

PART 11
PROCEDURES FOR HANDLING COMPLAINTS ABOUT AN ACCREDITED OR DEVELOPING
PHYSICAL THERAPY EDUCATION PROGRAM

(Adopted 4/00. Revised 10/00, 4/02, 4/03, 10/03, 10/05, 10/06, 10/07.)

SUB-PART A: COMPLAINTS ORIGINATING FROM INDIVIDUALS RELATED TO THE PROGRAM

11.1 Formal Complaints

- (a) Any person may submit to CAPTE a complaint about an accredited or developing program. CAPTE will investigate and take action on any complaint filed in accordance with §11.2(a), against a physical therapy education program that: is a candidate for accreditation or is accredited by CAPTE. Complaints must allege violation of one or more of the following:
- (1) one or more of the Evaluative Criteria for Accreditation (see Appendices A and B),
 - (2) CAPTE's statement on *Academic Integrity in Accreditation* (see Part 1, §1.3(a)), or
 - (3) CAPTE's statement on *Integrity Related to Program Closure* (see Part 1, §1.3(b)).
- (b) CAPTE will consider two types of complaints: those that involve situations subject to institutional due process policies and procedures and those that involve situations not subject to due process procedures.
1. If the complainant is involved with an institutional grievance subject to due process and procedures, CAPTE requires that the process be completed prior to initiating CAPTE's formal complaint process, unless the complaint includes an allegation that the institution/program process has not been handled in a timely manner as defined in the institution/program policy, in which case CAPTE will consider the complaint prior to completion of the grievance process. Evidence of completion of the institutional process or of the untimely handling of such must be included in the complaint materials.
 2. If the complaint is related to situations that fall outside of due process policies and procedures, the complaint may be filed at any time.
- (c) In all communications with individuals seeking to file a formal complaint, it is emphasized that CAPTE will not intervene on behalf of individuals or act as a court of appeal for faculty members or students in matters of admission, retention, appointment, promotion, or dismissal. CAPTE will take action only when it believes practices or conditions indicate the program may not be in compliance with the *Evaluative Criteria for Accreditation*, CAPTE's *Statement on Academic Integrity Related to Program Closure*, or CAPTE's *Statement on Academic Integrity in Accreditation*. A copy of these documents may be obtained by contacting the Department of Accreditation.

11.2 Submission of Complaint

- (a) Complaints shall be submitted in writing, in the format provided by the Department of Accreditation, to CAPTE and shall clearly describe the specific nature of the complaint and the relationship of the complaint to the *Evaluative Criteria for Accreditation*, provide supporting data for the charge, and identify the name(s) and relationship(s) to the education program of the individual(s) initiating the complaint. If the complaint alleges a violation of CAPTE's *Statement on Academic Integrity in Accreditation* or CAPTE's *Statement on Integrity Related to Program Closure*, the complainant should provide supporting data for the allegation, and identify the name(s) and relationship(s) to the education program of the individual(s) initiating the complaint.
- (b) Complaints that are submitted anonymously are not considered to be formal complaints and will not be reviewed. They will, however, be forwarded to the program for information purposes only. No record of anonymous complaints will be maintained by the Department of Accreditation.

(c) Timing of submission and review

CAPTE will ordinarily review complaints at its next regularly scheduled meetings (late April and late October) following receipt of the complaint. In order for the process to be completed in time for considered review by CAPTE, complaints must be received by January 1 to be considered at the April meeting and by July 1 to be considered at the October meeting.

At its discretion, CAPTE may choose to consider complaints between its regularly scheduled meetings. Ordinarily, such consideration will occur only when delay in consideration of the complaint could have a serious adverse effect on either the complainant or the institution.

