

# BP 104      **Complaints Against Member Institutions Or TRACS**

Reference:            None

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## **STATEMENT OF PURPOSE**

The Transnational Association of Christian Colleges and Schools (TRACS) values the role of information provided by students, employees, and others in performing its role of monitoring an institution's compliance with TRACS Standards. TRACS is also interested in assuring that member institutions maintain appropriate grievance and due process procedures, provide procedural fairness, and consistently apply their policies and procedures.

## **I. COMPLAINTS AGAINST INSTITUTIONS**

The TRACS procedures for the review of complaints involving member institutions are designed to enable TRACS to address possible violations of its Accreditation Standards and the proper and uniform application by institutions of their own policies and procedures, as they relate to TRACS Standards.

TRACS only considers complaints which are in accordance with the following *Principles and Procedures*:

- The complaint or allegation contains no defamatory statements.
- All attempts have been taken to resolve the issue through all formal means available to the complainant, including the institution's published grievance and due process procedures, before the complaint is submitted to TRACS.
- The complaint is not currently in an institution's formal proceedings or in litigation. (TRACS may, at its discretion, choose to proceed with the review in such cases if there is substantial, credible evidence that indicates systemic problems with the institution against which a complaint has been filed or if a delay would hurt students enrolled in the institution.)
- Complaints are submitted in writing on the TRACS *Complaint Processing Form* and in accordance with the provisions detailed on the TRACS *Complaint Information Sheet*. (Complaints made verbally, sent electronically, or sent through facsimile transmission will not be accepted.)
- Two hard copies of all materials are sent to: President, Transnational Association of Christian Colleges and Schools, 15935 Forest Rd., Forest VA 24551.
- TRACS will not act on complaints submitted on behalf of another individual, are anonymous, or complaints sent through channels other than those provided.

The TRACS complaint procedures are for the purpose of addressing any significant noncompliance by member institutions with the TRACS Standards, policies, or procedures. The TRACS complaint policy is not designed to involve TRACS either as an arbiter in disputes

between individuals and member institutions, or as a reviewing authority in individual matters concerning an institution's normal role in the daily functioning of the institution including disciplinary matters or contractual rights. TRACS does not act as a grievance panel for cases where the outcome of a grievance is unsatisfactory to a complainant.

#### **A. Responsibilities of Institutions**

1. The institution has adequate procedures for addressing written student complaints and is responsible for demonstrating that it follows those procedures when resolving student complaints. Institutions are expected to be in compliance with the following TRACS Accreditation Standards regarding processes for handling complaints by students or faculty:
  - a. Students: Standards 9.9, k., l., and s.; 9.11, g., iv., v., and h.; and 10.20.
  - b. Faculty: Standards 9.10, j.; 10.16, 10.17, and 10.18.
  - c. Institutional Standards 9.5 and 9.8.
2. The record of all student complaints is maintained in a designated office, is made available to TRACS upon request and is reviewed and evaluated by the Visiting Team as part of the institution's scheduled reviews for candidate, accredited and reaffirmation status.

#### **B. Procedures for Filing a Complaint against an Institution**

1. An individual may make an inquiry to TRACS regarding complaint procedures or about issues and concerns that could be considered complaints at which time TRACS will direct the individual to the TRACS website at [www.tracs.com](http://www.tracs.com) with instructions on downloading the packet containing the *Policies and Procedures for Complaints Against Member Institutions*, the *TRACS Complaint Information Sheet*, and the *TRACS Complaint Processing Form*. However, TRACS response and its obligations to meet the specific timetables outlined in these procedures will begin only after the complainant submits all documents required in the *TRACS Complaint Information Sheet*.
2. A formal complaint is one that is:
  - a. Submitted in writing using the *TRACS Complaint Processing Form* (including all required supporting documentation);
  - b. Signed; and
  - c. Sent to the attention of the President of TRACS by the complainant(s). Complaints which are not in writing, anonymous, or sent electronically or through facsimile transmission will not be considered.
3. Once the complainant has filed a complaint on the *TRACS Complaint Processing Form*, the following procedures will be followed for review and consideration of the complaint:
  - a. TRACS will acknowledge receipt of the complaint within 15 working days.
  - b. Within 30 working days of receipt of the complaint, the TRACS staff will review the complaint and its documentation and determine:
    - i. Whether it is within the jurisdiction of TRACS and is related to one or more of the TRACS Standards;

