

Grievance Procedure

Office of Business and Finance and Student Affairs

Policy Owner: Vice President of Finance and Administration

Effective date: Immediate

Approval date: February 11, 2009

Schedule for Review: Fall 2027

Policy Summary:

The grievance procedure at Fort Lewis College addresses complaints related to the Student Conduct Policy, Equal Opportunity, Discriminatory Harassment Policy, and Disability Anti-Discrimination Policy. It may also handle issues under the Student Housing Guide at the Director of Housing's discretion.

Policy Statement:

This procedure resolves complaints brought under the Fort Lewis College Student Conduct Policy, Equal Opportunity and Affirmative Action Policy, Discriminatory Harassment Policy, and/or Disability Anti-Discrimination Policy. This policy may also resolve complaints brought under the Student Housing Guide, at the discretion of the Director of Housing.

The Sexual Misconduct Policy is governed separately by the Sexual Misconduct Procedure. Cases that involve both a Sexual Misconduct Policy violation and another policy violation may be resolved under the Sexual Misconduct Policy alone, or under both the Sexual Misconduct Procedure and this procedure, at the Title IX Coordinator's discretion, and as allowed by state and federal law.

Responsibilities:

For following the policy: All FLC community members

For enforcement of the policy: Director of Compliance and Community Standards

For oversight of the policy: Vice President for Student Affairs and the Director of Human Resources

For procedures for implementing policy: Office of Compliance and Community Standards

For notification of policy: Policy Librarian

Definitions:

Coordinator

In cases involving Equal Opportunity and Affirmative Action Policy, Discriminatory Harassment Policy, and/or Disability Anti-Discrimination Policy, or the Fort Lewis College Student Conduct Policy, the Coordinator is the Director of Compliance and Community Standards, or designee.

Complainant

A complainant is an individual or organization, including the College, filing a complaint. The College may also serve as a complainant where a concern was initially brought by an individual who no longer wishes to be the complainant, and where the College determines that the concern should be resolved under this procedure.

Disciplinary Authority

The disciplinary authority is the individual who has the authority or delegated authority to impose discipline upon a faculty, staff, or student respondent.

Employee

Employee means any individual who receives payment from the College for work performed, including but not limited to faculty, exempt and classified staff, student employees, or temporary employees.

Investigator

An Investigator is the individual designated by the Coordinator to investigate a complaint. The Coordinator may serve as the investigator.

Parties

The parties are the complainant and the respondent. The victim may be treated as a party for notice purposes if the victim is not the complainant. The College may be a party.

Preponderance of the Evidence

An evidentiary standard used by this procedure (i.e., the information gathered demonstrates that it is “more likely than not” that the misconduct occurred).

Respondent

The Respondent is the individual against whom a complaint has been filed.

Sanctioning Authority

The Sanctioning Authority means the individual who imposes and decides sanctions.

- In cases involving complaints under Equal Opportunity Policy, Discriminatory Harassment Policy, and/or Disability Anti-Discrimination Policy, or the Fort Lewis College Student Code of Conduct, the Coordinator will make a sanction recommendation to the Sanctioning Authority.
- Student respondents are sanctioned through a designee of the Vice President for Student Affairs.
- Faculty respondents are sanctioned by the Provost or a designee of the Provost.
- Classified staff respondents are sanctioned by the State of Colorado Appointing Authority of Fort Lewis College or their designee.
- Administrative professional respondents are sanctioned by the supervisor whom they report, or their designee.

Student

Student means any individual who has confirmed admission to the College, is a new student at orientation, is currently enrolled in courses at the College, whether full-time or part-time, was enrolled in the previous semester, or is registered for a future semester.

Working Days

Working days are those days when the administrative offices of the College are open.

Procedures:

Procedures and Responsibilities

Grievance Procedures are an extension of the teaching mission of the institution and thus educational in intent whenever possible, particularly when students are parties. As such, the procedures used by the College are not subject to the rules of civil or criminal proceedings. Some violations of policy may also be violations of Federal, State, or local laws and ordinances, and respondents may be accountable to both criminal or civil courts and the College for their misconduct.

The standard of proof required by Fort Lewis College for a finding of responsibility is a preponderance of the evidence (i.e., the information gathered demonstrates that it is “more likely than not” that the misconduct occurred).

Reporting

Any member of the Fort Lewis College community may report an individual who is a student or employee for policy violations. The description of the behavior shall be in writing and provided as soon as possible after the incident has occurred. A report of any misconduct may be filed online at www.fortlewis.edu/tellsomeone or www.fortlewis.edu/personofconcern.

