**24:40:13:17.  Grievance procedures.** The student shall be permitted to bring a grievance to challenge institutional actions involving the determination of eligibility to participate in the program or of compliance with program requirements. Grievances shall be limited to alleged violation, misinterpretation, or misapplication of specific terms or conditions of the laws or rules that govern the program, to be arbitrary or capricious or to discriminate on a basis proscribed under law.

 (1)  Participating institutions shall establish procedures to adjust grievances permitted under this section;

 (2)  Students may appeal institutional decisions to the board, which, at its discretion, may accept the grievance and conduct its own review or refer the grievance to an independent hearing examiner for review and recommendations concerning the proper resolution of disputed legal or factual matters as provided under the contested case provisions of SDCL chapter 1-26;

 (3)  Participating institutions shall comply with any order issued to resolve a student grievance, subject to the exercise of the right to appeal from the board's resolution of the grievance as provided under law;

 (4)  Participating institutions shall be responsible for all costs for hearing examiners retained by the board to review such grievances or related expenses reasonably incurred for such reviews.

 **Source:** 30 SDR 211, effective July 7, 2004.

 **General Authority:** SDCL 13-55-36.

 **Law Implemented:** SDCL 13-55-30.