

## East Stroudsburg University of Pennsylvania



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### Student Complaint and Grievance Process

**Effective Date:** January 1, 2019

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## **Process Statement:**

### **The AIM of this policy is to provide:**

Students with a framework within which they may raise complaints or grievances in relation to decisions of or advice provided by the University. This includes but is not limited to:

- A. decisions by faculty and staff members affecting individuals or groups of students;
- B. the content or structure of academic programs, including the nature and quality of teaching and assessment;
- C. supervision of students undertaking research projects;
- D. authorship and intellectual property; and
- E. quality of student services.

The University's framework to ensure there are transparent, fair and timely procedures for addressing complaints and grievances in accordance with Commission Policy and 34 CFR 602.16(a)(1)(ix) and 34 CFR 668.43(b), ensuring that all parties are treated equally and fairly.

## **Scope**

This policy applies to all current, former, and prospective students regardless of their residency of the University<sup>1</sup>.

This policy covers issues arising from a student's involvement with the University, except where the matter relates to decisions based solely on academic or general misconduct, academic judgement, unlawful discrimination, sexual harassment or bullying, or to matters covered by the Student Conduct and Community Standards.

Complaints of unlawful discrimination, sexual harassment and bullying by or of staff or students are addressed by the Discrimination and Harassment

[<https://www.esu.edu/about/policies/list/policies/po2011002.cfm>] and Student Conduct and Community Standards [<https://www.esu.edu/students/conduct/index.cfm>] respectively.

## **Process**

The University is committed to providing students with an education of the highest possible quality. As part of its commitment to quality, the University recognizes that, from time to time, students may raise complaints or grievances about matters or issues relating to their experiences at the University.

## **Nature of Complaints**

1. Students may raise complaints or grievances in relation to administrative decisions, including but not limited to:
  - a. Decisions by faculty and staff affecting individuals or groups of students.
  - b. Administration of policies, procedures and rules of the University.
  - c. Standard of service received through the University.
  - d. Access to resources or facilities.

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<sup>1</sup> Pennsylvania's State System of Higher Education - Procedures and Standards for University Operations  
[http://www.passhe.edu/inside/policies/Polices\\_Procedures\\_Standards/Student%20Complaint%20Process%202016-26.pdf](http://www.passhe.edu/inside/policies/Polices_Procedures_Standards/Student%20Complaint%20Process%202016-26.pdf)

2. Students may raise complaints or grievances in relation to misconduct by a University staff member, which will be managed under the [Human Resources Policies and Procedures](#).
3. Students may raise complaints or grievances in relation to misconduct by another student, which will be managed under the [Student Conduct and Community Standards](#).
4. Students may raise joint complaints or grievances where more than one student has been affected, in which case the matter will be considered as one issue. If two or more complaints or grievances about the same matter are submitted independently, they may be considered jointly by agreement of all parties concerned.
5. The University investigates anonymous complaints at the discretion of the appropriate Vice President, taking into account:
  - a. The nature and seriousness of the complaint,
  - b. Whether there is sufficient information for an investigation to be conducted, and
  - c. Whether there is a statutory requirement for investigation.

### **Grounds for Complaints**

Grounds for complaint or grievance include, but are not limited to the following:

1. A student being affected by a decision made without sufficient consideration of facts, evidence or circumstances;
2. A student being affected by a failure to adhere to appropriate or relevant published policies and procedures;
3. A penalty applied to the student being unduly harsh or inappropriate;
4. A student being affected by improper or negligent conduct, or
5. A student being affected by unfair treatment, prejudice or bias.