- ii. If there is adequate documentation in support of the allegations; and
  - iii. Whether the complaint raises questions regarding the institution's compliance with the TRACS Standards sufficient to require the institution to submit information and documentation regarding the complaint.
4. By the end of the 30 working days review TRACS will inform the complainant regarding one of the following dispositions of the complaint:
  - a. The complaint will not be processed further because it is not within the jurisdiction of TRACS (not related to a TRACS Standard) or there is inadequate documentation to raise questions concerning the institution's compliance with the TRACS Standards.
  - b. Documentation is inadequate and additional documentation may be necessary from the complainant.
  - c. The institution will be asked for information regarding the complaint.
5. If information is required from the institution, TRACS will forward a copy of the complaint to the institution's President who will be asked to respond and provide all documentation to TRACS within 30 working days of receipt of the complaint.
6. Within 20 working days of receipt of the institution's response, the President of TRACS will make one of the following determinations regarding the complaint:
  - a. There is insufficient evidence of significant non-compliance on the part of the institution and the complaint will not be processed further. The decision of the President of TRACS is final.
  - b. TRACS is unable to determine compliance at that time and the case will either be included in an upcoming scheduled visit to the institution or a special Focus Team will be sent to the institution to examine documents, interview appropriate individuals, make a determination regarding the compliance of the institution, and prepare a report with recommendations for bringing the institution into compliance.
  - c. No response was received from the institution or evidence suggests the institution is not in significant compliance with one or more of the TRACS Standards and what steps will be taken to correct the issues up to and including possible Adverse Action.
7. If either b. or c. above occurs, within 20 working days the President of TRACS will notify the complainant that the complaint is settled and which of those options TRACS will pursue and also notify the institution which of those options TRACS will pursue.
8. The President of TRACS will present the findings of any team report to the Commission along with a recommendation at the next scheduled meeting; at which time the Commission will make a decision regarding the disposition of any non-compliance. The decision of the Commission is final.
9. Following that meeting, the complainant and institution will be notified of the decision of the Commission.

## **II. COMPLAINTS AGAINST TRACS**

Complaints against TRACS are limited, in that individuals may file a complaint against TRACS and/or its staff on matters on which they believe they have been personally aggrieved. This type of complaint covers those situations in which an individual believes that TRACS and/or its staff did not follow its policies and procedures in the handling of a complaint against a member

institution. Institutions may file a complaint against TRACS for failure to follow a policy or procedure, against a TRACS staff member's alleged failure to follow a TRACS policy or procedure, against an on-site committee member's alleged bias against the institution or alleged conflict of interest in working with an institution. In order to be considered a formal complaint against TRACS, a complaint must involve issues broader than a concern about a specific institutional action.

#### **A. Procedures for Filing a Complaint against TRACS**

1. If the complaint is against a TRACS staff member or an agency representative, such as an offsite or on-site visiting team member, the following procedures apply:
  - a. The individual (or institution) should submit the written complaint including a description of the specific complaint accompanied by documentation supporting the allegation.
  - b. The complaint is to be sent to: President, Transnational Association of Christian Colleges and Schools, 15935 Forest Rd., Forest. VA 24551.
  - c. The President will acknowledge receipt of the complaint within 10 working days of its receipt.
  - d. Within 30 working days of receipt of the complaint, the President of TRACS will review the complaint and its documentation and determine:
    - i. If there is adequate documentation in support of the allegations.
    - ii. Whether the complaint raises questions regarding the institution's compliance with the TRACS Standards sufficient to require the institution to submit information and documentation regarding the complaint.
  - e. The President will inform the complainant of action within 30 working days of receipt of the complaint.
2. If the complaint is against the President of TRACS (such as an allegation of failure to follow the TRACS policy), the following procedure applies:
  - a. The individual should submit a written complaint to the Chair of the TRACS Commission that includes a description of the specific complaint and all documentation which supports the complaint. It should be addressed to: Commission Chair (For Chair Only), Transnational Association of Christian Colleges and Schools, 15935 Forest Rd., Forest. VA 24551.
  - b. The Chair will acknowledge the complaint within 20 working days of receipt and will designate a committee composed of members of the Executive Committee to investigate the complaint (including all documents submitted by the complainant), request and review information in writing from the President, and recommend actions to the Chair within 25 working days.
  - c. The Chair will review the Executive Committee recommendation and inform the complainant and the President of TRACS of action to be taken within 45 days of receipt of the complaint.
  - d. Concern that a TRACS action was not in accord with the complainant's expectations is not in and of itself cause for review of the complaint.

3. If the complaint is against a member of the TRACS Commission (such as that a Commissioner failed to recuse him or herself from the discussion and vote where an alleged conflict of interest existed or evidence that the Commission failed in the application of a policy or procedure), the following procedures apply;
  - a. The individual should submit a written complaint to the Chair of the TRACS Commission that includes a description of the specific complaint and all documentation which supports the complaint. It should be addressed to: Commission Chair (For Chair Only), Transnational Association of Christian Colleges and Schools, 15935 Forest Rd., Forest, VA 24551.
  - b. The Chair will acknowledge the complaint within 20 working days of its receipt and will designate a committee composed of members of the Executive Committee to investigate the complaint (including all documents submitted by the complainant), request and review information in writing from the Commission member and recommend action to the Chair within 25 working days.
  - c. The Chair will review the Executive Committee's recommendation and inform the complainant and the Commission member and the President of TRACS of the action within 45 days of receipt of the complaint.
  - d. Concern that a Commission action was not in accord with the complainants expectations is not in and of itself cause for review of the complaint.
4. If the complaint is against the Chair of the Commission, the Vice Chair will assume the role detailed above.

