

ETHICS & GRIEVANCE COMMITTEE GRIEVANCE PROCEDURE REGULATION

Definitions

1. Business Days shall include any days which are not considered non-business days as defined below. For the purposes of this Regulation, Business days shall also include the weekends which have been resolved by the Armenian Government to be business days.

2. Committee shall mean the Ethics and Grievance Committee of the Faculty Senate of the American University of Armenia comprising of at least 5 and at most 7 members (including the member chairing the Committee (the “**Chairperson**”). Committee shall comprise of faculty and staff of the American University of Armenia. There shall be 2 (*in case of a 5 or 6-member Committee*) and 3 (*in case of a 7-member Committee*) staff members in the Committee.

3. Dean shall mean a Dean of any college or program of the American University of Armenia.

4. Designee shall mean any person who has a written authorization to represent a President, Provost, Dean, a Program Chair or Chairperson of the Panel (as prescribed in point 4 of Rule 3 of this Regulation). Students cannot serve as designees within the meaning of this definition.

5. Faculty Member shall mean any member of the faculty teaching at a degree-awarding program, the General Education (“**Gen Ed**”) and the Acopian Center for the Environment of the American University of Armenia.

6. Non-Business Days shall include but shall not be limited to weekends, national holidays, memorial days, and any other day resolved by the Armenian Government to be a non-working day.

7. Party shall mean a person who is involved in Grievance procedure as a complainant or a respondent. The complainant and respondent are collectively referred to as **Parties**.

8. Program Chair shall mean a Program Chair of any program of the American University of Armenia.

9. Supreme Decision-Making Body shall mean the University President except for those cases when the Grievance or the appeal is against the University President or the Provost and in cases prescribed in Rule 30 of this Regulation. In those exceptional cases, the Supreme Decision-Making Body shall be the Executive Committee of the University Faculty Senate.

10. University shall mean the American University of Armenia (“**AUA**”).

11. University Community shall include any faculty, staff or student of the University.

I. Competence of the Committee

Rule 1.

(Violation of AUA Policies)

The Committee shall have the competence to hear any non-anonymous written complaint (“**Grievance**”) brought by any person who believes that the AUA Faculty Code of Conduct, Staff Conduct, , AUA Statement on Academic Freedom, AUA Policy on Equal Opportunity and Affirmative Action, AUA Policy on Sexual Harassment, AUA Policy on Substance Abuse, AUA Policy on Main Rights, Duties, and Responsibilities of the Employees, and/or AUA Policy on Main Rights, and Responsibilities of the Employer has been violated by any member of the University Community, provided that the complainant has been affected by the violation.

Rule 2.

(Appeals against disciplinary measures imposed to students)

The Committee shall have the competence to hear any appeal filed by any AUA student against whom a disciplinary measure has been imposed by a Faculty member, Program Chair, a Dean or Dean’s designee, pursuant to the AUA Student Code of Ethics for a violation of academic integrity or misconduct, provided that such measure was manifestly erroneous or grossly unfair.

II. Grievance Procedure: General Considerations

A. The Panel of the Committee

Rule 3.

(Establishment and Composition of the Panel)

1. Within three (3) Business Days after receiving Grievance or an appeal (within the meaning of Rule 24), the Committee shall establish a Panel composed of at least three (3) members of the Committee (“**Panel**”).

2. Within two (2) Business Days, the Committee members shall give notice to the Committee informing of whether they have or are free of any bias towards the Parties. A Committee member who believes that his/her inclusion on the Panel would raise an appearance of bias must notify the Committee of the circumstances for the Committee’s consideration. Such bias includes, but is not limited to circumstances where:

- the Committee member, as an individual, has witnessed the events which are being argued in frames of the grievance,
- the Committee member is a Party;

- the relative of the nominee is or reasonably can be expected to be a party to the grievance.
- the nominee is the direct superior or subordinate to any Party,
- the nominee has any official, personal or business relationship with any Party.

