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SR-97-98-41 (SCWC)

Marshall University

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**STUDENT CONDUCT & WELFARE COMMITTEE
RECOMMENDATION**

SR-97-98-41 (SCWC)

Recommends the following amendment to the current Grievance Procedure in the Student Handbook:

On page 126 of the current handbook, under the "Grievance Procedure," it is recommended that "or his designee" be added after "the president..." in section b and c (2 places) under IV, C, Level III.

RATIONALE:

1. This would ensure that higher level grievance cases are handled expediently.
2. This would further enable the grievance to be handled by another authoritative person with the specific expertise in specific cases.

FACULTY SENATE PRESIDENT:

APPROVED BY SENATE: Colby PA DATE: 4/24/98

DISAPPROVED BY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

APPROVED: [Signature] DATE: 4/27/98 JM

DISAPPROVED: _____ DATE: _____

COMMENTS:

to serve on the Panel in place of one faculty member. When a complaint is against a non-classified staff member, the Student Legal Aid Program Advisor shall request the head of said unit to appoint one non-classified member in consultation with the individual(s) involved, to replace one faculty member.

E. Grievant - Any student who has a grievance as defined in Section III, Paragraph A.

F. Student - Any person who has been admitted to an institution to pursue a course of study, research, or service and who has not been graduated or dismissed from such a course and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some rights or privilege to receive some benefit or recognition of certification from the institution, under the Rules, Regulations, or Policies of the Board of Trustees or the institution.

Section IV: Processing

A. Level I

1. Student fills out a formal grievance and submits to the Student Legal Aid Program Advisor in Room 2W23 of the Memorial Student Center (forms are available in said office).

2. After the Student Legal Aid Program Advisor 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 the Student Legal Aid Program Advisor to present his/her grievance to a Grievance Panel for disposition. Neither the student nor the individual named in the grievance is present at the Panel meeting.

2. After the Student Legal Aid Program Advisor 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 Student Legal Aid Program Advisor 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.

C. Level III

1. The Student Legal Aid Program Advisor 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 Student Legal Aid Program Advisor within five (5) working days after its receipt.

2. The Student Legal Aid Program Advisor 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 Student Legal Program Aid Advisor 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 Student Legal Aid Program Advisor within five (5) working days after receipt of notification.

* c. Within ten (10) working days, the President or his/her designee should respond to the appeal. If no response is received by the Student Legal Aid Program Advisor within that time, the recommendation of the Grievance Panel will be deemed accepted.

GROUP RESPONSIBILITY

Marshall University is a community which exists to promote educational and academic goals. The standards of behavior set forth for students and organizations within this community may be higher than

those found elsewhere in society. Upon registration or recognition by the University, each student organization becomes responsible for acting in accordance with the provisions of the Code of Conduct and all other applicable University and community policies and standards. Official University action will be taken when the behavior of the members of a student organization violates community standards and interferes either with the University's educational purpose, or with its duty to protect individual health, welfare, and property.

Marshall University has established the following policy to ensure that leaders and members of student organizations understand and accept responsibility for the actions of their organization and all of its members. The following policy applies to all recognized or registered student organizations.

Student organizations may be held responsible for the acts of individual members. Acts include but are not limited to the following categories:

- when a member of an organization is violating local, state, or federal law or University regulations and other members present, by failing to discourage such activity, tacitly condone the behavior;

- when the acts grow out of or are directly related to the student organization's activities or an environment created by the organization;

- when the acts are those of guests of an organization, or by persons authorized or permitted to represent themselves as connected with the organizations;

- when an organization places prospective members in a subordinated status prior to achieving full membership, or imposes any kind of probationary period

Proposed
amendment
applies
to this
area.