

University of Baltimore I-8.4 Student Complaint Policy and Procedures

Student Government Association - reviewed April 4, 2018; and Sept. 25, 2019

Associate Vice President for Student Success and Support Services Oct. 15, 2019

Approved by Office of the Attorney General June 20, 2019

Approved by Provost Nov. 23, 2019

Approved by President Dec. 3, 2019

Policy Contact: Dean of Students

Periodic Review: At least once every three years

Responsible Administrator: Directors, divisional vice presidents, and the provost

This policy provides a process for student complaints and concerns related to Student Services, University Facilities, and University Business Processes (that is, procedures used by a University office, or how staff members of an office conduct business with a student). The policy also provides a process for tracking these complaints. The University's regional accrediting body, the Middle States Commission on Higher Education, requires its institutions to track all types of student complaints and to use relevant information for the purposes of institutional improvement.

The policy is effective upon the date of the President's approval.

Purpose

The University of Baltimore strives to provide a positive experience for our community members. In order to promote the development of quality programs and services, the University has established a process to review and address complaints that do not fall within the purview of other established University processes, including but not limited to complaints and processes governed by the student code of conduct, non-discrimination, grade and other academic appeals, tuition appeals, and sexual misconduct policy.

At the University administration level, this Student Complaint Policy will facilitate discussions of how to ensure quality and make more effective decisions about improvements to programs and services. In addition, regional accreditation and University System of Maryland expectations call for all student complaints to be analyzed for patterns as part of overall efforts to improve the student experience.

1. Definitions

- a. Business Process: Established procedure for conducting University business (e.g., student financial aid disbursement, billing, course registration, etc.); complaints may also address the absence of an established process or the manner in which the procedure was conducted.
- b. Calendar Day: Includes all days of the week, including weekends and holidays.
- c. Complaint: A grievance for which a Student seeks resolution and that prompts a documented, formal procedure, and for which there is no other established complaint procedure. For the purposes of this policy, the Complaint must pertain to Student Services,

Business Processes, and/or University Facilities. A Complaint may also include anonymous allegations that pertain to Student Services, Business Processes, and/or University Facilities.

- d. Executive Team: The president's cabinet or the group of senior University officials the President convenes at intervals to address University business and at which both administrative and academic offices are represented (e.g., chief financial officer, chief academic officer, vice presidents).
- e. Notice of Experience: A document written by a Student describing an experience with a service area that the student wishes to share when the student is unable to identify a remedy related to this experience, chooses not to seek a remedy related to this experience, and/or a direct remedy related to this experience is not possible.
- f. Preponderance of Evidence: the standard of proof for all investigations under this Policy will be a Preponderance of the Evidence, (i.e. determinations will be made based on a "more likely than not" standard).
- g. Reviewer: the University employee receiving, investigating, and following up on the complaint; this person is the supervisor in charge of the process or person being complained about or is that person's designee.
- h. Student: Any individual who has been actively enrolled in at least one credit-bearing course at the University of Baltimore. This includes undergraduate, graduate, professional, non-degree, inter-institutional registrations, and visiting students, as well as all those individuals who are not officially enrolled for a particular term, but who have been a registered student with the University within the 45-day window for filing a Complaint or Notice of Experience.
- i. Student Service: A program or functional area that provides resources, support and/or supplemental educational experiences (e.g., library functions, student activities, academic advising, etc.).
- j. University Facility: Land, building, structure, or other property in the possession of, owned, used, managed, contracted, or controlled by the University.

2. Complaints that fall out of the purview of this policy include:

- a. Complaints made by a third party on behalf of individual who experienced the concern;
- b. Complaints made by someone other than a Student as defined in this policy;
- c. Complaints about experiences involving regulations established by an external agency (Maryland Higher Education Commissions, University System of Maryland, state legislation,

federal legislation etc.);

- d. Complaints that are currently in litigation, have been litigated or for which a determination has been made through another adjudication process external to the University;
- e. Complaints submitted later than 45 days from the date of the incident or when the student gained knowledge of the issue; and
- f. Complaints that fall under the purview of another University policy that have a specified process, include, but are not limited to:
 - i. Sexual Misconduct (see UB website for details)
 - ii. Non-discrimination (see UB website for details)
 - iii. Student conduct (see UB website; Student Affairs Section, Code of Conduct Sub-Section)
 - iv. Tuition appeals (see UB website)
 - v. Grades (see UB Website; Policy Guide, Student Affairs Section, Grading Challenges and Grievances Sub-Section)
 - vi. Academic grievances other than grades (see UB Website; Policy Guide, Student Affairs Section, Grading Challenges and Grievances Sub-Section)
- g. If a Student initiates a Complaint under this policy for which another University policy has a specified process, the Student will be referred to the appropriate office to pursue the process related to the subject of the Complaint.

