



Policy Name:	Policy and Procedures for Addressing Student Complaints		
Associated Form(s):	Online Complaint Form	Policy Number:	2021-11
Reviewed:	Non-Academic Policy Committee	Approved:	August 25, 2021
Approval Authority:	President 	Adopted:	September 24, 2021
Responsible Executive(s):	<ol style="list-style-type: none"> 1. Provost 2. Vice President for Finance 3. Vice President for Operations and Facilities 	Revised:	September 16, 2016
Responsible Office(s):	<ol style="list-style-type: none"> 1. Office of the Provost 2. Office of Equity Compliance 3. Office of Human Resources 	Contact(s):	<ol style="list-style-type: none"> 1. Associate Provost 2. Director of Equity Compliance 3. Associate Director of Human Resources

I. Introduction

Mercy University takes all complaints made by students seriously, and believes that all complaints should be reviewed thoroughly, and addressed appropriately. The University currently has a variety of policies and procedures for dealing with student-related issues, including, but not limited to, the *Academic Appeals Policy*, *Policies and Procedures Relating to Sexual Misconduct*, *Policy on Equal Opportunity and Non-Discrimination*, *Reasonable Accommodations Policy*, etc. In some instances, however, students may wish to make a general complaint that does not fall within one of the above-named or other University policy. The purpose of this Policy is to provide a process whereby current students can file a complaint with the University in circumstances where the student 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;
- Complaints related to University services, such as food services, residential life, athletics and/or health and wellness; or
- Consumer complaints

Complaints can also be made about any member of the University community or about the University itself pursuant to the University's *Whistleblower Policy* by filing a complaint online using the following link: <https://www.mercy.edu/whistleblower-form> or by contacting 1-888-OK-MERCY (1-888-656-3729), for issues including, but not limited to, environmental health and safety concerns, fraud, theft, or other unlawful conduct.

II. Filing a Complaint with the University

Students may file a [complaint online](#) regarding any incident occurring relating to the University, including any employee, contractor or vendor. The complaint must be made within thirty (30) days of the most recent incident. Some of the areas not generally covered by other University policies may include those set forth below.

A. Complaints About Faculty in Academic Settings

While the University respects the academic freedom of the faculty, unprofessional behavior directed at students inside or outside the classroom will not be tolerated. This includes, but is not limited to, harassing behavior, yelling at students, or making demeaning or other inappropriate comments. As such, students may wish to file a complaint regarding a faculty member who behaves in this manner.

B. Complaints Relating to Other University Employees or University 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 University or services provided by the University. Some examples of those complaints might include:

- Unprofessional behavior or misconduct on the part of an employee, a contractor or a vendor.
- Issues in connection with student services including, but not limited to, student billing, tuition, financial aid and student records.
- Issues in connection with other University services including, but not limited to, food services, residential life, athletics and health and wellness.

III. Complaint Reviews, Informal Resolutions and Investigations

A. Complaint Forwarded to the Appropriate University School or Department for Review

After the Office of the General Counsel receives an online student complaint, it is forwarded to the appropriate department of the University for review. For example:

- Complaints relating to faculty will be handled by the Dean of the School and/or the chair or program head of the relevant department;
- Complaints relating to all other employees will be handled by the Office of Human Resources;
- Complaints relating to contractors and vendors, including food and facilities services, shall be handled by the Office of the Vice President of Operations and Facilities; and
- Complaints relating to student services and accounts shall be handled by the Office of Financial Services.

After receipt, the dean or other relevant department manager shall designate an employee who will be responsible for reviewing the complaint. This designated employee is hereinafter referred to as the “Fact Finder.” In no case can a Fact Finder be the person who is the subject of the complaint. If the Dean or department manager is the subject of the complaint, then the Provost or President will designate an appropriate Fact Finder.

B. Review and Informal Resolutions or Investigation

1. The relevant office Fact Finder shall review the complaint as well as any relevant paperwork. The Fact Finder shall speak with the complainant to determine whether there can be an informal resolution on the matter. If the complainant agrees to an acceptable resolution, the Fact Finder shall send an email to the complainant and subject of the complaint confirming this resolution in writing,

and consider the matter closed. They shall share this resolution with the Office of the General Counsel.