In addition, any policy violation may be reported directly, in writing, to the Director of Compliance.

Sexual Misconduct is governed by the Sexual Misconduct Grievance Procedure and may be reported to the Title IX Coordinator or by completing an online report at www.fortlewis.edu/CARE.

Interim Measures

At the discretion of the Coordinator, students may be suspended from the College on an interim basis per Fort Lewis College’s [Interim Suspension Policy](#).

Available Methods of Resolution

The Coordinator has the discretion to determine the appropriate means for addressing the report or complaint. Options include but are not limited to:

- a. Early Resolution Process
- b. Investigative Resolution Process
- c. Determination that the facts of the complaint or report, even if true, would not constitute a violation of the Relevant Policies listed above and closing the matter following a preliminary inquiry.
- d. Determining that there is no ongoing risk of recurrence, and then closing the matter. Such a determination may be made (but is not required) in circumstances such as, but not limited to, the following: where the accused is not a member of the campus community, or will shortly cease to be one, or where the alleged misconduct occurred beyond the College’s jurisdiction.
- e. Referring the matter to an employee’s disciplinary authority or supervisor, depending upon the employee’s employment classification. In such an event, the employee’s disciplinary authority will meet with the employee prior to taking any disciplinary action, and the College will work to redress any harm resulting from the alleged misconduct.

Application of Early Resolution and Investigative Resolution Methods

Early Resolution Process

The Early Resolution Process can be used in the following cases:

- a. When housing removal, college suspension, expulsion and/or employment termination is NOT contemplated, **OR**;
- b. The facts of the case are not disputed (even in serious cases such as housing removal, college suspension/expulsion and/or employment termination cases), **OR**;
- c. The respondent does not admit to the alleged facts but agrees in writing to suspension/expulsion and/or employment termination, or both parties agree to the sanction or outcome.

The Early Resolution takes place as follows:

1. **NOTICE:**
Notice of a concern may be provided in writing or verbally.
2. **INVESTIGATION:**
Investigation, when it occurs due to disputed facts, may be summary and informal, consisting only of an incident report and an interview with Respondent.
3. **INTERVIEW:**
Interview(s) may be conducted informally, with written follow-up.
In potential separation cases, Parties may use the Interview to give input regarding sanction, including mitigating or aggravating circumstances. This can also be done in writing.
4. **SANCTION:**
In cases where separation from the college is not contemplated, OR when there is a mutually acceptable resolution, sanction may be imposed forthwith by the applicable sanctioning authority.
5. **APPEAL:**
There is no appeal option available for the Early Resolution process.

Investigative Resolution Process

- a. In cases where housing removal or separation from the college is a possible sanction, the facts are disputed, and/or the parties are unable to agree in writing to the appropriate sanction or outcome, an investigation will take place.
- b. At the discretion of the Coordinator, an investigation may convert to an "Early Resolution Process" at any time if the case becomes undisputed and/or if there is an agreement by the parties as to sanction or outcomes.
- c. **NOTICE OF INVESTIGATION**
 1. When the Coordinator completes the preliminary inquiry and finds enough information to proceed, the Coordinator will send a written notification electronically to the Parties' Fort Lewis College email address(es). Other reasonable means of notifying the parties may also be used, including mail or personal delivery.
 2. If allegations are made against a Respondent Organization such as a Registered Student Organization (RSO), a written notification will be emailed to the head of the Respondent Organization and advisor of the RSO.
 3. The notification shall include:
 - a. A link or links to this Procedure and the applicable Relevant Policy or Policies.

- b. The specific section of the known Relevant Policy allegedly violated. If new information comes out during the investigation indicating violations not included in the initial Notice, the Respondent may be notified verbally of the new alleged violations.
- c. The date and location of the alleged incident, to the best of the Coordinator's knowledge.
- d. Applicable interim measures, such as no-contact directives, interim suspension, etc.
- e. Notice of possible separation from the College, if applicable.
- f. Right not to participate. At Respondent's option, if they do not wish to dispute the facts, to resolve through "Early Resolution," or to refrain from participating, resulting in a resolution based on available information.

