

University Policy 4.02.03

Learner Grievance

Policy Revision Approval Date: July 24, 2009

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Procedure Approval Date: August 11, 2016

Procedure Effective Date: September 1, 2016

POLICY STATEMENT

This policy provides a structured process for resolving problems, complaints, or grievances relating to the execution of institutional policies or procedures. Capella University ensures that learners will not be subject to unfair actions as a result of their initiation of a grievance proceeding.

RATIONALE

Capella University strives to provide learners with a positive, collaborative, and healthy approach to solving grievances with faculty, staff, and administration members. The purpose of this policy is to define the process for the internal resolution of problems, complaints, and grievances at Capella University. A separate process has been established for grade appeals.

DEFINITIONS

Faculty

Faculty members include core faculty, adjunct faculty, and other Capella employees that serve in an instructional capacity (e.g., independent contractors).

Grievance

A grievance is a complaint against an individual based on specific facts that there has been a misinterpretation, misapplication, discriminatory application, or violation of a university policy or procedure that may or may not include a violation of rights as set forth in university policy *4.02.02 Learner Code of Conduct*. The intent of the grievance process is to resolve a complaint by informal and, if necessary, formal means.

Grievance Review Panel (GRP)

A Grievance Review Panel is an independent review panel to which all learner grievances are referred during the formal resolution process. The GRP is appointed by the Office of Academic and Community Standards.

Learner

A learner is someone who is enrolled in a degree or certificate program or is enrolled as a course learner at the time during which the alleged grievance occurred. Many members of the university have dual-constituency status (e.g., a staff member registered in academic coursework who is also a learner). For the purposes of this policy, the constituency affected will dictate the policy and procedure to be invoked.

President's Designee

A president's designee is an individual designated by the university president to act on their behalf.

Staff

Staff members are any university employees other than faculty.

PROCEDURES

I. Policy Scope

This policy and procedure applies under all circumstances except the following:

- A. Learners' grievances against other learners. These will be processed according to the provisions described in university policy *4.02.02 Learner Code of Conduct*.
- B. Claims of harassment and/or discrimination. These will be processed according to the provisions described in university policy *4.02.04 Discrimination, Harassment, and Assault*.
- C. Personnel matters occurring outside the academic experience.
- D. Matters that are addressed under another university policy.
- E. Matters that have been reviewed and have received a final decision under another university policy.

II. Initial Resolution Process

- A. Before filing a formal, written grievance, the aggrieved party is encouraged to first make a good faith effort to confer with the party against whom they have a grievance. This represents an effort to achieve a fair and reasonable resolution to the grievance by informal means.
- B. The aggrieved party may contact the Office of Academic and Community Standards for assistance in the resolution effort.

III. Formal Resolution Process

If the aggrieved party does not receive an adequate resolution to the grievance, they may submit a formal, written grievance to the Office of Academic and Community Standards.

- A. Upon receiving the grievance, the Office of Academic and Community Standards will acknowledge receipt of the grievance and inform all involved parties that a formal resolution process has been initiated and that the grievance is being referred to a Grievance Review Panel (GRP).
- B. Within 10 calendar days of being sent notification that a formal resolution process has been initiated, all involved parties must submit information regarding the matter to the GRP designee. This information must include:
 - 1. The individual(s) or department(s) against whom the grievance is directed.
 - 2. A brief description of the grievance, including the date(s), time(s), and place(s).
 - 3. Any efforts to resolve the matter during the initial resolution process.
 - 4. The corrective action the grievant is seeking.
- C. Following referral of the matter, the GRP will convene to review the materials and issue a decision as soon as practicable.

