

ARIZONA STATE BOARD FOR PRIVATE POSTSECONDARY EDUCATION
1400 West Washington St., Conference Room B1
Phoenix, AZ 85007

COMPLAINT COMMITTEE MEETING MINUTES

January 10, 2014

Members Present: Glen Tharp
Trish Leonard
Gary Damore

Also Present: Teri Stanfill, Director
Keith Blanchard, Deputy Director
Kimm Darling, Board Secretary

I. CALL TO ORDER –10:06 A.M.

Chairman Glen Tharp called the Complaint Committee meeting of the Arizona State Board for Private Postsecondary Education Board Meeting to order at 10:06 A.M.

II. MINUTES: SEPTEMBER 26, 2013

Dr. Damore made a motion to approve the minutes of the September 26, 2013 Complaint Committee meeting as submitted. Ms. Leonard seconded the motion. **Minutes approved**

**III. DETERMINATION TO OPEN A COMPLAINT – Northcentral University
Institution: Dr. Scott Burrus; Melanie Shaw (Telephonically)
Complainant: A.A., Yolanda Rondon and Abed Ayoub with the America-Arab
Anti-Discrimination Committee (Telephonically)**

Executive Session:

Ms. Leonard made a motion to enter into Executive Session to obtain legal advice. Dr. Damore seconded the motion. Executive Session 10:15 a.m. Executive Session ended 10:25 a.m.

Returned to meeting 10:25 a.m.

Mr. Blanchard summarized the issues brought by Complainant A.A. requesting an investigation regarding allegations of retaliation, discrimination, negative behavior and negative attitudes against him by NCU. On December 4, 2013, Board staff received a complaint from A.A., which has also been submitted to the U.S. Department of Education Office for Civil Rights (OCR) in April 2013. A settlement agreement was reached during the Early Complaint Resolution Process (ECR) on October 31, 2013.

ACTION: After discussion and review, Mr. Tharp made a motion to open a complaint. The complainant was instructed that allegations submitted in his complaint must be after October 31, 2013. Dr. Damore seconded the motion. **Motion Carried.**

IV. NON-STUDENT COMPLAINT

A. #14-NS500 National Personal Training Institute (“NPTI”) Institution: Jeff Powers

Mr. Blanchard summarized this complaint regarding NPTI offering through advertisements “\$200.00 discounts for payment in full and \$100.00 discounts on 2nd payments.” None of the discounts are published in the institution’s catalog or on the enrollment agreement.

NPTI’s representative, Mr. Powers stated he was unaware of the advertising of non-published discounts and stated the information that was disseminated is approved and distributed by the corporate office located in Chicago.

ACTION: After discussion and review, Mr. Tharp made a motion to forward the complaint for further review and action for possible violation of Board Rule, R4-39-308 (B)... Tuition, Pricing and Refund Policies. Dr. Damore seconded the motion. **Motion Carried.**

B. #14-NS502 A.T. Still University Institution: Dr. O.T. Wendell

Mr. Blanchard summarized the status of the complaint stating the initial review of this complaint at its September 2013 meeting the concerns were the disability insurance policy was required for all students and had to be purchased through the ATSU. There were no additional options regarding the carrier of the policy or costs and fees. The main issues in the original allegation were 1) ATSU was threatening to withhold the release of the students’ funds if they do not sign up for this disability insurance, 2) the agent for the insurance company that is providing the mandatory insurance coverage is on the board or an ex-board member of one of ATSU and 3) the only insurance company available to students to purchase the policy was Northwestern Mutual.

ATSU submitted a response with an explanation of the policy provisions, the benefits and requirements for the disability insurance. Included in its response is the portion of the student handbook explaining the overview of the coverage and the policy requirements to secure the disability insurance policy. ATSU stated there are now additional options for students to consider. Pursuant to ATSU’s response, it did change the policy of holding financial aid disbursement.

