

Policy on Student Complaints Implicating the Law School's Program of Legal Education and Its Compliance with ABA Standards.

12. Student Complaint Procedure

- a. Policy on Student Complaints Implicating the Law School's Program of Legal Education and Its Compliance with ABA Standards

As an ABA-accredited law school, Albany Law School is subject to the ABA Standards for Approval of Law Schools. The following is the procedure for any student to file a formal complaint regarding a significant problem that directly implicates the school's program of legal education and its compliance with the ABA Standards:

- i. The student-complainant may submit the complaint in writing to the Associate Dean for Academic Affairs. The complaint may be submitted to the Office of the Associate Dean in person or by U.S. mail. The complaint shall *not* be submitted electronically.
- ii. The complaint must describe the underlying factual basis for the complaint and specific allegations addressing how the matter implicates the law school's program of legal education and its compliance with any identified ABA Standard(s).
- iii. The complaint must provide the complainant's name and a mailing address where the complainant wishes to receive communications about the complaint.
- iv. The Associate Dean for Academic Affairs shall acknowledge the written complaint within three business days of receipt. At the option of the administrator, acknowledgment may be made either by U.S. mail or, when the school is in session, by delivery to the student's law school mail box.
- v. Because the ABA Standards address many aspects of the law school's program of legal education, a complaint may implicate matters that should properly be addressed by either the administration, a standing committee of the full faculty, or the faculty itself, as a matter of the law school's governing structure or other existing policies and procedures. The Associate Dean may conduct a preliminary investigation into the merits of the complaint as well as the appropriateness of referring it, for further proceedings, to either a standing committee or the faculty, including transferring the complaint for resolution pursuant to another academic, disciplinary, personnel or other policy that encompasses the subject matter of the complaint. If the Associate Dean transfers the complaint for resolution pursuant to another policy, proceedings under this policy shall terminate, and the procedures and timelines of the other policy shall govern any further proceedings. If the

Associate Dean refers the complaint to a standing committee or to the faculty under this policy, the Associate Dean shall ensure that any further proceedings advance expeditiously and shall serve as a liaison with the student.

- vi. Within ten business days of acknowledgment of the complaint, the Associate Dean for Academic Affairs, or the Associate Dean's designee, shall either meet with the complaining student or respond to the substance of the complaint in writing. In this meeting or writing, the student should receive either a substantive response to the complaint or information about what steps are being taken by the law school to address or further investigate the complaint, including any appropriate referral to either a standing committee or the faculty.
- vii. The complainant may withdraw the complaint at any time, either in writing or in person, by notifying the office of the Associate Dean. If the withdrawal is done in person, the Associate Dean or the Associate Dean's designee, shall confirm the withdrawal in writing. Once notice has been provided of the withdrawal of the complaint, no further action on the complaint will be taken.
- viii. At the conclusion of any further proceedings that may undertaken by the Associate Dean, a standing committee, or the faculty, the complainant shall be provided, when the investigation is completed, with either a substantive response to the complaint or information about what steps are being taken by the law school to address the complaint, which could include a committee's submission of a report to the full faculty proposing a change in the law school's program of legal education. Within the usual allocation of governance responsibilities at the law school, a complaint may be substantively resolved by the Associate Dean, a standing committee, or the faculty.
- ix. If a complaint is substantively resolved by the Associate Dean under this policy, the student may appeal the decision to the Dean of the law school within ten business days of the decision. The Dean must resolve the appeal within ten business days.
- x. If a complaint is substantively resolved by a standing committee, the student may appeal the decision of the standing committee to the full faculty by notifying the office of the Dean within ten business days of the decision. The Dean shall place the matter of the appeal on the agenda of the next regularly scheduled meeting of the faculty for consideration.
- xi. If a complaint is substantively resolved by the faculty, the decision is final.
- xii. **A copy of the complaint and a summary of the process and resolution of the complaint shall be kept in the office of the Dean for a minimum of ten years from the date of final resolution of the complaint.**
- xiii. This policy is purely procedural. It does not augment the substantive authority of the Dean, Associate Dean, or any other person or alter in any way the law school's existing system of faculty governance. Nothing in this

policy, including the stated deadlines, shall be construed as amending any academic, disciplinary, personnel, or other policy of the law school, and those policies shall take precedence over this policy to the extent they encompass the subject matter of a student complaint. Nothing in this policy shall be construed as authorizing or permitting the Dean, Associate Dean, or any other person to modify the law school's program of legal education in any way or by any process that would not otherwise be within the discretion of the administration in the absence of this policy.

xiv. The Associate Dean may formulate a standard for preserving the confidentiality of a complaint, to the extent feasible.

b. Student Complaint Procedure Under New York State Law

- i. Section 494C(j) of the Higher Education Act of 1965, as amended, provides that a student, faculty member, or any other person who believes he or she has been aggrieved by an institution of higher education has the right to file a written complaint.
- ii. In New York State, a complaint may be filed by any person with reason to believe that an institution has acted contrary to its published standards or that conditions at the institution appear to jeopardize the quality of the institution's instructional programs or the general welfare of its students. Any person who believes he or she has been aggrieved by an institution on or after May 4, 1994, may file a written complaint with the Department within three years of the alleged incident.
- iii. Students who believe they have been aggrieved by Albany Law School must follow the procedures set out in Section 11(A) above. If the student is unable to resolve the complaint with Albany Law School or believes that Albany Law School has not properly addressed the concerns, he or she may send a letter or telephone the Postsecondary Complaint Registry to request a complaint form. Telephone (212) 951-6493 or write to:

New York State Education Department
Postsecondary Complaint Registry
One Park Avenue, 6th Floor
New York, NY 10016

c. Other Complaints that do not Implicate Compliance with ABA Standards

Albany Law School encourages community members to discuss their concerns and complaints as soon as possible at the lowest possible administrative level to allow early resolution. If a community member does not feel comfortable attempting to work out an informal resolution directly with the responding party, the community member should consult the appropriate policy (see for example: Prohibition of Discrimination, Harassment and Retaliation, Drug and Alcohol 85 Policy, Whistleblower Policy, Social Media Policy, FERPA Policy, Notice of

Privacy Practices – HIPAA, Acceptable Use of Technology and the Internet) for reporting procedures. Individuals may also make a report to the following:

- Reports about a staff member may be filed with the Director of Human Resources, U-226 or (518) 472-5852.
- Reports about a faculty member may be filed with the Associate Dean for Academic Affairs, M-202A or (518) 445-3235.
- Reports about a student may be filed with the Associate Dean for Student Affairs, M202A or (518) 445-3394.
- Reports involving the President and Dean, a Vice President, Associate Dean, Assistant Dean, trustee, or volunteer may be made to the Chair of the Board of Trustees (directly or c/o the Executive Assistant to the President and Dean).