



ADMINISTRATIVE
POLICY STATEMENT
University Policy Library

Functional Area: Student Affairs
Responsible Executive: Provost
Responsible Office: Dean of Students Office
Effective: August 2012
Revised: April 2018

Student Complaints

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I. INTRODUCTION

A. **Authority:** C.R.S. § 23-54-102, *et seq.* (2012) authorizes the Trustees of Metropolitan State University of Denver (MSU Denver) to establish rules and regulations to govern and operate the University and its programs. The Trustees grant authority to the President of MSU Denver to approve, administer, and interpret policies pertaining to the operation of the University.

Higher Learning Commission Policy No. FDCR.A.10.030 requires the University to make available an account of the student complaints it receives, its processing of those complaints, and how that processing aligns with the University's policies and procedures on the handling of grievances or complaints.

The Colorado Department of Higher Education requires each public institution of higher education in Colorado to define and implement complaint and appeals processes to investigate student complaints and appeals in a fair and expeditious manner.

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- B. **Purpose:** This statement delineates the principles underlying the student complaint policy and outlines the processes to be followed by students who have a complaint.
- C. **Scope:** The Student Complaint Policy provides an opportunity for students to have complaints reviewed by the University in a timely and unbiased manner to determine if there is a way to resolve the issue. This policy covers any concern or situation that a student may wish to bring forth that is not otherwise covered by another University policy.
1. Student complaints, appeals, and grievances not within the scope of this policy include:
 - a. Accident and Safety Incident Reporting
 - b. Discrimination and Harassment Reporting
 - c. Financial Aid SAP Appeal
 - d. Grade Appeal
 - e. Sexual Harassment and Misconduct Reporting
 - f. Student Conduct Appeal
 - g. Tuition and Fee Appeal
 2. For information on this policy and other University policies for student issues or concerns, please visit the [Complaints/Appeals](#) section of the Dean of Students website.

II. ROLES AND RESPONSIBILITIES

- A. **Responsible Executive:** Provost
- B. **Responsible Administrator:** Associate Vice President for Student Engagement and Wellness/Dean of Students
- C. **Responsible Office:** Office of Student Engagement and Wellness/Dean of Students

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D. **Policy Contact:** Associate Dean of Student Engagement and Wellness,
[303-615-0220](tel:303-615-0220)

E. **Additional Roles and Responsibilities:** Coordinator for Student Conflict Resolution Services

III. POLICY STATEMENT

Student Complaint Policy General Principles

Students are encouraged to bring complaints forward as soon as possible to be addressed in a timely and objective manner. The University prohibits retaliation against a student who makes a complaint in good faith.

A. These general principles apply in presenting, hearing, and addressing student complaints under this policy:

1. **GOOD FAITH** – A student who submits a complaint against an individual faculty or staff member in good faith will not suffer any retaliation in the form of a penalty or other disciplinary action. Circumvention of the administrative chain of command often makes it less likely that the issue will be promptly and effectively addressed. However, if the student, in good faith, fears retaliation or repercussions at the lower levels of the chain of command, the student may go to the next step in the process immediately. An administrator or faculty member within the chain of command may, at their discretion, request review from the next level supervisor at any point in the process.

This policy is not designed to apportion blame or to provide compensation. It should be noted that if there is no basis in fact for the complaint and the second or third level reviewer believes, based on identifiable evidence, that the student's complaint was made in bad faith, such as to harass or retaliate

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against the faculty or staff member, the reviewer will confer with the next level supervisor and may refer the matter to Student Conduct for investigation.

