



Policy Number: V.02
Policy Level: Operating Policy
Originally Issued: February 13, 2013
Revised: May 13, 2015
Reviewed: November 9, 2017
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Policy Owner: VP Enrollment and Student Support Services
Policy Implementation: VP Enrollment and Student Support Services

Student Grievance Procedure

I. Policy Statement and Purpose

Athens State University promotes the open exchange of ideas among all members of the University community – students, faculty, staff, and administration. An environment conducive to the open exchange of ideas is essential for an institution of higher learning. However, the University recognizes that a student may occasionally have concerns related to University practices, or that a student may have a concern related to a certain action or inaction by an employee of the University.

This policy defines the process by which a student who has a valid complaint or grievance may pursue resolution of the matter of concern.

For the purposes of this policy, a “**complaint**” is defined as a valid statement of dissatisfaction of any official activity of or sponsored by the University, or any other matter which is within the scope of the authority of the University’s administration, faculty, or staff.

A “**grievance**” is defined as a valid complaint which, after reasonable attempts at an informal resolution, has not been satisfactorily resolved and continues through a formal process.

Not all complaints can be considered as grievances. In general, complaints which may be considered as grievances must concern:

- actions which allegedly involve a misapplication or violation of University policies or procedures; or
- violations of state or federal laws not covered by other University policies.

For complaints/grievances related to instances of discrimination or harassment (of a non-sexual nature), students should refer to the University’s *Harassment and Discrimination Policy*. For complaints related to sexual misconduct, students should refer to the University’s *Sexual Misconduct Policy and Procedures*. For disputes concerning final course grades, students should refer to the University’s *Grade Appeal Policy*. Concerns related to academic issues such as academic misconduct or financial aid appeals also fall under separate policies and may generally not be considered as grievances under this policy, except in cases where there are alleged misapplications or violations of University policies or procedures.

For the purposes of this policy, “**business day**” is defined as any day the University is officially open, regardless of whether classes are in session.

Retaliation is a very serious violation of this policy and should be reported immediately. Any attempt to penalize or retaliate in any way against a person bringing, investigating, or cooperating with an investigation of a complaint or grievance is prohibited and will be treated as a separate incident to be reviewed on its own merit.

These procedures do not replace the right of a student to pursue other options or remedies available under state, civil, or criminal statutes and/or federal law.



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II. Procedure

A. Initial (Informal) Steps to Resolve a Complaint

1. **If the complaint involves a practice or activity within the scope of the University but is not directed at a specific employee**, the student should contact the appropriate University personnel or administrator supervising the practice or activity and attempt to resolve the complaint informally.
2. **If the complaint concerns a certain action or inaction by an employee of the University**, the student is encouraged to discuss the matter directly with the employee and attempt to resolve the matter informally.

Athens State University strongly encourages individuals to report complaints related to a specific occurrence within thirty (30) business days of the occurrence.

3. If the student is not comfortable with presenting the complaint directly to the employee, or the student is not satisfied with the response, the student should contact the immediate supervisor of the employee and attempt to resolve the matter informally.

In the case of an informal course of action at the supervisor level, if, after discussion and review of the complaint between the student and the appropriate University supervisor, it is determined that the complaint is valid and can be resolved immediately to the satisfaction of the student, the supervisor will take action to resolve the complaint.

If the student and initial-level supervisor are unable to reach a mutually satisfactory resolution to the complaint, the student may proceed to discuss the matter with the next level supervisor or administrator (up to the level of vice president) in an attempt to resolve the matter.

4. At any level of review at the supervisor level, the appropriate University supervisor will submit a written memorandum within fifteen (15) business days of the report of the complaint to the Director of Campus and Community Engagement, describing the complaint and whether the informal process found the complaint to be valid. If found to be valid, the memorandum should also describe how the complaint was, is to be, or was proposed to be resolved, and whether this resolution was to the satisfaction of the student. A copy of the memorandum will be furnished to the student and any other individuals connected to the complaint, and will be kept on permanent file in the Office of Student Activities to document the complaint and the outcome of the informal process.