2.1. Serving in the Committee does not mean official or business relationship within the meaning of this Rule.

2.2. Being a colleague or a co-worker of a Party does not itself qualify for bias within the meaning of this Rule.

3. After receiving the notice provided for in point 2 of this Rule, the Committee shall nominate members of the Panel and hold an election whereby the Panel members will be elected by a simple majority vote of the Committee within the terms provided for in this Rule.

4. The Committee's Chairperson shall serve as *ex-officio* member of the Panel and shall chair the Panel. If, for any reason, the Chairperson is unable to chair the Panel the Committee shall designate another Committee member to chair the Panel by a voting within one (1) Business Day. The new Chair shall be elected by a simple majority vote.

5. Non-members of the Committee who belong to the University Community may be appointed by the Committee as *ad hoc* members of the Panel, in case less than three (3) members of the Committee are unable to serve the Panel. The nomination of *ad-hoc* members shall undergo an election whereby the *ad-hoc* members will be elected by a simple majority vote of the Committee. Students cannot serve as *ad hoc* members of the Panel within the meaning of this Rule.

6. The AUA Sexual Harassment Advisor (if there is one) or the Provost (or Advisor's or Provost's Designee) shall be appointed by the Committee as a third (3rd), *ex officio* member of the Panel in case the Grievance concerns an allegation of sexual harassment.

7. Once the Panel has been formed by the Committee, the Panel's Chairperson (or Chairperson's Designee) shall notify Parties in writing of the Panel's composition within one (1) Business Day after the Panel has been formed.

8. Once being notified of the Panel's composition, Parties may request the Committee within three (3) business days of the notification, to reconsider the inclusion of a particular

member or members in the Panel based on potential bias. Any Party who believes that the inclusion of a particular person in the Panel would raise an appearance of bias must substantiate the allegations and notify the Committee of circumstances of the suspicion of partiality for consideration.

9. Once being notified of the request for removal of a Panel's member due to appearance of bias, the Committee shall, within a reasonable time, inform Parties in writing of whether the request has been approved or not.
10. If after the request for removal is approved, the members of the Panel become less than three (3) in number, the Committee shall appoint a new member to the Panel within one (1) Business Day by a voting. The new member may be elected by a simple majority vote.

Rule 4.
(Mandate of the Panel)

1. If the Grievance is declared admissible in accordance with Rule 5(3) below, the Panel shall then carry out factual investigation and make the appropriate decision and/or recommendation upon the Grievance, as further specified in this Regulation. The factual investigation may include but is not limited to requesting relevant information about the Grievance from any member of the University Community, including the Parties as the Committee deems appropriate.
2. The Panel should periodically report to the Committee about progress on factual investigation and final decisions.

Rule 5.
(Ruling on admissibility and notifying the Parties)

1. If the Panel determines either
 - 1) that the facts alleged in Grievance, if true, would not constitute a violation of University policies mentioned in Rule 1 of this Regulation; or
 - 2) that the consideration of the facts alleged in the Grievance would not be in the purview of the competence of the Panel laid down in Rule 1 of this Regulation; or
 - 3) that the complainant has not been affected by the violation as required by Rule 1 of this Regulation; or
 - 4) that the Grievance was filed beyond the time-limit specified in Rule 16 of this Regulation;

then, within five (5) business days of the filing of the grievance, the Panel shall notify in writing the Parties that the Grievance was declared as inadmissible.

2. The Panel's decision shall specify the ground upon which the Grievance was rejected.

The Committee shall retain a copy of the final decision for its archive but shall destroy the remaining evidence in the file. The final decision shall remain to be confidential.

3. In the absence of inadmissibility ground specified in this Rule, within five (5) Business Days of ruling the Grievance to be admissible, the Panel shall notify the Parties in writing that the Grievance was declared as admissible.

4. The Panel's written notice to the respondent shall include the copy of the Grievance, Panel's composition, and shall provide the respondent with a statement of the respondent's rights and an explanation of the Panel's hearing procedure.

5. No further appeal will be available within University against the Panel's decision.

Rule 6.

(Panel's Decisions and Recommendations)

The Panel has the right to make the following decisions:

For Grievance

- Decision to declare a Grievance admissible or inadmissible,
- Decision to endorse the friendly settlement reached between Parties;
- Decision on finding a violation whereby the Supreme Decision-Making Body is recommended to call for a disciplinary action pursuant to Rule 22;
- Decision to dismiss the Grievance upon finding no violation.

