

POL 11.35.02
UNCP Student Grievance Policy

Authority: Chancellor

History:

- First Issued: May 2003.
- Revised: March 2010, June 26, 2014
- Last Revised: January 31, 2020

Related Policies:

- [UNC Policy Manual 700.4.1 – Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings](#)
- [UNC Policy Manual 700.4.2 - Policy on Student Conduct](#)
- [UNC Policy Manual 700.4.3\[G\] - Guidelines on Student Disciplinary Proceedings: Meaning and Effect of “Expulsion”](#)

Additional References:

- [North Carolina Office of State Personnel](#)
- [UNCP Code of Conduct](#)
- [UNCP Student Grievance Process for Students Denied Reasonable Accommodations or subjected to Discrimination because of a Disability](#)
- [UNCP Student Handbook](#)
- [Student Grievance Formal Statement of Authenticity Form](#)

Contact Information: Vice Chancellor for Student Affairs, 910-521-6175

1. PURPOSE

1.1 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.

1.2 A student may pursue a grievance if he or she believes 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 out of interactions between a student and a member of the university community that are not governed by other specific grievance proceedings (e.g., undergraduate grade appeals, residency appeals, traffic appeals, etc.).

1.3 Throughout the grievance process, the Office of the Vice Chancellor for Student Affairs will provide guidance about the policy’s procedures and requirements. The Office of the General Counsel will provide training at the beginning of each academic year. Once a formal complaint has been filed with the appropriate vice chancellor, the Office of the General Counsel is to be immediately notified. Once notified, the general counsel will provide advice and counsel to the hearing panel throughout the grievance process with the objective of providing and assuring due

process for all parties and the development of a complete and judicially sound hearing report to be given to the vice chancellor or senior administrator.

1.4 A grievance that is found to be intentionally dishonest or willfully disregards the truth is a violation of the [UNCP Student Code of Conduct](#), specifically furnishing false information to the university with intent to deceive. Students violating this code will be subject to disciplinary action.

1.5 Any retaliation directed to the grievant as a result of the filing of a grievance is against state and federal laws and UNCP policy.

2. WHAT MAY BE GRIEVED

2.1 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:

2.1.1. claims based on purchases or contracts;

2.1.2. claims against an employee on matters that are unrelated to the employee's job or role at the university; and

2.1.3. decisions covered by other university policies (e.g. residency appeals).

3. INFORMAL RESOLUTION

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

3.1.1 Step 1. The student with a grievance against a member of the university community is encouraged to meet with the employee. The purpose of the meeting is to reach a mutual understanding of the student's situation and the employee's actions and attempt a resolution of the grievance matter. The student has seven (7) calendar days from the incident or the date the student should have known about the incident to initiate this discussion.

3.1.2 Step 2. If the meeting with the employee is not satisfactory, does not occur, or if it is impractical for the student to meet with the employee, the student should request the assistance of the employee's immediate supervisor. This request to the employee's immediate supervisor must occur within seven (7) calendar days of the meeting with the employee or within 14 calendar days of the incident. The purpose of this intervention is for the immediate supervisor to attempt to work with both parties to reach a resolution to the grievance matter.

3.2 While the vice chancellor for student affairs (or his/her designee) will discuss the steps involved in the informal resolution process to the grievant, neither step 1 nor step 2 is mandatory.

Neither the student nor the employee is obligated to participate in either step 1 or step 2 and may refuse the offer of an informal resolution/mediation of the grievance matter.

4. FORMAL RESOLUTION

4.1. Step 3. If an informal resolution is not successful, the student may file a formal grievance by sending a written request for a hearing to the appropriate vice chancellor or senior administrator with supervisory authority over the person(s) named in the grievance. The student must file this within 14 calendar days of the meeting with the immediate supervisor or having received a refusal by the employee to meet with his/her immediate supervisor and the student.

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

4.2.a. contain a clear and precise statement of the complaint;

4.2.b. 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;

4.2.c. name the respondent parties (the person(s) against whom the grievance is filed);

4.2.d. state how each respondent is responsible for the action or decision;

4.2.e. state the requested remedy;

4.2.f. state whether any witnesses will be brought to the hearing;

4.2.g. state whether a non-participating observer will be brought to the hearing; and

4.2.h. contain a signed copy of the **Grievance Formal Statement of Authenticity Form**.

4.3 Dismissal of Grievance Complaint by Vice Chancellor or Senior Administrator

4.3.1. If it is clear on the face of the written grievance, that it has not been filed according to this process (such as, but not limited to, time frame; the matter is not grievable under this process; the complaint is frivolous in the vice chancellor or senior administrator's judgment; or is from a person without grievance rights under this process), the vice chancellor or senior administrator shall dismiss the complaint and state with reason(s) in a letter to the grievant.

4.4 Composition of the Student Grievance Committee

4.4.1. If the grievance complaint is not dismissed by the vice chancellor or senior administrator, then within 14 calendar days of receiving the grievance complaint he/she shall refer the grievance to the chair of the Student Grievance Committee, from which a fact-finding hearing panel will be appointed. The vice chancellor or senior administrator will inform the employee in

writing that a grievance has been received and that the matter has been referred to the Student Grievance Committee.

