University Policy 4.02.03 Student Grievance

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POLICY STATEMENT

This policy provides a structured process for resolving problems, complaints, or grievances relating to the execution of institutional policies or procedures. Capella University ensures that students will not be subject to unfair actions as a result of their initiation of a grievance proceeding.

RATIONALE

Capella University strives to provide students with a positive, collaborative, and healthy approach to solving grievances with faculty, staff, and administration members. The purpose of this policy is to define the process for the internal resolution of problems, complaints, and grievances at Capella University. A separate process has been established for grade appeals.

DEFINITIONS

Faculty

Faculty members include full-time faculty, part-time faculty, adjunct faculty, and other Capella employees that serve in an instructional capacity (e.g., independent contractors).

Grievance

A grievance is a complaint based on specific facts that there has been a misinterpretation, misapplication, or violation of a university policy or procedure that may or may not include a violation of rights as set forth in university policy *4.02.02 Student Code of Conduct*. The intent of the grievance process is to resolve a complaint by informal and, if necessary, formal means.

Independent Review Panel (IRP)

An independent review panel is a formal body to which all student grievances are referred during the formal resolution process. The IRP is appointed by the Office of Academic and Community Standards.

Student

A student is someone who is enrolled in a degree or certificate program or is enrolled as a course student at the time during which the alleged grievance occurred. Many members of the university have dual-constituency status (e.g., a staff member registered in academic coursework who is also a student). For the purposes of this policy, the constituency affected will dictate the policy and procedure to be invoked.

President's Designee
A president's designee is an individual designated by the university president to act on their behalf.

Staff
Staff members are any university employees other than faculty.

PROCEDURES

I. Policy Scope

This policy applies to student grievances not covered by another policy. Personnel matters occurring outside of the academic experience do not fall under this policy. Matters that are covered by another university policy, or that have received a final decision under another university policy, also do not fall under this policy. This includes, but is not limited to, the following matters:

- Doctoral students appealing for additional time (*2.01.02 Maximum Time to Degree Completion*)
- Appealing a denied late course withdrawal (*2.02.02 Course Registration*)
- Appealing administrative withdrawal due to background check results (*2.02.11 Background Checks*)
- Appealing an academic dishonesty determination (*3.01.01 Academic Integrity and Honesty*)
- Appealing administrative withdrawal for academic standing (*3.01.04 Academic Standing*)
- Appealing financial aid ineligibility (*3.01.05 Financial Aid Satisfactory Academic Progress*)
- Appealing an Institutional Review Board decision (*3.03.01 Human Research Protections*)
- Appealing a research misconduct determination (*3.03.06 Research Misconduct*)
- Appealing administrative withdrawal for academic readiness (*3.04.01 Academic Readiness*)
- Appealing denial of an Incomplete ("I") grade (*3.04.08 Incomplete Grades and Extensions*)
- Appealing a grade/grade grievance (*3.04.09 Appealing a Grade*)
- Appealing a transfer credit evaluation (*3.04.11 Transfer Credit and Credit for Prior Learning*)
- Appealing a disability accommodation (*4.02.01 Student Disability Accommodations*)
- Students' grievances against other students (*4.02.02 Student Code of Conduct*)
- Claims of harassment and/or discrimination (*4.02.04 Discrimination, Harassment, and Assault*)
- Claims of sexual harassment (*4.02.09 Sexual Harassment*)

II. Initial Informal Resolution Process

A. Before filing a formal, written grievance, the aggrieved party is expected to have made a good faith effort to resolve the grievance. This represents an effort to achieve a fair

and reasonable resolution of the grievance by informal means verbally or by written contact.

B. The aggrieved party may contact the Office of Academic and Community Standards for assistance in the informal resolution effort.

III. Formal Resolution Process

If the aggrieved party does not receive an adequate resolution to the grievance, they may submit a formal, written grievance to the Office of Academic and Community Standards.

A. Upon receiving the grievance, the Office of Academic and Community Standards will acknowledge receipt of the grievance and inform all involved parties that a formal resolution process has been initiated and that the grievance is being referred to an independent review panel (IRP).

B. Within 10 calendar days of being sent notification that a formal resolution process has been initiated, all involved parties must submit information regarding the matter to the IRP designee. This information must include:
   1. The individual(s) or department(s) against whom the grievance is directed.
   2. A brief description of the grievance, including the date(s), time(s), and place(s).
   3. Any efforts to resolve the matter during the initial resolution process.
   4. The corrective action the grievant is seeking.

