

Texas Woman's University

University Regulation and Procedure

Regulation and Procedure Name: Student Grievance

**Regulation and Procedure
Number: URP: 06.230**

Policy Owner: Student Life

POLICY STATEMENT

Texas Woman's University, in accordance with federal and state law as well as University policy prohibits discrimination, harassment, and/or retaliation on the basis of race, ethnicity, color, creed, national origin, citizenship status, gender and/or gender expression or identity, sex, sexual orientation, pregnancy status, predisposing genetic characteristic, religion, age, physical or mental disability, veteran or military status, marital status, partnership status, or any other legally protected class. The purpose of this policy is to outline procedures for the reporting, investigation, and resolution of student grievances concerning discrimination. Any student who believes they have been subjected to discrimination in violation of University policy should follow the procedures outlined in this policy to report these concerns.

APPLICABILITY

This policy is applicable to TWU Students.

DEFINITIONS

1. "Complaint" means a signed document or other report, including verbal reports (if appropriately acknowledged), alleging a violation of this policy.
2. "Complainant" means a person who submits a complaint alleging a violation of this policy.
3. "Discrimination" means conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of their race, color, religion, national origin, sex (including pregnancy), age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

4. "Harassment" as form of discrimination is defined as verbal or physical conduct that is directed at an individual or group because of race, color, religion, national origin, sex, pregnancy, age, disability, citizenship, genetic information, veteran status, sexual orientation, gender identity, or gender expression when such conduct is sufficiently severe or pervasive so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic or work environment. Constitutionally protected expression cannot be considered harassment under this policy.
5. "Person with a disability" means a person who has a physical or mental impairment which substantially limits one or more major life activities; who has a record of such impairment; or who is regarded as having such an impairment.
6. "Preliminary Review" means an initial Student Accountability and Growth Education ("SAGE") Center assessment of a grievance for the purposes of: (a) verifying that there was a grievance process/procedural error at the unit- or college-level, (b) determining if there is sufficient evidence to support the grievance, and (c) evaluating if the requested outcome matches the grievance request.
7. "Respondent" means the person designated to respond to a complaint. Generally the respondent would be the person alleged to be responsible for the prohibited discrimination or harassment alleged in a complaint. The term "Respondent" may be used to designate persons with direct responsibility for a particular action or those persons with administrative responsibility for procedures and policies in those areas covered in a complaint.
8. "Responsible Employee" means to ensure conformity with federal and state laws and TWU policies, TWU's SAGE Center Director/Title IX Coordinator or designee(s) have been designated as responsible employees for purposes of implementation and compliance of this policy.
9. "Student" means any individual who, at the time of the incident, has accepted an offer of admission to the University; has an open academic program; is taking courses at the University, either full-time or part-time and pursuing undergraduate, graduate, or professional studies; is auditing a class; or has any other continuing relationship with the University. This includes, but is not limited to, new students at Orientation, individuals not currently enrolled but who are still seeking a degree from the University, dual credit students, non-degree seeking students, individuals who have

completed coursework but are awaiting conferral of a degree, and any other individual enrolled in a course offered by Texas Woman's University. For the purposes of this policy, an individual who allegedly provided false information or omitted information on an application shall be considered a student. Generally speaking, academic programs close for undergraduates students after one year of non-enrollment and up to two years for graduate students.

10. "Verbal Conduct" means oral, written, or symbolic expressions that:
 - a. personally describe or is personally directed at a specific individual or group of identifiable individuals; and
 - b. is not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.

REGULATION AND PROCEDURE

I. General Guidelines

- A. The purpose of the Student Grievance URP is to outline the procedures for the reporting, investigation, and resolution of student grievances concerning discrimination. The process includes a timely preliminary inquiry to determine if there is reasonable cause to believe discrimination occurred. If it is believed discrimination has occurred after a preliminary review, then the University will initiate an investigation through the SAGE Center that is thorough, reliable, impartial, prompt and fair. This investigation determines whether discrimination has occurred. If it has, then the University will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.
- B. All members of the TWU community are expected to comply with federal, state, local, and University statutes, policies, and regulations regarding discrimination. All members of the TWU community are also protected under said statutes, policies, and regulations. For gender-based discrimination procedures, refer to URP 01.225: Prohibition of Sexual Misconduct and/or URP 01.220: Title IX Policy. For information regarding the employee non-discrimination policy and process, please refer to URP 05.100: Non-Discrimination, Equal Opportunity, and Diversity and URP 01.235: Resolution Procedures for Complaints of Prohibited Conduct.
- C. The TWU community is comprised of students, TWU employees, applicants for admission or employment, contractors, individuals who are volunteers

or participants in TWU programs, services, or activities; however, this URP outlines the student grievance process only.

- D. All students have the opportunity to obtain a just and timely review of grievances evolving from any policy, regulation, or practice, which is considered, by the individual to be harmful, unfair, prohibited or discriminatory. This document addresses the internal process within TWU for grievances related to discrimination for students. Students who wish to file a Discrimination Grievance should contact the SAGE Center. Individuals may have legal remedies available outside of TWU, including filing charges with the police, filing a civil action and/or filing an administrative action.

