

**TOPIC: RECOMMEND APPROVAL OF REVISED CCHE POLICY I,
PART T: STUDENT APPEALS**

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ACADEMIC AFFAIRS**

I. SUMMARY

This item recommends the Commission approve the attached revised version of CCHE Policy I, Part T: Student Appeals.

II. BACKGROUND

In an effort to remove unnecessary regulation and streamline Commission policies, Department staff have been meeting with leaders of student and academic affairs for the purpose of revising the CCHE's Student Appeals Policy (CCHE Policies & Procedures Section I, Part T). Major changes to this revised version, based on feedback from the campuses and a review of the Commission's statutory authority, include:

1. Changes the name of the policy to "Student Complaint Policy," which is what everyone calls it so this will prevent confusion.
2. The policy now includes private institutions of higher education (Sections 2.02 & 4.05).
3. Clarifies that the Department's role is to act as an ombudsman and to advise students on how to follow the policies and procedures for resolving complaints at the institution where they are or were enrolled.
4. Removes the Commission appeal process because in almost every instance, the institution's decision is binding and most often is not subject to further appeal to the Commission. Department staff cannot remember the previous Commission appeal process ever being used.

Department staff, who are largely responsible for responding to student complaints, began meeting in fall 2011 to recommend changes to the policy. The proposed changes were then vetted multiple times, early in the process and at the end of the process, with members of Academic Council, Student Affairs Council, and with several public and private institutions' legal counsels. Many of the recommended policy changes found in this agenda item were proposed by representatives from the campuses. This item first appeared on the Commission's

November 1, 2012 agenda and was pulled at the request of an institution for further revision. This version contains those revisions.

III. DEPARTMENT OF HIGHER EDUCATION ANALYSIS

Authority for the Commission's student complaints policy is found in the following sections of Colorado Revised Statutes:

1. 23-1-108(13), which states in part that, "...academic degree programs at state-supported institutions of higher education be designed and implemented to assure and emphasize that undergraduate students have the maximum range of opportunities and assistance to complete their course of study and obtain their degree in a reasonable amount of time."
2. 23-5-122, which states in part that, "...the governing board of every state-supported institution of higher education shall have in place and enforce policies regarding transfers by students between undergraduate degree programs which are offered within the same institution or within the same institutional system."
3. 23-1-125, the "Student Bill of Rights," which sets requirements for academic degrees, implementation of core courses, and competency testing at public institutions of higher education.
4. 23-2-104(2)(a), which states in part that, "The commission shall specify procedures by which a student or former student of a private college or university or seminary or religious training institution may file a complaint with the department concerning the institution in which the student is or was enrolled..." and defines deceptive trade practices at private institutions of higher education [23-2-104(4)].

This guidance from statute was used to develop the proposed revision of this policy. Though this policy went from three to four pages because it now includes private institutions (with the passage of HB 12-1155), it is believed to better reflect the intent and scope of the law. Also, many of the proposed changes found in this item were made to create a simpler and more coherent policy.

Specific changes from the current policy to this revised version are as follows:

1. Section 1.00 clarifies that this policy applies to both public and private institutions. This section also clarifies that authority to resolve student complaints lies with the institutions but that the Commission, and Department staff, may advise students on their rights under state law and may also advise students on how to follow their institution's policies and procedures.

2. Section 2.00 directs students to file claims of discrimination with the Department of Regulatory Agencies (DORA), Division of Civil Rights and clarifies when a student complaint might trigger Whistleblower legislation.
3. Sections 2.01 and 2.02 distinguish the state's statutory authority between public and private institutions.
4. Section 4.01 was added to explain the "Responsibilities of the Student," which includes exhausting all opportunities for resolution at the institution before filing a complaint with the Department.
5. Section 4.01.03 was revised to ensure the Department has permission to review any relevant student records held by the institution, in compliance with FERPA.
6. Section 4.05 was added to explain the "Responsibilities of the Private Institutions of Higher Education," which brings their role in line with that of the public institutions to the extent allowed by statute.
7. The current Sections 4.04 "Role of CCHE's Appeal Board" and 5.00 "Commission Appeal Process and Procedures," were struck from the proposed revision because there is no basis in statute for appeals to the Commission. Given approval of this revised version of the policy, Department staff's next task will be to finalize the internal procedure to ensure student complaints are handled in an efficient and consistent manner.

A copy of the revised policy showing track changes can be found in Attachment A. A clean version of the revised policy can be found in Attachment B. (Please disregard formatting issues. They will get cleaned up once the policy is adopted.)

The proposed, revised policy is in line with statute and other CCHE policies. It has been vetted with the Student Affairs Council, judicial officers at the campus level, Chief Academic Officers, the General Counsel for Colorado State University and CU System, Department staff, and the following private institutions: University of Denver, Colorado College, Regis University, Colorado Christian University, University of Phoenix, Westwood College, Colorado Technical University, and Rocky Vista University.

V. STAFF RECOMMENDATION

That the Commission approves the attached revised version of CCHE Policy I, T: Student Complaint Policy.

VI. SUPPLEMENTAL INFORMATION

Copies of all relevant statute and policy are on file in the Department of Higher Education.

VII. STATUTORY AUTHORITY

C.R.S. 23-1-108 – Duties and powers of the commission with regard to system wide planning.

C.R.S. 23-1-125 – Commission directive – student bill of rights – degree requirements – implementation of core courses – competency test.

C.R.S. 23-2-104 – Administration of article – complaints – injunctive proceedings.

C.R.S. 23-5-122 – Intrainstitutional and intrasystem transfers – course scheduling.