

Free Speech Procedure, 7.02(a)
Chapter 7: General Administrative

Any student, student group or faculty member who feels there has been a violation of their free speech rights as outlined in [Free Speech Policy 7.02](#) should follow the steps outlined in this procedure.

I. Complaint / Grievance Process:

- a. Written grievance should be submitted to the Executive Director, Human Resources (faculty members) or Vice President of Enrollment Management (student or student groups) and must include the following:
 - i. Grievant's name and address;
 - ii. Statement of how the grievant's free speech rights were violated;
 - iii. Names and programs/offices against whom the grievance claim is filed; and
 - iv. Grievant's requested resolution.
- b. Within 10 (ten) calendar days from receipt of written grievance, the Vice President, Enrollment Management or Executive Director, HR will notify the respondent and provide with a copy of the written grievance.
- c. Within 10 (ten) calendar days from receipt of the grievance notification, the respondent shall submit to Vice President, Enrollment Management or the Executive Director, HR, a written response, which shall:
 - i. Confirm or deny each fact alleged in the grievance;
 - ii. Indicate the extent to which the grievance has merit; and
 - iii. Determine acceptance or rejection of any desired resolution specified by the grievant or outline an alternative resolution.
- d. Within 10 (ten) calendar days of the receipt of the response from the respondent, the Vice President, Enrollment Management or Executive Director, HR shall call together the Grievance Review Panel unless the respondent accepts the desired resolution in which case the written grievance will be considered closed.

II. Grievance Review Panel

- a. The Grievance Review Panel is responsible for reviewing the facts and circumstances of the grievance. The Panel's roles include:
 - i. Hearing Officer Role
 - a) The Hearing Officer (Vice President for Enrollment Management or Executive Director, HR) shall investigate or establish procedures for investigation in all grievances and serves as a review panel ex-officio member without the authority to vote.
 - ii. Panel Chair Role
 - a) The Panel Chair is appointed by the Hearing Officer and shall manage the Grievance Review Panel and coordinate the writing and submission of the report to the Hearing Officer. The Panel Chair only votes in cases of a tie.
 - iii. Panel Membership
 - a) One (1) or two (2) faculty members recommended to the Hearing Officer by the Senior Vice President, Academic and Student Affairs/ Workforce Development; and

- b) One (1) or two (2) professional or administrative staff members appointed by the Hearing Officer.

III. Grievance Review Panel Procedures

- a. Hearings are conducted in order to review the facts and circumstances of the grievance. Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness the following procedures will apply:
 - i. Case File Review
 - a) Unless otherwise precluded by the Family Educational Rights and Privacy Act (FERPA) and accompanying regulations, or other laws, the grievant or respondent may review statements and other documentation relative to the grievance by sending a written request to the Hearing Officer at least three (3) calendar days prior to the scheduled hearing date.
 - ii. Attendance of Respondent
 - a) Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the grievant and respondent are expected to attend and participate at the hearing. If the grievant or respondent choose not to attend the hearing, he/she will be deemed to have waived the right to personally appear, the grievance will be reviewed as scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a grievant or respondent for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the grievant or respondent to attend the hearing or answer the grievance.
 - iii. Attendance Limitations
 - a) Attendance at hearings is limited to those with information relative to the grievance or those requested to attend by the grievant, respondent, or Grievance Review Panel Chair. The Chair will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.
 - iv. Advisor
 - a) The grievant, respondent and/or the College may have an advisor present at the hearing. The advisor may only counsel the grievant, respondent and/or the College and may not actively participate in the hearing, unless clarification is needed as determined by the Panel Chair
 - v. Witnesses and Supporting Documentation
 - a) The grievant, respondent and/or the College may submit notarized written statements, absent other clear evidence of authenticity; may invite relevant witnesses to attend, may ask questions of witnesses called by others, and will be notified of potential witnesses to be called.
 - b) Witnesses shall not attend the entire hearing, but will be called to present information by the Panel Chair at the appropriate time.

- c) Pertinent records and supporting documentation may be accepted as information for consideration by the Grievance Review Panel at the discretion of the Panel Chair.
- d) The Panel Chair may accommodate concerns for the personal safety, well-being, and/or fears of confrontation during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, videoconferencing, videotape, and other means, where and as determined by the Vice President for Student Affairs to be acceptable.
- vi. Grievance Review Panel Quorum
 - a) A quorum of the Grievance Review Panel must be present to conduct a hearing, unless the grievant and respondent waive the quorum requirement in writing. A quorum for a hearing shall be no fewer than three (3) voting panel members
 - b) At the conclusion of the hearing, the panel members shall determine by a majority vote whether the grievance is substantiated. In the event of a tie vote, the Panel Chair may cast the tie-breaking vote.
- vii. Written Record
 - a) At the conclusion of the hearing, the Panel Chair will submit a written record of the Grievance Review Panel's decision to the Hearing Officer within ten (10) calendar days.
- viii. Board of Trustees Notification
 - a) If the Grievance Review Panel determines there has been a [Free Speech Policy 7.02](#) violation, the Hearing Officer will bring the written record to the Board of Trustees at the next scheduled meeting.
 - b) Upon review, the Board of Trustees will determine a resolution that aligns with the standards set forth in the [Disciplinary Action and Due Process Policy 5.5](#).

IV. Reporting Requirement:

- a. Rhodes State College shall annually report to the Chancellor, in a form and manner prescribed by the Chancellor, both of the following regarding complaints submitted in the academic year under the following process:
 - i. The total number of submitted complaints;
 - ii. For each submitted complaint a description of all of the following:
 - a) The investigation regarding the complaint;
 - b) The outcome of the hearing conducted by the College regarding the complaint; and
 - c) If the hearing determines the College's policy was violated, the resolution determined by the Board of Trustees to address that violation.

Related Policies and / or Procedures:

[Free Speech Policy 7.02](#)

[Disciplinary Action and Due Process Policy 5.5](#)

History:

	Date:	Reason:
Issued:	09/20/2022	Original Issue Date
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This policy and / or procedure provides operating principles for Human Resources issues at Rhodes State College. It supersedes any prior policy or procedure covering specific subject. This policy and / or procedure may be suspended, modified or cancelled as determined by the College. This policy and / or procedure does not create a contract of employment, nor is it a condition of employment between the College and its employees.