

Lackawanna College
Occupational Therapy Assistant Program
Grievances

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Student Grievance Procedure

I. PURPOSE AND SCOPE

A. The purpose of this procedure is to provide Lackawanna College students an opportunity to file Non-Academic grievances. Students are expected to attempt to resolve the matter informally prior to filing a formal grievance.

B. While the Student Grievance procedure may be used for complaints alleging discrimination, students are encouraged to use the Affirmative Action Complaint process for resolution prior to bringing a complaint of harassment under the Student Grievance Procedure.

C. The Student Grievance procedure should not be used for complaints alleging sexual harassment. Any student wishing to file a complaint of sexual harassment should consult with the College's Title IX Coordinator and the Title IX Handbook.

II. DEFINITIONS

A. Student: an individual who is officially enrolled as a non-degree student, a degree-seeking student, or enrolled in a College-approved certificate program.

B. Respondent: the person designated to answer or respond to the complaint. Generally, the respondent would be the head of the department in which the violation allegedly occurred or the Associate Vice President of Student Engagement.

C. Time/Days: all time periods referred to in this procedure refer to calendar days, excluding summer term and inter-semester recesses. If the designated time period ends on a Saturday, Sunday, or designated College holiday, the time period will be extended to the following

working day. The time periods designated in this procedure may be extended only where there is a good cause and notice of the extension is provided to all parties.

D. "In Writing": should be understood to include email, except where written signature is required.

III. DEPARTMENT LEVEL RESOLUTION

A. Informal Process: Before filing a grievance under this Policy, a student should attempt to resolve the matter informally with the person alleged to have committed the violation, with the head of the department in which the alleged violation occurred, or both of them. The student may contact the Office of Student Engagement for assistance with informal resolution. Attempts to resolve the matter informally should be completed within thirty (30) days from the time at which the student knew or could reasonably be expected to have known of the action being grieved.

B. Formal Process: If the department fails to provide notice of resolution to the student within thirty (30) days of receiving the complaint, or if the response is unsatisfactory to the student, the student may file a formal student grievance within ten (10) days from when the response should have been received or within ten (10) days of receiving the unsatisfactory response.

IV. FORMAL RESOLUTION PROCEDURE

A. Filing: Student grievances can be filed by completing the Grievance Form published on the College's portal or by contacting the Associate Vice President of Student Engagement directly. Students electing the latter must put their grievance in writing prior to, or within, two (2) days of contact. Grievances must be signed, dated, and contain the student's email address and telephone number to the extent available, a detailed statement of the specific action being grieved, the approximate date when the action took place, the resulting injury or harm, the description of the evidence supporting the grievance, and whether informal procedures were taken to remedy the matter and relief requested. It is the responsibility of the student filing the grievance to update the Associate Vice President of Student Engagement of any changes to contact information.

B. Initial Review: Upon receipt of a formal student grievance, the Associate Vice President of Student Engagement shall promptly review and make an initial determination regarding whether the grievance is complete, timely, within the jurisdiction of the Student Grievance Procedure, and alleges facts which, if true, would constitute a violation of law or College policy. If the grievance is found to be incomplete, the student will be notified in writing and will have ten (10) days from the written notice to complete the missing information. If the student fails to do so, the grievance will be dismissed. If the grievance is dismissed, the student will be provided with a written explanation of the basis for dismissal. The student will have ten (10) days from the written notice to request an appeal from the Associate Vice President of Student Engagement. The request for appeal must be a signed and written document stating why the grievance should

not be dismissed. The Associate Vice President of Student Engagement will respond to the request for appeal within ten (10) days.

C. Investigation: If the grievance is not dismissed for reasons outlined above, a prompt investigation into the matter will begin. The Associate Vice President of Student Engagement will send a copy of the written grievance to the head of the department involved with a copy sent to the Human Resources Department. Each allegation will be investigated to determine whether or not it has merit.

D. Resolution: Upon conclusion of the investigation, the student will be provided with a written response summarizing the outcome. If the outcome of the grievance involves a recommendation for disciplinary action, the matter will be referred to the appropriate personnel.

E. Request for Reconsideration: The student may seek reconsideration of an adverse determination by filing a written request for review with the College Provost. This written request must be submitted within ten (10) days of receiving the written notice of determination. It must be supported by evidence that the Student Grievance procedure was not followed, and show that the failure to follow procedure resulted in an adverse decision.

