

# **PROBLEM SOLVING PROCEDURES, INFORMAL DISPUTE RESOLUTION GUIDELINES, AND PROCEDURES FOR PROCESSING STUDENT COMPLAINTS OR GRIEVANCES**

## Introduction

Alliant International University is committed to maintaining a University environment in which its members can live and work in an atmosphere of acceptance, civility, and mutual respect for the rights, duties, and sensibilities of each individual. Occasionally, however, complaints or concerns arise, the timely resolution of which is important to maintaining the desired University atmosphere. The University will treat each complaint or concern seriously, and attempts to resolve issues quickly and effectively using informal processes. Alliant encourages the prompt reporting of complaints so that a rapid response can be made and appropriate action taken.

Students should use the guidelines and policies that follow if problems arise with Alliant staff, student support services, administrators, faculty, or other students.

The principles that underlie this policy and its related procedures are that:

- all students should receive fair and equitable treatment;
- relationships among members of the campus community will be conducted with respect, professionalism and honesty;
- most problems can be resolved informally;
- Mistakes or omissions occur on occasion and need to be corrected. Often problems can be resolved quickly by identifying them to the appropriate person for correction or resolution;
- students should take appropriate action as soon as they have a concern that is not being dealt with through the normal channels set up to address the area(s) of concern;
- confidentiality will guide the grievance process to the extent practical and appropriate under the circumstances;
- these guidelines and the University's values obligate everyone to proceed in candor and good faith at all times;
- no students will be penalized for good faith efforts to resolve problems or concerns by using these guidelines and policies; and
- Alliant prohibits all forms of harassment and/or discrimination on the basis of race, ethnicity, national origin, medical condition, veteran status, marital status, associational preference, religion, gender, gender identity, sexual orientation, social class, economic status, education, occupation, age, ability, and size.

Grievances or complaints that are based on one of these areas need to be reported to the Chief Human Resources Officer at [humanresources@alliant.edu](mailto:humanresources@alliant.edu) or may also be reported to your Program Director or Dean.

These guidelines and policies are not intended to replace administrative judgment or academic freedom, but instead serve to facilitate the decision-making process in areas of concern or complaint. (Additionally, there are formal policies and procedures for certain issues such as appeals about grades -- see Alliant's catalogue -- that are governed by specific processes that should be followed).

## Informal Actions to Achieve Problem Resolution

The following steps represent the University's informal dispute resolution process and, as such, outside legal or other counsel may not be present for either the respondent or the complainant. If outside legal counsel becomes involved, the informal problem solving process ceases.

- Step One: Students should first attempt to solve the problem through direct discussion.

The University encourages discussion between the parties directly involved in a dispute, especially in the early stages. When first faced with a concern or problem regarding academic or administrative policy, procedure, decision, or conduct, students should first make a good faith attempt to resolve the problem through one or more discussions about the problem with the person(s) most directly involved.

- Step Two: If discussion does not solve the problem, help should be sought.

If direct discussion does not solve the problem, or if the student would like additional help or support in continuing the resolution process, or needs advice about how to engage in a discussion about difficult issues, or just feels unsure about what next step to take, the Campus Director (CD) on the student's campus should be consulted.

The CD or designee on campus will assist students with this process. She/he will work to understand the problem and then will do one or more of the following:

- Provide consultation about next steps.
- Provide direct assistance if the problem is administrative.
- Refer the student to an appropriate academic advisor or administrator, or work with the student to get access to appropriate academic assistance or consultation if the issue is academically related.
- If multiple issues are involved, the CD can work to assemble all the appropriate parties to address the issue.
- If discrimination or harassment is involved, the CD can assist with any safety issues, and ensure that the problem is reported appropriately.

