



## Cooper Union Student Complaint Policy

### Rationale

The Student Complaint policy establishes the process for students to advance their complaints or concerns and be assured of a fair and unbiased review and appropriate disposition of the issues they present.

Moreover, the need for the Student Complaint policy and process is a regulatory requirement established in the electronic code of federal regulations (e-CFR), and advanced in the accreditation guidelines in the MSCHE *Verification of Compliance with Accreditation Relevant Federal Regulations*. As part of its obligation in the accreditation review process, MSCHE must verify that Cooper Union is complying with federal regulations, title 34 (e-CFR), §602.16 (a)(1)(ix) and 668.43.(b). The Compliant policy needs to provide the process and contact information for filing complaints at Cooper Union and include contact information should a student want to file with our accreditor, MSCHE, or any other relevant state official or agency that would handle the student's complaint. Therefore, Cooper Union has established policies and/or procedures regarding the review, resolution, and records of student complaints as they pertain to academic; Title IX; discrimination; or administrative complaints or concerns.

The complaint processes support the Cooper Union's ability to maintain a welcoming and equitable learning environment that supports students, and holds faculty, staff, administrators, and students accountable to regulations as well as Cooper Union's standards of excellence.

### Affected Offices

- **Academic Advisors, Department Chairs, and trusted student-facing staff:** These individuals are responsible for supporting students through the informal process of conflict resolution and directing students to the formal complaint process should informal resolution prove unproductive or is not be possible.
- **Deans and Cabinet Officers** are responsible for investigating formal complaints and making decisions on outcomes of complaints including appeals. The deans and cabinet officers conduct a fair and equitable review of formal complaints, assuring the rights of students, staff and faculty are preserved.
- **Administrative Appeals Board** members are responsible for hearing appeals and determining final outcomes should a student believe that their concerns have not been appropriately addressed by the Dean/Cabinet member.

### I Introductory Statement

This is an update to the current policy, to establish the policy owner, roles of the faculty, student affairs, human resources, and other offices as appropriate; and to expand guidance to students as to their points of contact and processes to advance a complaint.

There are several types of complaints being addressed (directly and indirectly) in this policy, 1) Academic and Administrative Student Complaints, 2) Title IX or Human Rights and Discrimination complaints; and 3) Student Code of Conduct complaints. This policy provides procedures related to advancing and addressing general academic and administrative student complaints. Title IX, Human Rights, and Discrimination and Code of Conduct concerns and complaints are addressed in explicit policies, the links to which are provided below. Students should feel confident that the complaint process includes fail safe measures to ensure that complaints are appropriately directed, reviewed, and handled.

- The [Policy Upholding Human Rights and Title IX Protections](#) provides guidance for complaints/concerns regarding harassment, and/or sexual misconduct must be addressed through the Complaints pertaining to other types of discrimination must be addressed through
- The [Cooper Union Nondiscriminatory Policy](#) provides guidance as to Cooper Union’s prohibition of discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national or ethnic origin, military status, partnership status, familial status, or any other legally protected characteristics. Complaints relating to the Nondiscriminatory Policy should be reported to and addressed by the Title IX Coordinator, the Equal Opportunity Officer, and/or the Section 504 Coordinator, depending on their nature.
- The [Student Code of Conduct](#) provides guidance as to expectations of student conduct providing clear students’ rights, responsibilities, standards of behavior and civility.

## Definitions

**A Student Complaint** is any academic or non-academic concern raised by a student involving a faculty member/instructor, staff member, administrator, or department/program at The Cooper Union. These can include, but are not limited to:

- **A Concern** which can arise from questions regarding, for instance, academic issues; administrative issues; treatment by a faculty staff or other students.
- **A Dispute** which can be a disagreement with faculty or staff about the equity and fairness of decisions or procedures that affect your academic standing and progress toward the degree. Such issues may arise from concerns regarding fair and equal treatment in the conduct of a class, in the grading or evaluation of academic work or research.
- **A Grievance** which is a complaint in writing made to an administrative officer of the Cooper Union concerning a decision, made by a person or group of persons acting in an official institutional capacity, that directly and adversely affects the student as an individual in his or her academic capacity.
- The use of the term “Senior Administrators” in this document refers to those administrators who are on [Cabinet](#) providing unit level leadership and management. Senior Administrators include the Deans of the Schools of Architecture, Art, Engineering and Faculty of Humanities and Social Sciences; the Vice President of Enrollment with oversight over the admission, financial aid, registrar and student accounts offices; the Vice President of Finance with oversight over the business office; the Vice President of Effectiveness with oversight over institutional research, policy and compliance reporting; and the Chief Talent Leader with oversight over human resources, buildings and facilities.

