

BERKELEY COLLEGE

Student Complaint Policy

Purpose

The College aims to resolve student complaints promptly and fairly. This Policy prescribes the requirements for receiving, tracking and handling student complaints received by the College.

Scope

This Policy applies to all Berkeley College faculty and staff who receive complaints from current or former students.

Definitions

“Complaint” – Any written or oral expression of dissatisfaction from a student who alleges wrongdoing by the College (including an associate) which either (1) is accompanied by a request for resolution, change, or other action; or (2) raises a policy issue or reflects a pattern of activity that, by its nature, would be in Berkeley’s best interests to address. A complaint does not include, (a) general requests for information or questions; (b) minor misunderstandings that can be resolved by explanation; (c) “venting” or expressions of frustration not accompanied by some request for resolution, change, or other action; and (d) any matter that is not related to Berkeley College services, property, faculty or staff. If a student includes a complaint in an anonymous response to a survey, the College is not obligated to attempt to identify the student and/or begin an investigation based on such information.

“Complaints Coordinator” – One associate appointed by the Department head who shall be responsible for tracking and handling student complaints. Department heads shall appoint one additional alternate Complaints Coordinator.

I. Departmental Processes

All College departments (including Schools) and Campus Operating Officers (“COOs”) shall create and implement processes for receiving, tracking and handling student complaints received by or referred to the department. Processes must include the following:

- Definition of a Complaint (in accordance with this Policy)
- Appointment of one primary Complaints Coordinator and one alternate principally responsible for handling complaints assigned to that department
- Identification of any associate, other than the department head, who has authority to approve the resolution of complaints of a specified nature
- Description of the workflow and/or process for handling student complaints from start to finish, including any specific processes for determining whether to refer a complaint to another department and an escalation process for serious matters

- Commitment to making a reasonable effort to resolve complaints in a prompt and fair manner, which may vary, depending upon the circumstances. If a complaint is reported anonymously, circumstances may prevent or limit the College's ability to investigate or respond. Appropriate action may be taken in response to an anonymous complaint to the extent that critical information is available or other circumstances (such as a high volume of similar complaints) validate the need for action.
- Description of how and where (for example, a shared drive, ImageNow drawer, etc.) the department (or COO) shall maintain appropriate complaint records/documentation on behalf of the College, which shall include copies of all departmental student complaint processes; all significant correspondence, reports and memoranda (including email messages) concerning a complaint; and other pertinent records (Note: In appropriate instances, such records may be subject to the Student Records (FERPA) Policy.)

II. Responsibility for Handling Particular Complaints

A. Complaints Handled by the Departments That Receive Them First

Except as set forth below, the department that receives a complaint first shall presumptively be responsible for handling it and maintaining appropriate records. (For example, if the Financial Aid department receives a complaint related to financial aid, that department is responsible for handling the matter and maintaining the appropriate records.)

B. Multi Department / Shared Complaints (Referral)

Some complaints may require input from multiple departments or could be handled better by a more appropriate department. In such instances, the department that receives the complaint first may refer it to a more appropriate department for handling. (For example, if a complaint about a federal student loan comes in through Enrollment Services via the 800line, Enrollment Services would refer that complaint directly to Financial Aid and (upon its acceptance of the referral) Financial Aid would assume responsibility for tracking and handling the complaint.)

If the department to which a complaint is referred agrees to handle the complaint, then the accepting department shall assume responsibility for handling that complaint. Otherwise, the department that originally received the complaint shall remain responsible for handling it.

At all times, one specific department shall have primary responsibility for each open student complaint. The head of the administrative department (or, where applicable, a COO or designated academic official, respectively) that has primary responsibility for handling and documenting a complaint shall be responsible for compliance with this Policy.

C. Exclusions – Automatic Referrals

Certain types of complaints are subject to existing procedures that specify how and by which department they are handled. The following complaint types must be referred to and handled by the responsible persons or departments identified below. After referral of a

complaint to the person or department identified below, the person or department accepting the referral shall assume responsibility for timely handling, tracking and record keeping with respect to that complaint.

Complaint Type	Responsible Person(s) or Department
Title IX & VAWA (sexual harassment, sexual assault, domestic violence, dating violence, stalking, or sexual exploitation)	Title IX Coordinator or Deputy Title IX Coordinator
ADA (disability accommodations)	Director of Accessibility Services or ADA Coordinator
Technology, network, software, hardware	Information Systems (HelpDesk procedures or project request)
SAP Appeals	SAP Review Committee (with guidance from Academic Advisor)
Grade Appeals	Faculty-Chair/Director-Dean/Associate Provost (in accordance with Grade Appeals procedures)
Discrimination and Harassment based on protected class	Equal Opportunity Coordinators (designated in the Equal Opportunity Policy)

III. Assessment: Modifications and Improvements

A. Departments

If a department identifies a persistent or severe problem with its processes or procedures as a result of information obtained from one or more student complaints, the Department head or the executive to whom the Department head reports may modify such processes or procedures as necessary, depending on the subject matter and circumstances.

