

## **Policy and Procedure for Handling Student Complaints Concerning Faculty**

### **Policy**

It is the policy of St. Cloud State University to address student complaints regarding faculty conduct fairly and expeditiously. These complaints are often based upon misunderstandings between students and faculty. Thus, whenever possible, it is best to resolve them informally. It is important that anyone involved in a student complaint understands that this procedure is neither a judicial nor a disciplinary process.

Complaints concerning the assignment of grades are to be addressed using the University procedure for grade appeals. Complaints involving allegations of racial or sexual harassment or discrimination in violation of law or regulations of the Minnesota State Colleges and Universities (MnSCU) board should be brought to the attention of the Equity and Affirmative Action Officer (<http://www.stcloudstate.edu/affirmativeaction>). Complaints about other University staff should be brought to the attention of the supervisor of that staff member. All other complaints involving faculty are to be addressed according to the following procedures and processes.

### **Procedure:**

A complaint must be initiated during the semester or summer term in which the issue arises or within ten duty days of the first day of instruction of the next regular semester, regardless of the student's enrollment status. The complaint process, from the formal initiation of the complaint to the complaint's resolution, must be resolved within 30 duty days. Time may be extended only by mutual agreement of both the student and the faculty member.

Students who wish to make an official complaint about a faculty member will arrange a meeting with the Chair of the department/program in which the course is taught. If the complaint involves the Chair of the department/program, the Chair of the Department Mediation Committee will act in this capacity. The purpose of the meeting is to determine that the use of this complaint procedure is appropriate and explain the steps, including the timeline involved in making a formal complaint. The Chair will inform the student of the necessity of arranging a meeting or communication with the faculty member to informally discuss the complaint.

### **Step 1. Informal consultation with the faculty member.**

When a student has a complaint, s/he is responsible for bringing the complaint to the faculty member's attention via e-mail, telephone, or arranging a meeting with the faculty member to discuss it. The student should fully explain the nature of her/his complaint. The faculty member may elect to respond to the student immediately or at a later time; however, the student must receive the faculty member's response within 10 duty days of the faculty member receiving the complaint. If the faculty member's response is either not satisfactory to the student or is not made within the required time, the student may elect to proceed to Step 2.

### **Step 2. Mediation within the department.**

If the matter is not resolved through informal consultation, the student may request mediation assistance by submitting a Student Complaint Form to the Department Chair of the department in which the course is offered ([download the student complaint form in PDF format](#) here, or obtain one from the Office of Academic Affairs, Deans' offices or departmental offices). At this time, the complaint is formally initiated and the 30-day deadline to resolution is active. The Department Chair will verify that the student has consulted or attempted to consult the faculty member as required by Step 1, will date the form and forward copies to the Chair of the Department Mediation Committee. If the complaint concerns the Chair of the Mediation Committee, the Chair of the department will act as Chair of the Mediation Committee.

The Chair of the Mediation Committee will inform the faculty member against whom the complaint has been brought and mediation sought, and will provide a copy of the complaint and all documentation to the faculty member.

If the Chair of the mediation committee determines that mediation is not appropriate in a particular case, the Chair of the mediation committee will date and note on the complaint form that "mediation is not appropriate" and the complaint form will be returned to the student. The Chair of the Mediation committee will determine if both the student and faculty member agree to participate in mediation. If either the student or the faculty member is

unwilling to participate in mediation, the Chair of the Mediation Committee will date and note on the complaint form “party X would not agree to mediation” and the complaint form will be returned to the student.

If both the student and faculty member agree to participate in mediation, the Chair will arrange a meeting to select a mediator. Mediation is neither a hearing nor a process that reaches a judgment as to error or wrongdoing. Its purpose is to utilize one or more third parties to reach understanding. The department may designate a mediator to handle all such complaints, or it may identify several mediators from which one or more individuals may be selected to assist with a particular complaint. The department procedure must be in writing, simple and timely. A copy of the Department’s mediation process will be placed on file in the office of the dean/director of the college/school.

The mediator is selected from the Department Mediation Committee by consensus, or if necessary a process of successive elimination. A selected mediator has the right to refuse to mediate a student complaint. In such an event, another mediator is selected. If a mediator agreeable to both parties is not found, the date and a notation that “no acceptable mediator could be selected” is marked on the Student Complaint Form and returned to the student.

The selected mediator will arrange a meeting between the parties to facilitate mediation of the complaint. When the student or faculty member meets with a mediator, any individual of their choosing may accompany them. The participation of such persons shall be consistent with the process of informal mediation. These advocates may not speak during mediation and are only present to provide support. Lawyers or legal representatives may not serve as advocates because this is not a legal proceeding.

