

UT Health Science Center: SA110 Student Complaint Procedures	
Version 1	Publication Date: 05/27/2022

No./Title: SA110 – STUDENT COMPLAINT PROCEDURES	Resp. Office: STUDENT AFFAIRS Approval Body: CASA	Effective Date: 04/16/2013
Category: Students	Last Review: 05/05/2020	Next Review: 05/05/2023
Contact: Charles Snyder, Director of Student Affairs and Community Engagement	☎ 901.448.4939	✉ csnyde16@uthsc.edu
Related Policies & Information:	<ul style="list-style-type: none"> • Annual updates related to the Family Educational Rights and Privacy Act are provided on the UTHSC web site at https://uthsc.edu/registrar/student-rights.php • Information related to the Health Insurance Portability and Accountability Act, including guidance for maintaining the security of protected health information can be accessed from https://www.uthsc.edu/compliance/ • The UTHSC Honor System and Student Conduct Code are available at http://catalog.uthsc.edu/ 	

POLICY

As a part of the University of Tennessee’s compliance with US Department of Education Program Integrity Rules process, the University of Tennessee Health Science Center provides students several mechanisms whereby students can resolve complaints.

PROCEDURES

Complaints Regarding Academic Issues

Each of the colleges at UTHSC has developed an appeal process for addressing student concerns regarding grades and grading procedures, assignments, progression, etc. These processes can be found in the UTHSC Academic Catalog. Normally, such processes allow for the resolution of the majority of complaints relating to academic matters. However, if satisfactory resolutions cannot be found for disputes of grades or grading procedures, an appeal should be made to the dean. If the complaint involves a recommendation for dismissal, students can submit a formal written appeal to the Vice Chancellor for Academic, Faculty and Student Affairs and/or to the Chancellor. Written complaints stating the issue, the processes that were used to address the issue, the desired outcome and the reason(s) that the student feels unfairly treated by the college’s proposed resolution should be sent to the Office of the Vice Chancellor for Academic, Faculty and Student Affairs.

Discrimination Complaint Procedure

Any UTHSC student (e.g. current student of applicant to an academic program offered by UTHSC) who believes that he or she has been discriminated against on the basis of race, color, sex (including sexual orientation, gender identity), sexual harassment, sexual assault, and sexual violence, pregnancy, marital status, parental status, religion, national origin, age, disability or veteran status is

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encouraged to use the procedures outlined below for the resolution of his or her complaint. An online form to lodge a formal discrimination of harassment complaint can be found at <http://uthsc.edu/oed/documents/discrimination-harassment-complaint-form.pdf>. University policy prohibits retaliation against any person who in good faith opposes a practice which he or she believes to be discriminatory or who participates in an investigation of a complaint. Complaints of discrimination should be directed to the UTHSC Office of Equity and Diversity (OED):

920 Madison Avenue, Suite 825
Memphis, Tennessee 38163
901-448-2112 [voice]
901-448-7382 [TTY]

Student complaints must be put in writing and filed within 180 calendar days of the alleged discriminatory action. Complaints related to workplace discrimination must be filed within 300 calendar days of the alleged discriminatory action. In certain circumstances, at the discretion of OED, complaints filed outside of this time limit or that are not put in writing may be investigated.

- A. Employees and students are encouraged to attempt to resolve a complaint through the administrative structure of the employment unit or academic department. OED will provide assistance to the complainant, employment unit, and/or academic department in order to resolve the complaint.
- B. Complaints received directly by OED will be reported by the Assistant Vice Chancellor (or the Assistant Vice Chancellor's designee) to the appropriate administrator(s) who will attempt to resolve the matter working in conjunction with OED. Confidentiality will be maintained to the extent possible.
- C. If the complaint is not resolved through the methods described above, OED may use the following:
 1. Complaints should be submitted in writing to OED. The complaint must include (a) the name of the complainant; (b) an explanation of the action or conduct complained of and (c) the person or department responsible for the complained of action. The complaint should include the resolution sought by the complainant. The complaint may identify witnesses and other evidence the complainant wants OED to consider in its investigation. The party against whom the complaint has been lodged (respondent) and the appropriate administrator with supervisory responsibility will be notified of the complaint.

