

JAMES A. RHODES STATE COLLEGE
STUDENT POLICY STATEMENT

This policy and/or procedure provides operating principles for Code of Student Conduct issues at James A. Rhodes State College. It supersedes any prior policy covering the specific subject. This policy and/or procedure may be suspended, modified or cancelled as determined by the College.

This policy and/or procedure is provided on-line for the convenience of access for College students and employees. The original policy will be the governing copy and is on file in the Office of Student Affairs

(Specific Policy Follows on Next Page)

Applies to: Students
Policy Number: 11.1
Title: Student Grievance
Issued: Original Catalog Copy: 1993-1994
Revised BOT: 5-17-05

Student Grievance

11.1 Introduction and Purpose

Rhodes State College is committed to a learning-centered environment that maintains harmonious relations among students, faculty, and staff. Learning is based upon mutual respect among all constituents of the College community, including students, faculty, staff, and administration. It is important that the College community work together to understand and address concerns about fair treatment in the learning environment and that mutual respect of persons involved in the environment be fostered and preserved. Thus, candid and informal discussions between students and others in the College are encouraged as a means of achieving harmony and arriving at mutually satisfactory solutions to student problems.

The purpose of this policy is to provide a due process procedure for review and resolution of student grievances. The informal and formal rules outlined in the Rhodes State Student Grievance Policy guide the orderly procedure of attempting to resolve student concerns or issues.

Student grievance procedures will be used for the resolution of complaints regarding College rules or policies resulting in injury to the student, or alleged violations of the Rhodes State Non-Discrimination Policy (**College Policy 5.1**). It is the intent of this procedure that student complaints should be resolved, if at all possible, in the department or unit where they arise.

11.2 Authority

The bylaws of the Rhodes State College Board of Trustees provide that the College President shall have the final responsibility and authority for administering and managing the College (**Board Policy 2.3**) and that any authority delegated to staff by the President shall be considered the authority of the President (**Board Policy 3.2**). The responsibility and authority of the student grievance procedure has been delegated by the President to the Vice President for Student Affairs or designee. The Vice President for Student Affairs or designee is charged with the responsibility for the promulgation of rules governing the student grievance procedure. The College is committed to protecting students' rights under the College non-discrimination policy and has designated a Title IX, Section 504/ADA Officer to ensure the effective oversight of the grievance procedure.

The Rhodes State College Student Grievance Procedure is an official publication of the College Board of Trustees. All petitions for revision and amendment of the Student Grievance Procedure should be submitted through the Office of the Vice President of Student Affairs or designee for consideration by the appropriate governing bodies and recommendation to the President. Proposed revisions to the Student Grievance Procedure shall be reviewed, in draft form, by the office of the president, the office of academic affairs, and the appropriate student governing body before being presented for approval to the councils of academic and student affairs. Revisions must have the approval of the College Board of Trustees, and no revision shall become effective until printed notice of such revision is made available to students. Revisions made to this Student Grievance Procedure since the date of its publication are available in the Office of the Dean of Student Development Education.

11.3 Definitions

As used in the Student Grievance and Due Process Policy, following terms and definitions apply:

- A. **Grievance**
A student's claim that his or her rights set forth in Rhodes State Policies have been adversely affected by a College decision or action.
- B. **Grievable Matter**
A decision or action made by the employees of Rhodes State College is grievable by a student only if it involves a misapplication or misinterpretation of College policy, regulation, or rule.
- C. **Grievant**
A student who is enrolled at Rhodes State College at the time of the alleged action and who submits a grievance. The person filing the grievance must be the alleged victim of unfair treatment; the grievance can not be filed on behalf of another person.
- D. **Accused**
The person(s) alleged to be responsible for the grieved action or decision.
- E. **College**
Rhodes State College or any one of its divisions, departments, or operating units.
- F. **Hearing Officer**
The representative(s) of Rhodes State College or its governing body who is the delegated authority for hearing/resolving a grievance at a specified level of the grievance process.

