

## **GRIEVANCES**

The President of Dominican University of California is responsible to the Board of Trustees for the administration of the University, including the development, enforcement, and monitoring of all policies and procedures. The authority for responding to student discipline matters has been delegated to the Vice President for Student Life/Dean of Students or his designee. All Dominican University of California students are required to know and to comply with University rules, policies, and procedures, and are responsible for their violation of them. Some issues with which a student must contend cannot be the subjects of a formal grievance; that is, while some issues may be serious, they do not warrant the involvement of a significant number of campus officials. Disciplinary matters usually fall into that category.

Disciplinary action against a student is usually initiated by the Dean of Students in response to an incident report filed by the residence hall staff, to a report filed by a campus security officer, or to a complaint filed by any member of the University community or someone not associated with the University. Resident students are advised to consult the Residence Life Handbook for information about hall policies and the process for responding to violations of them. Most residence hall incidents are investigated by and responded to by Residence Life personnel. More serious violations are referred to the Dean of Students. Such violations include, but are not limited to substance abuse; the selling of drugs; tampering with safety equipment, fighting, violence and/or activities requiring police intervention; and continuing and/or extreme harassment. The Dean of Students also may respond to appeals from action taken by the Director of Housing.

Within a reasonable time frame, usually one week, the Dean of Students will make the grievance known to the student by notifying him/her of the alleged violation(s) of the standards of conduct and the context in which the violation(s) occurred. Within 20 working days the Dean of Students or a named designee will complete an investigation of the alleged violation to determine if there is need for any corrective or remedial action to be taken. The University shall use reasonable efforts to meet time limits recommended within this policy, but recognizes that compliance with all suggested time limits may not always be reasonable or practical. Further, specified time limits may be changed for good cause or reason as determined by the Dean of Students.

The decision of the Dean of Students is final in matters related to a perceived unfairness in disciplinary cases not resulting in dismissal. In cases involving dismissal, the Dean's decision may be appealed through the process outlined in the grievance procedures.

## **GRIEVANCE PROCEDURES**

### ***Introduction***

The University expects all community members to interact with each other in ways that minimize the possibility of problems or disputes. One of the most important elements for preventing misunderstandings and hurt feelings is clear, honest, and respectful communication. In any organization, a certain amount of disagreement is healthy, indicating that the environment supports and encourages personal expression. However, even with the best communication, occasional problems are inevitable. When a problem occurs, reasonable attempts will be made to maintain confidentiality in order to protect the right to privacy of those who are involved, and so that the integrity of the person alleged to have acted inappropriately is not compromised in the event of an unfounded complaint. It is necessary, however, to recognize that in the course of investigating and resolving complaints, some dissemination of information to others may be appropriate and necessary in order to fairly and adequately investigate such claims.

In order to ensure equitable, fair, and timely resolution of problems that may arise, the following informal and formal review procedures have been established. No individual's status with the University shall be adversely affected in any way because he/she utilizes these procedures or participates in a grievance proceeding. The grievance procedures outlined in this section are intended to address all allegations of discrimination, sexual or other unlawful harassment and violations of University procedures or other policies.

The grievance processes expressed here are not available nor are intended to reassess the substantive merits of administrative or academic decisions or recommendations of faculty committees, unless those decisions or recommendations were reached on the basis of applying impermissible criteria, such as race or sex, or resulted from a failure to follow applicable University procedures or policies. Consequently, an investigator's and/or grievance committee's review is limited to determining whether discrimination or violations of University policies or procedures were involved in the challenged decision or recommendation.

The grievance procedure is not available to persons seeking admission to the University as a student nor to applicants for employment.

### ***Informal Grievance Process***

Because problems are generally most easily resolved on an informal basis when they first arise, any individual who believes that he/she has been treated inappropriately is encouraged to discuss the situation honestly, thoroughly, respectfully, and in a timely manner, with the other person who is involved. In attempting to deal with the problem informally, the aggrieved individual may seek the advice and assistance of any appropriate campus official. For example, a student may wish to speak to a faculty member, advisor, or the Academic Dean. Members of the University community are also encouraged to consult with the Director of Human Resources at 257-1365, who serves as the University's Affirmative Action/Title IX Coordinator. Title IX addresses issues concerning any type of discrimination and/or gender inequity. The University also encourages the person who perceives he or she was offended to keep a written record relating to his/her attempt to resolve the problem informally. All of this documentation could be helpful in cases where a problem persists despite the informal efforts to resolve it.

