WRITTEN STUDENT COMPLAINTS POLICY
FISK UNIVERSITY
2012-2013

Students with general complaints are encouraged to resolve the issue at an informal level by discussing the concern with the other party identified as causing or contributing to the grievance (another student, volunteer, faculty member and/or administrator) or their supervisor.

If the student is unable to resolve the concern at the informal level – no later than 15 working days after the alleged incident – a written statement of the complaint should be filed with the Office of Student Engagement (non-academic related)/Office of the Provost (academic related).

FORMAL STUDENT COMPLAINT RESOLUTION PROCESS

The Formal Student Complaint Resolution Process is the exclusive means for resolving a grievance or formal complaint within Fisk University. Complaints must be filed within 15 working days of the alleged incident. The Formal Student Complaint Resolution Process proceeds whether or not the parties involved pursue outside remedies. Parties involved as complainants or respondents or as participants in the resolution process will maintain confidentiality of the proceedings. Information revealed in the proceedings will be disclosed only to those individuals who need to know as defined by the Dean of Student Engagement/Associate Provost. The timelines noted in this procedure may be altered as deemed necessary by the Office of Student Engagement (non-academic related)/Office of the Provost (academic related).

FILING COMPLAINTS

The student may obtain a "Written Student Complaint Form" from the Office of Student Engagement Office of the Provost, Residence Hall Offices, or on the Fisk website at www.fisk.edu.

For General Complaints:
The completed form should be taken to the Office of Student Engagement in a sealed envelope addressed to: Dean of Student Engagement, CONFIDENTIAL

For Residence Hall Complaints:
The completed form should be taken to the Residence Hall Director of the building where the violation occurred in a sealed envelope addressed to: Office of Residence Life, CONFIDENTIAL.

For Criminal Complaints:
The completed form should be taken to the Office of Public Safety in a sealed envelope addressed to: Director of Public Safety, CONFIDENTIAL.

For Academic Complaints

The completed form should be taken to the Office of the Provost in a sealed envelope addressed to: Office of the Provost, CONFIDENTIAL.

A copy will be forwarded to the Student Government Association's Grievance Director within 72 hours after receipt.

The Dean of Student Engagement /Associate Provost will review the written complaint and meet with the complainant within 72 hours of receipt.

NOTIFICATION OF RESPONDENT

Within five (5) working days of the receipt of the complaint, the Dean of Student Engagement /Associate Provost will notify the respondent in writing, advise the respondent of the name of the complainant and the nature of the allegations, and refer the respondent to the Fisk University written Student Complaints Policy. The complainant will choose the complaint resolution option he or she prefers (mediation, administrative resolution, or hearing committee). The respondent may agree to the option chosen by the complainant or may request the appointment of a Hearing Committee (as appointed by the Dean of Student Engagement /Associate Provost). The respondent will also be advised that any speech or conduct threatening or constituting retaliation against the complainant or any witness will be regarded as a serious and separate infraction. The respondent must reply to the Dean of Student Engagement in writing, within five (5) working days of receiving notice of the complaint.

MEDIATION

Either the complainant or the respondent may request the Dean of Student Engagement /Associate Provost to attempt resolution of the complaint through mediation. Either party may decline to participate. If good faith efforts to mediate the complaint are ongoing, the Dean of Student Engagement /Associate Provost will suspend other complaint resolution options. If both parties agree to a settlement through mediation, no further option for resolution will be available. The case will be recorded in writing and kept on file by the Office of Student Engagement /Office of the Provost. If no settlement is reached, the complainant may choose either the Administrative Resolution or the Hearing Committee option.

ADMINISTRATIVE RESOLUTION

The complainant has the prerogative of choosing the administrative resolution option, subject to the right of the respondent to request mediation or the right of the respondent or the Dean of Student Engagement /Office of the Provost to request the appointment of a Hearing Committee. In an administrative resolution, the Dean of Student Engagement /Associate Provost or appointed administrator will review the complaint and meet with the complainant and will also meet with the respondent. The Dean of Student Engagement /Associate Provost will seek to resolve any factual disputes by interviewing witnesses and reviewing documents in order to establish the credibility of the parties. The Dean of Student Engagement /Associate Provost or appointed administrator will ordinarily complete this investigation within fifteen (15) working days

of the notification of the respondent. After completing the investigation, the Dean of Student Engagement /Associate Provost or the administrator will meet with the complainant and respondent either together or separately, to discuss the appropriate resolution to the complaint. After the meeting(s) the Dean of Student Engagement /Associate Provost or administrator will prepare a statement of the facts and a conclusion. Administrative resolution of a complaint is binding on both the complainant and the respondent.

HEARING COMMITTEE

At the request of either party, or the Dean of Student Engagement /Associate Provost request, a committee will be appointed to review the case, and after determining the facts, make a recommendation of resolution.

The appointed committee will consist of five members and two alternates to hear the case. Committee members will be chosen from the following pools within Fisk University.

a. Tenured faculty members recommended by the Dean of Student Engagement /Associate Provost.
b. Staff from a pool recommended by either the Director of Human Resources or the Dean of Student Engagement /Associate Provost.
c. Students who are active members of one of the Fisk University Judicial Boards.

The Committee will include at least one member of the same status (e.g., staff, faculty member, student) as the respondent and at least one student. The Dean of Student Engagement /Associate Provost will designate a chairperson for the Hearing Committee.

