



Massachusetts Department of Higher Education

DHE Complaint Policy and Process

The Department of Higher Education (DHE) is responsible for authorizing the operation of public and private independent institutions of higher education located in Massachusetts and managing the complaint process required by Title IV of the Higher Education Act (34 CFR § 600.9(a)(1)).

I. Scope

If you are a student, former student, faculty, staff, or parent of a student and you believe that an institution of higher education operating in Massachusetts is not operating in compliance with state requirements (as set forth in 610 CMR 2.00 or other state law or regulations) or its own policies and procedures, you may file a complaint with the DHE.

Generally, issues falling under the DHE's jurisdiction include academic quality and licensing; issues regarding student life (including, for example, student discipline, grading, and housing) typically fall within the purview of the institution itself. An institution of higher education's Board of Trustees is responsible for establishing and enforcing the policies necessary for the management of the institution under its authority. For this reason, nearly all complaints should be resolved at the institutional level. Please note that the DHE will only act upon complaints that were unable to be resolved through the institution's own internal dispute resolution process. Furthermore, our agency cannot and does not provide legal advice.

Please also note that there may be other agencies that may be more appropriate avenues for addressing the issues raised in your complaint, including but not limited to, the [US Department of Education Office for Civil Rights](#), the [US Department of Education Family Policy Compliance Office](#), the [Massachusetts Commission Against Discrimination](#), and the [Massachusetts Attorney General's Office](#). If your complaint involves allegations about criminal activity, you should contact your local law enforcement officials.

II. Filing a Complaint

The DHE attempts to provide an avenue for **informal resolution** of matters concerning institutions and cannot require an institution to take any specific action in a matter.

Before contacting the DHE, you must first exhaust the institution's internal grievance or complaint procedures; all colleges and universities participating in federal financial aid programs (which is the vast majority of institutions) are required to have formal grievance procedures. These policies are usually published in the institution's catalog, student handbook, and/or on the institution's website, and they describe the steps you must take to file a complaint or

grievance. Sometimes there are different processes, both informal and formal, that are available to resolve complaints. These procedures exist to ensure that your complaint will be heard fully and fairly, and the college or university must provide for the prompt and equitable resolution of complaints. When filing a complaint with your school, you should be specific in describing the nature of the complaint and relevant information: the name of the parties involved, including witnesses, dates, the policy or procedure violated (if known), the course/program, and your contact information. In addition, it is important to include any supporting material that substantiates your complaint.

After you have pursued your concerns using the institution's dispute resolution procedures, and have not reached a mutually agreeable resolution, you may proceed with filing a formal complaint with the DHE through the DHE website or by submitting the DHE's complaint form via fax or mail.

III. How Complaints are Handled

General Complaints

The [general complaint process](#) is available to any student, former student, faculty, staff, or parent of a student, regardless of where the student currently resides, who is enrolled online or on-the-ground at a Massachusetts college or university.

To initiate a complaint about a college or university located in Massachusetts, or if you are a Massachusetts resident taking online courses at an institution located either in Massachusetts or in another state, you must complete the DHE complaint form.

(<http://www.mass.edu/forstufam/complaints/complaintform.asp>)

After a student submits a complaint to the DHE, the complaint is reviewed by DHE staff for completeness. Where a student submits a complaint electronically and indicates that the student will be submitting supporting documentation separately, the DHE will hold the complaint until the supporting documentation is received. Once a complaint is considered complete, it will be referred to the relevant institution for response. The institution generally has 30 days from its receipt of the complaint from the DHE to provide a response to the student and the DHE. If, after 30 days, the DHE has not received any response from institution, the DHE will follow up with the institution to request a response to the complaint.

Once the institution's response is received, DHE staff will review the information provided. If the institution's response satisfies the DHE, the DHE will consider the complaint to be closed. If the forthcoming response does not satisfy the DHE, the DHE will either review the complaint further, request clarification where necessary, or, in its discretion, send the complaint directly to another agency that is authorized to address the concern(s) raised in the complaint, including to the Consumer Protection Division and/or the Public Charities Division of the Massachusetts Attorney General's Office, or another state's equivalent entity, for review and possible enforcement action.

If, after an institution has provided its response, a complainant submits a further response or supplementary information, the DHE will review the information to determine whether the complainant is making new allegations (in which case the complainant may be directed to file a new complaint or the institution may be asked to provide follow up information) or if the complainant is dissatisfied with the institution's response but has provided no new information or allegations (in which case the DHE may inform the complainant that the DHE is satisfied with the institution's response and that the matter is closed).

SARA Complaints

The State Authorization Reciprocity Agreement ([SARA complaint process](#)) is available to any student who currently resides in a [SARA member state](#) or territory other than Massachusetts and is enrolled in distance education or online courses or programs at a [Massachusetts SARA Institution](#). The SARA complaint process is *not* to be utilized by Massachusetts residents if the complaint concerns a Massachusetts institution; Massachusetts residents should instead utilize the [general complaint process](#).

As the Massachusetts portal entity for SARA, the DHE is empowered to investigate and resolve out-of-state students' complaints of violation of the terms and policies of SARA, the laws, standards, or regulations incorporated by SARA, and/or the provisions of 610 CMR 12.00 against all institutions of higher education located in Massachusetts which offer distance education programs through SARA.

Complaints by Massachusetts students against out-of-state SARA institutions should be submitted to the SARA portal entity in the state where the institution is located once the complaint process at that institution has been exhausted.

IV. Personally Identifiable Information Waiver

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records, including grades, judicial sanctions, financial records, and other personal information. All complainants will be asked to provide written consent for the institution to disclose to the DHE any relevant protected information, including FERPA information, from its student records in order to assist the DHE with evaluating the institution's response and making a determination on satisfaction.

V. Public Records

Under most circumstances, the text of the complaint/inquiry and the institution's response will be considered public records, copies of which must be made available to any member of the public upon request. However, personally identifying information (e.g., name, address, phone number, etc.) will not be disclosed. Furthermore, no part of the complaint/inquiry or the institution's response will be provided in response to a request that asks specifically for a complaint/inquiry submitted by an individual.