## II Policy Statement

The Student Complaint policy establishes the process for students to advance a complaint or concern and assure them of a fair and unbiased review and appropriate disposition of the issues they present. The policy provides transparency in how a student can pursue their complaint or concern, and establishes accountable practices among identified stakeholders in the review and disposition of student complaints. Although the policy makes clear the preference that students attempt to resolve concerns and complaints themselves through informal dispute resolution, there are occasions when a third-party review is needed. In these cases, formal dispute resolution processes are established to provide students confidence that a fair and unbiased review will be undertaken. This policy establishes the process to initiate and advance a formal complaint, the protocols associated with the complaint review, and should a student be dissatisfied with the disposition of their complaint and seek additional review, the process for appeal.

Students, faculty, and staff are advised that complaints that deal specifically with federal regulations are handled outside of the general Student Complaint process that is detailed in this policy. Student complaints concerning behavioral concerns or issues with another student must be addressed through the Student Code of Conduct. Complaints pertaining to issues of gender-based discrimination, harassment, and/or sexual misconduct as well as all other forms of identity-based discrimination or harassment must be addressed through the Policy [Upholding Human Rights and Title IX Protections Policy](#). In these cases, students are advised to reach out to the relevant administrator listed below. Nevertheless, should a student be uncertain as to whom their formal complaint should be advanced, fail-safe processes are in place to ensure that complaints are referred to the appropriate primary point of contact.

- **Complaints concerning student behavioral concerns or issues with other students:** Chris Chamberlin, Dean of Students
- **Complaints concerning disability discrimination and accommodations:** Chris Chamberlin, Dean of Students
- **Identity-based discrimination, including but not limited to, gender-based discrimination, harassment, and sexual assault:** Grace Kendall, Associate Dean of Students
- **Discrimination and Civil-Rights Violations:** Natalie Brooks, Chief Talent Officer
- **FERPA and privacy concerns:** Mark Campbell, Vice President Enrollment

### A. Complaint Processes

There are two general processes to address student concerns and complaints, **Informal Dispute Resolution** and filing a **Formal Complaint**.

**Informal Dispute Resolution:** Informal dispute resolution is a means for the parties involved to work together to achieve an outcome that is mutually agreed to. It is recommended that when there is a concern, students first attempt to resolve their conflicts with faculty, staff, or other involved parties directly before filing a formal complaint. Open and respectful exchange between parties is encouraged to broker understanding, agreement and ultimately good resolution to the concern or complaint. Our hope is that minor differences or disputes can be resolved through this

kind of open discussion without the need for the formal complaint process. Informal dispute resolution considers the guidance provided by Cooper Union policies that are relevant to the student's concern.

**Formal Complaint Resolution:** Although student agency and engagement in open communication with other students, faculty, or staff to resolve concerns are supported and valued, there are occasions when resolving a conflict independently is not fruitful and an impartial, reasoned third-party review is needed. In these cases, when an informal resolution is not possible, students have the ability to file a formal complaint. By filing a formal complaint, the student is seeking a review of the underlying events and circumstances leading to their concern, and resolution by the responsible dean's or administrator's office. The independent review needs to be unbiased while respecting the concerns of the complainant, respondent, and any other parties involved.