B. Institutional

If a persistent or severe problem is identified in connection with a College policy or departmental operating procedure as a result of information obtained from one or more student complaints, appropriate consideration should be given to modifying such policy or departmental procedure to address the issue. Any change in College policy or procedure shall be subject to approval from the President, or, if academic in nature, the Provost. Department heads (or COOs) shall be responsible for formulating and maintaining departmental operating procedures.

C. Periodic Review of Policy

The Vice President, Student Development and Campus Life shall review this Policy at least annually; assess its continued effectiveness; and recommend any appropriate modifications of this Policy to Executive Management for consideration.

IV. Compliance

Serious or repeated non-compliance with this Policy (or the processes relating to it) may be grounds for disciplinary action, up to and including termination of employment.

V. Student Complaint Procedures

The College has implemented the following Student Complaint Procedures that students should follow to file a complaint, depending upon the nature of the complaint. These Student Complaint Procedures are also on the College website at <https://berkeleycollege.edu/student-life/studentcomplaint-procedures/index.html>

Students are advised to proceed as promptly as possible to initiate a complaint with the appropriate office or College official and provide any detailed information and/or documentation related to their complaint. Faculty, staff and administrators are advised to acknowledge receipt of a complaint promptly and to respond in a timely manner, according to the Student Complaint Policy herein.

Grade Appeals

A student wishing to appeal a course grade must submit a completed [grade appeal eForm](#) to the faculty member by the end of the first week of the academic term following posting of the disputed grade. The faculty member will respond to the student's appeal as soon as practical. All responses should be entered into the grade appeal eForm.

For additional information relating to grade appeals, see the [Catalog, General Academic Policies](#).

Academic Complaints

Complaints relating to academic matters other than grade appeals, academic probation and financial aid probation should be promptly presented to the appropriate faculty member and then, if necessary, the Department Chair or Division Director, and then finally, the Associate Provost or Dean of the School. The decision of the Associate Provost or Dean of the School is final.

Academic Integrity Policy

For complaints related to academic integrity or plagiarism, see the [Catalog, Academic Integrity Policy \(PDF\)](#).

Satisfactory Academic Progress (“SAP”)

For procedures regarding academic and financial aid probation and dismissal due to unsatisfactory academic progress, see the [Catalog, Satisfactory Academic Progress](#).

Equal Opportunity

For complaints related to (a) discrimination on the basis of sex, gender, gender identity or expression, sexual orientation, pregnancy and the status of being transgender; (b) discrimination or harassment on the basis of race, color, creed, religion, national origin, nationality, age, genetic characteristics, ancestry, mental or physical disability, veteran status, marital status, civil union or partnership status, alienage or citizenship status, atypical hereditary cellular or blood trait and any other classes protected by applicable state or local law; and (c) bullying among students, including but not limited to cyber-bullying, please see the [Equal Opportunity Policy and Procedures \(PDF\)](#).

Title IX, VAWA, and NY 129-B

For complaints related to sexual harassment, sexual assault, domestic violence and dating violence, sexual exploitation, and stalking, please see the [Title IX \(and Non-Title IX\) Sexual Harassment and Sexual Misconduct Policy \(PDF\)](#). The College will handle inquiries and complaints of this nature according to the [Title IX Sexual Harassment and Sexual Misconduct Procedures \(PDF\)](#), or the [Non-Title IX Sexual Harassment and Sexual Misconduct Procedures for Students \(PDF\)](#), depending upon the nature or location of the alleged incident. These procedures include information pertaining to how to make a report or a complaint; rights and options; supportive/interim measures; investigation, adjudication, and appeal procedures; and potential sanctions.

Accessibility Services

For complaints related to accommodation requests and/or Accessibility Services, please see the [Accessibility Services page](#) and the [Accessibility Services Accommodation Policy for Students \(PDF\)](#).

Criminal Activity

If you witness an emergency situation, or the commission of a serious crime, or perceive a situation to be an immediate threat to your safety or the safety of others, or are a victim yourself, you should immediately dial “911” or call your local police department. You should also call the Berkeley College [Public Safety Department](#), **but only after** reporting the matter to the police. For more information, see the [Conduct and Safety Policy \(PDF\)](#).

Student Records

For complaints related to student records and privacy rights afforded under the Family Educational Rights and Privacy Act (“FERPA”) see the [Student Records \(FERPA\) Policy \(PDF\)](#).

Computer Access & Technology

For complaints regarding technology and access-related issues, contact the Information Systems HelpDesk: Helpdesk@BerkeleyCollege.edu
(973)-278-5400 Ext. 1540

Other Non-Academic Complaints

Complaints relating to (a) suspension or dismissal for nonacademic reasons, other than conduct covered by the [Equal Opportunity Policy \(PDF\)](#) and/or the [Title IX \(and Non-Title IX\) Sexual Harassment and Sexual Misconduct Policy \(PDF\)](#); or (b) any matter other than grade appeals, academic matters, or appeals for academic and financial aid probation and dismissal due to unsatisfactory academic progress, must be presented in writing to the Campus Operating Officer within 10 business days. The Campus Operating Officer shall review the circumstances and action taken and may modify such action only where, in the judgment of the Campus Operating Officer, a failure to do so would result in a manifest injustice. In such matters, the decision of the Campus Operating Officer shall be final.

