

## Complaints to the New York State Education Department Policy

Section 494C(j) of the Higher Education Act of 1995, as amended, provides that a student, faculty member or any other person who believes to have been aggrieved by an institution of higher education has the right to file a written complaint.

In New York State, a complaint may be filed by any person with reason to believe that an institution has acted contrary to its published standards, or that conditions at the institution appear to jeopardize the quality of the institution's instructional programs or the general welfare of its students. Any person who believes to have been aggrieved by an institution may file a written complaint with the Department of Education within three years of the alleged incident.

### ***How to File a Complaint***

1. The person should first try to resolve the complaint directly with the institution by following the internal complaint grievance procedures that the institution provides. At Dominican College the following procedures are in place:

- a. *Student Academic Complaints*

The following Academic Grievance Policy was designed by Dominican College to afford students an opportunity to formally grieve academic related complaints

- i. Grade and Attendance Record Grievances

A student who has reason to believe that an error has been made in either a grade or attendance record in any class shall promptly submit the grievance in accordance with the procedures outlined in the College's Grade Appeal Policy.

- ii. Classroom Procedures and Other Academic Grievances

A student shall contact the Vice President for Academic Affairs/Academic Dean in writing, within 5 class days from the date of the grievance. The Vice President for Academic Affairs/Academic Dean (or a designee) shall meet with the student within 2 weeks from the receipt of the grievance to settle the problem. If the issue is not resolved at this level, the student can appeal by following the procedure for the Grade Appeals.

- b. *Student Non-Academic Complaints*

The primary objectives of this Non-Academic Student Grievance Policy is to ensure that students have the opportunity to present non-academic grievances to the College regarding a certain action or inaction by a member of the Dominican community and that the College has a consistent way of resolving those grievances in a fair and just manner.

An action or decision is grievable only if it involves a misapplication or misinterpretation of Dominican College policy, regulation, or rule, or a violation of state or federal law. Grievances may not be used to challenge policies or procedures of general applicability.

In addition, this procedure may not be used to grieve:

- i. Claims based on purchases or contracts;

- ii. Claims against a Dominican College employee on matters that are unrelated to the employee's job or role at the College;
- iii. Student disciplinary decisions, since there is a separate procedure for them;
- iv. Formal complaints of harassment or discrimination, since there is a separate procedure for them;
- v. Where another Dominican College policy and procedure could have been used for the matter being grieved (e.g. academic grievances, student-athletic grant grievances, and FERPA grievances).

Upon request from any student, the Vice President for Student Development/Dean of Students' Office will provide guidance about the appropriate system for redress of a particular complaint.

i. Informal Resolution

Prior to invoking the formal resolution procedures described below, the student shall discuss the grievance with the person alleged to have caused the grievance. This is not required in cases where the grievant believes that efforts at informal resolution may result in retaliation or other unfair treatment. The discussion shall be held as soon as the student first becomes aware of the act or condition that is the basis of the grievance. Additionally, or in the alternative, the student and the Vice President for Student Development/Dean of Students may present the grievance to the person alleged to have caused the grievance in an attempt to resolve the issue informally. In either case, the person alleged to have caused the grievance must respond to the student promptly.

ii. Formal Resolution

The formal resolution process described below must be initiated within 60 business days of the decision, action, or events giving rise to the grievance. The Vice President for Student Development/Dean of Students may extend this time limit if the grievant makes the request for extension within the 60-day period, for good cause shown (e.g., an active effort at informal resolution at the departmental level).

(a) Step One

If informal resolution is not successful, the student may file a grievance by sending a request for hearing along with the following information to the Assistant Dean for Student Development.

The grievance must:

- (1) Be in writing;
- (2) State how the decision or action is unfair and harmful to the grievant and list the Dominican College policy or state or federal laws that have been violated, if known;
- (3) Name the respondent parties (the person(s) against whom the grievance is filed);
- (4) State how the respondents are responsible for the action or decision;

- (5) State the requested remedy; and
- (6) State whether the grievant will bring a support person to the hearing.

If it is clear on the face of the written grievance that the grievance has not been filed within the time limit, or pertains to a matter not grievable under this procedure, or is from a person without grievance rights under this grievance, the Assistant Dean of Student Development shall so indicate in a letter to the grievant and the grievance shall be dismissed.

