

MERCY COLLEGE

Policy Name:	Policy and Procedures for Handling Student Complaints		
Associated Form(s):	Student Complaint Form	Policy Number:	2016-11
Approval Authority:	President <i>Tim Hall</i>	Adopted: <i>9/6/16</i>	Reviewed and approved: Non-Academic Policy Review Council, 8/16/16; Middle States Compliance Group, 6/30/16
Responsible Executive(s):	Vice President for Enrollment Services, Chief Student Affairs Officer, Provost	Revised:	N/A
Responsible Office:	Office of the Vice President for Enrollment Services, Office of the Dean of Student Affairs, Human Resources Office and Provost's Office	Contact:	Designated liaison for the following College officials: Vice President for Enrollment Services; Dean of Student Affairs; Executive Director of Human Resources; and Provost

I. Introduction.

Mercy College has a variety of procedures for dealing with student-related issues, including grade appeals, student discipline, sexual misconduct complaints, disability accommodations, discrimination and retaliation. In some instances, however, students may wish to make complaints against faculty members, administrators or against the College in situations that are not covered by a particular policy. The purpose of this Policy is to address some of those instances and to provide a process whereby current students can file a complaint with the College in circumstances where he or she feels that the matter cannot be resolved informally, including but not limited to:

- Complaints against faculty in academic settings;
- Complaints relating to other employees, contractors or vendors for misconduct or unprofessional behavior;
- Complaints in connection with student services such as billing, tuition and financial aid; or
- Complaints related to other College services such as food services, residential life, athletics and/or health and wellness.

II. Determination of Appropriate Procedure.

If students have any question about the applicable procedure to follow for a particular complaint, they may at any time consult with the College's Dean of Student Affairs, Provost, Executive Director of Human Resources, or Title IX Coordinator/Equity Compliance Specialist, who shall advise a student of the procedure that is applicable to the type of complaint the student has brought forward.

For complaints of sexual misconduct or other forms of discrimination against any Mercy College community member, including complaints relating to disabilities, or retaliation in connection with a complaint of discrimination, students should contact the College's Title IX Coordinator/Equity Compliance Specialist at 914-674-7679 or visit: <https://www.mercy.edu/about-mercy/title-ix>. For complaints relating to grade disputes, students should refer to the *Academic Appeals Policy* found in the *Student Handbook* and *Undergraduate and Graduate Catalogs*.

Complaints can also be made about any member of the College community or about the College itself pursuant to the College's *Whistleblower Policy* by filing a complaint online or by contacting 1-888-OK-MERCY (1-888-656-3729), for issues including but not limited to: fraud, theft, embezzlement; forgery, falsification/misrepresentation of reports; conflict of interest or ethics violations; computer fraud or data security breaches; disclosing confidential or proprietary information to unauthorized individuals (including FERPA and HIPAA protected information); identity theft; and environmental, health and safety violations; research or academic misconduct by faculty or staff.

III. Student Complaints About Faculty in Academic Settings

One area not generally covered by other policies concerns student complaints about faculty conduct in the classroom or other formal academic settings (unrelated to grade disputes or academic integrity violations). The College respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. At the same time the College recognizes its responsibility to provide students with a procedure for addressing complaints about faculty treatment of students that are not protected by academic freedom and are not covered by other procedures. Such complaints might include unprofessional classroom behavior on the part of a faculty member.

A. Informal Resolution. Students are encouraged to attempt to resolve complaints informally with the faculty member or to seek the assistance of the academic unit head to facilitate informal resolution.

B. Formal Complaint. If informal resolution is unsuccessful, or if the student does not wish to pursue informal resolution, the student may file a written complaint with the academic unit head or, if the academic unit head is the subject of the complaint, with the school dean (referred to below as the “Fact Finder”). Only students in a faculty member’s class or present in another academic setting where the alleged conduct occurred may file complaints against that faculty member. The process for filing a complaint is as follows:

1. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the conduct complained of against the faculty member.
2. The Fact Finder shall promptly send a copy to the faculty member about whom the complaint is made, along with a letter stating that the filing of the complaint does not imply that any wrongdoing has occurred and that a faculty member must not retaliate in any way against a student for having made a complaint. If either the student or the faculty member has reason to believe that the academic unit head may be biased or otherwise unable to deal with the complaint in a fair and objective manner (including if the academic unit head is the subject of the complaint) or if the academic unit head requests recusal because he or she is concerned about a potential conflict of interest (or appearance of such), a written request can be made to the school dean stating the reasons for that belief. If the request appears to have merit, that person may, in his or her sole discretion, replace the academic unit head with another academic unit head as the Fact Finder. If no other academic unit head is available or if the academic unit head assigned is not investigating the matter in a timely manner, the school dean may assign an administrator to investigate.
3. The Fact Finder shall meet with the complaining student and faculty member, either separately or together, to discuss the complaint and to try to resolve it. The Fact Finder

may seek the assistance of the College's Equity Compliance Specialist or other appropriate person to facilitate informal resolution.

4. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the Dean of Student Affairs and the Provost. The student may appeal the decision to the school dean, whose decision whether an investigation is warranted shall be final.
5. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the faculty member and other persons with relevant knowledge and information and shall also consult with another appropriate College official if necessary. The Fact Finder shall not reveal the identity of the complaining student and the faculty member to others except to the extent necessary to conduct the investigation. If the Fact Finder believes it would be helpful, he or she may meet again with the student and/or faculty member after completing the investigation in an effort to resolve the matter.
6. In cases where there is strong preliminary evidence that a student's complaint is meritorious and that the student may suffer immediate and irreparable harm, the Fact Finder may provide appropriate interim relief to the complaining student pending the completion of the investigation. The affected faculty member may appeal such interim relief to the Provost.
7. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations, with particular focus on whether the conduct in question is protected by academic freedom, and send a copy to the complaining student, the faculty member, the Provost and the Dean of Student Affairs. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.

IV. Complaints Relating to College Employees, Student Services or other College Services

In addition to complaints about faculty in the academic setting, students may wish to file a complaint about other issues or concerns that they may have relating to employees of the College or services provided by the College. Some examples of those complaints could be:

- Unprofessional behavior or misconduct on the part of an employee (other than a faculty member in the classroom), a contractor or a vendor. In all such cases, a complaint should be made in writing to the Office of Human Resources.

- Issues in connection with student services including but not limited to student billing, tuition, financial aid and student records. In these cases, a complaint should be made in writing to the Office of the Vice President for Enrollment Services.
- Issues in connection with other College services including but not limited to food services, residential life, athletics and health and wellness. In these cases, a complaint should be made in writing to the Office of the Dean of Student Affairs.

For such complaints, the following procedure shall apply:

- A. **Informal Resolution.** Students are encouraged to attempt to resolve complaints informally by discussing the matter with the employee or relevant office.
- B. **Formal Complaint.** If the informal resolution is unsuccessful, or if the student does not wish to pursue informal resolution, the student may file a written complaint with the following offices:
 - Vice President for Enrollment Services for issues relating to student billing, tuition, financial aid or student records for example;
 - Dean of Student Affairs for issues relating to food services, residential life, athletics and health and wellness for example; and
 - Human Resources for all other issues including those relating to employee, vendor or contractor behavior or misconduct.

The Vice President for Enrollment Services, the Dean of Student Affairs and the Executive Director of Human Resources shall thereafter designate an employee from his/her respective office to handle the complaint (referred to as the “Fact Finder” below).

1. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the issue complained of.
2. The Fact Finder shall review the complaint as well as any relevant paperwork. If the Fact Finder concludes that the complaint does not warrant any action, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student. In such cases, the student can appeal to the next level manager, whose decision shall be final.
3. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the employee if there is an accusation against her/him, and other persons with relevant knowledge and information, and shall also consult with the Dean of Student Affairs or other College official as may be appropriate. The Fact Finder shall not reveal the identity of the complaining student to others except to the extent necessary to conduct the investigation.

4. In cases where there is strong preliminary evidence that a student's complaint is meritorious and that the student may suffer immediate and irreparable harm, the Fact Finder may provide appropriate interim relief to the complaining student pending the completion of the investigation.
5. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations and send a copy to the complaining student and employee who is the subject of the complaint. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.

