



## Policy

Title:	Student Grievance Policy
Effective Date:	September 10, 2016
Approved By:	President's Council
Responsible Party:	Dean of Student Affairs
History:	
Related Documents: Student Rights and Responsibilities Policy; Student Judicial Policy	

### I. PURPOSE

The primary purpose of the Student Grievance Policy is to review alleged violations of the “Student Rights” set forth in the Student Rights and Responsibilities Policy. This policy and its procedural framework function ensure that all students and student groups and/or student organizations are afforded an opportunity to resolve their grievances against faculty, administrators, staff, fellow students, student groups and/or organizations or conditions that adversely impact the student’s ability to successfully complete their program and fully participate in university activities.

In an instance where a grievance alleges that another student violated such “Student Responsibilities” under the Student Rights and Responsibilities Policy, such grievance shall be considered an Allegation and handled under the Student Judicial Policy.

### II. DEFINITIONS:

**Grievance:** A complaint that there has been a violation Student Rights.

**Judicial Council:** The council as composed under the Student Judicial Policy.

**Parties:** The student who has submitted a Grievance together with the parties against whom the Grievance is made.

**Reviewer:** The Assistant Dean or Associate Dean (or if none, the Dean) responsible for the academic program in which the student who has filed the Grievance is enrolled. If the individual

who would ordinarily serve as the Reviewer (or such individual's Supervisor(s)) is (are) party to the Grievance, then such individual's supervisor shall serve as the Reviewer, up to and including the Chair of the Board of Trustees. By way of example, if the applicable Associate Dean and Dean are party to the Grievance, then the Vice President of Academic Affairs (Provost) shall serve as the Reviewer.

**Student Rights:** A student's rights as set forth in the University's Student Right and Responsibilities Policy.

**Supervisor:** The administrative supervisor of the applicable Reviewer.

### **III. POLICY:**

It is the policy of Salus University to provide students with a forum and procedure to file a Grievance when the student believes that their Student Rights have been violated.

### **IV. PROCEDURES:**

#### **A. EXCLUSIONS**

- Academic decisions, such as the awarding of grades, exam results or dissertation defense results are addressed within a program's Academic Policy.
- The Student Grievance Policy shall not be used to address allegations of discrimination or sexual harassment. When a student believes that he/she has been discriminated against due to his/her race, color, sex, sexual orientation, gender identity or gender expression, genetic information, religion, age, national origin, disability, veteran status or any other legally protected status, the University's Affirmative Action Officer should be contacted immediately.
- The Student Grievance Policy shall not be used to address allegations of physical or sexual assault. Allegations of physical assault should be reported to the Dean of Student Affairs, who will report the matter to law enforcement authorities. Allegations of sexual assault should be reported to the University's Title IX Coordinator, who will report the matter to law enforcement authorities. In matters involving physical or sexual assault, alleged victims are strongly encouraged to independently report the incident to law enforcement authorities. The University's Safety & Security Department can assist with the reporting process.
- Issues regarding research integrity and research misconduct are handled by the applicable research integrity policies and managed by the Dean of Research.
- Violations of federal, state, or local laws shall be handled by the applicable compliance policies and managed by the University Compliance Officer.

## **B. INFORMAL GRIEVANCE**

Students who have a Grievance should present it as a written summary to the Dean of Student Affairs who will give guidance and provide the student with information and direction for pursuing resolution. Every effort will be made to resolve Grievances informally (i.e., by mutual agreement of all parties involved).

The Dean of Student Affairs will guide the student toward a resolution of the Grievance, including addressing the student's concern(s) directly with the person or office with whom the student has a Grievance and/or the supervisor of the person or office with whom the student has a Grievance.

## **C. FORMAL GRIEVANCE:**

If a Grievance cannot be resolved informally, a student may request that the Grievance be resolved formally by submitting the Student Grievance Form (attached to this policy as Appendix A) to the Dean of Student Affairs. The Grievance will be submitted to the appropriate Reviewer who shall investigate the grievance, seek a resolution and inform the Parties of the corrective action to be taken. Written notice of the Reviewer's determination shall be provided to the Parties, the Dean of Student Affairs and necessary and appropriate University administrators. Unless otherwise determined by the Reviewer, the corrective action shall be implemented following the conclusion of the appeal process.

## **D. APPEAL**

A Party may appeal the Reviewer's determination to the Judicial Council by submitting a written request to the Dean of Student Affairs within ten (10) business days from the Party's receipt of the written notice of the Reviewer's determination; provided, however, that if the Reviewer was the Chair of the Board of Trustees, no appeal can be made to the Judicial Council. Rather the Chair of the Board of Trustee's decision shall be final and non-appealable, except through applicable legal process.

