



GRIEVANCE AND PROCEDURE POLICY

Moderation Department

1. INTRODUCTION

HRTI is committed to mutual respect among all constituents of the educational community. This commitment includes students, faculty, staff, and administration alike. In all concerns about fair treatment, we seek to work together to understand and address those concerns without having to resort to formal grievance procedures.

When that is not possible, we are at all levels committed to a fair and reasonable resolution of issues through a formal grievance process guided by the information and documentation provided in the process.

The regulation described below guides the orderly procedure of complaints and grievance and the attempts at resolution.

2. WHAT MAY BE GRIEVED

1. An action or decision is grievable **only** if it involves a misapplication or misinterpretation of Institution policy, regulation, rule, or a violation of governmental law.
2. ***Grievances may not be used to challenge policies or procedures of general applicability which was implemented by the Institute.***
3. In addition, this procedure may not be used to grieve:
 - a. *Claims based on purchases by HRTI;*
 - b. *Claims against an employee on matters that are unrelated to the employee's job or role at the Institute;*

3. WHO MAY GRIEVE

1. The procedures set forth below may be used by:
 - a. *A grievant who is enrolled as a HRTI student, at the time of the incident being grieved.*
 - b. *The person filing the grievance must be the alleged victim of unfair treatment*
 - c. *A grievance must be filed by the person involved and cannot be filed on behalf of another person.*

4. TIME LIMITS

The informal and formal resolution process described below must be initiated and complete within **60 days** of the decision, action, or events giving rise to the grievance. This time limit may be extended by a written request of the respective Department head with jurisdiction over the grievance, if the grievant makes **the request for extension within the 60 day period**, for good cause shown.

5. INFORMAL RESOLUTION, GENERALLY

1. The grievant should first discuss the issue with the Institute Staff member which is responsible for the action or decision being grieved, and with that person's Department Head (*or higher administrative authority*), if feasible. This is not required in cases where the grievant believes that efforts at informal resolution may result in retaliation or other unfair treatment.
2. On those occasions where contact between an Institute Staff member and the Student is inevitable or deemed potentially useful, the Department Head should clarify for the Student the difference between his/her role at the **informal stage** of resolution and what it would be at the **formal stage** of resolution.
3. The grievant should for all purposes and for a good track record present their informal grievance in writing via email to ensure all parties are informed and proof of evidence is available for the formal resolution when an informal resolution was not satisfactory.

6. INFORMAL RESOLUTION, CIVIL RIGHTS GRIEVANCES

If a student believes that he or she has been discriminated or retaliated against based upon race, colour, sex, age, national origin, or disability, s/he should notify the Administrative Department of the Institute.

The Office may discuss the issue with all parties and attempt to facilitate an informal resolution. The Office shall make efforts to resolve the issue as soon as practical, and shall maintain a record of all communications and documents. This record shall be kept confidential to the extent required and allowed by law.

7. FORMAL RESOLUTION – GRIEVANCES

1. Students should first pursue informal resolution of all grievances with the responsible Institute Member and their respective Department Head. If informal resolution is not satisfactory or the time limit for filing and handling of a **Formal Grievance of 20 days** is about to expire, then the student may proceed with the formal resolution procedures set out in sections 8 through 13 below.
2. If a student grieves a decision, action, or event on the basis that it was given in violation of governmental law, the formal resolution procedures set out in sections 8 through 13 below will apply.
3. Formal grievances must be presented in writing to the Institute for resolution following the set out procedures in sections 8 through 13 below.
4. In no event shall persons who review an academic grade grievance substitute their subjective judgment about academic quality for the judgment of anyone. However, grievances may be substantiated if it is determined on the basis of the evidence that the grade was based on a factor other than academic merit, or if there has been a clear error in grading based on objective criteria.

8. STUDENT FORMAL GRIEVANCES PROCEDURES

1. ACTION 1 – INFORMAL COMPLAINT RESOLUTION (1) STUDENT ADMINISTRATION

- a. Any student who believes that he or she has valid grounds for an informal complaint must **within ten (10) Institute business days** after the initial decision, action, or events took place, attempt to pursue informal resolution of the complaint by a communication to the Student Administrative Department (studentsupport@hrti.co.za).