1. The GRP will investigate all evidence supporting and/or refuting the grievance, and any further issues surrounding the grievance.
2. The GRP will provide adequate opportunity to hear from all involved parties and for each party to state their respective case in writing. Upon request, either party will be provided the opportunity to appear before the panel, either in person or via telephone.
3. Upon evaluation of the evidence and hearing from all involved parties, the GRP will issue a decision and set forth a resolution to be implemented.
4. The GRP designee will report the GRP's decision to all involved parties as soon as practicable. A record of the GRP's decision will become part of the learner's official academic record.
5. Both parties have the right to appeal the GRP's decision, as described in section IV.

IV. Formal Appeal Process

If either party chooses to appeal the Grievance Review Panel's (GRP) decision, they must submit a formal, written appeal request to the president's designee. The appeal request must be submitted via mail or email within 10 calendar days of being sent notification of the GRP's decision.

- A. Upon receiving the appeal request, the president's designee will acknowledge receipt of the request and inform all involved parties that a formal appeal process has been initiated.
- B. The president's designee will receive and review all prior evidence, records, evaluations, and GRP decisions associated with the grievance.
- C. Following the review, the president's designee will issue a decision and report it to all involved parties as soon as practicable. The decision will do one of the following: a) uphold the findings of the GRP, b) reverse the findings of the GRP, c) direct the GRP to provide additional information, or d) the president's designee will determine their own findings. In the event the president's designee requests additional information from the GRP, the involved parties will be notified of a revised time frame for the determination of the grievance.
- D. The decision of the president's designee is final.
- E. A record of the final decision and all related materials will become part of the learner's official academic record and, upon request, will be made available to all Capella University boards and any appropriate regulatory bodies.

V. External Resolution Process

- A. For Learners Seeking Resolution Through the Minnesota Office of Higher Education
In some circumstances, learners may submit their complaints to the Minnesota Office of Higher Education. For more information, please see <https://www.ohe.state.mn.us/mPg.cfm?pageID=1078>. Learners in the following states should contact their states' higher education regulatory authorities.
- B. For California Learners
If a complaint cannot be resolved after exhausting the institution's learner grievance procedure, a learner may file a complaint with the Bureau for Private Postsecondary Education. A complaint may be filed by writing (https://bppe.ca.gov/forms_pubs/complaint.pdf) or by contacting the Bureau's

Enforcement Section: Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798-0818, 888.370-7589.

C. For Florida Learners

If a complaint cannot be resolved after exhausting the institution's learner grievance procedure, Florida learners may file complaints with the Florida Commission for Independent Education: 325 W. Gaines St., Suite 1414, Tallahassee, FL 32399; 888.224.6684. Learners must contact the commission for further details.

D. For Georgia Learners

If the complaint cannot be resolved after exhausting the institution's learner grievance procedure, the learner may file a complaint with the Georgia Nonpublic Postsecondary Education Commission: 2082 East Exchange Place, Suite 220, Tucker, GA 30084-5305; 770.414.3300. A complaint must be submitted via the Commission's online complaint form in accordance with their Student Complaint Procedures:

<https://gnpec.georgia.gov/student-complaints>.

E. For Tennessee Learners

If a complaint cannot be resolved after exhausting the institution's learner grievance procedure, the learner may file a complaint with the Tennessee Higher Education Commission: 312 Rosa Parks Ave, 9th Floor, Nashville, TN 37243; 615.741.3605.

VI. All procedures in this policy apply to learners in programs in GuidedPath and FlexPath formats.

POLICY OWNERS

Academic Owner: President

Operations Owner: Office of Academic and Community Standards

RELATED DOCUMENTS

University policy 2.01.02 Maximum Time to Degree Completion

University policy 2.02.02 Course Registration

University policy 2.02.10 Separation from the University

University policy 3.01.01 Academic Integrity and Honesty

University policy 3.01.04 Academic Standing

University policy 3.03.06 Research Misconduct

University policy 3.04.09 Appealing a Grade

University policy 4.02.02 Learner Code of Conduct

University policy 4.02.04 Discrimination, Harassment, and Assault

University policy 4.02.05 Drugs and Alcohol

REVISION HISTORY

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