For Appeals

- Decision to declare the appeal admissible or inadmissible;
- Dismiss the appeal;
- Grant the appeal.

The decision shall be made in writing signed by the chair of the Panel. The Panel shall notify Parties about the decision in writing. For the purposes of this Rule, sending an email to Parties shall be deemed as notification in writing. The Panel shall send such emails to Parties' official AUA email addresses using its official AUA email address.

If the Panel finds that a disciplinary action/sanction should be imposed on a Party, it shall write a recommendation to the Supreme Decision-Making Body regarding the proposed disciplinary action/sanction. The recommendations are made in accordance with Rule 22 provided that no decision to adjourn the Grievance or not to call for a disciplinary action has been made provided for in this Rule.

Rule 7.
(Panel's tentative ruling)

Within fourteen (14) Business Days of either

1. the expiration of the time limit mentioned in Rule 18 or
2. the Panel's receipt of the respondent's written response to the Panel's notification of the grievance,

the Panel shall give written notice to the complainant and the respondent of the Panel's tentative ruling.

Rule 8.
(Interviews of parties or witnesses)

1. Whenever the case has been declared admissible, the Panel may conduct interviews of the Parties or witnesses in person or by e-mail, telephone or other similar technology.
2. Interviews shall be held via the most expedient format and shall not be adversarial.
3. The Panel (or at least one member of the Panel) is obliged to interview the Parties (at least once) in person after the Grievance is declared admissible but before the hearing. The interviews shall be held separately with each party.

Rule 9.
(Selection of Witnesses)

In an effort to maintain confidentiality, while at the same time conducting a fair investigation of the facts of a Grievance, the Panel shall make every effort to limit the number of witnesses it deems necessary to call upon while at the same time ensuring a full investigation of the factual issues raised in the Grievance. Parties may suggest appropriate witnesses to the Panel. The Panel shall decide which witness to interview and shall conduct a thorough assessment of evidence when the witnesses suggested by Parties are interviewed.

Rule 10.
(Hearings)

The Panel, within twenty (20) Business Days after the Grievance is declared admissible, may call for a hearing in a special room at the University reserved specifically for the hearing, where the Parties to the Grievance will have the opportunity to present their case and answer the questions of the Panel provided that Party(ies) have requested a hearing in accordance with Rule 19. The Parties shall be notified of the hearing in writing at least five (5) Business Days before the hearing. Parties shall have the right for a motion to call a witness to the hearing by giving a written notice to the Panel at least 2 Business Days before the hearing. The Panel shall decide, on its sole discretion, whether the witness(es)

called by a Party(ies) should be present at the hearing. No one shall have the right to be present at the hearing but the Panel, the Parties and witnesses (if applicable).

Rule 11.
(Mediation)

The Panel is obliged, at any stage of the proceedings, prior to reaching a final decision or recommendation within the meaning of Rule 6 of this Regulation, to attempt to resolve the dispute through mediation.

Rule 12.
(Recording and Publication of Panel's Final Decisions and/or Recommendations)

1. All the decisions and recommendations of the Panel shall be recorded by the Committee in the form of a written report. The report's content and subsequent disposition of the report by the Panel depend on whether or not the recommendation calls for a disciplinary action.

2. Periodically, but no less than once a year, the Committee shall publish a report on grievances or appeals that it has examined without mentioning any names or positions of the parties within the Community (e.g. of a caption of a Grievance or appeal: 'In re the Grievance against X, the Panel issued a warning'). The Committee shall publish such reports by sending an email to the Community using the AUA email addresses. In the summary of the report, the Committee shall refer to the Grievance or appeal parties as "student", "Faculty member" or "Administrative staff member" (e.g. for summary of the Grievance or appeal: 'The student Y. lodged a Grievance against the Faculty member X.'). In the annual report, the Committee may also provide guidance to the University Community, without names or identifying specifics, on claims that have been dismissed or rejected, claims that have been satisfied, and how to avoid common infractions.

