

AO 22: Student Complaints

22.1 Basis for Complaints

A student may file a complaint based on an alleged claim of:

1. *Failure to follow established NS policies and regulations*: The violation of policies and/or regulations must have had a direct and adverse impact on the student's academic record.
2. *Clerical error*: An error made by an NS employee in reviewing, estimating, evaluating, or posting the student's record.
3. *Prejudicial treatment*: Faculty or staff applied a different standard to the student than to other students in the same situation, and the differential treatment led to a direct, adverse impact on the student's record.
4. *Deceptive trade practices or fraud*: Acts including, but not limited to,
 - a. Intentionally and materially providing false statements and/or representations regarding educational services offered (such as recruiting and marketing information, tuition, fees, admissions requirements).
 - b. Adopting a name or trademark that falsely represents the quality, scope, nature, size, or integrity of NS or its educational services.
 - c. Representing to students that they may transfer credits to any institution of higher education.
 - d. Intentionally and materially providing false representations, whether in advertising and promotional materials or any other manner, of the size, location, facilities, or equipment of the University; the number or educational qualifications of faculty; the extent or nature of any approvals received from state agencies; or the extent or nature of accreditations received from external agencies.
 - e. Providing prospective students with materially misleading testimonials, endorsements, or other information that deceives prospective students or the public regarding current practices of the University.
5. *Failure to meet NSHE requirements for distance education courses*: NS fails to meet one or more of the following requirements for distance education courses listed in the NSHE Handbook Title 4, Chapter 14, Section 25.2:
 - a. Abiding by standards and requirements of SARA policies and standards, as maintained by the National Council for State Authorization Reciprocity Agreements (NC-SARA).
 - b. If a distance education course is a professional or technical course in a field that customarily leads to professional licensure, NS must inform enrolled students whether the course meets standards required for licensure in Nevada.
 - c. If a distance education course is a professional or technical course in a field that customarily leads to professional licensure, NS must inform enrolled students living outside of Nevada that they must consult the applicable licensure entity in their state of residence to determine whether the course meets licensure standards.

- d. Each distance education course must provide an opportunity for timely interaction between the student and the instructor (or an instructional team member) and reasonable ways for students to contact the instructor and NS regarding their progress, questions, or concerns.
- e. Refunds of tuition or fees related to distance education courses must be administered according to NS's refund policy, with the following exceptions:
 - i. Students living in states that do not participate in SARA may be administratively dropped if their state of residence requires prior authorization for distance education courses offered in the state and NS does not receive such authorization. NS must notify the student of the administrative drop as soon as possible, and no later than five business days after the start of the term and must provide a full (100%) refund.
 - ii. Non-Nevada residents living in states that do participate in SARA may be administratively dropped if NS exceeds limits under SARA and does not receive authorization to continue operation in the state. When administratively dropping students, NS must drop students based on their seniority in a program, with students with the least amount of time in a program dropped first. NS must notify any administratively dropped students and provide a full (100%) refund.

It is the responsibility of the student filing the complaint to demonstrate by a preponderance of the evidence that established policies or procedures have not been followed; without such evidence, the presumption is that procedures have been followed fairly.

22.1.1 Exemptions

The following matters are not handled as complaints under this policy:

1. Comments, complaints, or requests for appeal related to financial aid, which should be directed to finaid@nevadastate.edu.
2. Grade appeals, except that illegal or improper conduct of a faculty member may be the subject of a complaint, separate from a grade appeal decision. Grade appeals are handled according to the Grade Appeals Policy.
3. Curriculum matters, including requests for waivers or substitutions of Core Curriculum or major course requirements. Curriculum matters are handled through the petitions process; contact the Petitions Office for more information.
4. Residency and graduation requirements, which are governed by campus policies included in the NS catalog; questions should be directed to the Registrar's Office.
5. Registration complaints and appeals, which should be directed to the Registrar's Office.
6. Complaints involving sexual harassment or Title IX violations, which should be directed to the campus Title IX coordinator and HR director. Allegations of sexual harassment by students are handled according to [NSHE Handbook Title 4, Chapter 8, Section 13](#).

7. Complaints related to employment at NS, which should be directed to Human Resources.
8. Financial and payment issues, including assessment of tuition and fees, handling of past-due balances, and refunds. These should be directed to the Cashier's Office.
9. Appeals of disciplinary actions, which are handled as described in the Student Code of Conduct.
10. Complaints or appeals that are addressed by existing policies in the individual schools.
11. Complaints that are not subject to possible resolution in a student grievance context (for example, a student complaint where the requested relief violates state or federal law).

22.2 Complaint Process

22.2.1 Informal Complaints

Before filing a formal complaint, a student must attempt to resolve the issue informally by addressing the complaint to the faculty or staff member most directly responsible for the alleged action and/or decision that resulted in the complaint, or to their direct supervisor.

