



# Student Grievances and Appeals

Prairie View A&M University is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. To further that commitment, the University has developed procedures for students to pursue grievances within the University community. This section describes the various grievance procedures and provides information that will clarify how to initiate and pursue a grievance.

## TYPES OF GRIEVANCES

Prairie View A&M University has several procedures for undergraduate and graduate students to pursue a grievance for any of the following problems, issues, or concerns:

**Title IX and Title VI Discrimination and Appeal Procedures**  
**Disability Accommodations Discrimination and Appeals**

## ASSISTANCE WITH STUDENT GRIEVANCES

To ensure that students understand how to appropriately pursue a grievance at Prairie View A&M students are encouraged to seek clarification and advice regarding procedures before initiating a grievance. Although a student may seek such advice from any faculty or staff member, the Office of the Associate Vice President for Student Affairs, Evans Hall, (936) 261-3646 has staff trained to help students who have grievances. Students are encouraged to seek assistance from this office in pursuing any type of grievance.

The decision as to which procedure to utilize for a grievance filed by a student, shall be made solely by the University and shall be based on the fact pattern of each particular case. Each grievance shall be directed to a specific procedure and shall be accorded only one opportunity to be adjudicated unless the appeal body remands for further review.

## TITLE IX AND TITLE VI DISCRIMINATION GRIEVANCE AND APPEAL PROCEDURES

**TITLE IX: Prohibition Against Sex Discrimination** Prairie View A&M University prohibits all forms of discriminatory exclusion to include discrimination on the basis of sex under Title IX of the Education Amendments of 1972, which protects males and females from discrimination based on sex in education programs or activities and states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.”

**TITLE VI: Prohibition Against Discrimination** Prairie View A&M University prohibits all forms of discriminatory exclusion to include discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance prohibited under Title VI of the Civil Rights Act of 1964. Prairie View A&M University prohibits retaliation against anyone who files a complaint or participates in an investigation concerning discrimination.

## Informal Grievance Procedures

Students who believe they have been subjected to discrimination under the prohibitions of either Title IX or Title VI may use one of the following informal grievance procedures to resolve their grievance:

- A. The student may seek a resolution of the matter through discussions with the alleged offender or person responsible for the inappropriate behavior/actions (hereafter referred to as Respondent). Before following this procedure; however, students may choose to seek advice about how best to approach this individual. Students are encouraged to seek assistance from the Student Conduct Officer.
- B. If no resolution is forthcoming or if direct confrontation is deemed inappropriate by both parties, the student may report the incident or incidents to the Respondents immediate or general supervisor. The supervisor should attempt to resolve the grievance and will maintain the student's confidentially to the extent provided by law.

- C. The student may report the incident or incidents to the Associate Vice President for Student Affairs, the Student Conduct Officer; Administrator of Health & Counseling Center, Residence Hall Supervisor or someone in a position of authority that you feel comfortable confiding in and request assistance in attempting to reach an informal resolution of the matter.
- D. The Student Conduct Officer may then contact the Respondent's immediate or general supervisor, who should attempt to resolve the complaint and will maintain the student's confidentiality to the extent provided by under these informal procedures, the student may, at any time, elect to stop further administrative action by withdrawing the complaint.

#### **Formal Grievance Procedures**

Students who believe they have been subjected to discrimination under the prohibitions of Title IX or Title VI and who elect not to utilize the informal grievance procedures may use the following formal procedures to resolve their grievance. Students electing to file a formal grievance must complete the formal standardized Complaint Form through the Office of The Equal Opportunity/Title IX Coordinator and submit a completed copy to the Title IX Coordinator for the University. The grievance should be submitted within 90 business days of the incident or incidents.

The Title IX Coordinator will conduct an impartial investigation and attempt to resolve the grievance, as appropriate, using the following steps:

1. Review the grievance report from the student
2. Interview witnesses
3. Obtain additional information from the student, as needed
4. Obtain a response and any additional information deemed necessary from the Respondent
5. Document and assess the finding of facts, including those agreed upon and those disputed
6. Attempt a resolution of the grievance between the student and the Respondent as deemed appropriate.
7. Make a determination as to whether student was subjected to discrimination.

The investigation should be completed and a written report of the investigation, findings and determination submitted within 31 business days. If the Title IX Coordinator is unable to complete the investigation and report within this timeframe, he/she shall notify the student in writing and provide an estimated completion date. If the investigation will take longer than 31 business days, the Title IX Coordinator will periodically inform the student of the status of the investigation. The complaining student, the respondent, and, as appropriate, the respondent's department head, dean, and vice president will be notified in writing of the outcome of the complaint.

The Title IX Coordinator will make recommendations to the Associate Vice President for Student Affairs, who will implement the recommendations.

#### **Appeals**

The student may appeal in writing the determination made by the investigator to the Vice President for Student Affairs and Institutional Relations by filing a written appeal within five (5) business days of receipt of the decision of the Investigator.

The Vice President for Student Affairs and Institutional Relations will conduct a review with advice from the Office of General Counsel of the student's appeal within 15 business days of receipt. The review will determine if the appeal:

- A. Alleges new facts, which if true, would demonstrate a violation of an anti-discrimination statute or regulation;
- B. Contains new allegations that appear to be substantially credible;
- C. Addresses a violation, which if true, results in a personal wrong to the grievant; and is not frivolous.

