

**EPP COMPLAINT  
POLICY FOR TEA -  
OLLU**

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Guiding Principles

OLLU Education Department encourages interns to discuss their concerns and complaints through informal conferences with their program staff.

Informal Process

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Formal Process

If an informal conference regarding a complaint fails to reach the outcome requested by the candidate, he or she may initiate the formal process described in the OLLU Student Handbook by timely filing a written complaint.

The most current version of the OLLU Student Handbook with the Academic Integrity Policy and Student Grievance Procedure will be used. A copy from the OLLU 2015-16 Student Handbook is attached at the end of this document.

Even after initiating the formal complaint process, a candidate is encouraged to seek informal resolution of his or her concerns. A candidate, whose concerns are resolved, may withdraw a formal complaint at any time.

General Provision Filing

Complaint forms and appeal notices may be filed by hand-delivery, email, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Emails shall be timely filed if they are date and time marked on or before the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Response

At Levels One and Two, “response” shall mean a written communication to the candidate from the appropriate EPP staff. Responses may be hand-delivered or sent by U.S. Mail or emailed to the candidate’s email or mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline and received by the candidate no more than three days after the response deadline.

Days

“Days” shall mean program business days not including Saturday or Sundays or university holidays. In calculating time lines under this policy, the day a document is filed is “day zero,” and all deadlines shall be determined by counting the following day as “day one.”

General Provisions

## Our Lady of the Lake University Complaint Process

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Candidates shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the program may consolidate the complaints.

### Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the candidate, at any point during the complaint process. The candidate may appeal the dismissal by seeking review in writing within ten business days, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

### Costs Incurred

Each party shall pay its own costs incurred during the complaint.

### Complaint Form

Complaints under this policy shall be submitted in writing.

Copies of any documents that support the complaint should be attached to the complaint. If the candidate does not have copies of these documents, he/she may be presented at the Level One conference. After the Level One conference, no new documents may be submitted unless the candidate did not know the documents existed before the Level One conference.

A complaint that is incomplete in any material aspect may be dismissed, but it may be refiled with all the requested information if the refiling is within the designated time for filing a complaint.

### Audio Recording

As provided by law, a candidate shall be permitted to make an audio recording of a conference under this policy at which the substance of the candidate's complaint is discussed. The candidate shall notify all attendees present that an audio recording is taking place.

### Level One

Complaint forms must be filed:

1. Within 10 days of the date the candidate first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the direct supervisor.

The direct supervisor shall hold a conference with the candidate within ten days after receipt of the written complaint.

The direct supervisor shall have ten days following the conference to provide the candidate a written response.

## Level Two

If the candidate did not receive the relief requested at Level One or if the time for a response has expired, the candidate may appeal the decision to the program's legal authority.

The appeal notice must be filed in writing, on a form provided by the program, within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level One.

The program's legal authority or designee shall inform the candidate of the date, time, and place of the meeting at which the complaint will be discussed.

The direct supervisor shall provide the program's legal authority with copies of the complaint form, the response at Level One, the appeal notice, and all written documentation previously submitted by candidate. The program's legal authority shall consider only those issues and documents presented at the preceding level and identified in the appeal notice.

The program's legal authority must provide written notice of the decision to the candidate.

The EPP must retain information concerning the complaint for a minimum of three years.

After the candidate has exhausted all attempts at the program level to resolve a complaint that occurred within the past two years and has not received the relief sought, information on how to file a complaint with TEA can be secured from the EPP by information posted at their physical facility, on their website or, upon request, directions in writing.

The official TEA complaint process can be found at [www.tea.texas.gov](http://www.tea.texas.gov) in the banner located at the bottom of the page and then select "Educator Preparation Programs".

The complaint process allows for an applicant or a candidate in an educator preparation program to seek redress in areas where they feel that the program did not fulfill requirements for certification or for actions that the candidate feels are wrong. Educator preparation programs may also file a complaint about the actions of other programs when it involves a candidate transferring into a program.

