



Northern Marianas College Procedure

Procedure No.: 4008.1 Procedure Title: Student Grievance/Complaints

Issuing Date: _____ Adoption Date: _____ Effective Date: 8.18.19

Office of Origin: Dean of Learning and Student Success

Procedure Approval Authority: President

Board Policy No. associate with this procedure: 4008 Student Grievances/Complaints

This Procedure Supersedes/Replaces : _____ Approved on 8.17.19

The written steps necessary to appropriately and uniformly perform a task in carrying out policies and activities of the College.

Introduction

NMC is committed to a policy against illegal, arbitrary, or unreasonable discriminatory practices. All groups operating under the Board of Regents, including administrators, instructional faculty, non-instructional faculty, staff, student government, and programs sponsored by NMC, are governed by this policy of nondiscrimination.

NMC, in accordance with applicable federal and Commonwealth law and college policy, prohibits discrimination, including harassment, on the basis of race, color, national origin, religion, sex, disability, age, medical condition, ancestry, marital status, citizenship, sexual orientation, or veteran status.

Purpose and Scope

A. The purpose of this procedure is to provide NMC students an opportunity to resolve complaints alleging discrimination based upon any of the grounds listed above. This procedure is also available for the resolution of complaints alleging inappropriate application to a student of any other rules or policies of NMC resulting in injury to the student, except as noted in J.B. below. It is the intent of this procedure that student complaints should be resolved, if at all possible, informally in the department or unit where they arise.

B. The Student Grievance Procedure does not apply to complaints coming under the following campus processes, unless those processes specifically refer matters to the Student Grievance Procedure:

1. Grade Appeals - Board of Regents Policy 8002.10. This procedure is to be used for complaints that grades in courses of instruction are based on the application of non-academic criteria.

2. NMC Code of Student Conduct. This procedure is to be used for complaints against students or student organizations that have allegedly violated campus student conduct rules.

3. Drug Free Workplace Smoking Tobacco and Betelnut Chewing Policy.

C. The student grievance procedure may be used for complaints of sexual harassment and complaints of failure to provide proper accommodation for the academic needs of students with disabilities.

D. In the event any other policy at NMC or any other version of this policy conflicts with this official Student Grievance Policy, this official version controls.

Definitions

A. Complaint Resolution Officer (CRO): The person designated to receive, investigate, mediate, and resolve complaints brought under this procedure. The CRO shall be a member of the NMC instructional faculty, non-instructional faculty, or staff and shall be appointed for a term of one year by the President.

B. Alternate Complaint Resolution Officer(s) (Alternate CRO(s)): Two persons who may serve as CRO for any specific grievance in the event of a conflict of interest between the complainant and/or respondent and the CRO. The alternate CROs shall be appointed by the President at the same time and for the same term as the CRO.

C. Student: An individual who (a) is enrolled in or registered with an academic program or class at the college, including as an auditor; (b) has completed the immediately preceding term and is eligible for re-enrollment, including the recess periods between academic terms; (c) is on approved educational leave or other approved leave status, or is on filing-fee status; (d) has ended studies at the college, whether for a degree or otherwise, but has nonetheless filed a grievance within the time limits specified in these procedures.

D. Respondent: The person against whom a complaint is filed.

E. Grievance Fairness Committee (GFC): The committee charged with reviewing formal complaints filed by students. The GFC is composed of seven members: three faculty members appointed by the faculty senate, two staff members appointed by the staff senate, and two non-voting students selected by the Associated Students of Northern Marianas College. This is a standing committee that sits for a term of one academic year. The chair shall be elected from among the membership.

F. Notification: Notification takes place upon the date of receipt of any document, when properly addressed. Written communications to a complainant are properly addressed when sent to the address given in the complaint or the last address given since the filing of the complaint.

G. Time: All time periods referred to in this procedure refer to days of the work week, including the summer and college recesses, but excluding Saturdays, Sundays, and campus holidays. The time periods designated in this procedure may not be extended for any reason.

**Department or Unit
Level Resolution
Procedures**

A. Informal Process and Exhaustion of Informal Remedy

Before filing a grievance under this policy, a student must attempt to resolve the matter informally with the person alleged to have committed the violation and with the head of the department or unit in which the alleged violation occurred. The student may contact the Office of the Dean of Student Services for assistance with informal resolution, and any involved party may seek guidance from the relevant dean or division head. Attempts to resolve the matter informally shall be initiated within thirty (30) days from the time the action leading to the grievance occurred. If a student wishes to file a formal grievance, he or she must do so within sixty (60) days from the time the action leading to the grievance occurred regardless of the progress of the informal process.

**Formal Campus
Resolution
Procedures**

A. Filing

If the student is not satisfied with the outcome of the informal process, a student may file a formal student grievance within sixty (60) days from the time at which the action leading to the grievance occurred. Students must file the formal grievance with the Office of the Dean of Student Services. The student may file the grievance directly with the Dean of Student Services, or the Dean of Student Services may designate another individual in his or her office to receive complaints.

Student grievances must be in writing and signed by the student or the student's designated representative, if any. The Student Grievance Procedure Form must be completed. Grievances must contain the student's address and phone number to the extent available, a detailed statement of the specific action being grieved, the approximate date when the action took place, the resulting injury or harm, the specific law, policy, or rule alleged to have been violated, a description of the evidence supporting the grievance, whether informal procedures were attempted and completed, and the remedy or relief requested. Incomplete grievances will be returned without action. It is the responsibility of the complainant to update the CRO as to the appropriate address to use throughout the grievance process.

