

UNC PEMBROKE GRIEVANCE PROCESS FOR STUDENTS

I. PURPOSE

The objectives of this Grievance Process for Students are to ensure that students have the opportunity to present a grievance to the University regarding a certain action or inaction by a member of the University community and to ensure that the University has a consistent process of resolving those grievances in a fair and just manner.

A student may pursue a grievance if he or she believes that a University employee (including faculty, staff, student employees and agents--hereafter, referred to only as the Employee) has violated his or her rights. This Grievance Process for Students applies to all problems arising in interactions between a student and a member of the University community that are not governed by other specific grievance proceedings. (e.g. Undergraduate Grade Appeal Process, available online at <http://www.uncp.edu/handbook/13sga.pdf> on page 67). Upon request from any student, the Judicial Affairs Officer will provide guidance about the appropriate process for redress of a particular complaint.

Grievance found to have intentionally dishonest or willful disregard of the truth is a violation of UNCP Student Code of Conduct, item # 2, *furnishing false information to the University with intent to deceive*. Students violating this code will be subject to disciplinary action. Any retaliation directed to the complainant as a result of the filing of a grievance is against state and federal laws and UNCP Policy.

What May Be Grieved:

An action or decision may be grieved only if it involves a violation of University policy or public law. Grievances may not be used to challenge policies or procedures of general applicability. In addition, this process may not be used to grieve:

- a. Claims based on purchases or contracts;
- b. Claims against an employee on matters that are unrelated to the employee's job or role at the University;
- c. Decisions covered by other University policies (e.g. Residency appeals)

Who May Grieve:

Grievances may be initiated by students currently enrolled at the University of North Carolina at Pembroke.

II. INFORMAL RESOLUTION

The informal resolution process is designed to reach an understanding of the situation and to resolve the differences in an informal and cooperative manner.

Step 1

The student with a grievance with a member of the University community is encouraged to first attempt to resolve the matter by meeting with the Employee. The purpose of the meeting is to reach a mutual understanding of the student's situation and the Employee's actions. The student has seven calendar days from the incident or the date the student should have known about the incident to initiate this discussion.

Step 2

If the consultation with the Employee is not satisfactory, or if it is impractical to consult with the Employee, the student should seek the assistance of the Employee's immediate supervisor within seven calendar days of the meeting with the Employee or within fourteen calendar days of the incident. The purpose of this interaction is for the immediate supervisor to attempt to work with both parties to reach a resolution to the conflict.

III. FORMAL RESOLUTION

Step 3

If an informal resolution is not successful, the student may file a formal grievance by sending a request for a hearing by a fact finding panel along with the following information to the appropriate Vice Chancellor with supervisory authority over the person(s) named in the grievance as causing harm to grievant. The student must file this within fourteen calendar days of the meeting with the immediate supervisor.

All complaints must be in writing and signed by the student. The grievance must contain:

1. A clear and precise statement of the complaint.
2. State how the decision or action is unfair and harmful to the student and list the University policies or state and federal laws that have been violated, if known;
3. Name the respondent parties (the person(s) against whom the grievance is filed);
4. State how each respondent is responsible for the action or decision;
5. State the requested remedy; and
6. State whether a non-participating observer will be brought to the hearing.
7. Sign Grievance Statement of Authenticity Form.

If it is clear on the face of the written grievance, the complaint has not been filed according to this process (such as, but not limited to, timeframe, matter is not grievable under this process, the complaint is frivolous in the Vice Chancellor's judgment, or is from a person without grievance rights under this process) the Vice Chancellor shall so indicate in a letter to the grievant that the complaint is dismissed.

Otherwise, within fourteen calendar days the Vice Chancellor, or a designee (hereafter referred to as the Administrator), shall refer the grievance to the chair of the Student Grievance Committee, from which a fact-finding panel will be appointed. The Vice Chancellor will inform the employee in writing that a grievance has been received and refer the matter to the Student Grievance Committee.

The members of the Student Grievance Committee must be approved by the Chancellor and serve at the pleasure of the Chancellor. The composition of the Student Grievance Committee shall be made up of three faculty members (nominated by the Faculty Senate) three staff members (nominated by the Staff Council) and four student members (two SGA representatives and two nominated by SGA).

For the purpose of each grievance, the chair of the Committee will select four members of the Committee to serve with him/her as the fact-finding panel. A decision of the panel will be considered a decision of the Committee. In addition to the chair of the Committee, each fact-finding panel shall include two students, one faculty member and one staff member. The faculty and staff member cannot be part of the same office or immediate administrative unit as the Employee. Panel members should have no personal interest in the outcome of the process, and should not have any personal involvement in earlier stages of the matter. The chair may designate another member of the Committee to serve as the fifth member of the Panel when the chair is unavailable due to emergencies.

The Panel members, parties and all persons involved in the grievance process are expected to maintain strict confidentiality regarding the grievance and all stages of this process. State and federal laws govern the privacy rights of students and employees. Any questions about the disclosure of information should be directed to the panel in writing, and the panel may consult with the Office of Legal Affairs. Once a formal resolution has been requested, there should be no ex parte communication between the parties and panel members concerning the merits of the case.

Step 4

The fact-finding Panel must convene within fourteen calendar days of being appointed. The chair of the Committee shall convene the panel and provide them with the written complaint and all supporting documents provided by either party. The Chair of the Committee will be responsible for facilitating the work of the Panel and the work will proceed in a timely manner.

The Panel shall notify the parties of a hearing date, time and place at least fourteen calendar days in advance of the hearing. During a hearing, the grievant and the accused shall have the following rights:

1. The right to have a non-participating observer present;
2. The right to present the testimony of witnesses and other evidence, relevant to the grievance;
3. The right to confront and cross-examine witnesses; and
4. The right to examine all submitted documents and other evidence.

A legal counsel may not participate in the proceedings unless the law or policy at issue provides for a broader right to counsel. The hearing must be taped recorded so that all persons can be heard clearly.

IV. THE DECISION

After hearing a student grievance, the Panel shall determine **whether** to recommend a finding that the preponderance of the evidence shows that the Employee has violated the law or policy at issue. **When a majority of the Panel votes for a determination recommending a finding, the Panel shall** provide a written report to the Vice Chancellor who received the complaint. The report should include a summary of the proceeding, recommendations, a copy of all correspondence with the parties, all evidence submitted to the panel, the recording or transcript of the hearing, and anything else considered by the panel in reaching its recommendation. A dissenting panel member may also file a minority report at this time.

The Vice Chancellor (or his/her designee) shall review the official report of the Panel and issue a written decision within fifteen calendar days of receiving the Panel's report. In the decision, the Vice Chancellor (or his/her designee) may either adopt the Panel report and recommendations in whole, modify it in part, or reject the report and reach different findings or conclusions for reasons expressly stated. The decision should be sent to all parties and a signed and dated receipt received.

V. THE APPEAL

The student who filed the initial grievance may appeal the decision of the Administrator to the Chancellor within fifteen calendar days of receiving the written decision. For grievances against Vice Chancellors, the Chancellor (or his/her designee) will make decisions based on the Committee's recommendation and that decision shall be final.