



PROCEDURE FOR THE INVESTIGATION OF STUDENT COMPLAINTS

Office of Student Affairs
October 2016

I. INTRODUCTION

The Office of Student Affairs holds an open door policy for the students to express their concerns and situations. This allows the Vice Chancellor for Student Affairs or his representative for the immediate handling of the situations or complaints related to the offices and services of the Office of Student Affairs. If the situation cannot be addressed at the time, there is an established procedure that allows us to handle the complaints. This procedure applies to all students officially enrolled. The same is established in order to meet the claim or lawsuit when a student believes a crime or a violation of their rights has been committed related to the services, processes or by any member of the institution.

The procedure starts with the filing of a claim or complaint and ends with the determination made in the case.

Cases in which a student presents an improper conduct towards another student, faculty or associate, the process to follow is established in the Students Regulations. The complaints impelled by sexual harassment will be handled in accordance with the policy of Sexual Harassment of the University System Ana G. Méndez.

II. DEFINITIONS

Associate: Any person employed or contracted by the SUAGM, full or part time, which includes; Faculty, Administrative Staff, Managerial, Lecturer, Researchers and any other post that will emerge from the regular or transitory Manuals, Regulations, Statutes and Policies of the SUAGM.

Investigative Committee: people who will lead the investigation and will issue a report to the Vice Chancellor for Student Affairs or some other related personnel with the facts. The committee shall consist of three (3) people of which two (2) shall be representatives of the Office of Student Affairs , one of them being a Counselor, and one (1) a representative of the Assistant Vice President of Human Resources.

Student: any person officially enrolled in the courses within the academic offerings.

Virtual Space: This includes the "Blackboard" platform and all the tools available for the communication with students provided by the institution.

Facilities: areas within the perimeter where the campus is located and the locations in which official activities sponsored by the institution are carried out.

Investigation: procedure initiated to obtain information that clarifies a criminal complaint, and for which an Investigative Committee has been assigned in accordance with the rules and regulations of the institution.

Student Complaint: oral expression and/or written presented by a student before the Vice Chancellor for Student Affairs or his representative, which presents a situation that affects the plaintiff's rights.

Plaintiff: person who presents the complaint.

Defendant: a person or persons against whom the complaint is presented.

Policy: written expression of the University System Ana G. Méndez and University Ana G. Méndez - Virtual Campus, on a specific topic that informs the standards and guidelines for their guidance, management and solution.

Students Regulations: document which contains the rules of institutional order that apply to the students officially enrolled.

Witness: A person who expressed to have knowledge of the facts contained in the complaint.

III. PROCEDURE

A. Complaints related to partners of the Office of Student Affairs

1. The complaint is submitted to the Vice Chancellor for Student Affairs or his representative within a term of ten (10) business days from the time the situation occurred. The student can file the complaint in a verbal or written form. The complaint should contain a brief drafting of the facts and allegations, the date, place physical or virtual space where they occurred, names of witnesses and the signature of the complainant.
2. If the complaint is presented in a verbal form, the representative of the Vice Chancellor for Student Affairs or his representative shall prepare a record, which includes the name of the complainant, the facts that support the allegations, persons involved, witnesses, date of submission of the complaint and any other relevant data. If the plaintiff refuses to sign, it will be documented in the report by the person who serves the complaint.
3. The Vice Chancellor for Student Affairs or his/her representative may resolve the complaint informally by bringing the parties to dialog with them on the situation presented and find a conciliatory solution.
4. If the complaint is not resolved through the conciliatory solution, the Vice Chancellor of Student Affairs will coordinate with the Assistant Vice President for Human Resources of the institution the appointment of the Investigative Committee. The committee is responsible for conducting the interviews with the complainant, defendant and other people involved by offering them equal opportunity to present their facts. It also holds the authority to request documents and information relating to the complaint. You should also review and analyze the evidence to

support or refute the facts. If out of the same investigation a possible violation of the institutional rules is revealed, the case will be discussed under the existing regulations.

5. The minutes taken by the Investigative Committee must be signed by the respondents. If the person refuses to sign the statement resulting from the interview, the committee should include a note indicating that the respondent refused to sign the same. The notes pertaining to all the communications between the Committee and the witnesses must be part of the file.
6. The committee shall finalize the investigation and submit to the Vice Chancellor of Student Affairs a report within a period of not more than fifteen (15) business days after it has been presented.
7. The Vice Chancellor of Student Affairs will evaluate with the Assistant Vice President for Human Resources of the institution the report submitted by the committee and shall deliver its determination which will be notified to the complainant and the respondent. The notification shall be made through written notice and sent by certified mail, return receipt requested no later than ten (10) working days.
8. The situations that continue, will be subject to disciplinary and corrective measures, which will depend on the outcome of the investigation and the provisions contained in the applicable regulations.
9. If the student does not agree with the determination, a written appeal to the Rector can be requested within a term of ten (10) working days after the date the determination has been issued. The letter of appeal must present the reasons for which the student does not agree with the resolution.
10. The Rector shall issue its resolution no later than fifteen (15) working days. The determination shall be notified to the complainant in a written notice through certified mail, return receipt requested. The Rector's decision will be final and unappealable.

B. Complaints related to Faculty

If a student considers his rights have been affected by a member of the faculty, the Vice Chancellor for Student Affairs or his representative, he shall refer the situation either verbally or

in writing to the Vice Chancellor of Academic Affairs or his representative to which the professor belongs.

C. Complaints related to Associates in other administrative areas

If the student presents a complaint against an associate of another administrative area, the Vice Chancellor for Student Affairs or his representative shall report the same in writing to the Assistant Vice President for Human Resources of the Institution in order for them to proceed with the corresponding investigation.

IV. GENERAL PROVISIONS

1. The form for the Filing of the Complaints is available in the student portal MyUAGM under the section of student life. The associate that receives the form immediately shall refer the complaint to the Vice Chancellor for Student Affairs or its representative.
2. The committee must keep the information confidential and must act in an objective and impartial manner. It is important to ensure that the witnesses and the complainant do not become victims of reprisals because of the complaint that has been filed and be part of the investigation process.
3. If the complainant decides not to participate in the investigation or decides to withdraw from the same, the investigative process will continue until it finalizes. The lack of interest of the plaintiff will be considered, as well as the available evidence.
4. The investigative process is informal and administrative. Therefore, the parties will not be allowed to be represented by lawyers or legal representatives.
5. The Committee shall take minutes of its meetings and shall keep a record of all the information obtained during the investigation and the decisions taken. This shall be a separate one from the personnel file.
6. When the collected evidence does not allow a disciplinary action to be imposed, preventive measures will be taken.
7. If the evidence collected determines any disciplinary action to be taken, a copy of the final determination shall be included in the associate's file.
8. The procedure for filing complaints and appeals is subject to the working days set in the same.

V. FORMS

- A. [Complainant's Report](#)
- B. [Defendant's Report](#)