### **Communication and Approach**

1. The University recognizes that effective communication is of paramount importance when attempting to resolve difficulties experienced by students and is committed to a culture of openness, fairness and continuous improvement.
2. All parties to a complaint or grievance must act in good faith and seek to achieve an amicable resolution. Intimidating, harassing, threatening or offensive behaviors are not tolerated from any parties.
3. All parties to a complaint or grievance must respect privacy and confidentiality, except where the release of particular information is required by law.
4. The University gives students who raise complaints or grievances the opportunity to present their cases.
5. University staff with a role in resolving complaints and grievances will reach conclusions based on a fair hearing of each point of view.
6. The University keeps all parties to a complaint or grievance informed of the progress of the matter and gives all parties reasonable opportunity to respond to outcomes.
7. A student making a complaint or grievance is not to be disadvantaged simply by virtue of having made the complaint, unless the complaint is found to be factious. In particular:
  - a. The complainant must not be hindered or prevented from continuing to use University facilities and attend lectures, classes, laboratories and tutorials and to submit assessment as required, simply by virtue of having made the complaint.
  - b. A student who is also:

- i. the subject of an action by the University under the relevant Regulation, or
  - ii. subject to exclusion for reasons of safety, or
  - iii. subject to a cancellation of enrollment due to unpaid fees, where fees are unrelated to the substance of the complaint, or
  - iv. the subject of any relevant court order or action precluding them from attending a campus
- c. May be excluded or prevented from attending classes on that basis, unrelated to their status as a complainant.

### **Timeliness**

1. The University must consider complaints and grievances in a timely manner, within specified and achievable timeframes.
2. Students should raise complaints and grievance within 1 months and as soon as possible after the event, decision or action which is the subject of the complaint or grievance. The University may be unable to investigate a complaint where, due to the length of time elapsed since the event, decision or action, there is insufficient information available to enable investigation of the complaint or grievance.

### **Procedural Principles**

1. Students wishing to raise a complaint or grievance should firstly seek advice from an independent person knowledgeable about the process and aware of potential outcomes, such as:
  - a. An institutional advocate;
  - b. An academic adviser;
  - c. An appropriate staff member who is not involved in the matter in question; or
  - d. A staff member from a student support service.
2. The student and the independent person will work together to:
  - a. Consider whether the complaint is reasonable;
  - b. Clarify the details of the matter, including the events that occurred, the basis for the complaint and the resolution sought; and
  - c. Where appropriate, identify the most appropriate process under which the matter may be pursued.
3. The student may, on the basis of this discussion:
  - a. Take no further action;
  - b. Make an informal approach to the person concerned (the respondent); or
  - c. Proceed directly to the complaint or grievance process.

### **Informal Resolution of Complaints**

1. Students may attempt an informal resolution by raising their concern with the person concerned or another appropriate person. Appropriate people to contact include:
  - a. An academic adviser;
  - b. The relevant program director or academic coordinator;
  - c. The relevant department chair, associate dean; or dean
  - d. The chair of the committee if the issue relates to a committee decision; or
  - e. A supervisor, graduate research coordinator, department chair, associate dean, or dean.

2. Staff members who are contacted by students seeking informal resolution of a complaint must, within five working days:
  - a. Acknowledge receipt of the complaint;
  - b. Arrange to discuss the matter with the student or indicate when an initial response will be provided and in what form;
  - c. Attempt to clarify with relevant parties what is agreed and where opinions differ;
  - d. Attempt to clarify the relevant policies, procedures or processes underpinning the action to which the complaint relates;
  - e. Identify the appropriate manner of resolving the complaint, including seeking advice or a decision from other relevant parties;
  - f. Advise the student of a proposed process for resolving the complaint; and
  - g. Notify the student of his or her right to be accompanied by a support person at any meetings or discussions during the attempt at informal resolution.

### **Complaints**

1. Students who are not satisfied with the outcome of informal processes may, within five working days of receiving advice of the outcome:
  - a. Proceed to the complaint or grievance process, which may involve mediation, or an independent investigation, or
  - b. Lodge a complaint under another University process or with an external agency where appropriate and available.
  - c. Students who decide to pursue the matter further are strongly encouraged to seek the continued assistance of an advocate from Dean of Student Life.
  - d. The Dean of Student Life may make a judgment about whether mediation is practicable and appropriate and secure the agreement of all parties to the complaint to the use of mediation (noting that the use of mediation does not necessarily imply there is a case to answer).
  - e. The Dean of Student Life will advise students of their right to lodge a grievance if mediation is deemed not to be an appropriate course of action, or the agreement of all parties is not forthcoming.