2. ACTION 2 – INFORMAL COMPLAINT RESOLUTION (2) – MODERATION

- a. If the Student Administrative Department has not responded satisfactorily to the student **within the next ten (10) Institute business days** of receipt of the complaint, the student must submit a written complaint to the Moderation Department via email. (moderator@hrti.co.za).
- b. The Moderation Department shall investigate the complaint and inquire into the matter and then respond in writing to the student and the Administration Department.

3. ACTION 3 – FORMAL GRIEVANCE PROCEDURE (1) – STUDENT ADMINISTRATION TO MODERATION

- a. If the matter is not resolved by the Moderation Department to the student's satisfaction, the student may file **within the next ten (10) Institute business days** a written completed Grievance Form to the Student Administration via email (studentsupport@hrti.co.za).
 - i. *The grievance shall contain the information specified in section 9.*
 - ii. *If it is clear on the face of the written grievance that*
 1. the grievance has not been timely filed in accordance with section 8.1, 8.2 and 8.3
 2. it pertains to a matter that is not grievable, or is from a person without grievance rights,

The Moderator shall so indicate in a letter to the grievant and the grievance shall be dismissed.

4. ACTION 4 – FORMAL GRIEVANCE PROCEDURE (2) – GRIEVANCE PANEL

- a. If the grievance is not dismissed or resolved by the Moderation Department, the Moderator within the **next ten (10) Institute business days** shall appoint a grievance panel of four persons to hear the grievance.
- b. The panel shall include:
 - i. *the Moderator*
 - ii. *two or three Academic Board Members and*

- iii. *one of the Directors of HTG.*
- c. One of these panel members shall serve as chairperson.
- d. At least two panel members should be associated with the grievant's programme and should not have a conflict of interest.
- e. Panel members should have no personal interest in the outcome of the proceeding, and should not have any personal involvement in earlier stages of the matter.
- f. The Moderator remains in a neutral position all the time.
- g. The Administrative Department shall provide the panel with a copy of the grievance, the Grievance procedures and all attachments applicable to the Grievance.
- h. Once the Moderator has appointed a Grievance Panel to hear the grievance the procedures will continue as stated in Section 9.2.
- i. Sections 10 and 11 shall also apply to Student Grievance Committee or Panel hearings and appeal rights shall be as specified in sections 12 and 13.

9. GRIEVANCES – GENERAL INFORMATION

1. Grievance Procedure Form

The Grievance Procedure Form must be completed:

- a. The Grievance must be in writing (*complete the written Grievance Procedure Form available with the HRTI Grievance Policy on our website or request it from Student Support and attach all compulsory Proof Of Evidence (POE) as stated in the Grievance Procedure Form.*;

2. Grievance Panel

- a. The panel shall meet, elect a chairperson, and send the grievant's hearing request to the respondent(s), all **within ten (10) Institute business days** of being appointed.
- b. The chairperson shall offer respondent(s) an opportunity to provide a written response to the allegations **within ten (10) Institute business days** to the panel chairperson.
- c. The chairperson may also inform and instruct the parties that they have **ten (10) Institute business days** to provide each other and the panel with:
 - i. *copies of any additional POE, and*
 - ii. *a list of witnesses if they deem it necessary*

