

# TUSKEGEE UNIVERSITY

## **University Policy: STUDENT COMPLAINT/APPEAL POLICY AND PROCEDURES (UPDATED)**

**Policy Category:** Student Affairs

**Subject:** Student Complaints/Appeals Policy and Procedures (Updated)

**Office Responsible for Review of this Policy:** Student Affairs

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### **I. SCOPE**

This policy applies to all Tuskegee University students who wish to make a Complaint or lodge an Appeal about a matter which occurred during the Student's time of Enrollment and which falls within the responsibility or control of the University.

### **II. POLICY STATEMENT**

It is the policy that Tuskegee University develops and maintains processes for the good faith review and resolution of all student complaints that will:

- Encourage informal resolution of alleged violations at the lowest unit level;
- Allow for a formal resolution mechanism if not resolved informally; and
- Provide for appeal to a final decision maker.

### **III. PURPOSE**

The purpose of the Student Complaint/Appeal Policy and Procedures is to ensure that the concerns and complaints of undergraduate and graduate students are addressed fairly and are resolved promptly.

### **IV. PROCEDURE**

Please see attached

**V. TO WHOM THIS POLICY APPLIES**


This policy applies to the students of Tuskegee University (undergraduate and graduate).

**VI. EFFECTIVE DATE**

This policy is effective immediately.

**VII. SIGNATURE, DATE, AND APPROVAL**

Approved:

  
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**Charlotte P. Morris**  
Interim President, Tuskegee University

Date Approved: 10/19/2017

# STUDENT COMPLAINT/APPEAL POLICY AND PROCEDURES

## I. INTRODUCTION

Tuskegee University has adequate procedures for addressing written complaints from students. Tuskegee University provides an open educational environment, rich in values and designed to protect the integrity of teaching and learning. In this spirit, the University encourages all students to first direct their complaints and concerns to the faculty, staff, or administrator specifically involved. The University believes many complaints can be resolved through an open, honest dialogue between the persons involved. In cases where that may not be possible, the student complaint procedures can assist in facilitating a resolution. The following information provides the specific procedures, depending on the nature of the complaint, which are used to assist in resolving student complaints.

## II. DEFINITIONS

In order to address student complaints, one must first consider Tuskegee University's definition of a student. Tuskegee University considers a person a student if they qualify in one of the following categories:

- a. **FULL-TIME STUDENT:** Full-time student is one enrolled in an academic program of at least twelve (12) semester hours or in an assignment which is not necessarily coursework but which requires a full scholastic day's work to accomplish. Such an assignment would be an undergraduate student's Cooperative Education Field Project.
- b. **PART-TIME STUDENT:** A part-time student is one enrolled in an academic program totaling less than twelve (12) hours or in an assignment which is not necessarily course work but which requires a portion of a three (3) scholastic day's work to accomplish.
- c. **UNCLASSIFIED STUDENT:** An unclassified student is one who does not wish to become a candidate for a degree. The individual may select specialized programs or enroll in short term courses that will prepare him/her for a particular vocation or promotion and advancement in occupations or fill some general need or interest. Should an unclassified student subsequently desire to become a candidate for a degree, the amount of credit for work already completely will be determined by the department in which the student expects to major.
- d. **TRANSFER STUDENT:** A transfer student is a person admitted/applying to Tuskegee University after attending another institution of higher learning. A student who attends summer school immediately after receiving a high school diploma and before enrolling at Tuskegee University will not be considered a transfer student.
- e. **INTERNATIONAL STUDENT:** An international student is a student who transferred to Tuskegee University from another international institution who has satisfied all of the requirements listed in the Student Handbook under the headings "Documentation for Enrollment", and "Transfer Students".

- f. **TRANSIENT STUDENT:** This term applies to a student enrolled in another college/university who wishes to take courses at Tuskegee University for one semester, then return to their initial college/university for the degree.
- g. **DISTANCE LEARNING STUDENT:** This term applies to a student who may not always be physically present at Tuskegee University, but who is enrolled and taking courses that are conducted 51% or more either hybrid, blended or 100% distance learning.

**DEFINITION OF A COMPLAINT-** A complaint is a written statement by a student that the treatment they have received is not consistent with the University's policies as stated in an official document. Only students may submit a Student Complaint.

