition** or **appeal** that requests a student (complainant) to set forth the facts, reasons, and evidence that is sufficient to support a claim against a KWU party or KWU parties as being a formal complaint. Formal institutionally-recognized forms are: 1) Petition to KWU Form **OR** 2) specified KWU Appeal Forms (e.g., Satisfactory Academic Progress Appeal Form, Financial Assistance Appeal Form, Grade Appeal Form, etc.). All formal complaints will be tracked.

Formal complaints may be provided via US mail, private (personal) email, KWU email, faxed, or hand-delivered. For the purposes of this policy, a student is defined as someone who is currently enrolled full- or part-time or who has recently been enrolled in the institution. If the formal complainant is someone who has not been enrolled during the previous two semesters or academic year, (or) must reapply for admission, or an alumnus who received a KWU degree or other award two or more years ago, will not be considered a student for the purposes of this policy. Formal complaints received from non-students will not be tracked for the purposes of this policy, including non-student formal complaints that might relate to a Kansas Wesleyan University student(s) or representative(s).

At their discretion, a Reporting Official may file a formal complaint on behalf of the student due to extenuating circumstances.

Types of formal complaints would include academic, non-academic, and harassment incidents.

Academic formal complaints/grievances are reported to the Registrar who will then forward to the appropriate reporting official. Information regarding the policies and procedures for students who wish to pursue academic complaints and grievances are detailed in the Academic Catalog. The Student Handbook, Teacher Education Handbook, and Nursing Education Handbook also contain procedures. Students who wish to pursue academic complaints and grievances should follow the prescribed policies and procedures outlined in the respective publication. Academic complaints/grievances include: academic continued probation, academic suspension status, accommodation grievances, accommodation request appeals, course conflict enrollment, dual credit enrollment deadline/late registration, grades, increasing course limits, KWU Online, library, re-admittance for suspension, teaching/instructor complaint, and transfer course appeal.

Non-academic formal complaints/grievances are reported to the Registrar who will then forward to the appropriate reporting official. Non-academic formal complaint categories are provided below.

> **Admissions formal complaints/grievances** include: admittance for suspension from another institution and admissions deadline/late acceptance.
>
> **Athletic formal complaints/grievances** include: athletic-related concerns and coaching/sport complaints.
>
> **Finance and Operations formal complaints/grievances** include: administrative drop for non-payment, billing/no-show billing, buildings/grounds/facilities (non-housing or non-residency).
>
> **Information Services formal complaints/grievances** include: electronic information/IT conduct/misuse.

Miscellaneous non-academic formal complaints/grievances include: academic conduct, dining, electronic information/IT conduct/misuse, housing, housing and/or dining buy-out, non-academic conduct, residency, and student clubs and/or organizations (institutionally recognized).

Program formal complaints/grievances include: program admission concerns.

Registrar formal complaints/grievances include: active duty withdrawal, add/drop deadline, course conflict enrollment, graduation application deadline, increasing course limits, medical withdrawal, transfer course appeal, and withdrawal deadline.

Financial Aid Office formal complaints/grievances include: academic and financial assistance reinstatement (satisfactory academic progress – SAP).

Harassment Incidents: Title IX incidents will be reported to the Title IX Coordinator (https://www.kwu.edu/wp-content/uploads/KWU-Sexual-Misconduct-and-Unlawful-Harassment-Policy-BOT-Approved-July-2020_0-1.pdf). Non-title IX incidents will be reported to Student Development.

Formal complaints/grievances are provided in the following publications as supporting documentation:

- Academic Catalog
- Student Handbook
- Nursing Department Handbook
- Teacher Education Handbook
- KWU Website

Any formal complaint regarding a Reporting Official or the President of the University should be submitted to the Title IX Coordinator.

Supporting KWU Documentation

Supporting Documentation	**Location**
KWU Website	https://www.kwu.edu/student-life/
Nursing Student Handbook	https://www.kwu.edu/academics/programs/undergraduate/nursing/
Policy on Sexual Assault, Harassment, & Other Forms of Sexual Misconduct*	https://www.kwu.edu/wp-content/uploads/KWU-Sexual-Misconduct-and-Unlawful-Harassment-Policy-BOT-Approved-July-2020_0-1.pdf
Student Code of Conduct*	https://www.kwu.edu/wp-content/uploads/Student-Dev-Student-Code-of-Conduct-Policy-Oct-2023.pdf
Student Handbook*	https://www.kwu.edu/wp-content/uploads/2026-27-KWU-Handbook.pdf
University Academic Catalog	https://www.kwu.edu/academics/registrar/course-catalogs/

*Printed copies may be obtained by contacting the Vice President for Student and Community Engagement.

Procedure

FILING A FORMAL STUDENT COMPLAINT

INFORMAL RESOLUTION
Initially, the student who is considering the submission of a complaint should attempt to resolve the concern directly with the appropriate faculty member, staff member, or student. If the complainant is not satisfied, or not willing to address the issue with the individual to whom the complaint is directed, a formal student complaint may be initiated.

FORMAL RESOLUTION

1. A student seeking a formal resolution needs to fill out all sections of the appropriate institutional form: *Petition to KWU Form* **or** *KWU Appeal Form* and send to the Registrar containing a brief narrative of the facts of the complaint. If a *Petition to KWU* form is submitted, please provide the appropriate evidence to support your claim. Please be sure to sign and date the *Petition to KWU Form* or *KWU Appeal Form* before submitting to the Registrar. Include your contact information (phone number, current mailing address: [house or apartment number, street, town, state, zip code], and email address) for future correspondence between the Reporting Official, Registrar and the complainant. Sensitive documents (including SSNs, tax forms, banking/payment information, financial aid award documentation, medical documentation, or government-issued ID copies) must not be submitted via unencrypted personal email or fax. The University will provide an approved secure submission method (secure upload/portal or institution-approved encrypted email). If a student submits sensitive information through an unapproved channel, staff must (a) move the information to an approved system promptly, (b) minimize further distribution, and (c) notify Information Systems/Compliance if exposure is suspected.
    - Complaints can be submitted by:
        - Mailing all required formal documentation to the appropriate Registrar at: 100 East Claflin Ave., Salina, KS 67401
        - Emailing all required formal documentation from your private (personal) email account to the Registrar.
        - ~~o~~ Delivering all required formal documentation to the Office of the Registrar.
2. If the formal complaint is against a Reporting Official, it should be sent to the Registrar who will then forward to the appropriate Reporting Official's supervisor.

