

# STUDENT GRIEVANCE PROCEDURES

Minor differences can be resolved informally by speaking directly with the person or persons involved in a disagreement. However, there may be situations where a more formal process may be necessary. A grievance is an official statement of a complaint by a student over something believed to be wrong or unfair that occurred at MBKU. This process is intended to settle disputes through mediation and reasoned discussion. It is not intended to replace the student conduct process, the Title IX sexual harassment and nondiscrimination process, the administrative rules of the University, or any other appeal/grievance already existing within a Program or department. Usually, the resolution of a complaint or grievance involves the resolution of the problem/issue; not the punishment of those involved. Students who have an informal complaint or academic or nonacademic grievance must follow the instructions below.

## Procedures for Complaints or Grievances Not Discussed Below

More formal alternative procedures exist for situations such as when a student is erroneously required to pay a fine or penalty, erroneously has money withheld by the University, has been denied the right to amend their educational records, is charged with an offense under the student code of conduct, is alleging discrimination on the basis of race, national origin, religion, gender, sexual orientation, age, disabling condition or marital status, or is alleging sexual harassment.

For more formal procedures relating to such situations, consult the Title IX Sexual Harassment and Non-Discrimination Policy (<https://catalog.ketchum.edu/university-student-handbook/student-conduct/title-ix-policy/>), Student Code of Conduct (<https://catalog.ketchum.edu/university-student-handbook/student-conduct/university-student-code-conduct/>), or contact the Title IX Coordinator, Program Dean/Director, or Enrollment and Student Services for more information.

## Definitions

1. **Informal Complaint:** An informal complaint is defined as an academic or non-academic issue that a student has with a faculty/instructor, staff member, administrator, or department or program of the University.
2. **Non-Academic Grievance:** A non-academic grievance occurs when a ***grievance petition form*** has been filed because a student believes that they have been dealt with arbitrarily, unfairly, or in ways that violate established laws, rules, policies, or procedures, or past practices by the University as a whole or any unit or agency or function thereof and in a manner that has caused actual harm to the student.
3. **Academic Grievance:** An academic grievance occurs when a ***grievance petition form*** is submitted because a student believes that they have been harmed by being treated arbitrarily or unfairly within the context of the course or academic policies and procedures. In order to file an academic grievance, the student must demonstrate actual harm. It does not involve perceived rude treatment, classroom style, or general grading policies. For example, the student may not like a particular professor's classroom style or grading practices as a whole, but this does not constitute grounds for a grievance. The student may, however, use the informal complaint process to talk with an administrator about the perception of inappropriate

behavior. The assignment of course grades is at the heart of the faculty member's responsibility. Only the responsible faculty member can judge students' performance in a particular course. Thus, only the responsible faculty member can assign or recommend changes of letter grades (A, B, C, D, F) for their courses.

4. **Complainant/Grievant:** A complainant/grievant is an individual who believes they meet the criteria listed in the definition of Non-Academic or Academic Grievance.
5. **Respondent:** A respondent is an individual who is the subject of the grievance or complaint, if applicable.
6. **Appellant:** An individual who is filing an appeal.
7. **Appeal:** The resolution of an academic or non-academic grievance may be appealed. Appeals must be based on the issue of substantive or procedural errors which are prejudicial to the impartial consideration of the case.
8. **Confidentiality:** It is understood that committee members, faculty, staff, and administrators involved in the discussion of complaints or grievances will maintain professional standards of confidentiality. Students should be aware that every effort will be made to maintain confidentiality; however, university officials may be obligated to disclose information to law enforcement or other agencies as required by law.