C. Following referral of the matter, the IRP will convene to review the materials and issue a decision as soon as practicable.
   1. The IRP will investigate all evidence supporting and/or refuting the grievance, and any further issues surrounding the grievance.
   2. The IRP will provide adequate opportunity to hear from all involved parties and for each party to state their respective case in writing. Upon request, either party will be provided the opportunity to appear before the panel, either in person or via telephone.
   3. Upon evaluation of the evidence and hearing from all involved parties, the IRP will issue a decision and set forth a resolution to be implemented.
   4. The IRP designee will report the IRP's decision to all involved parties as soon as practicable. A record of the IRP's decision will become part of the student's official academic record.
   5. Both parties have the right to appeal the IRP's decision, as described in section IV.

IV. Formal Appeal Process

If either party chooses to appeal the independent review panel's (IRP) decision, they must submit a formal, written appeal request to the president's designee. The appeal request must be submitted via mail or email within 10 calendar days of being sent notification of the IRP's decision.

A. Upon receiving the appeal request, the president's designee will acknowledge receipt of the request and inform all involved parties that a formal appeal process has been initiated.

B. The president's designee will receive and review all prior evidence, records, evaluations, and IRP decisions associated with the grievance.

C. Following the review, the president's designee will issue a decision and report it to all involved parties as soon as practicable. The decision will do one of the following: a)

uphold the findings of the IRP, b) reverse the findings of the IRP, c) direct the IRP to provide additional information, or d) the president's designee will determine their own findings. In the event the president's designee requests additional information from the IRP, the involved parties will be notified of a revised time frame for the determination of the grievance.

D. The decision of the president's designee is final.
E. A record of the final decision and all related materials will become part of the student's official academic record and, upon request, will be made available to all Capella University boards and any appropriate regulatory bodies.

V. External Resolution Process

A. For Students Seeking Resolution Through the Minnesota Office of Higher Education
In some circumstances, students may submit their complaints to the Minnesota Office of Higher Education. For more information, please see https://www.ohe.state.mn.us/mPg.cfm?pageID=1078. Students in the following states should contact their states' higher education regulatory authorities.

B. For California Students
If a complaint cannot be resolved after exhausting the institution's student grievance procedure, a student may file a complaint with the Bureau for Private Postsecondary Education. A complaint may be filed by writing (https://bppe.ca.gov/forms_pubs/complaint.pdf) or by contacting the Bureau's Enforcement Section: Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798-0818, 888.370-7589.

C. For Florida Students
If a complaint cannot be resolved after exhausting the institution's student grievance procedure, Florida students may file complaints with the Florida Commission for Independent Education: 325 W. Gaines St., Suite 1414, Tallahassee, FL 32399; 888.224.6684. Students must contact the commission for further details.

D. For Georgia Students
If the complaint cannot be resolved after exhausting the institution's student grievance procedure, the student may file a complaint with the Georgia Nonpublic Postsecondary Education Commission: 2082 East Exchange Place, Suite 220, Tucker, GA 30084-5305; 770.414.3300. A complaint must be submitted via the Commission's online complaint form in accordance with their Student Complaint Procedures: https://gnpec.georgia.gov/student-complaints.

E. For Tennessee Students
If a complaint cannot be resolved after exhausting the institution's student grievance procedure, the student may file a complaint with the Tennessee Higher Education Commission: 312 Rosa Parks Ave, 9th Floor, Nashville, TN 37243; 615.741.3605.

VI. All procedures in this policy apply to students in programs in GuidedPath and FlexPath formats.

POLICY OWNERS

Academic Owner: President

Operations Owner: Office of Academic and Community Standards

RELATED DOCUMENTS

University policy 2.01.02 Maximum Time to Degree Completion
University policy 2.02.02 Course Registration
University policy 2.02.11 Background Checks
University policy 3.01.01 Academic Integrity and Honesty
University policy 3.01.04 Academic Standing
University policy 3.01.05 Financial Aid Satisfactory Academic Progress
University policy 3.03.01 Human Research Protections
University policy 3.03.06 Research Misconduct
University policy 3.04.01 Academic Readiness
University policy 3.04.08 Incomplete Grades and Extensions
University policy 3.04.09 Appealing a Grade
University policy 3.04.11 Transfer Credit and Credit for Prior Learning
University policy 4.02.01 Student Disability Accommodations
University policy 4.02.02 Student Code of Conduct
University policy 4.02.04 Discrimination, Harassment, and Assault
University policy 4.02.09 Sexual Harassment
University policy 4.02.05 Drugs and Alcohol

REVISION HISTORY

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