



Grievance Procedures

Preamble

The purpose of the Grievance Procedures are to provide a process for students to grieve perceived violations of College Policy. If students feel they have been dealt with in a capricious or unfair manner, they may resort to the steps outlined in this procedure. Grievances can be brought against Faculty, Administrators, staff or other students.

The purpose of this section shall also apply in cases of sexual harassment of one student toward another student. In cases of sexual harassment of one student towards another student, a student may file either an informal or formal grievance directly with the Dean of Student Affairs pursuant to the procedures found below.

In cases of sexual harassment of a Cornish College of the Arts employee (faculty, administrator or staff) towards a student, a student may file a grievance informally or formally directly with the Dean of Student Affairs, who will in turn refer it to the Director of Human Resources. The Director of Human Resources will then conduct an investigation into the matter.

Informal complaint procedures

1. Internal review and consultative processes have proven to be a desirable means of resolving problems. If a student believes a faculty member, a staff member, an administrator or another student has unfairly treated him or her; the student is encouraged to resolve the complaint with the individual toward whom the grievance is directed. The student shall take this action within five instructional days. If the complaint is not resolved in this manner, then to resolve the complaint the student will follow the next step discussed in item number 2 below.
2. The next step is for the student to discuss the grievance with the Department Chair, in the case in which the grievance is directed toward a faculty member, or the Administrative Department Manager if the person is a staff or an administrator, and/ or the individual's immediate supervisor depending on the individual the grievance is directed towards. The Department Chair or Department Manager will resolve the grievance with all the parties involved. If the grievance is not resolved within five (5) instructional days of the date the Chair or Manager first becomes aware of the grievance in this step then it will be referred to the Dean of Student Affairs, as specified below in "Formal Complaint Procedures".
3. Exceptions to the timeframe for both the informal and formal complaint procedures contained herein may be made if the circumstances warrant at the discretion of the Dean of Student Affairs.

Formal complaint procedures

1. The student may, within ten (10) instructional days, including the five (5) instructional days referred to above in step 2 of informal procedures, following the incident, present his/her complaint in writing to the Dean of Student Affairs. The student shall present a written, signed statement of the nature of the grievance, a summary of actions taken by the student to resolve the grievance up to that point, and any proposed solution to the problem the grievant may wish to offer.
2. Within five (5) instructional days of the receipt of the grievance the individual toward whom the grievance is directed shall be sent a copy of the grievance and any supporting documents and evidence, via regular mail and certified/return receipt mail restricted delivery to the last known address on file in the Human Resources Department. The individual toward whom the grievance is directed shall have the opportunity to file a written response directly to the Dean of Student Affairs, who in turn will send a copy of the response to the student filing the grievance.



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3. Within ten instructional days of receiving the grievance, the Dean of Student Affairs shall hold a meeting to hear the complaint. It shall be at the discretion of the Dean of Student Affairs to determine whether he/she will meet with the grievant and the person to whom the complaint has been directed separately or in a joint meeting. A joint meeting is strongly favored and shall be held unless there are compelling reasons not to hold a joint meeting. At this step and all subsequent steps in the grievance procedure, both the grievant and the individual who the grievance is directed against may both elect to be represented by an attorney in preparing and presenting the grievance. Both parties shall notify the Dean of Student Affairs at least five instructional days in advance of such action. In such cases, the College may choose to be assisted by the College's counsel. Following the meeting or meetings, and within ten instructional days, the Dean of Student Affairs will report his/her findings and the actions, where appropriate, to be implemented to resolve the grievance in writing to the grievant and the person to whom the complaint is directed via regular mail and certified/return receipt restricted delivery mail.
4. A student clearly filing a grievance not based upon any reasonable facts as determined by an investigation by the Dean of Student Affairs and which no reasonable basis exists shall be liable for a conduct violation found in the student code of conduct for filing a false grievance with clear intent to harass the person towards which the grievance was filed against.

Appeals

1. If the grievance is not satisfactorily resolved in step 3 above, either the grievant or the person to whom the complaint is directed has the right to request in writing a hearing conducted by the Provost of the College. The Provost will set a date for the hearing no later than ten instructional days from the time of the request. The hearing date itself shall be set no later than fifteen days of the date of the written appeal request.
2. Such an appeal shall clearly and specifically set forth the reasons upon which the appeal is based. The Provost will not consider evidence not in the record. *However, any newly discovered evidence that a reasonable grievant or individual towards whom the grievance was directed towards could not be expected to discover or that was not available at the time of the original hearing may be considered by the Provost.*
3. The Provost's decision shall be final and will be communicated in writing to both parties via regular mail and certified/return receipt mail restricted delivery within ten days of the final appeal hearing date.
4. Records of the hearing and the any appeal shall be kept by the office of the Provost and a copy put in the Human Resources personnel file of the person to whom the grievance is directed against, except in cases wherein the person to whom the grievance is directed is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar for at least five years. No record of the proceedings wherein the person toward which the grievance is directed is exonerated, other than the fact of exoneration, shall be maintained by the Provost, Human Resources or other official College repository
5. Both the grievant and the party towards which the grievance was directed retain all legal rights and remedies as set forth in all applicable state and federal laws.
6. Exceptions to the appeal process timeframe as stated above, may be made if the circumstances warrant at the discretion of the Provost.
7. Both parties are encouraged to sincerely try to resolve the grievance informally as stated above in "Informal Complaint Procedures and may want to avail themselves of the process of mediation.

Grievances excluded from this section

1. A student may not use the provisions of this section as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in the sections of the Student Rights and Responsibilities



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Code. If a student is dissatisfied with the outcome of a summary or other disciplinary procedure after all internal Cornish appeals have been held and decided, a student may avail themselves of the remedies provided through the State and Federal Court system.

2. A student may not use the provisions of this section to file a grievance related to the student's performance of duties as an employee of the College, e.g. as a work study student.
3. This section shall not apply to academic grievances concerning arbitrary or capricious academic evaluations as evidenced by the student's final grade. For more information on academic grievances contact the Registrar's Office or the Office of the Provost.
4. Federal and State laws, rules and regulations shall not be grievable matters, and both the student filing the grievance and the party towards whom the grievance is filed both retain all of their legal rights to address any Federal or State laws and regulations that they feel are violated in the proper court or Federal or Administrative agency. Once again as stated above in the informal procedures for resolving grievances all parties are strongly encouraged to attempt to resolve even issues involving Federal and State laws and regulations, informally among themselves or through mediation. The Dean of Student Affairs is available to facilitate a referral to outside organizations that conduct mediation.

Approved August 30, 2001
President's Cabinet