

# Grievance and Appeal Procedures

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Azusa Pacific University provides a means by which graduate students may file a grievance or an appeal for academic and student life issues, excluding violations of the Standards of Conduct. Examples include the appeal of an academic dismissal, academic integrity violation, or denial of a petition for a grade change (for challenging a grade after discussing the grade issue with the instructor, see the Grade Change Process (<http://catalog.apu.edu/policies-procedures/graduate/grade-change-process/>)). Learn more about harassment (<https://www.apu.edu/generalcounsel/policies/list/>) and internet use (<http://catalog.apu.edu/policies-procedures/university/internet-acceptable-use-policy/>).

An appeal is a student-initiated response to a faculty, department, or institutionally determined decision. A justifiable cause for grievance shall be defined as any act that, in the opinion of the student, is a response to behavior that is claimed by the student to adversely affect the student and is perceived as capricious, prejudicial, or an arbitrary action on the part of any university employee, or an arbitrary or unfair imposition of sanctions.

If a school's student handbook has a separate grievance procedure, the procedures described in this catalog will take precedence unless otherwise authorized by the Office of the Provost.

## Initial Grievance and Appeal Procedures

The grievance process described in Section II below should be used after the following means have been exhausted.

1. In the area of academics, protocol requires that student concerns or appeals be taken up first with the faculty member within 15 business days after the incident occurred. Outside of academic matters, the student should first address his/her concerns with the head of the university department in which the employee that is the subject of the grievance works within 15 business days after the incident.
2. Failure to resolve an academic grievance or appeal after meeting with the faculty member requires an appeal to the appropriate department chair within five business days, and then to the dean of the school or college within five business days of the department chair's decision. The dean may request that the student's complaint be submitted in writing. Failure to resolve a nonacademic grievance or appeal after meeting with the head of the relevant university department requires a meeting with the appropriate university vice president. In the case of student life issues, the point of final appeal before a grievance would be the associate vice president of student life.

## Guidelines for Filing a Grievance

In the event that the above procedures fail to resolve the problem, the student will indicate in writing the nature of the grievance, the evidence upon which it is based, and the redress sought. This letter, along with all supporting documents, should be submitted to the Office of the Provost designee. The supporting documents should include a written response from the dean or relevant university vice president. At that time, a Grievance Committee will be formed and proceed according to the guidelines stated below.

1. Filing a grievance shall be initiated only after other attempts to resolve the matter have been exhausted. The student has no more than 10 working days after meeting with the individual he/she believed to have given him/her cause for grievance (e.g., final meeting with the dean) in which to file his/her written statement. The time limit may be extended by the Office of the Provost designee at his/her sole discretion upon presentation of good cause.
2. The grievance process is initiated by submission of a written statement to the Office of the Provost designee. The grievance document should be a complete set of materials that the student would like the Grievance Committee to review. Additional materials will be accepted later only in extenuating circumstances, at the discretion of the committee chair. The grievance statement must include:
  - a. Names of the parties involved.
  - b. A clear statement of the nature of the grievance.
  - c. A narrative of the incident including
    - i. What occurred
    - ii. When it occurred
    - iii. Where it occurred
    - iv. Who was present
  - d. Evidence on which the grievance is based including supporting documents.
  - e. Why this constitutes capricious, prejudicial, or arbitrary action on behalf of a staff or faculty member.
  - f. What has been done to resolve the grievance per the "Initial Grievance and Appeal Procedures" above.
  - g. The desired outcome(s).
  - h. Written permission from the student authorizing distribution to members of the Grievance Committee any relevant information from the student's education record.