1. Any undergraduate or graduate student who has been unable to resolve their concern(s) informally is entitled to file a formal complaint to initiate an independent review of the complaint, followed by corrective action if appropriate.
2. To initiate a formal review of the complaint the student must complete the [Student Complaint Form](#). The Student Complaint form provides the student with the opportunity to write a statement about the matter under consideration and the underlying concerns regarding the dispute. Importantly, in making a statement on the Student Complaint Form, students are encouraged to include a description of the informal efforts made to resolve the matter and the remedy being sought.
3. The Student Complaint Form is submitted electronically through Cooper Union's secure tracking system. The complaint system is maintained by the Office of Student Affairs. Instructions are provided on the form. The electronic system maintains the confidentiality and privacy of the records submitted by students.
4. The formal complaint process does not supplant formal processes associated with [student conduct issues](#), [Title IX complaints](#) (pg. 36), administrative or academic processes and rules as outlined in academic policies; or provisions of collective bargaining agreements. Fail safe practices are in place to ensure that any such complaints are appropriately assigned.

Guidance for complaints regarding faculty and staff, and the appeal process should a student have concerns regarding the outcome of the formal complaint process are provided below.

#### **A. Resolution Process for Complaints Involving a Faculty Member or Instructor:**

When a student has a conflict with a faculty member or instructor the first step toward resolution should be to discuss the matter with the faculty member. If the student is unsure of how to approach the faculty member/instructor to discuss the conflict, the student can discuss the matter with their Academic Advisor or their Department Chair. If the conflict that the student is attempting to resolve is with either the Academic Advisor or Department Chair, the student is encouraged to reach out to the Associate/Assistant Dean with responsibility for the course /faculty that is of concern.

1. If after attempting to resolve the conflict with the faculty member resolution cannot be reached or the conflict continues, the student should then complete and submit the [Student Complaint Form](#) in accordance with the process established in the Formal Complaint Resolution process. This form will initiate and ensure accountability in the review process, while protecting the student's privacy. Upon submission, the complaint will be assigned to the appropriate Academic Dean or their designee.

Each School and Faculty of the Humanities and Social Sciences maintains a review structure within their offices to resolve conflicts with faculty members and staff. This structure provides the chain of command for the review of formal appeals and supports accountability by managers to address concerns, disputes and grievances while also providing for a process that culminates in the dean's or senior administrator's review should it be warranted.

2. The Academic Dean, or designee, will be responsible for the process within their office to respond to the formal complaint. In responding to formal complaints, the dean's office is responsible to make provisions for the investigation of the complaint, response and should the complaint escalate, the additional review by the Dean. To ensure that the Dean, or designee, can thoroughly investigate the conflict and review all the facts to resolve the conflict the complainant is responsible to submit the Student Complaint form and detail all concerns and relevant facts. Acknowledgement of receipt will be provided within two working days of submission, and adjudication will be provided within thirty days of submission. A letter of determination will be sent to the student.

Students are advised that the interests of both the student and faculty are respected throughout the review and determination processes. If it is determined that sanctions are appropriate, the specific steps taken with faculty will not be communicated to students. Rather, the dean will communicate their determination as to the veracity of the formal appeal and coordinate appropriate next steps with the faculty.

3. Should the Dean be involved in the conflict or be the source of the conflict, the written complaint will be sent to the Vice President of Institutional Effectiveness. The Vice President will follow the same conflict investigation process as has been outlined for Deans.
4. Should the student be dissatisfied with the resolution by either the Dean or the Vice President of Institutional Effectiveness, the student may advance an appeal to their determination. The appeal will be reviewed by the Administrative Appeal Board for a final decision pursuant to the procedures noted below.

#### **B. Resolution Process for Complaints Involving a Staff (Non-Faculty) Member:**

When a student has a conflict with a staff member (non-faculty), the first step toward resolution should be to discuss the matter with the staff member. If the student is unsure of how to approach the staff member to discuss the conflict, the student can discuss the matter with a trusted support personnel (for instance, in their dean's office, the student affairs office or other support staff).

1. If after attempting to resolve the conflict with the staff member resolution cannot be reached or the conflict continues, the student can refer to the next level of review in the complaint review process to advance a concern, the formal student complaint process.

To advance their concerns or grievance, the student will need to complete and submit the [Student Complaint Form](#) in accordance with the process established in the Formal Complaint Resolution process to initiate and ensure accountability in the review process, while protecting the student's privacy. Upon submission, the complaint will be assigned to the appropriate administrator or their designee. Each academic and administrative office maintains a review structure to resolve conflicts with staff. This structure provides the chain of command for the review of formal appeals and supports accountability by managers to address concerns, disputes and grievances while also providing for a process that culminates in the senior administrator's or dean's review should it be warranted.

