

Conduct and Grievance Procedures

15.09.2021

1. Introduction

WVPU's Conduct and Grievance Procedures serve to support the university's commitment to ethical behavior, rooted in honesty, integrity, and respect, as outlined in the university's [Code of Conduct](#). While we expect that mutual respect and goodwill will serve to resolve most disputes and complaints, WVPU's procedures provide fair processes to evaluate and pursue possible breaches of the Code of Conduct and associated policies. A breach includes a failure to uphold WVPU's standards of academic integrity, respectful interaction, and accountability as outlined in the Code of Conduct such as academic misconduct, discrimination, unfair treatment, bullying, or any form of harassment.

Three principal types of procedures are covered by this document: academic integrity, grievances, and student conduct. Academic integrity procedures serve to uphold the university's high standards of academic integrity and are used in suspected cases of both faculty and student academic misconduct. The grievance procedures, including both formal and informal procedures for employees and students, provide a channel for resolving grievances as well as enabling employees and students to request an impartial review of actions taken that they consider unfair or as an impediment to the successful attainment of working, living, and learning at Webster Vienna Private University. The student conduct procedures enable the university to address student misconduct fairly and constructively to foster a safe, respectful and inclusive campus.

2. Academic Integrity

Following WVPU's [Code of Conduct](#), faculty and students are expected to maintain the highest standards of academic honesty and integrity and familiarize themselves with [WVPU's academic policies](#). The university does not tolerate acts of academic misconduct or the facilitation thereof. Examples of academic misconduct include, but are not limited to, lying on applications, cheating on examinations, plagiarism, or research misconduct.

This policy outlines the procedures in place in the event of cases of WVPU student and faculty academic misconduct.

2.1. Procedures in cases of student academic misconduct

2.1.1. Procedures for faculty

If a faculty member determines a student has cheated, plagiarized, or committed any other act of academic misconduct within a course they may decide on an appropriate consequence, including the following options: issuing a failing grade on the assignment or issuing a failing grade to the student for the course. In addition, faculty are required to inform the respective department/ program head via email and copy it to a dedicated email address: cheat.report@webster.ac.at. These records can be called up as evidence in the case of a related assessment appeal (See §3 of the [Study and Examination](#)

[Guidelines](#) for assessment appeal procedures). The following information must be included in the report: faculty and student name, ID, course information (prefix, number, title, and section), type of issue (cheating, plagiarism) and assignment (test/paper/project), percentage of grade, score issued, and how the matter was resolved.

A dishonesty violation may warrant consideration for dismissal, suspension, or other disciplinary action in serious or repeated cases. These cases are subject to a hearing by the Academic Honesty Board, as outlined below.

2.1.2. Academic Honesty Board

Purpose: The Academic Honesty Board hears cases involving charges of academic dishonesty.

Board Representation: The Academic Honesty Board consists of five members, including the Director or Associate Director, the head of the respective academic department, the student's academic advisor, a student representative, and a representative of the senate. If the student's academic advisor is also the Department Head then another faculty member shall be nominated by the Senate. In addition, any of the panel members made the initial or previous report of academic misconduct, then they shall recuse themselves from the panel and a replacement member shall be nominated by the Senate.

Initiation of Process: Cases are referred to the Academic Honesty Board by the Academic Department Heads or the Director or Associate Director. The Academic Honesty Board will be convened and organized by the Office of Academic Affairs.

Process: The Academic Services Office will notify the student in writing suspected of academic dishonesty of the hearing at least ten working days in advance. The Academic Services Office will also provide the student with a statement detailing the allegations and copies of any evidence relating to the allegations. The student will have the option of providing a written statement addressing the allegations in addition to attending the formal hearing. If the student does not respond or attend the hearing, a decision will be made without the individual's input.

At the hearing, the Academic Honesty Board shall examine all relevant facts and circumstances, may ask the involved student questions (if present), and the student shall also have the opportunity to make a statement. The student may be accompanied at the hearing by a support person or advisor of choice (e.g., student, parent, faculty member, staff member, associate); however this person may not participate in the hearing or speak on his or her behalf.

The Academic Honesty Board decides by majority vote whether there was a violation of the Code of Conduct. If the Board determines there was a violation, they also determine by majority what sanctions should be applied, such as probation, suspension, or dismissal. All decisions are final and cannot be appealed.