The Parties shall be given notice of the Judicial Council hearing, including the date thereof and the names of the members of the Judicial Council, at least five (5) business days in advance of the hearing. Any party may challenge a Judicial Council member on the grounds of personal bias. In the event of such a challenge for cause, the Judicial Council member so charged may be disqualified from a case upon majority vote of the remaining members of the Judicial Council, conducted by secret ballot. In addition to the foregoing, the student who filed the Grievance may by peremptory challenge have any one (1) member of the Judicial Council replaced for that case.

A Party may be accompanied by a representative, who may be an attorney. A Party who wishes to be represented by an attorney must so inform the Dean of Student Affairs in writing at least two (2) business days prior to the scheduled date of the hearing.

The Presiding Chair of the Judicial Council may call witnesses upon the request of a Party or on the Judicial Council's own accord. At the direction of the Judicial Council, the Dean of

Student Affairs shall cause such witnesses to be called by written notice, personally delivered or sent by overnight mail. University students, faculty and staff are expected to comply with such notices. Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of perjury, pursuant applicable University policy. Prospective witnesses, other than the Parties, may be excluded from the hearing during the testimony of other witnesses.

Hearings will be closed to the public, except for the Respondent's representative.

The Presiding Chair of the Judicial Council shall exercise control over the hearing. Any person, including a Party, who disrupts a hearing or who fails to adhere to the rulings of the Presiding Chair, may be excluded from the hearing.

The Dean of Student Affairs may attend Judicial Council hearings, may respond to questions of procedure and otherwise assist, as requested, in clarifying the record assembled before the Judicial Council, but shall not have a part in the Judicial Council deliberations or decision.

Formal rules of evidence shall not be applicable, nor shall deviations from the prescribed procedures of this policy necessarily invalidate a decision or proceeding, unless significant prejudice to a Party or the University has resulted, as determined upon appeal. The Presiding Chair of the Judicial Council shall give effect to the rules of confidentiality and privilege, but shall otherwise admit all matters into the record which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant information may be excluded.

A Party shall be accorded an opportunity to question those witnesses who testify at the request of the other Party or the University at the hearing.

Affidavits shall not be admitted into the record unless signed by the affiant and witnessed by a University official or agreed to by stipulation of the Parties. Although admissible into the record, the affidavit of an individual who is not available for questioning by the parties need not be given any weight by the Judicial Council in its deliberations.

Judicial Council members may take judicial notice of matters which would be within the general experience of University students.

All parties, witnesses, the public and the Dean of Student Affairs shall be excluded during Judicial Council deliberations. No member of the Judicial Council shall participate in deliberations unless that member has been present for, or reviewed the transcript of the hearing(s).

At the conclusion of its deliberations, the Judicial Council shall recommend to the Supervisor that the Reviewer's determination be upheld, vacated or modified. Recommendations of the Judicial Council shall be by majority vote of its members present and voting. Upon receipt of the recommendation of the Judicial Council, the Supervisor shall render a final decision and cause the same to implemented. (The Supervisor may also remand the matter to the Judicial Council for (a) procedural errors, if such errors were so substantial as to effectively deny a Party a fair or impartial hearing, (b) if new and significant evidence became available after the hearing or (c) if the record assembled is incomplete.)

The final decision of the Supervisor, which shall be non-appealable, shall be transmitted to the Parties, the Dean of Student Affairs, the Presiding Chair of the Judicial Council and necessary and appropriate University administrators.

## **V. Miscellaneous**

Any intentionally false or misleading Grievances shall be subject to appropriate disciplinary as a violation of Student Responsibilities under the University Student Rights and Responsibilities Policy.

A student may withdraw a Grievance at any time. The withdrawal of the grievance will be confirmed in writing by the Dean of Student Affairs.

Retaliation by any member of the University community against a student who has submitted a Grievance shall not be tolerated and will be subject to disciplinary action.

Filing a Grievance in accordance with this policy in no way abrogates a student's right to file a legal or administrative action in another forum.

Records of all grievance proceedings will be retained in the Office of Student Affairs in a confidential manner, consistent with the Family Educational Rights and Privacy Act of 1974 and other applicable law.

At the conclusion of each Grievance process, the Dean of Student Affairs shall, together with the appropriate University administrators, evaluate the matter for actions that could be taken to improve University practices.