- E. Reporting

A person who believes that he or she has been subjected to discrimination or harassment in violation of this policy should report the incident to any University official, administrator, supervisor or any other employee who has the authority to take action to redress an alleged violation and/or has the duty of reporting such allegations as defined under "responsible employee". Students are encouraged to report such incidents to the SAGE Center. Incidents should be reported as soon as possible after the time of their occurrence. No person is required to report discrimination or harassment to the alleged offender.

- F. Reporting Responsibility

Every supervisor, administrator, University official or any other employee who has the authority to take action to redress an alleged violation and/or has the duty of reporting such allegations as defined under "responsible employee" is responsible for promptly reporting incidents of discrimination and harassment in violation of this policy that come to their attention to the SAGE Center.

- G. Responsibility to Cooperate

Faculty, staff, and students must cooperate with University investigations concerning allegations of discrimination or harassment. Refusal to cooperate with an investigation may result in disciplinary action.

II. Informal Resolution Procedure

- A. Informal resolution may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not

required to remedy the situation. No formal investigation is involved in the informal resolution process and no finding is made.

- B. A request for informal resolution should be made within 180 calendar days of the date of the alleged incident to the SAGE Center, which will determine whether the nature of the problem is such that it can be resolved by agreement on an informal basis.
- C. Methods for informal resolution may include, but are not limited to: coaching the person on how to directly address a situation which is causing a problem; mediating the dispute with the parties; aiding in the modification of a situation in which the offensive conduct occurred; assisting a department or division with the resolution of a real or perceived problem; or arranging a documented meeting with the alleged offender that involves a discussion of the requirements of the Nondiscrimination Policy.
- D. The University will document any informal resolution. Such documentation will be retained by the SAGE Center as appropriate and will be kept confidential to the extent permitted by law.

III. Formal Complaint Resolution Procedure

A. Complaint

- 1. A complaint alleging discrimination or harassment must be submitted to the SAGE Center. The complaint should contain the following information:
 - a. Name and TWU Identification Number of the Complainant(s);
 - b. Contact information, including address, telephone, e-mail;
 - c. Name of person(s) directly responsible for alleged violation(s);
 - d. Date(s) and place(s) of alleged violation(s);
 - e. Nature of alleged violation(s) as defined in this policy;
 - f. Detailed description of the specific conduct that is the basis of alleged violation(s);
 - g. Copies of documents pertaining to the alleged violation(s);

- h. Names of any witnesses to alleged violation(s) and witnesses' contact information;
 - i. Action requested to resolve the situation;
 - j. Complainant's signature and date of filing; and
 - k. Any other relevant information.
- 2. While an investigation may begin on the basis of an oral complaint, the complainant is strongly encouraged to file a written complaint. If the complaint is not in writing, the investigator should prepare a statement of what he or she understands the complaint to be and seek to obtain verification of the complaint from the complainant.

B. Time Limit

A signed complaint should be filed within 180 calendar days of the occurrence of the alleged violation in order to ensure prompt and efficient handling and resolution. At the discretion of the SAGE Center, the 180-day filing period may be extended for good cause.

C. Acknowledgement

Within five (5) calendar days after receipt of a signed complaint, SAGE Center, as appropriate, will send the complainant a brief acknowledgment of the complaint, stating that the complaint will be evaluated, and advising the complainant(s) that he or she will be contacted within a given time. The acknowledgment letter will include a copy of these complaint procedures.

D. Complaint Evaluation

- 1. A formal investigation will be initiated if a complaint is complete, within the scope of this policy and articulates sufficient specific facts, which, if determined to be true, would support a finding that this policy was violated. The University may not proceed with a complaint investigation under a variety of circumstances, for instance:
 - a. A complaint fails to describe in sufficient detail the conduct that is the basis of the complaint;

- b. The conduct described in the complaint is not covered by this policy;
 - c. The complaint has been withdrawn; or
 - d. An appropriate resolution or remedy has already been achieved, or has been offered and rejected.
- 2. In the event that a Formal Complaint has been filed and if it is determined that the University will not proceed with a complaint investigation, the SAGE Center, as appropriate, will send a notification letter explaining the reason(s) to the complainant. The notification letter will also include a statement informing the complainant that, within seven (7) calendar days of the notification, he or she may appeal the determination not to proceed with a complaint investigation to the Vice President of Student Life, as appropriate. The request for appeal must be a signed, written document articulating why the decision to dismiss the complaint was in error. The vice president will respond within ten (10) calendar days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision to dismiss is overturned, the complaint is sent back to the SAGE Center, as appropriate, for investigation in accordance with the procedures outlined below.