Hearings are confidential and closed to all but the principals of the case. A summary of the hearing will be kept by the Academic Services Office and will be kept for 7 years any may be released in the event of any related legal proceedings.

2.2. Faculty Academic Integrity

2.2.1. Principles of Research Integrity

Webster Vienna Private University is committed to promoting and upholding basic principles of research integrity among its faculty. These include the following, as published by the Austrian Federal Ministry of Education, Science and Research (BMBWF) ¹:

- **Independence** means not allowing the choice of method, assessment of research data and materials, and the weight attributed to alternative statements nor the assessment of others' research to be guided by political, economic, ideological, or similar factors. Independence therefore ensures the best possible objectivity and impartiality throughout the entire research process.
- **Honesty** means ensuring impartiality throughout the entire research process, i.e., avoiding unfounded claims and promises, or refraining from presenting research results more favorably or unfavorably than they are.
- **Scrupulousness** means applying methods in accordance with the state of the art (lege artis), developing and implementing research processes with great care, and reporting on the research in an appropriate form.
- **Transparency** means ensuring that it is clear what data, materials, and methods the research was based on and how the results were achieved. The line of reasoning must be clear, and the individual steps in the research process must be verifiable. Transparency must also be ensured in terms of potential conflicts of interest, both of a financial or other nature.
- **Fairness** means treating other researchers fairly and with respect throughout the entire research process. Fairness towards other researchers is especially important in the review processes and in the investigation of research misconduct.

2.2.2. Research Misconduct

In order to uphold the basic principles of research integrity, WVPU faculty (both adjunct and employed faculty) are expected to adhere to the [Guidelines for Good Scientific Practice](#) developed by the Austrian Agency For Research Integrity (ÖAWI).² The willful, conscious, or grossly negligent violations of the Standards of Good Scientific Practice as considered as research misconduct and shall not be tolerated.³

The following actions are in particular to be considered research misconduct:

1. Unethical standards in the collection of data, especially pertaining to research with human subjects,
2. The fabrication of data,

¹ Research Ethics / Research Integrity Working Group of the Austrian Higher Education Conference (2020) *Best Practice Guide for Research Integrity and Ethics*. Austrian Federal Ministry of Education, Science and Research (BMBWF),

² Austrian Agency for Research Integrity (2015). *Guidelines for Good Scientific Practice*. §2 https://oeawi.at/wp-content/uploads/2018/09/OeAWI_Brosch%C3%BCre_Web_2019.pdf 19.pdf

³ Ibid., §3.

3. the falsification of data,
4. plagiarism,
5. the unjustified refusal to provide access to primary and original data, and
6. obstructing the research activities of other researchers as well as other unfair attempts to damage the scholarly reputation of another researcher.
7. providing inaccurate information in a grant proposal
8. creating disadvantages to researchers who have reported potential research misconduct (whistle-blowers).

Critical statements in scholarly discourse or errors made in good faith (honest errors) are not considered to be forms of research misconduct.

2.2.3. Procedures in cases of faculty academic misconduct

The Faculty Integrity Board (FIB) oversees cases of suspected academic misconduct by a faculty member, organizes investigations, and issues recommendations on responding to the breach. The Board is composed of the Director or Associate Director, Head of Human Resources, and one faculty representative nominated by the University Senate. Any members of the Board shall recuse themselves in the event of a conflict of interest.

Suspected breaches of research integrity by WVPU faculty (both adjunct and employed) should be reported to the Director, or with a member of the Faculty Integrity Board in the event of a conflict of interest. A report including a description of the suspected incident and any surrounding facts shall be prepared by the individual receiving the report.

The Faculty Integrity Board shall convene to review the report. The objective of the review is not to determine facts, such as if the alleged behavior took place, but only if the case might reasonably constitute academic misconduct and warrants an investigation. If the Board determines by majority vote that the issue warrants investigation, then the report shall be forwarded to the Austrian Agency for Research Integrity (ÖAWI) within 10 working days of the breach for investigation.

