

Western Kentucky University Student Grievance Procedure

Western Kentucky University is firmly committed to providing a working and learning environment that is free from all forms of harassment, intimidation, and exploitation and that is respectful of free inquiry and academic freedom, *2003-2004 Western Kentucky University Student Handbook*. The Grievance Procedure outlines the course of action afforded students who have reason to believe their working and learning environment is not free from one or more of the aforementioned acts.

On occasion students may have a personal grievance regarding an alleged violation, misinterpretation or improper application of University policies and procedures, or alleged improper treatment. A student may present a formal disagreement/complaint without fear of retaliation or reprisal.

I. Scope of the Procedure: Definitions and Time lines

A student grievance is a University-related problem or condition which a student believes to be unfair, inequitable, discriminatory, or a hindrance to the educational process. A grievance also includes discrimination or harassment on the basis of race, ethnicity, color, gender, age, religion, national origin, sexual orientation, disability, or status.

The affected student must initiate the grievance procedure in accordance with the procedure within twenty (20) working days from the most recent alleged incident.

The student grievance procedure is designed to provide the student with the opportunity to file a grievance, as defined above, and to provide a process for resolution of the grievance.

II. Matters Outside the Scope of the Procedure: Policy Changes, Grades, Sexual Harassment

The student grievance procedure is not designed to address or bring about changes in University policy. Recommendations for initiating new policy or changing established policy are handled through administrative channels. Information or assistance on the appropriate method to recommend new policy or policy changes may be obtained from the Office of Student Life (Room 442 of Potter Hall - (270) 745-2791).

The student grievance procedure is not applicable to the appeal of a grade or grading practices and is not intended to supplant the Student Complaint Procedure outlined in the *Western Kentucky University Catalog* and *Western Kentucky University Student Handbook*, both of which set forth the procedure for resolving a complaint concerning a grade or grading practices. Information or assistance concerning this procedure may be obtained by contacting the Office of Student Life (Room 442 of Potter Hall - (270) 745-2791), or the Associate Vice President of Academic Affairs (Room 239, Wetherby Administration Building - (270) 745-2297).

The student grievance procedure is not designed to address concerns or complaints related to sexual harassment and is not intended to supplant the University's *Policy Against Sexual Harassment*. Any student desiring assistance, information, or to report concerns or complaints of sexual harassment should contact the Equal Opportunity/504/ADA Compliance Office (Room 13 of Wetherby Administration Building - (270) 745-5121). Students may also request assistance in reporting sexual harassment by contacting the Office of Student Life (Room 442 of Potter Hall - (270) 745-2791), the Director of Human Resources (Ground Floor, Wetherby Administration Building - (270) 745-5360), or the Associate Vice

President of Academic Affairs (Room 239, Wetherby Administration Building - (270) 745-2297).

III. Procedures

A. Informal Procedure:

Procedures for corrective action are an essential part of Western Kentucky University's effort to address student grievances. To this end, the University provides a variety of resources to help advise members of the University community about student grievance issues and procedures for resolving complaints.

Students concerned that they may have experienced a grievance are encouraged to seek assistance by discussing the matter on an informal basis with a faculty or staff member, the Director of Housing and Residence Life, or the Counseling and Testing Center staff before pursuing complaint procedures listed below. Discussions aimed at obtaining informal assistance must be scheduled at an early date in order for the complainant to meet other deadlines. The complainant may request and be granted a meeting with an employee of the same gender and/or ethnicity at any stage of the process.

The procedures for bringing and resolving an informal complaint are outlined below. The complainant may:

- (1) Discuss the alleged violation with the Office of Student Life or the Director of Equal Opportunity/504/ ADA Compliance (EO). The student must request the meeting within twenty (20) working days from the most recent occurrence of the grievance and specify the nature of the grievance. The scheduled meeting must take place within five working days from the day the University official receives the request for a meeting and the date must be mutually agreeable with all parties concerned. The University official will notify the student of the recommended steps to resolve the complaint administratively and confidentially within five working days from the discussion with the student.

Informal complaints against students should be addressed to the Office of Student Life, who is located in Room 442, Potter Hall. The Office of Student Life will hold separate preliminary discussions with the complainant and the alleged offender and will attempt to resolve the issue satisfactorily.

Informal complaints against faculty, staff employees, or graduate assistants should be addressed to the Director of Equal Opportunity/504/ADA Compliance, who is located in Room 13, Wetherby Administration Building. The Director of Equal Opportunity/504/ADA Compliance will hold separate preliminary discussions with the complainant and the alleged offender. If necessary, the Director of Equal Opportunity/504/ADA Compliance will report the complaint to the immediate supervisor of the alleged offender or higher-level administrator up to and including the vice president level in an effort to resolve the issue satisfactorily.

If the recommended steps for resolution are not satisfactory to the student, the University official will inform the complainant and the alleged offender of the formal procedure for processing the complaint.

Or

(2) Discuss the alleged violation with the supervisor of the alleged offender. The complainant must request a meeting with the supervisor within twenty (20) working days from the most recent occurrence of the grievance. The supervisor who receives a student grievance is responsible for holding separate preliminary discussions with the complainant and the alleged offender within ten (10) working days after receiving the complaint. The supervisor will notify all parties of the recommended steps to be taken to resolve the complaint administratively and confidentially within five (5) working days from the time of receiving the grievance. The supervisor will notify the complainant and the alleged offender that information about the case is being collected.

If the complaint is unresolved, the supervisor will inform the complainant and the alleged offender of other procedures for processing the complaint.

B. Formal Grievance Procedures

While a student is encouraged to resolve a grievance through the informal process, he or she may at any time elect to pursue the complaint through the formal procedures. To initiate this procedure, the complainant must file a formal written grievance within five (5) working days from the day he or she discontinued pursuing the informal grievance procedure or if no informal grievance was pursued, then within twenty (20) working days from the most recent alleged incident.