11.3 Complaint Alleging Violation of Evaluative Criteria

- (a) Within ten (10) working days following the receipt of the complaint, the staff shall forward a copy, by registered or certified mail or a service that can track delivery, of all material received to the program administrator and to the chief executive officer (CEO) of the educational institution offering the program. The program administrator and CEO shall be invited to submit comments on the complaint along with any appropriate supporting evidence. This response shall be in writing and received by APTA within twenty (20) working days following the institution's receipt of notification of the complaint.
- (b) The program's response shall be forwarded to the complainant for review and rebuttal. Within ten (10) working days following receipt of the institution's response, the complainant shall provide a rebuttal or indicate that he/she is no longer interested in pursuing the complaint.
- (c) Any additional materials submitted by the complainant in rebuttal to the institution's response will be forwarded to the institution to provide a final opportunity for rebuttal. The institution's rebuttal shall be submitted within ten (10) working days of receipt of the complainant's rebuttal.
- (d) A copy of the institution's rebuttal will be forwarded to the complainant for information only.
- (e) All of the submitted materials will constitute the documentation for CAPTE's review of the formal complaint.
- (f) Staff in the Department of Accreditation will assign the public members in addition to the Central Panel to serve as reviewers of the complaint and the program's response. At the next regularly scheduled meeting after the educational institution's final rebuttal, CAPTE shall act on the complaint to:
 - (1) dismiss the complaint;
 - (2) render a decision about non-compliance;
 - (3) defer action on the complaint pending receipt of further information and/or exploration of the situation by CAPTE. The maximum period allowed for a deferral of action shall be six (6) months unless the complainant, the program, and CAPTE agree upon a longer period; or,
 - (4) schedule a visit of the program following the specified procedures for a focused on-site visit within the parameters set by CAPTE.
- (g) Written notification of CAPTE's action shall be sent, within thirty (30) days of the decision, to the program administrator and to the chief executive officer of the educational institution offering the program. The complainant will also be notified of CAPTE's decision within thirty (30) days.
- (h) If CAPTE defers action on the complaint and requests further information per §11.3(f)(3), the information received from either party will be provided to the other party for comment. All additional information including any written comments received in response will be considered by CAPTE at its next regularly scheduled meeting, unless the parties have agreed to a longer time period per §11.3(f)(3).

- (i) An institution that is adversely affected by a CAPTE accreditation status decision resulting from the review of a formal complaint may appeal that decision to an Appeal Panel appointed by the Executive Committee of APTA's Board of Directors. Procedures for appeal are outlined in Part 15.

11.4 Complaint Alleging Violation of CAPTE's Statement on Academic Integrity in Accreditation or CAPTE's Statement on Academic Integrity Related to Program Closure

- (a) An individual alleging violation of the *Statement on Academic Integrity in Accreditation* or the *Statement on Integrity Related to Program Closure* (see Part 1) may file a formal complaint as outlined in §11.1.
- (b) Within ten (10) working days following the receipt of the complaint, staff shall forward a copy of all material received, by registered or certified mail or a service that can track delivery, to the program administrator and to the chief executive officer of the educational institution offering the program. They shall be invited to submit comments on the complaint along with any appropriate supporting evidence. This response shall be in writing, by registered or certified mail, and received by the Department of Accreditation within twenty (20) working days following the institution's receipt of notification of the complaint. During this time, no accreditation action or decision will be rendered until the complaint is resolved.
- (c) The program's response shall be forwarded to the complainant for review and response. The complainant shall provide a response or indicate that he/she is no longer interested in pursuing the complaint within ten (10) working days following receipt of the institution's response.
- (d) Any additional materials submitted by the complainant in rebuttal to the institution's response will be forwarded to the institution to provide an opportunity for rebuttal. The institution's rebuttal shall be submitted within ten (10) working days of receipt of the complainant's rebuttal.
- (e) A copy of the institution's rebuttal will be provided to the complainant for information only.
- (f) All of the submitted materials will constitute the documentation for CAPTE's review of the formal complaint.
- (g) At its next regularly scheduled meeting after the educational institution's response, CAPTE shall act on the complaint to:
 - (1) dismiss the complaint. If, in the opinion of CAPTE, the obtained clarification fails to support the alleged breach of integrity, or clarifies that no violation has occurred, no further action will be taken. All parties involved will be notified within thirty (30) days following the meeting and normal accreditation activities will resume.
 - (2) assign a review by subcommittee. If, in the opinion of CAPTE, the clarification obtained supports a possible violation, all pertinent data will be forwarded to a CAPTE subcommittee, appointed by the Chair. This subcommittee, including the public members and commissioners serving on the Central Panel, will review all materials, request additional information as necessary, and act as follows:
 - a) conclude that there was no violation of policy and recommend to CAPTE that no further action be taken and that normal accreditation activity resume.
 - b) conclude a violation of policy was committed and notify CAPTE of facts and deliberations and recommend an appropriate sanction. The sanction could include, but not be limited to, a letter of reprimand or a change in accreditation status.
- (h) At its next regularly scheduled meeting, CAPTE will act on the subcommittee's recommendations for sanction.