ACTION: After review and discussion, Ms. Leonard made a motion to dismiss the complaint finding no violations of statute or Board rules that govern private postsecondary institutions in Arizona. Mr. Tharp seconded the motion, but requested a list of providers after the institution has time to meet with and identify the specific insurance providers. **Motion Carried.**

V. STUDENT COMPLAINTS

A. #13-S010 University of Phoenix

Institution: Austin Rhodes, Tondra Claiborne and Dr. Kelly Claiborne

Mr. Blanchard summarized the complaint stating the complaint was being submitted to the committee to review for a dismissal. Staff opened this complaint, prior to the University completing its inquiry. In the summary, K.R. was in his last project in his Doctor of Philosophy in Industrial/Organizational Psychology. The assignment was to be submitted in a Request for Proposal (RFP) format. The complainant submitted in a Request for Bid (RFB). This caused the issue in this complaint. On August 6, 2012, the State Board received a complaint from K.R. regarding the assignment that was submitted using the wrong format, which was approved by the faculty advisor (pursuant to complainant). During the initial review of the complaint, complainant stated he had completed the institutional grievance procedure as required by Rule R4-39-403. The University has had numerous written and verbal communications to discuss his desired resolution. Staff has been in communication with the University and K.R., as this matter has progressed. The complainant and the University came to a resolution, which was the same resolution offered prior to the complaint submission.

ACTION: After review and discussion, Ms. Leonard made a motion to dismiss the complaint finding no violations of statute or Board rules that govern private postsecondary institutions in Arizona. Mr. Tharp seconded the motion. **Motion Carried.**

B. #14-S003 Argosy University

Institution: Hugh Jensen, Dr. Stephanie Vitanza, Dr. Amanda Nellis and Dr. Norma Patterson
Complainant: A.J.

Executive Session:

Ms. Leonard made a motion to enter into Executive Session to obtain legal advice. Dr. Damore seconded the motion. Executive Session 10:53 a.m. Executive Session ended 10:59 a.m.

Returned to meeting 10:59 a.m.

Mr. Blanchard summarized the complaint stating complainant A.J. was academically dismissed from her MA in Mental Health Counseling program at Argosy University. A.J. received notification on January 5, 2013 that she did not meet the satisfactory academic progress requirement. She was then dismissed from Argosy for being over the 5-year maximum timeframe for the completion of her program. At issue is an internship with the Phoenix Fire Department's Crisis Response Unit. This internship was very traumatic for A.J., which caused concentration issues and mental anguish that attributed to her going over her program length requirement.

In a letter sent by Argosy to A.J. it explained that she could reapply after one year, but was denied. The committee noted that the letter explaining to A.J. was misleading and failed to inform her that a return was not likely. On February 27, 2013, after A.J. submitted all of the required documents with the exception of her third and final letter of

recommendation, Mr. Hohenstein informed A.J via telephone that she was "not able to go through with the application process." A.J. informed Mr. Hohenstein she received a letter a year prior stating she would be allowed to reapply, but he insisted it was against Argosy's policy. A.J. was not allowed to return to finish the final two classes required to graduate with a Master's Degree in Mental Health Counseling.

ACTION: After review and discussion, Ms. Leonard requested Argosy attempt to work with A.J., to allow her to complete her program. Ms. Leonard made a motion for this complaint to be reviewed by the State Board for possible violation of § 32-3051 (14) Failure to Follow Published Administrative Policies and Procedures. Mr. Tharp seconded the motion. **Motion Carried.**

C. 14-S006 Southwest College of Naturopathic Medicine
Institution: David Garner, ESQ., Angie William-McMichael and Melissa Winquest
Complainant: M.J.

Mr. Blanchard summarized the complaint stating the complainant filed his complaint against Southwest College of Naturopathic Medicine and Health Sciences (SCNM) on August 30, 2013. He has attempted to get some resolution through mediation by filing a complaint with the Arizona Civil Rights Division of the Arizona Attorney General's Office. The complaint then progressed to filing a complaint with the United States District Court of Arizona regarding ADA compliance. All have been dismissed.

The specific allegations stated 1) Grievance procedure language does not allow for review after 5 days, 2) SCNM failed to negotiate in good faith in an attempt for a positive resolution with students issue regarding a chair for his disability, 3) Possible retaliation for filing a report for child sex crimes by a SCNM facility member, 4) SCNM violated its student discipline procedures and 5) Non-compliance with ADA requirements

ACTION: After discussion and review and finding no violations of statute or Board rules that govern private postsecondary education in Arizona, Ms. Leonard made a motion to dismiss the complaint. Dr. Damore seconded the motion. **Motion Carried.**

VI. Call to the public: N/A

VII. ADJOURNMENT: 12:15 P.M.

The January 10, 2014 Complaint Committee Minutes were approved at the March 27, 2014 Complaint Committee meeting


Keith Blanchard, Deputy Director