The structure that is in place for review of student complaints supports accountability by managers to address concerns, disputes and grievances while providing for a process that culminates in the senior administrator's review should it be warranted

2. The chain of command establishes who will be responsible for responding to the formal complaint regarding staff. The administrator who is assigned to address the complaint will be responsible for investigating the complaint and complete the investigation as soon as possible. To provide enough time to investigate the conflict and review all the facts to resolve the conflict, the complaint will be responded to within 2 days of submission and adjudication provided within thirty days of submission. A letter of determination will be sent to the student.

Students are advised that the interests of both the student and staff are respected throughout the review and determination processes. If it is determined that sanctions are appropriate, the specific steps taken with staff will not be communicated to students. Rather, the administrator will communicate their determination as to the veracity of the formal appeal, their determination, and coordinate appropriate next steps.

3. Should the Senior Administrator be involved in the conflict or be the source of the conflict, the written complaint will be advanced to the Vice President of Institutional Effectiveness. The Vice President will follow the same conflict investigation process as has been outlined above.
4. Should the student be dissatisfied with the resolution by either the Cabinet Officer or the Vice President of Institutional Effectiveness, the student may appeal to the Administrative Appeal Board for a final decision pursuant to the procedures noted below.

### **C. Administrative Appeals Board**

The Administrative Appeals Board will be comprised of a designated Cabinet Officer who was not involved in the case, one faculty member, one student, and one administrator who is outside of the case. The Administrative Appeals Board will be assembled on a as need basis by the designated Cabinet officer to respond to the appeal. The Administrative Appeals Board will be chaired by the Cabinet Officer. The Cabinet Officer does not have a vote on the appeal determination.

**Process to appeal the determination of the Formal Complaint Resolution process.** Any student who is dissatisfied with the resolution by either the Dean, Cabinet Member, or the Vice President of Institutional Effectiveness may appeal to the Administrative Appeal Board for a final decision provided their appeal falls into the established criteria for an appeal.

Students must submit their appeal in writing, to the Appeals Board via the email address noted in the letter of determination issued by the Dean, Cabinet Member, or Vice President of Institutional Effectiveness. The appeal must be filed within 5 business days of the formal notification of the review determination. Students are advised that all communication are conducted using the students' Cooper Union email address. Students are responsible to monitor their Cooper Union email.

Upon receipt of the appeal, the Administrative Appeal Board will be convened within a reasonable time of receiving the appeal letter, within 10 working days upon receipt of the completed appeal. In the event of unusual circumstances this timeline may need to be extended. The complainant will be notified in such events. "Working days" are defined as

days on which The Cooper Union is in regular session. The Appeal Board maintains guidance for the review of the appeal, assuring consistency in the treatment of appeals and impartial review.

### **Established Criteria for the Appeal Board:**

1. The Appeal Board shall limit its review to these issues:
  - Does the record show that the student had a full and fair opportunity to present his or her case?
  - Did the Dean's / Cabinet member's office have the opportunity to review the full documentation
  - Was the process properly followed in the conduct of the investigation.
2. If a determination was made, was it fair and proper in light of the issues/concern
3. After reviewing the record of the administrative/academic review and the letter of appeal, the Appeal Board may:
  - Accept the decision of the Dean / Vice President of Institutional Effectiveness;
  - Return the case to the Dean / Vice President of Institutional Effectiveness for further review in keeping with the Appeal Board's questions and instructions;
  - Reverse the determination of the Dean / Vice President of Institutional Effectiveness
  - Accept the determination of the Dean / Vice President of Institutional Effectiveness but reduce the sanction. The sanction may not be increased.
4. If the Appeal Board accepts the decision of the Dean / Vice President of Institutional Effectiveness, whether or not it changes the outcome, the matter shall be deemed final.

### **Complaints**

#### **State and Federal Contacts:**

- [New York State Education Department](#)
- [US Department of Education Federal Student Aid](#)

#### **The Cooper Union's Institutional Accreditor**

- [Middle States Commission on Higher Education, MSCHE](#)