- d. The chairperson shall notify the panel of the hearing date, time, and place at least **ten (10) Institute business days** in advance of the hearing. *(The panel may schedule additional days for hearing, if needed, after the hearing is underway, so long as all members receive reasonable advance notice of the additional dates.)*
- e. The response to the grievance must be distributed to the panel at least **ten (10) Institute business days prior** to the hearing.
- f. The panel has the authority to rule on procedural matters not otherwise addressed in the Institute's policies and procedures.
- g. The panel may decline to consider evidence for reasons of excessive redundancy, immateriality, irrelevance, and other good cause.
- h. Formal rules of evidence will not apply, and the panel may consider any evidence it believes to be relevant and reliable.
- i. The panel shall deliberate and reach a decision on the grievance in closed session.
- j. The decision must be based solely on material presented in the grievance. The panel should decide if the decision being grieved was the result of a misapplication or misinterpretation of the Institute's policies, regulations, or rules or a violation of state or governmental law.
- k. The chairperson of the panel shall compile an official record of the proceeding that includes a copy of all correspondence with the members, all evidence submitted to the panel (*documentary POE that the panel declined to consider must be so marked and segregated*), the recording or transcript of the hearing, and anything else considered by the panel in reaching its recommendation.
- l. The chairperson of the panel shall be responsible for ensuring that a written report is prepared that addresses and resolves all material factual issues in dispute, that states a conclusion as to whether the student was subjected to misapplication or misinterpretation of the Institute's policy or governmental law, and if so recommends remedies as appropriate.
- m. The report and official record shall be delivered to the HRTI CEO, with copies of the report to be sent to the parties, within sixty (60) calendar days after the hearing.
- n. The Moderator who appointed the panel shall issue a written decision within **twenty (20) Institute business days** of receipt of the panel's report and official record.

- o. The decision may either adopt the panel report in whole, modify it in part, or reject the report and reach different findings or conclusions for reasons expressly stated.
- p. The Moderator may also remand (*order back*) the matter if clarification of the panel's report is necessary or additional proceedings to clarify the record or cure procedural error are required. This decision shall be sent to the parties (*certified mail return receipt, or personal delivery with a signed and dated receipt, to the grievant*) and may be shared with the panel members.
- q. If the Panel did not answer the student to his or her satisfaction, then the student may use the Appeal Procedures.
- r. No student may contact the related University directly unless all resources to resolve the issue within the greater Hebraic Teaching Group (*HTG*) have been exhausted. The use of this action will cause a disciplinary hearing according to the Disciplinary Code Policy of the Institute, to take place.

10. CONFIDENTIALITY

- 1. Panel members, witnesses, parties, and all other persons involved in the grievance proceeding are expected to maintain strict confidentiality regarding the proceeding.
- 2. Governmental laws govern the privacy rights of students and employees.
- 3. Any questions about the disclosure of information should be directed to the panel in writing, and the panel may consult with a Consultant.

11. EX PARTE CONTACTS

- 1. Once a hearing (*formal resolution*) has been requested, there should be no ex parte communication between parties and panel members concerning the merits of the case. An ex parte contact or communication is one sided; it occurs when one person shares information with a panel member without including all other parties.
- 2. To prevent this from occurring, all communications that:
 - a. occur outside the recorded hearing, and
 - b. are between one or more parties and
 - c. between one or more panel members,

Should be in written form and distributed simultaneously to all parties and panel members.

- 3. Discussion of the merits of the case or presentation of evidence outside the hearing should be avoided.

