

**COMPLAINT COMMITTEE MEETING MINUTES**

**December 8, 2015**

Members Present: Mr. Glen Tharp  
Ms. Trish Leonard  
Dr. Henry Radda

Also Present: Teri Stanfill, Director  
Keith Blanchard, Deputy Director  
K.D., Board Secretary

**I. CALL TO ORDER – 1:00 P.M.**

Chairman Glen Tharp called the Complaint Committee meeting of the Arizona State Board for Private Postsecondary Education Board Meeting to order at 1:00 P.M.

**II. MINUTES: SEPTEMBER 24, 2015**

Dr. Rada made a motion to approve the minutes of the September 24, 2015 Complaint Committee meeting as submitted. Ms. Leonard seconded the motion. **Minutes approved**

**III. STUDENT COMPLAINT**

- A. #15-S006 Arizona Summit Law School**  
Institution: Nicole France Stanton, Atty. and Shirley Mays, Dean  
Student: B.G.

*Ms. Leonard recused herself from this agenda item*

Mr. Blanchard summarized the complaint. On April 24, 2015, Board staff received a complaint from B.G. alleging Arizona Summit Law School (“ASLS”) violated its attendance policy, had a flawed appeals process. B.G. stated he should not have been academically dismissed.

It was noted that the date the complaint as received by Board staff; the issue of the three year statute of limitations was in question.

**Executive Session:**

**Mr. Tharp made a motion to enter into Executive Session to obtain legal advice.**

**Dr. Radda seconded the motion.**

**1:05 p.m. Complaint meeting adjourns**

**1:06 p.m. Executive Session begins**

**1:10 p.m. Executive Session ends**

**1:11 p.m. Complaint Committee resumes**

Upon return from Executive Session, Chairman Tharp stated the complaint would not be dismissed for the three year statute to limitation to file a complaint, as the student had continued his appeals and was taking classes during the appeal process.

B.G.'s last date of attendance was April 24, 2012. He was dismissed from school for SAP, which in part came from a violation of attendance policy in his Contracts II class by allegedly missing five classes (policy states students can only miss four). After his Contract II grade was changed to an "F", B.G. was no longer academically eligible to continue. B.G. submitted a number of appeals, all of which were denied. During his appeals, ASLS allowed B.G. to continue with classes. B.G. stated he became aware of the five absences when he looked at the student portal, but never received any formal written notification.

In its response, ASLS submitted B.G.'s attendance history showing a pattern of missing three to four classes for each class. This included the Contracts II class, which was B.G.'s second attempt. ASLS explains the written communication to make B.G. aware that he is over the allowable absences and would have be withdrawn from school could be found on B.G.'s electronic student portal.

ASLS stated in a January 24, 2012 communication to B.G. that the Petition for Reinstatement was denied. The denial was based on the unlikeliness of B.G. achieving a cumulative GPA of at least 2.0 upon reinstatement. The reason is that reinstatement gives a student only one semester to attain the cumulative GPA of 2.0.

During the discussion, Dr. Radda read the attendance policy and explained he was concerned with the lack of written notice, as stated in the handbook. Dr. Radda questioned B.G. regarding the appeal process. Dr Radda stated the appeal process is not an issue.

**ACTION:** After review and discussion, Dr. Radda made motion that ASLS may have failed in its written policy that requires ASLS to communicate in writing when a student is at its max absences. Dr. Radda found no violation on all other allegations. In his motion, Dr. Radda requested a review by the State Board pertaining to the policy that ASLS failed in its written communication to B.G. Mr. Tharp seconded the motion.

**Motion Carried.**

#### **IV. Determination to open a complaint – Arizona Summit Law School Institution: Shirley Mays, Dean**

##### ***Ms. Leonard recused herself from this agenda item***

Mr. Blanchard summarized the complaint. Board staff received articles published from ABA Journal and The New York Times regarding concerns at Arizona Summit Law School regarding State Bar pass rates. At issue is the low score on the LSAT, student debt and the concern over students passing of the State Bar. Dean Mays spoke of the lagging numbers and states the American Bar Association (ABA) reviews records based on a five year period and not a year by year assessment. ASLS is within the guidelines as set forth by the ABA.

**ACTION:** After review and discussion, Mr. Tharp made a motion to have ASLS submit May State Bar pass rates, when available, and if scores were down or not in compliance with the State Bar to open a complaint. Dr. Radda seconded the motion. **Motion Carried.**

- V. Determination to open a complaint – Brown-Mackie College**  
Institution: Sheryl Elston, Campus President, Ana Selga, Dean of Academic Nursing, Dr. Roni Collazo, Director of Nursing  
Complainant: None

Mr. Blanchard summarized the complaint. Brown Mackie College signed a Consent Agreement and Order offered by the Arizona State Board of Nursing regarding its RN program, specifically rule and subsections: R4-19-201. Administrator; Qualifications and Duties; R4-19-204. Administrator; Qualifications and Duties; R4-19-205. Administrator; Qualifications and Duties.

Sheryl Elston submitted a letter of explanation regarding the current situation and included a paragraph on the positive ACICS visit, which took place on September 8, 2015. During questioning by the committee, Ms. Elston stated EDMC has a strong relationship with the Stat Board of Nursing. Mr. Tharp questioned pass rates, attrition rates, retention rates and the HESI-AZ assessments.

**ACTION:** After review and discussion, Mr. Tharp made a motion to forward the complaint to the State Board for review for possible and possible action regarding violation of A.R.S. § 32-3051: The Board may take disciplinary action against any person licensed pursuant to this chapter for any one or a combination of the following reasons: (7): Failure to comply with all state and federal laws relating to the operation of a private postsecondary educational institution. Dr. Radda seconded the motion. **Motion Carried.**

- VI. Determination to open a complaint – Carrington College**  
Institution: Joshua Chumley, Executive Director; Deborah MacDonald-Davis, Nursing Program Director  
Complainant: None

Mr. Blanchard summarized the complaint. Carrington College signed a Consent Agreement and Order offered by the Arizona State Board of Nursing regarding its RN program. The investigation by the Nursing Board was based on a complaint from a prior instructor regarding grading issues occurring in July 2015.

The instructor allowed some failing students “extra points” in order to pass the NUR 261 course and NUR 266 course This instructor also created an “Independent Study “ for a specific student and imported prior course grades that allowed the student to pass the NUR262 course. Carrington College investigated this situation, which included questioning the instructor, who then resigned and filed a complaint with the Nursing Board.

**ACTION:** After review and discussion, Mr. Tharp made a motion to forward the complaint to the State Board for review for possible and possible action regarding violation of A.R.S. § 32-3051: The Board may take disciplinary action against any person licensed pursuant to this chapter for any one or a combination of the following reasons:

(7): Failure to comply with all state and federal laws relating to the operation of a private postsecondary educational institution. Ms. Leonard seconded the motion. Dr. Radda voted No. **Motion Carried.**

**VII. Call to the public:** Seth Nwosu spoke

**VIII. ADJOURNMENT:** 2:58 P.M.

The December 8, 2015 Complaint Committee Minutes were approved at the March 24, 2016 Complaint Committee meeting



Keith Blanchard, Deputy Director