## Informal Complaints

1. Resolving a Non-Academic Informal Complaint:

The student must first discuss and attempt to resolve the issue with whomever the issue arose, if at all possible. (Please note, this requirement does not apply in cases of alleged violations of the student code of conduct or sexual harassment, sexual misconduct, or discrimination. In those cases, the student should contact the Vice President for Enrollment and Student Services (VPES) or the Title IX Coordinator for guidance.) In the event that such an informal discussion is not possible or the issue is not resolved, then the student should contact the Program Dean/Director, Department Director, appropriate administrator, or designee to try to reach an informal resolution. The student must initiate a complaint no later than thirty (30) business days after the alleged incident. The student may be aided by Enrollment and Student Services in following procedures correctly. The Program Dean/Director, Department Director, appropriate administrator, or designee receiving the complaint shall attempt to resolve the matter and report the decision, in writing, to the complainant(s) and respondent(s) via their University email address within fifteen (15) business days of receiving the complaint.

2. Resolving an Academic Informal Complaint:

Given the nature of complaints covered by this procedure, it is expected that in all but the most unusual circumstances, including grade disputes, students will first address the issue with the faculty/instructor. In the event the student and faculty/instructor have not resolved the issue, the student will contact the Program Academic Affairs Officer or Program Dean/Director within thirty (30) business days after the alleged issue. The Program Academic Affairs Officer or Program Dean/Director receiving the complaint shall attempt to resolve the matter and report the decision, in writing, to the complainant(s) and respondent(s) via their University

email addresses within fifteen (15) business days of receiving the complaint.

## Grievance

### 1. Initiating a Grievance

If the complaint is not resolved informally and the student wishes to continue the process, the student must email a completed ***grievance petition form*** (located on the Registration and Records ([https://my.ketchum.edu/ICS/Office\\_of\\_Registrar/](https://my.ketchum.edu/ICS/Office_of_Registrar/)) tab at My.Ketchum.edu) to StudentGrievance@Ketchum.edu. The petition form will be forwarded to the appropriate person of the unit in which the alleged violation of rights occurred.

Prior to any grievance action, the complainant(s) must attempt to obtain a satisfactory resolution through the Informal Complaint process. A grievance petition must be filed no later than thirty (30) business days after the notice of the informal complaint resolution decision.

### 2. Non-Academic Grievances

A non-academic grievance must meet the definition in order to be reviewed and/or heard and not be covered by any other university policy, procedure, or administrative rule (i.e., student code of conduct).

The director, administrator, or designee receiving the written grievance shall attempt to resolve the matter and is required to report the decision, in writing, to the complainant(s) and respondent(s) via their University email addresses within fifteen (15) business days of receiving the grievance petition. If there is a need to extend the deadline, the director, administrator, or designee will inform the grievant of the new timeline and the reason for the extension. The director, administrator, or designee receiving the written grievance has the discretion to accept a grievance filed after the thirty (30) business day deadline.

If the grievant(s) wishes to appeal the grievance decision, the student must follow the appeal process outlined below.

### 3. Academic Grievances

An academic grievance must meet the definition in order to be reviewed and/or heard and not be covered by any other University policy, procedure, or administrative rule.

The Program Dean/Director then has fifteen (15) business days to make a determination and report the decision, in writing, to the complainant(s) and respondent(s) via their university email addresses. If there is a need to extend the deadline, the Program Dean/Director will inform the grievant of the new timeline and reason for the extension. The Program Dean/Director has the discretion to accept a grievance filed after the thirty (30) business day deadline.

If the grievant(s) wishes to appeal the grievance decision, the student must follow the appeal process outlined below.

## Appeal

### 1. Grounds for an Appeal

A student may submit an appeal within ten (10) business days of the notification of the grievance decision. The specific grounds to be addressed are:

- a. Were the procedures of the policy followed?
- b. If a procedural error occurred, were the rights of the grievant violated to the extent that a fair review was not conducted?
- c. Was the review conducted in a way that did not permit the grievant adequate notice and opportunity to present facts?
- d. Was the information presented during the review sufficient to justify the decision reached?
- e. Was there relevant information existing at the time of the review that was not discovered until after the review that is sufficient to alter a decision?