Following the investigation, the Faculty Integrity Board shall convene to review the findings of the investigations and the recommendations provided by ÖAWI. The Board shall issue final recommendations to the Director on subsequent actions. These may include (but are not limited to) sanctions including termination, training for faculty, or modification of university procedures. The Director shall decide on final measures to be implemented and shall prepare a report detailing how the recommendations of the Faculty Integrity Board have been addressed.

2.3. Academic misconduct in previously earned degrees

In accordance with §89 of the University Act 2002, WVPU may revoke a previously conferred Academic Degree when it was obtained through serious academic misconduct or fraud. WVPU's [Degree Revocation Policy](#) outlines the procedure and circumstances whereby a previously granted WVPU degree may be revoked. Anyone with information regarding academic misconduct or fraud related to a previously earned academic degree should refer it to the University Senate.

3. Grievance Procedures

WVPU Grievance Procedures are derived from the University's commitment to equal opportunity and fair treatment in a complex and integrated community. The grievance procedures support the right of students and employees to obtain a review of actions taken that they consider unfair or as an impediment to the successful attainment of working and learning at Webster Vienna Private University. While many complaints are best resolved informally, the University recognizes that many disputes are not resolved effectively with informal measures, or due to the serious nature of the case are better suited to be formally investigated from the beginning.

3.1. Definitions, scope, and applicability

Grievances constitute allegations raised by an individual of a misinterpretation, misapplication, discriminatory application, or violation of the code of conduct or associated policy. For instance, alleged violations of academic freedoms, sexual harassment, sexual misconduct, bullying, ad hominem attacks, or unequal treatment including (but not limited to) discrimination based on age, sex, race, religion, creed, ethnic/national origin, physical or mental ability, pregnancy, genetic background, marital status, sexual orientation, or gender identity. Academic integrity violations, grade disputes, admissions decisions, and similar academic decisions are not issues grievable under these procedures unless they relate to issues of harassment or discrimination.

Guidance on sexual harassment and related concepts and responses are available in WVPU'S Guidance on Sexual Harassment, prepared by the Working Group on Equal Opportunities.

Grievance procedures are available to all students and employees of the University and apply to grievances (as defined above) involving other employees, students, and/or third parties with contractual relationships with the University. There are separate procedures for employee and student grievances. Employees who voluntarily resign their employment or are dismissed can exercise rights under this policy during the two weeks immediately following their resignation or dismissal.

In the grievance process, the person making the complaint will be referred to as the Complainant student and the person(s) that are the subject of the complaint will be referred to as the Respondent. The representative of Human resources, the Working Group on Equal Opportunity, or the Works Council who first receives the complaint shall serve as the grievance coordinator and will initiate any required administrative steps in the procedure.

3.2. Principles

Confidentiality: To the extent possible, strict confidentiality will be maintained by all parties regarding all matters relevant to grievances on a need-to-know basis with the following provisions. In the case of informal grievances, consent is required of the Complainant before discussing the issue with other parties. In the case of formal grievances, the Respondent and the Complainant and in the case of employees the Respondant's management will be notified. Members of the Grievance Panel, as described later in this policy, shall not discuss the grievance outside of the Hearing Panel meetings and shall not accept side conversations with persons who are not part of the formal hearing process.

Right to a fair hearing: The university upholds the rights of students and employees to obtain a formal review of actions taken that they consider unfair, but also of the opportunity for all parties involved in formal proceedings to have a fair hearing, provide their account, and receive timely updates and decisions relating to the grievance.

Right to an advisor: Both the Complainant and the Respondent have the right to be accompanied at all meetings, interviews and hearings in the grievance process by a support person or advisor of choice (e.g., student, parent, faculty member, staff member, associate); however this person may not participate in the hearing or speak on his or her behalf.

Reprisals: WVPU prohibits retaliation or reprisals against individuals based on their pursuit in good faith of a grievance under these procedures, or their participation in good faith in the grievance process. Any person attempting reprisal or retaliation will be subject to whatever disciplinary action the University concludes is appropriate, up to and including termination and dismissal.

Conflict of Interest: Panel members with a conflict of interest or material bias must recuse themselves from all procedures relating to the grievance (formal and informal). When in doubt, a panel member(s) may be removed by document unanimous vote by the remaining members. Replacement members of the panel are selected by the remaining members.

