

Dickinson State University

Student Grievance Procedures – Affirmative Action Complaints

Grievances Concerning: Discrimination (handicap, sex, age, race), Sexual Harassment, or Unacceptable Learning Environment.

STEP I - Complainant shall discuss the alleged grievance with the Vice President for Student Development. That office is located on the main floor of the Student Center. All relevant discussions together with remedies, if any, shall be reported to the DSU Affirmative Action Officer.

STEP II - If a mutually agreeable resolution cannot be reached by the opposing parties, the complainants may discuss, either in person or in writing, the alleged grievance/discrimination with the Affirmative Action Officer who shall prepare a written summary of the complaint and resolution, if any.

STEP III - If the complainant is dissatisfied with the Affirmative Action Officer's response, or if he or she has received no response within thirty calendar days after first contacting the Affirmative Action Officer in regard to the matter, the complainant may request, in writing to the Affirmative Action Officer, the formation of an Appeal Board to conduct a hearing, make findings of fact, and make recommendations to the University President.

Such written request for the formation of an Appeal Board shall include the name of the person the complainant designates to serve on the Appeal Board. The President of the college shall, within ten days of the submission of the written request for the Appeal Board to the Affirmative Action Officer, name a second member to the Appeal Board. The two members thus designated shall have ten calendar days in which to jointly name a third member from within the institution, who shall serve as the chairperson of the Appeal Board.

STEP IV - The Appeal Board shall meet within ten calendar days of the selection of its chairperson to review the complainant's written allegations and the Affirmative Action Officer's report; set a date for a pre-hearing meeting, if any; set a date for the formal hearing to begin, not more than twenty calendar days after the Appeal Board's first meeting unless the complainant and administration both agree to a later date; and agree upon the format for the formal hearing. These decisions shall be communicated in writing to the complainant and administration within four calendar days.

The Appeal Board may, with the consent of the complainant and a representative of the university named by the President and hereafter referred to as the administration, hold a joint pre-hearing meeting with these parties in order to simplify the issues, effect stipulations of fact, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

During the proceedings, the administration shall be entitled to have counsel, and the complainant will be entitled to have an advisor or counsel of his or her own choice and at his or her own expense.

A record of the hearing or hearings shall be made, and the administration and complainant shall have access to it and shall be provided a copy upon request, with costs of making the record and any copies to be charged to the institution. The findings of fact and decision shall be based solely on the hearing record.

The Appeal Board shall not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every reasonable effort shall be made to obtain the most reliable evidence available. The Appeal Board shall grant adjournment to enable either party to investigate evidence as to which a valid claim of surprise is made.

The complainant shall be afforded an opportunity to obtain necessary witnesses and documentary evidence. The administration shall cooperate with the Appeal Board in securing witnesses and making available documentary and other evidence. The complainant and the administration shall have the right to confront and cross-examine all witnesses. Where a witness cannot or will not appear, but the Board determines that the interests of justice require admission of his or her statements, the Board shall identify the witness, disclose the statements, and if possible, provide for interrogatories.

The Appeal Board shall conclude their formal hearings within sixty calendar days following the beginning date of the formal proceedings.

STEP V - The Appeal Board shall within ten calendar days of the conclusion of the hearing submit a written report to the President with copies to the Affirmative Action Officer and the complainant. The report shall contain the Appeal Board's findings of fact, conclusions, and recommendations. The complainant may then submit, within ten (10) calendar days, any additional written comment he or she may desire to the President.

STEP VI - The President shall, within thirty calendar days of receiving the Appeal Board's report, issue his or her written decision either accepting, modifying, or rejecting the Appeal Board's report including reasons for any modification or rejection. Copies of this decision will be sent to the complainant, the Affirmative Action Officer, and the persons who served on the Appeal Board.

OBTAINING FORMS

Persons wanting to file a discrimination/grievance complaint may obtain a complaint form from the Affirmative Action Officer, Room 111 May Hall, or call 701-483-2331. If necessary, the Affirmative Action Officer will assist the complainant in completing the form.