3. Policy Statement

In order for a Complaint to be reviewed formally and for a Student to receive a reply about that Complaint, it must meet the following criteria:

- a. Articulate a failure to provide adequate service that substantially impacted the Student's experience; OR
- b. Identify a failure to meet articulated standards outlined in a written University policy or regulation contained in any official publication or administrative announcement, for which there is no other established complaint procedure; OR
- c. Address an issue that has a significant negative impact on the educational or campus environment;

AND

- d. Articulate a desired resolution that can reasonably be provided by the University that includes an explanation as to how the resolution sought would effectively remedy the situation. (Note that as described below in Section 7 Resolution Process that the Complainant's desired resolution may not be the resolution implemented.)

AND

- e. Meets the criteria in the description of filing a complaint as described below in Section 5.
- f. When the Student does not seek a resolution, a Notice of Experience may be filed by a Student. See Section 4 below.

4. Notice of Experience

- a. Any Student who wishes to share information about one or more of the service criteria but is unable to identify a remedy, chooses not to seek a remedy, and/or a direct remedy is not possible may submit a Notice of Experience.
- b. These notices will receive a formal response to the issues addressed but may not receive a resolution.
- c. Complaints submitted without a reasonable remedy will also be considered as a Notice of Experience.

5. Complaint and Notice of Experience Filing

A Complaint or Notice of Experience must be filed with the appropriate area supervisor within 45 calendar days from the date on which the incident occurred or when the student gained knowledge of the issue. All Complaints and Notices of Experience must be submitted in writing and include the following:

- a. Full name of the Complainant;
- b. Contact email for the Complainant (active Students must use their University of Baltimore email);
- c. Contact phone number;
- d. Identification of the service category relevant to the Complaint/Notice of Experience (Student Service, Business Process, and/or University Facility);
- e. A detailed description of the Complaint/Notice of Experience and a copy of relevant, concrete, and verifiable documentation. The Complaint/Notice of Experience should also include the names of individuals associated with the concern, if known, and their roles in the Complaint; and
- f. Where possible, the resolution requested and an explanation of how the resolution would effectively remedy the situation/concern.
- g. If the area supervisor is the subject of the complaint, then the complaint should be filed with that person's supervisor. Organizational charts are available on the Human Resources web pages of the UB website.

6. Anonymous Allegations

If an individual is reluctant to self-disclose but has legitimate information to share that is relevant to the matters covered by this policy (i.e., complaints related to Student Services,

Business Processes, and/or University Facilities), the person may file an anonymous allegation. The University will review such anonymous allegations, as follows:

- a. This submission should have a detailed description of the problem or incident with as much concrete, verifiable evidence as possible.
- b. Submissions should be made to the supervisor of the area where the person's concern has been identified. As with other complaints, anonymous allegations will be referred to the appropriate individual for review.
- c. Allegations will be assessed to determine whether there is enough credible and specific information in the allegation to warrant further inquiry or investigation. If an anonymous allegation is too vague to determine either the identity of the alleged wrongdoer or the nature of the alleged conduct, it may not be possible to investigate further, and the matter may be closed.
- d. Anonymous allegations will be tracked, regardless of whether they can be investigated or not. If the allegation was not investigated, it should also be documented why it was not.
- e. If an investigation is warranted, the responsible individual or department should assess whether they are able to investigate the matter themselves or whether they should seek a third party to conduct the investigation. For example, if the alleged wrongdoer has direct or indirect supervisory authority over the person responsible for conducting the investigation, the matter should be handled by another person who does not have such a relationship with the alleged wrongdoer. Legal counsel should be consulted if there are questions about how an investigation should be handled in a particular situation. Confidentiality should be maintained to the extent possible to protect individuals under investigation. The results of the investigation should be reported to the appropriate Executive Team members and include steps for remedial action, if warranted.

