INTRODUCTION

Dominican University of California 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. In order to ensure equitable, fair, and timely resolution of problems that may arise, students are encouraged to follow either the informal or formal Grievance Procedures that have been established.

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.

No individual's status with the University shall be adversely affected in any way because he/she utilizes these procedures in good faith or participates honestly and in good faith in a grievance proceeding (see “Retaliation Policy” in the student handbook). The grievance procedures outlined in this section are intended to address all violations of University 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 prohibited discrimination or violations of University’s stated policies or procedures were involved in the challenged decision or recommendation. Furthermore, the grievance procedure is not available to persons seeking admission to the University as a student or to applicants seeking employment.
Grievances Involving Allegations of Discrimination, Harassment, or Sexual Misconduct

It is important to note that in cases involving discrimination, harassment, or sexual misconduct (including sexual harassment or assault), the University may be legally obligated to conduct a thorough and timely Formal Grievance investigation to its conclusion. Prior to conducting this investigation, the University will inform and obtain consent from the complainant (or their parent/guardian if under age 18). Should the complainant ask for confidentiality or that an investigation not be pursued, the University will take all reasonable steps to investigate and respond to the complainant accordingly. Please be aware that if a complainant requests not to have their name or other identifiable information given to the respondent, the University’s ability to investigate the grievance and respond to the complainant may be significantly limited.

The University’s intention is to take steps to prevent recurrence of discrimination, harassment or sexual misconduct (including harassment and assault), and to correct its effects. Any individual who may be a victim or who becomes aware of a situation involving alleged discrimination, harassment, sexual misconduct (or alleged failure to follow applicable University policies or procedures surrounding Title IX issues) should immediately report the incident to the appropriate University personnel. Please see the “Discrimination, Harassment, and Sexual Assault Policy” as well as the guidelines for filing a Formal Grievance for additional information.

Statement about Legal Representation or Involvement
Investigating and responding to violations of the Student Code of Conduct or violations of student policy and procedure are administrative processes between the University and the student(s) involved. As such, the presence of an attorney and/or information or written materials submitted by an attorney representing a student/client is strictly prohibited. At the start of any investigation, students will be notified of the timeline and the procedures that will be followed. Students are encouraged to familiarize themselves with the policies outlined in this handbook for more detailed information.

GRIEVANCE TERMINOLOGY

The grievance process at the University is applicable to misconduct on the part of faculty, staff, and students (on or off campus). The grievance process is unaffiliated with local, state, or federal authorities, and as such, the systems in place and the terminology used in the grievance procedure may be different from those found within the legal process. Please familiarize yourself with this terminology and the descriptions as described below.

- **Grievance**: a grievance is a complaint that there has been violation of the student code of conduct or University policy.
- **Complainant**: the individual who brings forth the grievance.
- **Respondent**: the individual(s) believed to be responsible for the grievance issue.
- **Investigator**: the individual responsible for investigating and speaking with those who might have knowledge of the issue. The investigator may be a University employee, or a special designee appointed by the University.

- **Policy**: refers to a specific policy as outlined in the Student Handbook. Please refer to the student handbook for additional information about the named policy.

- **Sanction**: the outcome or action resulting from the grievance investigation. Sanctions may be punitive, restorative, or educational and are determined by the appropriate University personnel.

- **Working Days**: Refer to standard workdays (Mon--- Fri). Does not include weekends.

## INFORMAL GRIEVANCE PROCESS

Because some 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, and is comfortable in doing so, is encouraged to discuss the situation honestly, thoroughly, respectfully, and in a timely manner, with the other involved person. The following are some suggested ideas for addressing grievances in an informal manner:

- In attempting to deal with the problem informally, the complainant may seek the advice and assistance of any appropriate campus official in an attempt to help him/herself deal with the issue informally.

- The University encourages the person trying to resolve the grievance in an informal manner 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.

- If the problem is not informally resolved to the satisfaction of the complainant, or if he or she does not want to deal with the problem informally, a formal complaint may be brought by following the procedure for filing a Formal Grievance.

Please be aware that informal resolution is not a prerequisite to filing a Formal Grievance with the University. Significant violations of University policy or procedures, especially issues associated with discrimination, harassment, or sexual misconduct, should be reported to the appropriate University administrator by following the formal grievance process.
INFORMAL GRIEVANCE: SUGGESTED SELF-ADVOCACY GUIDELINES

Complainant raises issue

Complainant keeps notes of incident for records
Complainant may seek advice from peer or mentor

Complainant meets with respondent to discuss concerns and to explore possible resolutions

Complainant and Respondent come to agreed upon resolution

Complainant and Respondent DO NOT come to agreed upon resolution

Case Closed

Formal grievance may be filed (process followed)
FORMAL GRIEVANCE PROCESS

In a situation where there has been a perceived violation of policy, a complainant may chose to file a formal grievance with the University. Depending on the respondent’s position at the University (student, faculty, or staff member), the grievance should be filed with the following designated university administrators:

In cases where the respondent is a…

☐ **Student** = the grievance should be filed with the Dean of Students

☐ **Faculty** = the grievance should be filed with the Director of Human Resources

☐ **Staff** = the grievance should be filed with the Director of Human Resources

☐ **Third Party** = the grievance should be filed with the Director of Human Resources. Third Party refers to any individual (ex: vendor or contractor) who has a business relationship with the University.