Associate Vice President of Student Engagement Dan LaMagna, Ed.D. E-mail: lamagnad@lackawanna.edu Telephone Number: (570) 504-1579

Title IX

Title IX of the Education Amendment of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in federally-funded education programs and activities. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, sexual coercion and gender-based violence and harassment. This also includes discrimination against pregnant and parenting students.

All complaints of sexual misconduct should be brought immediately to the attention of Lackawanna College's Title IX Coordinator Brian Costanzo, at (570) 961-7841, costanzob@lackawanna.edu, or main floor, Healey Hall, 415 N. Wasington Ave., Scranton, Pa.

Academic Student Complaints

CONCERNS ABOUT TEACHING FACULTY OR ACADEMICS If a student has concerns about teaching faculty or academics, the student should meet with the faculty member, if feasible. If not satisfied, the student should then meet with the division chairperson or the appropriate program director (if students are enrolled in one of the College's specialty programs). If still not satisfied, the student may meet with the Academic Dean or their designee. If not satisfied, the student may meet with the College Provost, whose decision is considered

definitive. If the student needs further assistance in determining how to contact the required faculty/staff member, please contact Lori Walsh.

CONCERNS WITH POLICY, REGULATION, AND/OR PROCEDURE If a student has concerns with policy, regulation, and or procedure, the student should meet with a staff member. If not satisfied, the student should then meet with a staff member's supervisor. If still not satisfied, the student meets with the College Provost. If the student needs further assistance in determining how to contact the required faculty/staff member, please contact Lori Walsh. Meetings can be in-person or set up via zoom or phone.

Student Complaints Against the OTA Program

At any given time there is the possibility that a complaint against the OTA Program, one or more OTA program faculty, or one or more OTA Program students could be received. Any written or signed complaint against the program, program faculty, OTA student, or a graduate of the program will be handled in the following manners:

Any such complaint received in relation to any aspect of the OTA Program may either come in the form of a phone call and/or written complaint. However, for a complaint to proceed as outlined in the following policy, the individual(s) that make the complaint must identify themselves and provide contact information including phone number and address of occupancy. No anonymous complaints will be documented or processed forward. It should be known also that if providing a complaint you will be identified to the individual for whom the complaint is directed against. If this information is provided the following will occur:

The formal complaint that is received will initially be directed to the OTA Program Director. The person who receives the complaint via phone, letter, in person or by electronic mail will forward the complaint to the OTA Program Director within two business days, unless the complaint is against the Program Director. Immediately upon review of the complaint, the OTA Program Director will document the following in writing: the name and contact information of the individual(s) making the complaint, a description of the complaint, who or whom the complaint pertains to, whether or not the complaint has been addressed, and any resolution that has taken place to date. The complaint will be document on the OTA Program Complaint form. Once the complaint has been documented, a copy of the OTA Program Complaint form will be forwarded to the current Dean and/or VP for Academic Affairs. The OTA Program director will also notify the VP for Academic Affairs within four business days of the initial complaint through either a phone call or via email to discuss the complaint and decide on a course of action based on the nature and severity of the complaint. The Program Director, Division Chair or the VP for Academic Affairs may request the involvement of the Executive Vice President/Chief Academic Officer if deemed necessary. Within seven business days of the initial complaint, the Program Director, Division Chair and/or VP of Academic Affairs will review the complaint, create a plan to address the complaint, and document all discussions and plans. The documentation for any

complaints made about the OTA Program, faculty or students will be kept on file in the OTA Program Director's office, except in cases where the complaints are made against the OTA Program Director.

Complaints against the OTA Program Director

If a complaint is made against the Program Director, the person receiving the information will go through the same procedure as stated above but will convey the information directly to the OTA Program Academic Fieldwork Coordinator (AFWC). The AFWC will document the complaint and will then forward this documented information directly to the Division Chair and/or VP for Academic Affairs, who will involve the Executive Vice President/Chief Academic Officer if deemed necessary. The process as described will be initiated without the involvement of the Program Director. Should the complaint pertain to the Program Director and Academic Fieldwork Coordinator together then all information should be forwarded to the Dean and/or VP of Academic Affairs. Documentation of complaints against the Program Director will be kept in the Program Director's file in the Human Resources Office or within the office of the VP for Academic Affairs.

Complaints against graduates of the OTA Program

Graduates from the OTA program who are eligible for licensure in the state in which they will practice, are solely responsible for his/her professional demeanor and actions relating to client care within their practice environment. Therefore, the OTA Program will not accept liability of a complaint regarding a graduate of the OTA program if one is received. The Program Director will document the complaint and keep it on file, but no further action regarding such complaint will be initiated.