B. Filing Process and Procedure for a Formal Grievance

If the complaint cannot be resolved in the informal manner outlined above, and the complaint is recognized as one that may be considered as a grievance as specified in Section I, the unresolved complaint may be formally designated a "grievance".



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1. **Filing.** To begin the formal grievance process, the grievance must be formally filed by the student, who must submit Grievance Form A to the Director of Campus and Community Engagement, along with any supporting documentation at the discretion of the student. **Note:** It is the right of the student to withdraw a grievance by requesting so in writing to the Director of Campus and Community Engagement at any stage of the process. Once withdrawn, however, the grievance may not be reinstated.
2. **Committee.** The Director of Campus and Community Engagement will notify the Vice President for Enrollment and Student Support Services of the filing of the formal grievance within three (3) business days. Within five (5) business days of the notification of the filing of the grievance, the Vice President or a designee will notify the chairperson of the Student Judicial Committee of the charge to conduct the hearing concerning the grievance. The structure of the Student Judicial Committee is defined in the Athens State University *Student Code of Conduct and Disciplinary Procedures* policy.

Any member of the Student Judicial Committee who has any interest or connection to the grievance must recuse themselves. The appropriate administrator will appoint replacements for any recused members until the full committee is established in accordance with the guidelines found in the Athens State University *Student Code of Conduct and Disciplinary Procedures* policy.

3. **Notification of Hearing.** The Director of Campus and Community Engagement, in consultation with the committee chairperson, will have five (5) business days from the date of the organizational meeting to notify, in writing, the student and any persons alleged to have caused the grievance as to the time frame for conducting an investigation of the grievance, and for scheduling a hearing concerning the grievance. All parties must be notified of the scheduled date and time of the hearing at least five (5) business days prior to
4. **Investigation.** The committee, with the assistance of the Director of Campus and Community Engagement, will coordinate a review of any materials presented with the filing of the grievance, and will conduct an independent and factual investigation of the grievance, including research of any applicable statutes, regulations, or policies.
5. **Hearing.** The hearing will be conducted in a fair and impartial manner and will not be open to the public. The grievance hearing process is not a formal court proceeding, but is a review process for students to resolve grievances internally.

At the beginning of the hearing, the statement of the grievance will be read into the record, and the complete record of the grievance investigation report will be made a part of the hearing record. The student will be allowed to present any relevant evidence to the committee and to have the committee call any witnesses who have information pertinent to the grievance. Any persons alleged to have caused the grievance will then be given an opportunity to present oral arguments and offer any evidence appropriate to the defense



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against the grievance, including the questioning of any witnesses. In the event that the University, or the administration of the University at large, is the alleged to have caused the grievance, the President shall designate a representative to appear at the hearing on behalf of the University.

Witnesses will not be required to testify under oath. However, each witness who is a University employee or enrolled student should be aware that any deliberate falsehood may result in disciplinary action against the witness. No witness (except the parties themselves) will be allowed to hear the testimony of any other witness.

Any party to a grievance hearing has the right to retain, at the respective party's cost, the assistance of legal counsel or other personal representative. However, the personal representative for any party may act in an advisory role only and will not be allowed to attend the hearing.

The hearing will be recorded, using audio or video tape or some other electronic recording medium. In addition, all items offered into evidence by the parties, whether admitted into evidence or not, will be marked and preserved as part of the hearing record.

Generally speaking, irrelevant or immaterial evidence and privileged information (such as personal medical information or attorney-client communications) will not be allowed. However, hearsay evidence and unauthenticated documentary evidence may be admitted if the chairperson determines that the evidence offered is of the type and nature commonly relied upon or taken into consideration by reasonably prudent persons in conducting their affairs.