Rule 13.
(Voting in the Panel)

The Panel shall make decisions and/or recommendations by a simple majority vote.

B. Procedural Guarantees

Rule 14.
(Due Process)

1. Due process is guaranteed to the Parties in any of the proceedings laid down in this Regulation. This includes the right to be heard, right to call witnesses (subject to the limitations in Rule 9 of this Regulation), a right to review, and decision by impartial persons or bodies as prescribed herein, and a right to adequate notice.

2. The complaint shall be shared with the respondent by the Panel within one (1) Business Day of receiving it, to ensure the Parties of the Grievance are equally informed and familiar with the wording of the Grievance.

3. The nature of the proceedings will be fact-finding.

Rule 15.
(Confidentiality)

1. General: Pursuant to other AUA policies, and out of respect for Parties, all Parties to the Grievance or the appeal and all members of the Ethics and Grievance Committee and the Panel are obliged to keep confidential all aspects of any specific Grievance or appeal, especially the names of Parties, the facts of Grievance, and any communications or procedures undertaken by the Panel toward resolution.
2. “Confidentiality Notice”: For clarity, any document containing substantive information about a grievance or appeal (including the names of the parties) shall be marked “Confidential” to assure against inadvertent circulation of the document to an unauthorized person. For the purposes of this Rule, unauthorized person shall mean any person who is not involved in Grievance or appeal.
3. Witnesses: In order to balance confidentiality concerns with the need to conduct investigation, the obligation to keep confidential all aspects of any grievance or appeal shall be extended to any witness called by the Panel and the witness shall be informed of this obligation by the Panel. The Chairperson or his/her Designee shall
 - 1) ensure that the witnesses are informed about the requirement set forth in this rule, and
 - 2) require a non-disclosure statement in writing.
4. Breach of Confidentiality: For the protection of all involved individuals and for fairness in general, if Party to Grievance or appeal discloses information about Grievance or appeal to a person outside the circle of confidentiality, then the Committee may take disciplinary action against the disclosing Party. This may include dismissal of the grievance without further proceedings, in the event that the unauthorized disclosure was made by a complainant or a complainant’s witnesses. In the event that a respondent is in breach of confidentiality, the Committee may impose a sanction of an oral or a written warning.
5. Transparency: For the protection of Panel members and in order to maintain an impartial process, any Committee member who discovers a breach of confidentiality must report such breach to the Panel.

**III. Grievance Procedure for Complaints of Violations of the AUA
Faculty Related Policies, AUA Administration Related Policies
and/or the AUA Student Code of Ethics**

A. Procedure prior the Panel’s final decision

Rule 16.
(Time limit for filing a grievance)

Grievances within the meaning of Rules 1, 2 and 3 of this Regulation shall be filed to the

Committee within twenty-one (21) business days from the day when the complainant became aware of the violation he/she alleges to have been committed.

Rule 17.

(Content of the Grievance)

The Grievance shall include the following information:

- the problem at issue,
- the rights believed to be violated,
- the reasons for believing so, and
- the relief to which the complainant claims to be entitled.

The statement shall contain factual or other data that the complainant believes to be pertinent to Grievance. The complainant may also include a notice of witnesses he/she intends to call to support his/her position.

If the Grievance does not include any of the above-mentioned points it is subject to be returned to the complainant with a right to revise the Grievance and submit the revised Grievance to the Committee within 1 Business Day of its return.

Rule 18.

(Time limit and Content of the Response to the Notification)

1. The respondent shall have fourteen (14) Business Days from the date of receipt of the Panel's notice within which to submit a written response to the Panel.
2. The respondent's reply may include respondent's statement of facts in support of respondent's position, notice of witnesses who the respondent intends to call to support his/her position, reference (or inclusion in the response) to relevant documents in support of his/her position and/or proposal for a friendly settlement of the case.
3. If the respondent fails within the said fourteen (14) Business Days to respond to the original complaint, then the Panel shall reach a tentative ruling based on the evidence produced by the complainant.

Rule 19.