V. Appeals Procedure for Student Complaints Under this Policy

If a student is not satisfied with the report of a Fact Finder after an investigation is conducted in accordance with Sections III or IV above, or if a faculty member or employee who is the subject of a complaint pursuant to Section III above is not satisfied with the report, she or he may file a written appeal to the Chief Student Affairs Officer within 10 calendar days of receiving the report, which time period may be extended for good cause shown. The Chief Student Affairs Officer shall convene and serve as the chairperson of an Appeals Committee in all cases except where the Student Affairs Office is directly involved in an investigation. In the latter cases, the Vice President for Enrollment Services shall convene the Appeals Committee and serve as chairperson.

The Appeals Committee shall also include one administrator, two faculty members and one student (a member of student government or its designee) appointed by the chairperson. The Appeals Committee shall review the findings and recommendations of the report, (with particular focus on whether the conduct in question is protected by academic freedom in faculty cases). The Appeals Committee shall not conduct a new factual investigation or overturn any factual findings contained in the report unless they are clearly erroneous. If the Appeals Committee decides to reverse the Fact Finder in a case where there has not been an investigation because the Fact Finder erroneously found that the alleged conduct was protected by academic freedom, it may remand to the Fact Finder for further investigation. The committee shall issue a written decision within 20 calendar days of receiving the appeal. A copy of the decision shall be sent to the student, the employee or faculty member who is the subject of the complaint, the academic unit head or relevant employee manager, or and the relevant staff officer or area of the College if that area is the subject of the complaint.

VI. Subsequent Action

Following the completion of these procedures, the appropriate College official shall decide the appropriate action, if any, to take. For example, the academic unit head may decide to place a report in a faculty member or employee's personnel file or the school dean or employee's manager may bring disciplinary charges against the faculty member or employee. Disciplinary charges may also be brought in extremely serious cases even though the College has not completed the entire investigative process described above; in that case, the bringing of disciplinary charges shall automatically suspend that process. Any action taken by the College, whether interim or final,

must comply with all College policies, procedures, handbooks and collective bargaining agreements.

VII. Tracking Student Complaints

All Fact Finders who receive any complaint pursuant to this Policy, in addition to any report that may be generated due to an investigation, are required to keep a record of the complaint, including the following relevant information: date(s) of the incident, nature of the complaint, parties involved (witnesses and faculty/employee who is the subject of the complaint), and resolution (whether by informal means or after investigation). All Fact Finders will be required to keep the records in a database as instructed by the College's General Counsel.



**MERCY COLLEGE
STUDENT COMPLAINT FORM**

This form can be used by students to file a complaint regarding faculty in the academic settings, regarding other employees, contractors or vendors, or regarding student services or other College services.

DATE _____

CAMPUS _____

RECEIVED BY _____

Name: _____ Phone: _____ Receive Text: Yes__ No__

Email: _____

Campus Address: _____ Status: _____
(Undergrad., Grad., Staff, Faculty)

Home Address _____

City _____ State _____ Zip Code _____

Complaint Information

Date(s) on which the event(s) or issue(s) occurred _____

Name(s) of the person(s) involved _____

Please describe your complaint in detail. Include the names of persons, locations, and dates involved. If this complaint is against specific person(s), please list their names and titles. (Attach a separate page if needed.)

What attempts have you made to resolve this complaint up to now? Please state who you contacted and what transpired.

Why do you think the complaint was not able to be resolved in your prior attempts?

What resolution would you consider fair? What resolution do you seek?

Any other information you want to provide?

Is there any person who you do NOT want to be told of your complaint? (Keep in mind that it may be difficult to resolve if those involved cannot be asked to explain or respond). **NOTE: RETALIATION AGAINST A STUDENT FOR MAKING A COMPLAINT IS ABSOLUTELY PROHIBITED, AND WILL BE CONSIDERED A SERIOUS VIOLATION OF PROFESSIONAL RESPONSIBILITY.**

I hereby certify that the above information is true and correct to the best of my knowledge and belief. I grant permission for this complaint to be forwarded to Mercy College officials for purposes of investigation and response.

I agree to provide such other or supplemental information that may be requested.

Signature: _____

Date: _____