### **III. STUDENT COMPLAINT PROCEDURES**

Tuskegee University recently streamlined the process of filing an online student complaint. The newly revised Student Complaints Procedures webpage (<https://www.tuskegee.edu/student-complaints>) now includes a single form for initiating student complaints relating to student conduct, housing, academics, financial aid, and other areas of student life and university operations. The process is administered by the Office of the Vice President of Student Affairs and Enrollment Management which will coordinate with relevant university units to resolve complaints as they are received.

Once submitted, the Student Complaint Form is reviewed by the Office of Student Affairs and Enrollment Management and forwarded to the appropriate office based on the subject matter of the complaint. For example:

- Example 1: If the complaint is against a student for violating the Code of Student Conduct, it is forwarded to the Office of Judicial Affairs.
- Example 2: If the complaint alleges discrimination based on race, color, sex, religion, national origin, age or disability, it is forwarded to the Title IX Office.
- Example 3: If the complaint relates to a residential hall matter, it is forwarded to the director of Housing and Residence Life.
- Example 4: If the complaint relates to academic matters, it is forwarded to the Office of the Provost

The site also outlines the process for filing various appeals, which are different than student complaints. These appeal processes related to decisions surrounding academics, financial aid, campus traffic violations, residence hall, library fines, and student judicial matters.

The following is a detailed process of Tuskegee University's Student Complaint Policy:

**Step 1:** Student attempts to resolve the complaint through the informal process by directing his/her complaint and concerns to the faculty, staff, or administrator specifically involved. If there is no resolution then the written complaint process begins;

**Step 2:** Student will log into the Student Complaint Webpage (<https://www.tuskegee.edu/student-complaints>) to begin the process of filing the written complaint;

**Step 3:** Student will complete the Student Complaint Form by completing it to include the following:

- Full Name
- Student ID Number
- Cell Phone
- Email Address
- Classification
- Major
- Select which Department/Unit the Complaint Involves
- Describe the Nature of the Complaint

**Step 4:** Student Submits the Complaint

**Step 5:** The Completed Student Complaint Form is sent directly to the Student Affairs email address which is monitored daily by the Office of the Vice President of Student Affairs and Enrollment Management

**Step 6:** Student receives this automated reply: *Thank you for submitting your written complaint to the Office of Student Affairs and Enrollment Management. Your complaint will be analyzed by this office, submitted to the appropriate personnel, and you should receive an initial response within 1-2 business days.*

**Step 7:** The Office of the Vice President of Student Affairs forwards the Complaint to the respective departments for resolution. Departments are encouraged to respond to the student in 1-2 business days.

**Step 8:** Depending upon the nature of the Complaint, issues are encouraged to be resolved in seven (7) business days.

*This policy applies to ALL students at Tuskegee University including the distance learning students. For Student Complaints regarding the delivery of distance learning please review*

*<http://elearning.tuskegee.edu/student-resources/student-complaint-policy>.*

#### IV. STUDENT APPEAL PROCEDURES

An appeal is defined as a review of the original case. This may involve a review of the decision as recorded on paper, or other procedures as described below. During an appeal, the burden is placed on the appealing student or student organization representative to demonstrate why the finding or sanction should be changed.

Appeals may be based only on the following grounds:

1. Failure to Follow Procedures. The decision of a hearing body may be set aside if the hearing body failed to follow required procedures. However, if the failure to follow procedures was harmless, that is, did not prejudice the appellant, the hearing body decision should be affirmed notwithstanding the procedural error. The burden shall be on the appellant to identify the prejudicial effects of any alleged procedural error
2. Inconsistency with Applicable Provisions. The decision of a hearing body shall be set aside if applicable provisions of the Governance Document, Academic Rules and Regulations, Handbook for Faculty and Other Unclassified Staff, Board of Trustees policies or procedures, or state or federal law require a contrary result.

