



## ADMINISTRATIVE POLICY

# Student Complaint Policy (SA 2.1)

## POLICY STATEMENT

This policy provides an avenue for students to file complaints related to alleged events or circumstances that are not otherwise covered by specific grievance or appeal policies, including, but not limited to, deceptive trade practices and fraud, as described in NSHE Handbook Title 4, Chapter 14, Sections 25-27.

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## DEFINITIONS

**Complainant:** The Student filing a complaint according to this policy.

**Director:** A unit director or supervisor who is authorized to investigate a complaint.

**Respondent:** The individual against whom a complaint is filed, or a designated representative of a unit or department against whom a complaint is filed.

**State Authorization Reciprocity Agreement (SARA):** An agreement among member states (including Nevada) establishing comparable national standards for postsecondary distance education.

**Student:** An individual (or their legal guardian, if the individual is under age 18 or is otherwise under the care of a legal guardian) who is currently enrolled (full- or part-time), or who was enrolled at the time the events or circumstances underlying the complaint first occurred.

**Working Day:** For the purposes of the Student Complaint Policy, a Working Day is Monday through Friday when college classes are scheduled and in session.

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## PROCEDURES

### I. Basis for Complaint

A Student may file a complaint on the basis of an alleged claim of:

1. *Failure to follow established NSC policies and regulations:* The violation of policies and/or regulations must have had a direct and adverse impact on the Complainant's academic record.
2. *Clerical error:* An error made by faculty or staff in reviewing, estimating, evaluating, or posting the Complainant's record.
3. *Prejudicial treatment:* Faculty or staff applied a different standard to the Complainant than to other students in the same situation, and the differential treatment led to a direct, adverse impact on the Complainant'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 (e.g. 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 Nevada State College or its educational services;
  - c. Representing to Students that they may transfer credits earned 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 institution; 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 Nevada State College.
5. *Failure to meet NSHE requirements for distance education courses:* Nevada State College fails to meet one or more of the following NSHE 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, the College 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, the College 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 the College regarding their progress, questions, or concerns;
  - e. Refunds of tuition or fees related to distance education courses must be administered according to Nevada State College'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 Nevada State College does not receive such authorization; in such cases, the College must notify the Student of the administrative drop as soon as possible, and no later than five (5) 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 Nevada State College exceeds limitations set forth under SARA and does not receive authorization to continue operation in the state; when administratively dropping students, the College must drop Students based on their seniority in a program, with Students with the least amount of time in a program dropped first. The College 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; absent such evidence, the presumption is that procedures have been followed fairly.

## II. Exemptions from Policy

The following matters are not handled as complaints within the scope of this policy:

1. All comments, complaints, or requests for appeal related to financial aid, which should be directed to the Director of Financial Aid at [finaid@nsc.edu](mailto:finaid@nsc.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 Appeal Policy and Procedure, as described in the NSC catalog.
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 NSC 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 NSC, 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 NSC 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 student's requested relief violates state or federal law.)

## III. Complaint Process

### A. *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(s) and/or decision(s) that resulted in the complaint, or to their direct supervisor.

### B. *Formal Complaints*

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

With the exception of 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 fifteen (15) Working 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 (1) calendar year after the Student's last active term of enrollment.

Formal complaints are submitted using the online form found in the Student Affairs section of the policy library on the NSC website; students may contact the Dean of Students with questions about where to find the online form. The Complainant may withdraw a formal complaint at any time.

NSC has a strict policy of zero tolerance of actual or implied violence. If at any time the Complainant submitting a complaint engages in harassment or intimidation of anyone involved in the complaint

process, the Complainant's behavior will immediately become a disciplinary matter and will be referred to the Campus Conduct Officer and/or campus security.

Complaints submitted through the online form 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, as described in Section I above;
- 2) The complaint is eligible for consideration under the Student Complaint Policy and does not fall into any of the exempt categories listed in Section II above.

If both requirements are satisfied, the Dean of Students will route the complaint to the appropriate unit director or supervisor (hereinafter "Director") for the Respondent identified in the complaint; in cases where a complaint is related to one of the academic Schools, the Dean of Students will also notify the Dean of the appropriate school. If the submission does not meet the requirements for filing a complaint, the Dean of Students will inform the Complainant and the case will be dismissed.