6. Report of Findings and Conclusions of the Grievance Hearing. The Student Judicial Committee will produce a written report containing the findings of the Committee within five (5) business days of the conclusion of the hearing. At the minimum, the report will contain:
 - a. The date and place of the hearing.
 - b. The name of each member of the Student Judicial Committee.
 - c. A list of all witnesses for all parties in the grievance hearing.
 - d. Findings of fact relevant to the grievance.
 - e. Conclusions of any laws, regulations, or policies relevant to the grievance.
 - f. Recommendation(s) of the Committee arising from the grievance hearing.

Copies of the Committee's report will be furnished to the Vice President for Enrollment and Student Support Services, the Director of Campus and Community Engagement, and all parties connected with the grievance. In the event of a finding by the Committee that the grievance was unfounded or was not supported by the evidence presented, the Director of Campus and Community Engagement will also notify the student of any available methods of appeal when furnishing the copy of the report to the student.



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The report will be kept on permanent file in the Office of Student Activities to document the grievance hearing and the conclusions of the Committee.

7. Resolution of the Grievance. In the event of a finding by the Committee that the grievance was supported, in whole or in part, by the investigation and evidence presented, the Vice President for Enrollment and Student Support Services and the Director of Campus and Community Engagement will meet with the student and the appropriate University representative(s) (which may include any persons alleged to have caused the grievance) to discuss a reasonable resolution of the grievance and any actions that may be taken based on any recommendations of the Committee.

The Director of Campus and Community Engagement will keep a record of the specifics of this meeting, and any subsequent meetings or actions, as part of the permanent record of the grievance process.

In cases where disciplinary action or sanctions may be taken against a person alleged to have caused the grievance, such actions may include (but not be limited to) counseling or education relevant to the grievance, verbal or written reprimands, reassignment, suspension, expulsion, or termination. Recommendation for sanctions or disciplinary actions will be forwarded to the President for action pursuant to other applicable University policies.

C. Appeal to the President

The student has the right to appeal the decision of the Student Judicial Committee to the President of Athens State University, provided that:

1. A notice of appeal is filed, using Grievance Form B, with the Director of Campus and Community Engagement and the President within ten (10) business days following the student's receipt of the hearing report.
2. The notice of appeal contains clear and specific objection(s) to the finding(s), conclusion(s), or recommendation(s) of the Committee.
3. The President is not alleged to have caused the grievance. If the President is alleged to have caused the grievance, the decision of the Student Judicial Committee is final.

Failure by the student to request an appeal to the President by the end of the tenth business day constitutes a waiver of the opportunity for an appeal. If the appeal does not contain clear and specific objections to the hearing report, it can be denied by the President.

If an appeal is accepted by the President, the President will have twenty (20) business days from the receipt of the notice of appeal to review the hearing record, gather any additional facts as required, and produce a report of the President's findings of fact and conclusions of law. The President will have the authority to (1) affirm, (2) reverse, or (3) affirm in part and reverse in part the findings, conclusions, and recommendations arising from the grievance hearing. The decision of the President will be final.



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The President's report will be provided to and all parties connected with the grievance by personal service or by certified mail, return receipt requested, at their respective home addresses. A copy will also be furnished to the Director of Campus and Community Engagement, and will become part of the permanent record of the grievance process.

D. Appeal to the State

Federal regulations require the University to provide contact information of state agencies that handle complaints against postsecondary educational institutions. Students are encouraged to first use the University's Internal Complaint Process outlined above prior to filing a complaint with a state agency or agencies.

To appropriately file a complaint with the State of Alabama, please visit the Alabama Committee on Higher Education website at <http://www.ache.edu/> and note the Student Complaint Process document under the "State Authorization" section.

III. Responsibility for this Operating Policy

Policy Owner

As part of the initial approval of this policy by the President and subsequent to the original dissemination of the policy, the President has assigned the Vice President for Enrollment Management and Student Support Services as the policy owner for the ongoing evaluation, review, and approval of this policy. Subsequent reviews and revisions to this policy must be in accordance with approved operating policy procedures and processes.

This policy will be reviewed every two years or more frequently as needed.

Responsibility for Policy Implementation

The President has assigned the responsibility of implementing this policy to the Vice President for Enrollment Management and Student Support Services.