The Registrar will initiate the resolution process by forwarding the formal complaint to the appropriate Reporting Official who will then investigate the complaint, generally within ten business days. A 'business day,' for the purposes of this policy, is defined as Monday through Friday when the campus is officially open. The Reporting Official will act upon the appropriate actions/changes/follow-up to resolve the matter. A response to the complainant will be sent, generally, within ten business days of receipt of the complaint. If a longer time is needed to investigate and make a decision, the Reporting Official will make a reasonable extension of the deadline and contact the complainant to notify them of the new deadline, generally within ten business days of receipt of the complaint.

If the complainant is not satisfied with a resolution, an appeal can be made to the Registrar, who will then forward to the Reporting Official's supervisor, generally within ten business days from receipt of the decision. If the complaint concerns the Reporting Official, an appeal regarding the Reporting Official's decision should be made to the Registrar, who will then forward to the Reporting Official's supervisor. A decision regarding the appeal will be conducted generally within ten business days of receipt of the complaint appeal. The institutional decision on the appeal is final.

STUDENT APPEALS
Any student who is not satisfied with a non-academic decision made by a Reporting Official with a formal complaint should follow the appeal procedures outlined in the Student Code of Conduct at:

https://www.kwu.edu/wp-content/uploads/Student-Dev-Student-Code-of-Conduct-Policy-Oct-2023.pdf .

Any student who is not satisfied with an academic decision made by a Reporting Official with a formal complaint should fill out a Petition to **KWU** Form and file with the Office of the Registrar. The Office of the Registrar will forward to the Reporting Official's supervisor. Please be sure to follow the directions provided on the form, which is located at:

https://www.kwu.edu/wp-content/uploads/3.-Petition-to-KWU-04.03.19-1.pdf .

TRACKING COMPLAINTS
Formal complaints (signed by a student and sent to the Registrar) will be tracked on a spreadsheet provided on a secure shared drive. For purposes of this policy, 'secure shared drive' means: access restricted to documented roles on a need-to-know basis; multi-factor authentication (MFA) for administrative access; encryption at rest and in transit; audit logging enabled; external sharing disabled; quarterly access reviews and attestation by the data owner; and storage only in University-approved, managed systems (no personal devices or personal cloud storage). The Reporting Official handling the complaint is responsible for submitting the required information on the spreadsheet, including appeal information. Paper files and supporting documentation will be securely kept in the respective Office of the Registrar. Tracking information will contain, but is not limited to the following information:

- A copy of the student's complaint (including student's legal name and KWU I.D.);
- The date the initial complaint was received by the Registrar~~.~~;
- Student classification at KWU: first year, sophomore, junior, senior, graduate~~.~~;
- Date in which KWU contacted the complainant;
- The nature of the complaint;
- Identification of complaint as formal;
- Classification of the complaint (academic, non-academic, admissions, athletics, etc.);
- Title of KWU Reporting Official;
- Nature of KWU response (email, phone, face-to-face, letter, etc.);
- Actions taken by KWU;
- A decision from the Reporting Official regarding the complaint;
- The University's resolution regarding the complaint, should an appeal occur;
- Date of resolution;
- Date of notification to student.

The annual Institutional Record of Student Complaints will be maintained on record for a period of three years. The tracking documentation and the Annual Report will be kept on file for 10 years.

Retention and Disposal: Records are retained only for the period required by policy, law, accreditation, or legitimate institutional need, then securely destroyed. Paper records must be cross-cut shredded or disposed via approved secure destruction services. Electronic records must be deleted or sanitized using University-approved methods. Incident Reporting: Any suspected or confirmed unauthorized access, misdirected transmission, loss of device/media, or exposure of PII/GLBA customer information must be reported immediately to Information Systems/Compliance and handled under the University's Incident Response Policy.

The Annual Report will contain the following information:

- The total number of formal complaints received by each Reporting Official;
- The nature of complaints received by generic category;
- A summary record of each complaint received, the action taken by Reporting Official and/or University;
- Date of initial complaint;
- Time allotted for determining final decision;
- Date of final decision;
- Date of notification to student;
- Complaint trends and how complaints were addressed including thematic data analysis (open coding and focused coding).

CONFIDENTIALITY
The annual Institutional Record of Student Complaints will not include the name or student I.D. of the complainant or name(s) of any individuals involved in the facts of complaint. Kansas Wesleyan University is required to share complaint information with accreditors, but individual identities students and other KWU personnel will be redacted.

RECORD RETENTION, DISPOSAL, AND INCIDENT REPORTING
Retention and Disposal: Records are retained only for the period required by policy, law, accreditation, or legitimate institutional need, then securely destroyed. Paper records must be cross-cut shredded or disposed via approved secure destruction services. Electronic records must be deleted or sanitized using University-approved methods. Incident Reporting: Any suspected or confirmed unauthorized access, misdirected transmission, loss of device/media, or exposure of PII/GLBA customer information must be reported immediately to Information Systems/Compliance and handled under the University's Incident Response Policy.

