

## **Faculty Senate Resolution #19-36**

Approved by the Faculty Senate: March 26, 2019

**Rejected** by the Chancellor: April 29, 2019, *with request to return to Committee for further review.*

*Donna Payne, University Counsel and Vice Chancellor for Legal Affairs, recommends that the regulation go back to the Faculty committee that reviewed it to ensure consistency and clarity in the use of this regulation in contrast to the process provided for use in dealing with student complaints about faculty as provided in Part VI, Section IV (III) of the Faculty Manual. It is unclear when the Faculty Manual process will apply and when the process in this PRR will apply, and how the two intersect.*

*Additional comments (see [here](#)) about changes needed, including some that ask for a reference to complaints about Free Speech (this is very much needed in order to comply with UNC policy on Freedom of Expression) and contacts for external agencies that may receive complaints already included in the version of this policy currently posted on the Dean of Students website.*

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Formal faculty advice on proposed Student Grievance Regulation, as follows:

**The Committee has reviewed the regulation and provided input that has been agreed upon and incorporated into the below document.**

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).

### 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);

2.1.2.2. 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).

### 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. 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 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). This written grievance must include the following:

- 4.1.1. Name, address, email address and telephone number of the student bringing the grievance;
- 4.1.2. 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.

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)