If mediation of the complaint has not occurred within fifteen duty days the dean of the college/school in which the faculty member is rostered must be notified and an explanation provided by the designated mediator. The dean will then determine whether the matter should continue at Step 2.

If mediation has not resulted in a resolution within twenty-five duty days, the mediator will inform the dean of the college/school. If the mediator believes that mediation is progressing, the dean may allow the process to continue for an additional ten duty days. If the mediator believes that mediation is not progressing, the dean may end mediation and the complaint moves to Step 3. If mediation has not reached a conclusion after twenty-five days, the mediator will date and return the Student Complaint Form to the student with a notation that “mediation was not successful.”

There will be no written or electronic record of the mediation effort except for the Student Complaint Form which was completed by the student at the beginning of Step 2. Faculty who serve as mediators will not be called upon in any subsequent steps of this process or in related actions regarding the complaint, except as agreed to by the parties and the faculty mediator.

If a resolution is reached, a notation to that effect is made on the student complaint form and it is returned to the student and a copy is provided to the faculty member. If mediation occurs but the matter is not resolved, the complaint form is to be returned to the student with a notation that mediation was not successful.

[NOTE: Departments will maintain a record of the number of complaints (without names of either party) received at Step 2, and whether complaints are resolved at that step. This information is solely to facilitate evaluation of the process.]

### **Step 3. Review by dean or designee.**

Students not satisfied with the outcome of Step 2 may request further review by delivering the Student Complaint Form to the dean/director of the appropriate college/school within five working days of return of the form. Upon receiving the form, the dean (or designee) will arrange to meet jointly with the student and the faculty member. Each may be accompanied by a person of her/his choosing. During these meetings, the dean will describe how the matter is to be reviewed and ask questions. The dean then may gather additional information, and conduct interviews with other witnesses. If necessary, additional meetings between the dean and the faculty member and student may be arranged. Following this fact-finding process the dean will issue a written report. Both the student and the faculty member will be provided with a copy. The dean will complete this process within 30 days or will notify the parties as to the need for additional time.

If the dean determines that the complaint is without merit, the only record will be a copy of the student complaint form upon which such a notation has been made. The form will be placed on file with the student's permanent record for as long as may be necessary to permit response to potential legal actions. If the dean determines that the complaint is justified, an oral reprimand and/or other appropriate disciplinary action will be initiated, and the report will be placed in the faculty member's official personnel file. The report will not by itself constitute discipline. Any disciplinary action arising out of a student complaint will be addressed in accordance with Article 24 of the agreement between the Inter-Faculty Organization (IFO) and the MnSCU board (or successor provisions regarding discipline).

Questions regarding this policy and related procedures should be directed to the Office of Academic Affairs. It is the intent of University administration that this policy and procedure be reviewed approximately every two years. Notwithstanding this intention, consideration will be given to suggestions for modification at any time.

### **Regarding Expedited Appeals and Complaints**

It is expected that the student complaint process will be continuous throughout the academic year. This is especially necessary for students on suspension and for graduate students waiting to progress in their programs. Additionally, due to scheduling issues and the contractual availability of faculty, there may be times when the student is harmed by a relatively slowed process of resolution of complaints and grade appeals.

It shall be the practice of St. Cloud State University to make every effort to keep the resolution of Student Complaints Concerning Faculty, Grade Appeals, and Program Complaints processes continuous throughout the calendar year. This may necessitate the extensive use of technology as well as scheduling mediation and appeals during convocation and finals.

During calendar breaks of more than 10 business days alternative resolution strategies should be considered by the departments and appropriate Dean. The first step for both grade appeals and student/faculty complaints during summer sessions will be for the Provost to determine whether a student may be harmed if not offered an expedited review.

**Student Complaints Regarding Faculty** during summer sessions should also be mediated using an expedited process. During expedited Student Complaints Regarding Faculty, students and faculty shall be given every reasonable opportunity (including the use of electronic media) to participate in Step One, Step Two (based on the desirability of mediation for those involved) or Step Three of the Student Complaint Process. Mediation should be attempted by a committee formed in collaboration with the colleagues within the school/college or department.

Where possible electronic communication (e.g., conference phone calls, Skype, Adobe Connect, etc.) should be used to make sure the student and faculty member have every opportunity to have concerns mediated (Step Two) or to present information to a supervisor (Step Three). If deemed necessary by the Provost a duty day can be paid to faculty who are not under contract to meet with departmental or Faculty Association committees. Resolution of the Student Complaint should be within 10 business days. All other procedures and timelines will apply during expedited Student/Faculty Complaints.