

COMPLAINT COMMITTEE MEETING MINUTES

April 23, 2015

Members Present: Mr. Glen Tharp
Ms. Trish Leonard

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

I. CALL TO ORDER – 2:22 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: JANUARY 6, 2015

Ms. Leonard made a motion to approve the minutes of the January 6, 2015 Complaint Committee meeting as submitted. Mr. Tharp seconded the motion. **Minutes approved**

III. NON-STUDENT COMPLAINT

- A. #15-NS502 Tucson College**
Institution: Lloyd Kirsch and Attorney David O’Daniel
Complainant: Y.A. (Telephonically)

Executive Session:

Ms. Leonard made a motion to enter into Executive Session to obtain legal advice. Mr. Tharp seconded the motion. Executive Session 2:53 p.m. Executive Session ended 3:00 p.m.

Return to meeting 3:03 p.m.

Mr. Blanchard summarized the complaint. On January 6, 2015, the Complaint Committee reviewed the complaint regarding Tucson College denying Y.A. published policy and information that would allow her to represent a student at a Student Code of Conduct hearing. After discussion, the committee voted and required a response to the following:

1. The timeline of the publication regarding student disciplinary policy the procedures
2. The date and time information was updated (per Tucson College)
3. Information of the verification that the hearing guidelines for student disciplinary policies and procedures were updated and published on September 29, 2014

4. When were the policies made available online
5. Emails or communications between Ms. Ayers and Tucson College requesting a copy of the rules and regulations regarding their disciplinary hearings, if available
- 6.

In its response, Tucson College discussed student L.O. not availing herself to other procedures to resolve her dispute and Y.A. not having “standing” to file a complaint, which the Committee disagreed. Tucson College stated that on Thursday October 2, 2014, Mr. Chavez and Mr. Kirsch knew of the new procedure, but it had not been published in the catalog.

Ms. Leonard questioned Tucson College regarding why it continued to fail to communicate directly to Y.A. regarding its policy or lack of customer service since the policy was in place, but not yet published.

ACTION: After discussion and review, Ms. Leonard made a motion to issue a Letter of Concern, stating the following:

Tucson College may have failed to give notice of a new policy, which had not been published in the institutions catalog or made available on its website. Tucson College may have been in violation of A.R.S. § 32-3051 (14) Failure to follow published administrative policies, procedures and fees of the educational institution.

Mr. Tharp seconded the motion. **Motion Carried.**

B. #15-NS503 Everest College

Agenda item removed from agenda

IV. STUDENT COMPLAINT

A. #15-S002 Grand Canyon University

Institution: Dan Steimel, Assistant General Counsel, Debbie Rickey, Associate Dean

Student: A.E. (Telephonically)

Mr. Blanchard briefly summarized the complaint. On August 11, 2014, staff received a complaint from A.E, which stated he was wrongfully “kicked-out” of GCU with 8 weeks remaining in his Elementary Education program. A.E. was removed from a student teaching assignment in New Jersey, which led to his dismissal. GCU provided a number of Code of Conduct issues beginning in 2009. GCU has submitted that history and supporting evidence, which played a part in the expulsion of A.E. A.E. stated his “civil and human rights were violated a number of times.” He specifically talked about a 2009 incident with an instructor calling him a “Nazi” after her review of a paper he submitted on immigration.

After an initial suspension, A.E. returned to the school and completed enough of his program to begin his student teaching. He was ultimately terminated from his student teaching assignment with a number of concerns.

ACTION: After review and discussion, Ms. Leonard made a motion to dismiss the complaint, without prejudice. Mr. Tharp seconded the motion. **Motion Carried.**

B. #15-S004 University of Phoenix

Institution: Austin Rhodes, Tonya Claiborne and Atty. Lynne Adams

Student: W.O. (Telephonically)

Mr. Blanchard briefly summarized the complaint. The Complaint Committee reviewed the complaint at its meeting on January 6, 2015 and voted to dismiss all the allegations in the complaint, except a request from Ms. Leonard to have the University submit enrollment agreement, admission documentation and admission requirements at issue with W.O

The committee heard commentary from W.O., Attorney Lynne Adams and reviewed the document submitted by W.O. and the University. Ms. Leonard discussed the enrollment and admission requirements of W.O, including the required a pre-requisite requirement of admission.

ACTION: After review and discussion and finding no violations of statute or Board rules, Ms. Leonard made a motion to dismiss the complaint, with prejudice. Mr. Tharp seconded the motion. **Motion Carried.**

C. #15-S005 Arizona Summit Law School

Institution: Shirley Mays, Dean, Laura Dooley and Attorney Whitmore (Telephonically)

Student: S.N.

Mr. Blanchard briefly summarized the complaint. On December 29, 2014, complainant S.N. submitted a complaint against Arizona Summit Law School (“ASLS”). On or about January 22, 2013, S.N. attempted to communicate through email with an instructor regarding a review of a grade in Civil Procedure 1. This communication attempt directed to an instructor regarding a grading issue was pursuant to ASLS hand book and was required as part of the initial grade appeal. Not getting a response from his email, S.N. attempted to speak verbally with the instructor on or about February 1, 2013, but again did not get a response. The next step in the grade grievance was to file an appeal, which was completed on or about February 15, 2013. His appeal was denied on March 8, 2013.

Prior to review, S.N. requested postponement of the complaint and be allowed to amend the complaint with additional allegations and be allowed to submit the new information.

ACTION: Mr. Tharp made a motion to defer action until the next Complaint Committee meeting. Ms. Leonard seconded the motion. **Motion Carried.**

VI. Call to the public: N/A

VII. ADJOURNMENT: 4:15 P.M.

The April 23, 2015 Complaint Committee Minutes were approved at the June 25, 2015 Complaint Committee meeting



Keith Blanchard, Deputy Director