

## ***NON-ACADEMIC STUDENT GRIEVANCE***

The purpose of this nonacademic student grievance procedure is to provide for the resolution of student grievances including allegations of sexual harassment, discrimination, and the denial of reasonable accommodations to persons with disabilities. This policy is not applicable to situations where another policy with a right of appeal applies, including, but not limited to, the discipline of a student by the administration.

### **Nonretaliation**

This procedure is designed to allow students to address complaints in a fair, consistent, and objective manner. Any act of reprisal by a University employee or by one acting on behalf of the University, including the intimidation of a grievant, respondent, or witness during the investigation, will result in prompt disciplinary action.

### **Improper Complaints**

This procedure shall not be used to bring frivolous or malicious complaints. If a complaint has been made in bad faith, disciplinary action will be taken against the person bringing the complaint.

### **Initiating a Grievance Proceeding**

#### ***Informal Resolution***

Before initiating a formal grievance, a student should discuss the matter in dispute with the person against whom the student has a grievance and seek a mutual resolution of concerns. The student may be encouraged to return to this informal level of resolution at any time during this procedure. The University believes that most grievances can and will be resolved at this level.

#### ***Initiation of Complaint***

If an informal resolution does not result, the student must submit a complaint to the grievance officer to initiate a formal grievance. Initially the student's concerns may be communicated orally; however, they must be in writing before any review or other action takes place. This written complaint should be submitted as soon as possible after the student knows of the problem. The complaint must specify the University or Seaver College policy, procedure, or norm violated, and specifically set forth all relevant factual details.

#### ***Review by Grievance Officer***

The associate dean of Seaver College shall serve as the grievance officer concerning complaints about a faculty member or other employee. The associate dean of students shall serve as the grievance officer concerning complaints about another student. The dean of Seaver College shall serve as the grievance officer concerning complaints about the associate dean.

The grievance officer shall read the complaint and determine whether the complaint's allegations warrant implementing the remainder of the procedures outlined below. If, for example, the allegations in the complaint, even if true, would not constitute a violation of a University policy, procedure or norm, then the grievance officer should inform the student in writing that the student's allegations are not subject to the grievance process. If the grievance officer determines that the allegations in the complaint do warrant further investigation and consideration, then the grievance officer shall forward a copy of the complaint to the person against whom the complaint is made ("respondent") and, if discrimination is alleged, the University Equal Opportunity Officer. This shall be done as soon as possible, but in no event later than 21 calendar days after the grievance officer receives the written complaint.

***Written Response***

The respondent shall be given 14 calendar days from the receipt of the complaint to return a written response to the grievance officer. Necessary extensions may be granted at the discretion of the grievance officer.

***Investigation***

The grievance officer has the discretion to initiate a reasonable investigation into the matter. The scope of any investigation shall be at the sole discretion of the grievance officer. The investigation may include, but is not limited to, meeting with the parties, talking with witnesses, and reviewing any supporting documents. A student may elect to withdraw a complaint at any time; however, the University reserves the right to investigate all complaints where necessary to protect the interests of the University community.

***Advisory Committee***

If the grievance officer desires, he/she may appoint an ad hoc committee to assist in the investigation of the complaint and/or for advice concerning the handling of this matter.

***Decision***

Within a reasonable time, the grievance officer shall make a decision based on the written complaint, response, and any other information the grievance officer determines is relevant. The grievance officer will provide notice to all parties that a decision has been reached, and where discrimination is alleged, to the University equal opportunity officer.

**Appeal of Grievance Officer's Decision**

***Request for Appeal***

Any party may submit a written request for appeal to the reviewing officer within 14 calendar days from the date of the decision. The request for appeal must specifically set forth all grounds for appeal. The non-appealing party must be given the opportunity to respond in writing to the request for appeal.

The dean of students shall serve as the reviewing officer concerning complaints about another student. The dean of Seaver College shall serve as the reviewing officer concerning complaints about a faculty member or other employee. The provost shall serve as the reviewing officer concerning complaints about the associate dean of Seaver College.

***Grounds for Appeal***

The reviewing officer shall be limited to addressing only the following questions:

1. Did the grievance officer consider all the important and appropriate facts in the investigation of this matter?
2. Did the student prove by a “preponderance of the evidence” (i.e., more likely than not) that the person against whom the student has a grievance in fact violated a University policy, procedure or norm, or otherwise engaged in any unlawful or illegal activity?
3. Was the process carried out in a fair manner?
4. Was the decision one that a reasonable person might have made?
5. Was the grievance officer biased?

***Final Decision***

Within a reasonable time, the reviewing officer shall make a final decision based on the written complaint, the written response, the grievance officer’s written decision, the written request for appeal, and any written response to the request for appeal. The decision of the reviewing officer shall be final. All parties, and where discrimination is alleged, the University Equal Opportunity Officer shall receive a copy of the reviewing officer’s decision.

***Retention of Records***

All written decisions made and materials produced in connection with a grievance conducted under this procedure shall be retained by the Grievance Officer for seven years from the time of graduation.