Not all complaints fall under the authority of TEA. TEA has jurisdiction to investigate allegations of noncompliance regarding specific laws and rules, generally related to state and federal requirements. Complaints may address educator preparation program requirements listed in Texas Administrative Code (TAC) in Chapters 227, 228, 229, ethics (TAC 247), fingerprinting (TAC §§227,232) and certification (TAC §§230, 231, 232, 239, 241, 242)

All complaints filed with the TEA must be in writing. We do not accept complaints by phone or complaints that are submitted anonymously. A person or entity may file a written complaint with TEA by filling out the [complaint form](#) online or by mailing or faxing a hard copy to the address on the form. You may fax your submission to (512) 463-9008 or email it to [generalinquiry@tea.texas.gov](mailto:generalinquiry@tea.texas.gov).

To adequately review and address a complaint, TEA needs specific details. We must be able to identify a clear violation of TAC and determine whether the agency has authority to act upon the allegation.

Complaints submissions should include the following:

- The reasons you believe the issues raised in your complaint are valid. You should also indicate how you believe that TEA can assist you with this matter. Remember that TEA cannot assist you in understanding your contractual arrangement with the educator preparation program, arranging for a refund, obtaining a higher grade or credit for training, or seeking reinstatement to an educator preparation program.
- Documentation to support your claim when possible. For example, if you refer in your complaint to an educator preparation program policy, include a copy of the policy with your complaint. Helpful documentation might include letters or e-mails exchanged between the parties.

Texas Education Agency staff will send confirmation of a complaint within 30 days of receiving the submission. Remember, information the public sends to TEA by email may not be secure. Do not email sensitive information to TEA. The agency will remove confidential or sensitive information when replying by email. TEA will maintain confidentiality of information to the extent the law allows.

#### **TEXAS ADMINISTRATIVE CODE §228. 70**

Students and constituents have the right to submit formal, written complaints about the Educator Preparation Program for investigation and resolution.

#### **OLLU Student Handbook 2015-2016 Academic Integrity Policy**

*Academic Dishonesty* refers to student conduct in academic assignments or situations which violates the norms of the academic community of students and scholars. In practice, it usually refers to academic cheating or plagiarism. Our Lady of the Lake University distinguishes between Academic Dishonesty, which is handled through the Academic Affairs Division, and other violations of the Student Code of Conduct, which are dealt with by the Office of Student Life. Penalties for academic dishonesty may include expulsion or suspension from the University, failure or grade reduction in the affected course or assignment, or lesser penalty as appropriate.

*Academic Cheating* means an act or attempted act of deception by which a student seeks to misrepresent information. Examples include, but are not limited, to the following:

- copying from another student's test paper;
- allowing another student to copy from one's test paper;
- using textbooks, notes, and other unauthorized materials during a test;
- collaborating with others during a test or on a project where collaboration is not permitted;
- theft, purchase, or other acquisition of all or part of an unadministered test;
- soliciting or giving away all or part of an unadministered test;
- bribing another person to obtain all or part of an unadministered test;
- substituting for another student or permitting any other person to substitute for oneself to take a test;
- submitting as one's own, in fulfillment of academic requirements, a theme, report, term paper,
- essay, other written work, painting, drawing, sculpture, other art work, computer program,

media production, or other academic assignment prepared totally or in part by another;

- selling, giving, or otherwise supplying to another student for use in fulfilling academic requirements any theme, report, other written work, art work, computer program, media production, or other academic assignment.

*Plagiarism* means the inclusion of someone else's words, ideas, or data as one's own work. Examples of plagiarism include, but are not limited to, the following:

- quoting another person's work, complete sentences or paragraphs, or whole works without acknowledgement of the source;
- using another person's ideas, opinions or theories without acknowledgement of the source;
- borrowing facts, statistics or other illustrating material without acknowledgement of the source;
- copying another person's essay test answer;
- copying or allowing another person to copy computer files that contain another student's assignments and submitting them either in part or in full as one's own work;
- working together on an assignment or sharing computer files and submitting that assignment as one's individual work.

