

# STUDENT GRIEVANCE REVIEW & RESOLUTION PROCESS

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All students, faculty, and staff have the right to due process in any action brought against them by NYFA that may adversely affect their academic or employment status with the institution. Students and employees have the right to petition for special consideration with regard to the academic and administrative policies and procedures when circumstances beyond their control prevent them from adhering to said policies and procedures.

NYFA will address all appropriate student grievances promptly. A grievance is considered appropriate if a student expresses feelings of dissatisfaction concerning any application or interpretation of NYFA administrative or management-related policy.

For the purposes of this policy, a student is defined as an individual who (a) is enrolled or registered in an academic program of the Academy; (b) has completed the immediately preceding term and is eligible for re-enrollment, including the recess periods between academic terms; or (c) is on approved educational leave or other approved leave status from an academic program.

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## INFORMAL & FORMAL GRIEVANCE PROCEDURES

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### *Informal Grievance Procedures:*

Before filing a grievance under this Policy, students are encouraged to attempt to resolve the matter informally with the

person alleged to have committed the violation, or with the head or chair of the department or program in which the alleged violation occurred. The student may also contact the Dean of Students for assistance with informal resolution. If a resolution cannot be reached through informal discussions and a student wishes to file a formal grievance, they can do so by following the procedures outlined below.

### *Formal Grievance Procedures:*

Students wishing to file a formal grievance shall follow these procedures and guidelines:

- Grievances should be completed and submitted online via the Dean of Students website on the NYFA Hub. [https://hub.nyfa.edu/student\\_services/dean-of-students-office/student-grievances](https://hub.nyfa.edu/student_services/dean-of-students-office/student-grievances).
- All student complaints will be investigated thoroughly, including interviewing all parties and reviewing all documents that relate to or may potentially relate to the complaint.
- Upon receipt of a formal student grievance, the Dean of Students will review the grievance and make an initial determination regarding whether the grievance is complete, within the jurisdiction of the school, and, if found to be true, would constitute a violation of law or NYFA policy. If the above conditions are met, the Dean of Students will inform the complainant in writing that the grievance process will

move forward. Such a determination will be made within five (5) business days.

- If the Dean of Students determines that the grievance is incomplete, the student will have three (3) business days from the date of the written notice to make the grievance complete. If the student fails to make the grievance complete, the grievance will be dismissed. If the grievance raises multiple distinct issues, the Dean of Students will make the determination described above with regard to each individual issue. The Dean of Students may investigate some issues and dismiss others pursuant to this review process.
- If a complaint is dismissed, the Dean of Students will provide the student with a written explanation of the basis for the dismissal. The student will have five (5) business days from the date of the written notice to request in writing an appeal of the dismissal from the Campus Dean. The request for appeal must articulate why the decision by the Dean of Students to dismiss the case was in error. The Campus Dean will respond in writing within ten (10) business days of receipt of the appeal. The Campus Dean will make this determination after reviewing documents provided by the Dean of Students and any other documentation the student wishes to have considered. If the decision to dismiss is upheld, that decision is final. If the decision to dismiss is overturned on appeal, the case shall be sent back to the Dean of Students for investigation in accordance with the procedures outlined below.
- The Dean of Students will commence the investigation by sending a copy of the written grievance and any supporting documentation as appropriate to the individual respondent or to the head or chair of any department or program against which the grievance was filed. The respondent shall have five (5) business days to respond to the grievance. The Dean of Students may then interview the complainant, respondent, or both.
- In some cases, the Dean of Students may interview individuals other than the complainant and respondent, and may request additional documentation from any of the above parties. The Dean of Students shall complete the investigation and deliver a written report to the complainant and respondent within fifteen (15) business days of the initial receipt of the grievance. The report will contain a summary of the issues within the grievance, references to the applicable NYFA policy, a summary of the factual findings of the investigation, and a conclusion regarding the recommended outcome of the grievance, including proposed corrective actions, if any.
- In the event the outcome of the grievance calls for disciplinary action to be taken against any NYFA student, the matter shall be adjudicated within the Dean of Students office according to the policies and procedures of the school's Disciplinary Panel. In the event the outcome of the grievance calls for disciplinary action to be taken against any NYFA employee, the matter will be turned over to the Human Resources

Department and adjudicated according to its policies and procedures.

### *Appeals Process:*

A student wishing to appeal an adverse decision in a grievance case filed can do so by submitting an appeal request in writing within five (5) business days of when the Dean of Students issued the findings. The Campus Dean will consider the appeal in such cases. The Campus Dean will make a final, binding decision on the appeal within ten (10) business days, and will send the written appeals decision to the complainant and respondent. To be considered, the appeal must be based on one of the following assertions:

- The Student Grievance Review and Resolution Process as set forth in the preceding steps was not followed correctly, and this failure to follow the procedures resulted in the adverse finding, or
- The Dean of Students misinterpreted written, recorded, oral, or other evidence presented in the investigation and this misinterpretation of the evidence resulted in the adverse finding, or
- The Dean of Students inappropriately or mistakenly applied NYFA policy or standards of conduct to the grievance and this misapplication of policy resulted in the adverse finding.

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## IMPORTANT NOTES REGARDING STUDENT GRIEVANCES

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- Following a finding validating a grievance, NYFA will implement reasonable policies or procedures to avoid similar complaints in the future.
- Grievances may be submitted anonymously. Without the complainant's contact information, however, NYFA will be unable to correspond with the complainant about the grievance.
- During and after investigation into a student grievance, NYFA will abide by all FERPA regulations.
- If a grievance is filed against the Dean of Students or if the school determines the Dean of Students should be recused from a case for any other reason, the Campus Dean will take on the responsibilities of the Dean of Students, and the President will take on the responsibilities of the Campus Dean when appropriate. If a grievance is filed against the Campus Dean or if the school determines the Campus Dean should be recused from a case for any other reason, the President will take on the responsibilities of the Campus Dean and all decisions of the President will be final.

- A written summary of all complaints will be kept for a minimum of six years from the date that the complaint was first received.
- For specific sex-based discrimination and sexual misconduct student rights and grievances, please see NYFA's Title IX Grievance Policy and/or NYFA's Sexual Misconduct Policy.
- A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (888) 370-7589 or by completing a complaint form, which can be obtained on the Bureau's internet website <http://www.bppe.ca.gov>.