(Requesting a hearing to challenge the tentative ruling)

1. If either the complainant or the respondent desire to have a hearing before the Panel to challenge the Panel's tentative ruling, the complainant and the respondent shall each have the right, within two (2) Business Days of the date of the Panel's written notice of its tentative ruling, to notify the Panel's Chairperson and the other Party, that they wish to have a hearing before the Panel in order to present his/her case and/or to hear witnesses that they have produced.
2. The failure of either the complainant or the respondent to challenge the Panel's tentative ruling by requesting such hearing within the said two (2) Business Days, shall cause the tentative ruling to become a final decision or recommendation within the

meaning of Rules 21 or 22 of this Regulation.

B. Subsequent Procedure

Rule 20.

(Notification of Panel's final decision or recommendation)

1. Within seven (7) Business Days of the hearing, the Panel shall notify the Parties, in writing, of the Panel's final decision or recommendation within the meaning of Rules 21 or 22 of this Regulation.
2. Within one (1) Business Day of the date of the tentative ruling becoming a final decision or recommendation within the meaning of Rule 19(2) of this Regulation the Panel shall notify the Parties, in writing, of the Panel's final decision or recommendation within the meaning of Rules 21 or 22 of this Regulation.
3. If the Panel, by a recommendation, within the meaning of Rule 22 of this Regulation, calls for a disciplinary action against a Party, then the Panel shall send the written summary of the recommendation to the Supreme Decision-Making Body within seven (7) Business Days of the date of the hearing or within one (1) Business Day of the date of the tentative ruling becoming a final decision or recommendation within the meaning of Rule 19(2) of this Regulation.

Rule 21.

(No Disciplinary Action)

1. If the Panel by a final decision dismisses the Grievance upon finding no violation, it shall inform so the Parties and indicate that they have a right to appeal against such a decision with the Supreme Decision-Making Body under Rule 23 of this Regulation. If the decision is not appealed, the Panel shall close the case.

1. If the Panel by a final decision endorses the friendly settlement reached between Parties, then the Panel shall close the case.
2. The Committee shall retain a copy of the final decision for its archive but shall destroy the remaining evidence in the file. The final decision shall remain to be confidential.
3. No further appeal will be available within the University against this decision.

Rule 22.

(Disciplinary Actions (Sanctions))

2. If the Panel by a decision on finding a violation, recommends the Supreme Decision-Making Body to call for a disciplinary action against a Party, the Panel shall prepare a written summary of the recommendation, including the procedural history, essential facts, and the rationale behind the recommendation. The Panel shall also inform Parties that

they have a right to appeal against such decision with the Supreme Decision-Making Body under Rule 23 of this Regulation.

3. The following disciplinary actions (sanctions) may be imposed by the Supreme Decision-Making Body, depending on the seriousness of the violation:

- (a) Warning;
- (b) Censure;
- (c) Dismissal from the University.

4. The Supreme Decision-Making Body shall have eleven (11) Business Days to decide what disciplinary sanction to impose. If the Supreme Decision-Making body decides to impose a sanction whereby it calls for a warning or censure, it shall have three (3) Business Days to impose it by sending an email to the disciplined Party with the warning or censure. If it decides to call for a dismissal from the University, the Supreme Decision-Making Body shall impose that sanction as soon as possible, in accordance with the employment agreement with the disciplined Party and Armenian law.

5. If the Supreme Decision-Making Body does not enforce the recommendation, it shall provide reasons for doing so in writing to the Panel within fourteen (14) Business Days of receiving the recommendation.

Rule 23.

(Appeals against the Panel's decision)

1. There is a right to appeal available to the Parties against the Panel's decision. The appeal must be made to the Supreme Decision-Making Body within seven (7) Business Days of the notification of the Panel's decision. The appeal must be made in writing and clearly state the grounds for appeal.

2. The required standard of proof of the appeal will be whether the decision of Panel is reasonable under given circumstances.

3. The Supreme Decision-Making Body shall respond to the appeal in reasonable time but no later than within seven (7) Business Days of receiving the appeal. The Supreme Decision-Making Body shall have the discretion to confirm, revise or overturn Panel's decision. The document containing the Supreme Decision-Making Body's disposition of the matter shall become the final decision.