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2. OED will conduct an investigation, the nature and scope of which will be determined by OED on a case-by-case basis. The investigation may include any or all of the following, as well as such other action as OED deems appropriate: interviewing the complainant; interviewing the respondent; interviewing witnesses; submitting questions to or taking statements from parties or witnesses; reviewing documents; and/or setting up an investigative committee.
3. OED will make findings and recommendations. Those findings and recommendations, together with a statement outlining the basis for them, will be transmitted by OED to the appropriate administrator within forty five (45) calendar days of receipt of a complaint. A copy will also be sent to the complainant and respondent.
4. The appropriate administrator(s) will review OED's findings and recommendations, make a determination, and notify the complainant and respondent of the determination in writing within fifteen (15) calendar days of the receipt of OED's findings and recommendations.
5. When the complainant is a student, OED will make a good faith effort to conclude the investigation and resolution of a complaint (i.e., steps 3(b) through 3(d)) within sixty (60) calendar days of the date the receipt of the complaint by OED. If the investigation and resolution of a complaint cannot be completed within that time period, then OED will contact the complainant and respondent and provide an estimated time frame in which the investigation and resolution of a complaint will be completed.
6. Appeals
 - a) Employees: A complainant or respondent who is an employee who is not satisfied with the determination described in Section 3(d) may appeal in accordance with applicable University policies and procedures, including Human Resources Policy 0525, Human Resources Policy 0640, and the UTHSC Faculty Handbook.
 - b) Students: Within seven (7) calendar days after receipt of the determination described in Section 3(d), a complainant or respondent who is a student and who is not satisfied with the determination may appeal in writing to the next higher administrative level. The University will inform the complainant and respondent in writing of the person to whom an appeal may be made. Any administrator who receives an appeal shall make a decision on the appeal within ten (10) calendar days of the administrator's receipt of the appeal. Decisions on appeals shall be provided in writing to the complainant and respondent.

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The time limits above are subject to modification on a case-by-case basis due to operational requirements, travel away from campus, in-depth investigations, or other issues that complicate the process or require additional time to reach a thorough and fair resolution of the matter.

The University will take steps to prevent the recurrence of any prohibited discrimination and to correct any discriminatory effects on the complainant and others, if appropriate.

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) because he or she (a) made a report of discrimination in good faith, (b) assisted someone with a report of discrimination, or (c) participated in any manner in an investigation or resolution of a report of discrimination, may make a complaint of retaliation under these procedures.

Additional information is available at <http://www.uthsc.edu/oed/>.

Sexual Harassment Complaints

In addition to, or in lieu of, initiating criminal prosecution, students who feel they have been the victim of sexual harassment, including sexual assault, have the right to file a Title IX sex discrimination complaint with the University. Conduct may violate the University's Standards of Conduct or constitute unlawful sexual harassment under Title IX even if the police conclude they do not have sufficient evidence of a criminal violation. Students may be suspended or permanently dismissed as a penalty for sexual discrimination.

Complaints of sexual harassment should be directed to the UTHSC Office of Equity and Diversity (OED), 920 Madison Avenue, Suite 825, Memphis, Tennessee 38163 (telephone: 901-448-2112 [voice], 901-448-7382 [TTY]). Such complaints may be submitted to the Office of Equity and Diversity without confronting the offender. These complaints must be put in writing (an interactive form is available online for filing a complaint at <http://uthsc.edu/oed/documents/discrimination-harassment-complaint-form.pdf>) and filed within 300 calendar days of the alleged discriminatory action. In certain circumstances, at the discretion of OED, complaints filed outside of this time limit or that are not put in writing may be investigated.

- A. Whenever possible, the goal will be to resolve the matter informally. The complainant will be notified of the resolution.
- B. An investigation will be conducted, the nature and scope of which will be determined on a case-by-case basis. This investigation may include any or all of the following, as well as

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other action as is deemed appropriate:

1. Interviewing the complainant, the respondent, and witnesses;
 2. Submitting questions to, or taking statements from, parties or witnesses;
 3. Reviewing documents and appointing an investigative committee.
- C. If an investigative committee is formed, it will consist of at least three persons other than the Director or designee. The Director or designee will be the non-voting chair of the committee.
- D. Upon the conclusion of the investigation, the Office of Equity and Diversity, in the instance of complaints against faculty, residents or students, will present findings and recommendations to the appropriate Dean for a decision concerning disciplinary action. The employee's Department Chair or other appropriate person(s) may be consulted and may be a part of the decision-making process if desired by the Dean. The complainant will be informed of the decision by the Dean or designee.