### 2. The Appeal Process

If the grievant(s) wishes to appeal the grievance decision, the student must submit a completed ***grievance appeal form*** (located on the Registration and Records ([https://my.ketchum.edu/ICS/Office\\_of\\_Registrar/](https://my.ketchum.edu/ICS/Office_of_Registrar/)) portal tab), including the written response to previous resolution attempts within ten (10) business days of receiving the decision to StudentGrievance@Ketchum.edu. The form will be forwarded to the VPES for nonacademic grievance appeals or Vice President for Academic Affairs (VPAA) for academic grievance appeals.

The appeal will be reviewed within fifteen (15) business days of receipt. The Vice President will notify the appellant(s), respondent(s), and appropriate Program Dean/Director, Department Director, Administrator, or designee of the decision, in writing via their university email addresses, within ten (10) business days of their decision.

An appeal is limited to a review of the underlying decision, the file supporting the decision as provided by the decision-maker, and any statement supporting the appeal submitted by the appellant:

- a. To determine if the grievance procedures policy and investigation were conducted fairly in light of the complaint and grievance made and information presented and giving the appellant(s) a reasonable opportunity to present information. A deviation from procedures required by this policy will not be a basis for sustaining an appeal unless significant prejudice of impartial consideration of the case results;
- b. To determine whether the decision reached regarding the matter was based on substantial information, that is, whether there were facts that, if believed by the Program Dean/Director or University Administrator, were sufficient to support the grievance decision;
- c. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original complaint or grievance, but only if such information or facts were not known to the grievant at the time of presenting the grievance.

If the Vice President overrules a decision in whole or in part, they may:

- a. Modify the decision; or
- b. Remand for further proceeding.

No appeal shall be allowed unless the appellant cites specifically the grievance record and states with specificity the grounds under which the appeal shall be allowed. Any appeal submitted that does not include the required information will be dismissed without review.

The Vice President shall be responsible for reviewing substantive or procedural appeals from the decision(s) of a Program Dean/Director or University Administrator.

Decisions of the Vice President are final. There is no further appeal within the Student Grievance Procedures policy.

## Institutional Record of Student Complaints

In compliance with federal regulations and accreditation requirements, an Institutional Record of Student Complaints is maintained in Enrollment and Student Services.

1. **Complaint about employees** - If a member of the MBKU community, or public reports a complaint against a University employee, the report is forwarded to the MBKU Office of Human Resources for resolution, and if the complainant is a student, it will be included in the Institutional Record of Student Complaints.
2. **Complaint about University policies or procedures** - If a student files a complaint against a University policy or procedure, it shall be addressed using the Student Grievance Procedure and included in the Institutional Record of Student Complaints.

Any student submitting a qualifying complaint shall have their complaint entered into the Institutional Record of Student Complaints and preserved for review by accrediting site teams. Though these complaints cannot be submitted anonymously, to maintain privacy, any request to view the log by accrediting bodies, or others, shall require that all names contained within logged complaints be redacted prior to inspection of the log. No actual documents accrued relating to a complaint shall be shared with an accrediting body without the express permission of the Complainant.

## Filing Complaints Directly with the State of California

MBKU is committed to addressing student complaints timely and effectively, in accordance with the University's Student Grievance Procedures. If a student believes that the University's procedures have not adequately addressed their concerns, students may also file external complaints with the agencies identified below.

Bureau for Private Postsecondary Education

A complaint may be filed by writing or calling the Bureau's Enforcement Section at the following address and telephone number:

Bureau for Private Postsecondary Education  
P.O. Box 980818  
West Sacramento, CA 95798-0818

For more information see How to File a Complaint (<https://www.bppe.ca.gov/enforcement/complaint.shtml/>).

An alternative avenue for filing a Complaint is to utilize the California Department of Consumer Affairs (DCA) online Complaint Form (Online Complaint Form (<https://www.dca.ca.gov/consumers/complaints/consumer.shtml/>)). The DCA will forward the Online Complaint to the Bureau.

Anyone may file a complaint if they believe an approved institution has violated the laws governing the institution's operation. Complaints are most often received from students, their families, other members of the private postsecondary education industry, law enforcement agencies, and other regulatory agencies.