22.2.2 Formal Complaints

If a complaint cannot be resolved informally, the student may file a formal complaint. Formal complaints must be submitted electronically in writing; verbal complaints expressed to faculty or staff are not considered formal complaints.

Except for complaints related to allegations of deceptive trade practices/fraud or failure to meet NSHE requirements for distance education courses, the student must file a formal complaint no more than 15 business days after the alleged incident or circumstances first occurred. Complaints of deceptive trade practices/fraud or failure to meet NSHE distance education requirements must be filed no later than one calendar year after the student's last active term of enrollment.

Formal complaints are submitted using the Student Complaint Form. A student may withdraw a formal complaint at any time.

NS has a strict policy of zero tolerance of actual or implied violence. If at any time the student submitting a complaint engages in harassment or intimidation of anyone involved in the review process, the student's behavior will immediately become a disciplinary matter and will be referred to the conduct officer and/or campus security.

22.2.3 Reviewing Formal Complaints

Formal complaints are routed to the Dean of Students. The Dean of Students reviews submissions and verifies that:

1. A basis appears to exist for a complaint.

2. The complaint is eligible for consideration and does not fall into any of the exempt categories listed above.

If both requirements are satisfied, the Dean of Students will route the complaint to the appropriate unit director or supervisor for the respondent identified in the complaint. If a complaint is related to one of the schools, the Dean of Students will also notify the dean of the school.

If the submission does not meet the requirements for filing a complaint, the Dean of Students will inform the student and the case will be dismissed.

Except under extraordinary circumstances, the director has 10 business days to review a complaint, contact the complainant and respondent for any additional necessary information, and investigate as the director deems necessary. The director will prepare and send a formal written response within 15 business days of receiving the complaint. The response will include a summary of the complaint, the director's decision, a rationale, and the remedy, if any.

If extraordinary circumstances prevent the director from completing the investigation within 10 business days, the director will notify the Dean of Students and develop a revised timeline, which the Dean of Students will approve and communicate to the complainant and respondent. Extraordinary circumstances may include, but are not limited to, the unavailability of faculty or staff essential to the investigation.

22.3 Appeals

The complainant or respondent may appeal the decision. Appeals must be filed within 10 business days of receiving the director's decision. They must email a letter to the Dean of Students indicating why they disagree with the decision and provide a justification for the appeal. The burden of proof for establishing a basis for overturning the original decision lies with the person filing the appeal.

22.3.1 University Complaint Appeal Committee

The Dean of Students will appoint a University Complaint Appeal Committee consisting of three members. Two members will be full-time, permanent NS employees with positions at or above the level of the respondent (for example, if a complaint is filed against a unit director, the committee members must hold positions at the director or level or higher). The third member will be an enrolled student appointed by the Nevada State Student Alliance (NSSA). The Dean of Students will appoint one of the NS employees as the Chair. Any member who has a conflict of interest in the case, or who may have a personal bias, must ask to be dismissed.

22.3.2 Appeal Meeting

The Committee will schedule a meeting to occur within 15 business days of receiving the appeal. The Dean of Students will inform the complainant and respondent, via

email, of the date and the portions of the meeting they are allowed to attend. The complainant and respondent are encouraged to attend to answer any questions from the Committee.

After hearing any relevant testimony, the Committee will dismiss everyone who is not on the Committee and will deliberate in private. The Committee will reach a final decision by majority vote. The chair will send a decision letter to the Dean of Students no more than five business days after the meeting. The Dean of Students will forward the appeal decision, by email, to the complainant and respondent.

Except for complaints related to deceptive trade practices/fraud or failure to meet NSHE requirements for distance education, the appeals decision reached by the University Complaint Appeal Committee is final and cannot be appealed.

Complainants may appeal the Appeal Committee's decision related to allegations of deceptive trade practices/fraud or failure to meet NSHE distance education requirements by submitting the SARA Complaint Resolution Form to the NSHE Vice Chancellor for Academic and Student Affairs (NSHE Handbook Title 4, Chapter 14, Section 25.6).

22.4 Records Retention

NS follows the "FY + 3 years" retention period in the NSHE P&G Manual, Chapter 16. A copy of the complaint and decision will be kept for three years past the fiscal year in which the student graduates or the fiscal year of their last term of attendance at NS.

22.5 Related Information

- [Student Complaint Form](#)
- [SARA Complaint Resolution Form](#)
- [National Council for State Authorization Reciprocity Agreements \(NC-SARA\)](#)
- [NSHE Handbook Title 4, Chapter 14, Sections 23-25](#)

22.5.1 Revision History

- Approved by Dr. Serge Ballif on 11/04/2019; Dr. Vickie Shields on 11/05/2019; and President Bart Patterson on 11/19/2019.