7. Complaint Review

The direct supervisor, or that person's designee, of the area that is responsible for the service, process, program or facility that is the subject of the Complaint/Notice of Experience is responsible for reviewing a Complaint/Notice of Experience, providing a response, and complying with any record-keeping requirements.

If this supervisor or designee has a conflict of interest, the matter should be referred to the next level up supervisor. As with anonymous allegations described in Section 6, the Reviewer should also determine if there is any reason to have a third party follow up on the Complaint/Notice of Experience or if it is appropriate to consult with counsel.

8. Resolution Process

- a. Upon receiving the written Complaint or Notice of Experience, the Reviewer will read the written submission to determine if it meets Complaint requirements.
 - If it is determined that the submission falls within the purview of this policy and meets the requirements, the Reviewer will review the information submitted and investigate the allegation.
 - If it is determined that the submission is missing information, the Reviewer will notify the Complainant or person submitting the Notice of Experience, and they will be given 14 calendar days to submit the additional information.
 - If it is determined that the submission falls outside of the purview of this policy and/or does not meet the requirements, the Reviewer will notify the Complainant or person submitting the Notice of Experience in writing of that and also notify the appropriate University office if the Complaint is subject to a different University policy. No further action will be taken under this policy.
- b. Complaints and Notices of Experience accepted for consideration are reviewed and decided from the information provided in writing unless the Reviewer determines an in-person meeting and/or other communication with the Complainant is necessary and/or beneficial to the review.
- c. The review will also likely include discussions/requests for response from individuals named in the Complaint or Notice of Experience and the consideration of other documentation relevant to the matter.
- d. Once the Reviewer has examined the facts and relevant policies, procedural documents, and other information needed to determine if the Complaint or Notice of Experience is valid, Reviewer will make a decision about its validity using a Preponderance of Evidence standard.
- e. If the Complaint or Notice of Experience is found valid, the Reviewer will identify a remedy.
- f. As part of the resolution process, the Reviewer may choose to encourage the parties associated with a Complaint or Notice of Experience to participate in a discussion with the purpose of reaching a collaborative resolution.
- g. Once a final determination is made, the Reviewer will communicate the decision to the Student who filed the Complaint or Notice of Experience. If a remedy was identified by the Reviewer, that will also be set forth in the final determination. The final determination will include a justification for the decision and any remedy. The remedy identified may not be the remedy the student identified in the Complaint.
- h. Generally, the resolution should be completed within 45 days of the filing of the Complaint or Notice of Experience.

- i. If the student is not satisfied with the final determination of a Complaint or Notice of Experience, the student may file an appeal with the Office of Student Support, and that office will then determine which Vice President should review the appeal.
 - i. An appeal must include the original Complaint or Notice of Experience, including all student contact information, as well as the response the student received from the Reviewer.
 - ii. The Vice President or Associate Vice President of the relevant division, or the supervisor of that Vice President if the Vice President was the original Reviewer, will review the relevant materials and make a decision within 45 days and communicate that decision to the student who filed the Complaint and the appeal.
 - iii. The decision of the Vice President reviewing the appeal is final.

9. Complaint and Notice of Experience Record-Keeping

- a. Each supervisor will keep records of Complaints and Notices of Experience directed to their area for at least five years after the final decision. At a minimum, records will include a copy of the written submission (Complaint or Letter of Experience), whether the Complaint was founded or unfounded, and the final outcome.
- b. Supervisors will provide to the divisional leader, at least annually, specific process improvements (if any) based on Student Complaint data.
- c. Divisions are to keep an accounting of all Complaints and Notices of Experience filed and report to their vice president at least annually Complaints received and what steps were then taken or an explanation as to why no action was taken.

10. University review of Complaints and Notices of Experience for Continuous Improvement

- a. Where applicable, Student Complaint data should be used for administrative review purposes.
- b. At least once per year, the Executive Team will review Complaint and Notice of Experience data, as well as any anonymous allegations, to discuss how trends and/or individual data points may be used to improve the institution's effectiveness.
- c. The Executive Team discussion will include the Accreditation Liaison Officer for the University who can document the discussion and any changes for purposes related to institutional effectiveness tracking and for reporting to the University System of Maryland, which also has requirements for tracking complaints.