

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

COMPLAINT COMMITTEE MEETING MINUTES

June 27, 2013

Members Present: Glen Tharp
Trish Leonard
Gary Damore

Also Present: Teri Stanfill, Director
Keith Blanchard, Deputy Director
Cassandra Pinon, Board Secretary

I. CALL TO ORDER –12:02 P.M.

Chairman Glen Tharp called the Complaint Committee meeting of the Arizona State Board for Private Postsecondary Education Board Meeting to order at 12:02 P.M.

II. MINUTES: APRIL 25, 2013

Ms. Leonard made a motion to approve the minutes of the April 25, 2013 Complaint Committee meeting as submitted. Dr. Damore seconded the motion. **Minutes approved**

III. STUDENT COMPLAINTS

- A. #13-S012 Breckenridge School of Nursing at ITT Technical Institute:
Institution: Roxann Gallagher (Attorney), Gene McWhorter, Debra
Colbert
Complainant: C.M.**

Mr. Blanchard summarized the complaint stating the complainant C.M., a previous nursing student from Breckenridge School of Nursing at ITT Technical Institute (ITT) had numerous concerns with instructor Kelly Smith and Debra Colbert. When she submitted a complaint regarding the concerns, she was met with resistance from Gene McWhorter, Campus Director. C.M. had subsequently filed a complaint with the Arizona State Board of Nursing regarding a number of issues including those listed below:

- 1) Failure of the administration to respond to the student complaint based on its published policy
- 2) Retaliating against complainant by instructors Kelly Smith and Debra Colbert for submitting her concerns
- 3) Unsubstantiated clinical warnings given to the student after filing a complaint
- 4) Concerns of bullying and harassment by school staff
- 5) Failure of the school administration in responding to complaints and taking corrective action
- 6) C.M. stated there was no exit interview and no withdrawal process

Breckenridge stated it took numerous measures to ensure C.M.'s success. She was problematic, hard to teach, avoided instruction and the school had concerns with her behavior in clinical practice. When there was an unfavorable fact or a situation would arise, (e.g., two alumni reported that they wouldn't recommend ITT and someone heard cursing in the hallway), C.M. would submit a new "complaint" against the school warranting additional responses and an official response under threat of disciplinary action to the Board of Nursing. Pursuant to the complaint submitted by C.M. to the Nursing Board, it voted to issue a Notice of Charges and sent all of the complaints to an administrative hearing, which are still currently pending.

ACTION: Ms. Leonard made a motion to forward the complaint to the State Board for further review. Requested staff to monitor outcome of the Arizona State Board of Nursing complaint and requested the school to keep staff updated with of any decisions with Board of Nursing. Dr. Damore seconded the motion. **Motion Carried.**

**B. #13-S019 Chamberlain College of Nursing:
Institution: Colleen Lomax (Attorney), Dr. Kim LeMar, Dr. Donna Adams,
Dr. Pam Fuller and Sharon Mortiz
Complainant: M.R. and A.J. Mitchell (Attorney), telephonically**

Mr. Blanchard summarized the complaint. On March 25, 2013, staff received a complaint from M.R. through his attorney A.J. Mitchell. In the allegations, M.R. stated a printed syllabus for NR322 provided the option of turning in an individual paper in lieu of a required group assignment. He received a zero out of a possible 100 points for the assignment because he did not participate in the group project. The zero caused M.R. to fall below the 76% requirement to pass the class. M.R. was the academically ineligible and was dismissed because this was his second attempt at passing NR 322.

Pursuant to the institutional response, students were specifically given direction to use the assignment guidelines and rubrics for all assignments. These instructions could be found in eCollege. The choice of an individual paper was not discussed by the instructor as an alternative to the group assignment. There was a component to the individual paper that was required by all students, which included a class presentation. M.R. failed to attend classes on December 6, 2012 and December 13, 2012, which were the class presentation dates. M.R. also failed to attend the lab on December 13, 2013. Because M.R. failed to complete the required presentation he received zero points.

