WHEREAS: Article VII, Section 1. A. and Section 4. A. of The Student Code does not fully protect sexual orientation against discrimination, and
WHEREAS: the inclusion of sexual orientation in paragraph C. of Section 1. Article VII would bring the protection of homosexuals into conformity with the rest of the Student Code, and
WHEREAS: striking the last sentence of Section 4. A. and including "sexual orientation" in the list of things not to be discriminated against as identified in the supplied attachment would also bring the protection of homosexuals into conformity with the rest of the Student Code.
THEREFORE BE IT RESOLVED THAT: changes be made to the Student Code as per the attachment supplied.

Sponsor:
David Butterfield
Student Advocate

Justin McCarthy
Student
which the student might otherwise be eligible.

B. Upon the decision to impose temporary disciplinary action, the Vice President for Student Services or the President shall notify the student by the most expeditious means available. Upon notification of the temporary disciplinary action, the procedures under Sections 4 and 5 shall be followed (pages 16-20).

ARTICLE VII. GRIEVANCES

Students who feel they have been unfairly treated (in matters other than discipline [Article VI] or admission, residence, employment, traffic, and parking—which are addressed by procedures separate and independent from the Student Code) may file a grievance through the channels described below.

Where an occurrence or incident relating to an academic or nonacademic grievance could be processed either as a disciplinary action or grievance, it shall be processed as a discipline matter under Article VI; however, if the grievance also relates to discrimination or harassment, it shall be processed under this Article (Section 4) to utilize the expertise of the Affirmative Action/Equal Opportunity (AA/EO) Office in those areas.

SECTION 1. Channels for Grievances

SEE APPENDIX, page 29.

A. For all academic grievances, the channel is: (1) the faculty member or graduate supervisory committee; if the grievance pertains to committee action; (2) the academic Department Head; (3) the Dean of the college for graduate students; (4) the Dean of the School of Graduate Studies, who will consult and coordinate with the academic Dean; (5) the Hearing Officer; (6) the Provost; and (7) the President. Paragraphs 5-7, above, shall apply if the student asserts that sexual orientation has been the basis for evaluating the student's performance.

B. For all nonacademic grievances, the channel is: (1) the staff member or other person involved; (2) the Department Head or unit director; (3) the appropriate Dean, or the administrator to whom the unit director reports; (4) the University Hearing Panel; (5) the Hearing Officer; (6) the Vice President for Student Services (where a decision of a University Hearing Panel may require enforcement by a Vice President other than the Vice President for Student Services, the Vice President for Student Services shall consult and coordinate with the other Vice President); and (7) the President.

C. For all grievances relating to discrimination on the basis of race, color, national origin/religion, sex, age, disability, or veteran status, or relating to harassment, the channel is: (1) at the option of the complainant student, the faculty member, the graduate supervisory committee, the staff member, or other person involved; (2) at the option of the complainant student, the Department Head or unit director; (3) the AA/EO Director in concert with the appropriate administrator mentioned in A (3) or B (3) above; (4) the University Hearing Panel of Affirmative Action Advisory Committee (AAAC); and (5) the President.

SECTION 2. Procedures for Academic and Nonacademic Grievances

A. Students utilizing the grievance procedure shall begin the process no later than 120 calendar days following the date of the act which is the basis for the grievance. Failure of University personnel to respond within the specified time, if any, at any level in the procedure will allow the grievant to proceed to the next step.

B. At any time during the hearing/appeal process, the parties may resolve the matter by mutual
12. Within two days after the completion of the hearing, the Panel chair shall submit to the Dean/administrator a written decision, including findings of fact and conclusions which serve as the basis for the decision. Copies of the written document shall be provided to all parties involved in the dispute.

13. The decision shall be final unless appealed within the time provided in the next Section.

SECTION 3. Appeals

A. The decision of the University Hearing Panel may be appealed by either party in writing to the Provost within 10 working days from the date a copy is mailed or delivered to the grievant. If an appeal is made, the Provost shall appoint a Hearing Officer from outside the college or unit involved in the case to review the matter and either confirm or modify the decision of the University Hearing Panel.

B. The Hearing Officer shall be chosen from the list of faculty members used to select University Judicial Board members. The grievant and the faculty member, staff member, or other person involved shall have the opportunity to challenge the Hearing Officer for bias in the case.

C. All correspondence, statements, and related documents used at the hearing or at any previous step shall be forwarded to the Hearing Officer along with the original written complaint. The grievant and other persons involved shall be readily available to the Hearing Officer. The Hearing Officer shall have the authority to control the nature and extent of the appeal and may take whatever steps are deemed necessary to ensure an orderly and impartial appellate review.

D. The Hearing Officer shall complete his or her review within 20 working days and shall forward to the Provost (for academic grievances)/Vice President for Student Services (for nonacademic grievances), written findings along with a recommendation as to the disposition of the grievance. The Provost/Vice President shall review the recommendation and forward it, together with any separate recommendation of endorsement or disagreement deemed appropriate, to the President. The President may accept or modify the recommendation of the Hearing Officer. The President's decision is final.

E. A copy of the final decision shall be made available to the grievant, the appropriate Dean or administrator, the Provost, the Vice President for Student Services, and to any other Vice President, officer, or department at the University which is affected by the decision.

SECTION 4. Procedures For Grievances Relating to Discrimination or Harassment

A. Utah State University is committed to equity in education for its students and that they not be discriminated against/harassed because of race, color, national origin/ethnicity, sex, age, disability, or veterans status. In addition, sexual orientation may not be a basis for evaluating student performance.

B. Students utilizing the grievance procedure shall begin the procedure not later than 120 calendar days from the date of the last occurrence of the discrimination or harassment. Failure of University personnel to respond within the specified time, if any, at any level in the procedure will allow the grievant to proceed to the next step.

C. Information related to discrimination or harassment grievances will be considered confidential. At investigation/inquiries and hearings surrounding such grievances shall, to the maximum extent possible, protect the privacy of and minimize suspicion toward the person against whom the grievance is made (the "respondent"), as well as the student complainant. Retaliation is prohibited against any individual who has made a complaint, testified, assisted, or participated in any way in an investigation, proceeding or hearing in regard to such a grievance.