Unavailability of Decision-Maker and Potential Conflicts of Interest

Whenever, in the sole discretion of the College, the official designated by these procedures as a decision-maker shall be unavailable or perceived by the College to have a potential conflict of interest that may unduly influence the investigation or determination of an Equal Opportunity or Title IX/Sexual Misconduct complaint, Academic Complaint or Non-Academic Complaint, the College may designate a substitute decision-maker.

Examples of Complaint Types by Department and Procedure for Filing a Written Complaint

Below are examples of complaint types and links to department contact information:

Complaints Related To	Department
Amending student records	Office of the Registrar
Financial Aid	Financial Aid
Billing; fees; account charges	Student Accounts Department
Student conduct	Student Development and Campus Life
Internships; career assistance	Career Services
Veterans' benefits; Veteran Affairs work-study program	Office of Military & Veteran Affairs
Resources; library-related services	Library (link opens in a new tab)
Tutoring	Center for Academic Success
Safety/security; criminal activity	Public Safety Department

Alumni communications; alumni career services [Office of Alumni Relations](#)

Students who wish to file a written complaint for any of the complaint types listed above should use this [eForm](#). All complaints submitted via this [eForm](#) will be logged and handled by the appropriate Department in a timely manner.

Online Students Enrolled in Distance Education Across State Lines

Berkeley College is approved to offer online education programs and participate in the State Authorization Reciprocity Agreement (“SARA”). For a current list of SARA member states, see <https://nc-sara.org/>. Due to regulation of distance education, Berkeley College cannot accept residents of California or Massachusetts into its online courses or education programs.

For a description of NC-SARA’s complaint procedures see <https://www.nc-sara.org/sarastudent-complaints-0>.

Note: NC-SARA’s complaint process applies only to students enrolled in distance education across state lines.

Online Students Enrolled in New York Programs

Students must first direct their complaint to Berkeley College for investigation and resolution. The College has implemented these Student Complaint Procedures to help students navigate the filing of a complaint. Students who wish to file a written complaint for any of the complaint types listed should use this [eForm](#). All complaints submitted via this [eForm](#) will be logged and handled by the appropriate Department in a timely manner.

If the complaint remains unresolved after all institutional procedures have been exhausted, complaints may be directed to the SARA State Portal Entity. Students have two years from the date of the incident about which the complaint is made to appeal to the SARA State Portal Entity. Complaints regarding grade appeals or conduct are subject to Berkeley College procedures and will not be addressed by the State Portal Entity.

SARA State Portal Entity:

Attn: Supervisor, Higher Education Programs
New York State Education Department
89 Washington Avenue
Albany, NY 12234
(518)-474-1551
IHEauthorize@nysed.gov

For more information, see <https://www.nysed.gov/college-university-evaluation/sara-studentcomplaint-process>.

Online Students Enrolled in New Jersey Programs

Students must first direct their complaint to Berkeley College for investigation and resolution. The College has implemented these Student Complaint Procedures to help students navigate

the filing of a complaint. Students who wish to file a written complaint for any of the complaint types listed should use this [eForm](#). All complaints submitted via this [eForm](#) will be logged and handled by the appropriate Department in a timely manner.

If the complaint remains unresolved after all institutional procedures have been exhausted, complaints may be directed to the SARA State Portal Entity. Students have two years of the incident about which the complaint is made to appeal to the SARA State Portal Entity. Complaints regarding grade appeals or conduct are subject to Berkeley College procedures and will not be addressed by the State Portal Entity.

SARA State Portal Entity:

Attn: Director, Office of Licensure
New Jersey Office of the Secretary of Higher Education
20 W. State Street, 4th Floor
P.O. Box 542 Trenton, NJ 08625
(609)-984-3738
Eric.Taylor@oshe.nj.gov

For more information see <http://www.state.nj.us/highereducation/SARA.shtml> and <http://www.state.nj.us/highereducation/OSHEComplaintInstructions.shtml>.

For a description of NC-SARA's complaint procedures, see <https://www.nc-sara.org/sarastudent-complaints-0>.

State Regulatory Information

Complaints that have exhausted Berkeley College's procedures and remain unresolved may be directed to the appropriate state agency.

New Jersey: Berkeley College is authorized by the Office of the Secretary of Higher Education ("OSHE"). See the [OSHE complaint instructions](#) and [complaint form](#).

New York: Berkeley College is authorized by the New York State Board of Regents. See the Office of College and University Evaluation [complaint instructions](#) and [complaint form](#).

Accreditation Information

Berkeley College is accredited by the [Middle States Commission on Higher Education](#) ("MSCHE"), 1007 North Orange Street 4th Floor, MB #166, Wilmington, DE 19801; 267-284-5011. Accreditation was last reaffirmed in June 2018. Complaints that have exhausted the institution's procedures may be directed to MSCHE. See the "[How to File a Complaint with the Commission](#)" instructions.