

Oklahoma State University Policy and Procedures

STUDENT DISCRIMINATION GRIEVANCES	2-0823 ACADEMIC AFFAIRS September 2014
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POLICY

1.01 In addition to the prohibition of discrimination on the basis of gender it is the policy of Oklahoma State University to provide equal opportunity to all students enrolled at the University without discrimination because of race, color, sexual orientation, age, status as a veteran, national origin, religion, or qualified disability. Oklahoma State University students shall have available to them certain procedures for resolving complaints and grievances regarding alleged illegal discrimination as well as alleged invidious, arbitrary, and/or capricious acts of discrimination, which may arise in areas related to admission or treatment while enrolled at the institution and non-academic complaints related to employees, campus living, and student life not otherwise covered by applicable University policy. This policy applies to all student complaints of discrimination, harassment, or denial of accommodation on the basis of race, color, sexual orientation, age, status as a veteran, national origin, religion, or qualified disability. In the context of disability, this procedure encompasses disagreements or denials regarding requested services, accommodations, or modifications to University practices or requirements.

1.02 All students enrolled at the University who have a non-gender discrimination complaint related to an area as previously described, may request a hearing before a grievance committee which shall hear the alleged grievance and make recommendations to the appropriate vice president to resolve the complaint. The University is committed to providing prompt and effective resolution to all grievances alleging discrimination. Discrimination is prohibited by State and Federal law, as well as University policy. Discrimination includes, but is not limited to, disparate treatment directed toward an individual or group of individuals based on race, color, sexual orientation, age, status as a veteran, national origin, religion, or qualified disability, that adversely affects their employment or education. Examples of discrimination include, but are not limited to: an instructor disciplines or grades students differently based on their race, sexual orientation, religion, ancestry, national origin or disability; students are denied opportunities such as scholarships or extracurricular activities because of their race, sexual orientation, religion, ancestry, national origin or disability; a student cannot physically access a facility because of barriers or a lack of ramps or elevators; the

University fails to make reasonable accommodations for a student's disability, such as providing an interpreter, a screen-reader or other assistive device, or an accommodation such as an extended testing period or oral examination. Prohibited conduct also includes, but is not limited to, epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, sexual orientation, age, status as a veteran, national origin, religion, or qualified disability. This includes jokes or pranks that are hostile or demeaning with regard to race, color, sexual orientation, age, status as a veteran, national origin, religion, or qualified disability.

1.03 The University will (1) investigate and respond to every complaint of discrimination reported, (2) take action to provide remedies when discrimination is discovered, (3) impose appropriate sanctions on offenders in a case-by-case manner, (4) take necessary action to end the discrimination, prevent a reoccurrence, and eliminate its discriminatory effect on the student, (5) eliminate any hostile environment and its effects.

1.04 Formal student discrimination complaints will be filed with and administered by the Student Conduct Office and will be resolved following due process procedures as described in **the Student Code of Conduct**. Detailed informal and formal complaint procedures are available in the Student Conduct Office and the Equal Opportunity Office.

1.05 Although the confidentiality of the information received and the privacy of the individuals involved cannot be guaranteed, they will be protected to as great an extent as is legally possible. The expressed wishes of the complainant regarding confidentiality will be considered in the context of the University's legal obligation to act upon the charge and the right of the charged party to be informed concerning the charge.

1.06 Any individual who believes he/she may have experienced discrimination, or who believes that he/she has observed such actions taking place, may receive information and assistance regarding the University's policies and responsive processes from any of the following offices:

- a. Student Conduct Education and Administration
328 Student Union Building 405-744-5470
- b. Office of Equal Opportunity
408 Whitehurst Hall 405-744-9153

If an apparent conflict of interest prevents use of the assistance of the above offices,

the person complaining of discrimination may request assistance directly from the Office of the President, 107 Whitehurst Hall (405-744-6384).

1.07 University employees who witness or are made aware of alleged acts of discrimination shall report the incident as provided in Section 1.06. The University will not tolerate retaliation against a person who brings a complaint of discrimination, whether such complaint is brought internally or with an external agency. 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 an investigation of such a complaint is subject to appropriate disciplinary action.