4. The final decision, all files of the case and the minutes shall be archived with the Institutional Research Office, shall remain confidential and after being maintained for three years shall be destroyed, in accordance with Rule 29 of this Regulation. A copy of the final decision shall be placed in the disciplined party's personnel file and delivered to the disciplined party and the Supreme Decision-Making Body. It shall continue to remain confidential.

5. No further appeal will be available within the University.

IV. Grievance Procedure for Appeals Against Disciplinary Measures Imposed to Students Due to Violations of the AUA Student Code of Ethics

Rule 24.

(Time limit for filing an appeal)

Appeal of a student against a disciplinary measure imposed to him/her by a Faculty member, Program Chair or a Dean (or Dean's designee) within the meaning of Rule 2 of this Regulation, shall be filed to the Committee within five (5) Business Days from the day when the student had been informed of the measure.

Rule 25.

(Notice and content of the appeal)

1. A copy of the appeal shall be sent to the Dean (or Dean's designee) by the Panel if the appeal is found by the Panel to be admissible.
2. The appeal shall state the reasons for believing that the measure was manifestly erroneous or grossly unfair and the relief to which the student claims to be entitled. The statement shall contain factual or other data that the student believes to be pertinent to appeal.

Rule 26.

(Inadmissibility of the Appeal)

If the Panel determines either

- 1) that the consideration of the facts alleged in the appeal would not be in the purview of the competence of the Panel specified in Rule 2 of this Regulation (i.e. the measure was not manifestly erroneous or grossly unfair or does not relate to violations of rules on academic integrity or misconduct); or
- 2) that the appellant has not been affected by the violation as required by Rule 1 of this Regulation; or
- 3) that the appeal was filed beyond the time-limit specified in Rule 25 of this Regulation;

then the appeal shall be declared inadmissible.

Rule 27.

(Notification and recording of the final decision)

1. Within ten (10) Business Days of the Committee's receipt of the student's appeal, the Panel shall give a written notice to the complainant and the Dean (and/or the Dean's designee) of the Panel's final decision.

2. If the Panel's final decision is to dismiss the appeal, then the Panel shall close the case and inform the parties of its final decision in writing. The final decision shall remain confidential, be retained in the Committee's archive, together with supporting material, and sealed. A copy of the final decision shall be placed in the student's personnel file and delivered to the student and the Dean.

3. If the Panel's final decision is to uphold the appeal, then the Panel shall terminate the disciplinary measure imposed on the student and notify the Parties, in writing, of its final decision. The Committee shall retain a copy of the final decision for its archive but shall destroy the remaining evidence in the file. The decision shall remain to be confidential.

Rule 28.

(Appeals against Panel's decisions)

No further appeal will be available within the University against the Panel's decision within the meaning of Rule 27 of this Regulation.

V. Procedure for destroying the files containing confidential information

Rule 29.

1. The Panel shall
 - 1) archive all files of the case to the Institutional Research Office,
 - 2) delete all electronic files, containing confidential information, from their computers and/or e-mail servers,
 - 3) destroy all hard copies, containing confidential information, within 10 (ten) business days after the final decision of the Supreme Decision-Making Body, and
 - 4) pass a resolution assuring that all files (electronic and hard copies) have been destroyed by the Panel.
2. The resolution of the Panel shall be dated and signed by all members of the Panel. It particularly shall assure that all members of the Panel destroyed all files (electronic and hard copies) received by them containing confidential information regarding the dispute, Parties and all participants involved in the dispute.

VI. INACTION OF THE SUPREME DECISION-MAKING BODY

Rule 30

(Takeover by the Executive Committee of the University's Faculty Senate)

1. If the Supreme Decision-Making Body, represented by the University President, does not meet the deadlines provided for in Rules 22(4) and 23(3), the Executive Committee of the University's Faculty Senate shall take over the responsibilities of the Supreme Decision-Making Body starting from the first day following the aforementioned deadlines.
2. The Supreme Decision-Making Body represented by the Executive Committee of the University's Faculty Senate shall have the right to impose any one of the sanctions provided for in Rule 22(3) except for dismissal from the University.
3. After the takeover, all the deadlines for the Supreme Decision-Making Body shall be renewed.