The U.S. Department of Education (USDE) has established an aggressive deadline of July 1, 2011, for colleges and universities to comply with the “state approval authority” provisions of the larger Program Integrity rulemaking.

As part of the overall rule, colleges must be “legally authorized” by their state in order to offer postsecondary education. Legal authorization consists of three separate compliance requirements: (1) An institution must be authorized by name by an official state action such as a state charter, state legislation, or articles of incorporation; (2) the state within which the institution operates must have an independent complaints process whereby a state agency or agencies would be expected to handle student consumer complaints related to any State laws including, for example, laws related to fraud or false advertising; and (3) each institution must, as part of its institutional information under 34 CFR § 668.43 (Institutional information), provide its students or prospective students with contact information for filing complaints with any State official or agency that would appropriately handle a student’s complaint.

WAICU, working in partnership with the UW System and the Wisconsin Technical College System, has achieved compliance with (1) and (2) through the issuance of Governor Walker’s Executive Order No. 37 on June 28, 2011, listing WAICU members by name, confirming WAICU members’ exemption from state regulation, and making clear that the State of Wisconsin has an existing statewide complaints process. The Governor’s executive order challenges higher educational institutions to bring greater transparency to the complaints process. To this end, WAICU is providing you with a COMPLAINTS TEMPLATE (see below) which should be adapted and published on your web page and included in other policy and procedure information documents as soon as possible. I have highlighted in gray those sections of the template that need to be customized with specific information for your college or university.

The language of the template has been taken directly from the federal rule language issued by the U.S. Department of Education. Each WAICU member should adapt the template for its own use by supplying the name of your institution along with other campus-specific contact information. However, with the exception of the campus-specific information that each WAICU member will need to supply, we encourage you to maintain the wording of the template as closely as possible to avoid any unnecessary scrutiny from the U.S. Department of Education. The UW System and Wisconsin Technical College System are using a parallel template, modified to reflect the fact that they are public systems, not a voluntary association.

The template as you adapt it should be posted on the area of your web page where students may currently find information about filing complaints. You should also consider incorporating it into other any publications or processes related to student complaints.
The intent of this template is **NOT** to circumvent existing campus processes **NOR** to encourage student complaints, but rather to comply as soon as possible with new federal requirements by making existing state complaint processes more transparent.

WAICU has worked collaboratively with the UW System, Technical College System, the Governor’s office, WAICU’s legal counsel, Kathleen Rinehart of Whyte Hirschboeck Dudek, and the relevant state agencies to develop an overall State of Wisconsin response to the federal Program Integrity rules that meets the letter of the law without exposing WAICU members to regulation by the Educational Approval Board, any other state agency, or public university system.

The State Approval Authority regulations take effect July 1, 2011. To avoid any risks and to ensure that the USDE understands Wisconsin’s regulatory framework, I urge that you make this template available on the appropriate area of your web page as soon as possible.

Please contact Paul Nelson, WAICU Senior Vice President for Public Policy, at (608) 256-7761, ext. 223, or via email at paul.nelson@waicu.org, if we can help in any way.
Beginning July 1, 2011, the U.S. Department of Education regulations to improve the integrity of programs authorized under Title IV of the Higher Education Act (HEA), as amended (the “Program Integrity Rule”), take effect. The Program Integrity Rule requires, among other things, that each college or university authorized to offer postsecondary education in one or more States ensure access to a complaint process that will permit student consumers to address the following:

1. Alleged violations of State consumer protection laws that include but are not limited to fraud and false advertising;
2. Alleged violations of State laws or rules relating to the licensure of postsecondary institutions; and
3. Complaints relating to the quality of education or other State or accreditation requirements.