2. If there is not informal resolution and the Fact Finder does not believe an investigation or other action is warranted, they shall inform the student in writing of this outcome.
3. If there is not informal resolution and the Fact Finder concludes that the complaint warrants an investigation, then an investigation shall be conducted. In such cases, the Fact Finder shall separately interview the complaining student, the employee if there is an accusation against them, and other persons with relevant knowledge and information.
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 their 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 thirty (30) calendar days of the date the complaint was filed.

C. Subsequent Action

Following the completion of these procedures, the relevant University official shall decide the appropriate course of action, including taking any corrective measures and/or imposing any disciplinary sanctions. All actions, as well as any appeal by the employee, shall be pursuant to the relevant University policies, procedures, handbooks and/or collective bargaining agreements.

IV. Appeals Procedure for Student Complaints Under this Policy

If a student is not satisfied with the findings and/or corrective measures or disciplinary sanctions, they may file a written appeal to one of the following administrators:

- The Provost if the complaint relates to a faculty member,
- The Director of Human Resources if it relates to all other employees,
- The Vice President of Operations and Facilities if it relates to facilities, a contractor, vendor or related services,

- The Vice President for Enrollment Management if it relates to student accounts and billing, or
- The Vice President for Student Affairs if it relates to any student programs, events or activities.

Within ten (10) calendar days of receiving the report, which time-period may be extended for good cause shown, the relevant administrator or their designee shall review all documentation relating to the matter, as well as any additional information that the student believes is relevant. They shall issue a written decision to the student and employee (if relevant) within twenty (20) days either upholding the findings and/or corrective measures or making appropriate modifications. Their decision on the appeal is final.

V. Non-Retaliation

The College prohibits retaliation against any person who makes a complaint under this Policy, assists someone making such a report, or participates in any manner in an investigation, hearing or resolution of a complaint under this Policy, including respondents and their witnesses.

VI. Tracking Student Complaints

All Fact Finders who receive a complaint pursuant to this Policy are required to keep the Office of the General Counsel apprised of all outcomes relating to student complaints in a timely manner, including but not limited to final resolutions (whether the matter is resolved informally or after an investigation).

VII. Consumer and other External Complaints

If a student believes that the administrative procedures herein have not adequately addressed their concerns, the following external procedures are available:

A complaint that concerns **educational programs or practices** of Mercy University should be directed to:

New York Office of College and University Evaluation
 New York State Education Department
 89 Washington Ave. Room 960 EBA
 Albany, NY 12234

<https://www.nysed.gov/college-university-evaluation/complaints>

Complaints concerning **programs in fields leading to professional licensure** (e.g., nursing) should be directed to:

Office of the Professions
Professional Education Program Review Education Building, 2 West
Albany, NY 12234
<http://www.op.nysed.gov/opd/complain.htm>

Complaints of **consumer fraud** on the part of Mercy should be directed to:

Office of the New York State Attorney General
Justice Building
Empire State Plaza Albany, New York 12223
<https://formsnym.ag.ny.gov/OAGOnlineSubmissionForm/faces/OAGCFCHome>

Complaints about **New York State student financial aid** matters should be directed to the Higher Education Services Corporation (HESC) Customer Communications Center at 1-888-NYS-HESC.

Complaints from students who reside out of state and are taking Mercy online distance courses should first be submitted through the university's internal complaint process and form: <https://www.mercy.edu/about/mercy-college-policies/student-complaint-form>. Should the student be dissatisfied with the outcome, a complaint form can then be filed with the New York State Portal Entity, housed within the Office of College and University Evaluation: <https://www.nc-sara.org/student-complaints>.

Complaints involving **discrimination based on protected classes**, including but not limited to: race, color, national origin, age, disability and sex, including sexual harassment, should be filed with the U.S. Department of Education, Office for Civil Rights:

Office for Civil Rights (OCR) – Enforcement Office
U.S. Department of Education 32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646-428-3900
Fax: 646-428-3843
TDD: 877-521-2172
Email: OCR.NewYork@ed.gov

Or with the New York State Division of Human Rights: <https://dhr.ny.gov/complaint>. If you are unable to access the complaint form, please call at 1-888-392-3644.

VII. Dissemination of this Policy

As required by New York State and federal compliance laws, Mercy University provides this Policy to all current and/or prospective students.