Complaints to ACOTE

If a student has a concern regarding the OTA Program's compliance with the *Accreditation Standards for an Educational Program for the Occupational Therapy Assistant* and/or the OTA Program not following established accreditation policies or procedures, students can submit a complaint against the program in writing to the ACOTE Chairperson. ACOTE procedure for complaints is as follows: (Retrieved from ACOTE Accreditation Manual; Revised June 2018)

V. B. PROCEDURE FOR COMPLAINTS

POLICY FOR COMPLAINTS AGAINST EDUCATIONAL PROGRAMS

The Accreditation Council for Occupational Therapy Education (ACOTE®) follows established procedures when complaints are received by ACOTE

indicating that accredited programs or programs seeking accreditation may not be in compliance with the *Accreditation Standards for a Doctoral-Degree-Level Educational Program for the Occupational Therapist*, *Accreditation Standards for a Master's-Degree-Level Educational Program for the Occupational Therapist*, or *Accreditation Standards for an Educational Program for the Occupational Therapy Assistant*, or may not be following established accreditation policies or procedures. Actions taken by other accrediting agencies do not preclude ACOTE from investigating a complaint against the same institution or program.

ACOTE will not intervene on behalf of individuals or act as a court of appeal for faculty members or students in matters of admission, appointment, promotion, or dismissal. A copy of the *Standards* may be obtained through the ACOTE Web site (www.acoteonline.org) or by contacting Accreditation Department staff at the American Occupational Therapy Association (AOTA).

PROCEDURES FOR COMPLAINTS AGAINST EDUCATIONAL PROGRAMS

1. To receive formal consideration, all complaints against a program subject to ACOTE accreditation must be submitted electronically to the ACOTE Chairperson, c/o the AOTA Accreditation Department. The complaint must be submitted as an attachment to an e-mail addressed to accred@aota.org and must include a signed complaint form, "[Complaint Against a Program Subject to ACOTE Accreditation](#)". A complaint against an educational program must:
 - a. describe the nature of the complaint and the related accreditation *Standards* or accreditation policies or procedures that the complainant believes are not being met by the program, including any evidence or documents that might substantiate the complaint;
 - b. document that the complainant has made reasonable efforts to resolve the complaint, or alternatively that such efforts would be unavailing; and
 - c. be signed by the complainant: (The confidentiality of the complaining party is protected by AOTA Accreditation staff unless release of identity has been authorized, or disclosure is required by legal action.)
 - d. redact the names of any individuals who are not directly related to the complaint (e.g., student names associated with discussion boards, email addresses of peers) prior to submission of the complaint. (The complaint should only include the names of the

complaining party and those who provoked the complaint.)

2. Complaints that do not meet all of the above requirements will be returned to the complainant with an explanation. Complaints meeting the above requirements are transmitted by AOTA Accreditation staff to the ACOTE Chairperson for consideration. The identity of the complainant is concealed.
3. The ACOTE Chairperson will determine whether, in fact, the complaint relates to the manner in which the program complies with the *Standards* or follows established accreditation policies or procedures.
 - a. If the complaint does not relate to the *Standards* or to established policies or procedures, the person initiating the complaint will be notified accordingly by the ACOTE Chairperson.
 - b. If the complaint is judged to relate to program compliance with the *Standards* or to accreditation policies or procedures, the following procedures will be followed:
 - (1) AOTA Accreditation staff will acknowledge receipt of the complaint and share with the filing party a description of the process and policies that pertain to handling such complaints.
 - (2) AOTA Accreditation staff will notify the program director and the chief executive officer of the sponsoring institution of the substance of the complaint and will request the institution/program to provide a preliminary investigation and report on the findings within 30 days of the sponsoring institution's receipt of the letter of notice. The identity of the complaining party is not revealed unless release of identity has been authorized by the complainant or disclosure is required by legal action.
 - (3) At the request of the ACOTE Chairperson, AOTA Accreditation staff may request further information or material relative to the complaint from the complaining party, the institution, or other relevant sources.
4. On receipt of the responses referred to in 3.b.(2) and (3) above, or at its next scheduled meeting, the ACOTE reviewers for the program in question will consider the complaint and all relevant information obtained in the course of investigation and formulate an appropriate

action to present to ACOTE at its next scheduled meeting according to the following guidelines:

- a. If the complaint is determined to be unsubstantiated or unrelated to the *Standards* or established accreditation policies or procedures, the complaining party, officials of the program in question, and the appropriate official of the sponsoring institution will be so notified.
- b. If the investigation reveals that the program may not be or may not have been in compliance with the *Standards* or may not be or may not have been following the established accreditation policies or procedures, one of two options will be taken.
 - (1) The program may be requested to submit a report and documentation that the substantiated complaint has been corrected. Should ACOTE be satisfied with this response, the program, its sponsoring institution, and the party filing the complaint will be notified of ACOTE's satisfaction with the resolution of the matter and notice that the program's accreditation status remains unaffected by the complaint.
 - (2) Should ACOTE judge the program or sponsoring institution's response to the complaint inadequate and lacking in evidence of the program's continuing compliance with the *Standards* or adherence to accreditation policies or procedures, ACOTE may request that the program submit additional information or may arrange for a fact-finding visit to the program. The cost of the visit will be divided equally between ACOTE and the educational program.
 - (a) If ACOTE, on the basis of the evidence before it, determines that the program is in compliance with the *Standards* and is adhering to accreditation policies and procedures, the program, its sponsoring institution, and the complaining party will be notified of this assessment and the fact that the program's current accreditation status remains unaffected by the complaint.
 - (b) If ACOTE, on the basis of the evidence before it, determines that the complaint is valid and that the program is not in compliance with one or

more Standards, areas of noncompliance will be cited and a Plan of Correction will be required.

If ACOTE, on the basis of the evidence before it, determines that the program is not in substantial compliance with the *Standards*, areas of noncompliance will be cited, a Plan of Correction will be required, and the program's accreditation status will be changed to Probationary Accreditation.

The program, its sponsoring institution, the complaining party, and the U.S. Department of Education will be advised of ACOTE's action to change accreditation status to Probationary Accreditation. Final decisions to place a program on probationary accreditation will be publicly disclosed via a posting on the ACOTE Web site within 24 hours of confirmation that the program has received notification of ACOTE's decision to place the program on Probationary Accreditation.

5. The AOTA Accreditation Department maintains a file of all complaints received by ACOTE. All complaints against an educational program that are judged by the ACOTE Chairperson or designee to relate to program compliance with the *Standards* or to accreditation policies or procedures since the last on-site evaluation will be made available for review by the on-site team scheduled to visit that program.

Faculty Grievance Procedure

A grievance is any dispute involving the meaning, interpretation, or application of any of the provisions of the College's policies or procedures. An employee who wishes to process a grievance shall first discuss the matter informally with his or her immediate supervisor. If the grievance cannot be informally resolved, it shall be reduced to writing not later than thirty (30) days after the occurrence giving rise to the grievance.

Each written grievance shall be provided to the supervisor and shall contain:

1. A statement of the specific facts involved in the grievance
2. The dates of the occurrence
3. A list of all policies and procedures involved

4. The names of the individuals affected
5. The interpretation or remedy sought

If the grievance cannot be resolved with the supervisor within a reasonable period of time, not to exceed one (1) week after it is reduced to writing, it may be appealed to a Cabinet Member.

A. Appeal to Cabinet Member The individuals processing the grievance shall submit a written appeal to the cabinet member in charge of their area within five (5) working days after the written response of the supervisor. The appeal shall set forth any reason why the disposition of the supervisor was not deemed correct or acceptable. A written decision shall be rendered within ten (10) working days by the cabinet member.

B. Appeal to the President or Executive Vice President A grievance not resolved with the cabinet member may be appealed in writing to the President or Executive Vice President of Lackawanna College within ten (10) days after the cabinet member's response. The appeal shall fully set forth the position and reasoning of the grievant. The President, Executive Vice President and/or his designee shall confer with the grievant and such other persons as are deemed necessary, and shall attempt to resolve the grievance. The President's or Executive Vice President's written decision shall be final unless a decision is made by the President to refer the matter to the Board of Trustees; in which case the decision of the Board of Trustees will be final.

General Procedures

1. If a grievance is not appealed to the next step of the procedure within the time permitted, the decision rendered at the lower step shall be deemed accepted and final. If a written decision is not rendered within the time allotted, the grievance may be appealed to the next step.
2. By mutual agreement, extensions may be granted to any time period or limit in this procedure.
3. Respect individual rights, and treat all employees with courtesy and consideration.
4. Maintain mutual respect in our working relationship.
5. Provide buildings and offices that are comfortable, orderly and safe.
6. Promote employees on the basis of their ability and merit.
7. Make promotions or fill vacancies from within Lackawanna College whenever practical.
8. Promote an atmosphere in keeping with Lackawanna College's vision, mission, and goals.