2. **RETALIATION** – Retaliation is defined as activity that may dissuade a reasonable person from exercising their rights under this policy. Retaliation against any student who submits a complaint under this policy is prohibited. Individuals determined to have engaged in retaliation may face disciplinary action up to and including termination of employment or expulsion from the University.
3. **CONFIDENTIALITY** – Confidentiality is important to candid discussion and effective resolution of disputes and must be respected by all participants in the process. Only those who need to know of the concern in order to resolve it will be invited into the discussion. The University considers all information provided as part of the Student Complaint process to be confidential and may be able to protect some student records from disclosure to third parties pursuant to the U.S. Family Educational Rights and Privacy Act (FERPA). However, the University may need to disclose information provided as part of the Student Complaint process in order to comply with a subpoena, court order, or the Colorado Open Records Act. Exceptions to confidentiality include:
 - a. situations when there is a threat of harm to self or others or intent to commit a serious crime, which will be reported to the relevant authorities;
 - b. in the case of sexual misconduct involving a student, which will be referred to the Dean of Students Office;
 - c. in the case of unlawful discrimination or sexual misconduct involving an employee, which will be referred to the Office of Equal Opportunity.
4. **RESOLUTION AT THE LOWEST LEVEL** – Resolution at the lowest administrative level possible is generally the best for all

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concerned. Such resolutions are the goal of this policy and are encouraged to be the goal of the participants.

5. **TIMELINESS** – Timely and full disclosure of the issue generally results in more effective resolution. Students are encouraged to bring complaints forward as soon as possible to be addressed in a timely and objective manner. Students must initiate this process no later than the last day of the fourth week of the semester following the alleged incident. If the incident occurred during the spring semester, the student has until the last day of the fourth week of the fall semester to initiate the process. Other timeframes are addressed within each level described in the procedures.
6. **DISTANCE LEARNERS** – If a student wishes to bring a concern forward while enrolled in a distance learning program, including an online course or other program that does not take place on one of the University's physical campuses, the procedures outlined below may be completed via telephone, Skype, or email.

IV. PROCEDURES

Student Complaint Procedures

- A. **Contact the faculty or staff member to request a meeting:** The student is encouraged to initiate this process by contacting the faculty or staff member as soon as possible but no later than the last day of the fourth week of the semester following the alleged incident to request a meeting to discuss the incident. The faculty or staff member has 5 working days to respond to the request and to schedule a meeting at a mutually agreeable time.
- B. The student should wait for an answer from one level of contact before going to the next higher administrator in the chain of command. If the student skips a step in the process, the student will be referred to the

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appropriate level. An exception to this step may be granted if the student fears repercussions or retaliation from the faculty or staff member involved in the incident. Under those circumstances, the student may choose to bypass this step and meet instead with the faculty member's department chair or staff member's next-level supervisor.

At any point, the student may elect not to proceed further with the complaint. However, if the situation has been referred to the Office of Equal Opportunity or other authorities, those authorities may elect to pursue the matter.

- C. **Meet with the faculty or staff member and share concerns:** A meeting with the faculty or staff member may result in a satisfactory resolution that should be documented in an email to the student and the next level supervisor. After the meeting, the faculty or staff member may:
- Reach a mutually acceptable resolution of the issue with the student;
 - Request the assistance of other University resources, such as Student Conflict Resolution Services, or other resources, to achieve an appropriate resolution;
 - Refer the student to another department; and/or
 - Determine that the complaint is unfounded, and take no further action except to document the findings and result and communicate them to the student.

If the issue is not resolved or the student is not satisfied with the resolution offered by the faculty or staff member, the student may meet with the faculty member's department chair or staff member's next level supervisor.

- D. **Meet with the Department Chair or Immediate Supervisor of the faculty or staff member:** If the student is not satisfied with the resolution offered or has not received a response in a timely manner, the student has 5 working days in which to contact the department chair or immediate supervisor. At this stage, the student may submit a [Student Complaint Form](#) or a written complaint that addresses all information on the form to

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the department chair or immediate supervisor. The faculty member's department chair or staff member's immediate supervisor has 5 working days to respond to the request and schedule a meeting at a mutually agreeable time. The department chair or supervisor may review documents and interview witnesses identified by the student and the faculty or staff member, if such review is warranted in the department chair or supervisor's discretion.