If the student is to be assisted by an advisor, their parent(s), or a lawyer licensed to practice in the CNMI, the student must submit the name of this individual. The student also must submit a signed statement authorizing the advisor to receive copies of relevant student records and correspondence regarding the grievance and to accompany the student to any meetings or hearings.

B. Initial Review and Investigation

Upon receipt of a formal student grievance, the CRO shall review the grievance and make an initial determination regarding whether the grievance is complete, timely, within the jurisdiction of the Student Grievance Procedure, and alleges facts that, if true, would constitute a violation of law or college policy. The CRO shall then commence an investigation of the grievance by sending a copy of the written grievance and any supporting documentation to the respondent and asking for a written response.

The respondent shall (1) confirm or deny each fact alleged in the grievance; (2) indicate the extent to which the grievance has merit; and (3) indicate acceptance or rejection of any remedy requested by the grievant or outline an alternative proposal for remedy. The CRO will provide the complainant with a copy of the respondent's answer.

A notification to the student will be provided if the grievance filing is incomplete, untimely, or within the jurisdiction of another procedure.

During the course of the investigation, the CRO shall also seek the opinion of the department or division head involved in the informal grievance process. The CRO shall also consult with the relevant dean or division head where the complaint arose. The contents of these discussions shall be included in the CRO's report as outlined below.

The CRO may seek to mediate a resolution or negotiate an informal settlement of the grievance at any time during the course of the investigation. If a resolution satisfactory to both the grievant and the respondent is reached, the CRO will notify both parties of the voluntary resolution in writing and the formal grievance will be permanently dismissed.

The CRO shall complete the investigation and produce a report within thirty (30) days of the initial receipt of the grievance in the Office of the Dean of Student Services. The report should contain the CRO's initial determination of the completeness, timeliness, and jurisdictional soundness of the grievance, a summary of the issues presented by the grievance, the CRO's factual findings reached in the investigation, the CRO's opinion as to whether these factual findings constitute a violation of law or college policy, a summary of the CRO's discussions with the relevant department or unit head and dean or division head, and a conclusion regarding the recommended outcome of the grievance, including proposed corrective actions, if any.

C. Consideration by Grievance Fairness Committee

The report shall be given to the Dean of Student Services, who shall convene the GFC within ten (10) days to review the matter. The Dean of Student Services shall provide each member of the GFC with a copy of the CRO's report and any other relevant documentation. The complainant and the respondent shall be notified of the time and date of the hearing and given an opportunity to submit written materials to the GFC and to present oral testimony. Both the complainant and the respondent shall be given copies of all materials provided to the GFC, as well as copies of these procedures, and a list of the names of the members of the GFC.

Before the hearing, either the complainant or respondent may request that any member of the GFC remove himself or herself on the grounds of conflict of interest. The member will be immediately informed of this request. If the member does not agree to remove himself or herself, the party requesting their removal make ask that the recusal of the member be considered as the first order of business at the committee hearing. Recusal shall then be determined in confidential deliberations by majority vote before

the committee hearing begins.

Any member of the GFC may remove himself or herself on his or her own initiative from a case if he or she believes a conflict of interest exists.

If more than two members of the GFC are removed for a conflict of interest, then temporary alternates must be appointed by the appropriate appointing bodies until a minimum of five members of the committee are able to serve before the case can proceed. In the event that the chair is recused for a conflict of interest, or is otherwise absent, the committee shall elect an acting chair.

The GFC shall meet in closed session and all deliberations and proceedings shall be confidential, unless both parties agree to open the proceedings.

The hearing shall begin with the chair introducing himself or herself and the other members of the committee. The complainant shall then be asked to make a verbal statement regarding the grievance he or she filed, which must include the events that led to the grievance, the NMC policy or law that was alleged to be violated, and their proposed remedy for the grievance. The respondent will then be asked to reply to the allegations. The CRO will then be asked to speak regarding his or her investigation and what it revealed. Any relevant additional witnesses or parties may be called by the grievant or respondent, provided this decision is made before the hearing. The members of the committee may question the complainant, the respondent, the CRO, and any other witnesses both during and after their respective statements and at the conclusion of all testimony.

During the proceedings, the chair shall preside and shall rule on all matters of procedure. Any decision of the chair may be overturned by the full GFC. The chair shall not vote except in the event of a tie.

Formal rules of evidence shall not apply and the GFC may consider any evidence it considers relevant and reliable.

Upon completion of questioning, the committee will begin deliberations in executive session. No persons other than members of the committee and its legal counsel (if any) may be present for deliberations.

For each allegation made in the complaint, the GFC will make a determination of what actually occurred and whether those facts constitute a violation of law or college policy.

The GFC's decision is final and binding on the parties to the dispute and all NMC personnel and offices. However, while the GFC may recommend discipline be imposed on the respondent (or, in some circumstances, such as if a fraudulent grievance is filed, the complainant), it may not actually impose discipline itself. If the outcome of the grievance involves a recommendation for disciplinary action to be taken against any college employee or student, the GFC shall refer the matter and its recommendation to the appropriate NMC disciplinary channel.

The GFC chair shall issue a yearly report that includes summaries of cases handled by the GFC. These summaries shall be written without reference to any specific persons and in such a way that the identities of the parties involved will not be apparent.

Appendix A

Student Grievance Form