If a student is accused of violating the OLLU Academic Integrity policy, the following steps shall be followed:

1. The instructor must communicate directly with the student (in person, by telephone, by OLLU email, by secure online chat, etc.) regarding the allegation, and the instructor must keep a record of the communication.
2. This direct communication of allegations must occur within 10 working days of the alleged infraction and before the instructor may impose any irreversible consequences.
3. Prior to determining sanctions to be imposed, the instructor should contact the Office of Academic Affairs to obtain the student's record of past academic integrity violations (if any exist) as part of the information used to make a decision about consequences for the current violation. The instructor may apply consequences consistent with OLLU, academic unit, and course specific academic integrity policies stated in the course syllabus. The instructor will submit an Academic Integrity Violation Report to the Vice President of Academic Affairs (VPAA) within 10 working days. The Academic Integrity Violation report form may be obtained on the OLLU Portal (see Academic Affairs, Forms).

If the student denies responsibility for the violation, or objects to the intended consequences, the student may pursue an appeal to the sanctions determined by the professor. Within five working days, the student will request that the dean of the college or school under whose jurisdiction the course or assignment in question lies become involved. The dean will interview the instructor and the student, and will attempt to work out a satisfactory resolution. If that resolution is made, the dean will send the record of the charge and disposition to the Office of Academic Affairs.

If the dean cannot resolve the case in a way acceptable to both instructor and student, the student may request a formal hearing on the charges. The request, in writing, must be made to the Vice President for Academic Affairs Office within three days of the college/school dean's conclusion that no mutually satisfactory resolution is possible, and so informing the student thereof. The Vice President for Academic Affairs (VPAA), after ascertaining that good faith efforts have

been made to resolve the disagreement, will name a hearing panel within three days of receiving the student's written request. The panel will consist of three members of the Academic Affairs and/or Student Life Committees of the Faculty Assembly. Two members of the panel will be faculty members, and one member a student. The VPAA will appoint one member of the hearing panel to chair the panel. The chair of the panel will set a hearing date and convene the panel within ten working days of the panel's constitution.

At the hearing, both the student and the instructor or academic officer bringing the charges will appear. The student may bring an advocate of his or her choice from the OLLU community to the hearing. The instructor or academic officer will state the case for academic dishonesty having occurred and present any relevant evidence or testimony. The faculty member will also define the penalty he or she considers appropriate for the dishonesty. The student may respond to the charge and offer evidence, extenuating circumstances, or rebuttal. The panel members may informally question either or both parties for the purpose of clarification. At the conclusion of the presentations and questions, the panel will meet in closed session to assess the evidence and determine the appropriate penalty (if any). The action of the panel will be reported in writing by the chairperson to the student, the faculty member, and the VPAA within three days after the hearing. The decision of the panel is final; no further appeal is possible.

The record of the hearing and the report and recommendation of the hearing panel will be maintained in the Office of Academic Affairs. If the recommendation is for failure in a course that may make the student liable for probation or enforced scholastic withdrawal, or for suspension or dismissal, a record of the penalty will be forwarded to the Registrar's Office for inclusion in the student's academic file.

The student may not withdraw from the course in which the alleged violation has occurred following the instructor's communication of the allegation unless that allegation is withdrawn by the instructor or the student's appeal of the allegation is successful. The following sanctions may be applied to violations of academic integrity by a student:

- a. The maximum penalty that can be imposed by an instructor is a grade of F in the course in which the violation occurred.
- b. A penalty of expulsion or suspension from the university may be imposed by the Vice President for Academic Affairs in situations such as repeat or egregious violations.

### **Student Concerns Procedure**

Students are encouraged to voice legitimate concerns to relevant University officials. Concerns should be directly verbally to the individual involved or, if the concern does not involve an individual, to the supervisor of the area or department of concern. If such action does not result in adequate resolution of the situation, concerns should be put in writing and one of the following procedures applies:

1. **Academic concerns** should be expressed first to the instructor, then to the appropriate program head or department chair, then to the dean of the appropriate school or college, then to the Vice President for Academic Affairs.

2. **Non-academic and administrative concerns** should be expressed first to the individual, then to the director or supervisor of the department, then to the division Vice President or supervisor.

### **Student Grievance Procedure**

Our Lady of the Lake University provides a uniform method by which students can pursue grievable academic issues.