If the grievance is not dismissed, however, the Assistant Dean for Student Development will assemble a committee of three (3) persons of which the Assistant Dean will be the Chair. Committee members shall include at least one member who is not part of the same office or immediate academic division as the respondent(s) and one member who is not part of the same office or immediate academic unit as the grievant. The committee will review the information, request any meetings, and formulate a decision within 20 calendar days of receipt of the formal written grievance. If the respondent is the Assistant Dean of Student Development, the Vice President for Student Development/Dean of Students will appoint another College administrator to issue a decision. Once determined, the committee's decision will be recorded for the College record. A letter to the student who filed the grievance explaining the decision and pertinent information will also be provided and recorded.

(b) Step Two

If the resolution provided by the committee assembled by the Assistant Dean for Student Development is not satisfactory to the student filing the complaint, the student may file a request for reconsideration. Such a request must be submitted in writing within a 5-day period from the date of the initial grievance decision. A request for reconsideration shall be submitted to the Vice President for Student Development/Dean of Students. The Assistant Dean for Student Development shall forward all appropriate details and documentation to the Vice President for Student Development/Dean of Students for review in a timely manner. If the respondent is the Vice President for Student Development/Dean of Students, the Chancellor will appoint another College administrator to issue a decision.

The Vice President for Student Development/Dean of Students (or other appointee) shall review the information provided concerning the grievance, the request for reconsideration, and details regarding the grievant's desired remedy and issue a final decision with 20 calendar days of receiving the request for reconsideration. The Vice President for Student Development/Dean of Students' decision may include one of the following options:

- (1) To support the initial grievance resolution provided by the committee assembled by the Assistant Dean for Student Development, designating that resolution to be fair and appropriate, based on the information reviewed; or
- (2) Determine that an alternate decision is appropriate based on his/her review

of the grievance case information. This shall supersede any previously made decisions.

The Vice President for Student Development/Dean of Students shall provide the decision in writing and document his/her final decision for the College record. The decision of the Vice President for Student Development/Dean of Students shall be considered final.

c. *Faculty Grievance Policy*

Faculty grievance procedures are outlined in the Dominican College Policy Manual, Volume IV, Section 4.14.

d. *Administrator and Staff Employee Grievance Policy*

Misunderstandings or conflicts can arise in any organization. To ensure effective working relationships, it is important that such matters be resolved before serious problems develop. Each employee shares in the responsibility of resolving problems and conflicts by focusing on solutions, keeping issues work-related, and communicating directly. In most cases, discussing a situation will lead to a resolution. Each member of the College community is responsible for creating an atmosphere free of unlawful discrimination and harassment, sexual or otherwise.

Employees who experience any job-related harassment in violation of this policy or who believe that they have been treated in any unfair or unlawful discriminatory manner should promptly report the incident to their supervisor, Chief Administrator, or the Director of Human Resources for investigation.

2. If a person is unable to resolve the complaint with the institution or believes that the institution has not properly addressed the concerns, the person may send a letter or telephone the Post secondary Complaint Registry to request a complaint form. Please telephone (212) 951-6493 or write to:

New York State Education Department  
Post Secondary Complaint Registry  
One Park Avenue, 6th Floor  
New York, NY 10016

3. The Post Secondary Complaint Registry form should be completed, signed, and sent to the above address. The completed form should indicate the resolution being sought and any efforts that have been made to resolve the complaint through the institution's internal complaint processes. Copies of all relevant documents should be included.
4. After receiving the completed form, the Department will notify the complainant of its receipt and make any necessary requests for further information. When appropriate, the Department will also advise the institution that a complaint has been made and, when appropriate, the nature of the complaint. The complainant will also be notified of the name of the evaluator assigned to address the specific complaint. The evaluator may contact the complainant for additional information.
5. The Department will make every effort to address and resolve complaints within ninety days from receipt of the complaint form.

### ***Complaint Resolution***

Some complaints may fall within the jurisdiction of an agency or organization other than the State Education Department. These complaints will be referred to the entity with appropriate jurisdiction. When a complaint concerns a matter that falls solely within the jurisdiction of the institution of higher education, the complainant will be notified and the Department will refer the complaint to the institution in question and request that the matter receive a review and response.

Upon conclusion of the Department's complaint review or upon a disposition of the complaint by referral to another agency or organization, or to the institution of higher education, the Department will issue a written notice to the complainant describing the resolution of the complaint. The complainant may contact the Department evaluator directly for follow-up information or for additional assistance.