3.3. Employee Grievance Procedures

3.3.1. Informal grievance resolution

WVPU encourages employees to first pursue informal resolution as close to the source of the conflict as possible. Parties to disputes should resolve conflicts respectfully, objective, and solution-oriented with the supervisor in charge and develop a transparent and fair solution for all parties. The respective supervisor is the first point of contact for solving disputes informally.

The supervisor should address any informal grievance raised to a supervisor without unreasonable delay. This may include meeting with the individual who raised the grievance, the person against whom the grievance is raised, or other witnesses. The supervisor will inform the employee of measures taken orally or in writing. A written reply should be provided if the employee requests it.

Multiple alternative channels are available If the employee feels uncomfortable discussing the grievance with their supervisor, if the supervisor is party to the complaint, or if no agreement has been reached. They may raise an informal grievance in a confidential conversation with a grievance coordinator, who may be either representative of the Works Council (WC), Working Group for Equal Opportunity (WGEO), or with Human Resources (HR).

Consultations with any of the supports listed above are intended to provide advice, aid an individual in determining whether to try to resolve the situation on his or her own; to help the individual understand the WVPU's formal and informal grievance procedures; and to provide a safe and private setting in which to discuss the incident(s) that gave rise to the concern.

Strict confidentiality shall be maintained in the informal procedure unless otherwise agreed with the Complainant, or if someone's immediate safety is at risk. The support party approached with the

grievance (representative of the WGEO, WC, or HR), henceforth the 'Grievance Coordinator', may ask for consent to discuss the issue raised with defined individuals to better resolve the issue.

Examples of resulting steps from an informal grievance include the following:

- Notice to the Respondent (if any) of the behavior and the impact of their behavior on the Complainant
- Mediation agreed upon by Complainant and Respondent
- Referral of the grievance to an appropriate individual for assistance in reaching a resolution.
- Referral to coaching or counseling services
- Recommendations of measures to improve the general workplace climate in the affected department

The employee may at any point elect to pursue a formal grievance procedure, which is outlined below, or may contact an alternative Grievance Coordinator.

3.3.2. Formal Grievance Procedures

If attempts to resolve concerns informally prove unsuccessful or if the Complainant feels that the matter is sufficiently serious to address formally, he or she may initiate a formal grievance procedure. The purpose of the formal grievance procedures is to identify if there is an issue that needs to be addressed and what steps should be taken, including organizational measures.

The formal grievance proceedings consist of the following steps:

1. A written statement is submitted and an initial meeting confirms the Complainant wishes to proceed;
2. An initial hearing by the Grievance Panel will confirm if the nature of the complaint constitutes a grievable offense;
3. An independent investigation will result in a report including findings and recommendations;
4. The Grievance Panel will conduct a hearing and conclude if a breach WVPU's code of conduct has occurred and will issue recommendations on remedial actions;
5. The Executive Board will address the recommendations and will provide a written explanation if any of the recommendations cannot be implemented.

The Grievance Panel consists of the Director or Associate Director, the Head of Human Resources, a Works Council representative, a member of the Working Group on Equal Opportunity, and a representative of the senate. Decisions are made on the basis of majority.

In the event of a conflict of interest, including any involvement in the grievance, panel members must recuse themselves. When in doubt, a panel member(s) may be removed by document unanimous vote by the remaining members. Replacement members of the panel are selected by the remaining members.

3.3.3. Filing a grievance

The formal grievance procedure is initiated by a written statement describing the complaint and the intention to raise a formal grievance. This statement may be submitted to Human Resources or a

member of the Works Council or the Working Group on Equal Opportunities. This statement should set out clearly the nature of the grievance, concentrate on the facts of the situation.

The recipient of the written statement, the Grievance Coordinator, shall convene a confidential meeting with the Complainant within five working days of receiving the complaint. The purpose of this meeting is to ensure the Complainant understands WVPU's formal grievance procedures and wishes to proceed.

3.3.3.1. Initial hearing

Following the confirmation that the Complainant wishes to proceed, the Grievance Coordinator shall immediately notify the grievance panel members, any relevant supervisors, and any Respondents named in the complaint.

The Grievance Panel shall be convened within 10 working days of the meeting for an initial hearing. The objective of the initial hearing is not to determine facts, such as if the alleged behavior took place, but only if whether the nature of the complaint constitutes a grievable issue.