INSTITUTIONAL REVIEW
The annual Institutional Record of Formal and Informal Student Complaints will be presented to the President, Provost, Vice Presidents, Directors, and when appropriate, to Division Chairs and Department Chairs no later than August following the academic year of record. The President will work with this team as needed to develop recommendations and/or additional action to ensure on-going quality service to students.

All formal complaints are holistically reviewed and tracked by Reporting Officials on a case-by-case basis as well as part of an annual review during the summer months prior to the beginning of a new academic year. As a result of said holistic review, current policies are revised based on the evidence of KWU's formal complaint system, current policies are enforced with no revision, or new policies are crafted to meet the changing needs of our students, institution, and community stakeholders.

The aim of the institution is to resolve issues of dissatisfaction as close to the initial point of contact as possible and to conduct thorough and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the data (facts) of each individual case. Early complaint resolution saves the institution time and resources, contributes to the overall efficiency of the University, and ultimately promotes a continued positive experience of our students, faculty, staff, and community members. Our process demonstrates our commitment to valuing formal complaints.

EXAMPLES OF TYPES OF FORMAL COMPLAINTS OR APPEALS AND THE REPORTING OFFICIAL TO WHOM THE FORMAL COMPLAINT SHOULD BE FILED

FORMAL COMPLAINT TYPE	REPORTING OFFICIAL
Academic Conduct	Provost/Executive Vice President for Student Success
Accommodation Grievances	Provost/Executive Vice President for Student Success
Accommodation Request Appeals	Provost/Executive Vice President for Student Success
Active Duty Withdrawal	Provost/Executive Vice President for Student Success
Add/Drop Deadline	Provost/Executive Vice President for Student Success
Administrative Drop for Non-payment/Payment Deadline	Vice President for Finance/CFO
Admissions Deadline/Late Acceptance	Vice President for Enrollment Management*
Admittance for Suspension from Another Institution	Vice President for Enrollment Management*
Athletic-related Concerns	Vice President for Student and Community Engagement
Billing and No-show Billing	Vice President for Finance/CFO
Buildings/Grounds/Facilities (Non-housing, Non-residential)	Vice President for Finance/CFO
Coaching and/or Sport Complaints	Vice President for Student and Community Engagement
Dining	Vice President for Student and Community Engagement
Electronic Information/IT Conduct/Misuse	Vice President for Finance/CFO
Enrollment Deadline/Late Registration	Provost/Executive Vice President for Student Success
Financial Assistance Reinstatement	Vice President for Finance/CFO
Grades*	Academic Affairs Committee
Graduation Application Deadline	Provost/Executive Vice President for Student Success
Housing	Provost/Executive Vice President for Student Success
Housing/Dining Buy-out	Provost/Executive Vice President for Student Success
Increasing Course Limits	Provost/Executive Vice President for Student Success
KWU Online (Distance Education)	Provost/Executive Vice President for Student Success

Library	Provost/Executive Vice President for Student Success
Medical Withdrawal	Provost/Executive Vice President for Student Success
Non-academic Conduct	Provost/Executive Vice President for Student Success
Program Admission	Provost/Executive Vice President for Student Success
Residency	Provost/Executive Vice President for Student Success
Satisfactory Academic Progress*	Enrollment Committee
Student Clubs and/or Organizations (Institutionally Recognized)	Provost/Executive Vice President for Student Success
Teaching/Instructor Complaint	Provost/Executive Vice President for Student Success
Title IX: Sexual Assault, Harassment, & Other Forms of Sexual Misconduct* For more information regarding KWU's Title IX policy and procedures, click on this link: https://www.kwu.edu/wp-content/uploads/KWU-Sexual-Misconduct-and-Unlawful-Harassment-Policy-BOT-Approved-July-2020_0-1.pdf	Title IX Coordinator: Bridget Weiser Address: 100 East Claflin Ave; Salina, KS 67401 Phone: 785-833-4306 Email: bridget@kwu.edu See Title IX Policy*
Transfer Course Appeal	Provost/Executive Vice President for Student Success
Withdrawal Deadline	Provost/Executive Vice President for Student Success

*Denote appeals that should use the following appeal forms, petition forms, or policy:
(see below for appeal forms, petition forms, or policy links)

* Satisfactory Academic Progress Appeal Form:
https://www.kwu.edu/wp-content/uploads/Appeal-for-SAP-for-Academic-and-FA-Reinstatement_0.pdf

*Title IX Policy (Sexual Assault, Harassment, & Other Forms of Sexual Misconduct):
https://www.kwu.edu/wp-content/uploads/KWU-Sexual-Misconduct-and-Unlawful-Harassment-Policy-BOT-Approved-July-2020_0-1.pdf

Disclaimer: In the unlikely event of technical issues with links above, hard copies are available in the Office of the Registrar (PH-285).

COMPLAINTS TO THE HIGHER LEARNING COMMISION

The Higher Learning Commission (HLC) has established a clear distinction between individual grievances and complaints that appear to involve broad institutional practices. Where a complaint does raise issues regarding the institution's ongoing ability to meet the Criteria of Accreditation, the Commission forwards the complaint to the institution and requests a formal response. HLC Contact information:

Higher Learning Commission
230 South LaSalle Street, Suite 7-500,
Chicago, Illinois 60604-1411
Phone: 800.621.7440 or 312.263.0456 Fax: 312.263.7462.
info@hlcommission.org
Instructions on HLC website: https://www.hlcommission.org/for-students/file-a-complaint-against-an-institution/

FILING A CIVIL RIGHTS COMPLAINT

The U.S. Attorney's Office welcomes information from the public that brings to our attention possible violations of our nation's civil rights laws.

