

Student Grievance Policy - Non-Academic

Preface

The University of South Carolina Lancaster is committed to a policy of treating all members of the University Community fairly in regard to their personal and professional concerns. This procedure is designed to provide students an opportunity to address non-academic complaints and problems that they have not been able to resolve through other channels.

Purpose

The primary objective of the grievance procedure is to insure that concerns are promptly dealt with and resolutions reached in a fair and just manner. It is essential that each student be given an adequate opportunity to bring non-academic complaints and problems to the attention of the University administration with assurance that each will be given fair treatment.

Definition

A grievance is defined as dissatisfaction occurring when a student thinks that any condition affecting him/her is unjust, inequitable, or creates unnecessary hardships. Such grievances include, but are not limited to, the following problems: mistreatment by any University employee, wrongful assessment and processing of fees, records and registration errors, racial discrimination, handicapped discrimination, sex discrimination, as they relate to non-academic areas of the University.

The grievance procedure shall not be used for appeals of disciplinary decisions, residency classification decisions, or traffic appeals decisions, or any other type of decision where a clearly defined appeal process has already been established.

Process

1. Initiating a Grievance - The initial phase of the student grievance procedure requires an oral discussion between the student and the person(s) alleged to have caused the grievance. This discussion must take place within 10 working days of the incident that constituted the grievance.

2. First Appeal

a. If the initial oral discussion phase is not successful in resolving the complaint or problem, and if the student wishes to file a formal grievance, the grievance form must be completed and filed with the immediate supervisor of the person alleged to have caused the grievance. The grievance form must be filed with the person's immediate supervisor within five (5) working days of the initial discussion referred to in paragraph 1 above.

b. The supervisor shall immediately acknowledge receipt of the grievance form and shall begin an investigation reaching a decision; the supervisor shall inform the student in writing (with a copy to the Dean of Academic and Student Affairs) within three (3) working days of the conclusion of the investigation.

c. If the student feels the grievance has been resolved, the process is complete. If not, an appeal may be brought before the Grievance Committee.

Grievance Procedure

If the grievance is unresolved, the student may bring the grievance before the grievance Committee by presenting a written statement within five (5) working days of the date of the supervisor's decision. This statement shall be forwarded to the Dean of Academic and Student Affairs in a sealed envelope and shall:

1. State the grievance;

2. State why the response is unacceptable; and
3. Request a hearing before the grievance committee.

Any related materials (including a copy of the grievance form and the written response from the supervisor) must accompany the letter. The Dean of Academic and Student Affairs shall immediately notify the Chairperson of the Grievance Committee of the appeal.

Upon receipt of the appeal, the Chairperson of the Grievance Committee shall send a copy of the appeal to the members of the Committee and the major parties involved. The major parties include: the person(s) against whom the grievance was initiated, the supervisor of the individual(s) and the Dean of Academic and Student Affairs. The Chairperson of the Committee shall ask the major parties to respond in writing to the appeal within five (5) working days. At the end of the five (5) working day period, the Chairperson shall meet with the Grievance Committee to examine the grounds for the request for an appellate hearing. A hearing shall be granted if a majority of the quorum finds that grounds for the appeal have been substantiated. A tie vote shall result in a hearing being granted. The Chairperson shall notify in writing, all involved parties of the decision of the committee to either hear or not to hear the grievance. The hearing shall be conducted not sooner than five (5) working days after the decision to grant the request for the hearing, and not later than 15 working days after the decision to grant the request for the hearing. A postponement may be granted by the Chairperson upon written request of either party. The request shall state why the postponement should be granted.

Conduct of the Hearing

The Chairperson of the Grievance Committee shall open the hearing by reading the request for an appeal, and informing the parties involved of the jurisdiction of the committee and its procedures. The Chairperson shall ascertain that all the parties involved are aware of their rights, answer any questions they have in regard to these matters, and conduct the hearing. All hearings shall be closed to the public, unless all parties agree that the hearing be opened to members of the University Community. A tape recording shall be made of the proceedings. All parties involved in a hearing shall maintain in the strictest confidence the identity of the individuals appearing before the Committee, as well as the information presented to the Committee.

Hearings shall be conducted in an informal manner. The taking of statements from the parties to the grievance (and witnesses, if any) may be done by discussion format, though each individual appearing before the Committee may be subject to cross examination. Witnesses shall be present only during the time they are testifying. The major parties involved in the grievance shall be required to attend all hearings of the Committee.

At the conclusion of the hearing, each party shall submit a proposed solution of the grievance to the Committee. After receiving the proposed solutions to the grievance, the Chairperson shall dismiss all the individuals who are not members of the Grievance Committee. The committee shall reach its decision based on the information presented during the hearing, and according to the Statement of Student Rights and Responsibilities. The Committee shall decide by majority vote the solution of the grievance. In the case of a tie, the Chairperson shall vote and thus break the tie. The Chairperson (or his or her designee) shall forward a written copy of the Committee's decision to the major parties involved and to the Dean's Office within 5 working days of the conclusion of the hearing.

Decisions of the Committee shall be final. The decisions of the committee shall be kept on file in the Office of Academic and Student Affairs. Any of the parties involved shall have the

right, upon request, to listen to the tape recordings of the hearing in the presence of a staff member of the Office of Academic and Student Affairs.

The Grievance Committee

The Grievance Committee shall be composed of seven members as appointed by the Dean.

Composition

1. Two (2) students
2. One (1) Faculty member
3. Three (3) Administrators
4. One (1) Chairperson

Term of Membership

1. All members shall serve for two calendar years. The original appointments shall be staggered.
2. If vacancies occur, the Chairperson shall notify the Dean. Individuals appointed to fill a vacancy shall serve for the unexpired portion of the original appointee's term.
3. All individuals may be appointed to additional terms. Appointments shall become effective on the first day of the fall semester.

Rules

1. The Committee may adopt additional rules and guidelines not in contradiction of the spirit of this policy.
2. A majority shall constitute a quorum of the Grievance Committee. Unfilled vacancies shall not count against the quorum. The Chairperson shall not count in constituting a quorum.
3. The Committee shall file an annual report with the Dean and the President of the Student Government. This report shall include a summary of the Committee's activity during the previous academic year, and any suggestions that the Committee may deem necessary.

Hearing Procedures

Rights of the Parties Involved in a Grievance

1. If a grievance hearing is granted, parties involved are entitled to:
 - a. a written notice of the complaint; and
 - b. a written notice of the time and place of the hearing.This should be forwarded to all parties at least five (5) work days prior to the hearing unless all parties waive all or part of the notice period.
2. Review all available evidence, documents, exhibits, and a list of witnesses that each party may present at the hearing. This is to be considered a continuing obligation by all parties involved.
3. Appear in person and present information on his or her behalf, call witnesses, and ask questions of any person present at the hearing.
4. Be assisted by an advisor or counsel of his or her choice. The advisor upon request may:
 - a. advise the individual on the preparation and presentation of his or her case;
 - b. accompany the individual to all grievance hearing; and
 - c. advise the individual in the preparation of the appeals.