If the Vice President for Student Affairs and Institutional Relations finds that the appeal does not meet all of the above criteria, he/she will terminate the appeal and notify the student.

If the Vice President for Student Affairs and Institutional Relations finds that the complaint meets all of the above criteria, he/she will conduct a complete review of the new findings and make a determination. The Vice President for Student Affairs and Institutional Relations will conduct interviews and obtain information, as deemed appropriate and necessary and will draw a conclusion to uphold, modify, or reverse the original determination by the Title IX Coordinator.

The Vice President for Student Affairs and Institutional Relations will issue his/her final report in response to the appeal. The report will summarize actions taken and determination made. The determination of the Vice President is final.

#### **DISABILITY ACCOMMODATIONS**

The Office of Diagnostic Testing and Disability Services is responsible for achieving and maintaining program accessibility for all students who self-identify as having an officially documented disability (Rehabilitation Act, Section 504 and Americans with Disability Act (ADA)). Students are encouraged to become self-advocates; however, the office provides leadership in advocating for removal of attitudinal and physical barriers that may impede successful progression toward achievement of the student's educational objectives.

Students requesting service through the Office of Diagnostic Testing and Disability Services must self identify and meet eligibility requirements each semester. Services are based on medical recommendations, individual assessments and generally involve academic accommodations that will support the student's success.

## ADA RESOURCES

The office exists to create and sustain a supportive environment that includes policies and practices to assist persons with disabilities achieve their full potential. The office provides direct, individualized services to persons with disabilities based on their needs and the level of disability. Accommodations may include, but are not limited to, extended time for testing and or assignments, interpreter services, note taker assistance, use of tape recorders and other accommodations as needed. Assistive technology services include loaner wheel chairs, adapted computers, spelling and grammar checks and colored overlays for dyslexic readers. Also, if requested, the office makes referrals to additional campus support service providers and external agencies.

The Office offers individualized psycho-educational testing for students who suspect they may have a learning disability. For information about eligibility, academic accommodations, testing and additional services, visit Evans Hall, Room 317.

## ADA GRIEVANCE AND APPEAL PROCEDURES

### Informal Grievance

Students who wish to raise a specific grievance regarding the University's compliance with the Americans with Disabilities Act (ADA) may request assistance from the Office of Diagnostic Testing and Disability Services to informally resolve the issue with faculty or staff.

### Formal Grievance

Students electing to file a formal grievance must complete the Complaint Form in the Office of Diagnostic Testing and Disability Services. The grievance should be submitted within 30 business days of the incident.

The Director of Diagnostic Testing and Disability Services will conduct an impartial investigation and attempt to resolve the grievance, as appropriate, using the following steps:

- A. Review the grievance Complaint Form from the student
- B. Interview witnesses
- C. Obtain additional information from the student, as needed
- D. Obtain a response and any additional information deemed necessary from the Respondent
- E. Document and assess the finding of facts, including those agreed upon and those disputed
- F. Attempt a resolution of the grievance between the student and the Respondent as deemed necessary
- G. Make a determination based on the substantiated facts provided

A Determination Letter of the findings will be provided to the student, the Associate Provost for Academic Affairs and the Associate Vice President for Student Affairs. If the complaint is substantiated, the Determination Letter will outline how the student accommodations should be addressed. The student, the Respondent and, as appropriate, the department head, and Dean will be notified in writing of the outcome of the complaint.

The Director of Diagnostic Testing and Disability Services will complete the investigation and report within 30 days unless mitigating circumstances occur and it is approved by the Vice President for Student Affairs and Institutional Relations. If the grievance is against the Office of Diagnostic Testing and Disability Services, the Complaint Form should be submitted to the Associate Vice President for Student Affairs who will then determine the appropriate person for conducting the investigation.

## APPEALS

The student may appeal in writing the determination made by the Director of Diagnostic Testing and Disability Services to the Vice President for Student Affairs and Institutional Relations by filing a written appeal within five (5) business days of receipt of the Determination Letter.

The Vice President for Student Affairs and Institutional Relations will conduct a review with advice from the Office of General Counsel of the student's appeal within 15 business days of receipt. The review will determine if the appeal:

- A. Alleges "new" facts, which if true, would demonstrate a violation of an anti-discrimination statute or regulation;
- B. Contains "new" allegations that appear to be substantially credible;
- C. Addresses a violation, which if true, results in a personal wrong to the grievant; and
- D. Is not frivolous.

If the Vice President for Student Affairs and Institutional Relations finds that the appeal does not meet all of the above criteria, he/she will terminate the appeal and notify the student.

If the Vice President for Student Affairs and Institutional Relations finds that the complaint meets all of the above criteria, he/she will conduct a complete review of the "new" information and make a determination. The Vice President for Student Affairs and Institutional Relations will conduct interviews and obtain information, as deemed appropriate and necessary, and will draw a conclusion to uphold, modify, or reverse the original determination by the Director of Diagnostic Testing and Disability Services.

The Vice President for Student Affairs and Institutional Relations will issue his/her final report in response to the appeal. The report will summarize actions taken and determination made. The determination of the Vice President is final.