

## **COMPLAINT POLICY/PROCEDURE**

Complaint / grievance procedures are included in the **Student Handbook** as part of the student orientation process, assuring all students are aware of The Academy policy and procedures for filing a complaint. The Academy will make every attempt to resolve a complaint that is not frivolous or without merit. Evidence of all final resolutions to a complaint will be kept in The Academy files (and will be available during an accreditation onsite visit, in order to determine nature, frequency and patterns of complaints against The Academy).

If applicable, the accrediting body will not intervene on behalf of students in cases of disciplinary action or dismissal, or act as a court of appeals in such matters as admission, graduation, fees, and similar points of issue, unless the context suggests unethical or unprofessional actions that seriously impair or disrupt the educational services of a candidate or accredited institution. All procedures below must be exhausted prior to filing a complaint with the accrediting body, if applicable.

### **Parties Who May File a Complaint / Grievance**

A complaint / grievance may be filed by any party who has good reason to believe that The Academy is in error regarding an Academy policy or any complaint resulting in a violation of accreditation standards by The Academy, which include standards required to gain or maintain accreditation by an accredited or an initial applicant or institution in candidate status, if applicable. Additionally, students who allege their Title IX rights have been violated may file a complaint / grievance according to this Complaint Policy. Other parties include but are not limited to, students and former students of the Academy, prospective students, governmental agencies with responsibility for activities of cosmetology or massage schools, members of the public, and other accredited schools.

### **Complaint / Grievance within The Academy**

If a person has a complaint that needs to be addressed, the following procedure should be followed:

- Discuss the situation or concern with an Educator or the Operations Director.
- The Operations Director reports all concerns to the owner(s) of The Academy.

Should a formal complaint become necessary, the student should register the complaint in writing on The Academy designated form within 60 days of the actual date the grievance occurred. The complaint should be given to the Title IX Coordinator / Compliance Officer of The Academy. The anticipated timeline to resolution of a grievance is 60 calendar days or less. The Title IX Coordinator at The Academy is Cassandra Schaffer and can be contacted by email at [titleIXcoordinator@tspafargo.com](mailto:titleIXcoordinator@tspafargo.com) or by phone at 701.478.1772

The complaint will be reviewed by the Title IX Coordinator and The Academy management, as it becomes necessary. A response will be sent to the student in writing within 10 calendar days of receiving the complaint. The initial response will notify the student of the investigation process and any actions being taken in regard to the complaint. If necessary, the complaint will be referred to an appropriate agency (if applicable) pending the complaint cannot be resolved by Academy management.

If The Academy is not able to resolve the complaint, the complaint should report to the following agencies in this order until a resolution is found:

1. North Dakota State Board of Cosmetology – 701.224.9800
2. NACCAS – 703.600.7600
3. Department of Education, Region VII – 303.844.3677
4. Department of Career and Technical Education – 701.328.2180

In addition:

- Interviews of appropriate and students regarding the complaint will take place if deemed necessary.
- In extreme cases, Academy management may appoint a hearing committee to conduct an informal hearing regarding the complaint.
- The hearing committee will consist of an Academy (non-owner) educational staff member not involved in the complaint, the Title IX Coordinator of The Academy, a person not related to the student filing the complaint or another student, and a non-employed Academy individual who cannot be related to The Academy owner(s).
- The informal hearing will take place within less than 10 calendar days from the formation of the hearing committee.
- The student filing the complaint must be present during the hearing and the student will be given an opportunity to present their case, followed by The Academy response, followed by a hearing committee question / answer session of all parties involved.
- Within 15 calendar days of the hearing, the committee will prepare a summarized report of witness' testimony and a committee recommendation for resolution.
- Academy management may accept, reject, or modify the recommendation by the committee.
  - The Academy owner(s) may accept, reject, or modify the recommendation by the committee.
- Student's must complete and exhaust The Academy's internal complaint procedure prior to contacting accrediting or government agencies.
- If the student has tried to resolve the issues through the Academy's complaint process and is unsuccessful, the student may contact the North Dakota State Board of Cosmetology at the number listed above.
- If the complaint escalates to accrediting or government agencies, if applicable, the student must show that The Academy's complaint procedure has been followed and indicate why the matter is considered unresolved at the time of submitting the complaint.

**If applicable, the student must submit a signed formal complaint form (available at [www.naccas.org](http://www.naccas.org)) to the Executive Director of the Commission.** The Academy's accreditation agency may be contacted at:

NACCAS; 3015 Colvin Street; Alexandria, VA 22314      703-600-7600

### **Content of the Complaint / Grievance**

- The student must use the Academy provided complaint form when submitting a formal complaint. Complaint must include basis of any allegations of noncompliance with accrediting or government agency rules of practice.
- Contain all relevant names and dates with a brief description of the basis of the complaint.
- Attach supporting documentation or materials regarding the allegations.
- Complaints that are filed seeking recompense for an individual grievance cannot be kept confidential since information must be obtained from the Academy to address the person(s) allegations.

### **Submitting a Complaint to The Academy's Accrediting Body**

- If submitting a complaint / grievance to the accrediting body, include a release from the complainant(s) authorizing the Commission to forward a copy of the complaint, including the identity of the complainant(s) to The Academy.
- If the accrediting body requests additional information, a complaint form shall be sent to the complainant and whereby the complainant will have 21 calendar days to respond with the completed complaint form. If the completed form is not returned within 21 calendar days, the complaint will be abandoned by the accreditation body, if applicable.
  - The Executive Director of the accrediting body shall acknowledge the receipt of the complaint within 10 business days of arrival.
  - If the complaint fails to meet accreditation requirements, the complaint shall be referred to a committee established by the accrediting body, if applicable.

### **Notice of the Complaint and Accreditation Responses**

- The accrediting body will notify the Academy of such filed complaint and provide a copy of the complaint or summary of the allegations outlined in the complaint along with the accreditation Standards and Criteria, Rules of Practice and Procedure, accreditation objectives or other Commission requirements which were allegedly violated.
- Within 10 calendar days after receipt of complaint, the Executive Director, when applicable, shall encourage an informal resolution or settlement of the dispute.
- Within 21 calendar days, if an informal resolution is not reached, a formal written complaint must be sent to the Academy and the accreditation body, when applicable, which shall advise the Academy that it has 21 calendar days from the date of receipt of the notice to submit a response to the complaint.
- The response of the Academy must list all defenses The Academy intends to assert and shall be accompanied by documentation supporting the Academy's response.

- The accrediting body, if applicable, may request additional information at any time.
- The Academy's responses and any other information concerning the complaint proceeding shall be sent by certified mail, return receipt requested within 21 calendar days of the notice of the filing of the complaint.

**Accreditation Action, if applicable, on a Complaint**

- Upon expiration of the time limits for submission of The Academy's response or for submitting additional information that was requested, the designated committee or the Commission, if applicable, shall take one or more of the actions authorized in the Accreditation Rules, if applicable. In addition, the following actions may be taken.
  - Determine that the information received is insufficient to constitute a complaint.
  - Encourage an informal resolution or settlement of the dispute.
  - Declare the complaint resolved.
  - Refuse to process any complaint that has been determined to be frivolous or without merit, brought due to aggravation or due to oppressive reasons or submitted anonymously.

If the accrediting body, when applicable, refuses to process a complaint, and if the complainant's identity is known, will return the complaint to the complainant and provide a statement of the reasons for denying the processing of the complaint. The complainant may file a new complaint, which meets the accreditation requirements, when applicable, if the previous complaint was rejected. All documentation regarding a complaint shall be kept in the Academy files.