### **Grievances**

1. Where a complaint is not able to be resolved through informal processes, and the matter includes allegations of misconduct where disciplinary action against a student or staff member may be an outcome of the investigation, a student may lodge a grievance.
2. Grievances are formal matters that will be investigated by an independent investigator.
3. The investigator must:
  - a. Acknowledge receipt of the complaint or grievance in writing within five working days and indicate when a resolution of the matter should be expected;
  - b. Recommend any immediate corrective action that needs to be taken before the complaint or grievance is investigated;
  - c. Independently review the complaint or grievance including hearing from all parties who wish to partake in the process and attempt to resolve the problem;
  - d. Within 15 working days of receipt of the complaint or grievance, notify the student and the Dean of Student Life in writing of the nature of the investigation process

- e. Provide the Dean of Student Life with a report of the investigation for review prior to its release;
- f. Provide the student with the outcome of the review process, including a resolution or why a resolution could not be reached; and
- g. Notify the student and the Dean of Student Life if they conclude that the grievance is frivolous, or if no grounds could be adducted to support it.

### **Investigations**

1. The Dean of Student Life must undertake a quality check of all investigation reports to ensure that:
  - a. All issues raised in the student complaint or grievance are investigated;
  - b. All key stakeholders are interviewed;
  - c. The report is fair and balanced;
  - d. All relevant circumstances have been considered; and
  - e. The findings and recommendations are evidence-based and defensible.
2. The Dean of Student Life may determine that a single investigation will take place into multiple complaints or grievances that relate to the same issue or respondent where the student or students lodging the complaint(s) or grievance(s) agree to this approach.
3. On consideration of the details of the complaint, grievance or outcome of an investigation, the Dean of Student Life may:
  - a. Recommend reconsideration of the original decision, or
  - b. Direct the decision maker to change the original decision or outcome, noting that they may not impose a harsher outcome than initially decided, or
  - c. Override the original decision.
4. The Dean of Student Life may contact a student who repeatedly submits unreasonably persistent or vexatious complaints or grievances on a particular matter, and the person who is the subject of the complaints or grievances, to ascertain that there is prima facie evidence to support the complaint or grievance before initiating an investigation.

### **Right to Withdraw**

1. Students may withdraw complaints and grievances at any time during the resolution process, and the matter will be deemed to be resolved. Notwithstanding this, the University reserves the right to continue to investigate a complaint if required to do so to satisfy other requirements or protect its own interests.

### **Recordkeeping**

1. Student complaints and grievances must be registered on the University's Complaints and Grievances roster, maintained by the Office of the Provost, and must include data collected on student complaints and grievances submitted at faculties, student central, graduate schools and other student service delivery points.
2. Officers and mediators receiving complaints or grievances must keep appropriate, confidential records of informal discussions and outcomes.
3. Investigators must report findings and outcomes to the Dean of Student Life, who must ensure appropriate, confidential records are kept.

4. The Dean of Student Life must ensure that reporting of complaints and grievances and their resolution is undertaken in such a way as to address problems and improve existing policies, procedures and processes.
5. The Dean of Student Life must analyze data relating to complaints and grievances on an annual basis to identify trends.
6. The Dean of Student Life must provide an annual report on student complaints and grievances to the Presidents Council, including quantitative and qualitative data and analysis.

### **Appeals**

1. Students may appeal the outcome of the complaints and grievances process in accordance with the student appeals processes.

### **Reason for Policy:**

In order to be compliant with federal laws and regulation, Middle States Commission on Higher Education policies and recommendations, and Pennsylvania's State System of Higher Education Procedures and Standards for University Operations **Procedure/Standard Number 2016-26-- Student Complaint Process** ESU must have an independent for students to seek a resolution to grievances and complaints.

