

**Appendix 36 Student Grievance Policy and Procedure,
and Student Situation Form**

UNIVERSIDAD DEL ESTE
Vice-Chancellor of Student Affairs

STUDENT GRIEVANCE POLICY AND PROCEDURE

Policy

A student grievance exists when a student claims that a violation, misapplication, or misinterpretation of a Universidad del Este's policy, procedure, or practice has occurred. A student filing a grievance should follow the procedures outlined.

Procedures

Should a condition exist that a student feels is in violation of the rules, procedures, policies, or other standards of the university, it is important that he or she bring it to the attention of the appropriate person or committee.

During the process of a grievance, all procedures, meetings, names, and related information will be confidential unless otherwise mutually agreed upon by all the parties involved.

Informal process

It is best for everyone concerned if problems can be resolved informally. Therefore, before the formal grievance process is instituted, the student is expected to meet with the person whom she/he believes has violated, misapplied, or misinterpreted the policy or procedure. If the student does not believe that she/he is able to do that, she/he needs to meet and discuss the incident with the supervisor of the staff or department chair of the faculty member. This meeting needs to take place no later than ten (10) days after the occurrence that gave rise to the complaint. The Vice-Chancellor of Student Affairs or a representative from this office is available to give students guidance in the informal process as well as in the formal process.

If a student believes she/he has been discriminated against because of race, sex, sexual orientation, color, religion, age, veteran status, Vietnam veteran era status, marital status, ancestry, or national origin in any way by university personnel, it is important that she/he bring the situation to the attention of the employee relations Office of the Vice-president of Human Resources or the Office of the Vice-Chancellor of Student Affairs. If for some reason neither office can comply because there is a conflict of interest, the Chancellor will designate a person to mediate the process. If a student believes she/he has been discriminated against because of disability, it is important that she/he bring the situation to the attention of the coordinator of disability services.

Formal process

If the student is not satisfied with the results of the informal process, she/he should initiate the formal process no later than fifteen (15) school days after the occurrence that caused the complaint. (School days are defined as weekdays - Monday through Friday - when classes are in session during the fall and spring semesters). Items not

resolved prior to the end of the spring semester or during summer semesters may be suspended until the first day of classes of the immediate subsequent fall semester, following the guidelines below.

1. The student must obtain a Grievance form from the Vice-Chancellor of Student Affairs, who will discuss with the student the procedure for filing a formal grievance.
2. As instructed on the Grievance form, the student must submit the grievance to the supervisor of the person charged. The supervisor will immediately deliver a copy to the charged employee, who must respond in writing to the student within five (5) school days and provide the supervisor with a copy of the response.
3. The student, if not satisfied by the reply, or if not in receipt of a reply within five (5) school days, may then appeal, in writing, within five (5) additional school days to the Student Grievance Committee. The student appeal goes to the Vice-Chancellor of Student Affairs who will initiate the hearing process. This appeal should include copies of any responses from the charged employee and the supervisor. The chair of the Student Grievance Committee will initiate a hearing within twenty (20) school days.
4. Items not resolved prior to the end of the semester will be suspended until the following semester. The Vice-Chancellor of Student Affairs and chair of the Student Grievance Committee may at their discretion continue the grievance process during the breaks or summer sessions.
5. A student utilizing the Student Grievance hearing process is precluded from using the Grade Appeal process for the same occurrence.

Student Grievance Committee

Composition of the committee

1. The Student Grievance Committee shall be composed of three faculty members from different disciplines, an administrative representative and two students. In addition, the Vice-Chancellor of Student Affairs shall be an ex officio member of the Student Grievance Committee and have voting power only in case of a tie vote.
2. No charged or charging party in a grievance shall serve as a member of the Student Grievance Committee when the grievance is being considered. Temporary members shall be appointed by the Student Government or by the Chancellor or Vice-Chancellor of Academic Affairs.

Charge guidelines

Charges brought before the Student Grievance Committee should be presented in the following format:

1. full name, address, and telephone number (if any) of the person(s) making the charge;
2. full name of each person being charged and a list of specifics against each person charged;

3. a concise, chronological description of the incident(s) on which each charge is based (including dates, times, locations, and persons present);
4. a list and brief description of all physical evidence to be presented to the Student Grievance Committee;
5. a list of all witnesses to be presented and a brief description of the relevance of the testimony of each witness;
6. a description of the recommendation sought from the Student Grievance Committee.

Hearing guidelines

1. The involved parties shall have the right of counsel by any relative, Universidad del Este student, Universidad del Este employee, or any other designee who serves as an advocate.
2. The hearing shall be private (restricted to committee members, the grievant, and the charged party) if requested by either party.
3. A tape recording of the hearing (except for executive sessions) will be made by a designated employee of the university and copies of the tape recording will be available to the involved parties. No other recordings shall be allowed.
4. The chair of the Student Grievance Committee shall have the power to call the hearing into executive session.
5. The Student Grievance Committee shall consider only information pertaining to the list of specific charges and introduced as evidence at the hearing. The charged must be provided with the list of charges at least one week prior to the hearing. No new charges or evidence may be introduced by the charging during the hearing.
6. The burden of proof shall lie with the charging party. The charging party may opt not to require the charged party to appear as a witness. However, such option shall not exclude the committee from calling upon the charged employee for testimony if the committee so desires.
7. Seven copies of any materials from either party to be read by the committee must be submitted to the chair no later than ten (10) school days before the hearing.

Hearing procedures

1. The chair of the Student Grievance Committee will preside over the hearing and introduce all participants.
2. The chair will read aloud the list of the specific charges being made against each charged party and actions sought against each.
3. The charging party will present his or her case first, including testimony of witnesses, if any. Following testimony, each witness may be asked questions. The questioning must pertain to the original testimony.
4. The charged party will present his or her case in the same manner as the charging party.
5. Upon conclusion of the charged party's case, the charging party may summarize, followed by the summary by the charged party.

Report of hearing

The chair of the Student Grievance Committee shall write or delegate the writing of the final report to be completed within seventy-two (72) hours of the decision. The report shall consist of the following:

1. a copy of the charges and responses;
2. a summary of the Student Grievance hearing;
3. the conclusions reached by the Student Grievance Committee on the basis of the evidence presented;
4. the recommendations for the disposition of the case. The report shall be sent to the appropriate vice-chancellor or vice-president who will act on or send it to the proper university official responsible for action and will communicate to the parties within five (5) school days, or as soon as possible.

Withdrawal

The student may withdraw the grievance at any time.

Right of appeal

Within thirty (30) school days after the decision of the Student Grievance Committee is presented, an appeal may be made by either party to the Chancellor of the university. The Chancellor has (10) schools days after it is submitted to his office to make a final decision. This final decision made by the Chancellor has no further appeal.

No reprisals

No reprisals shall be taken by the university, administration, faculty, or staff against any student or faculty because of participation in a grievance.

Grievance records

Grievance records will be maintained for at least one year by the Office of the Vice-Chancellor of Student Affairs.

For more information concerning the student grievance process, contact the Office of the Vice-Chancellor of Student Affairs.