After completion of the review, the department chair or immediate supervisor may:

- Reach a mutually acceptable resolution of the issues with the student;
- Offer to observe or facilitate a discussion between the student and the faculty or staff member;
- Address the issue with the faculty or staff member within the framework of the University's Human Resources or other policies;
- Request the assistance of other University resources, such as Student Conflict Resolution Services, or other resources, to achieve an appropriate resolution;
- Refer the student to another department; and/or
- Determine that the complaint is unfounded, and take no further action except to document the findings and result and communicate them to the student and the faculty or staff member involved in the complaint.

The action(s) is documented in an email to the student and the faculty or staff member involved in the complaint.

- E. **Meet with the Dean, area Associate Vice President, or Athletic Director or their respective designees:** If, after working with the department chair or supervisor, a student is still not satisfied with the resolution or has not received a response in a timely manner, the student **must** submit a [Student Complaint Form](#) or a written complaint that addresses all the information on the form to the Dean of the appropriate school or college, the appropriate Associate Vice President, or the Athletic Director, or their

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designee. The form must be submitted within 5 working days of the action from the previous level. The Dean, Associate Vice President, or Athletic Director has 5 working days to acknowledge receipt of the form. The Dean, Associate Vice President, or Athletic Director has 15 working days to initiate and complete a review of the complaint or must contact the student via email if the review will take longer than 15 working days.

The Dean, Associate Vice President, or Athletic Director may investigate the situation by conferring with the parties involved individually or as a group and examining any other pertinent evidence.

After completion of the review, the Dean, Associate Vice President, or Athletic Director may:

- Reach a mutually acceptable resolution of the issues with the student;
- Offer to observe or facilitate a discussion between the student and the faculty or staff member;
- Address the issue with the faculty or staff member within the framework of the University's Human Resources or other policies;
- Request the assistance of other University resources, such as Student Conflict Resolution Services, or other resources, to achieve an appropriate resolution; and/or
- Determine that the complaint is unfounded, and take no further action except to document the findings and result and communicate them to the student, the department chair or supervisor, and the faculty or staff member involved in the complaint.

The Dean, Associate Vice President, or Athletic Director will render a written decision on the complaint within 15 working days of receiving the complaint form, unless the review takes more time and is documented as above. **The Dean, Associate Vice President, or Athletic Director's written decision on the matter is final.** The written response from the Dean, Associate Vice President, or Athletic Director will be sent via email to the student and submitted to the University's central complaint repository by appropriate personnel in the Dean's Office, Athletic Department, or office

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of the Associate Vice President for the relevant administrative area. A committee will convene annually to review complaints in the repository.

Exceptions: *Note: The MSU Denver President's Office of the University may be informed of any complaints but will not intervene in the process outlined in this policy. All students are encouraged to follow the steps outlined in this process for the most timely and effective resolution to their concern. The only appeal process considered in these decisions will be at the discretion of the President.*

V. RELATED INFORMATION

- A. Higher Learning Commission Policy FDCR.A.10.030 Institutional Records of Student Complaints,
<https://www.hlcommission.org/Policies/institutional-records-of-complaints.html>
- B. Higher Learning Commission Assumed Practices, CRRT.B.10.020, Section A - Integrity: Ethical and Responsible Conduct,
<https://www.hlcommission.org/Policies/assumed-practices.html>
- C. Colorado Department of Higher Education Student Complaint Policy
<https://highered.colorado.gov/publications/policies/Current/i-partt.pdf>
- D. Student Complaint Form
- E. Accident and Safety Incident Procedures
- F. Discrimination and Harassment Policy
- G. Financial Aid SAP Appeal Policy
- H. Grade Appeal Policy
- I. Sexual Harassment and Misconduct Policy
- J. Student Conduct Appeal Policy
- K. Tuition and Fee Appeal Policy

VI. POLICY HISTORY

- A. **Effective:** August 2012
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C. **Revision Notes:** The policy language was updated for clarity and consistency. University Counsel revised language regarding confidentiality. A section was added referencing distance learning.

D. **Review Schedule:** This policy will be reviewed at least every 5 years or when deemed necessary by the administrative leadership of the University.

VII. POLICY APPROVAL



4-24-18

Janine Davidson, Ph.D.

Date

President, Metropolitan State University of Denver

N/A

Chair, Board of Trustees, if applicable

Date