☐ **Outside the University** = consult with Dean of Students or Director of Human Resources Outside the University refers to an individual who is not a student or an employee of the University, and has no business relationship with the University, and the violation did not take place in a University-- related setting. In these situations, Dominican may not have the authority to investigate or take action. However, students are encouraged to speak with the Dean of Students or Director of Human Resources who might be able to provide guidance, information, or direct students to appropriate community resources.

Where a formal grievance has been initiated against a member of the University community (student, faculty, staff, or third party), the following procedures will be followed:

**Step 1: Filing a Grievance --- Request to Initiate Investigation**

It is the responsibility of the complainant to submit the Request to Initiate Investigation in order to start the grievance process. In ordinary circumstances, the documentation should be filed within thirty (30) days of the alleged incident, or the latest in a series of actions/incidents. This documentation should be filed with the designated university administrator, in type-- written format, and include the following:

☐ Names of all parties involved;

☐ Detailed summary of the incident(s) – include dates and times if known, and any examples of policy violations;

☐ Information on any subsequent related issues since initial incident(s);

☐ Summary of attempts to resolve incident(s) – if applicable;

☐ Desired remedy or outcome;

☐ Include printed name, signature, and date.
If good cause exists, a person seeking to file a formal grievance can obtain an extension from the designated university administrator. 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.

**Step 2: Review for Cause**

Once the Request to Initiate Investigation is received, the designated university administrator will review the documentation to determine if there is cause for grievance. Please be aware that the designated administrator may need to conduct a preliminary investigation or collect information to determine cause.

- **CAUSE FOR GRIEVANCE**: within ten (10) working days of receipt of the Request to Initiate Investigation, unless unusual or complex circumstances exist, the designated university administrator will inform the complainant and respondent of the grievance and their rights under this policy.

- **NO CAUSE FOR GRIEVANCE**: within ten (10) working days (unless unusual or complex circumstances exist) the designated university administrator will notify the complainant with the reasons for no cause and provide additional information and/or resources for the complainant.

**NOTE:** The University may take immediate measures such as restriction of privileges and services, interim suspension, exclusion from certain on-campus facilities or from campus altogether. In cases of alleged sexual harassment, alleged sexual assault, or alleged complicity in sexual assault, the Dean may change a respondent’s living situation or adjust their academic schedule (or those of the complainant if so requested).

**Step 3: Appointment of Primary Investigator -- Investigation Begins**

With cause for grievance established and the complainant and respondent notified, the designated university administrator will appoint a primary investigator to review the case. Investigations will generally involve: interviews with the complainant, with the respondent(s), and, where appropriate, with witnesses; and, again where appropriate, a joint meeting between the involved parties.

The designated university administrator may choose to appoint a special investigator from within the University or from outside the University community (“primary investigator”) to conduct the investigation.

**NOTE:** In the case of grievances where both the complainant and respondent are students, the Dean of Students reserves the right to serve as both the designated university administrator and the primary investigator.
**Step 4: Findings and Recommendation**

The primary investigator will submit facts and findings and a recommendation to the designated university administrator:

- In the case of grievances filed against students, the findings and recommendations will generally be submitted to the Dean of Students.
- In the case of grievances filed against a faculty or staff member, or third party, the findings and recommendations will generally be submitted to either the Provost/Vice President for Academic Affairs (faculty) or to the Vice President for Finance and Administration (staff and third party).
- If it is a Vice President against whom the grievance has been filed, the President or his/her designee will decide the grievance.

**Step 5: Decision & Notification**

Within sixty (60) days of the filing of the grievance (unless unusual or complex circumstances exist) the designated university administrator will review the findings and recommendations. Any sanctions or disciplinary action imposed will be based on a preponderance of evidence standard; meaning that it is more likely than not that a violation of policy occurred. The designated university administrator will then notify, as appropriate, both the complainant and respondent of the findings of the investigation and provide a decision on the grievance to include any proposed resolution(s) and/or sanction(s).

**Next Steps: Case Closure or Appeal**

Once the designated university administrator has notified the complainant and respondent of the decision, and assuming both the complainant and respondent accept the findings and decision, the case will be closed. Should either the complainant or respondent not agree with the decision, they have the option to file an appeal with the Appeal Board (see “Appeal Procedure”). The appeal is due to the designated university administrator within five (5) working days of receipt of the decision.