First Step: Contact Office of Student Life or Director of Equal Opportunity/504/ADA Compliance (EO)

For a student to file a formal grievance procedure, the student must file a formal written grievance by delivering same to the Office of Student Life or the Director of Equal Opportunity/504/ADA Compliance.

Formal complaints against students should be addressed to the Office of Student Life, who is located in Room 442, Potter Hall.

Formal complaints against faculty, staff employees, or graduate assistants should be addressed to the Director of Equal Opportunity/504/ADA Compliance, who is located in Room 13, Wetherby Administration Building.

The grievance must:

1. be in writing;
2. state how the action is unfair and harmful to the grievant and list the University policies or state or federal laws that have been violated, if known;
2. name the respondent parties (the person(s) against whom the grievance is filed);
3. state how the respondents are responsible for the action; and
5. state the requested relief (remedy).

If it is clear that the grievance has not been filed within the time limit or pertains to a matter that

does not constitute a grievance under this procedure or is from a person without grievance rights, then the Office of Student Life or the Director of Equal Opportunity/504/ADA Compliance shall so indicate in a letter to the student within fifteen (15) working days from the time that the determination is made.

Otherwise, upon receipt of a written grievance, the Office of Student Life or the Director of Equal Opportunity/504/ADA Compliance (EO) shall consider the facts, circumstances, and relief requested by the student. The Office of Student Life or the Director of Equal Opportunity/504/ADA Compliance (EO) must respond in writing within five (5) working days of the receipt of the written grievance either granting, denying, and/or proposing modification to the requested relief.

The response of the Office of Student Life or the Director of Equal Opportunity/504/ADA Compliance (EO) shall include notice of the student's right to the second step of the grievance/complaint resolution procedure.

Second Step: Review by Vice President of Student Affairs

If the first step response is unsatisfactory to the complainant, the student may submit a notice of disagreement to the Vice President of Student Affairs within five (5) working days of the receipt of the first step response. The notice must be in writing. The second step notice must state the specific complaint, facts in support of the student's complaint/grievance, the specific relief or solution being requested, together with a copy of the first step ruling and a request for re-evaluation.

The Vice President of Student Affairs shall consider the facts and circumstances of the grievance and gather any additional information deemed necessary. The Vice President shall respond in writing within five (5) working days of the receipt of the written grievance/complaint either granting, denying, or proposing modification to the requested relief.

The Vice President's response shall also include notice of the student's right to the final step of the grievance resolution procedure if the second step response is unsatisfactory.

Final Step: Review by Student Grievance Committee/Office of the President

If the second step response is unsatisfactory to the complainant, he/she may submit a final step notice of disagreement to the Office of the President within five (5) working days of receipt of the Vice President's response. The final step notice must be in writing and state the specific complaint, facts in support of the student's complaint/grievance, the specific relief or solution being requested, together with a copy of the Vice President's response and a request for a Student Grievance Committee hearing.

The Office of the President will convene the Student Grievance Committee, which shall consist of two (2) faculty members, two (2) staff members, and two (2) student members, appointed by the President after considering recommendations from the University Senate, the Staff Council, the Office of Student Life, and the Student Government Association.

Student Grievance Committee Hearing Procedures

No party may communicate directly or indirectly with any Committee members concerning the merits of the case. All communication with the Committee shall be coordinated and handled solely by the Office of the President. The Committee will consider the written record of the grievance (i.e., the initial grievance and the responses of the University officials involved in the formal process to date), and may permit individuals involved in the grievance process to present additional information which, in the Committee's discretion, is relevant to the resolution of the issue.

The Committee shall have sole discretion regarding the conduct of the hearing, including the appearance of any person(s) as a witness other than the student grievant and responding parties. The hearing will not be considered a judicial hearing but rather an internal hearing. Legal counsel will not be permitted to be present during any part of the Committee hearing.

Once convened, the Committee will send the student grievant's hearing request to the respondent(s) within ten (10) working days. The responding parties will be offered an opportunity to provide a written response to the student grievant's request for review, which must be submitted to the Committee within ten (10) working days.

The Committee chair shall notify the parties of the hearing date, time, and place at least ten (10) working days in advance of the hearing. The hearing shall be audio taped and transcribed.

The Committee's deliberations shall be closed to all persons other than the Committee members and shall not be audio taped. Within ten (10) working days of the hearing, the Committee shall arrive at a recommendation, to be determined by a majority vote. The Committee's recommendation, either granting, denying, or proposing modifications to the requested relief, shall be in writing and shall be forwarded to the President within ten (10) working days from the date the determination is made.

President's Review and Decision

The President shall review the recommendation and may either affirm, amend, or return the recommendation for further deliberation and recommendation by the Committee. The President's review and decision will be conducted in an expeditious manner, considering all the circumstances, shall be a final decision, and will be reported in writing to the student grievant and responding parties.

Confidentiality of Hearing Procedure

Committee members, witnesses, parties, and all other persons involved in the grievance proceeding are expected to maintain strict confidentiality regarding the grievance and the proceeding. State and federal laws govern the privacy rights of students and employees. Any questions about the disclosure of information should be directed to the Committee in writing, and the Committee may consult with the University's General Counsel for guidance.

Student Grievance Procedure Deadlines: Failure To Conform

In the event the student grievant fails to meet or conform to the deadlines set forth herein, including any deadlines set by the Student Grievance Committee, the student grievant will be considered to have waived his/her right to pursue the grievance further, to have accepted the resolution recommended in the last completed step, and shall lose the opportunity to present his/her case any further in the procedure.