### **III. THIRD-PARTY COMMENTS REGARDING INSTITUTIONS OR ACTIONS OF THE TRACS ACCREDITATION COMMISSION**

TRACS recognizes the value of information provided by members of the public in determining whether a member institution is maintaining compliance with all TRACS Standards *outside the institution's scheduled formal review* and is maintaining appropriate procedures, exhibiting procedural fairness and applying procedures consistently. Therefore, TRACS invites the public to submit comments designed to enable TRACS to address an institution's possible significant non-compliance with TRACS Standards and assure the proper and uniform application of their own policies and procedures, as they relate to the TRACS Standards. All TRACS Standards are provided in the TRACS *Accreditation Manual* available at [www.tracs.org](http://www.tracs.org) under the "Download" section.

Unsolicited third-party comments regarding the TRACS Commission are limited, in that individuals may only submit comments regarding the TRACS Commission and/or its staff on any Commission action where they believe they have been personally aggrieved. This type of comment covers those situations in which an individual believes that the TRACS Commission and/or its staff did not follow its policies and/or procedures in the handling of an issue under consideration

#### **A. Procedures for Filing a Third-Party Comment**

Any individual may file a third-party comment regarding an accredited or candidate institution or the TRACS Commission. The names of all institutions holding candidacy or accredited status with TRACS are posted on the TRACS website, [www.tracs.org](http://www.tracs.org). TRACS has established procedures for filing a third party comment.

1. Third-party comments should be filed in accordance with the following procedures:
  - a. The individual should submit the third-party comment in written form including the commenter's name, mailing address, e-mail address, phone number, and a clear statement describing the performance of the institution in relation to compliance with the TRACS Standard with which the institution is allegedly not compliant or the Policy or Procedure which TRACS has not properly followed.
  - b. All third-party comments are to be sent to: President, Transnational Association of Christian Colleges and Schools, 15935 Forest Rd., Forest, VA 24551.
  - c. The President will acknowledge receipt of the complaint within 10 working days of its receipt.
  - d. If the commenter indicates that his or her identity may not be shared, TRACS will make every effort to preserve the confidentiality of the commenter. However, depending on the nature of the comment and the circumstances, it may not be possible to determine the validity of the comment unless this information is shared. For this reason, TRACS staff may choose to disregard any comment that indicates that the commenter wishes not to have his or her identity shared.
  - e. All third-party comments should be accompanied by appropriate supporting documentation. TRACS will not consider unsupported comments.
  - f. Within 30 working days of receipt of the third-party comment, the President of TRACS will review the third-party comment and its documentation and determine:
    - i. If there is adequate documentation in support of the allegations.
    - ii. Whether the issues raise questions regarding the institution's compliance with the TRACS Standards sufficient to require the institution to submit information and documentation regarding those issues.
    - iii. Whether the TRACS Commission or Staff has violated a TRACS Policy or Procedure.
  - g. Normally, no additional response is made to the individual filing a third-party comment. If appropriate, staff may contact the commenter for clarification or additional information.
  - h. For comments regarding an institution, the President of TRACS will determine the appropriate handling of the comment which may include, but is not limited to:
    - i. Sending the information to the institution for its input and follow up.
    - ii. Referring the information or a summary of issues to a future visiting team with instructions to verify information contained in the comment with other sources in order to determine its validity.
    - iii. Holding the information in a file for future reference.
    - iv. Dismissing the comment for lack of evidence of non-compliance.
    - v. Proceeding to the Adverse Action Policy procedures.
  - i. For comments regarding the TRACS Commission or Staff, The President of TRACS will prepare a report for the next scheduled meeting of the Commission which includes recommendations for resolving the issues identified in the third-party comment.

#### **IV. FIELDING INQUIRIES FROM THE MEDIA**

TRACS believes that it is in the best interest of TRACS, complainants, member institutions and those offering third-party comments to deal with members of the news media in a consistent and timely manner. TRACS has the responsibility to protect the integrity of both the complainant (commenter) and the institution. All telephone calls or e-mails from members of the media shall be forwarded to the President of TRACS. Neither the President of TRACS nor any staff member shall comment on specific situations involving member institutions or offer responses to hypothetical situations.

Media shall be directed by the President of TRACS to the appropriate location on the TRACS website ([www.tracs.org](http://www.tracs.org)) for information regarding the Complaint Policy and Procedures and Accreditation Standards.

#### **V. MEANS OF COMMUNICATION**

After the receipt of the initial hard-copy complaint or third-party comment; correspondence may be in writing, through e-mail, or by any reasonable means which helps to facilitate a solution to the issues at the lowest possible level.

#### **VI. RETENTION OF RECORDS**

Individual complaints will be retained in the TRACS Office. Should a number of individual complaints suggest a pattern of concern which may evidence a significant lack of compliance with TRACS Standards that was not evident from any individual complaint, TRACS may renew its consideration of the matter for whatever action may be appropriate. All records regarding complaints shall be retained for a minimum of 5 years.