Filing a Sexual Harassment Complaint Against a Student

A complaint of sexual harassment against another student will be treated as a complaint of sex discrimination in violation of Title IX and should be filed with the Office of Equity and Diversity, 920 Madison Avenue, Suite 825, Memphis, Tennessee 38163 (telephone: 901-448-2112 [voice], 901-448-7382 [TTY]). An employee in the Office of Equity and Diversity will meet with the complainant, explain the University's grievance procedures, listen to the complainant's allegations, provide the complainant with an opportunity to ask questions, and refer the complainant to the University's Victim's Advocate in University Health Services, who can assist the complainant with obtaining medical and/or psychological care, reporting the incident to the police, and exploring interim and remedial measures.

Following the initial meeting with the complainant, the Office of Equity and Diversity will investigate the complaint to determine if the University Standards of Conduct or the University's policy against sex discrimination has been violated. Investigations usually will include interviews of the complainant, the student against whom the complaint was filed, and other witnesses, as well as an analysis of documents and other relevant information. University investigations of sexual harassment complaints will be prompt, thorough, impartial, and independent of any criminal investigation or case that may be ongoing. The Office of Equity and Diversity uses a "preponderance of the evidence" standard in reaching its conclusions. If the Office of Equity and Diversity determines that a Standard of Conduct or University policy has been violated, then the case will be processed in accordance with the University's student disciplinary regulations and

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procedures, which can be found below.

In a case involving a complaint against another student of sex discrimination, the alleged victim shall have the right to:

- A. notice concerning the process by which the university will handle the complaint and an opportunity to ask questions about the process;
- B. a prompt, thorough, and impartial investigation of the complaint;
- C. the same opportunity as the accused student to present his/her explanation of the facts during the university's investigation;
- D. have the investigation of the complaint concluded within sixty (60) days of the university's receipt of a complaint, unless circumstances make it impracticable for the university to complete its investigation within that timeframe;
- E. notice of the outcome of the university's investigation;
- F. have a disciplinary hearing conducted within thirty (30) days of a university disciplinary charge, unless circumstances make it impracticable for the university to conduct a hearing within that timeframe;
- G. notice of the date, time, and location of the disciplinary hearing, the right to have the disciplinary hearing closed to the public, and the right to request rescheduling of the hearing for good cause;
- H. the same access as the accused student to any information or documents that will be used by the university during the disciplinary hearing, unless prohibited by law;
- I. challenge the selection of any member of a hearing panel or a hearing examiner for good cause, which will be determined at the discretion of the Chancellor or his/her designee;
- J. be accompanied by an advisor of his/her choosing during the University's investigation or a disciplinary hearing, but the advisor shall not be permitted to speak for the victim during a disciplinary hearing;
- K. the same opportunity as the accused student to be present during the hearing, present witnesses and other evidence, challenge the admissibility of evidence, and cross-examine

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adverse witnesses during the disciplinary hearing;

- L. testify or remain silent in a hearing at his/her option; however, choosing to remain silent may result in the University dismissing the charges against the accused student or the hearing panel or examiner finding that there is insufficient evidence to find the accused student guilty of the charges against him/her;
- M. not to be questioned directly by the accused student during the disciplinary hearing;
- N. submit a written impact statement to the hearing panel or examiner for consideration during the sanctioning phase of the disciplinary hearing, if the student is found guilty of the charges against him/her;
- O. notice of the decision of the hearing panel or examiner within three (3) business days of the hearing, and
- P. appeal the decision of the hearing panel or examiner to the Chancellor

Filing a Sexual Harassment Complaint against a University Employee

A complaint of sexual harassment against a University employee (faculty, staff or student employee) or a third party unaffiliated with the University should be filed with the University's Title IX Coordinator, Dr. Michael Alston, Office of Equity and Diversity, 920 Madison Avenue, Suite 825, Memphis, TN , Phone: 901-448-2133, Fax: 901-448-1120, malston1@uthsc.edu, and will be handled in accordance with the University's discrimination complaint procedures, which can be found at <http://www.uthsc.edu/oed/titleix.php>.

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Initiating a Criminal Complaint Against a University Employee or Student

Victims of sexual assault or misconduct have the right to initiate criminal prosecution by contacting the [University of Tennessee Health Science Center Police Department](#), 740 Court, 901-448-4444, or the [Memphis Police Department](#), 545-2677. Victims may file a criminal complaint before, during, or after the University's investigation of sexual assault or misconduct.