HEARING COMMITTEE PROCEDURES

1. The Dean of Student Engagement /Associate Provost will provide Committee members with copies of the complaint and the complete policy of the alleged infraction, deliver to the Chairperson of the Hearing Committee a complete set of documents in the case, provide a procedural outline for the hearing to the Chairperson, assist the Chairperson in scheduling a hearing, ordinarily within ten (10) working days of the request for a hearing, assist the Chairperson in identifying the witnesses whom the complainant and respondent intend to call, and identify other person who might assist the Committee.

2. The Chairperson will notify the complainant and respondent not less than five (5) working days prior to the hearing of its location, time, and date. The Chairperson also will identify the members of the Committee and inform the parties that challenges for bias must be made not less than two (2) working days prior to the hearing. The Chairperson will determine the sufficiency of the challenges, and, if appropriate, choose a replacement from the alternates originally designated by the Dean of Student Engagement /Associate Provost. If the Chairperson is challenged, the Dean of Student Engagement /Associate Provost or his or her designee will determine if this challenge is sufficient.

The Chairperson may extend the deadlines in the Hearing Committee process if he or she finds just cause.

3. The hearing will ordinarily be held on consecutive working days and will not be open to any person who is not directly participating. Either party may exercise the option to select an advisor with whom he or she may consult upon request to the Chairperson at reasonable times during the hearing. Only a current faculty or staff member can act as an advisor. Off-campus individuals, parents, or those who have no direct affiliation with the University cannot serve as advisors. Request to be accompanied by an advisor must be made to the Chairperson in writing within three (3) working days of the hearing. The Chairperson may allow or decline an advisor to be present based on his or her judgment and must respond to the request in writing within one (1) working day of the hearing. Advisors who are admitted to the hearing may not address the Committee nor question witnesses.

4. The hearing will begin with a presentation of the complainant's case and be followed by the respondent's response to the allegations. The Committee may question both parties. Questions asked by the complainant or respondent may be disallowed by the Chairperson if he or she determines that any question or statement is irrelevant to the proceedings. Both parties will be provided an opportunity for appropriate rebuttal. Neither the complainant nor the respondent will be allowed to directly question each other, nor shall the Committee be questioned directly. The burden of proof is upon the complainant, who must establish the guilt of the respondent by an overwhelming preponderance of the evidence. All proceedings will be tape recorded for review by the Committee during deliberation of the facts, or may be utilized by the Vice President of Student Engagement & Enrollment Management/Provost in the case of an appeal. Tape recordings of the proceedings will be kept on record by the Office of Student Engagement/Provost's Office, and will not be available to either the complainant or respondent after the hearing.

5. Witnesses will not be present except during their testimony. The complainants' witness will first be allowed to provide their knowledge of relevant facts through questions posed by the Committee and by both parties followed by the respondents' witnesses. Once the Committee is satisfied that all relevant information has been presented, both parties will be allowed to present summary statements and or written briefs to the Committee.

6. Once the hearing is adjourned, the Committee will privately meet to discuss the evidence and testimony, and to determine the facts and the extent to which they constitute proof of the allegations made against the respondent.

POSSIBLE FINDINGS

If the Hearing Committee determines that the alleged infraction has occurred, the Committee will be given access to any records of prior infractions by the respondent.

The Committee will then assess the seriousness of the case based on the severity of the infraction, the extent to which it was a single or repeated incident, and any record of past infractions. The Committee will develop a recommendation of sanctions, which will apply only to the respondent. Sanctions recommended by the Committee may include termination of employment for any faculty or staff member of the University, or exclusion from the University or any lesser sanction for any student. The Committee will communicate its findings and recommendation of sanctions to the Dean of Student Life/Associate Provost. The Dean of Student Engagement /Associate Provost will then accept or reject the report, or refer the case back to the Hearing Committee for additional review. If the Dean of Student Engagement /Associate Provost accepts the report, after consultation with the Director of Human Resources, he or she will determine if the sanctions are appropriate and impose the sanctions. A copy of the decision will be placed in the respondents file; no record will be made in the complainants file. If it is determined that there are insufficient grounds to support the claim or allegation made by the complainant, both parties will be so informed in writing and the complaint will be dismissed. The complaint will be recorded in the institutional tally and the records of the Dean of Student Life/Associate Provost.

PROCEDURES FOR APPEAL

Either party may appeal the decision of the Assistant Dean of Student Life/Associate Provost to the Vice President of Student Engagement & Enrollment Management/ Executive Vice President & Provost. A formal appeal must be filed in writing within three (3) working days after receipt of a decision. The Vice President of Student Engagement & Enrollment Management/ Executive Vice President & Provost's response to the appeal will be one of the following:

1. Accept the Dean of Student Engagement's/Associate Provost's findings and sanctions.
2. Accept the Dean of Student Engagement /Associate Provost's findings and modify the sanctions.
3. Send the case back to the Dean of Student Engagement /Associate Provost to review the findings and/or modify the sanction.
4. Reject the Dean of Student Engagement's/Associate Provost's findings and sanctions.

KNOWINGLY MAKING FALSE COMPLAINTS

If it is determined during the Formal Student Complaint Resolution Process the complainant knowingly made a false complaint, the Dean of Student Life/Associate Provost may charge the complainant with a violation of the Personal Integrity section of the Fisk University Honor Code, and may result in exclusion from the University or any lesser penalty.