

# Student Complaint Policy

## INTRODUCTION

Consistent with its commitment to students first, Minot State University has adopted this policy to assist both students and staff in the resolution of student concerns and complaints constructively, quickly and fairly.

Where minor concerns arise, students are encouraged to make an appointment with the instructor or staff member who is directly involved with the concern. Usually the concern can be resolved satisfactorily through honest and open communication with the faculty or staff member. **Meeting with the instructor or staff member should be the first step in resolving the concern.**

However, where informal discussions have not yielded a satisfactory resolution, or where the matter is more serious, the following policy provides for a more formal process to be pursued.

Complaints made under this policy will be monitored and reviewed to enable the university to continually improve processes and services in support of student learning.

Student rights and responsibilities in relation to this policy are set out in the appendix to this policy.

## POLICY

### Definitions

In this policy:

*Complaint* is an allegation by a student that there has been, in an individual case, an arbitrary or discriminatory application of, or failure to act pursuant to, the policies of Minot State University in relation to students. The complaint should be a written statement submitted by a student about a matter that requires formal consideration and resolution by the university in the terms set out in this policy.

*Fair play* means the right to have a decision made by an unbiased decision maker who observes fair and impartial procedures.

### Application and scope

- 1) Subject to subsection (2), this policy applies to student complaints about any aspect of the teaching and learning process and the broad provision made by the university to support that process.
- 2) This policy may not be used:
  - a. where the complaint can be dealt with under: the Computing Policy and Procedures, the Student Government Association Constitution, other club and student organization constitutions, the Student Conduct Policy, the Grade Appeal Process or the general work of the Student Rights Committee, the Sexual Assault Policy, and the Sexual Harassment Policy, or other general policies that provide a specific process for resolution of complaints.
  - b. to challenge the academic judgement of faculty.
- 3) No action will be taken on malicious or anonymous complaints.
- 4) A complainant must be able to demonstrate that the complaint is brought without malice and is based on evidence that the complainant honestly and reasonably believes to be substantially true. Those responsible for resolving complaints under this policy must take all reasonable steps to ensure that the complainant is protected against any subsequent recrimination or victimization.
- 5) Students and staff involved in the consideration and resolution of concerns and complaints have various rights and responsibilities, which are outlined in the appendix to the policy.

### Informal resolution of concerns

- 1) Before making formal written complaints, students are encouraged to seek resolution to any concerns by raising and discussing them informally with the relevant faculty or staff member who is most directly associated with the matter. **Usually the concern can be resolved satisfactorily through honest and open communication with the faculty or staff member.**

- 2) A staff member with whom a concern is raised by a student is expected to deal with the matter in an open and professional manner and to take reasonable and prompt action to try to resolve it informally.
- 3) If the concern has not been addressed satisfactorily by meeting with the faculty or staff member, the student should bring the concern to the supervisor (staff) or chair of the academic department (faculty). The supervisor or chair will often be able to resolve the concern satisfactorily.
- 4) A student who is uncertain about how to seek informal resolution of a concern is encouraged to seek advice from the Vice President for Student Affairs, located in Room 164, Administration Building.

### **Formal complaint procedure**

- 1) If after visiting with the staff or faculty member and the supervisor or chair, it has not been possible to resolve the concern informally, a student may make a formal complaint.
- 2) A student who wishes to make a formal complaint must submit it in writing, on the prescribed form (<https://form.jotform.com/72996849416981>), to the Assistant Vice President for Academic Affairs (AVPAA) or Director who is responsible for the action or matter that has given rise to the complaint.
- 3) The written complaint must be submitted within one month after the occurrence of the action or matter that has given rise to the complaint, unless the AVPAA or Director agrees to receive it beyond this time frame.
- 4) If the complainant prefers not to address the complaint to the person recommended in subsection (2) it may be addressed to the Vice President for the area most directly related to the complaint who will address the complaint and make a decision in accordance with these procedures.
- 5) If a complaint involves a Vice President, it should be directed to the President.
- 6) The AVPAA or Director who receives a student complaint must acknowledge it in writing within three working days. He or she must also lodge the complaint in the relevant college, department or division office and must maintain a file of all documentation in relation to the consideration of the complaint.
- 7) The AVPAA or Director must ensure that any staff member named in the complaint receives a copy as soon as practical.
- 8) The AVPAA or Director must consider the complaint in accordance with the principles of fair play, and must ensure that all parties to the complaint are accorded the full benefit of those principles.
- 9) The process may include meetings with relevant staff and/or the complainant. Where meetings are held, the parties may, if they wish, be accompanied by a peer support person.