If the panel determines by majority vote that the nature of the complaint constitutes a breach of the code of conduct, then an investigation shall be conducted, as outlined in the following section. If the Grievance Panel decides the issue is not grievable, then the Panel will prepare a written report of the Panel's findings and forward it to the Grievance Coordinator, the appropriate supervisors, the Complainant, and Respondents.

The Grievance Panel may also recommend interim measures pending the investigation to mitigate contact between a complainant, a respondent, and anyone involved in the investigation to ensure safety, prevent retaliation, and address an ongoing hostile environment. Interim measures imposed on the respondent are not determinations of guilt. Such measures are implemented to ensure that the investigation and adjudication of a complaint proceeds as efficiently and swiftly as possible. Examples of interim measures include, but are not limited to: no contact orders, restricted access to university the university facilities, classes, or organizational activities, adjustments to academic and working situations, and access to counselling and training services. The Executive Board is responsible for final decisions on interim measures and their implementation.

3.3.4. Investigation

To ensure a fair investigation, the Grievance Panel shall appoint an independent party as an investigator. Wherever possible and appropriate this person shall be an external expert chosen based on the nature of the allegations. The investigation should generally begin no later than thirty days following the initial Grievance Panel hearing. The duration of the investigation will vary based on the nature of the grievance but should not exceed sixty days.

The person carrying out the investigation shall:

- interview the Complainant and Respondents separately,
- interview other relevant third parties separately,
- obtain and review any available evidence,
- review related policies and procedures,

- produce a report summarizing the evidence, detailing the investigations, findings, conclusions as well as recommendations.

Upon the conclusion of the investigation, the investigator will provide the investigative report and copies of any evidence to the Grievance Committee.

3.3.5. Grievance Panel Hearing

Following the conclusion of the investigation, the Grievance Panel will convene to review the investigation and produce recommendations for further action. The panel should generally be convened within ten working days of the submission of the investigation report. Both the Respondent and Complainant will be given the opportunity to separately address the Grievance Panel. In addition, the investigator should be available to attend the hearing to answer any questions of the Grievance Panel.

The objective of the hearing is to determine if there was a breach of the code of conduct and to issue recommendations for further action. The Grievance Panel will use a 'clear and convincing' standard of evidence in deciding (on the basis of majority) if the Respondent breached the code of conduct. That is, the evidence presented must convince the majority of the Grievance Panels members that it is highly probable that the alleged infraction took place.

The recommendations can include (but are not limited to) disciplinary action against the Respondent (such as formal warnings, transfer to another position, suspension, or dismissal), changes to an organization's policy or procedures, training, counseling, coaching, or mediation for the parties involved and supervisors, further investigation, or no further action. Even if the situation is determined inconclusive, the Grievance Panel can recommend organizational measures that tackle related working conditions. The Grievance Panel may also request a consultation with the Complainant to discuss appropriate action.

The Panel shall prepare a written report summarizing their findings and recommendations on corrective action(s) to be taken if any. The report shall be submitted to the Director of the University and/or the University Council if there is a conflict of interest with the Director.

3.3.5.1. Implement Recommendations

If the determination is made by the Panel that the grievance has merit, the University is obliged to take appropriate, corrective, and remedial actions. The university rectorate (or University Council) will endeavor to implement the panel recommendations as best as possible and will document all steps taken. If it is not possible to implement one or more of the recommendations, the rectorate shall organize a meeting with the Panel members to explain and discuss alternative steps.

The Director or University Council shall promptly and simultaneously inform both the Respondent and the Complainant of the results of the hearing and any immediate corrective, and remedial actions to be taken. Decisions are final, and no appeal is possible.

3.4. Student Grievance Procedure

Students may employ the Student Grievance Procedure to address serious non-academic complaints. Student non-academic complaints may stem from a broad set of causes including but not limited to matters of conduct by fellow students or university personnel or regarding the misinterpretation, misapplication, discriminatory application, of a university policy or procedure excluding those pertaining to grading, assessment, and academic honesty.