Complaints Related to Financial Aid

Students who have been denied access to financial aid can appeal this decision by submitting, in writing to the Director of Financial Aid, a Professional Judgement Appeal; the basis for the appeal should be specified and the student is encouraged to provide any additional information (e.g. emancipated status of the student; changes in parental custody of financial situations, etc.) that might have been unavailable/overlooked by the office. The Director will review the appeal and make a determination based on the additional information and guided by federal/state laws regarding loan eligibility.

Students are also denied financial aid when they no longer meet the requirements for satisfactory academic progress (SAP). If he/she does not meet the minimum requirements for satisfactory academic progress as defined by his/her academic program such that they are subject to dismissal or probation, the student may lose his/her eligibility for financial aid as well as for continuation in their academic program. The college provides an appeal process to review extenuating circumstances that may have contributed to the poor academic performance (appeal procedures are available on college web sites and in the UTHSC academic catalog) and to assess the possibility of successful remediation. The financial aid office also provides an appeal process (<https://www.uthsc.edu/financial-aid/satisfactory-academic-progress.php>) for restoring student eligibility for Title IV financial aid. To file a SAP appeal, students must submit a letter with supporting documentation to the Office of Financial Aid explaining why they failed to make academic progress, as well as an explanation of what has changed in their circumstances that will allow them to make satisfactory academic progress by the end of the next semester. In addition, the student must provide a copy of the approved Academic Plan from his/her college that describes the specific steps the student will take to achieve satisfactory academic progress status during the next term. The Financial Aid Office, working with a subcommittee appointed for this purpose, will consider the appeal; representatives from the college may be consulted as part of the appeal. The student is notified of the decision via the student's university assigned email address. Neither the committee nor the financial aid staff will give appeal results over the phone. Questions related to the policy, process, and outcomes of an aid appeal should be directed to the student's Financial Aid Counselor.

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Students wishing to complain about financial aid service may do so by contacting the Director of Financial Aid. If the complaint is not resolved, students may share their complaint with the Associate Director of Enrollment Management.

FERPA Complaint Procedure

Complaints involving alleged violation(s) of the Family Education Rights Protection Act (FERPA) should be directed to the Office of the Registrar. The Registrar serves as the UTHSC FERPA Compliance Officer and investigates possible FERPA violations and misconduct on campus. If you believe your FERPA rights have been violated or there has been a failure to comply with FERPA at UTHSC, please contact the UTHSC Registrar's Office:

910 Madison Avenue, Suite 520
Memphis, TN 38163
901-448-5568
registrar@uthsc.edu

A complaint must contain specific allegations of fact giving reasonable cause to believe that a violation of the Act has occurred. The Office investigates each timely complaint to determine whether the educational agency or institution has failed to comply with the provisions of the Act. A timely complaint is defined as an allegation of a violation of the Act that is submitted to the Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation. The office may extend the time limit for good cause shown.

An eligible student may file a written complaint with the Family Policy Compliance Office (FPCO) regarding an alleged violation under the Act. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

HIPAA Complaint Procedure

The Health Insurance Portability and Accountability Act (HIPAA) established regulations for the

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use and disclosure of protected health information. Details related to HIPAA can be accessed at <https://www.uthsc.edu/compliance/>. Please contact the UTHSC Privacy Officer if you have questions or would like to make a complaint.

Unresolved Complaints

Complaints regarding any University of Tennessee institution may also be reported to the UT Vice President for Academic Affairs and Student Success.

The University of Tennessee

Office of the Vice President for Academic Affairs and Student Success

821 Andy Holt Tower

Knoxville, TN 37996

utvpacademicaffairs@tennessee.edu

Alternatively, complaints regarding distance education programs offered to students in other states may be reported through the applicable state's process, if a separate complaint process is listed at the following link: <http://wcet.wiche.edu/advance/state-approval-complaint>.

Complaints Regarding Distance Education

Students who reside in other states which have joined the National Council for State Authorization Reciprocity Agreements (NC-SARA) and take online courses have an additional appeal process. For the most up-to-date list of NC-SARA member states, visit the [NC-SARA website](#). These students, once all other appeals are exhausted, may appeal to the Tennessee Higher Education Commission (THEC). These students may also file a complaint with the NC-SARA portal agency in their state of residence (see the NC-SARA website for a list of state portal agencies).