Please be aware that while the scope of our civil rights practice is broad, our authority to investigate and seek relief for individual complaining parties for alleged civil rights violations is limited. We can only investigate and seek to remedy alleged unlawful conduct when authorized to do so by a specific statute and in the manner proscribed by that statute. In some instances, this means we can only investigate and seek to remedy patterns of unlawful discriminatory conduct, not individual incidents. Additionally, many civil rights claims must be investigated first by another federal agency before being referred to us for litigation. For example, criminal civil rights matters are generally investigated by the Federal Bureau of Investigation, before those matters come to our office for review. For more information about the limitations of our authority and/or required first steps, please use the links above regarding the specific type of claim you believe you may have. In the event of uncertainty, please file a complaint and we will be happy to assist you with your claim.

To file a complaint with the Department of Justice, go to https://www.justice.gov/action-center/report-crime-or-submit-complaint#complaint and follow the instructions.

Alternatively, you may file a complaint directly with our office. You do not need a special form to submit a complaint, but we recommend using the form below. You may also send any supporting documentation with your complaint.

- To file a complaint, use the following link provided below:

https://civilrights.justice.gov/

Once you have entered the website, click on the "Start a report" icon and complete the multi-step process

COMPLAINTS TO THE DEPARTMENT OF EDUCATION, TITLE IX BASIS

Kansas City Office (OCR Office for Kansas)
Office for Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd Floor, Suite 320
Kansas City, MO 64106
Telephone: (816) 268-0599; TDD: 800-877-8339
FAX: (816) 268-0559
Email: OCR.KansasCity@ed.gov

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW

Washington, DC 20202-1100
Telephone: 800-421-3481; TDD: 800-877-8339
FAX: 202-245-6012 Email: OCR@ed.gov

To file complaints of discrimination with OCR, you may use the online complaint form available at: **Continue to Electronic Complaint Form** or Fillable PDF Complaint Form PDF (400.9K).

TDD: Telecommunications Device for the Deaf
TTY: Teletypewriter/Text Telephones

COMPLAINTS TO THE DEPARTMENT OF EDUCATION AND/OR ATTORNEY GENERAL'S OFFICE, BY STATE

Department of Education and Attorney General Contact Information by State			
State	***Department of Education State Listing***	***Department of Education State Website***	***Attorney General State Contact***
Alabama	**Alabama Commission on Higher Education**	http://ache.edu/	**Alabama**
Alaska	**Department of Education and Early Development**	Education & Early Development - Education and Early Development	**Alaska**
Arizona	**Department of Education**	http://www.azed.gov/	**Arizona**
Arkansas	**Department of Education**	Arkansas Department of Education - Home	**Arkansas**
California	**Bureau for Private Postsecondary Education**	https://www.bppe.ca.gov/	**California**
Colorado	**Department of Higher Education**	http://highered.colorado.gov/	**Colorado**
Connecticut	**Department of Education**	http://www.sde.ct.gov/	**Connecticut**
Delaware	**Department of Education**	http://www.doe.k12.de.us/	**Delaware**
Florida	**Department of Education**	http://www.fldoe.org/	**Florida**
Georgia	**Department of Education**	https://www.gadoe.org/Pages/Home.aspx	**Georgia**
Hawaii	**State Department of Education**	Hawai'i State Department of Education – Ka 'Oihana Ho'ona'auao o ke Aupuni Hawai'i	**Hawaii**
Idaho	**Department of Education**	https://www.sde.idaho.gov/	**Idaho**
Illinois	**Board of Higher Education**	https://www.illinois.gov/agencies/agency.ibhe.html	**Illinois**
Indiana	**Commission for Higher Education**	http://www.in.gov/che/	**Indiana**
Iowa	**Department of Education**	http://educateiowa.gov/	**Iowa**
Kansas	**State Department of Education**	http://www.ksde.org/	**Kansas**
Kentucky	**Council on Postsecondary Education**	http://cpe.ky.gov/	**Kentucky**
Louisiana	**Board of Regents**	https://regents.la.gov/	**Louisiana**
Maine	**Department of Education**	https://www1.maine.gov/doe/learning/highered	**Maine**
Maryland	**Higher Education Commission**	https://mhec.maryland.gov/Pages/default.aspx	**Maryland**
Massachusetts	**Department of Higher Education**	http://www.mass.edu/	**Massachusetts**
Michigan	**Department of Education**	http://www.michigan.gov/mde	**Michigan**

Minnesota	**Office of Higher Education**	http://www.ohe.state.mn.us/	**Minnesota**
Mississippi	**Department of Education**	http://www.mdek12.org/	**Mississippi**
Missouri	**Department of Higher Education & Workforce Development**	http://dhe.mo.gov/	**Missouri**
Montana	**Office of Public Instruction**	Montana Office of Public Instruction	**Montana**
Nebraska	**Department of Education**	http://www.education.ne.gov/	**Nebraska**
Nevada	**System of Higher Education**	https://nshe.nevada.edu/	**Nevada**
New Hampshire	**Department of Education**	https://www.education.nh.gov/	**New Hampshire**
New Jersey	**Office of the Secretary of Higher Education**	http://www.state.nj.us/highereducation/	**New Jersey**
New Mexico	**Public Education Department**	Home - New Mexico Public Education Department (NMPED)	**New Mexico**
New York	**State Education Department**	Higher Education | New York State Education Department	**New York**
North Carolina	**Department of Public Instruction**	https://stateboard.ncpublicschools.gov/	**North Carolina**
North Dakota	**Department of Public Instruction**	https://www.nd.gov/dpi/	**North Dakota**
Ohio	**Department of Education & Workforce**	http://education.ohio.gov/	**Ohio**
Oklahoma	**State Department of Education**	https://sde.ok.gov/	**Oklahoma**
Oregon	**Education**	https://www.oregon.gov/ode/pages/default.aspx	**Oregon**
Pennsylvania	**Department of Education**	https://www.education.pa.gov/Pages/default.aspx	**Pennsylvania**
Rhode Island	**Department of Education**	http://www.ride.ri.gov/	**Rhode Island**
South Carolina	**Commission on Higher Education**	http://www.che.sc.gov/	**S. Carolina**
South Dakota	**Department of Education**	SD Department of Education	**S. Dakota**
Tennessee	**Higher Education Commission**	https://www.tn.gov/thec.html	**Tennessee**
Texas	**Texas Education Agency**	Welcome to Texas Education Agency | Texas Education Agency	**Texas**
Utah	**State Board of Education**	http://www.schools.utah.gov/	**Utah**
Vermont	**Agency of Education**	http://education.vermont.gov/	**Vermont**
Virginia	**Department of Education**	http://www.doe.virginia.gov/	**Virginia**
Washington	**Student Achievement Council**	https://wsac.wa.gov/	**Washington**
West Virginia	**Department of Education**	https://wvde.us/	**West Virginia**
Wisconsin	**Higher Educational Aids Board**	http://www.heab.state.wi.us/	**Wisconsin**
Wyoming	**Department of Education**	http://edu.wyoming.gov/	**Wyoming**
Washington DC	**Office of the State Superintendent of Education**	http://osse.dc.gov/	**Washington DC**