11.4 Exclusions

Excluded from the procedures for the informal and formal grievance process are grievances concerning:

- A. **Policies and Procedures of General Applicability**
Grievances may not be used to challenge the language of the policies or procedures that have been approved by the Board of Trustees.
- B. **Disciplinary Decisions**
Disciplinary decisions are excluded from the Student Grievance Procedure, since there is another College procedure administered and used for the matter being grieved. Grievances do not include matters, such as appeals on misconduct decisions, which have been determined through procedures prescribed in the Student Code of Conduct (10.22)
- C. **Matters Unrelated to the College**
Claims against an employee on matters that are unrelated to the employee's position or role at the College.

11.5 Resolution Procedures

When a student feels that he/she has a grievance, he/she can within sixty (60) calendar days of the occurrence, attempt to resolve it through an informal resolution and/or formal resolution process. The student can seek redress first through an informal resolution. If the student(s) feels, after the informal resolution process, that the issue has not been resolved, he/she may move to the formal resolution process.

- A. **Informal Resolution**
The following is a list of procedures that accompany an informal resolution:
 1. The grievant should first discuss the issue with the person(s) responsible for the action or decision being grieved and/or persons with immediate supervisory responsibility related to the grievance, if feasible.
 2. Informal Resolution is not required in cases where the grievant believes that efforts at informal resolution may result in retaliation or other unfair treatment. The parties may also confer with the Dean of Student Development Education about the use of mediation as part of an informal resolution.
- B. **Formal Resolution Level 1 - Filing of and Response to Grievance**
If an informal resolution is not successful, the student may pursue a formal resolution. Level 1 Procedures for Formal Resolution shall require a filing of a formal grievance and a response from the person(s) alleged to be responsible for the grievance.

1. A formal written grievance may be filed by the grievant with the Dean of Student Development Education.
2. The student should obtain an official grievance form available in the office of the Dean of Student Development Education.
3. The written grievance shall include the following information:
 - a. Student grievant's name and address;
 - b. A concise statement of the nature of the event(s) being grieved;
 - c. Date of alleged violation;
 - d. Names and office, department, or division of persons responsible for the alleged violation (where known);
 - e. Statement of action previously taken to resolve the issue and results of these actions;
 - f. Requested disposition desired by the student.
4. The grievant may request assistance from or any other individual, group, or organization in the preparation and filing of the grievance form;
5. Within ten (10) working days the Dean of Student Development Education will notify the person alleged to have caused the grievance, and submit to him/her, a copy of the written grievance;
6. Within ten (10) working days following receipt of the grievance notification, or within a time limit mutually agreed upon by both parties, the person alleged to have caused the grievance, shall submit a written grievance response to the grievant and the Dean of Student Development Education. Such an answer shall:
 - a. Confirm or deny each fact alleged in the grievance;
 - b. Indicate the extent to which he/she believes the grievance has merit
 - c. Indicate acceptance or rejection of any desired redress or action specified by the grievant, or outline an alternative proposal for redress.
7. If the person alleged to have caused the grievance does not respond to the grievance, the Dean of Student Development Education shall determine the appropriate level for formal grievance processing and refer the grievance to the appropriate hearing officer. In the case of non-response, the Coordinator shall forward a notice of non-response to the supervisor of the non-responder, the grievant, and the appropriate hearing officer at the next level.
8. The institution will within ten (10) working days from receipt of the response, send a written notice to the grievant of the grievance decision.
9. If the grievant rejects the Level 1 hearing decision, he/she shall, within five (5) working days of the receipt of the decision, notify the Dean of Student Development Education in writing of his/her intent to appeal the grievance to Level 2.
10. If no notification is received by the Dean of Student Development Education within this time period, any corrective action specified in the Level 1 hearing shall be taken, and the grievance shall be recorded as closed by the Coordinator.

C. Formal Resolution Level 2 - Grievance Hearing

If a grievant rejects the Level 1 Grievance Decision he/she has the right to appeal. An appeal requires the grievant to submit a written rejection of the Level 1 Grievance Decision and request to pursue a Level 2 Grievance Hearing. The following procedures will apply to the Level 2 Hearing:

1. A Level 2 Hearing shall be held within ten (10) days of receipt of the grievant's appeal of the Level 1 Grievance decision by the Dean of Student Development Education. The Dean shall arrange the date, time, and place for the hearing and notify the grievant, respondent, and hearing officer of the arrangements.

