

FACULTY WELFARE COMMITTEE REPORT

Formal Faculty Advice on Proposed Student Grievance Regulation

This document is a comparison copy between the version provided as formal faculty advice in Resolution #19-36 and the version presented for the December 20, 2019 Faculty Senate meeting.

Additions are in **bold** and deletions are in ~~strikethrough~~.

Authority: Chancellor

History: Approved March 26, 2018.

Related Policies:

[ECU Notice of Nondiscrimination and Affirmative Action Policy](#)

[ECU Regulation on Gender-Based Harassment and Other Forms of Interpersonal Violence](#)

[Undergraduate Grade Appeal Policy](#)

[Graduate Student Grade Appeals](#)

[Graduate School Appeals Procedures](#)

[Institutional Complaints SOP](#)

Additional References:

[ECU Office of Equity and Diversity](#)

[ECU Admissions Student Academic Appeals](#)

[North Carolina Post-Secondary Education Complaints, c/o Student Complaints, UNC System, 910 Raleigh Road, Chapel Hill, NC 27515-2688, Telephone \(919\) 962-4550](#)

[The Southern Association of Colleges and Schools Commission on Colleges \(SACSCOC\) 1866 Southern Lane, Decatur, Georgia 30033, Telephone \(404\) 679-4500](#)

[List of State Agencies](#)

[North Carolina State Education Assistance Authority \(NCSEAA\), which serves as the portal for the National Council for State Reciprocity \(SARA\) P.O. Box 14103 Research Triangle Park, NC 27709 T: 855-727-2162](#)

Contact for Information: Associate Vice Chancellor /Dean of Students, 252-328-9397

1. Introduction

A grievance arises under this Regulation when a student believes, based on established administrative policies and procedures, that he or she has been treated in an arbitrary or capricious manner or been subjected to inappropriate behavior by a University office, department or other unit or division (herein referred to collectively as "unit") or a representative of the University (faculty or staff).

By way of example, grievances concerning violations of the University's Freedom of Expression Regulation may be addressed under this Policy.

2. Grievances Not Covered by this Regulation

2.1. The following grievances are not covered by this Regulation:

2.1.1. A student grievance, complaint or appeal that is covered by any other University or UNC System policy, regulation or rule, including, but not limited to, the following:

2.1.1.1. Grievances involving allegations of discrimination, harassment or retaliation based on membership in a protected class as set forth in the University's Notice of Nondiscrimination Policy. These grievances should be referred to the Associate Provost

for Equity and Diversity (see link to policy above);

2.1.1.1 This would include grievances involving allegations of Prohibited Conduct under the Regulation on Gender-Based Harassment and Other Forms of Interpersonal Violence.

2.1.2.2. Graduate and Undergraduate Grade appeals, which are handled pursuant to the applicable grade appeal policy (see link to policy above);

2.1.2.3. Graduate student appeals of adverse academic actions and decisions (see link to policy above); and

2.1.1.4. Institutional Complaints, which are handled pursuant to the *Institutional Complaints Standard Operating Procedure*, (see link to SOP above).

2.1.1.5 Grievances under the Student Complaint Process outlined in the Faculty Manual; and

2.1.1.6 Grievances against a staff member to be submitted to the Human Resources Employee Relations Division.

3. Informal Resolution

Prior to bringing a formal grievance against a University unit or representative, students are encouraged to attempt a good-faith resolution of the grievance directly with the party involved with the disputed matter and/or with the head of the unit in which the grievance arises. **A student with a complaint who is willing to engage in informal resolution efforts should meet with a staff person in the Office of the Dean of Students, in person, within 30 calendar days of the incident in dispute to initiate the informal resolution process.** Attempts at informal resolution must be initiated by an official Dean of Students office visit within 30 calendar days of the incident(s) in dispute. The 30 days do not include any period of time when the University is officially closed.

4. Formal Grievance Resolution Process

Should a situation arise in which a student is **unwilling or** unable to resolve his or her grievance informally, the formal grievance resolution process may be employed. This process, outlined below, must be initiated within 30 calendar days of the failed informal resolution, if applicable. The 30 days do not include any period of time when the University is officially closed.

4.1 Step I: The student must present a formal grievance in writing to the Associate Vice Chancellor /Dean of Students (125 Umstead Hall). **In the event that the student's grievance is against the Dean of Students, the student must present a formal grievance in writing to the Vice Chancellor for Student Affairs.** This written grievance must include the following:

4.1.1. Name, address, email address and telephone number of the student bringing the grievance;

4.1.1.2 The student must execute a Buckley waiver if they are willing to be identified fully. If not, the student's personally identifiable information will be kept confidential to the extent required by law and not shared with the unit/employee associated with the grievance (e.g., disclosure may be required in connection with a health and safety emergency or the due process rights of an employee

potentially subject to serious sanctions).

- 4.1.2. Identification of the office or individual against whom the grievance is brought;
- 4.1.3. A detailed description of the specific University action or individual behavior resulting in this grievance;
- 4.1.4. The date(s) or period of time during which the behavior occurred and the location of the incident(s); and
- 4.1.5. A listing of all individuals who witnessed any part of the incident in dispute.

4.2. Step II: Upon receipt of the formal grievance covered by this Regulation, an investigator will be appointed within 7 calendar days by the Associate Vice Chancellor/ Dean of Students to investigate the allegations in the grievance.

4.2.1. The investigator shall review the written grievance and gather the pertinent facts and information, which may include determining the involvement of pertinent supervisors, department chairs and deans in the investigation. Depending upon the grievance, pertinent data such as interviews and documents, may be gathered by the investigator or the University unit involved in the grievance. If the grievance involves a University unit or representative acting within the course and scope of their official duties, without allegations of personal misconduct, the facts, information, data and any findings or recommendations are then presented to the unit involved for final resolution of the grievance.

4.2.2 If the grievance is based on allegations of personal misconduct by a faculty member or staff member, the investigator gathers pertinent information as described in the preceding section and presents it to either the ~~Provost or Vice Chancellor for Health Sciences (faculty complaint) or the Director of Employee Relations (staff complaint)~~ for final resolution of the grievance. **department chair or unit administrator. In the event of an appeal, the pertinent information could be presented to the Provost or Vice Chancellor for Health Sciences (faculty complaint) or the Director of Employee Relations (staff complaint) for final resolution of the grievance, if needed.**

4.3 If a grievance cannot be resolved after exhausting East Carolina University's complaint procedure described above, or any other applicable campus procedures, the student may file a complaint with the following agencies:

- 4.3.1. North Carolina Post-Secondary Education Complaints (see contact information above);
- 4.3.2. The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) (see contact information above);
- 4.3.3. Any applicable state agency (see contact information above); or
- 4.3.4. Complaints about East Carolina University may also be filed by students who do not reside in North Carolina by contacting the North Carolina State Education Assistance Authority (NCSEAA), which serves as the portal for the National Council for State Reciprocity (SARA) (see contact information above)