

SECTION I

PART T STUDENT COMPLAINT POLICY

1.00 Introduction

The role of the Colorado Commission on Higher Education, and the Colorado Department of Higher Education acting as its staff, is to act as an ombudsman and advise students on how to follow the policies and procedures for resolving complaints at the institution where they are or were enrolled. In almost every instance, the institution where the student is or was enrolled will determine appropriate action for both the student and the institution. Such decisions by the institution are binding and most often are not subject to further appeal to the Department. This policy applies to students at public and private institutions of higher education. This policy mandates that each public and private institution define and implement complaint and appeals processes to investigate student complaints and appeals in a fair and expeditious manner.

2.00 Statutory Authority

Pursuant to Article 34, Title 24, C.R.S., complaints of discrimination based on race, color, religion, creed, national origin, ancestry, sex, physical or mental disability, sexual orientation (incl. transgender status), marital status, and retaliation for engaging in protected activity should be filed with the Colorado Department of Regulatory Agencies (DORA), Division of Civil Rights at www.dora.state.co.us/civil-rights. Also, in cases where the student filing the complaint is also an employee of the institution of higher education and the complaint involves the employer-employee relationship, this may trigger state or federal Whistleblower legislation and will be referred to the Colorado Attorney General’s Office and any appropriate federal agency. Similarly, if the student complaint involves disclosures of fraud; violations of laws, regulations, or ethical standards; or misuse of funds in the context of a college- or university-administered federal grant, this may also trigger federal Whistleblower legislation and the Department may report this violation to the grantor.

2.01 Public Institutions of Higher Education

Several sections in statute outline how the public higher education system should be designed to function for the benefit of students. These statutory requirements include (but are not limited to) ensuring that the design of degree programs offer the maximum range of opportunities and assistance to students to complete their courses of study and obtain their degrees in a reasonable

amount of time [§23-1-108(13) C.R.S.]; ensuring fair policies for students who transfer coursework between degree programs or between public institutions [§23-5-122 C.R.S.]; and ensuring the requirements in the Student Bill of Rights [§23-1-125 C.R.S.].

2.02 Private Institutions of Higher Education

In the case of non-public institutions, the Department is authorized to investigate complaints based on claims of deceptive trade practice as described in §23-2-104(4) C.R.S. The Department shall not have authority to consider complaints that infringe on the academic freedom, religious freedom, or question the curriculum content of a private college or university, religious training institutions, or seminary, except where the state has that authority, such as with educator preparation programs (§23-1-121, C.R.S.) and voluntary participation in gtPathways [§23-1-125(5), C.R.S.].

3.00 Goals and Definitions

3.01 The goal of the Commission’s Student Complaint Policy for students in public institutions of higher education is to help students understand their rights under Colorado law described in section 2.01 and to advise students on how to follow their institution’s policies and procedures.

3.02 The goal of the Commission’s Student Complaint Policy for students in private institutions of higher education is to help students understand their rights under Colorado law described in section 2.02, to advise students on how to follow their institution’s policies and procedures, and to uphold statutory goals that prohibit deceptive trade practice.

3.03 Terminology

3.03.01 The “Commission” means the Colorado Commission on Higher Education.

3.03.02 The “Department” means the Colorado Department of Higher Education, which acts as the staff for the Commission.

3.03.03 “Ombudsman” means a person who advises and attempts to help resolve complaints and problems, as between students and a university.

3.03.04 The “Institution” means the public, private non-profit, or private for-profit college or university where the student is or was enrolled.

3.03.05 A “student complaint” is a grievance filed in writing or online at an institution of higher education where the student is or was enrolled, or at the Colorado Department of Higher Education. A grievable offense is any alleged action which violates one of the areas of statute in sections 2.01 and 2.02 of this policy. It should be noted that for complaints that do not involve one of the statutes described in sections 2.01 and 2.02, in almost every instance the institution where the student is enrolled will determine appropriate action for both the student and the institution. Such decisions by the institution are binding and most often are not subject to further appeal to the Commission.

