

10-24-1991

SR-91-92-12(SCW)

Marshall University

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STUDENT CONDUCT & WELFARE COMMITTEE
Recommendation

SR-91-92-12(SCW)

To approve the attached grievance procedures for the Student Legal Aid Center.

DISCUSSION: After considerable discussion by the Student Conduct and Welfare Committee members and guests, it was the feeling that these procedures would enable the grievance process to proceed in a timely and organized manner, and that the rights of all parties concerned could be protected.

FACULTY SENATE PRESIDENT:

APPROVED BY SENATE: Robert Sawrey DATE: 10-24-91

DISAPPROVED BY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

APPROVED: [Signature] DATE: 11/2/91

DISAPPROVED: _____ DATE: _____

COMMENTS:

Section III. B. amended on the Senate floor.

MARSHALL UNIVERSITY

STUDENT LEGAL AID CENTER

APPROVED BY SCWC 9/27/91

Approved by SLAC Advisory board 9/25/91

revisions: Grievance Procedure

9/91

SECTION I PURPOSE

The purpose of this procedure is to provide all students with a systematic policy for the resolution of grievances which may arise with a functioning unit and/or policy of the university. This policy shall not be applicable to those cases covered by the Marshall University Code of Conduct or the Marshall University Policy on Academic Rights and procedures. Procedures for student disciplinary and academic affairs are outlined in the Board of Regents Policy Bulletins 57 and 60.

CHANGE SECTION I. PURPOSE . . . TO READ

The purpose of this procedure is to provide all students with a systematic policy for the resolution of grievances which may arise with a functioning unit an/or policy of the university. This policy shall not be applicable to those cases covered by the Marshall University Code of Conduct or the Marshall University Policy on Academic Rights and **Responsibilities of Students**. Procedures for student disciplinary and academic affairs are outlined in the Board of **Trustees** Policy Bulletins 57 and 60. It is not the intent of this policy that any functioning unit adopt these procedures as part of their unit appeal process. Those functioning units which have students seeking appeals on a continuing basis must develop their own appeals process.

SECTION II. RATIONALE

NO CHANGE

SECTION III. DEFINITIONS

A. Grievance- A formal expression from a student expressing a circumstance which he/she feels resulted in unjust or injurious treatment from a functioning unit of Marshall University. Such circumstances may include, but are not limited to, a misapplication, or a misinterpretation of the statutes, policies, rules, regulations, or written agreements that are part of the functioning procedure of the University.

CHANGE A. GRIEVANCE . . . TO READ

A. Grievance- A formal statement from a student expressing a circumstance which he/she feels resulted in unjust or injurious treatment from a functioning unit and/or staff/faculty employed within said unit of Marshall University. Such circumstances may include, but are not limited to, a misapplication, or a misinterpretation of the statutes, policies, rules, regulations, or written agreements that are part of the functioning procedure of the University and/or behavior or actions of staff/faculty employed within a functioning unit of Marshall University.

B. Functioning Unit - The various administrative areas, departments, and/or offices within the University under the jurisdiction of the President, Provost, Vice-President of Financial Affairs, Vice-President/Dean of School of Medicine, Vice-President for Institutional Advancement, Vice-President of Multi-Cultural Affairs, Vice-President/Dean of Student Affairs, and the Director of Athletics.

CHANGE B FUNCTIONING UNIT... TO READ...

B. Functioning Unit - The various administrative areas, departments, and/or offices and all non-classified staff/faculty employed within those areas, departments, and/or offices.

C. Jurisdiction

NO CHANGE

D. Grievance Panel - Permanent sub-committee of the Student Conduct and Welfare Committee composed of two faculty members (one of whom must be a member of the Student Conduct and Welfare Committee) and one student appointed by the Chairman of the Student Conduct and Welfare Committee.

CHANGE D. GRIEVANCE PANEL . . . TO READ

D. Grievance Panel - Permanent sub-committee of the Student Conduct and Welfare committee composed of two faculty members

(one of whom must be a member of the Student Conduct and Welfare Committee) and one student. Faculty members, student and alternates shall be appointed by the Chairman of the Student Conduct and Welfare Committee at the beginning of each academic year. Panel members and alternates serve one academic year. When a complaint has been filed against a member of the classified staff, the Ombudsperson shall request the Chair of the Staff Council to appoint a staff member to serve on the Panel in place of 1 faculty member. When a complaint is against a non-classified staff member, Ombudsperson shall request the head of said unit to appoint 1 non-classified member in consultation with individual involved, to replace 1 faculty member.

E. Grievant

NO CHANGE

F. Student

NO CHANGE

SECTION IV. PROCESSING

A. Level I

1. File a Student Grievance Form with Ombudsperson.
2. The Ombudsperson attempts a resolution.

CHANGE A. LEVEL I . . . TO READ

A. Level I

1. Student fills out a formal grievance and submits to the Ombudsperson in Room 2W29 of the Memorial Student Center. (Forms are available in said office).

2. After the Ombudsperson discusses the complaint with the student, the grievance is presented to the individual named in the complaint in an attempt at resolution. If not resolved, a copy of the grievance will be forwarded to the head of the unit in which the individual named in the complaint is employed. If the head of the unit is party to the complaint, the grievance shall be forwarded to the supervisor of the head of the unit. If a resolution is not possible at this point, the student may proceed to Level II.