**Definition** An academic grievance is an allegation that something has occurred that violates existing University academic policy or established practices, or is intrinsically wrong. Grievable academic issues include but are not limited to complaints about alleged violations of the institution's academic policies (e.g., application of grading policies), unfairness in the application of policies (e.g., accusation of plagiarism or cheating), or other academic matters.

Evaluation of a student's academic performance in a course or program of the University, when conducted by a faculty member, is presumed to be valid unless there is proof that the evaluation was significantly and adversely affected by prejudice (bias against the student as an individual or as a member of a group or class) and/or capriciousness (unjustifiable deviation from generally acceptable academic standards or procedures, or from explicit understandings established for the course or through the course syllabus, which is the de facto contract for course objectives, requirements and expectations).

**Step 1--Informal Resolution** First, the student must talk with the faculty member about his/her complaint within 30 working days<sup>1</sup> of the end of the term. The faculty member is required by University policy to confer with a student who requests redress within 10 working days. Adhering to the University's core values, the intent during this step is to maintain open communication between the student and the faculty member. The student may choose to have a support person accompany her/him but the support person is not allowed to speak on the student's behalf.

If the faculty member does not respond, the student may proceed to Step 2.

**Step 2--Academic Grievance** If the student and the faculty member are unable to resolve the matter in good faith, through reexamination of the issues and negotiation, the student must then talk with the faculty member's department chair or designee appointed by the dean, who will attempt to collaboratively resolve the complaint between the parties. In preparation for and prior to this meeting, the student must submit the academic grievance in writing to the department chair within 10 working days of the meeting in Step 1. The grievance must include all of the following:

- A. How the decision or action is unfair and harmful to the grievant.
- B. A list of the University policies or state or federal laws that have been violated, if known.
- C. The name the respondent parties (the person(s) against whom the grievance was filed).
- D. A statement as to how the respondents are responsible for the action or decision.
- E. Evidence in support of the complaint.
- F. A statement of the requested remedy.

The department head is empowered to hear both sides of the matter, to examine all relevant documents and evidence held by either the student or the faculty member, to bring the student

and the faculty member together (in person or through electronic communication tools) for further clarification, discussion and negotiation, and to suggest possible compromises or other remediation of the issue. The student may choose to have a support person accompany her/him but the support person is not allowed to speak on the student's behalf.

If the academic grievance concerns the department chairperson or other officials of the department, the student has a right to bypass Step 2 and proceed directly to the College/School Level.

If the complaint is not satisfactorily resolved through Steps 1 and 2, a student may proceed to Step 3, Mediation.

**Step 3--Mediation** When an academic grievance is not resolved at the level of the department chair, the issue goes to the dean of the school or college to mediate. Similar to the department head, the dean is empowered to hear both sides of the matter, to examine all relevant documents and evidence held by either the student or the faculty member, to bring the student and the faculty member together for further clarification, discussion and negotiation, and to suggest possible compromises or other remediation of the issue. The student may choose to have a support person accompany her/him but the support person is not allowed to speak on the student's behalf.

The dean, the faculty member, and the student will collaborate to try to resolve the matter within 10 working days of the dean's receiving the mediation request.

**Step 4 – Letter of Appeal and Final Resolution** If the mediating efforts in Step 3 do not satisfactorily resolve the matter at the level of the dean, the student is required to submit a letter of appeal to the Vice President of Academic Affairs (VPAA) requesting a review of the matter by the VPAA or an Academic Affairs delegate within 10 days of the Dean's decision. The letter of appeal must include all information presented at Steps 1 and 2 and any additional relevant information. The VPAA or delegate will review the materials within 15 working days of receipt of the appeal. This may or may not include a meeting with relevant parties to substantiate or clarify presented information. The student may choose to have a support person accompany her/him to any meetings but the support person is not allowed to speak on the student's behalf.

Once the VPAA's decision is made, all parties will be notified in writing of the decision and any actions related to this petition. Communication of the decision ends institutional due process on the grievance, and no further appeal is possible.

<sup>1</sup> Working day is defined as a day in which the university is in full operation, excluding Saturday and Sunday.