Complaints arising from distance education courses offered to students in other NC-SARA states come under the terms of UTHSC's agreement with NC-SARA. NC-SARA consumer protection provisions require Tennessee's NC-SARA portal agency, the Tennessee Higher Education Commission, to investigate and resolve allegations of dishonest or fraudulent activity by a provider, including the provision of false or misleading information. Additionally, NC-SARA policies provide for the investigation and resolution of complaints that an institution is operating a course or program contrary to practices set forth in the [C-RAC Guidelines](#) (see "Quality of Online Courses and Programs") in such a way that a student is harmed.

- The NC-SARA appeal process (utilizing the Tennessee NC-SARA Portal Form) is ONLY for the investigation and resolution of complaints involving dishonest or fraudulent activity with an

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online course or program, including the provision of false or misleading information and/or operating a course or program contrary to the practices set forth in the C-RAC Guidelines in such a way that a student is harmed.

- THEC cannot review any complaints related to course grades, academic sanctions, or discipline and conduct matters, and these complaints are not covered by NC-SARA policies.
- THEC will only accept an NC-SARA complaint after the student has exhausted UTHSC's normal complaint process.
- Only students who are taking online courses, and who reside in a state other than Tennessee which has joined NC-SARA, may utilize this appeal process.

Student complaints relating to consumer protection laws that involve distance learning education offered under the terms and conditions of the State Authorization Reciprocity Agreement (SARA), must first be filed with the institution to seek resolution.

Complainants not satisfied with the outcome of the Institution's internal process may appeal, within two years of the incident about which the complaint is made, to the Tennessee Higher Education Commission (<https://www.tn.gov/the/bureaus/student-aid-and-compliance/postsecondary-state-authorization/request-for-complaint-review.html>).

For purposes of this process, a complaint shall be defined as a formal assertion in writing that the terms of SARA or the laws, standards or regulations incorporated by the SARA Policies and Standards (<http://www.nc-sara.org/content/sara-manual>) have been violated by the institution operating under the terms of SARA.

For a list of SARA member States, please visit the NC-SARA website (<http://nc-sara.org/sara-states-institutions>). Students residing in non-SARA states should consult their respective State of residence for further instructions for filing a complaint.

Complaints Reported to Accreditors

Complaints may also be reported by on-campus and distance learning students to the state and any accrediting agency which offers accreditation to the University, including:

Southern Association of Colleges and Schools Commission on Colleges
1866 Southern Lane
Decatur, GA 30033
(404)-679-4500

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Tennessee Higher Education Commission
404 James Robertson Parkway Suite 1900
Nashville, TN 37243
(615) 741-3605

Julie.woodruff@tn.gov

<https://www.tn.gov/thec/bureaus/student-aid-and-compliance/postsecondary-state-authorization/request-for-complaint-review.html>

Complaints Made to the State of Tennessee

Complaints made requesting review and appropriate action by a state agency regarding state laws and laws related to fraud and false advertising may be made to the Tennessee Department of Post-Secondary Education (DSPA)

Tennessee Higher Education Commission
Department of Post-Secondary Education
Parkway Towers Suite 1900
Nashville, TN 37243
(615) 741-5293

Julie.woodruff@tn.gov

Submission of Student Complaint Logs

All UTHSC academic and administrative units/departments who collect and address student complaints must maintain ongoing logs of such complaints. Such logs must include the following elements:

1. unit/department
2. date of the complaint
3. issue(s)
4. the remedy sought
5. findings
6. the date and nature of the final resolution of the complaint
7. location(s) of complaint documents

Copies of the student complaint logs from each unit/department must be provided to the Office of Academic Faculty and Student Affairs each quarter. Student Complaint logs are due to the Director of Student Affairs and Community Engagement by the 15th of the next month, following the close of each quarter.

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Quarter	Dates	Logs Due By
1	July 1 – September 30	October 15
2	October 1 – December 31	January 15
3	January 1 – March 31	April 15
4	April 1 – June 30	July 15

APPROVAL HISTORY:

Effective: April 16, 2013

Revised: July 1, 2014, Committee on Academic and Student Affairs (CASA)

Revised: April 15, 2015, Committee on Academic and Student Affairs (CASA)

Revised: December 10, 2015, Committee on Academic and Student Affairs (CASA)

Approved: December 28, 2015, Chancellor

Revised: September 6, 2016, Committee on Academic and Student Affairs (CASA)

Approved: September 12, 2016, Chancellor

Revised: April 16, 2019, CASA

Approved: April 30, 2019, Chancellor

Revised: September 3, 2019, CASA

Approved: September 3, 2019, Chancellor

Revised: June 16, 2020, CASA

Approved: June 16, 2020, CASA