1.08 These grievance procedures neither supersede and/or take precedence over established University procedures of due process for any and all matters related to Academic Appeals, Traffic Appeals, and Disciplinary Appeals.

PROCEDURE

2.01 These grievance procedures are provided to insure that students' concerns are addressed promptly, that resolutions are achieved in a fair and just manner, and that the concerns can be brought to the attention of the University administration without fear of reprisal. Any University employee who receives a report of or witnesses an incident of harassment or discrimination, physical or verbal, based on race, color, sexual orientation, age, status as a veteran, national origin, religion, or qualified disability should report the incident as provided in this policy.

2.02 Definitions:

a. Complaint: A "complaint" is a student's timely informal expression of dissatisfaction with possible discriminatory aspects of University-related experiences which are outside the control of the student that has been directed to the appropriate administrator having jurisdiction within one hundred and eighty (180) University working days from the date of the alleged discriminatory act.

b. Grievance: A "grievance" is a timely formal written complaint relating to an adverse action, presented in writing with good faith, and which identifies a problem of alleged discrimination. A formal grievance must be filed within fourteen (14) University working days of receiving final notification of the results of the informal administrative review or one hundred and eighty (180) University working days of the alleged act of discrimination where the student elects not to pursue informal resolution.

2.03 Informal Resolution: Students believing that they have been subjected to illegal or invidious, arbitrary, and/or capricious acts of discrimination may attempt to resolve the matter informally before filing a formal complaint, called a grievance. At any time during the informal or formal process, assistance is available through the Student Conduct Office or the Equal Opportunity Office.

a. The student may engage in an informal discussion with the alleged offender over the points of dissatisfaction. The student may wish to seek advice about how best to approach the individual or the matter.

b. If resolution is not reached, or if the student does not wish to confront the alleged offender, the student may discuss the points of dissatisfaction with the supervisory administrator immediately responsible (department chair, administrative officer, or staff supervisor) for the area in question. If no resolution to the complaint is reached with the supervisory administrator, the student may informally discuss the points of dissatisfaction within the University up to, but not including, the Vice President in charge of that area.

c. Students who have points of dissatisfaction about a supervisory administrator, or any senior administrator who would normally be part of the informal review process, should seek assistance from the Student Conduct Office or the Equal Opportunity Office regarding alternate informal routing of the complaint.

d. Each administrator to whom the complaint is taken during the informal process will investigate and attempt to resolve the complaint using the following steps:

- (1) review the student's complaints with the student and the resolution desired;
- (2) gather additional information from the student;
- (3) gather a response and additional information from the respondent;
- (4) document and assess the findings of fact, including those agreed upon and those disputed;
- (5) attempt a resolution of the complaint between the student and the respondent, if appropriate; and
- (6) determine final decision regarding the complaint and notify the involved parties.

2.04 Formal Resolution: If a satisfactory resolution to the points of dissatisfaction is not achieved through the informal discussions, or if the student elects not to attempt to resolve his/her complaint informally, the student may file a formal complaint, called a grievance, in the Student Conduct Office. The grievance will be heard by a Student Conduct Committee Hearing Panel following the process outlined in the Student Code of Conduct.

a. The grievance must be in writing and must be submitted within one hundred and eighty (180) University working days of the alleged act of discrimination or fourteen (14) University working days of receiving final notification of the results of the informal administrative review. The written request for grievance proceedings shall include the following information:

- (1) a clear, detailed statement of the grievance, including names of persons allegedly committing acts of illegal discrimination, a description of the supporting evidence and information, including policy documents, names and addresses of individuals serving as witnesses;
- (2) a specific statement of the remedial action or relief sought;
- (3) a brief summary of persons with whom the point(s) of dissatisfaction were discussed and the results of previous discussions; and
- (4) a statement of the reasons why the remedial action or relief is sought.

b. The Office of Student Conduct shall within sixty (60) University working days (1) notify the complainant in writing of the receipt of the grievance and of the actions that will be taken and (2) conduct an initial review of the request to determine if the grievance:

- (1) alleges facts, which if true, would demonstrate a violation of an anti-discrimination statute, or rule;
- (2) contains allegations that appear to be substantially credible;
- (3) addresses a violation, which, if true, results in a personal wrong to the grievant;
- (4) was filed in a timely manner; and
- (5) is not frivolous.

