

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LEGAL)

**United States
Constitution**

A governmental entity, including a college district, shall take no action abridging the freedom of speech or the right of the people to petition the governing board of the entity for redress of grievances. [See FLA] *U.S. Const. Amend. I, XIV*

The governing board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when the governing board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n*, 429 U.S. 167, 174 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968)

Texas Constitution

The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27*

The governing board of a community college is not required to negotiate or even respond to complaints. However, the governing board must stop, look, and listen and must consider the petition, address, or remonstrance. *Prof'l Ass'n of College Educators v. El Paso County Cmty. [College] Dist.*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)

**Challenge to
Education Records**

An educational agency or institution, including a college district, shall give a student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student. [See FJ] *34 C.F.R. 99.21*

**Appeals to the
Coordinating Board**

In accordance with 19 Administrative Code Chapter 1, Subchapter E, students may file written complaints with the Coordinating Board regarding institutions. *19 TAC 1.111(a)*

If a student complaint form concerns compliance with the statutes and regulations that the Coordinating Board administers and the Coordinating Board has not referred the complaint to another entity, the Coordinating Board will initiate an investigation, as described in 19 Administrative Code 1.116(b)–(h). *19 TAC 1.111(a), .116(a)*

Exhaustion of
Administrative
Remedies

Prior to initiating an investigation, the Coordinating Board shall require the complainant to exhaust all grievance and appeal proce-

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dures that the institution has established to address student complaints. Complainants will be encouraged to consult the institution's website and student handbook, or to contact the institution's student ombudsman, Office of Student Affairs, Office of the General Counsel, or other appropriate administrative official, for information regarding the institution's processes for resolving complaints. Upon exhaustion of the institution's procedures, the complainant shall inform the Coordinating Board of the outcome of the grievance and appeal procedures and provide all documentation concerning same. *19 TAC 1.116(b)*

Exceptions

The following is a non-exhaustive list of student complaints that are not reviewed by the Coordinating Board:

1. The Coordinating Board does not handle, investigate, or attempt to resolve anonymous complaints.
2. The Coordinating Board does not intervene in matters solely concerning an individual's grades, examination results, or evaluation of academic performance, as these are within the sole purview of the institution and its faculty.
3. The Coordinating Board does not intervene in matters solely related to student life such as student housing, dining facilities, food service, violations of the Student Code of Conduct, or student activities and organizations, as these issues are within the sole purview of the institution.
4. The Coordinating Board does not handle, investigate, or attempt to resolve complaints in matters that are or have been in litigation.
5. The Coordinating Board does not handle, investigate, or attempt to resolve complaints about religious institutions relating solely to their religious (as opposed to secular) standards and religious programs of study.
6. The Coordinating Board does not handle, investigate, or attempt to resolve student complaints against institutions not authorized by the Coordinating Board to operate in Texas. Institutions authorized by the Coordinating Board to operate in Texas are listed on the following websites:
 - [Texas Higher Education Data](#)¹
 - [Texas Higher Education Coordinating Board](#)²
7. The Coordinating Board does not handle, investigate, or attempt to resolve complaints regarding tribal institutions.

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8. The Coordinating Board does not handle, investigate, or attempt to resolve complaints about criminal matters, and instead encourages students to contact local law enforcement authorities regarding these complaints.

19 TAC 1.113

Resolution

After receiving the Coordinating Board staff's recommendation, the Commissioner shall consider the recommendation regarding the complaint and render a written determination thereon. If the Commissioner finds the complaint is without merit, the Commissioner shall dismiss the complaint. If the Commissioner finds the complaint has merit, the Commissioner may require the institution to take specific action(s) to remedy the complaint. In the Commissioner's sole discretion, complaints regarding institutional integrity may be forwarded to the Coordinating Board for its consideration and determination. The Coordinating Board shall send a copy of the Commissioner's or the Coordinating Board's, as appropriate, written determination to the complainant and the institution. As necessary, the Coordinating Board may take all appropriate actions to enforce its determination. *19 TAC 1.119*

Posting Required

Each institution, including each college district, shall post information regarding the complaint procedure outlined in 19 Administrative Code Chapter 1, Subchapter E on its website. Such information shall:

1. Contain, at a minimum, contact information for filing student complaints with the Coordinating Board, a description of the complaint procedure outlined in Subchapter E, and the Uniform Resource Locator (URL) for Subchapter E on the Texas Secretary of State's website;
2. Be accessible from the institution's internet website home page by use of not more than three links;
3. Be searchable by keywords and phrases;
4. Be accessible to the public without requiring registration or use of a user name, a password, or another user identification; and
5. Be updated as soon as practicable if the information changes.

Each institution shall also provide each individual student of that institution with written information regarding the complaint procedure outlined in Subchapter E at the beginning of each academic year, such as in the school's catalog. Such information shall contain, at a minimum, contact information for filing student complaints with the

Coordinating Board and a description of the complaint procedure outlined in Subchapter E.

19 TAC 1.112

Note: See GDA for provisions concerning students barred from campus.

¹ Texas Higher Education Data: <http://www.txhighereddata.org>

² Texas Higher Education Coordinating Board: <http://www.thecb.state.tx.us>