

# STUDENT COMPLAINTS, GRIEVANCES, AND APPEALS

Buffalo State complies with New York State Education regulations requiring that campuses have procedures in place for filing complaints and seeking resolution of perceived problems.

## Academic Petition Appeals: Waiver of Academic Regulations

Students are expected to adhere to all regulations of the college. However, unusual and extenuating circumstances may warrant a modification of certain regulations.

Students should not request a waiver of any regulations without very strong evidence to justify the waiver. Requests for waivers are made by completing an Academic Appeals Petition available in the Academic Standards Office, Twin Rise 100, or on the Academic Standards website (<https://academicstandards.buffalostate.edu/petitions/>).

The Academic Standards Office makes decisions on requests for waivers that do not relate to a student's major after consulting with the Academic Appeals Committee. The Academic Standards Office decision is final. A minimum of one month is necessary to process academic appeals.

Decisions on requests for a waiver related to a student's major are made by the appropriate department chair in accordance with procedures established by the department or area faculty. Requests for application of AP and/or transfer credit should be taken directly to the Admissions Office; these requests do not require an Academic Appeals Petition.

## Student Complaints Regarding Discrimination

If the complaint involves alleged harassment or discrimination based on race, sex, ethnicity, national origin, sexual orientation, gender identity, religion, age, disability, or marital or veteran status, the student should use procedures administered through the Equity and Diversity Office (<https://equity.buffalostate.edu>). Acts of discrimination should be reported immediately to this office for confidential discussion of the alleged acts. Students have 90 days from the alleged act of discrimination or 90 days after receipt of a grade to file a complaint. A copy of the procedures may be obtained in Cleveland Hall 415.

## Student Complaints Regarding Nonacademic Issues

If the complaint involves nonacademic issues, the student should deal with procedures administered by the Dean of Students Office, Campbell Student Union 311. However, students are encouraged to seek resolution of the perceived problem directly in the unit in question before initiating processes that are more formal.

## Student Complaints Regarding Academic Issues

The procedures outlined in the next section pertain to complaints about academic issues other than those dealing with waiver of collegewide academic regulations or graduation issues, which are addressed by petitions to the Academic Appeals Committee. The college seeks to resolve student grievances as promptly and informally as possible. No adverse action will be taken against any student initiating a complaint.

Students who feel aggrieved regarding any aspect of the academic program have a right to request a resolution by bringing the matter to the attention of the appropriate college personnel. The academic appeals process regarding a waiver of academic regulations is outlined under Waiver of Academic Regulations section. If the perceived problem pertains to a grade or the conduct of a particular course, students should follow the Student Academic Grievance Procedures, below.

## Student Academic Grievance Procedures

The procedures that follow pertain to alleged violations or misapplication of college and/or course policies. They are also directed at a student grievance alleging that the student has been treated unfairly, in violation of established academic policy or practice. These procedures reflect the college's commitment to a fair and prompt resolution of student academic grievances. These procedures begin with an informal process but include a formal process that centers on hearings and recommended resolution of the grievance in a way that maximizes the opportunity for a full and impartial solution. Request to waive or otherwise alter college academic policies shall continue to be the province of the Academic Appeals Committee (see Waiver of Academic Regulations).

The procedures below do not deal with grievances that are based on issues of sexual harassment or discrimination. Such grievances are handled through the Equity and Diversity Office. Similarly, complaints that deal with other nonacademic issues are administered by the Dean of Students Office (see previous section).

For academic grievances, students are advised to retain all documentation from the course, including (but not limited to) the syllabus, tests, quizzes, papers, and any graded evaluations. These materials are required to substantiate any grievance.

### 1. Jurisdiction

- A grievance shall include, but not be restricted to, a complaint by a student
- that college regulations and/or policies have been violated or misapplied to him or her, or

- b. that he or she has been treated unfairly, defined in terms of established academic policy or practice governing or affecting students at the college.
2. Time Limit
    - a. At the informal level before the fifth week of the following semester, or
    - b. at the formal level before the 10th week of the following semester.
  3. Grievance Resolution Process
 

The process includes the possibility of hearings at two levels: the department and the faculty.

    - a. At the department level, a student with a complaint should attempt to resolve the complaint informally with the faculty or staff member involved. The assistance of the chair may be sought to resolve the dispute to the satisfaction of both parties. A student must initiate the process no later than five weeks into the following semester. The student who is not able to achieve resolution with the instructor may initiate a formal grievance or grade appeal process no later than 10 weeks into the following semester by preparing a written statement, which includes the following:
      - i. a statement of the case in detail,
      - ii. all information about the conference with the instructor,
      - iii. a statement of the reasons the student believes he or she is aggrieved or, in the case of a grade, why it should be reconsidered,
      - iv. all relevant supporting materials, which should be identified and listed in an index.