### **Authority**

This process is made under the Commission Policy the United States Code: Title 20 – Education, **CFR** > **Title 34** > **Subtitle B** > **Chapter VI** > **Part 602** > **Subpart B** > Section 602.16 34 CFR 602.16(a)(1)(ix) and 34 CFR 668.43(b) and supports compliance with the:

1. § 602.16 Accreditation and pre-accreditation standards (34 CFR 602.16(a)(1)(ix));
2. § 668.43 Institutional information 34 CFR 668.43(b);
3. Middle States Commission on Higher Education, Verification of Compliance with Accreditation-Relevant Federal Regulations, Implementation for 2017; Institutional Record of Student Complaints; and
4. Pennsylvania's State System of Higher Education Procedures/Standard Number 2016-26 Student Complaint Process.

### **Verification of Compliance with Accreditation-Relevant Federal Regulations Implementation for 2018-19**

#### **Institutional Record of Student Complaints**

In accordance with Commission Policy and 34 CFR 602.16(a)(1)(ix) and 34 CFR 668.43(b), the Commission must confirm that institutions have effective policies and procedures for tracking and resolving student complaints within a reasonable time frame. Further, the institution must also show evidence of a process for making modifications and improvements to the institution as a result of information obtained in handling student complaints.

Examples of Evidence:

1. Policy/policies on student complaints;
2. Procedures for timely handling of student complaints;
3. Public location of student complaints policy/policies and process;
4. If pattern(s) of complaints exist, description of process of resolving relevant issues.



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**Office of the Chancellor**  
**Pennsylvania's State System of Higher Education**  
**Procedures and Standards for University Operations**  
**Procedure/Standard Number 2016-26**  
**Student Complaint Process**

**History:** For an institution to participate in federal Revised: student aid programs authorized under Title IV of the Higher Education Act of 1965, as amended, the state must have a process to review and act on concerning the institution, including the enforcement of applicable state and federal laws.

**Appeal Statement/Process:**

1. Students may appeal the outcome of the complaints and grievances process in accordance with the student appeals processes.

**Definitions:**

**Student Advocate:** means an independent person, who can provide a student with advice about the complaints and grievances process and the steps towards resolution, and assist the student with the submission and presentation of their complaint or grievance.

**Appeal:** means a request in writing to the [Dean of Student Life] to be heard in relation to a decision of or penalty applied by the University

**Complaint:** means an issue or concern raised by a student who considers they have been wronged because of an action, decision or omission within the control or responsibility of the University.

**Complaints:** "Grievances, Complaints, or concerns (hereinafter 'complaints') must first be submitted directly to the university in accordance with university procedures and policies as outlined, for example, in undergraduate and graduate catalogs. Complaints should be described as specifically as possible." Retrieved from:

{[http://www.passhe.edu/inside/policies/Policies\\_Procedures\\_Standards/Student%20Complaint%20Process%202016-26.pdf](http://www.passhe.edu/inside/policies/Policies_Procedures_Standards/Student%20Complaint%20Process%202016-26.pdf)}

**Grievance:** means a matter to be investigated according to formal processes. This includes complaints which are not able to be resolved through informal processes or mediation, and matters relating to allegations of misconduct where disciplinary action against a student or staff member may be an outcome of the investigation.

**Student:** in this process has the meaning given to it in PASSHE Procedure/Standard Number 2016-26 Student Complaint Process.

**Keywords:**

Complaints, Grievance, Compliance, Student Right to Know, Sexual Misconduct, Harassment, Violence, Discrimination, Appeal

**Related Policies:**

Discrimination and Harassment -- ESU-PO-2011-002, Sexual Harassment -- ESU-PO-2011-004, Sexual Harassment & Title IX Compliance -- ESU-PO-2013-002, PASSHE Student Complaint Process -- **Procedure/Standard Number 2016-26**, Middle States Commission on Higher Education -- Verification of Compliance with Accreditation-Relevant Federal Regulations