

SARA Student Complaint Process

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.

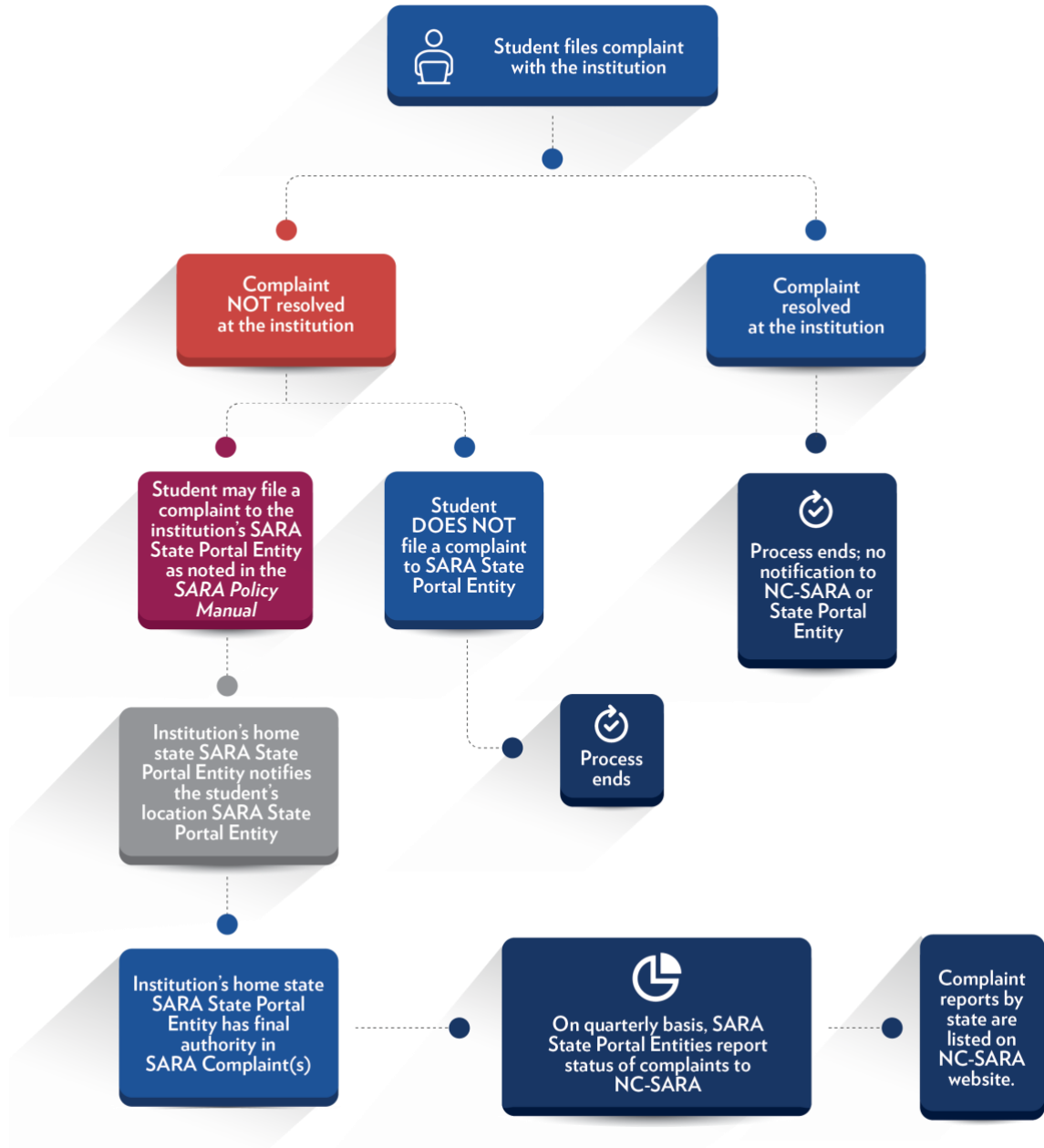
- d. The SARA State Portal Entity is ultimately responsible for ensuring that a valid complaint results in proper redress.

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

SARA STUDENT COMPLAINT PROCESS



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.