E. Notification of Respondent

If it is determined that the University will proceed with a complaint investigation, The SAGE Center will give the respondent written notification of the complaint investigation. The notification letter will include a statement of the allegations to be investigated. The notification letter will provide the respondent an opportunity to submit a written response to the allegations within seven (7) calendar days, unless unusual circumstances warrant additional time. The notification letter will include a statement advising the respondent that retaliation against the complainant is prohibited and will subject the respondent to appropriate disciplinary action.

F. Investigation Responsibility

The SAGE Center is responsible for conducting formal investigations of complaints against students alleging discrimination and harassment in violation of this policy. The SAGE Center, in cooperation with the Office of Human Resources, is responsible for conducting formal investigations of

complaints against non-students alleging discrimination and harassment in violation of this policy. In the event that a respondent is a student and an employee, the SAGE Center will make a determination whether the alleged discriminatory act(s) relates to the respondent's employment. If a complaint is directed against an individual who would otherwise play a role in investigating and attempting to resolve the complaint, the function assigned to that person by these procedures will be delegated to another person.

G. Investigative Process and Findings

The investigator assigned by the SAGE Center will interview both the complainant and the respondent(s) and persons who are considered to have pertinent factual information related to the complaint. The investigator will also gather and examine documents relevant to the complaint. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual. Findings will be based on the totality of circumstances surrounding the conduct complained of, including but not limited to: the context of that conduct, its severity, frequency, and whether it was physically threatening, humiliating, or was simply offensive in nature.

H. Advisor

During the complaint process, the complainant(s) and the respondent(s) may designate and thereafter be accompanied by an advisor of his or her choosing at meetings and interviews at which he or she is present; however, no advisor may examine witnesses or otherwise actively participate in a meeting or interview. An individual may only have one advisor present at a time.

I. Submission of Evidence

During the complaint investigation process, the complainant(s) and the respondent(s) should provide the SAGE Center, as appropriate, with all documents and the identity of witnesses with a summary of the information the witness can provide regarding the issues raised in the complaint.

J. Report of Findings and Recommendation - Complaints Against Students:

1. The investigator will provide a proposed statement of findings, copies of relevant documents and any physical evidence considered to the Director of the SAGE Center, or his or her designee, within

thirty (30) working days of receipt of the respondent's statement, unless unusual circumstances require more time. The Director of the SAGE Center or designee and the investigator will meet within fifteen (15) working days to discuss the findings, and review the record.

2. Within fifteen (15) working days from that meeting, the Director of the SAGE Center or designee shall take one of the following actions: a) request further investigation into the complaint; b) dismiss the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or c) find that this policy was violated.
3. If the Director of the SAGE Center or designee determines that this policy was violated, the Director, following consultation with the investigator or other knowledgeable persons as appropriate, will determine whether to initiate a disciplinary action appropriate to the severity of the conduct pursuant to the Student Code of Conduct. Disciplinary actions can include, but are not limited to, a documented warning, the imposition of conditions, probation, suspension, and dismissal.
4. As required by federal law, any disclosure of the findings and decision of the SAGE Center will be governed by the provisions of the Family Educational Rights and Privacy Act.

IV. Miscellaneous

A. Grievance of a Disciplinary Action

Any student disciplined under this policy has the right to appeal as provided in the Student Code of Conduct.

B. Retaliation Prohibited

A student, faculty, or staff member who retaliates in any way against an individual who has brought a complaint pursuant to this policy or participated in good faith in an investigation of such a complaint is subject to disciplinary action, up to and including dismissal from the University.

C. Filing of False Complaints

Any person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action up to and including dismissal from the University.

D. Effect on Pending Actions

The filing of a discrimination or retaliation complaint will not stop or delay any evaluation or disciplinary action related to the complainant regarding acceptable job standards, academic performance, or alleged violations of other University rules or policies.

E. Relationship of Complaint Process to Outside Agency Time Limits

The filing of a discrimination or harassment complaint under this policy does not excuse the complainant from meeting the time limits of outside agencies.

F. Relationship to Grievance Procedure

This complaint procedure will also constitute the grievance procedure for complaints alleging unlawful discrimination. As used herein, "complaint" is synonymous with "grievance."

G. Time Frames

Time frames mentioned in these procedures may be extended for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint.

H. Documentation and Confidentiality

The University will maintain documents related to complaints under this policy as required by law. The SAGE Center will be responsible for records related to complaints against students. The Office for Human Resources will be responsible for records related to complaints against non-students. The confidentiality of a complaint under this policy and all documents, correspondence, interviews and discussions relating to the investigation of the information contained in a complaint will be maintained on a need to know basis to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information contained in a complaint or otherwise relating to the investigation of a complaint under this policy is subject to disciplinary action.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

[URP 01.225: Prohibition of Sexual Misconduct](#)

[URP 01.220: Title IX Policy](#)

[URP 05.100: Non-Discrimination, Equal Opportunity, and Diversity](#)

[URP 01.235: Resolution Procedures for Complaints of Prohibited Conduct](#)

[URP 06.200: Student Code of Conduct](#)

FORMS AND TOOLS

None

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