3.4.1. Informal Resolution

Where appropriate, students are encouraged to seek informal resolution of a grievance by bringing it to the attention of the relevant individual, administrator, or office. WVPU's Code of Conduct stipulates that conflicts should be resolved as close to the source of the conflict as possible. Parties to disputes should work to resolve conflicts in a respectful, objective, and solution-oriented manner and develop a solution that is transparent and fair to all parties.

Students may also raise informal complaints with the Student Resource Center Officer (SRC), or if the complaint involves the SRC the student may alternatively address the Office of the Director or the Working Group on Equal Opportunities (WGEO). Confidentiality shall be maintained unless otherwise agreed with the student raising the concern, or if someone's immediate safety is at risk. The support party approached should seek consent to discuss the complaint with defined individuals to better resolve the issue.

The support party can propose resolutions measures including (but are not limited to):

- Notice to the Respondent (if any) of the behavior and the impact of their behavior on the Complainant;
- Mediation agreed upon by Complainant and Respondent;
- Referral of the grievance to an appropriate individual for assistance in reaching a resolution;
- Referral to coaching or counseling services;
- An administrative proceeding (see §4.3);
- Formal Grievance Procedures.

3.4.1.1. Formal Student Grievance Procedures

If attempts to resolve concerns informally prove unsuccessful or if the Complainant feels that the matter is sufficiently serious to address formally, he or she may initiate a formal grievance procedure. The purpose of the formal grievance procedures is to identify if there is an issue that needs to be addressed and what steps should be taken, including organizational measures.

The grievance proceedings consist of the following steps:

1. A written statement is submitted, and an initial meeting confirms the Complainant wishes to proceed;
2. An initial hearing by the Student Grievance Panel will confirm if the nature of the complaint constitutes a grievable offense;
3. An independent investigation will result in a report including findings and recommendations;

4. The Grievance Panel will conduct a hearing and conclude if a breach of WVPU's code of conduct has occurred and will issue recommendations on remedial actions;
5. The Executive Board will address the recommendations and will provide a written explanation if any of the recommendations cannot be implemented.

If the Respondents named in the grievance are students, the Student Grievance Board shall be composed of the Director or Associate Director, a student representative nominated by the Student Government Association, the Student Resource Officer, a faculty member nominated by the University Senate, and a member of the Working Group on Equal Opportunities. If the grievance concerns the conduct of a university employee, the Grievance Panel shall be composed of the Director or Associate Director, a student representative nominated by the Student Government Association, the Head of Human Resources, and a representative nominated by the Works Council and a member of the Working Group on Equal Opportunities. Decisions shall be made on the basis of majority.

In the event of a conflict of interest, including any involvement in the grievance, panel members must recuse themselves. When in doubt, a panel member(s) may be removed by document unanimous vote by the remaining members. Replacement members of the panel are selected by the remaining members.

3.4.1.2. Filing a grievance

The formal grievance procedure is initiated by a written statement describing the complaint and the intention to raise a formal grievance. This statement may be submitted to the Student Resource Officer, a representative of the Student Government Association, or the Working Group on Equal Opportunities. This statement should describe the nature of the grievance and concentrate on the facts of the situation.

The recipient of the written statement, the 'Grievance Coordinator' (the representative from the SRC, WGEO, SGA, or WGEO) shall convene a confidential meeting with the Complainant within five working days of receiving the complaint. The purpose of this meeting is to ensure the Complainant understands WVPU's formal grievance procedures and wishes to proceed.

3.4.1.3. Initial Grievance Panel Hearing

Following the confirmation that the Complainant wishes to proceed, the grievance coordinator shall immediately notify the Student Grievance Panel members, the appropriate supervisors, and any Respondents named in the complaint.

The grievance panel shall be convened within 10 working days of the meeting for an initial hearing. The objective of the hearing is not to determine facts, such as if the alleged behavior took place, but only if the nature of the complaint constitutes a grievable issue. Additionally, in complaints regarding student conduct, the Student Grievance Panel may refer the case to the Student Conduct Board.

If the Panel determines by majority vote that the nature of the complaint constitutes a breach of the code of conduct and warrants a full investigation, an investigator shall be appointed as outlined in the following section. If the panel decides that the complaint constitutes a breach of the code of conduct, but can be best resolved by a Student Conduct Board hearing, then the hearing will take place as

outlined in section 4.4. If the Panel decides the issue is not grievable, then the Panel will prepare a written report of the Panel's findings and forward it to the Grievance Coordinator, the appropriate supervisors, the Complainant, and Respondents.