The CD is responsible for working collaboratively with students to identify the appropriate University resources to help them, and in administrative areas may be able provide direct support. The chart below shows the various people who can provide help and support:

<b>Individuals Who May Help</b>			
<b>Campus Director<sup>1</sup></b>	<b>Academic Advisor, Faculty Member, Program Director or Dean</b>	<b>Chief Human Resources Officer</b>	<b>Vice President of Student Services</b>
<b>Areas of Responsibility</b>			
<ul style="list-style-type: none"> <li>-Communications with staff</li> <li>-Basic service issues</li> <li>-Environmental issues, which may include questions about diversity and inclusion</li> <li>-Respectful treatment among community members</li> <li>-Financial Aid</li> <li>-Registration</li> <li>-Student Business Office</li> <li>-Tuition and billing</li> <li>-Facilities needs</li> </ul>	<ul style="list-style-type: none"> <li>-Academic performance</li> <li>-Academic progress</li> <li>-Evaluation issues (excluding grades)</li> <li>-Unethical behavior</li> <li>-Fear of retaliation</li> <li>-Comprehensive exams/preliminary exams/proficiency reviews</li> <li>-Classroom statements of prejudice</li> <li>-Field placement/-internships</li> <li>-Issues of culture, diversity, and inclusion</li> </ul>	<ul style="list-style-type: none"> <li>-Discrimination<sup>2</sup></li> <li>-Harassment<sup>3</sup></li> <li>-Bias-Related Incident<sup>4</sup></li> <li>-A supervisor, if the student is working for the University</li> <li>-Employment conditions, if the student is working for the University</li> </ul>	<ul style="list-style-type: none"> <li>- Problem solving, including problems that aren't getting solved</li> <li>- Communication regarding problems</li> <li>- Finding answers to complex or difficult questions</li> <li>- Facilitating difficult conversations</li> </ul>
<p><sup>1</sup> If the person with whom the student is having difficulty is the Campus Director, student may alternatively contact the Vice President of Student Services.</p>			
<p><sup>2</sup> Issues regarding discrimination can also be reported to the Office of Civil Rights of the U.S. Department of Education, or the California Department of Fair Employment and Housing.</p>			
<p><sup>3</sup> Harassment complaints can also be made to a Program Director or Dean.</p>			
<p><sup>4</sup> Refer to Bias-related Incident Policy and submit Bias Related Incident form.</p>			

The CD or others being worked with may request that information be provided in writing to assist with the resolution of the issue. A good faith effort should be made to resolve the issues at an informal level before filing a formal grievance.

## Formal Complaint Mechanism: Filing a Grievance

Students have the right to file a grievance, either initially or preferably after first having attempted to resolve the problem after using the steps and the various resources described above. All grievances must be filed within 180 calendar days of the alleged violation or the time at which the person making the complaint (the complainant) knew (or should have known) of the alleged violation. Failure to file a formal grievance within the 180-calendar-day period constitutes waiver of the right to file a grievance.

The student should discuss the grievance with the Campus Director. She/he will assist the student in determining whether the matter is grievable, and if so, in determining the appropriate grievance officer to address the matter. Grievable issues include:

- Unfair or unreasonable treatment by a staff or faculty member in relation to the discharge of University-related duties;
- Violation of a duly adopted University policy as described in the University's catalog, student handbooks, or other publications;
- Bias-related incidents and/or discrimination under federal, state or local law; or
- Unethical conduct according to recognized professional standards.

The following issues are not reviewable through the grievance process:

- An issue that would dispute the legitimate exercise of professional judgment by University faculty, administration or staff;
- The content of any policy or procedure currently in force at the University<sup>1</sup>;
- A student performance evaluation or grade for a course or field placement or for independent academic work under the supervision of a faculty member (grade appeals process applies);
- A decision regarding a student's academic status made by a duly designated administrative officer or committee;
- A procedural or final decision of a previous complaint or grievance; or
- Any action taken more than 180 calendar days prior to a complaint or grievance.

The Campus Director will generally seek assistance from other University personnel in making a determination that the issue is grievable, and will normally inform the student of that decision within 10 business days except when the University is closed (e.g., for official holidays). If the grievance is against a faculty member, the CD will refer the complaint to the relevant academic dean or academic administrator.

If the problem is not permitted to be reviewed through the grievance procedure or other University policies that may apply, and, depending on the specific issue involved, the Campus Director will either review the complaint him- or herself, based on the specific area of responsibility and authority within which the complaint falls, or refer the complaint to the appropriate authority, generally, the student's Program Director, or Dean (if the issue is an academic one, in which case the Faculty Handbook procedures will apply) or to the Chief Human Resources Officer when the issues concerns issues of employment, bias-related incident, discrimination or harassment. The Campus Director will notify the student in writing of that referral. The University official designated to review the complaint will normally issue a ruling regarding the complaint within 20 business days and will provide the student, in writing, of the ruling. If more time is needed, the person handling the complaint will notify the student to that effect.

