



Policy Name:	Policy and Procedures for Addressing Student Complaints		
Associated Form(s):	Online Complaint Form	Policy Number:	2024-21
Reviewed:	Non-Academic Policy Committee	Approved:	October 2, 2024
Approval Authority:	President <i>Susan Parish</i>	Adopted:	October 7, 2024
Responsible Executive(s):	General Counsel	Revised:	September 24, 2021; September 16, 2016
Responsible Office(s):	Office of the General Counsel	Contact(s):	General Counsel or Associate General Counsel

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 *Academic Appeals*, *Sex-Based Harassment*, *Sexual Violence and Non-Discrimination*, and *Reasonable Accommodations*, to name a few. 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, staff, 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, and/or facilities.

This list is meant to be illustrative. Complaints can also be made about any member of the University community or about the University itself anonymously pursuant to the University's *Whistleblower Policy* by filing a complaint online at <https://www.mercy.edu/whistleblower-form> or by contacting 1-888-OK-MERCY (1-888-656-3729), for issues including, but not limited to health and safety concerns, research misconduct, conflicts of interest, and/or fraud, theft, or other unlawful conduct. For situations where there is a concern for the health or safety of any community member, contact 911 and/or campus safety at extension 9999.

Retaliation against a student for raising concerns or availing himself/herself/themself of the complaint procedures outlined herein is explicitly prohibited, as set forth in Section IV of this Policy.

II. Filing a Complaint with the University

A. Submitting online complaints

Students may file a [complaint online](#) regarding any incident relating to the University, including any faculty, staff, contractor, or vendor. The complaint should be made within thirty (30) days of the most recent incident unless there are extenuating circumstances.

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 related to other University policies, such as Sex-Based Harassment, Sexual Violence and Non-Discrimination or Reasonable Accommodations, will be shared with the appropriate office for review;
- Complaints relating to faculty will be handled by the relevant school dean, who will then share it with the chair or program head of the relevant department;
- Complaints relating to staff 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 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, or a direct report of the accused. If the Dean or department manager is the subject of the complaint or the direct report of someone accused of violations of this Policy, then the Provost or President will designate an appropriate Fact Finder.

B. Review and Informal Resolution 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 a resolution on the matter or whether a formal investigation is warranted, depending on the circumstances.
 - If the Fact Finder can readily resolve the matter, they shall inform the student of the resolution,
 - If the Fact Finder believes the student should be involved in the decision, they shall confer with the student to determine if the complainant agrees to an acceptable resolution in writing. If the Fact Finder does not believe an investigation or other action is warranted, they shall inform the student in writing of this outcome, and consider the matter closed.
 - The Fact Finder shall inform the Office of the General Counsel that the matter has been closed/resolved.
2. If the matter is not readily resolved and the Fact Finder concludes that an investigation is warranted, 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, other persons with relevant knowledge and information, and all relevant documentation relating to the matter.

3. 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.
4. 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.
5. The Fact Finder shall inform the Office of the General Counsel of the outcome.

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, including notices to the parties, and any appeal by the faculty or staff member of the action, shall be pursuant to the relevant University handbooks and collective bargaining agreements.

III. 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 within ten (10) days of receipt of the notice of findings or action taken, whichever is later, to one of the following administrators:

- The Provost if the complaint relates to a faculty member,
- The Executive Director of Human Resources if it relates to staff,
- 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.

Upon receipt, 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. The administrator shall issue a written decision to the student and employee within twenty (20) days either upholding the findings and/or corrective measures or making modifications that they feel is appropriate. Their decision on the appeal is final.

IV. 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. Reports of retaliation shall be investigated and handled pursuant to the processes set forth in this Policy, and may lead to corrective measures or disciplinary sanctions pursuant to the relevant handbook or collective bargaining agreement.

V. Responsibilities Under this Policy

A. Notices. All Fact Finders who receive a complaint pursuant to this Policy are required to keep all parties involved in the investigation, as well as the Office of the General Counsel, apprised of all steps of an investigation 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).

B. Trainings. The Office of the General Counsel, the Office of Human Resources and the Office of the Provost shall be responsible for conducting trainings relating to this Policy, including informing faculty and staff of their responsibilities where they may be Fact Finders under this Policy.

C. Ongoing Assistance. The Office of the General Counsel shall be available to assist Fact Finders in the course of an investigation, including providing template notices to parties involved, templates for outcomes, interview techniques, etc.

D. Dissemination. This Policy shall be disseminated to all members of the University community on an annual basis and posted on the University's website.

VI. 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. Programs Within New York State

A complaint that concerns **educational programs or practices** of Mercy University for courses taken in New York 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

<https://www.op.nysed.gov/program-registration-nursing-accreditation/studentpublic-resources/professional-education-program>

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.

B. Programs Outside of New York

Mercy University is a member of the National Council for State Authorization Reciprocity Agreements (NC-SARA) and follows the complaint resolution policies and procedures outlined within the [SARA Policy Manual](#). SARA consumer protection provisions require the institution's home state, through its SARA State Portal Entity, to investigate and resolve allegations of dishonest or fraudulent activity by the state's SARA-participating institutions, including the provision of false or misleading information.

Complaints from **students who reside out of state** and are taking Mercy online distance courses must first be submitted through the university's internal complaint process and online [form](#). Student complaints will be submitted to the Office of the Provost and examined objectively and thoroughly. The Provost will convene an ad hoc committee to evaluate the merit of the complaint and make any appropriate recommendation(s) for resolution and/or redress to the Provost. The Provost will make a final determination and communicate to the student the institution's official response to the complaint as well as any warranted redress.

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 1-888-392-3644.