The Grievance Panel may also recommend interim measures pending the investigation to mitigate contact between a complainant, a respondent, and anyone involved in the investigation to ensure safety, prevent retaliation, and address an ongoing hostile environment. Interim measures imposed on the respondent are not determinations of guilt. Such measures are implemented to ensure that the investigation and adjudication of a complaint proceeds as efficiently and swiftly as possible. Examples of interim measures include, but are not limited to: no contact orders, restricted access to university the university facilities, classes, or organizational activities, adjustments to academic and working situations, and access to counselling and training services. The Executive Board is responsible for final decisions on interim measures and their implementation.

3.4.1.4. Investigation

To ensure a fair investigation, the grievance panel shall appoint a neutral party as the investigator. When the grievance concerns the behavior of employees, if possible the investigator shall be an external expert chosen based on the nature of the allegations. The investigation should begin no later than thirty days following the initial Grievance Panel hearing. The duration of the investigation will vary based on the nature of the grievance but should not exceed sixty days.

The person carrying out the investigation shall:

- interview the Complainant and Respondents separately,
- interview other relevant third parties separately,
- obtain and review any available evidence,
- review related policies and procedures,
- produce a report summarizing the evidence, detailing the investigations, findings, and recommendations.

Upon the conclusion of the investigation, the investigator will provide the investigative report and copies of any evidence to the Grievance Committee.

3.4.1.5. Grievance Panel Hearing

Following the conclusion of the investigation, the Student Grievance Panel will convene to review the investigation and develop recommendations for further action. The panel should generally be convened within ten working days of the submission of the investigation report. Both the Respondent and Complainant will be given the opportunity to separately address the Grievance Panel. In addition, the investigator should be available to attend the hearing to answer any questions of the Grievance Panel.

The objective of the hearing is to determine if a breach of the code of conduct occurred and to issue recommendations for further action. The Grievance Panel will used a 'clear and convincing' standard of evidence in deciding (on the basis of majority) if the Respondent breached the code of conduct. That

is, the evidence presented must convince the majority of the Grievance Panels members that it is highly probable that the alleged infraction took place.

These can include (but are not limited to) disciplinary action against the Respondent (such as formal warnings, transfer to another position, suspension, or dismissal), changes to an organization's policy or procedures, training, counseling, coaching, or mediation for the parties involved, further investigation, or no further action. The Grievance Panel may also request a consultation with the Complainant to jointly agree on appropriate action.

The Panel shall prepare a written report summarizing the findings and recommendations on corrective action(s) to be taken if any. The report shall be submitted to the Director of the University and/or the University Council if there is a conflict of interest with the Director.

3.4.1.6. Implementation of recommendations

If the determination is made by the Panel that the grievance has merit, the University is obliged to take appropriate, corrective, and remedial actions. The university rectorate will endeavor to implement the panel recommendations as best as possible and will document all steps taken. If it is not possible to implement one or more of the recommendations, the rectorate shall organize a meeting with the Panel members to explain and discuss alternative steps.

The Director or University Council shall promptly and simultaneously inform both the Respondent and the Complainant of the results of the hearing and any immediate corrective, and remedial actions to be taken. Decisions are final, and no appeal is possible.

4. Student Conduct Procedures

WVPU student conduct procedures are in place to respond to alleged student breaches of the WVPU Code of Conduct or non-compliance with other (non-academic) university policies. They provide a fair system that is intended as much for guidance and correction of behavior as for invoking fair and appropriate sanctions. The procedures are designed to determine whether students' alleged behaviors violate the WVPU Code of Conduct or other relevant policies and determining appropriate actions.

4.1. Reports of alleged violations

Reports of student conduct that may involve a possible violation of the WVPU Code of Conduct and associated policies may be brought to the Student Resource Center, the Head of the Academic Department of the Student, or the office of the Director.

4.2. Confidentiality and records

To the extent possible, strict confidentiality will be maintained by all parties regarding alleged student conduct violations, hearings, and sanctions on a need-to-know basis.