<sup>1</sup> If the issue concerns a policy that is allegedly unfair, the complaint should be raised through the problem solving processes described here.

The ruling on a complaint that is not reviewable in the grievance process is final and cannot further be appealed.

If the complaint concerns the Campus Director, the complaint should be filed with the Vice President of Student Services who will serve as the reviewing or referral authority.

After determining that the grievance concerns a grievable issue, the Campus Director will ensure that the Grievance is forwarded to the appropriate University officer who will then become the Grievance Officer, that is, the person responsible for reviewing and deciding the outcome of the grievance. In general, Grievance Officers will be assigned by the type of concern that has been raised:

	<b>Grievance Officer</b>		
	<b>Campus Director</b>	<b>Program Director, Associate or Assistant Dean, Dean, or Other Designated Academic Official or Vice President of Student Services</b>	<b>Chief Human Resources Officer</b>
<b>Area of Grievance:</b>	Administrative matters	Academic matters	Bias-related incidents, discrimination or harassment

If the complaint concerns one of the designated Grievance Officers, it will be forwarded to the person’s supervisor, who then becomes the Grievance Officer for the case. Complaints regarding violation of professional ethical standards will be referred to the relevant committee on ethics.

When a valid grievance is in process, any related action will normally be stayed until the grievance procedure is completed. However, when, in the opinion of the Grievance Officer, there is reasonable cause to believe that immediate action is needed for the health, safety, or welfare of the complainant or other members of the community or to avoid disruption of the academic process, the Grievance Officer will work with appropriate parties to take immediate interim appropriate actions. All parties will be informed in a timely manner and in writing of any such interim actions.

### Roles and Responsibilities of the Grievance Officer

- Records the date of the grievance as the date the complaint was determined to be reviewable as a grievance.
- Provides the person against whom the grievance has been filed (“the respondent”) with a copy of the grievance and a copy of the grievance processing procedures.
- Provides a copy of the grievance procedure to the complainant and assists the complainant with information regarding the complainant’s right and responsibilities in the process of filing a grievance.
- Provides copies of the grievance to appropriate University personnel in a confidential manner for record-keeping purposes only. When the person against whom the grievance is filed is another student, a copy

of the complaint is filed with the Vice President of Student Services. When the respondent is a staff member, a copy of the complaint is filed with the Human Resources Office.

- Appoints a three-person panel to hear the grievance. The panel shall consist of one student, one faculty member, and one non-faculty employee, all chosen at the discretion of the Grievance Officer. All panel members must be full-time in their respective roles, and must have worked or been a student at the University for at least one full year. A hearing panel member must withdraw from participation if a conflict of interest is (or should be) anticipated.
- Makes requests for all documents relevant to the complaint, and ensures (subject only to privacy laws) that all information is distributed to all parties. Documents not deemed relevant to the complaint by the Grievance Officer will not be forwarded to the grievance panel or the parties.
- Establishes a date (that can be no later than 30 calendar days after the grievance was determined to be reviewable as a grievance) for the grievance hearing panel to meet. All parties will be given reasonable advance written notice of the hearing. This notice of the grievance hearing will include a brief statement of the factual basis of the complaint, the time and place of the hearing, and the names of the panel members. Either party to the complaint may request a new panel member on the grounds of conflict of interest but must submit the request directly to the Grievance Officer prior to the hearing date so that an alternate panel member can be identified. Requests for new panel members that in the exclusive judgment of the Hearing Officer do not have an appropriate basis will not be approved.

