

SECTION 800.31

STUDENT COMPLAINT AND GRIEVANCE PROCEDURES

1. Complaints and grievances from students will be handled consistently with the State Board of Higher Education policies and the North Dakota University System procedures.
2. Any college employee or student may file a verbal or written complaint with the Assistant Vice President of Student Affairs against any student for misconduct.
3. Students alleging improper, unfair, arbitrary, or discriminatory treatment should first discuss the grievance with the college official, who was involved in the disputed action. If the complaint is not resolved, the student may bring the concern to the Assistant Vice President of Student Affairs who will forward it to the appropriate supervisor.
4. Financial Appeals Procedure: The following procedure should be used to appeal a billing that a student believes is incorrect or unfair:
 - a. Any student appealing a bill must first complete the *Student Billing Appeal* form and submit it to the Registrar's Office by no later than the end of the semester following the one in which the change was incurred.
 - b. The Assistant Vice President of Student Affairs will approve or disapprove the appeal based the circumstances presented and the research conducted.
 - c. If approved, the Assistant Vice President of Student Affairs shall coordinate with the Registrar and Business Office for appropriate action to adjust the student's account
 - d. The Assistant Vice President of Student Affairs will investigate and resolve the appeal within 15 calendar days and will notify the student of the decision.
 - e. A student may appeal the decision of the Assistant Vice President of Student Affairs to the Vice President of Academic and Student Affairs.
5. Academic Appeals Procedure:
 - a. Any student with an academic grievance (concerning grading, attendance, testing, incompletes withdrawals or transfer evaluation) should first discuss the grievance with the faculty person involved with the request or Registrar in the case of transfer evaluation to resolve the grievance. If the grievance is not resolved at the faculty level, the student should bring his/her concern to the Vice President of Academic and Student Affairs. If this informal discussion does not achieve resolution of the grievance, the student may request a formal interview of the grievance by the Faculty Senate Curriculum and Academic Standards Committee. This grievance must be submitted to the committee in writing.
 - b. The Curriculum and Academic Standards Committee will consider the grievance as formally presented by the student and will consult with all parties significantly involved in the grievance. The Committee will document its findings and render the disposition of the grievance within 20 class days upon receipt of the student's formal written grievance. The student will then be notified of the Committee's decision. It is the student's responsibility to initiate and advance the grievance.
6. Minor Misconduct Investigative, Adjudication and Appeal Process:
 - a. The Assistant Vice President of Student Affairs or designee shall be responsible for the investigation of minor misconduct. A decision will be rendered within 10 calendar days of receiving the complaint, barring unusual circumstances. Sanctions can include verbal and written warnings, limited access to campus, mandatory counseling or treatment,

restitution, loss of student employment, campus or community service, training, fines or fees, loss of campus privileges and/or eviction.

b. Minor Misconduct Appeals Procedure:

- i. If the student is not satisfied with the decision of the Assistant Vice President of Student Affairs, the student may file a formal review request to the Vice President of Academic and Student Affairs in writing and within 10 calendar days of the date of the decision.
- ii. The Vice President of Academic and Student Affairs will review the investigation and recommended disciplinary action and issue a final decision within 10 calendar days from the date the written appeal was filed.

7. Major Misconduct Investigative, Adjudication and Appeal Process:

- a. The Assistant Vice President of Student Affairs or designee shall be responsible for the investigation of major misconduct. Major misconduct investigations shall take no longer than 60 calendar days.
 - i. Sanctions can include written warnings, limited access to campus, mandatory counseling or treatment, restitution, loss of student employment, campus or community service, training, fines or fees, loss of campus privileges, eviction, and/or suspension or expulsion.
 - ii. If the major misconduct involves sexual misconduct or Title IX compliance, the adjudication and appeal process under LRSC Policy 1500.09 will be followed.
- b. During the investigation, the accused shall:
 - i. Receive written notice:
 1. Identifying the allegation(s) against the student;
 2. Providing three days' notice to any requests for information or response from the student. The notice requirement can be waived if the accused consents to a shorter notice period. The notice process may also be waived during an emergency suspension process; and
 3. Of information about the right to have a support person, advocate or attorney, at the student's expense and initiation, to fully participate in the process.
 - ii. Have an opportunity to present evidence and respond to allegations, be provided with timely access to information,
 - iii. Be informed of the outcome, the sanction (if any) and the right to appeal within 10 calendar days after the completion of the investigation.
- c. The Assistant Vice President of Student Affairs shall initiate interim measures for the safety and security of the campus. These may include, but are not limited to:
 - i. Assistance moving safely between campus buildings,
 - ii. Issuing a no contact order to the accused,
 - iii. Moving the complainant and/or accused to different campus housing,
 - iv. Altering the class schedule of the complainant and/or accused,
 - v. Providing counseling services,
 - vi. Providing academic support services, and/or
 - vii. Placing student employees on leave or students on suspension pending the outcome of the investigation.
- d. Hearing Process
The Assistant Vice President of Student Affairs shall:
 - i. Make every effort to allow only relevant evidence to be considered and shall not consider evidence that is neither relevant nor probative.

- ii. Determine whether policy was violated using a “preponderance of the evidence” standard. Communicate in person (when possible) and provide in writing the final decision to the accused.
 - iii. Decide the appropriate sanctions to be imposed.
- e. Major Misconduct Appeals Procedure
 - i. The accused has the right to appeal. An appeal must be made in writing to the Vice President of Academic and Student Affairs and must be made within one year of receiving the written notification from the Assistant Vice President of Student Affairs.
 - ii. The original decision may be appealed only due to:
 - 1. Procedural Errors: The accused alleges that there was a deviation or change from the procedures outlined in the adjudication process or was not afforded due process which adversely impacted the outcome of the complaint.
 - 2. New Evidence: The accused alleges that new evidence became available which would have impacted the outcome of the complaint. The accused must (a) present the new evidence, (b) explain why it was unavailable prior to the original decision, and (c) prove that the new evidence may have altered the outcome.
 - 3. Severity of the Disciplinary Action: The accused believes that the disciplinary action issued was excessive.
 - iii. The Vice President of Academic and Student Affairs may grant a rehearing, order a new hearing, reduce or modify the suspension or expulsion, grant other appropriate relief, or uphold the original decision. Upon conclusion of all appeal activities, a final decision will be made within 21 calendar days.
- f. If the appeal results in the reversal of the decision or a change to the sanction, the institution may reimburse the student for any tuition and fees paid to the institution for the period of suspension or expulsion which had not been previously refunded.

History

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