It is important to note that in cases involving alleged discrimination or sexual or unlawful harassment, the University is legally obligated to conduct a thorough and timely investigation to its conclusion, even if the complainant requests that an investigation not be conducted or that an investigation be discontinued. Any individual who may be a victim or who becomes aware of a situation that involves alleged discrimination, sexual or other unlawful harassment or alleged failure to follow applicable University policies or procedures should keep a written record relating to the case (e.g., dates and summaries of conversations). For concerns of sexual harassment/assault, please see the Formal Grievance Process below.

### ***Formal Grievance Process***

If the problem is not resolved to the satisfaction of the individual, or if he/she does not wish to deal with the problem informally, a formal complaint may be filed by completing the form "Petition to Initiate a Formal Grievance," which is available online and from Human Resources. This petition must be given to the Director of Human Resources within 30 working days of the action/incident being grieved, or the latest in a series of actions/incidents.

If good cause exists, a person seeking to file a formal grievance can obtain an extension from the Director of Human Resources. Any request for extension should be made in writing, giving the specific reasons why an extension is necessary. In general, a person wishing to file a grievance is encouraged to do so as early as possible if an informal means of resolution has not been achieved.

### **Allegations of discrimination or sexual or other unlawful harassment**

Following the filing of a formal complaint, a formal investigation will begin. The Director of Human Resources, or a special investigator selected by the Director of Human Resources, will conduct a thorough and prompt investigation and will notify the alleged offender that a grievance has been filed against him/her. The investigation will generally involve an interview with the grievant, separate interview(s) with the individual(s) whose action is being grieved, and if appropriate, interviews with witnesses and/or a joint meeting between the involved parties.

Within 60 working days of the filing of the formal complaint, the investigator will issue a recommendation to the appropriate Vice President for a decision in the matter. If it is a Vice President against whom the grievance has been filed, the Director of Human Resources will make a determination as to the most appropriate University official to have responsibility for making a decision about the case.

The Vice President's decision in the case, including a description of the nature of any corrective or remedial action taken, shall be submitted in writing to each involved party (with a copy to the Director of Human Resources) within 20 working days of the receipt of the findings and recommendations of the investigator.

### **Allegations of violations of University procedures or policies not involving discrimination or sexual or other unlawful harassment**

The Director of Human Resources shall, within five working days of receiving the grievance petition, determine if the matter complained of states a grievable issue that is appropriate for determination by the University's grievance procedures. A negative determination by the Director of Human Resources may be appealed, within 15 working days, to the appropriate Vice President. A determination that the grievance was not filed within 30 working days may not be appealed.

Once it has been determined that the complaint is grievable, the Director of Human Resources gives the petition to the appropriate Vice President. If it is a Vice President against whom the grievance is being filed, or if a Vice President is a party to the issue at hand, the Director of Human Resources will make a determination as to the most appropriate University official to investigate the particular charges involved.

It is the responsibility of the appropriate Vice President, with the advice and assistance of the Director of Human Resources, to notify the alleged offender that a grievance has been filed against him/her, and then to thoroughly investigate the case. This will generally involve an interview with the grievant, separate interview(s) with the individual(s) whose action is being grieved, and if appropriate, interviews with witnesses and/or a joint meeting between the involved parties. It is also the Vice President's responsibility to provide copies of all relevant written materials to each of the involved parties.

The Vice President's role in this process is to review the facts of the case taking University policies and procedures into account, to assess whether the grievant has been treated reasonably and fairly, and to assist the concerned parties in seeking to reach a mutually acceptable solution.

The Vice President's decision in the case, including a description of the nature of any corrective or remedial action taken, shall be submitted in writing to each involved party (with a copy to the Director of Human Resources) within 30 working days of the receipt of the initial written petition.

If remedial action is required, it shall be commensurate with the severity of the offense. For a serious offense, this could include dismissal from the University for a student. Appropriate action will also be taken to deter any future problems of the same or a related nature, and/or to remedy any loss to the grievant.

### ***Appeal Procedure***

The appeal procedure is available to students who are not satisfied with the outcome of the decision by the appropriate Vice President. The grievant must submit a written request for further review to the Director of Human Resources within five working days of the receipt of the written decision of the Vice President.