NC-SARA
National Council for State Authorization Reciprocity Agreements
Policy Manual: Sections 2 (Subsection 2.5), 4 & 7
Complaints
Version 24.1 • July 1, 2024

Section 2. States and Membership

2.5 Functional responsibilities of SARA States

a. The state accepts institutional accreditation by name as a U.S.-based institution from an accreditor recognized by the U.S. Department of Education and whose scope of recognition, as specified by the Department, includes distance education. See NC-SARA website (https://nc-sara.org/sara-policy-manual).

b. The state considers applications from degree-granting institutions of all sectors (i.e., public, independent not-for-profit and independent for-profit) on the same basis regardless of control or structure and approves institutions that meet institutional eligibility policies set forth in the SARA Policy Manual and agree to SARA processes and commitments without differentiating by institutional sector or structure.

EXPLANATORY NOTES

N1 - Can a SARA State Portal Entity (SPE) require a SARA applicant institution to provide additional evidence that it will meet policies for operating under SARA before allowing it to participate in SARA?

No. A state must accept an institution's self-certification that it will meet the policies set forth in the SARA Policy Manual and commitments contained in the institutional application to participate in SARA once it is allowed to participate. However, as soon as an institution is accepted into SARA, the state portal entity has a right to evaluate whether the institution in its work through SARA meets the C-RAC Guidelines or other SARA requirements and must investigate any claims that the institution does not meet these requirements. Under certain conditions, a state may approve an institution's participation in SARA on a Provisional basis. See 3.2 and 3.3 below.

c. For independent institutions, the state accepts an institutional federal financial responsibility composite score of 1.5 as indicative of sufficient minimum financial stability to qualify for participation in SARA. An institution's financial status must be evaluated using the most recent Composite Score provided in writing by the U.S. Department of Education (ED) whether published online or provided in written form to the institution by a responsible Depart of Education official. For institutions with a composite score between 1.0 and 1.5, the state shall consider additional information regarding financial stability provided by the institution. The state may, at its discretion, determine if there is sufficient evidence of financial stability to justify the institution's participation in SARA. The state shall not permit an institution with a composite score below 1.0 to participate in SARA. For institutions owned or controlled by another entity (i.e., a parent entity), the relevant composite score will be the composite score of the parent entity, as identified by the U.S. Department of Education. SARA states are to monitor the U.S. Department of Education's periodic publication of composite scores, review the scores assigned to the institutions they have approved to participate in SARA, determine whether those scores meet SARA requirements, and within 90 days of notification take appropriate action regarding the SARA participation of those institutions. If the newly published composite score falls below 1.0 and the institution is unable to provide documentation from ED of a more recent calculated score of 1.0 or above, the state must act within 90 days of notification to remove the institution from SARA participation.

In the event that an institution does not participate in federal Title IV financial aid programs and therefore has no ED-calculated composite score for Title IV purposes, the state must calculate, or have calculated by a certified, independent accountant acceptable to the state, a comparable score based on the institution's most recent audited financial statements and using the methodology prescribed by the U.S. Department of Education. See NC-SARA website (https://nc-sara.org/sara-policy-manual).

In the event that an institution does not participate in federal Title IV financial aid programs and therefore has no ED-calculated composite score for Title IV purposes, the state must calculate, or have calculated by a certified, independent accountant acceptable to the state, a comparable score based on the institution's most recent audited financial statements and using the methodology prescribed by the U.S. Department of Education. See NC-SARA website (https://nc-sara.org/sara-policy-manual).

EXPLANATORY NOTES

N1 - Can a state require a higher federal financial responsibility composite score for initial or continuing authorization of its own institutions?

Yes. SARA policy does not preclude a state from requiring a higher minimum composite score for all or certain types of nonpublic institutions operating in the state as their home state . In that case, such institutions operating from that state under SARA would have to meet a higher required score, not because of SARA policies, but because of the home state's laws or rules applicable to all such institutions.

N2 - Are states obligated to use the published federal financial responsibility composite score when considering an institution's eligibility for SARA?