3. Factual Determinations Not Supported by the Record. The decision of a hearing body may be set aside if it is not supported by substantial evidence in the record compiled at the hearing. For purposes of this provision, a decision is supported by substantial evidence if a reasonable person could find that the decision was justified on the basis of the evidence submitted at the hearing, with due regard for any contrary evidence in the record. The appeals panel should bear in mind the superior opportunity of the hearing panel to judge the credibility of witnesses.
4. Arbitrary and Capricious Decisions. In exceptional cases, the decision of a hearing body may be set aside if it is arbitrary, capricious or an abuse of discretion. A decision is arbitrary and capricious or an abuse of discretion if it is based on improper considerations, entirely fails to consider an important aspect of the problem, or lacks a plausible explanation of the connection between facts found and the recommendations made.
5. Other Reasons Outlined in the Various Appeal Procedures.

Appeal requests may be denied in cases not having sufficient grounds in one or more of these areas. All appeals must be submitted to the respective departments as outlined in the following sections.

The written request for an appeal, stating the specific grounds upon which the appeal is based, must be received by the respective departments as outlined below. Appeals submitted after the deadline day will not be accepted.

## **APPEAL OF ACADEMIC DECISIONS**

A student has the right to appeal decisions regarding his/her academic performance or academic requirements. **All appeals of academic decisions, including request for review of instructors' grades, must be initiated not later than 30 calendar days after the decision was made.** Before initiating a petition for appeal, the student should attempt to resolve the problem directly with the instructor(s), person(s) concerned, and/or departmental faculty. The following guidelines are applicable in appealing an academic decision:

1. The student submits a written statement to the instructor's College Dean setting forth his/her complaint, efforts to resolve it, and supporting evidence or justification for the complaint. The College Dean, on receipt of this petition, should provide a copy of same to the instructor or person concerned.
2. The College Dean may appoint a Committee of the Faculty to review the written statement from the student, secure additional information that the students may have, and to hear and examine evidence and information that the instructor or person concerned may have to support his/her decision. The Committee then makes a recommendation to the College Dean, submitting to him/her all supporting data, and the Dean then renders a decision which is immediately communicated in writing to the student, the person(s) concerned, and the Committee.
3. If the student or the person(s) concerned is dissatisfied with the decision of the instructor's College Dean, he/she may appeal to the Provost. The person appealing to the Provost must show justification and documentation for the appeal to be heard. If this is done, the Provost will review all information and evidence, and if he/she wishes, refer the matter to a Committee for further investigation and



recommended actions. The Provost then renders a decision which is to be communicated to the student, the person(s) concerned, the College Dean, and the members of the Committee who have heard the case.

4. If the student or the person(s) concerned is dissatisfied with the decision of the Provost, he/she may appeal to the President of Tuskegee University. It is extremely rare that a case would require investigation at the level of the President. In fact, most decisions would be made at the Dean's level. However, a student or the person(s) concerned must justify and show evidence why the appeal should be heard by the President after the decision of the Provost has been rendered. The President will make a final decision in the case and communicate it to the Provost and to all other persons listed in Number 3 above.

5. All appeals of academic decisions, including request for review of instructors' grades, must be initiated not later than 30 calendar days after the decision was made. A student who is not in residence should mail the written statement to the College Dean.

### **FINANCIAL AID APPEALS**

A student not meeting SAP requirements has the option to appeal their suspension of financial aid. It is the responsibility of the student to initiate any appeal. Academic reinstatement by the University Registrar or the Office of Undergraduate Admissions does not constitute reinstatement of federal aid eligibility. Neither paying for your own classes nor sitting out for an enrollment period is sufficient to re-establish eligibility for Title IV aid.

Appeals are reviewed based on a documentable extenuating circumstance impacting academic performance. Extenuating circumstances are considered to be past events that are no longer barriers to academic progress. The appeal application should support how the student is now in a position to be academically successful. Examples of extenuating circumstances to be considered for appeal:

- Serious illness or injury to student or immediate family member (parent, spouse, sibling, child) that required extended recovery time
- Death of an immediate family member
- Significant trauma in student's life that impaired the student's emotional and/or physical health
- Withdrawal due to military service
- Second degree, double major, change of major (maximum timeframe only)
- Other unexpected circumstances beyond the control of the student

**Note: Circumstances related to the typical adjustment to college life such as working while attending school, financial issues related to paying bills and car maintenance/travel to campus are not considered as extenuating for purposes of appealing suspension of financial aid.**