Absent extraordinary circumstances, the Director has ten (10) Working Days to review a complaint, contact the Complainant and Respondent for any additional necessary information, and conduct an investigation as the Director deems necessary. The Director will prepare and send a formal written response within fifteen (15) Working Days of receiving the initial complaint; the response will include a summary of the complaint, the Director's decision, a rationale for the decision, and the remedy for the complaint, if any.

In cases where extraordinary circumstances prevent the Director from completing the investigation within ten (10) Working 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, delays caused by the unavailability of faculty or staff essential to the investigation process.

### *C. Appeals*

The Complainant or the Respondent may appeal the Director's decision; appeals must be filed within ten (10) Working Days of receiving the Director's decision. To file an appeal, the individual must email a letter to the Dean of Students indicating why the person disagrees with the complaint decision and the rationale for an appeal. The burden of proof in establishing a basis for overturning the original decision lies with the individual filing the appeal.

**College Complaint Appeal Committee:** The Dean of Students will appoint a College Complaint Appeal Committee consisting of three members. Two members shall be full-time, permanent NSC employees with positions at or above the level of the Respondent (e.g., if a complaint is filed against a unit director, the committee members must hold positions at the director or higher level). The third member shall be a currently-enrolled student appointed by the Nevada State Student Alliance (NSSA). The Dean of Students will appoint one of the NSC employees as the Committee chair. Any member who has a conflict of interest with the case, or who may have a personal bias, must ask to be dismissed from the Committee.

The Committee will schedule a meeting to occur within fifteen (15) Working Days of receiving the appeal materials; the Dean of Students will inform the Complainant and Respondent, via email, of the date of the meeting and the portions they are allowed to attend. The Complainant and the Respondent are encouraged to attend to answer any questions posed by the Committee. After hearing any relevant testimony from the parties to the complaint, the Committee will dismiss all non-Committee members and deliberate in private. The Committee will reach a final decision via majority vote; the Committee chair will send a decision letter to the Dean of Students no more than five (5)

Working Days after the meeting. The Dean of Students will forward the appeals decision, via email, to the Complainant and Respondent.

With the exception of complaints related to deceptive trade practices/fraud or failure to meet NSHE requirements for distance education, the appeals decision reached by the College Complaint Appeal Committee is final and is not subject to further appeal. Complainants may appeal College Complaint Appeal Committee decisions 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).

#### IV. Record Retention

NSC will follow the “FY + 3 years” retention period set forth in the NSHE Procedures and Guidelines Manual, Chapter 16; a copy of the complaint and decision will be kept for three (3) years past the fiscal year in which the Student graduates or the fiscal year of their last term of attendance at NSC.

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### FORMS/INSTRUCTIONS

- Nevada State College [Student Complaint Form](#)
- [NSHE SARA Complaint Resolution Form](#)

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### CONTACTS

Dr. Stefanie Coleman, Dean of Students  
702-992-2632  
[Stefanie.Coleman@nsc.edu](mailto:Stefanie.Coleman@nsc.edu)

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### RELATED INFORMATION

- [National Council for State Authorization Reciprocity Agreements](#) (NC-SARA)
- [NSHE Handbook title 4, Chapter 14, Sections 23-25](#)

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### HISTORY

In Spring 2017, NSHE directed campuses to develop a general student complaint policy. This is a new policy, written as a result of this directive.

Updated October 2019 to comply with NSHE SARA requirements.

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### APPROVAL SIGNATURES PAGE

  
Faculty Senate (Chair's Signature)

11/4/19  
Date

Recommended:

*Vickie Shields*

Office of the Provost (Provost's Signature)

11/5/19  
Date

	Denial*	x	Approval	Approval w/ condition*
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Recommended: (Circle One)

	Denial*	x	Approval	Approval w/ condition*
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11.19.2019

Office of the President (President's Signature)

Date

(Circle One)

	Denial*	x	Approval	Approval w/ condition*
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\*Attach rationale for denial or conditional approval