Not always. A state can, if desired, require or allow an applicant institution to provide the most recent ED-calculated federal score, which may in some cases be more recent than what has been published online or in print by ED. This would be a recent Financial Responsibility composite score provided in writing by the Department of Education in letter form to the institution by a responsible Department of Education official.

d. SARA member states shall hear and internally resolve appeals from institutions for which they deny initial participation or renewal of participation in SARA. During any such appeal the institution's status as a SARA participating (or non-participating) institution remains unchanged. States shall notify their regional compact within 5 business days of the initial appeal. Regional compacts shall notify NC-SARA within 5 business days of notification by the state. States must ensure that the agency designated with the responsibility for hearing appeals ensures consistent application of its process to all institutions.

e. The state has a clearly articulated comprehensive state process for consumer protection in regard to SARA activities, both with respect to initial institutional approval and on-going oversight, including the resolution of consumer complaints in all postsecondary sectors.

f. The problem-solving or SARA-related complaints resolution methods of SARA member states need not be identical for all institutions, as different boards or agencies may be involved depending on the nature of the problem or complaints, but the authority of the SARA member state to resolve complaints or problems related to SARA activity must be substantially the same for all institutions.

h. The state has clear and well-documented policies and practices for addressing catastrophic events, as follows:
   1. The state may request assistance from the institution's accreditor as the accreditor applies its standards under 34 CFR §602.24(c) and (d) of federal requirements for catastrophic events.
   2. The state has laws, regulations, policies and/or processes in place to deal with the unanticipated closure of an institution and will make every reasonable effort to assure that students receive the services for which they have paid or reasonable financial compensation for those not received.

Such laws, regulations, policies and/or processes may include tuition assurance funds, surety bonds, teach-out provisions or other practices deemed sufficient to protect consumers.

3. The state requires institutions to have adequate disaster recovery plans, particularly with respect to the protection of student records, or the state provides such a plan.
4. A SARA member state agrees to apply its policies and practices for catastrophic events consistently and equally within each sector (public, independent not-for-profit, and independent for-profit) to residents of any state.

i. The state designates a state "SARA State Portal Entity" to coordinate SARA matters for the state and provide a principal point of contact for resolution of student complaints and other issues arising at participating institutions. The SARA State Portal Entity need not have a governance role with any institution and may work with entities that do have such a role. The SARA State Portal Entity has the following duties:
   1. Serve as the point of contact for all other SARA member states and their agencies for questions about SARA within its state;
   2. Serve as initial point of contact for institutions within its state that have questions about SARA;
   3. Determine whether an institution in its state is eligible for participation in SARA;
   4. Serve as the initial contact point for complaints about any institutions in the state that are operating under SARA and lead any investigations regarding whether an institution is in compliance with SARA policies;
   5. Serve as the final decision-maker on SARA-related complaints lodged against the state's SARA institutions; and
   6. Collect and manage any in-state fees* assessed on participating institutions to financially support state oversight of SARA.

      *Member States do not collect the fees paid by Institutions directly to NC-SARA

j. The state agrees that it will work cooperatively with other SARA states, regional compacts and NC-SARA to enable success of the SARA initiative. The state will follow up on requests for information or investigation from other SARA member states or any SARA regional or national office, providing such data or reports as are required.

k. The state agrees that, if it has requirements, standards, fees, or procedures for the approval and authorization of non-domestic institutions of higher education providing distance education in the state, it will not apply those requirements, standards, fees or procedures to any Non-domestic (out-of-state) institution that participates in SARA; instead, the state will apply those specifically prescribed in or allowed by SARA policies.

l. Except as precluded by Section 2.5(k) above, SARA member states continue to have authority to enforce all their general-purpose laws* against Non-domestic, out-of-state institutions (including SARA participating institutions) providing distance education in the state, including, but not limited to, those laws related to consumer protection and fraudulent activities.

   *A "general-purpose law" is one that is not limited to entities delivering postsecondary education in the state but applies to a larger category of entities is one that applies to all entities doing business of any type in the state, not just institutions of higher education.

m. Because some states may not join SARA, some institutions in SARA states may choose not to operate under SARA, and SARA does not cover offerings by non-U.S. providers, SARA states retain their own oversight rules covering distance education offerings of non-SARA institutions.

n. SARA member states retain jurisdiction over the entirety of academic programs that are offered partly at a physical site in the state and partly by distance education. This is necessary to allow states to properly oversee complete programs, not just parts of programs.

o. If a separate campus that operates under the accreditation of a main campus establishes physical presence (under SARA provisions) in a SARA state, the host state may regulate the online/ distance

education activities of the institution, as well as activities of the separate campus. The separate campus is not considered a separate institution for purposes of SARA.

EXPLANATORY NOTE
N1 - Does SARA completely replace state authorization?

No. Any degree-granting institution in the U.S. must be authorized to issue degrees by a government. This is typically a state, but it can also be Congress or an Indian tribe. SARA pertains to approval of distance education courses and programs offered across state lines by institutions that already have degree authorization in at least one state. What SARA does is centralize the authorization process for each SARA institution's distance education authorization in a single state called the institution's "home state ." institutions in a SARA state therefore only need their home state's authorization to offer distance education to any other SARA member state, (with certain limitations, specified herein).

p. The state agrees to require each SARA applicant institution to apply for home state approval using the standard SARA institutional application, including the institution's agreement to operate under the C-RAC Guidelines. (See Appendix B)

EXPLANATORY NOTE

N1 - If the state requires a non-public institution located within the state to accept state entity oversight for purposes of interstate activity under SARA, does the state also have authority over that college's in-state activities?

No. Such oversight only applies to SARA-related matters, and SARA only applies to interstate distance education activity by institutions that choose to participate and are approved to do so by their home state. Participation in SARA by any institution is voluntary.

q. States shall have a process for considering applications for provisional status. A state, at its discretion, may approve an institution to participate in SARA on provisional status (See Subsections 3.2 and 3.3 below).

Section 4. Consumer Protection

4.1 Applicability

Provisions of the SARA Policy Manual, including those for consumer protection and the resolution of complaints, apply to interstate distance education offered by participating SARA institutions to students in other SARA states. Only those complaints resulting from distance education courses, activities and operations provided by SARA-participating institutions to students in other SARA states come under the coverage of SARA. complaints about a SARA institution's in-state operations are to be resolved under the state's normal provisions, not those of SARA.