It was not until December 14, 2013 that M.R. contacted the instructor regarding questions or concerns for NR322 and his failure to participate in the group presentation. Dr. Damore noted that M.R. asked classmates for guidance and clarification of what was required in NR322, but did not ask the instructor. During discussion of the complaint, Mr. Tharp had concerns and issues with the disbursement of dated materials being given to students.

ACTION: After discussion and finding no violations of Statute or Board rules that govern postsecondary schools, Dr. Damore made a motion to dismiss the complaint. Ms. Leonard seconded the motion. Mr. Tharp voted no to the dismissal of the complaint. **Motion Carried.**

C. #13-S021 Phoenix School of Law (PSL):
Institution: Alicia Tognio (Attorney)
Complainant: Daniel Ortega (Attorney)

On March 22, 2013, complainant R.G. through her attorney Daniel Ortega Jr., submitted a complaint against Phoenix School of Law (PSL). R.G. stated she was academically dismissed by PSL. R.G. stated the dismissal was not based on her academic performance. First, points were deducted from her final grade in Property I for failure to properly complete her testing form (Scantron) on a mid-term examination, in line with the professor's written policy. Second, R.G. turned in the wrong final assignment for Lawyering Process I.

PSL submitted the academic history of R.G. for the 2 classes in question. PSL stated the institutions position regarding the academic dismissal. First, the portion of the mid-term for Property I was worth only seven and a half class points out of a possible 100 points for the class. The final was worth 70 class points of which R.G. earned only 15.26 points, ranking 52 out of 57 on the final. On two homework assignments for Property I, R.G. failed to hand in the first assignment and was given an extension by the professor and received half credit for the second assignment for failing to answer the question correctly. R.G. received only two and one quarter points out of 10 for the homework assignments. R.G. turned in the wrong final assignment for Lawyering Process I, which she earned 189 points out of a possible 500.

ACTION: Finding no violations of Statute or Board rules that govern postsecondary schools, Dr. Damore made a motion to dismiss the complaint. Ms. Leonard seconded the motion. **Motion Carried.**

IV. NON-STUDENT COMPLAINTS

A. #13-NS503 University of Advancing Technology (UAT):
Institution: Jason Pistillo and David Bolman (telephonically)
Complainant: Anonymous

Mr. Blanchard summarized the complaint stating on February 9, 2013, the State Board received an anonymous complaint by email from a "Concerned Educator." The complaint was unsigned and no supporting documents were attached. In the email, it stated there were issues with J.P.'s academic history and concerns with the changing of catalogs that would change degree requirements, which would cause hardships to the students currently enrolled.

UAT submitted catalogs from 2009 through 2013. Pursuant to Dr. Bolman, changes do occur in the catalog for program updates and includes tuition changes, but none of the edits change the specific nature of any of the UAT degree programs. Because of the constant changes in technology, catalogs are continuously updated.

Dr. Bolman and J.P answered questions regarding the transcripts of J.P. J.P submitted a hardcopy of his transcripts and the complaint committee reviewed the information imputed in UAT's database. Dr. Bolman stated he was an instructor at UAT when J.P. was a student and confirmed J.P.'s attendance throughout his program. Dr. Bolman stated the instructor list or faculty information list for J.P. was not available in the current

system because the prior system used by UAT was CIMS database that was exported over to the cVue system in 2001.

ACTION: Finding no violations of Statute or Board rules that govern postsecondary schools, Dr. Damore made a motion to dismiss the complaint. Mr. Tharp seconded the motion. Ms. Leonard recused herself from the complaint discussion. **Motion Carried.**

VI. Call to the public: Robert Lynn, Jr. made a presentation regarding his concerns with Phoenix School of Law.

VII. ADJOURNMENT: 2:14 P.M.

The June 27, 2013 Complaint Committee Minutes were approved at the September 26, 2013 Complaint Committee meeting



Keith Blanchard, Deputy Director