4.4.2 The members of the Student Grievance Committee shall be appointed by the chancellor and serve at the pleasure of the chancellor, who will also name the chair of the committee. In the event any person appointed to the committee is unable to serve, the chancellor may appoint another to serve in his/her place. 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 upper classmen and/or graduate student members (two SGA representatives and two nominated by SGA).

4.4.3 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 hearing panel. In addition to the chair of the committee, the hearing 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. Hearing 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 grievance matter. The chair may designate another member of the committee to serve as the fifth member of the hearing panel when the chair is unavailable to serve due to emergencies or conflict of interest. A decision of the panel will be considered a decision of the committee.

4.4.4 The hearing panel members, parties, and all persons involved in the grievance process shall maintain strict confidentiality regarding the grievance matter during all stages of this process. There should be no *ex parte* communication between the parties and the grievance committee/hearing panel members concerning the case. State and federal laws govern the privacy rights of students and employees. Any questions about the disclosure of information should be directed to the hearing panel in writing and the panel should consult with the Office of the General Counsel.

4.5 Step 4. The chair of the committee shall convene the hearing panel within seven (7) calendar days of receiving the complaint and provide them with the written complaint and all supporting documents provided by both parties. The chair of the committee will be responsible for facilitating the work of the hearing panel and shall schedule the hearing within 14 calendar days of his/her receipt of the complaint.

4.5.1 The chair of the hearing panel shall notify the parties of a hearing date, time, and place at least five (5) calendar days in advance of the hearing. During a hearing, the grievant and the accused shall have the following rights:

4.5.1.1. the right to have a non-participating observer present;

4.5.1.2. the right to present the testimony of witnesses and other evidence, relevant to the grievance;

4.5.1.3. the right to confront and cross-examine witnesses; and

4.5.1.4. the right to examine all submitted documents and other evidence.

4.6 Other Hearing Protocol

4.6.1 The hearing panel may request testimony and/or evidence from relevant witnesses.

4.6.2 The vice chancellor for student affairs will appoint a neutral party (non-hearing panel member) to observe the proceeding, offer procedural advice as needed, and act as the official audio recorder (authorized recording number 1).

4.6.3 The chair of the hearing panel will appoint a hearing panel member to also record (authorized recording number 2) the hearing and another grievance committee member not serving on the hearing panel to take official notes.

4.6.4 Both the authorized recordings and the official notes are for the hearing panel's use in deliberation and should be held in strict confidence. No other audio recordings are to be made.

4.6.5 At the discretion of the chair, and upon the advice of general counsel, campus security may be present for the hearing.

4.7 Summer and Fast Track Review

4.7.1 At the discretion of the vice chancellor for student affairs (or his/her designee) the grievance may be decided by the fast track process. If the vice chancellor for student affairs (or his/her designee) offers the student the fast track process, the student may elect to waive his/her right to a committee hearing. In the fast track process, the appropriate vice chancellor or senior administrator shall serve as the fact finder and conduct the hearing in the place of the hearing panel. The vice chancellor or senior administrator's decision will be final with the student having the right to file an appeal to the chancellor as outlined below in section 6.

4.7.2 Every grievance filed after April 15 and before August 25 of each year shall be decided through the fast track review and the grievant shall have no right to a committee hearing.

5. DECISION

5.1 After hearing a student grievance, the hearing panel shall determine, by majority vote, whether to recommend a finding that the preponderance of the evidence shows that the employee has violated the law or policy at issue. Within 14 calendar days of the hearing, the hearing panel shall provide a written report to the vice chancellor or senior administrator who received the complaint. The report should include a summary of the proceeding, finding of fact, 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.

5.2 The vice chancellor or senior administrator shall review the official report of the hearing panel and issue a written decision within 14 calendar days of receiving the hearing panel's report. In the decision, the vice chancellor or senior administrator may either adopt the hearing

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, subject to UNCP personnel policies and state and federal law, to all parties via certified mail, return receipt requested, within 14 calendar days.

6. APPEAL

6.1 The student who filed the initial grievance and the employee may appeal the decision of the vice chancellor or senior administrator to the chancellor within 14 calendar days of receiving the written decision. The chancellor, upon receiving the grievance appeal, may adopt the vice chancellor's/senior administrator's decision in whole, modify it in part, or reject the report and reach different findings or conclusions. The chancellor's decision shall be final and sent, subject to UNCP personnel policies and state and federal law, to all parties via certified mail, return receipt requested.

6.2 For grievances against vice chancellors, the chancellor (or his/her designee) will make decisions based on the hearing panel's report and recommendation and may adopt the report and recommendations in whole, modify it in part, or reject the report and reach different findings or conclusions. The chancellor's decision shall be final and sent, subject to UNCP personnel policies and state and federal law, to all parties via certified mail, return receipt requested.

6.3 Once the grievance matter is closed, all evidence used in the case, to include but not be limited to, documents and audio recordings, are to be placed in the custody of the vice chancellor for student affairs for three years.

7. APPLICABLE FORMS

7.1 [Student Grievance Formal Statement of Authenticity Form](#)