EXPLANATORY NOTES

N1 - SARA member states continue to have authority to enforce all their general-purpose laws* against Non-domestic out-of-state institutions (including SARA-participating institutions) providing distance education in the state, including, but not limited to, those laws related to consumer protection and fraudulent activities.

*A "general-purpose law" is one that applies to all entities doing business of any type in the state, not just institutions of higher education.

4.2 Role of home state

SARA consumer protection provisions require the home state , through its SARA State Portal Entity, to investigate and resolve allegations of dishonest or fraudulent activity by the state's SARA-participating institutions, including the provision of false or misleading information.

4.3 Examples of Consumer Protection Issues

Examples of issues that may arise in regard to alleged fraudulent activity, violations of SARA policies or more general complaints about improper activities 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 Agencies;

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 C-RAC Guidelines for distance education.

4.4 Responsibilities for resolving complaints.

a. Institutions operating under SARA policies shall provide their and SARA's complaint resolution policies and procedures to all students taking courses under SARA policies.

b. Initial responsibility for the investigation and resolution of complaints resides with the institution against which the complaint is made. Further consideration and resolution, if necessary, is the responsibility of the SARA State Portal entity and other responsible agencies of the institution's home state (see the following sections: Complaint Resolution Processes and Section 2.5 herein).

c. The SARA State Portal Entity is responsible for conducting the investigation and resolution of complaints that are not resolved at the institutional level. The SARA State Portal Entity may enlist the assistance of other responsible entities in the state in carrying out the work of complaint resolution.

EXPLANATORY NOTES

N1 - If a home state does not currently handle investigations and consumer protection for all of its distance education providers, will the home state need to start doing that?

Yes. SARA centralizes primary responsibility for problem-solving in the home state , therefore the home state needs to be prepared to handle a larger volume of communication and issues for its domiciled, SARA-participating providers, even as its work with providers based in other states decreases. See federal rules for possible additional requirements.

d. The SARA State Portal Entity is ultimately responsible for ensuring that a valid complaint results in proper redress.

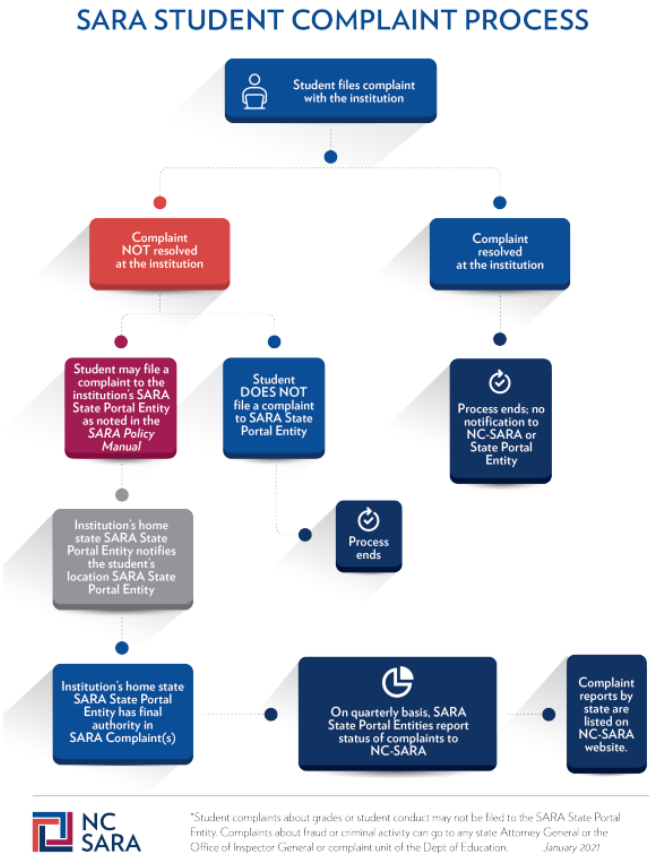
The SARA State Portal Entity may delegate responsibility to investigate and resolve such complaints to another government agency (e.g., a Board of Regents) or to a special body created to handle SARA complaints for a group of institutions but must have and retain the function of hearing any appeals from decisions made by other agencies. The SARA State Portal Entity cannot merely have advisory powers; it must have the formal authority to provide final resolution of SARA-related complaints and ultimately to remove any Institution, public or independent, from the state's list of SARA-eligible providers if that institution fails to abide by SARA policies.

e. No SARA member state, gives up its ability to investigate misrepresentation, fraud or other illegal activity by institutions based in other states, including SARA-participating institutions.

h. SARA member states retain the ability to use any of their general-purpose criminal or consumer protection laws against an institution that violates those laws. State oversight of distance education delivered by a SARA-participating institution to students in any SARA member state is centralized by SARA policy in the college's home state.

i. Mandatory arbitration agreements do not pertain to SARA policy, and, as such, SARA participating institutions are not permitted to enforce these on students enrolled under SARA provisions. Disputes between students and institutions on SARA-related matters are to be resolved by the institution's SARA State Portal Entity following the SARA complaint process outlined in Section 4.5 or through other means. Institutions that utilize mandatory arbitration agreements for the resolution of non-SARA complaints or disputes shall provide a disclosure that such agreements must not be applied towards a complaint or dispute that falls within the scope of the SARA Policy Manual.

4.5 Process for Resolving Complaints



4.5 Process for Resolving Complaints (Continued)

a. Complaints against an institution operating under SARA policies go first through the institution's own procedures for resolution of grievances. Allegations of criminal offenses or alleged violations of a state's general-purpose laws may be made directly to the relevant state agencies.

b. Complaints regarding student grades or student conduct violations are governed entirely by institutional policy and the laws of the SARA institution's home state.

