



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

August 7, 2023

Guidance for Ensuring Complaint Procedures for Accrediting Agencies are Timely, Fair, and Equitable

Dear Accrediting Agencies:

The Department of Education (Department) has recently received inquiries regarding the scope of the requirement under [34 CFR § 602.23\(c\)\(1\)](#) that a recognized accrediting agency review in a timely, fair, and equitable manner any complaint it receives against an accredited institution or program that is related to the agency's standards or procedures. These inquiries, coming at a time of increased scrutiny by students, faculty, staff, and the general public concerning institutional and program quality, give added impetus to the Department to clarify considerations relevant to the “timely, fair, and equitable” requirement under § 602.23(c)(1).

For these reasons, the Department is providing this guidance and notice to all recognized accrediting agencies concerning the regulatory requirement that a complaint review process be “timely, fair, and equitable.” Accrediting agencies should consider this guidance in connection with compliance with § 602.23(c)(1) and the submission of information to the Department required by the [Accreditation Handbook](#).

Some factors the Department may consider in determining whether agencies’ complaint procedures and their application of those procedures are timely, fair, and equitable include the following:

1. The procedures incorporate accessibility standards for individuals with disabilities (for example, following Version 2.1 of the [Web Content Accessibility Guidelines](#) (WCAG) for any web-based complaint system).
2. The procedures provide for more than one complaint submission method (for example, an online form, phone, mail, or email).
3. The procedures allow for the confidentiality of the complainant, including the complainant’s ability to elect to keep their personally identifiable information confidential from the institution or program that is the subject of the complaint.
4. The agency provides feedback to a complainant who does not submit a complaint correctly under the agency’s prescribed method(s), or the agency accepts a complaint even when the complainant does not technically follow the agency’s complaint procedures.
5. Whether, and under what circumstances, an agency requires the complainant to first submit their complaint to the institutional or program in which they are enrolled, and to allow the institution or process to reach a conclusion prior to filing a complaint with the accrediting agency.

6. The procedures include clear timelines for the complaint review process, including the timely notification of the complainant regarding the status of the complaint.
7. The agency provides plain language guidance or assistance to a complainant regarding the relevance of the complaint to the agency's standards or procedures (for example, incorporating plainlanguage.gov's recommended plain language [guidelines](#)).
8. The procedures are adequately documented, including with respect to the responsibilities and roles of agency staff in handling and responding to complaints; and
9. The agency adequately documents the review, decision, and, if applicable, action taken for any complaints received.

As part of your consideration of the above factors, please note the following:

- These factors are not necessarily determinative of an agency's compliance with § 602.23(c)(1); that is, there may be other factors considered by the Department when determining whether an accrediting agency's complaint process is "timely, fair, and equitable."
- Every review of an accrediting agency's compliance with § 602.23(c)(1) will be a unique, fact-specific evaluation, based on all relevant facts and circumstances available to the Department, of whether the agency has demonstrated that its complaint procedures and the application of those procedures are "timely, fair, and equitable."
- Under § [602.23\(c\)\(3\)](#), agencies must also review complaints against themselves in a "timely, fair, and equitable manner" while "apply[ing] unbiased judgment". Given the similarity in regulatory language, some of the factors listed above may also be applicable to an agency's compliance with § 602.23(c)(3) in reviewing complaints against itself.

We hope that this guidance assists accrediting agencies in ensuring that their complaint review procedures and the application of those procedures comply with the requirements of § 602.23(c)(1).

Please contact your assigned Accreditation Group analyst if you have any questions.

Sincerely,

/s/

Herman Bounds Jr., Ed.S.
Director, Accreditation Group