

13.02.99.C0.01 Student Complaints Regarding Faculty (Non-Academic/Non Civil Rights)



Approved: March 21, 2016
Revised: March 21, 2016
Next Scheduled Review: March 21, 2021

PROCEDURE STATEMENT

Texas A&M University-Corpus Christi students are vital members of the campus community and the University is committed to fostering intellectual inquiry within a climate of academic freedom and integrity. Students, faculty and staff are expected to promote these goals in the context of inclusiveness, mutual respect, and tolerance for others.

REASON FOR PROCEDURE

This procedure provides students with a process for addressing complaints of faculty conduct that is not protected by academic freedom and is not addressed by other complaint procedures for Civil Rights and Grade Appeals. This conduct may include: failure to show appropriate respect in an instructional setting for the rights and opinions of others; misuse of faculty authority to promote a political or social cause within an instructional setting; or other conduct that adversely affects the learning environment.

It is intended that all problems be resolved, whenever possible, before the filing of a complaint. Open communication between students, staff and faculty members is encouraged so that resorts to the formal complaint procedure will not be necessary. Students found to have intentionally made false or materially misleading allegations under this procedure will be subject to discipline in accordance with Student Code of Conduct.

Students shall have protection from retaliatory action based upon the filing of a complaint and or participation as a witness.

PROCEDURES AND RESPONSIBILITES

1. Complaints under this procedure must pertain to conduct occurring in the classroom, or in an instructional setting, or otherwise inappropriate

communication or contact.

- 1.1. Students are encouraged to attempt to resolve complaints with the faculty member to facilitate a resolution of their concerns and/or complaint.
- 1.2. If a satisfactory resolution cannot be found at the student-faculty level, or if the faculty member is unavailable, or no longer with the university, or the student elects to not proceed with section 2.1 the student should submit the complaint in writing to the appropriate department chairperson. The complaint should be as specific as possible. Complaints against the Department Chairperson will be submitted directly to the Dean of the respective college, and complaints against the Dean will be submitted to the Provost and Vice President for Academic Affairs.
- 1.3. The complaint must be submitted within seven (7) business days of the alleged conduct unless there is good cause shown for delay.
- 1.4. The Department Chairperson will review and resolve the complaint, in coordination with the Dean of the respective college, within 15 business days. Upon completion of the review, the Department Chairperson will forward a summary of the complaint, parties, and resolution to the Employee Development & Compliance Services Department for inclusion in the campus complaint resolution database.

2. Appeal Process

- 2.1. If the student believes the matter is not satisfactorily resolved, the student may file an appeal via the TAMUCC confidential on-line Complaint Resolution Forum (<http://www.tamucc.edu/marcom/complaints/>), or by visiting the Employee Development and Compliance Services (EDCS) department.
- 2.2. The appeal should be as specific as possible.
- 2.3. The appeal must be filed within seven (7) business days of the communication of the unsatisfactory resolution by the Department Chairperson/Dean unless there is good cause shown for delay.
- 2.4. Within five (5) business days of receipt, the Employee Development & Compliance Services (EDCS) Department will forward the complaint to the Provost & Vice President for Academic Affairs for resolution, and also send notice that the appeal has been filed to the faculty member, the department chairperson, and Dean.

3. Appeal Investigation

- 3.1 The Provost and Vice President for Academic Affairs is the designated authority for the investigation and resolution of appeals under this procedure.
- 3.2 The Provost and Vice President for Academic Affairs may delegate responsibility for conducting the investigation to the Employee Development & Compliance Services Department, or Associate Vice President for Academic Affairs.
- 3.3 As occasioned, the investigator(s) may recommend interim appropriate actions in support of the student's academic success to the Provost and Vice President for Academic Affairs and the Vice President for Student Engagement & Success pending the completion of the investigation.

4. Findings/Action Required

- 4.1 Upon concluding the investigation, the investigator(s) shall issue a written report to the Provost and Vice President for Academic Affairs setting forth findings based on a preponderance of the evidence standard. A preponderance of the evidence is defined as enough evidence to convince the investigator(s) to decide in favor of one side or the other based on the evidence's probable truth and/or accuracy.
- 4.2 In ordinary cases, it is expected that the investigation and written report shall be completed within fifteen (15) business days of the date the appeal was filed. However, the Provost and Vice President for Academic Affairs may approve extensions as appropriate. The student (complainant), faculty member (respondent), and Department Chairperson, Dean, and Vice President for Student Engagement & Success will be informed of these extensions.
- 4.3 Upon receipt of the investigation report and findings, the Provost and Vice President for Academic Affairs will review the report, make a determination, and inform the complainant and respondent within five (5) business days. The faculty member may be subject to appropriate reprimand, discipline, and/or training, as deemed necessary based upon the findings. The Provost and Vice President for Academic Affairs' decision will be final and communicated in writing to both the student complainant and faculty member respondent, with courtesy copy communication to the faculty member's supervisory chain, Vice President for Student Engagement & Success, and Employee Development & Compliance Services Department.

5. Training/education/information

Information regarding this procedure will be provided in the Student Handbooks, student, staff and faculty orientations and regular department meetings, and on the TAMU-CC complaint resolution webpage. Additionally, periodic notices about TAMU-CC's procedures will be sent to students, all employees and supervisors, and will include specific information about this complaint procedure.

6. Monitoring/compliance review

TAMU-CC will monitor the implementation of this procedure on a bi-annual basis. Information provided through the complaint process is collected according to number and type of complaint received, timeframes for assessment and action, complaint decisions/outcomes and other information quarterly.

Reports of the data and the complaint resolution process will be evaluated and provided to the President's Cabinet each semester. Complaint files will be retained in the Compliance Services Department in accordance with the appropriate records retention requirements.

RELATED STATUTES, POLICIES OR REQUIREMENTS

System Policy 13.02, Student Rights and Obligations
System Regulation 10.02.01 Control of Fraud, Waste & Abuse
System Policy 07.01, Ethics
System Policy 08.01. Civil Rights Protections and Compliance
System Regulation 08.01.01, Civil Rights Compliance
TAMUCC Procedure 13.02.99.C0.02 Student Complaints Regarding Staff/Employees
Texas Higher Education Coordinating Board (THECB) rule regarding student complaints

CONTACT OFFICE

Contact for interpretation and clarification: Employee Development & Compliance Services
(361) 825-5826