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 SARA Portal Entity in the home state of the institution against which the complaint has been lodged. That SARA State Portal Entity shall notify the SARA State Portal Entity for the state in which the student is located of receipt of that appealed complaint. The resolution of the complaint by the institution's home state SARA State Portal Entity, through its SARA complaint resolution process, will be final, except for complaints that fall under the provision "g" below.

d. While the final resolution of the complaint rests with the SARA State Portal Entity in the home state of the institution against which the complaint has been lodged, the SARA State Portal Entity in the complainant's location state may assist as needed. The final disposition of a complaint resolved by the home state shall be communicated to the SARA State Portal Entity in the state where the student lived at the time of the incident leading to the complaint, if known.

e. While final resolution of complaints (for purposes of adjudication of the complaint and enforcement of any resultant remedies or redress) resides in certain cases with institutions (complaints about grades or student conduct violations), or more generally with the relevant institution's home state SARA State Portal Entity (all other complaints), the regional compact(s) administering SARA may consider a disputed complaint as a "case file" if concerns are raised against a SARA member state with regard to whether that state is abiding by SARA policies, as promulgated in the SARA Policy Manual. The regional compact may review such institutional concerns in determining whether a state under its SARA purview is abiding by SARA policies. Similarly, a complaint "case file" may also be reviewed by NC-SARA in considering whether a regional compact is ensuring that its SARA member states are abiding by the SARA policies required for their membership in SARA.

f. SARA State Portal Entities shall report quarterly to NC-SARA the number and disposition of appealed complaints that are not resolved at the institutional level. NC-SARA shall make that information publicly available on its website. Such data will create transparency and can be used in determining whether a regional compact is ensuring that its SARA member states and those states' institutions are abiding by the policies required for state membership and institutional participation in SARA.

g. Nothing in the SARA Policy Manual precludes a state from using its laws of general application to pursue action against an institution that violates those laws.

4.6 Oversight of Complaint investigation.

Investigation of a SARA-related complaint against an institution requires that a state board, agency or entity outside the institution's immediate management be available to handle complaints that are not resolved within the institution. A system board responsible for more than one separately accredited institution may serve this role under SARA provisions. A board responsible for only one accredited institution, or which lacks enforcement authority over an institution, cannot serve as the SARA external oversight agency for such an institution. In such circumstances, the institution's home-state SARA State Portal Entity may serve that function.

EXPLANATORY NOTES

N1 - Is the requirement under SARA that a state have a complaint process for all of its institutions something that SARA invented?

No. The requirement that states have such a complaint process is found in federal rules (Code of Federal Regulations) 34 CFR 600.9(a)(1). complaints handled under SARA must comply with procedures established in federal rules.

4.7 Incorporation and use of C-RAC *Guidelines*

Consumer protection within SARA, in addition to dealing with alleged fraudulent activity, also provides for the investigation and resolution of complaints that an institution is operating a course or program contrary to practices set forth in the C-RAC *Guidelines* in such a way that a student is harmed. (The *Interregional Guidelines for the Evaluation of Distance Education [Online Learning]* are referred to as "C-RAC *Guidelines*" in this document). C-RAC *Guidelines* adopted by the Council of Regional Accrediting Commissions are incorporated in the requirements of SARA as policies. states that join SARA need to base their oversight of SARA activity and their investigative actions on the following expectations.* The president or chief academic officer of each institution participating in SARA (whether accredited by a "regional" or other recognized accreditor) shall attest that their institution meets and agrees to comply with the following C-RAC provisions.

*The complete C-RAC framework and examples of good practices are a part of the institutional application process. The numbering system used in this section of the SARA Policy Manual is retained from the C-RAC framework.

1. Online learning is appropriate to the institution's mission and purposes.

2. The institution's plans for developing, sustaining, and, if appropriate, expanding online learning offerings are integrated into its regular planning and evaluation processes.
3. Online learning is incorporated into the institution's systems of governance and academic oversight.

4. Curricula for the institution's online learning offerings are coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats.

5. The institution evaluates the effectiveness of its online learning offerings, including the extent to which the online learning goals are achieved, and uses the results of its evaluations to enhance the attainment of the goals.

6. Faculty responsible for delivering the online learning curricula and evaluating the students' success in achieving the online learning goals are appropriately qualified and effectively supported.

7. The institution provides effective student and academic services to support students enrolled in online learning offerings.

8. The institution provides sufficient resources to support and, if appropriate, expand its online learning offerings.

9. The institution assures the integrity of its online offerings.

Section 7. Complaint Resolution Reporting for SARA Member States

7.1. Duties of States

SARA member states shall report the following information to NC-SARA on a quarterly basis:

a. The number of complaints from out-of-state students, by institution, appealed to the state's SARA Portal Entity after the person making the complaint has completed the institution's and/or governing board's (if relevant) complaint resolution process.

b. The resolution of those complaints in the aggregate, by SARA institution, reported as: number resolved in favor of the person making the complaint, number resolved in favor of the institution, number resolved by agreement, and number pending resolution.

7.2. Duties of NC-SARA

a. The number of complaints* appealed to the SARA State Portal Entity will be placed within the context of the institution's total out-of-state distance education enrollments, as reported to SARA, as follows:

Alabama

Alaska

Institution	Complaints Appealed to Portal Agency	Out Of State Distance Ed Enrollments	Resolved in Favor of the Student	Resolved in Favor of Institution	Negotiated Resolutions	Under Consideration
University of Alaska Fairbanks	0	0	0	0	0	0
University of Alaska	0	0	0	0	0	0

* After completion of the institution's full complaint resolution process.

b. NC-SARA will not collect individually identifiable student data and will comply with the Family Educational Rights and Privacy Act (FERPA).

Unresolved student concerns regarding KWU programs authorized through SARA may be directed to the state portal entity by clicking on the following link:

http://kansasregents.gov/resources/PDF/Academic_Affairs/3257-ComplaintForm_SARAinstitutions.pdf