B. Level II

1. Student requests hearing with Grievance Panel.
2. Grievance Panel does one of the following:
 - a. Denies hearing

- b. Grants an interview with the student
- c. Refers the student to the appropriate unit
- d. Grants hearing

CHANGE B. LEVEL II . . . TO READ

1. Student requests the Ombudsperson to present his/her grievance to a Grievance Panel for disposition. Neither the student nor the individual named in the grievance is present at Panel meeting.
2. After the Ombudsperson presents all the information submitted by the student and the individual named in the grievance, the Grievance Panel does one of the following:
 - a. If the Panel finds in favor of the student, a recommendation for resolution of the grievance shall be forwarded to the head of the unit in which the individual named in the complaint is employed. If the head of the unit is party to the complaint, the recommendation shall be forwarded to the supervisor of the head of the unit.
 - b. If the Panel finds that the student did not receive unjust or injurious treatment, the student shall be advised that the Panel supports the decision/action(s) of the individual(s) named in the grievance.
 - c. If the Grievance Panel deems it necessary to obtain additional information, the Panel shall request the Ombudsperson to invite the student and the individual named in the complaint to meet separately or together (at the discretion of the panel) with the Panel. After said meeting, the Panel shall choose to act upon (a) or (b) listed above.

Level III

C. Level III

1. Hearing by Grievance Panel
2. Grievance Panel files report with the administrative head of the functioning unit, except when that individual is a party to the complaint, in such instances, the Grievance Panel files the report with the supervisor of the head of the unit.
3. A written response to the filed report shall be made within a reasonable amount of time, not to exceed seven (7) working days.

CHANGE C. LEVEL III . . . TO READ

C. Level III

1. The Ombudsperson shall refer the findings of the Grievance Panel on a Panel Response Form to the head of the unit in which the individual named in the complaint is employed. If the head of the unit is party to the complaint, the findings shall be forwarded to the supervisor of the head of the unit. The head of the unit shall indicate on the Panel

Response Form acceptance or rejection of the recommendation of the Panel. The form shall be returned to the Ombudsperson within five (5) working days after its receipt.

2. The Ombudsperson submits the recommendation of the Panel and the decision of the head of the unit to the student.
 - a. If the student is dissatisfied with the decision of the Grievance Panel, he/she may file a written appeal to the President of the University with the Ombudsperson within five (5) working days after receipt of notification.
 - b. If the head of the unit rejects the recommendation of the Panel, the student may file a written appeal to the President of the University with the Ombudsperson within five (5) working days after receipt of notification.
 - c. Within 10 working days, the President or his/her designee should respond to the appeal. If no response is received by the Ombudsperson within that time, the recommendation of the Grievance Panel will be deemed accepted.

D. LEVEL IV

DELETE

revised 9/91

MARSHALL UNIVERSITY
GRIEVANCE PROCEDURE

LEVEL II
GRIEVANCE PANEL RESPONSE FORM

GRIEVANT(S) : _____

NOTE: COPIES OF THIS RESPONSE SHALL BE PROVIDED TO ALL PARTIES.

RESPONSE: _____ Finds in favor of students with recommendation(s) to be forwarded to _____.

_____ Supports decision(s)/actions of individual named.

_____ Panel requests meeting with party(ies). Please contact the Ombudsperson for a meeting date.

DATE _____

SIGNATURE _____
Chairperson, Grievance Panel

APPEAL PROCEDURE TO PRESIDENT:

If the Grievant(s) is not satisfied with the decision of the Grievance Panel, that decision may be appealed to the President. In the event that the Grievant(s) chooses to appeal to the President, the petition of appeal shall be submitted within five (5) days of receiving the decision of the panel. Any supporting documents shall be transmitted to the President by the Grievant(s).

Within 10 days, the President or his/her designee should respond to the appeal (to Ombudsperson and appellant). If no response from the President is received by the Ombudsperson within that time, the recommendation of the Grievance Panel shall be deemed accepted.

9/91

MARSHALL UNIVERSITY
GRIEVANCE PROCEDURE

LEVEL III

REPORT OF GRIEVANCE PANEL MEETING

Grievant (s) : _____

FINDINGS: _____

RECOMMENDATIONS: _____

DATE _____ SIGNATURE _____
Chairperson, Grievance Panel

This recommendation is acceptable _____
This recommendation is rejected _____

Signature of student Date

This recommendation is acceptable _____
This recommendation is rejected _____

Signature of unit Head Date
or Supervisor

*Appeal Procedure to the President

If the Grievant(s) is not satisfied with the decision of the Grievance Panel, that decision may be appealed to the President. In the event that the Grievant(s) chooses to appeal to the President, the petition of appeal shall be submitted to the Ombudsperson within five (5) days of receiving the decision of the panel. Any supporting documents shall be transmitted to the President by the Grievant(s).

Within 10 working days, the President or his/her designee must respond to the appeal(to Ombudsperson and appealant). If no response from President is received by the Ombudsperson, the recommendation of the Grievance Panel shall be deemed accepted. 9/91