The student shall submit complete copies of the written statement and attachments to the chair of the department and the faculty member identified in the grievance. The chair shall carefully review the statement, confer with the student and instructor, and attempt to reach a resolution of the dispute. The chair may ask members of the department to serve as a committee to review the materials and assist him or her in reaching a decision. The chair's response must be made within 10 academic days of the date of the student's request.

In conformance with state regulations, the department shall maintain adequate documentation about each formal complaint and its disposition for at least six years after final disposition of the complaint. If the department chair is the party against whom the grievance is brought, the student should initiate a review at the dean's level, which follows:

1. If the matter is not resolved to the student's satisfaction at the departmental level, he or she may request a hearing at the faculty level by writing to the dean of the faculty and forwarding the documentation to that office. The request must be made within 10 academic days of the receipt of the recommendation of the department chair. The dean or designee shall convene a three-person committee drawn from a panel of available faculty within 10 academic days. Such committee shall include one faculty member from the department in which the faculty member resides. Furthermore, after the committee is constituted, the faculty member and the student have the right to review the committee membership and request alternative members in the event it is believed a member of the committee is not neutral. The committee shall meet and review the materials

presented and solicit a response from the instructor to each count of the student's case. In the case of a grade appeal, the committee will familiarize itself with the standards and objectives of the course and evaluative material presented. Concerns shall be limited to consideration of the fairness of the application of the standards and objectives, and whether the standards and objectives were made known to the student in a reasonable manner. The difficulty of the standards shall not be an issue.

The burden of proof shall be on the student, who may be asked to appear before the committee.

In the case of a grade appeal, if the majority of the committee feels no case can be made, the original grade will remain. If it finds that the standards and objectives were not reasonably known to the student or were unfairly applied, it may recommend a different grade and give its reasons for so recommending. The committee shall report its findings in writing to the student, the instructor, and the dean.

If the panel recommends a different grade, the instructor shall have 10 academic days from receipt of the panel's report to inform the dean of the faculty of the intent to change the grade. If necessary, the dean may direct that the grade be changed. A change of grade shall not be interpreted as an admission of unfairness in grading.

In the case of a grievance, if the majority of the committee members adjudge the grievance to be without foundation, written notification of their findings will be forwarded to the student, the instructor, and the dean of the faculty. If, in the judgment of the committee, there is a basis for the grievance, a written report will be forwarded to the dean of the faculty with specific recommendations for redress. Copies shall be forwarded to the student and the instructor.

The dean of the faculty will notify all parties of his or her final decision regarding the grievance within 10 academic days of receipt of the committee's findings and recommendations.

In conformance with state regulations, the dean's office shall maintain adequate documentation about each formal complaint and its disposition for at least six years after the final disposition of the complaint.

1. Committees
 

Committee members shall be drawn from a list of faculty nominated by departments. In naming the committee to hear a grievance, the dean shall take care to ensure that no member has an interest in the case being heard.
2. Confidentiality
 

Once the grievance committee has been convened to hear a complaint, principals and committee members shall have the obligation to maintain the confidentiality of the proceedings and of all materials presented.
3. Review
 

This procedure must be reviewed after two years. The review process should identify any irregularities in grade changes. To facilitate this review, a copy of all documentation/findings at the formal level shall be retained in the department office.

## Student Complaints Regarding Distance Learning

### New York State Residents

SUNY students should attempt to resolve complaints with the campus itself. However, any New York State resident who is unable to resolve the problems should contact:

State University of New York System Administration  
Provost's Office  
State University Plaza  
Albany, NY 12246

### Non-New York State Residents

Students should try to resolve the complaint with campus personnel first. If the problem does not get resolved, students can work with an agency in their home state to have their complaint addressed. The U.S. Department of Education regulations require each state to have a process to handle complaints for all institutions in the state, except Federally run institutions (including the service academies) and tribal institutions such as tribal-controlled community colleges.

See State Higher Education Executive Officers (<https://sheeo.org>) (SHEEO) for resources relating to state authorization of distance education. Students should contact the agency listed in their home state if they seek further assistance.

## Complaints to State Education Department

Any individual who continues to feel aggrieved after pursuing the options outlined previously, is unable to resolve the problems, or believes the institution has not properly addressed the concerns may file a written complaint with one of the following:

New York State Education Department  
Office of College and University Evaluation  
Education Building  
5 North Mezzanine  
89 Washington Avenue  
Albany, NY 12234

State University of New York  
Central Administration  
State University Plaza  
Albany, NY 12246

Middle State Commission on Higher Education  
3624 Market Street  
2nd Floor West  
Philadelphia, PA 19104