- (i) If CAPTE's decision is to impose a sanction, the institution may request a hearing before an Appeal Panel, appointed by the Executive Committee of APTA's Board of Directors. Procedures for appeal are outlined in Part 15.

11.5 Failure of Institution or Complainant to follow Established Timelines

- (a) Failure of the institution to respond within the established time lines will be considered an admission that the complaint has merit, unless the institution has requested an extension of the deadline. Ordinarily the maximum extension that will be given is two (2) weeks.
- (b) Failure of the complainant to respond within the established timelines will be considered an indication that the complainant has withdrawn the complaint, unless the complainant requests an extension of the deadline. Ordinarily, the maximum extension that will be given is two (2) weeks.

SUB-PART B: COMPLAINTS ORIGINATING FROM CAPTE

11.6 Initiation of Complaint by CAPTE

CAPTE may initiate the complaint process about programs/institutions when, based on credible, substantiated information, it finds that a program or institution may be in violation of:

- (1) The *Statement on Academic Integrity in Accreditation*, (see §1.3(a), or
- (2) The *Statement on Integrity Related to Program Closure* (see §1.3(b).

11.7 Notice of Complaint

- (a) Upon CAPTE's determination that a program may be in violation of either of its Statements on Academic Integrity (see §11.1(a)(2) and §11.1(a)(3)), staff will notify the program of CAPTE's determination within ten (10) working days, by registered or certified mail or a delivery service that can track delivery, to the program administrator and to the chief executive officer of the educational institution offering the program. The notification will include the following information:
 - (1) the nature of the alleged violation;
 - (2) the evidence that CAPTE used to determine that a potential violation exists; and
 - (3) a copy of the relevant Rules of Practice and Procedure.
- (b) The program administrator and the chief executive officer shall be invited to submit comments about the allegation along with any appropriate supporting evidence. This response shall be in writing and must be received by the Department of Accreditation within twenty (20) working days following the institution's receipt of notification of the complaint.
- (c) No pending accreditation action or decision will be rendered until the complaint is resolved.

11.8 CAPTE Action on Alleged Violation

- (a) At its next regularly scheduled meeting after receipt of the educational institution's response, CAPTE shall act to:
 - (1) dismiss the complaint. If, in the opinion of CAPTE, the program's response clarifies that no violation has occurred, no further action will be taken. All parties involved will be notified within thirty (30) days following the meeting and normal accreditation activities will resume.
 - (2) conclude that a violation of policy was committed and impose a sanction. Possible sanctions include, but are not limited to, a letter of reprimand or a change in accreditation status.

- (3) or, request further information. If, in the opinion of CAPTE, the information provided by the program is not sufficient for a decision to be made, additional information will be requested. The additional information will be due to the Department of Accreditation no later than thirty (30) days following receipt of CAPTE's request. All pertinent information will then be reviewed by a subcommittee composed of the public members and the members of the Central Panel. Upon review of all materials, the subcommittee may:
- i) conclude that there was no violation of policy and recommend to CAPTE that no further action be taken, and that normal accreditation activity resume.
 - ii) conclude a violation of policy was committed and notify CAPTE of facts and deliberations and recommend any appropriate sanction to be imposed at CAPTE's next regularly scheduled meeting. The sanctions could include, but not be limited to, a letter of reprimand or a change in accreditation status.
- (b) If CAPTE's decision is to impose a sanction, the institution may request a hearing before an Appeal Panel, appointed by the Executive Committee of the APTA Board of Directors. Procedures for appeal are outlined in Part 15.