3. The chair of the Grievance Committee will submit a copy of the grievance to each person who will serve on the Grievance Committee for this incident, as well as to the faculty or staff members involved, the chair of the department involved, and the dean of the school or college involved.
4. A meeting of the Grievance Committee will be scheduled by the chair within 10 working days of the date on which the petition was filed.
5. Meetings of the Grievance Committee shall be attended only by the parties named in the grievance, members of the Grievance Committee, witnesses invited by the Grievance Committee, and the dean of the school or college involved. If a grievance is filed, either party may seek a support person who must be a faculty member or student in that school or college. (The support person is present to offer assistance and encouragement to either party during the committee hearing. The function of the support person shall not include that of advocacy nor shall the support person have a role in the committee's meetings). No one other than members of the Grievance Committee may be present during deliberations, but a staff member may be present when necessary.
6. The student shall not bring legal counsel nor have a student or faculty represent him/her as counsel. Likewise, the Grievance Committee shall not have legal counsel present.
7. If a committee member is approached prior to a meeting by anyone, including the student whose case is to be heard, the member shall refuse to discuss the issue and should disclose, at the time of the meeting, that he/she has been approached.
8. Any committee member who has a potential conflict of interest, or who holds a bias or preconceived notion as to the facts of the case and has formed an opinion about them, or who may hold ill will toward the grieving student or the party alleged to have given cause for the grievance, must disclose to the chair the nature of such feelings, bias, or potential conflict. He or she must be excused from participation upon request by such member, or at the discretion of the chair, and replaced by the chair with a substitute committee member of comparable station to the extent possible under the circumstances. The names of the Grievance Committee members will be reviewed in advance of the committee meeting with the student, who can confirm that he/she is not aware of any bias against him/her on the part of any of the committee members.

## The Grievance Committee

1. Membership:
  - a. For academic grievances:
    - i. The Office of the Provost designee will serve as chair (nonvoting except in case of tie due to absent members)
    - ii. An academic dean (not from school or college involved)
    - iii. Two faculty members not from the grieving student's department (or two staff members if the grievance is about staff)
    - iv. Two graduate students not from the grieving student's department
    - v. For any grievance concerning alleged discrimination or harassment, the director of human resources shall serve on the Grievance Committee.
  - b. For nonacademic grievances:
    - i. Vice President for Student Life or designee will serve as chair (nonvoting except in case of tie due to absent members)
    - ii. Two faculty members not from the grieving student's department (or two staff members if the grievance is about staff)
    - iii. Two graduate students not from the grieving student's department
    - iv. Office of the Provost designee
    - v. For any grievance concerning alleged discrimination or harassment, the director of human resources shall serve on the Grievance Committee.
2. Voting:
  - a. All members (except the chair, who is nonvoting) have equal vote, and there shall be no alternates or substitutes unless one member must disqualify him/herself due to conflict of interest.
3. Meeting Time:
  - a. The meeting will be scheduled within 10 working days following the filing of a written statement. The chair is authorized to extend any time periods provided in the policy if he/she determines that good cause exists (e.g., delay in meeting due to unavailability of an essential party or committee member).

## Committee Process

1. The grievance procedure shall act as a vehicle for communication among the parties, and provide, through prescribed procedures, a process through which a student-initiated grievance can be resolved.
2. The grievance process is initiated by submission of a grievance statement in writing to the Office of the Provost designee or vice president for student life, as appropriate. The committee chair will submit a copy of the grievance to each member of the Grievance Committee prior to the hearing. Thereupon, the committee will be activated and a meeting will be held to consider the matter.
3. The involved student and university employee(s) may be present at the committee meetings, except during deliberation. The meetings shall be held at times when both parties can be present. Either party may seek a support person who must be a university employee or student in that school or college. The function of the support person shall not include that of advocacy nor shall the support person have a role in the committee's meetings.

4. Accurate minutes of the grievance procedure shall be kept in a confidential university file of the committee's proceedings. The hearing may also be audio recorded at the option of the chair of the Grievance Committee.
5. In cases of conflicting information and/or when additional information is desired, the committee may request testimony from additional witnesses having information pertinent to the grievance. The committee may choose to convene more than one time if necessary.
6. No printed materials or notes may be taken from the meeting (other than the official minutes).
7. The parties and committee members may not discuss the case outside the meeting.
8. The committee will decide on the matter by simple majority and confidential vote. Both parties will be notified, in writing, within one week of the decision. The committee's vote is confidential and the decision shall be final.

## **Failure to File Grievance**

Any student who has a grievance complaint against the university must follow this procedure or will waive any claim against the university. An individual may contact the Bureau for Private Postsecondary Education (<https://www.bppe.ca.gov/>) for review of a complaint. The bureau may be contacted at P.O. Box 980818 West Sacramento, CA 95798-0818; (888) 370-7589 (phone); and (916) 263-1897 (fax).