Within five working days after the appeal is filed, the findings and recommendations of the investigator and/or the decision of the Vice President will be sent to the President. The President or his/her designee will review the findings, recommendations, and decision and may review other facts relating to the grievance.

The President or his/her designee will render a decision in the matter within 15 working days of the receipt of the findings and recommendations of the investigator and/or the decision of the Vice President. Copies of the final decision, including notice of any corrective action taken, will be provided to all parties. The decision of the President or his/her designee shall be final in all respects and not be subject to review under any other grievance procedure in effect at the University.

In the case of grievances regarding violations of university procedures or policies that do not involve discrimination or harassment, the grievant may elect to use the following appeal process:

The Director of Human Resources will arrange for a hearing to be conducted by a three-member hearing committee. The members of this committee shall be selected from a list containing senior members of the staff and tenured faculty members who have been chosen jointly by the Director of Human Resources and the Vice President for Finance and Administration. A listed person may abstain from participating in a

particular case if a possible conflict of interest is perceived to exist. The three members of the committee shall be selected by a blind drawing of names contained on the list, it being the intent of this procedure to attain objectivity by selecting committee members randomly from the list. Those appearing on the list shall not be required to serve on a grievance committee more than once per academic year. The Hearing Committee will convene within 20 working days after the appeal is filed. The committee will review all available documentation on the case, and will interview both the grievant and the individual(s) whose action is being grieved. Witnesses may also be interviewed as appropriate. The Hearing Committee will then convene at least one meeting at which both parties will be present.

During the hearing, all evidence which the grievant wishes to present should be brought forth; the evidence may be presented in multiple forms, including but not limited to oral testimony, written statements, documents, tapes, photos. The individual whose action is being grieved also will have the opportunity to present relevant evidence in any of these forms.

The goal of the grievance procedure is to achieve a resolution of disputed matters in the least adversarial manner. In addition, the procedure has been structured to avoid the formality, cost, and delays that are typically encountered in the judicial forum. For that reason, the University is generally not represented by counsel at grievance proceedings and persons filing grievances are likewise encouraged to communicate their grievances directly without the use of attorneys, agents, or other intermediaries.

Complete minutes of the hearing will be kept; a cassette tape is acceptable. All minutes will be treated as confidential unless the grievant institutes litigation against the University, in which case a copy of the minutes or tape will be made available to attorneys representing a party and having the authority to obtain the minutes or tape.

The Hearing Committee shall complete its investigation within 30 working days of first convening. Then, within ten working days of the conclusion of the hearing, the Hearing Committee shall submit a written summary of the case and the committee's findings, as well as the committee's recommendations for disposition of the case, to the President (with copies to the appropriate Vice President, the Director of Human Resources, and the grievant).

The grievant may respond in writing to the Hearing Committee's report within 15 working days of the receipt of the report. Such response shall be submitted to the President, with copies to the Hearing Committee, the appropriate Vice President, and the Director of Human Resources.

The President or his/her designee will render a decision in the matter within 15 working days of the receipt of the grievant's response. Copies of the final decision, including notice of any corrective action taken, will be provided to all parties. The decision of the President or his/her designee shall be final in all respects.

*A NOTE ABOUT TIME FRAMES: The University's grievance procedures reflect Dominican's commitment to resolving problems in an expeditious manner. Every reasonable attempt will be made to adhere to the time frames specified, but there may be occasions when it will be necessary to make exceptions. Such occasions could relate to the circumstances and complexity of the matter, the time demands and schedules of the parties involved, or the time of year that a grievance is filed (e.g., many faculty members and students are not available during semester breaks or over the summer months). It is the goal of the University to balance the need for an expeditious resolution of problems with the need to make a full and completely accurate investigation of the matter under review. If it is deemed necessary to alter the time frames specified in the policy, all parties will be notified of the amended schedule.*

#### ***Other Resources***

Individuals should be aware that they also have the right to file complaints relating to prohibited discrimination or harassment in employment with either the Federal Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing; complaints relating to discrimination on the basis of sex may be brought to the attention of the Office for Civil Rights in the U.S. Department of Education.

Such claims should be filed promptly and will be fully investigated by the agency with which they are filed. An individual may also have the right to pursue further legal remedies, including a prohibition on further harassment, damages, and attorneys' fees in court, if the matter has not been resolved.

Any member of the University community may seek assistance from the Director of Human Resources regarding how to contact the state and federal agencies with a claim of harassment.