d. INVESTIGATION

- 1. The College follows an investigative model whereby investigator(s) interview the parties separately and provide each party the opportunity to be heard and to respond. There are no formal hearings
- 2. Investigations are designed to be administrative proceedings conducted in an educational and fair manner. Federal or State rules of evidence do not apply. Investigations will be closed, and confidentiality will be maintained as allowed by law.
- 3. Parties may have an advisor of their choice during interviews. Advisors may not advocate on behalf of a party during the investigation. The College does not provide advisors to parties.
- 4. Audio or video recordings may be made of all proceedings.
- 5. The Coordinator makes the final determination as to the relevance of any evidence.
- 6. Parties may request that relevant witnesses be interviewed. Witnesses may be interviewed alone or with their advisor, without parties, other advisors, or other witnesses in attendance.
- 7. The Investigator is responsible for conducting interviews, with reasonably timely notice to Parties.
- 8. Parties and the Investigator may offer or gather other forms of evidence, including documents, text messages, photos, videos, screenshots, etc. prior to conclusion of the investigation.
- 9. The Investigator will review, if available, any prior complaints of misconduct regarding the Respondent if they are relevant or probative to the alleged conduct at issue, or if they demonstrate a pattern of behavior. Such prior complaints, if relevant or probative, may be used in the imposition of interim protective measures, the investigative finding, and/or sanctioning.
- 10. At the conclusion of the investigation, the Investigator shall consider the information presented in order to determine responsibility for the charges. At the Investigator's discretion, a draft of the report may be shared with the parties for their feedback.
- 11. **IN CASES WHERE A STUDENT IS THE RESPONDENT:**
 - a. The Investigator will also determine the sanction, with input from the Coordinator as necessary.

- b. The Investigator will advise the parties of this determination within a reasonable time.
- c. A written resolution letter shall be sent out electronically within five days after the decision has been reached. This resolution letter shall consist of the determination of responsibility and a complete description of any sanction imposed, if any. At the investigator's discretion, the letter may contain a summary and an analysis of the facts.
- d. Complainant's notice of resolution may be restricted in whole or part by superseding FLC policy and law.
- e. Failure to Participate
 - a. If the Parties do not participate in the investigation, the Investigator will determine the responsibility for the alleged violation based on available information, and the Investigator will decide a disciplinary sanction, based upon the available information. Such a resolution and/or sanction is not appealable by Parties that do not participate.

12. IN CASES WHERE AN EMPLOYEE IS THE RESPONDENT:

- a. Investigator's determination of responsibility is provided to the parties and the Sanctioning Authority.
- b. Investigator may also provide recommendations for the sanctioning authority to consider.
- c. Failure to Participate
 - a. If the Parties do not participate in the investigation, the Investigator will determine the responsibility for the alleged violation based on available information, and the College will decide a disciplinary sanction, based upon the available information.

13. DISCIPLINARY SANCTIONS – STUDENTS

- a. A finding of responsibility and sanction under this Procedure may serve as grounds for restricting participation by Fort Lewis College offices, departments and organizations, apart from sanctions imposed through this process.
- b. Disciplinary Sanctions – Students. In student respondent cases, the Vice President for Student Affairs, or designee, imposes sanctions. The purpose of imposing sanctions is to assist respondents in identifying alternative modes of conduct that are more suitable to the successful attainment of their academic goals, to protect the College community from behaviors that are detrimental to the educational process, and to give restitution to complainants for loss or destruction of property. The severity of the sanctions imposed is intended to correspond with the severity and/or frequency of the violation, as well as the respondent's willingness to re-commit to good citizenship by choosing behaviors consistent with their educational goals and/or the College's mission. Subsequent policy violations may result in a more severe sanction.
- c. One or more of the following disciplinary sanctions may be awarded to a Student Respondent by the Sanctioning Authority:
 - a. **DISCIPLINARY WARNING:**

- i. Notice in writing that the respondent has violated the Relevant Policy and that continuation or repetition of similar misconduct may be cause for further disciplinary action and more severe sanctions.

b. **DISCIPLINARY PROBATION:**

- i. A period of review and observation during which a respondent has been officially notified that the misconduct was inappropriate.

c. **RESTRICTIONS or conditions of conduct** for a specified period of time, including, but not limited to, the following:

- i. Ineligibility to run for or hold office in any Fort Lewis College Student Organization
- ii. Ineligibility to represent the College, including participation in intercollegiate athletics.
- iii. Ineligibility to have certain jobs on campus such as housing staff and orientation leader.
- iv. Ineligibility to participate in or sponsor campus activities or events.
- v. Ineligibility to recruit new members.
- vi. Ineligibility to receive College financial assistance.
- vii. Periodic contact with a designated member of the campus community.
- viii. Completion of an assessment at the campus Counseling Center.
- ix. Campus/community service.
- x. Restitution.
- xi. Restrictions on accessibility to College facilities, housing areas, and/or change of housing assignment.

xii. **HOUSING SUSPENSION / REMOVAL:**

Involves removal from the campus residential housing community for conduct that demonstrates an inability to function appropriately in the residential living situation. Such removal may be permanent or for a specified number of terms, and it prohibits accessibility to all or designated residence halls.

xiii. **DISCIPLINARY SUSPENSION:**

Defined as the involuntary separation of a respondent from Fort Lewis College for a period of time.