## Rules for Investigating the Complaint

- Retaliation, harassment, or discrimination against a student filing a grievance or participating as a witness in the investigation will not be tolerated. Any incidents of retaliation should be reported immediately to the Grievance Officer or the Vice President of Student Services. Allegations of alleged discrimination or harassment should be reported to the Chief Human Resources Officer.
- Only those who have an immediate need to know, including the individual to whom the report is made, the accused, and any witnesses or other involved parties, are permitted to know the identity of the complainant. Persons contacted in the course of the investigation will be advised that all parties involved in a charge are entitled to respect and that any retaliation against an individual who has made a complaint, or who has provided evidence in connection with a complaint is a separate actionable offense as provided below. Confidentiality is to be maintained throughout the investigation to the extent practical and appropriate under the circumstances.
- If any party fails to cooperate with a University-sponsored investigation, he or she will be subject to appropriate discipline.
- If the investigation results in a finding that the complaint falsely, knowingly or in a malicious manner accused another of violating University policies, the complainant will be subject to appropriate sanctions, up to and including dismissal from the University.
- Both parties shall receive copies of all documents developed or utilized in the investigation of the complaint (in so far as is consistent with privacy laws).
- The University will maintain a confidential written record of the grievance and how it was investigated and resolved in the appropriate office (CD, VP of Student Services, or Human Resources). This record will be retained for six years from the date of resolution of the grievance unless new circumstances dictate that the file should be kept for a longer period.

## Roles and Responsibilities of the Hearing Panel

- Has the discretion to establish reasonable procedures for the hearing.

- Discusses testimony, hears issues, and considers all available evidence pertaining to the charge(s). Any relevant evidence may be admitted if it is the sort of evidence on which reasonable and responsible persons are accustomed to relying in the conduct of serious affairs. This is true regardless of the existence of any common law or statutory rules that might otherwise make improper the admission of the evidence.
- Judges the relevancy and weight of testimony and evidence and makes its finding of fact, limiting its investigations and decisions to the formal charge(s). Accusations not specifically related to the alleged violation will not be considered.
- Conducts the hearing in a fair, dignified, and orderly manner.
- Makes an adequate record of the proceedings using tape recording or other appropriate means since all evidence becomes part of the overall record of the grievance.
- Renders a decision no later than ten (10) University working days after the hearing is completed and notifies the Grievance Officer in writing.

## Hearing Rules

- Grievance hearings are closed except for the parties involved and their advisors, and any relevant witnesses.
- Witnesses may be excluded from the hearing except while giving testimony.
- Any member of the panel may ask questions.
- The panel may call other "expert" witnesses for assistance, whether or not the parties present testimony from experts at the hearing.
- Anyone who disrupts the hearing may be excluded.
- Representation by outside legal counsel is not permitted. However, each party may choose a non-legal advisor from the Alliant community (current Alliant student, faculty, or staff) to assist in the presentation of evidence. Advisors are not permitted to participate directly at the hearing. Consultation at the hearing may occur only with the consent of the hearing panel.

## Outcome and Notification

- Within 15 working days of the grievance hearing, and subject to any legal restrictions on the disclosure of disciplinary actions and appeal rights, the Grievance Officer will notify in writing the parties involved in the grievance of the findings of the hearing panel.
- Any University staff or administrator found to be responsible for offenses in violation of University policy will be subject to appropriate disciplinary action up to and including dismissal. The severity of the disciplinary action will depend on the circumstances of the infraction.
- Any student found to be responsible for offenses in violation of University policy will be subject to appropriate disciplinary action up to and including suspension or dismissal. The severity of the disciplinary action will depend on the circumstances of the infraction.
- The notification will include information about the right to appeal the decision.

## Appeal Issues

- The findings of a grievance hearing panel may be appealed only on the following three grounds.
  1. Errors in interpretation or implementation of grievance procedures were so significant as to effectively make a fair hearing of the issues impossible;
  2. Presentation of new and significant evidence that could not have been discovered by diligent preparation for presentation at the initial hearing is now available; or
  3. Lack of substantial evidence in the record to support the outcome.
- Appeals concerning administrative matters are made to the Vice President of Student Services. Appeals concerning academic matters other than those involving faculty members (in which case the Faculty Handbook provisions apply) are made to the relevant school/college Dean or to the Provost/VPAA. These individuals may designate someone other than themselves to serve as the Appeal Officer because of a conflict or other constraints. The identified person becomes the Appeal Officer.
- The request for appeal must be made within 10 working days of the original decision.
- The Appeal Officer will determine whether the grounds for appeal have been met. If not, the complainant will be so informed and no appeal process will take place.
- If the Appeal Officer determines that the grounds for appeal have been satisfied, s/he will conduct a thorough review of the evidence, and issue a written decision to the parties within 10 working days of the receipt of the appeal. The decision of the appeal officer is final except when the Appeal Officer's behavior in the appeal is itself at issue, in which case the University's President is the reviewer and final appeal authority.

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Questions about this policy should be directed to the Campus Director.