### **Resolution of complaints**

- 1) The AVPAA or Director must make a decision in relation to the complaint and must communicate his or her decision to the parties, in writing, within 28 days of receiving the complaint.
- 2) If the complaint involves a university policy or procedure and if, in the opinion of the AVPAA or Director, the complaint has substance, the AVPAA or Director must arrange for the relevant policy or procedure to be reviewed, with a view to preventing a recurrence and ensuring continued improvement.
- 3) If the resolution of the complaint involves potential disciplinary action for an employee, the AVPAA or Director must follow the appropriate procedures outlined in the Faculty Handbook or NDUS HR Policy 25, Job Discipline/Dismissal. If the AVPAA or Director does not have authority over the employee, then they may forward a recommendation for disciplinary action to the appropriate supervisor.

### **Appeals**

- 1) Any party to a student complaint who is dissatisfied with a decision by the AVPAA or Director under this policy may appeal to the Vice President for the area most directly related to the complaint.
- 2) The appeal must be submitted in writing within two weeks of the letter communicating the decision.
- 3) The Vice President will consider the relevant documentation and may, at his or her discretion, consult the AVPAA or Director who made the decision. The Vice President may also interview any parties to the complaint.

- 4) If he or she determines that the complaint process has been conducted in accordance with this policy and the outcome is appropriate, the Vice President may dismiss the appeal. Otherwise, he or she will decide the appeal in consultation with the AVPAA or Director and any other parties. Subject to subsections (6) and (7), the decision of the Vice President under this section is final.
- 5) The Vice President will communicate his or her appeal decision in writing to the parties.
- 6) The Vice President will also inform any staff members who are dissatisfied with a student complaint process of the steps available to them under the North Dakota University System Human Resource Policy Manual Grievance Procedures.
- 7) If the original complaint was addressed to the Vice President under section 4(4), any appeal must be made to the President. That appeal will be considered and decided, in accordance with appeal processes consistent with those set out in this policy, by the President or a nominee of the President.

### **Confidentiality**

All student related information will be considered confidential and protected under FERPA (Family Educational Rights & Privacy Act). Records relating to employees and other records that do not include student information are not confidential.

### **Report to the Student Complaint Log**

All employees who receive a complaint must submit a report to the Student Complaint Log, including an overview of the student complaint and decisions made regarding the complaint. Complaint logs are located in the VP for Student Affairs Office, first floor Administration; VP for Academic Affairs, second floor Administration; and the Title IX Office, Memorial Hall 401.

### **APPENDIX**

#### **Rights and Responsibilities of Parties to a Student Complaint**

Parties to a student complaint have the right to

- be treated with courtesy at all times
- a fair and timely investigation process
- express their points of view without fear of recrimination
- receive full information at all stages of the complaint process
- be advised in writing of all decisions made in relation to the complaint
- appeal the outcome as outlined in this policy

Parties to a student complaint have a responsibility to

- treat all parties with courtesy at all times
- respect the points of view of others
- respect the rights of all parties to the complaint with respect to confidentiality
- in the case of the complainant, ensure that the complaint is made in good faith and complies with the requirements of the Student Complaint Policy
- provide full and accurate information to the person investigating the complaint
- not take any action that may prejudice the situation or be regarded as an act of recrimination against any other party.