Reports of alleged student conduct violations and outcomes of administrative proceedings shall be confidentially recorded by the Student Resource Center and shall not be forwarded to any third party. These records shall be released to Student Conduct Board in the event of conduct hearings or

Grievance involving the Respondent named in the records, or the event of a legal proceeding involving the report. The records shall be deleted seven years from the date of the initial record.

Once a case has been referred to the Student Conduct Board it shall be entered into Webster University's student conduct software along with the outcome and may be considered in future decisions involving the student, such as for study abroad opportunities.

4.3. Administrative proceeding

Many minor disputes or infractions can be handled within the context of administrative proceedings. Upon receiving reports of alleged student misconduct, the Student Resource Center, an Academic Department Head, or the Director or Associate Director may request an administrative proceeding.

The administrative proceedings are chaired by the Academic Director, Associate Director, or a designate and are attended by the Student Resource Officer and the Respondent. If there is more than one Respondent, each shall be granted his or her own proceeding.

During the administrative proceeding, the Respondent and the participants will engage in a conversation to discuss the circumstances of the alleged violation, responsibility, and appropriate sanctions. The Director or Associate Director may withdraw any alleged violation deemed to be without basis. Sanctions resulting from administrative proceedings exclude dismissal and suspension but may include (but are not limited to) written warnings to the Respondent, an essay, action plan, or written reflection to be provided by the student, an agreement with the Respondent not to contact named individuals or removal from a course.

Cases in which Respondents do not agree with the proposed resolution or do not accept responsibility will proceed to a hearing by the Student Conduct Board.

4.4. Student Conduct Board

The purpose of the Student Conduct Board (SCB) is to conduct a formal hearing of alleged student conduct violations, deciding if the alleged violations took place and on any resulting sanctions and action, up to and including suspension and dismissal. The student conduct board allows students facing accusations of misconduct the opportunity to have their case heard before a panel of their peers, staff, and faculty.

The Student Conduct Board can hear cases referred from administrative proceedings, or the Director or Associate Director can also immediately refer a case to a hearing when the case involves serious allegations or if the student denies the reported behavior. Cases involving sexual misconduct and serious allegations of bullying or harassment requiring thorough investigation should be handled WVPU'S formal grievance procedures (see section 3).

The Student Conduct Board is composed of the Director or Associate Director, two student representatives nominated by the Student Government Association, the Student Resource Officer, and a faculty member nominated by the University Senate. The decisions shall be based solely on information and statements introduced at the hearing. All decisions shall be made by a majority vote. Any Student Board Member with a conflict of interest or material bias must recuse themselves from

all procedures relating to the hearing aside from testifying. Replacement members may be selected by the remaining board members.

The Student Resource Office shall be responsible for organizing a time for the hearing and notifying all parties who are to testify, and collecting and forwarding all pertinent data and evidence to the Student Conduct Board members. The SRC officer shall also give appropriate advance notice, in writing, of the charges against the student and copies of the available evidence, to ensure that he or she may adequately prepare for such a hearing. The notice indicates the date, time, and place of the hearing. The notification should be received by the student at least ten calendar days before the hearing. The Respondent may submit additional evidence, the names of any witnesses to testify on his or her behalf, written statements from absentee witnesses to the SRC Officer no later than three days before the hearing.

At the student conduct hearing, the Respondent shall have to opportunity to present his or her side, explain any evidence her or she submitted in advance, as well as call on any relevant witnesses (character witnesses are not relevant to this procedure). The SRC officer shall present any other evidence and call on any other relevant witnesses. Once all testimony is heard or read, the Respondent may make a final statement and the Board members are given a final opportunity to ask questions. All persons other than Board members are excused and the Board meets to render a decision. The student may be accompanied at the hearing by a support person or advisor of choice (e.g., student, parent, faculty member, staff member, associate); however this person may not participate in the hearing or speak on his or her behalf.

The Student Conduct Board shall decide if the Respondent was responsible, not responsible, or shall choose to continue the case to obtain additional information or need for further consideration. If the Respondent was found to be responsible, the board shall decide on any sanctions up to and including dismissal. It may also issue related recommendations to improving the learning environment at WVPU, such as needed training, prevention, missing resources, or changes in university policies and procedures. The decision shall be provided, in writing, to the student.