



# Complaints Involving Applicant or Member Institutions Policy

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### I. Purpose

The Mid-Atlantic Region Commission on Higher Education (MARCHE), doing business as the Middle States Commission on Higher Education (MSCHE or the Commission), seeks to consider information provided by the public in the evaluation of applicant or member institutions. The purpose of this policy is to establish a means for members of the public to submit a complaint to the Commission about an applicant or member institution. A complaint is defined as the submission, pursuant to this policy and procedures, of reasonable and credible information and evidence to the Commission, which alleges an applicant or member institution's non-compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements.

The Commission shall provide alternative processes for submitting information about institutions pursuant to other Commission policies and procedures, including but not limited to written third-party comments in accordance with the Commission's *Third-Party Comments for Institutions Under Review Policy and Procedures* or whistleblower complaints related to the wrongful conduct of Commission representatives in accordance with the Commission's *Whistleblower Policy and Procedures*. More information can be found on the Complaints page of the Commission's website at ([www.msche.org](http://www.msche.org)).

### II. Statement of Policy

The Commission's complaint process provides the opportunity for any individual to submit complaints involving applicant and member institutions that allege, with reasonable and credible information and evidence, an instance(s) of non-compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, or applicable federal regulatory requirements. The Commission shall review complaints in a timely, fair, and equitable manner in accordance with federal regulation *34 CFR § 602.23(c)(1)*. The Commission shall ensure that sufficient information is available to complete its review and ensure that the institution has sufficient opportunity to provide a response to the complaint in accordance with federal regulation *34 CFR § 602.23(c)(1)*. Based on its review of a complaint, the Commission shall take action as necessary in accordance with federal regulation *34 CFR § 602.23(c)(2)* and shall take any action available to it in its *Accreditation Actions Policy and Procedures*. The Commission shall honor confidentiality about the complainant, as set forth in the *Complaints Involving Applicant and Member Institutions Procedures* about a complainant or other individual

who has not given consent. However, the Commission reserves the right to produce information in accordance with other Commission policies and procedures and as required by applicable law or to comply with a valid court order.

The Commission's complaint policy and procedures shall be used to determine compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements in accordance with federal regulation. The Commission shall not use the complaint policy and procedures for any other purpose, including but not limited to legal disputes, personnel matters, or collective bargaining disputes, and therefore holds the discretion to determine its involvement in complaints. The Commission reserves the right to determine that a complaint is outside of the Commission's purview. The Commission reserves the right not to process any complaint that is not submitted in accordance with this policy and procedures.

### **III. Prohibitions**

The Commission shall not process any complaint that is hostile, threatening, contains profanity, or is otherwise deemed inappropriate by the Commission. The Commission shall not consider complaints that reflect issues that occurred three years or more in the past. Any form of retaliation against a complainant is strictly prohibited, even if the complaint is not substantiated following the Commission's review.

### **IV. Procedures**

The Commission staff shall develop procedures as are necessary to ensure the consistent implementation of policy. See *Complaints Involving Applicant and Member Institutions Procedures*.

### **V. Definitions**

The following definitions are used and/or inferred in this policy and/or procedure:

- A. **Accreditation activities.** All activities (including but not limited to reviews, reports, visits) conducted by Commission representatives related to the institution's accreditation phase, accreditation status, or scope of accreditation occurring throughout the accreditation review cycle and during monitoring activities for a member (accredited or candidate) or applicant institution.
- B. **Accreditation materials.** All documentation related to accreditation activities including but not limited to the institution's written reports to the Commission, submitted evidence, team reports, institutional responses, confidential briefs, third-party comments, action notifications, substantive change requests, transcripts of proceedings, team rosters, and any correspondence of record. Accreditation materials are treated as confidential by Commission representatives, become part of the institutional record, and are retained in accordance with the Commission's *Maintenance and Retention of Commission Records Policy and Procedures*.
- C. **Accreditation status.** The member institution's standing with the Commission based on

the most recent grant of candidate for accreditation status, grant of accreditation, reaffirmation, non-compliance, or adverse action taken by the Commission. Accreditation status is posted on the institution's directory listing on the MSCHE website.

- D. **Authorized representatives of member institutions.** The institution will designate specific individuals to serve as authorized representatives of the institution when they designate them as key contacts (CEO, ALO, CAO, CFO, Portal Delegate) in the secure MSCHE portal. Authorized representatives act responsibly on behalf of the institution in matters related to accreditation and are individuals with whom the Commission will directly communicate. The Commission may consider the Chair of the Board to be an authorized representative of the institution.
- E. **Commission representative.** Any individual who represents or serves the Commission including assigned peer evaluators, Commission staff, and Commissioners.
- F. **Complaint.** The submission, pursuant to this policy and procedures, of reasonable and credible information and evidence to the Commission, which alleges an applicant or member institution's non-compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements.
- G. **Good faith.** Anyone filing a complaint will have reasonable grounds for believing the information disclosed is true.
- H. **Institutional record.** The compilation of all materials and data the Commission has on file related to the applicant, candidate, or accredited institution, including but not limited to the all accreditation materials related to any accreditation activity, the record on file and transcripts for any proceeding, complaints, and any information or documents related to the institution collected by the Commission or received from external sources such as the government or other quality assurance agencies as part of ongoing monitoring activities (monitoring materials).
- I. **Member institution.** All institutions that are accredited by MSCHE and all institutions that have been granted Candidate for Accreditation Status by MSCHE, that are in good standing with respect to payment of dues and fees, shall be institutional members of MSCHE. Accreditation and candidacy shall be established according to the standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements adopted by the Commission.
- J. **Third Party Comment.** A written comment submitted to the Commission by any interested person or entity about an applicant or member institution when it is under review for application for candidate for accreditation status, candidate assessment, initial accreditation, self-study evaluation and visit, follow-up reports and visits, or complex substantive change.
- K. **Whistleblower complaint.** A complaint filed with the Commission about the wrongful

conduct of a Commission representative.

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Related Documents: *Complaints Involving Applicant and Member Institutions Procedures; Complaints Against the Commission; Third-Party Comments for Institutions Under Review Policy and Procedures; Whistleblower Policy and Procedures;*

Federal Regulations: 34 CFR Part § 602.16; 602.23(b) and (c) The Secretary's Criteria for Recognition of Accrediting Agencies