1. For a Respondent Organization, this means temporary cancellation of recognition. Suspension shall be effective on the date of notice of the suspension or later as stated in said notice.
2. The Respondent will be notified of the date and conditions, if any, upon which they may petition for re-admission or re-recognition. Respondents separated from the College due to disciplinary suspension are

prohibited from the College campus or College-related premises and activities without written authorization in advance from the Director of Compliance and Community Standards.

3. Any violation of this restriction shall subject the respondent to citation and/or arrest for trespassing.

xiv. **DISCIPLINARY EXPULSION:**

Expulsion is permanent disciplinary separation from the College involving denial of all respondent privileges.

1. For a Respondent Organization, this means permanent cancellation of recognition. An expelled respondent is prohibited from the College campus or College-related premises and activities without securing written authorization in advance from the Vice President for Student Affairs.
2. Any violation of this restriction shall subject the respondent to arrest for trespassing. Expulsion will be effective on the date of notice of the expulsion or later as stated in said notice.

14. DISCIPLINARY SANCTIONS – EMPLOYEES

The Coordinator will notify the employee's disciplinary authority if a respondent was found to have violated a policy or acted inappropriately or unprofessionally. Prior to the imposition of sanctions, employees whose terms of employment are also governed by other policies or procedures such as the Faculty Handbook or the State Personnel Board rules may be subject to those additional policies or procedures. The disciplinary authority will impose sanctions at the conclusion of such additional disciplinary policies and procedures. If, after the conclusion of other governing employee policies or procedures, a sanction has not already been imposed, sanctioning occurs under this policy as permitted by controlling FLC policy, and local, state, and federal law. The disciplinary authority may have access to the investigative records. The investigator and the employee's disciplinary authority will, together, determine appropriate sanctions. The investigator and the employee's disciplinary authority may consult, as needed, with any other administrative staff to determine appropriate sanctions. Disagreements between the investigator and the employee's disciplinary authority will be resolved by submitting the complaint and investigation information to the President or designee for review and final decision. The President or designee may have access to the investigative records and may consult with the investigator in order to take appropriate action.

15. APPEALS

Appeals are available only for student respondents in student disciplinary suspension, expulsion, or housing removal cases. Appeals must be in writing and be received within five Working Days of the day the resolution letter is sent by the investigator. Failure to submit a request for appeal in writing in time will render the decision final and conclusive. An appeal may be sought only on the grounds listed below. Reasons

for the appeal must be stated in the written request. Appeals will be denied in cases not having sufficient or appropriate reasons for appeal. Respondent may appeal where there was significant prejudice to the Respondent **and** any of the following grounds is present:

- a. The sanction was not appropriate.
- b. There was serious procedural error.
- c. There is significant and relevant new information to the case that was not available at the time of the investigation.
- d. Investigator or Coordinator was biased.
- e. The decision was not supported by the facts of the case.

The Appeal Authority for this procedure is the Vice President for Student Affairs or their designee. The Appeal Authority will review the appeal and the entire record of the case if there are sufficient grounds for the appeal. The Appeal Authority may also meet with the appellant to discuss the case. After review, the Appeal Authority shall take one of the following actions:

- a. Affirm or alter the original decision; however, the alteration may not result in a more severe sanction.
- b. Return the case to the appropriate individual, per the basis of the appeal.

The written decision of the Appeal Authority will be e-mailed to the appellant's Fort Lewis College e-mail address. The Appeal Authority's decision is final for the Fort Lewis College disciplinary proceedings.

Cross-Referenced Policies:

[Discriminatory Harassment](#)

[Disability Anti-Discrimination](#)

[Student Conduct](#)

[Equal Opportunity](#)

[Sexual Misconduct Policy](#)

[Interim Suspension Policy](#)

Review and Revision History:

Approved by Fort Lewis College Board of Trustees: February 11, 2009. Revised by Fort Lewis College Board of Trustees: December 6, 2013. Revised by Fort Lewis College Board of Trustees: February 13, 2015. This revised policy was approved by the President's Cabinet on August 24, 2016, and the Board of Trustees on October 7, 2016. This revised policy was approved by the Board of Trustees on October 5, 2018. Updated position titles: April 24, 2023. Updated into standard format and position titles: July 22, 2025. Updated titles and formatting: August 18, 2026.