

Hostos Community College Procedures for Handling Student Complaints about Faculty Conduct in Academic Settings

Adapted from the CUNY Board of Trustees resolution on student complaints procedures, effective February 1, 2007.

Hostos Community College and The City University of New York respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. At the same time the University recognizes its responsibility to provide students with a procedure for addressing complaints about faculty treatment of students that are not protected by academic freedom and are not covered by other procedures. Examples might include incompetent or inefficient service, neglect of duty, physical or mental incapacity and conduct unbecoming a member of the staff.

If students have any question about the applicable procedure to follow for a particular complaint, they should consult with the chief student affairs officer. In particular, the chief student affairs officer should advise a student if some other procedure is applicable to the type of complaint the student has (e.g. Academic Standards, Sexual Harassment, etc.).

1. **Informal Resolution.** Students are encouraged to attempt to resolve complaints informally with the faculty member or to seek the assistance of the department chairperson or campus ombudsman to facilitate informal resolution.
2. **Formal Complaint.** If the student does not pursue informal resolution, or if informal resolution is unsuccessful, the student may file a written complaint with the department chairperson ("Fact Finder"). If the chairperson is the subject of the complaint, the complaint may be filed with the academic dean.
 - a. The written complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the conduct complained of.
 - b. The Fact Finder shall promptly send a copy to the faculty member about whom the complaint is made, along with a letter stating that the filing of the complaint does not imply that any wrongdoing has occurred and that a faculty member must not retaliate in any way against a student for having made a complaint. If either the student or the faculty member has reason to believe that the department chairperson may be biased or otherwise unable to deal with the complaint in a fair and objective manner, he or she may submit to the academic dean a written request stating the reasons for that belief; if the request appears to have merit, the academic dean may, in his or her sole discretion, replace the department chairperson as the Fact Finder.

- c. The Fact Finder shall meet with the complaining student and faculty member, either separately or together, to discuss the complaint and to try to resolve it. The Fact Finder may seek the assistance of appropriate campus persons to facilitate informal resolution.
 - d. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer.
 - e. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the faculty member and other persons with relevant knowledge and information and shall also consult with the chief student affairs officer. The Fact Finder shall not reveal the identity of the complaining student and the faculty member to others except to the extent necessary to conduct the investigation. If the Fact Finder believes it would be helpful, he or she may meet again with the student and faculty member after completing the investigation in an effort to resolve the matter. The complaining student and the faculty member shall have the right to have a representative (including a union representative, student government representative or attorney) present during the initial meeting, the interview and any post-investigation meeting.
 - f. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations, with particular focus on whether the conduct in question is protected by academic freedom, and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.
3. **Appeals Procedure.** If either the student or the faculty member is not satisfied with the report of the Fact Finder, the student or faculty member may file a written appeal to the chief academic officer within 10 calendar days of receiving the report. The chief academic officer shall convene and serve as the chairperson of an Appeals Committee, which shall also include the chief student affairs officer, two faculty members elected annually by the senate and one student elected annually by the student senate. The Appeals Committee shall review the findings and recommendations of the report, with particular focus on whether the conduct in question is protected by academic freedom. The Appeals Committee shall not conduct a new factual investigation or overturn any factual findings contained in the report unless they are clearly erroneous. If the Appeals Committee decides to reverse the Fact Finder in a case where there has not been an investigation because the Fact Finder erroneously found that the alleged conduct was protected by academic

freedom, it may remand to the Fact Finder for further proceedings. The committee shall issue a written decision within 20 calendar days of receiving the appeal. A copy of the decision shall be sent to the student, the faculty member, the department chairperson and the president.

4. **Subsequent Action.** Following the completion of these procedures, the appropriate college official shall decide the appropriate action, if any, to take. For example, the department chairperson may decide to place a report in the faculty member's personnel file or the president may bring disciplinary charges against the faculty member. Disciplinary charges may also be brought in extremely serious cases even though the college has not completed the entire investigative process described above; in that case, the bringing of disciplinary charges shall automatically suspend that process. Any action taken by a college must comply with the bylaws of the University and the collective bargaining agreement between the University and the Professional Staff Congress.