[Appeal Application \(PDF\) https://www.tuskegee.edu/Content/Uploads/Tuskegee/files/Financials/Fillable-SAP-FORM-2017-18.pdf](https://www.tuskegee.edu/Content/Uploads/Tuskegee/files/Financials/Fillable-SAP-FORM-2017-18.pdf)

SAP Appeals may mailed, faxed, or e-mailed to:

- Tuskegee University  
Chairperson, Financial Aid Appeals Committee  
Thompkins Hall, Room 500

1200 West Montgomery Road  
Tuskegee, AL 36088

- Faxed to: (334) 724-4949
- Emailed to: [appeals@tuskegee.edu](mailto:appeals@tuskegee.edu)

Appeals are reviewed by an appeal committee and all decisions of the committee are final. Students are strongly encouraged to appeal within 15 days of notification of suspension to allow adequate time for processing and review. Appeals submitted after the priority date for the term will not be reviewed by the appeal committee until after the first day of classes for the term. Appeals submitted and approved after a term has begun will have the effective term determined on a case by case basis.

### **TRAFFIC VIOLATION APPEALS**

- Any student, staff, or faculty member receiving a citation for a parking and/or traffic violation has the right to appeal.
- To appeal, a person must complete and submit an Appeal Form on-line within ten (10) business days of the citation date. Appeals made beyond that time limit will not be heard.
- Students will be notified through their TU email of the hearing date and time. If there are any questions regarding the hearing, students are encouraged to contact the Office of the Vice President of Student Affairs at (334) 727-8262.
- Fines must be paid even if the ticket is being appealed. Failure to pay a fine will forfeit the right to appeal. If the appeal is upheld. The money will be replaced in the student's account.

### **HOUSING/RESIDENCE LIFE AND DEVELOPMENT (Residence Hall Fines Appeal)**

Student wishes to appeal a fine imposed by Hall Director/Counselor.

**Step 1:** Student make a complaint in writing to the Hall Director/Counselor giving supporting evidence of justification for the complaint/appeal. Copies of complaint are forwarded to the Dean of Students and Director of Housing and Residence Life.

**Step 2:** Director/Counselor reviews written statement and supporting documentation and interviews complainant and any witnesses before making decision on student's appeal.

**Step 3:** Decision is given to student, with copies to Dean of Students and Director of Housing and Residence Life. If student is dissatisfied with the decision, he/she may appeal to Director of Housing and Residence Life.

**Step 4:** Student appeals to Director of Housing and Residence Life, providing all supporting documentation.

**Step 5:** Director of Housing and Residence Life may appoint a committee to review appeal, or present appeal to the Residence Hall Judicial Board for review and recommendation(s).

**Step 6:** Decision of Judicial Board is giving in writing to the Director of Housing and Residence Life.



**Step 7:** Director of Housing and Residence Life informs student of decision, with copy to Dean of Students and Vice President for Student Affairs.

**Step 8:** If student is still not satisfied, a last appeal may be made to the Dean of Students. All supporting documentation is given to the Dean of Students, including decisions and recommendations previously made by the Director of Housing and Residence Life and the Residence Hall Judicial Board.

**Step 9:** Dean of Students, after review of all pertinent documents, renders a decision and informs student of decision in writing, with copies to the Director of Housing and Residence Life, Director/Counselor, and Vice President for Enrollment Management and Student Affairs.

## **JUDICIAL APPEALS BOARD AND PROCESS**

Students can appeal the decision of any judicial hearing. An appeal may be filed, *if and only if a university policy or a university regulation has been violated, or the student's due process rights have been violated.*

### **Section 1: Judicial Appeals Board Review and Membership**

1. The Vice President for Enrollment Management and Student Affairs appoints a Judicial Appeals Board to review the verbatim record and sanctions. The decision of the Judicial Appeals Board shall be final.
2. The Judicial Appeals Board shall be comprised of at least four (4) and not more than six (6) members. Membership shall include faculty, staff, and one (1) student representative selected by the Judicial Officer and approved by the Vice President for Enrollment Management and Student Affairs.
3. The Judicial Appeals Board for cases involving allegations of Sexual Violence (**Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq**) shall be comprised of at least four (4) and not more than six (6) members. Membership shall include faculty and staff selected by the Judicial Officer and approved by the Vice President for Enrollment Management and Student Affairs.