Such review, at the minimum, will normally involve meeting personally with the individual(s) filing the grievance, with the individual(s) accused

of violations of University policy, and any relevant witnesses to the alleged actions at issue, together with reviewing any documentary evidence relevant to the matter.

c. If the review by the Student Conduct Officer finds that the grievance does not meet all of the above conditions, the grievance shall be terminated and the student and respondent so notified in writing within five (5) University working days of the determination. The notification will contain an explanation of the reasons for the decision. The notification letter will also include a statement informing the complainant that, within ten (10) University working days of the notification, he or she may appeal the decision not to proceed to the Vice President of Student Affairs. The request for appeal must be a signed, written document articulating why the decision to dismiss the complaint is believed to be in error. The Vice President for Student Affairs shall respond within ten (10) University working days of the receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision is overturned, the grievance will proceed as provided for herein.

d. The Student Conduct Officer and the Hearing Panel shall have access to all University records, factual information, University policies and procedures relevant to the determination as to whether discrimination occurred.

e. If the grievance meets all of the above conditions, then a date shall be set for a hearing before a Student Conduct Committee Hearing Panel acting as a Grievance Hearing Panel, following the hearing procedures established for this committee in the Student Code of Conduct. The hearing shall be held as soon as possible, but usually no later than ten (10) University working days after the date on which the grievance was determined to meet all the necessary conditions. The grievant and respondent will be notified in writing of the date and time for the grievance hearing.

f. At any time in the process, prior to the actual hearing, the grievant may withdraw the grievance, thereby ending the matter and waiving the right to reopen the same grievance.

g. At the conclusion of the grievance hearing and after reaching a decision, the Grievance Hearing Panel shall within five (5) University working days make a written report on findings and recommendations to the appropriate Vice President of the University with copies to the

grievant, the responding person(s), and members of the Grievance Hearing Panel. The written report will contain:

- (1) a statement of the purpose of the hearing;
- (2) issues considered;
- (3) a summary of the testimony and other evidence presented;
- (4) findings of fact as developed at the hearing; and
- (5) recommendations for final disposition of the case.

h. If disciplinary action is warranted, discipline will be imposed in accordance with University policy and the University will promptly take necessary action to end the discrimination, prevent a reoccurrence and eliminate its discriminatory effect on the student. If the grievant or responding party disagrees with the written recommendation of the Committee regarding final disposition of the matter, he/she may within seven (7) University working days file an appeal with the University Conduct Appeals Panel, following the procedures set forth in the Student Code of Conduct. That Panel shall meet and communicate its decision/recommendation in writing to the appropriate Vice President with supervisory authority over the responding party within twenty (20) University working days of the filing of the appeal.

i. Final Decision and Notification: The appropriate Vice President will make the final decision. In instances involving alleged mistreatment by faculty or staff, that decision may require referring the matter to a separate process set forth in University policy relating to faculty or staff discipline. This decision and the actions that have been taken shall be presented to both parties in writing within fourteen (14) University working days of receiving the Grievance Hearing Panel recommendation or the University Conduct Appeals Panel's decision. If the Vice President decides not to accept the recommendations of the Grievance Hearing Panel or the University Conduct Appeals Panel, a statement of the reasons for so ruling should be given to both parties, and the chairperson of the Grievance Hearing Panel and/or University Conduct Appeals Panel. The decision of the appropriate Vice President is final and further University appeal is precluded.

2.05 Students who are not satisfied with the response they receive from the University may file a complaint with any of the following agencies:

Office of Disability Concerns
2401 NW 23rd, Suite 90

Oklahoma City, OK 73107-3756
800/522-8224, 405-521-3756 (v)
405/522-6706 (tty)
Website: <http://www.odc.ok.gov>

U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, Missouri 64106
Telephone: 816/268-0550
Facsimile: 816/823-1404
Email: OCR.KansasCity@ed.gov

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section-NKAV
Washington, DC 20530
800/514-0301 (v)
800/514-0383 (tty)
Website: <http://www.usdoj.gov>

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