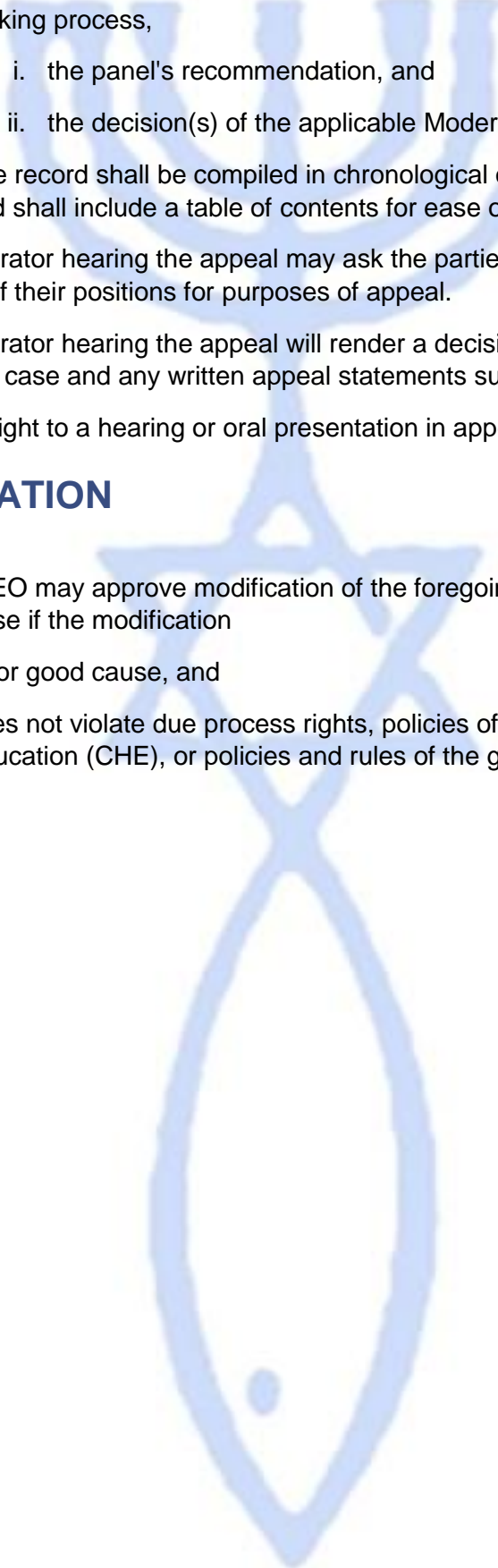
4. The rule against ex parte contacts also applies to communication with the final decision-maker and everyone who is responsible for deciding appeals.

12. APPEAL ROUTES

1. Grievance decisions may be appealed as follows:
 - a. Except for grievances related to termination of a student's academic programme, grievances over receipt of academic degrees or assignment of grades may be appealed.
 - b. Grievances over admissions decisions may be appealed to the HRTI CEO of the Institute.
 - c. Grievances over matters of organized institutionally recognized student activities, or government may be appealed to the HRTI CEO.
 - d. All other grievances may be appealed to the HRTI CEO.
 - e. Grievances that relate to the termination of a student's programme may be appealed to the Moderator of the Institute who will consult with the HRTI CEO prior to issuing a decision.

13. APPEAL PROCEDURES

1. The aggrieved party may appeal by delivering written notice of appeal to
 - a. the applicable Institute Administrative department (studentsupport@hrti.co.za) specified in Section 12,
 - b. with a copy to the person whose decision is being appealed, within **ten (10) Institute business days** after receipt of the decision.
2. Appeals received **more than ten days after** the decision was received (*or delivery of the decision was attempted*) will not be allowed.
3. Written notice of appeal must
 - a. identify the person whose decision is being appealed,
 - b. provide a brief statement of the grounds for appeal, which at minimum should contain a list of alleged errors in the decision or decision-making process,
 - c. to the extent possible, state which law(s), or policies has been violated,
 - d. indicate what remedy is requested,
 - e. be signed by the appellant and dated, and
 - f. include a copy of the decision being appealed.
4. Once notice of appeal has been delivered, the responsible Institute Administrative department whose decision is being appealed shall forward the record of the case to the Institute's department hearing the appeal.

- 
- a. The record shall consist of all information considered in the decision-making process,
 - i. the panel's recommendation, and
 - ii. the decision(s) of the applicable Moderator.
 - b. The record shall be compiled in chronological order to the extent feasible, and shall include a table of contents for ease of reference. .
5. The administrator hearing the appeal may ask the parties to submit written statements of their positions for purposes of appeal.
 6. The administrator hearing the appeal will render a decision based on review of the record of the case and any written appeal statements submitted by the parties.
 7. There is no right to a hearing or oral presentation in appeals.

14. MODIFICATION

1. The HRTI CEO may approve modification of the foregoing procedures in a particular case if the modification
 - a. is for good cause, and
 - b. does not violate due process rights, policies of the Council on Higher Education (CHE), or policies and rules of the government.