### **Section 2: Basis upon which an Appeal may be Considered**

*An appeal may be made for one or more of the following purposes:*

1. To determine whether the original hearing was conducted in conformity with the prescribed procedures of the Student Code. Minor deviations from the designated procedures will not form the basis for sustaining an appeal unless it is determined that such deviation resulted in significant prejudice.
2. To present new evidence that could not reasonably be made available at the time of the original hearing. Such cases, at the discretion of the appeals officer, may be remanded back to the appropriate hearing format for reconsideration in light of new evidence.
3. To determine whether the sanction imposed was appropriate to the violation with which the respondent student or student organization was charged.

### **Section 3: Appeal Procedures**

1. The respondent student or student organization, or the complainant, may appeal any decision reached as a result of a University Hearing Board, University Sexual Violence Hearing Board, or administrative hearing.

2. All appeals must be made in the form of filing a letter of appeal within seven (7) business days upon the student's receipt of the decision letter. The letter of appeal must be personally signed by the student. Respondents should address the appeal letter to the Judicial Appeals Board, and submit the letter of appeal to the Judicial Officer. The Judicial Affairs Officer will forward the appeal letter and supporting documentation, including the student's file, to the Judicial Board. The Judicial Officer or the Judicial Appeals Board will be responsible for contacting the student(s)/organization(s) requesting an appeal. The complainant or respondent shall be contacted and invited to present in person his/her appeal to the Judicial Appeals Board, after submitting the written appeal. Such presentation shall be limited to no more than 45 minutes.
3. The Chair of the Judicial Appeals Board will inform the student(s)/organization(s) of the Board's final decision. This information will also be copied to the Vice President for Enrollment Management and Student Affairs, the Dean of Students, and the Judicial Officer. In instances of an appeal from the University Sexual Misconduct Board, the Title IX Coordinator will also be copied.

#### **Section 4:Sanction Reduction**

1. In keeping with the education mission of Tuskegee University, the Office of the Vice President for Enrollment Management and Student Affairs will accept requests for sanction reduction. These requests are available to all students and student organizations after one calendar year of the date sanction was assigned as a judicial sanction.
2. A three-person panel, consisting of the Dean of Students and two students from the Student Judicial Board, will hear all requests. Requests should be submitted in writing to the Judicial Affairs Officer, along with one letter of recommendation from a member of the Tuskegee University community.
3. The student or student organization must prove to the panel's satisfaction that he/she/it has developed increased self-discipline as a result of the sanction period and can contribute to the University community through increased involvement opportunities. The request should demonstrate significant contributions, both of an academic and co-curricular nature, to the panel.
4. The Dean of Students will inform the student or student organization of the panel's decision. This information will also be copied to the Vice President for Enrollment Management and Student Affairs and the Judicial Officer.

The Judicial System of Tuskegee University is regulated by confidentiality requirements of the Family Education Rights and Privacy Act of 1974 (**FERPA**) as amended. The unauthorized disclosure of the student's confidential information is prohibited under this act.

#### **ADDITIONAL JUDICIAL AFFAIRS EXHIBITS TO ASSIST STUDENTS WITH PROCESSING Code Violations and Appeals**

- ☐ Student Right-to-Know and Campus Security Act
- ☐ Waiver of Hearing and Plea of Guilty
- ☐ Plea of In Violation or Not in Violation
- ☐ University Hearing Board Statement of Understanding Judicial Rights
- ☐ Supporting Statement of Accused

Students should report to the Office of Judicial Affairs (or call 334-727-8613/8026) for assistance and information regarding the University Judicial System and related procedures. The Judicial Affairs Officer/Counselor will explain the procedures to be followed for making a response to allegations of violations of the *Codes of Conduct*.

## **GRADUATE APPEALS**

A student has the right to appeal decisions regarding his/her academic performance or academic requirements. Before initiating a petition for appeal, the student should attempt to resolve the problem directly with the instructor, person concerned, and/or departmental faculty.

If the student has justification for an appeal beyond the departmental faculty or head of the department, he/she must submit a written statement to the dean of the college, who will outline procedures to resolve the matter. If the matter is not resolved, the student has the right to appeal to the dean of graduate programs, who will take a final action on the matter.