

**ARKANSAS
STATE BOARD
OF COSMETOLOGY**

**GRIEVANCE
COMMITTEE**

MEETING REPORT

SEPTEMBER 24, 2007

GRIEVANCE COMMITTEE MEMBERS (PRESENT)

Scottie Burchett, Chair

Barbara Ward, Treasurer

Cathy Caver-Blade, President

Kathy Wittum, Director

Erika Gee, Legal Counsel

COMMITTEE MEMBERS (NOT PRESENT)

Joyce Smith, Board Member

OTHER PARTICIPANTS IN ATTENDANCE

None

Meeting Report

The Grievance Committee met today to continue reviewing the Board's Rules to make recommendations on revisions that are necessary for compliance with recent law revisions. In addition, this Committee will recommend language to establish a more fair and impartial complaint process. The meeting was called to order at 2:19 p.m.

Committee members reviewed the draft revisions of Rule 10 prepared by Director Wittum, as well as the Official Complaint Form currently in use by the Board.

Chairperson Burchett stated the draft follows the complaint form and the form follows the process the Committee discussed at the last meeting. She stated an unanswered question about the form is whether it should be notarized.

Chairperson Burchett suggested reviewing Rule 10 from beginning to end, as several committee members were not present at the last meeting. The review commenced.

Under (A), Ms. Gee questioned if the 90-day period would be too short. Committee members discussed how this time period would impact infractions. In using an example of a health and safety infraction resulting in an infection it was determined the 90-day period would be important, as it could become difficult to trace the infection back to the service if too much time had lapsed. In using an example of a student and the accrual of hours, it was determined it would be too short, as it may be past 90-days before a student realizes or discloses that he/she was not given credit for hours earned. Specifically dealing with students, Committee members discussed when the 90-day period would begin (i.e. date of actual infraction or date of student's discovery of the infraction). It was determined the draft language would need to be clarified to protect students in this regard and students should be allowed to go back to the beginning of the enrollment period, if an issue concerning the hours accrued arises.

Ms. Ward questioned how students would complain about equipment they were not given when it was part of the agreement. It was determined this would be treated the same as if it were hours, as stated above.

Director Wittum suggested adding the following language to the draft: *"In the event of a complaint from a student concerning the hours accrued or issues relevant to the completion of the course, the student may submit a complaint against a school at any time during the enrollment."*

Ms. Ward commented she has had a transfer student before who disclosed hours were taken away during an enrollment at another school and she empathized with the student's situation. Director Wittum stated she has recently heard of hours being deducted as a disciplinary measure and had received an email from a person asking if it is legal for a school to do this.

The ensuing discussion included a discussion about transfer hours and how a school that receives a transfer student knows how many hours were earned in the specific curricula. It was

determined this issue is not a part of the responsibility at hand for this Committee; therefore, the discussion was redirected to the complaint process.

Under (1)(b), Committee members discussed whether the complainant should be responsible to include the law or rule in the complaint. It was decided this clause should be removed from the draft.

Under (1)(c), Committee members discussed whether the complaint form should be notarized and have a signature. A decision was made to not require it to be notarized, but do require it to have a signature. It was also determined the requirement for the signature should be included in the rule.

Under (2), Committee members determined the rule should clearly state that anonymous complaints would not be considered. Chairperson Burchett commented about students and the fact that they generally do not want to come forward openly because of fear of retaliation. Committee members appreciated the unique position students are faced with; however, the Board is limited in its ability to resolve issues with a school without student testimony in most cases.

Committee members determined that written, anonymous complaints would be documented with the school or salon to retain for future use if necessary. These would also be presented to the Grievance Committee at its next meeting in case they want to take action.

Under (3), Ms. Gee commented the process in the draft should be simplified and simply state the complaint would be reviewed by the Grievance Committee. The following language was agreed upon after discussion: *“The Grievance Committee will review the complaint and determine if it potentially will fall within the Board’s jurisdiction. If it is determined the complaint may fall within the Board’s jurisdiction, then the Grievance Committee will determine what action is necessary to investigate or resolve the complaint.”*

Ms. Gee stated her understanding of the role of the Grievance Committee would be to instruct the inspector to go out and look for “x, y, z” and report back to the Committee.

Under (4), the Committee discussed who should be on the Grievance Committee to review complaints. After a discussion, it was determined there would be three members composed of a board member, the director and legal counsel. Ms. Gee suggested the Board seek a volunteer to be on this committee or for a board member to be appointed.

Committee members discussed how to address conflicts of interest and determined the Grievance Committee’s role is to determine if a complaint needs to be reviewed by the Board. Ms. Gee stated if a conflict arises with a board member, then the Grievance Committee would simply have another board member participate in that case.

Under (B) and (C), the Committee did not have changes for the draft of the language proposed. Chairperson Burchett questioned there being no review by the Grievance Committee when complaints are filed against the Board’s staff. Ms. Gee stated this is a personnel matter that falls within the Director’s jurisdiction. Ms. Ward stated a complaint against a member of the office staff is an opportunity for the Director to evaluate the situation and address it as needed.

Director Wittum stated the draft in (C) is already in place but was not in written form for people to see.

Committee members discussed whether the draft language under (D) addressing a complaint against a board member is necessary in the Board's rules, as there is no action that can be taken by the Board. Chairperson Burchett commented she believes language should be included to inform the industry or public on how to proceed with a complaint against a board member. Director Wittum suggested the following language in this regard: "*Complaints against a board member may be made to the Boards and Commissions Department of the Governor's Office, as board members are appointed by the Governor.*"

Committee members discussed the fact that Official Complaint Form would need to be revised and the rule in its revised form will be printed on the form. Director Wittum stated she would draft the revisions to the form before the next meeting so Committee members could review it as well.

After no additional comments were forthcoming from participants, the meeting was concluded at 3:21 p.m.

*** End of Report ***

Report prepared by:

Kathy Wittum, Director