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 (ex: 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.
FORMAL GRIEVANCE PROCESS – VISUAL GUIDE

**STEP 1: FILING OF GRIEVANCE (DAY 1):**
Complainant submits "Request to Initiate Investigation" to the designated university administrator

**STEP 2: REVIEW FOR CAUSE:**
Within ten (10) working days of submission, the grievance claim is reviewed for cause; complainant & respondent are notified

**IF NECESSARY:**
Dean of Students or Director of Human Resources may take immediate measures

**STEP 3: INVESTIGATION**
Appointment of primary investigator (investigation begins)

**STEP 4: FINDINGS AND RECOMMENDATION:**
The primary investigator will submit facts and findings and a recommendation to the designated university administrator

**STEP 5: DECISION AND NOTIFICATION**
Within sixty (60) days of filing of grievance, the designated university administrator submits a written decision to both the complainant and respondent

Complainant and Respondent both ACCEPT decision

CASE CLOSED

Complainant or Respondent DO NOT ACCEPT decision: Appeal is filed within five (5) working days of decision

Appeal Process followed (see "Appeal Procedure")
APPEAL PROCESS

The appeal procedure is available to either the complainant or the respondent if either or both are not satisfied with the decision or outcome of the grievance investigation. The appeal process is time-sensitive, so those considering an appeal must be aware of the process and deadlines as outlined in the following sections.

Appeal Board
The Appeal Board refers to a three-member committee (composed of faculty, staff, or administrators) authorized jointly by the Provost and the Vice President for Finance and Administration to consider an appeal from a student regarding a grievance investigation and/or the decision or outcome resulting from the investigation.

Basis for Appeal
All appeals are limited to a review of the record of the grievance investigation and the information and/or facts gathered during the process, except in instances where new information or facts that are relevant to the case are brought forth. In order to be considered, the basis for the appeal must meet one of the following criteria:

☐ An individual can show that procedural steps have been missed or if there was prejudice or bias by the decision-maker;

☐ The respondent may file an appeal to determine if the sanction(s) resulting from the investigation and decision are appropriate for the violation;

☐ An individual may appeal if they feel there is new information/facts relevant to the investigation that could not have been known during the initial investigation process.

Where a formal grievance investigation has been concluded, a decision has been reached, and all involved parties notified as appropriate, the complainant or respondent may choose to file an appeal on the basis outlined in this policy. The following procedures will be followed:

Step 1: Filing Appeal Request
It is the responsibility of the individual seeking to appeal to submit the Appeal Request in order to start the appeal process. In ordinary circumstances, the Appeal Request should be filed within five (5) working days of the grievance investigation decision notification, and should be submitted to the Appeal board in care of the designated university administrator responsible for the original grievance.

The Appeal Request will be a type-written document that must include the following:

☐ Basis for Appeal;

☐ New facts and/or Information relevant to the grievance investigation or decision;

☐ Include printed name, signature, and date.
**Step 2: Appointment of Appeal Board**
The Provost and Vice President for Finance and Administration (VPFA) will jointly appoint the three-person Appeal Board. The individuals on the board will be chosen from faculty, staff, and/or administration.

**Step 3: Review for Basis**
Upon receipt of the request for appeal, and after appointment of the Appeal Board, the documentation will be reviewed to determine if there is basis for an appeal as defined within this policy.

- **BASIS FOR APPEAL:** within ten (10) working days of receipt of the Appeal Request (unless unusual or complex circumstances exist) the Appeal Board will inform the individual filing the appeal of next steps in the process.

- **NO BASIS FOR APPEAL:** within ten (10) working days (unless unusual or complex circumstances exist) the Appeal Board will notify the individual filing the appeal with the reason(s) for no basis. At that point, the appeal is considered denied, all decisions resulting from the grievance investigation will stand, and the case is closed.

**Step 4: & Appeal Hearing**
Once the basis for appeal has been established, and once the individual who submitted the appeal has been notified, the Appeal Board will commence the inquiry. The board may choose to interview the complainant, respondent, and/or any witnesses but shall not endeavor to reinvestigate the underlying grievance.

The Appeal Board shall complete the hearing within twenty (20) working days of the filing of the Appeal Request (unless unusual or complex circumstances exist).

**Step 5: Findings and Final Decision**
Upon completion of the appeal hearing, and within thirty (30) working days of the receipt of the Appeal Request (unless unusual or complex circumstances exist) using a preponderance of the evidence standard, the Appeal Board will provide a final decision through a written notification to the individual filing the appeal, with copies given to the Director of Human Resources and the Dean of Students, as appropriate.

The Appeal Board has the authority to uphold or modify the decision and/or recommendations resulting from the original grievance investigation. The decision made by the Appeal Board is final and binding upon all involved in the grievance matter. Upon written notification, the case is closed.
**APPEAL PROCESS — VISUAL GUIDE**

**STEP 1: FILING OF APPEAL (DAY 1)**
Appeal Request is filed with the designated university administrator responsible for the original grievance.
The appeal must be filed within five (5) working days of the grievance.

**STEP 2: APPOINTMENT OF APPEAL BOARD**
Three-person board appointed by Provost and VPFA.

**STEP 3: REVIEW FOR BASIS:**
Within five (5) working days of submission, the appeal is reviewed for basis and the person filing the appeal is notified.

**STEP 4: APPEAL HEARING**
Appeal Board will commence inquiry.

**STEP 5: FINDINGS AND FINAL DECISION:**
Within thirty (30) working days of appeal request, the Appeal Board will provide a final decision.

**STEP 5: DECISION AND NOTIFICATION**
Within thirty (30) days of filing of grievance, the designated university administrator submits a written decision to both the complainant and respondent.

CASE CLOSED