[ College/University], as an institution authorized to provide postsecondary education in the State of Wisconsin, is committed to full compliance with the Program Integrity Rule, and provides the following confirmation to all current and/or prospective students:

The Higher Learning Commission of the North Central Association of Colleges and Schools accredits [ College/University]. You may review the College’s/University’s accreditation documents at: [link to the site where a read only copy of the accreditation document will be provided]

COMPLAINT PROCESS

[ College/ University] seeks to resolve all student concerns in a timely and effective manner. To that end, this complaint process serves as an ongoing means for students to discuss concerns or register formal complaints that pertain to alleged violations of State consumer protection laws that include but are not limited to fraud and false advertising; alleged violations of State laws or rules relating to the licensure of postsecondary institutions; and complaints relating to the quality of education or other State or accreditation requirements.

The Offices of the Provost, Student Affairs, Admissions, Bursar, Registrar and Financial Aid all provide specific administrative means to address and resolve most, if not all of the questions and concerns you may have. The contact information for each of these Offices is provided below:

- Office of the Provost (academic programs, accreditation): phone/email
- Office of Student Affairs (student and campus life): phone/email
Office of Admissions (admissions eligibility): phone/email
Office of the Bursar (tuition/fee payments): phone/email
Office of the Registrar (academic records): phone/email
Office of Financial Aid (loans, scholarships, grants): phone/email

It is expected that students will fully utilize any/all of the College’s/University’s administrative procedures to address concerns and/or complaints in as timely a manner as possible. On occasion, however, a student may believe that these administrative procedures have not adequately addressed concerns identified under the Program Integrity Rule. In those select cases, the following independent procedures are provided:

1. The Division of Trade and Consumer Protection of the Wisconsin Department of Agriculture, Trade and Consumer Protection (the “Division”) is prepared to receive and review student consumer complaints regarding alleged fraudulent or abusive practices by a college or university in the delivery of postsecondary academic programs and activities, including, for example, fraud or false advertising. Complaints may be filed with the Division in written or electronic form by accessing the following link: http://datcp.wi.gov/Consumer/Consumer_Complaints/index.aspx.

2. The Office of the Attorney General for the State of Wisconsin is authorized to investigate and prosecute violations of State consumer laws, including laws relating to deceptive advertising, credit, charitable solicitations, telecommunications, telemarketing and sales. The Office cooperates with other States, the Federal Trade Commission and other federal agencies in addressing national consumer protection issues. Further, the Wisconsin Department of Justice Office of Consumer protection litigates cases that are referred to the Department by other States agencies. Complaints may be filed with the Wisconsin Department of Justice Office of Consumer Protection at the following link: http://www.doj.state.wi.us/dls/ConsProt/cp_complaints.asp.

3. The Higher Learning Commission (“HLC”) of the North Central Association of Colleges and Schools is an independent body responsible for the accreditation of programs offered by __________ College/University. HLC relies on constant contact with the College/University to ensure quality higher learning. Accredited institutions are required to submit progress reports, monitoring reports, contingency reports, and annual reports, as well as to participate in focus visits. Each year, HLC receives a number of complaints from students or other parties. When a complaint raises issues regarding an institution’s ability to meet accreditation criteria, HLC will forward a copy of the complaint to the institution and request a formal response. Complaints may be filed with Higher Learning Commission at the following link: http://www.ncahlc.org/information-for-the-public/complaints.html.

4. A variety of other State agencies or State Boards, which are involved in the evaluation and approval of institutional programs, or in the granting of professional certification or licensure, may also be contacted. These agencies include, but may not be limited to, the following:
Accounting Examining Board:  
http://www.drl.state.wi.us/board_detail.asp?boardid=61&locid=0

Board of Nursing:  
http://www.drl.state.wi.us/board_detail.asp?boardid=42&locid=0

Department of Public Instruction (teacher preparation programs)  
licensing@dpi.wi.gov

Physical Therapists Affiliated Credentialing Board  
http://www.drl.state.wi.us/board_detail.asp?boardid=47&locid=0

Wisconsin Supreme Court (legal education)

If you are currently enrolled, or anticipate enrollment, in an educational program that requires State agency or board authorization and/or licensure and do not see it listed here, please contact the Office of the Provost/Academic Dean/other at: __________________.