3.03.06 A “whistleblower” is a person, usually an employee in a government agency or private enterprise, who makes a report to the public or to those in authority, of mismanagement, corruption, illegality, or some other wrongdoing.

4.00 Responsibilities Pertaining to Student Complaints

4.01 Responsibilities of the Student

4.01.01 To follow the institution’s complaints and appeals procedures within the institution’s required timeframe first and exhaust all opportunities for resolution at the institution. In the case of private institutions, “If a former student files a complaint, he or she must do so within two years after discontinuing enrollment at the institution,” per 23-2-104(2)(a), C.R.S.

4.01.02 After exhausting all opportunities for resolution at the institution, to file a written complaint with the Department online at <http://higher.col.colorado.gov/Academics/Complaints/default.html> or via US mail or e-mail and describes: (a) the basis for the complaint; (b) the institution’s complaints and appeals process that was followed; and (c) the institution’s final decision (including copies of documentation); and (d) the desired resolution.

4.01.03 To give the Department written permission to communicate with the institution regarding the complaint, as well as written permission to review any personally-identifiable student education records which may pertain to the subject of the complaint.

4.01.04 To be clear about what the complaint is and what resolution is sought.

4.01.05 To provide the Department with all requested documentation.

4.02 Responsibilities of the Department

4.02.01 To advise students on how to follow the policies and procedures for resolving complaints at the institution where they are or were enrolled.

4.02.02 To help students understand their rights under Colorado law.

4.02.03 To modify state policies and request that institutions review, and if necessary, modify their policies to try and prevent student problems.

4.02.04 To publicize its complaint policy and to promote the publication of all institutions' complaint and appeal policies.

4.03 Responsibilities of the Governing Board of a Public Institution of Higher Education

4.03.01 To ensure that its institution(s) complies with state law and policy regarding appeals, including the intent for students to have a timely and fair hearing.

4.03.02 To adopt student complaint and appeal procedures for its institution(s).

4.04 Responsibilities of the Public Institution of Higher Education

4.04.01 To investigate student complaints in a timely and unbiased manner.

4.04.02 To publish its complaint and appeal procedures in prominent student publications, including, but not limited to the course catalog, student handbook, and on its website.

4.05 Responsibilities of the Private Institution of Higher Education

4.05.01 To investigate student complaints or appeals in a timely and unbiased manner.

4.05.02. To investigate claims of deceptive trade practice only. Pursuant to §23-2-104(4), C.R.S. it is deceptive trade practice for:

- a. An institution or agent to make or cause to be made any statement or representation, oral, written, or visual, in connection with the offering of educational services if the institution or agent knows or reasonably should have

known the statement or representation to be materially false, substantially inaccurate or materially misleading;

- b. An institution or agent to represent falsely or to deceptively conceal, directly or by implication, through the use of a trade or business name the fact that an institution is a school;
- c. An institution or agent to adopt a name, trade name, or trademark that represents falsely, directly or by implication, the quality, scope, nature, size, or integrity of the institution or its educational services;
- d. An institution or agent to intentionally and materially represent falsely, directly or by implication, that students who successfully complete a course or program of instruction may transfer the credits earned to any institution of higher education;
- e. An institution or agent to intentionally and materially represent falsely, directly or by implication, in its advertising or promotional materials or in any other manner, the size, location, facilities, or equipment of the institution, the number or educational experience qualifications of its faculty, the extent or nature of any accreditation received from any accrediting agency or association;
- f. An institution or agent to provide prospective students with any testimonials, endorsements, or other information that may materially mislead or deceive prospective students or the public regarding current practices of the institution;
- g. An agent representing an out-of-state school to represent, directly or by implication, that the school is authorized by the state of Colorado or approved or accredited by an accrediting agency or body when the institution has not been authorized, approved or accredited; and
- h. An institution to designate or refer to its sales representatives by titles that imply the sales representatives have training in academic counseling or advising if they do not.

4.05.03 To publish its complaint and appeal procedures, where to file a complaint with the Colorado Department of Higher Education, contact information for the institution's accrediting agency in prominent student publications, including, but not limited to the course catalog, student handbook, and on its website.