2. The hearing officer serving in all Level 2 Grievance activities shall be a principal administrative officer of the College to be appointed by the President. The hearing officer may take testimony; receive evidence; provide other affected persons opportunity to submit written statements and make or receive offers of settlement, stipulations, and adjustments as deemed appropriate.
3. Persons present at the hearing, in addition to the grievant, respondent, and hearing officer, shall include any representative(s) of the grievant or respondent, any individual requested by either party to provide testimony at the hearing, the administrative assistant of the Dean of Student Development Education, who shall act as moderator and recorder, and the Dean of Student Development Education who shall attend the meeting to assist all parties and to assure a fair and equitable hearing.
4. Both the grievant and the respondent shall present their case during the Level 2 Hearing and have the right to present witnesses as they deem necessary. Both the grievant and the respondent shall have the right to ask questions of the witnesses and/or any person participating in the hearing. Formal rules of evidence shall not be applied.
5. After reviewing the case, and within ten (10) working days of the Level 2 Grievance Hearing, officer shall issue a written grievance decision which includes a statement regarding the validity of the grievance allegation and a specification of any corrective action to be taken. Copies of the decision shall be forwarded to the grievant, person responsible for the alleged action, and Dean of Student Development Education.
6. If the grievant rejects the Level 2 Hearing decision, he/she shall, within five (5) working days of the receipt of the decision, notify the Dean of Student Development Education in writing of his/her intent to appeal the grievance to Level 3 of the Formal Resolution process.
7. If no notification is received by the Dean of Student Development Education within this time period, any corrective action specified in the Level 2 Hearing shall be taken, and the grievance shall be recorded as closed by the Dean.

D. Formal Resolution – Level 3

If a grievant rejects the Level 2 Grievance Decision he/she has the right to appeal. An appeal requires the grievant to submit a written rejection of the Level 1 Grievance Decision and request to pursue a Level 3 Grievance Hearing. The following procedures will apply to the Level 3 Hearing:

1. A Level 3 Hearing shall be held within ten (10) days of receipt of the grievant's appeal of the Level 1 Grievance decision by the Dean of Student Development Education. The Dean shall arrange the date, time, and place for the hearing and notify the grievant, respondent, and hearing officer of the arrangements.
2. The hearing officer for the Level 3 Grievance activities shall be the President of Rhodes State College. The hearing officer may take testimony; receive evidence; provide other affected persons opportunity to submit written statements and make or receive offers of settlement, stipulations, and adjustments as deemed appropriate.
3. Persons present at the hearing, in addition to the grievant, respondent, and hearing officer, shall include any representative(s) of the grievant or respondent, any individual requested by either party to provide testimony at the hearing, the administrative assistant of the Dean of Student Development Education, who shall act as moderator and recorder, and the Dean of Student Development Education who shall attend the meeting to assist all parties and to assure a fair and equitable hearing.
4. Both the grievant and the respondent shall present their case during the Level 2 Hearing and have the right to present witnesses as they deem necessary. Both the grievant and the respondent shall have the right to ask questions of the witnesses and/or any person participating in the hearing. Formal rules of evidence shall not be applied.
5. After reviewing the case, and within ten (10) working days of the Level 2 Grievance Hearing, officer shall issue a written grievance decision which includes a statement regarding the validity of the grievance allegation and a specification of any corrective action to be taken.

Copies of the decision shall be forwarded to the grievant, person responsible for the alleged action, and Dean of Student Development Education.

6. The President of the College or designee shall be the final level of resolution. The decision of the President or designee shall be final.



General Provisions

11.6 Notification of Rights of Appeal

Upon receipt of the grievance decision from the Level 1 or 2 hearing officer, the Dean of Student Development Education shall make written notification to the grievant of his/her right to appeal and of the procedure and deadline for submission of such appeal.

11.7 Time Calculations and Extensions

Any time limits set by this procedure may be extended by mutual agreement of the grievant(s) and the College. The sixty (60) day time limit may be extended by the appropriate Vice President with jurisdiction over the grievance, if the grievant makes the request for an extension for good cause shown.

11.8 Right to Information

The grievant(s) may request information and records which are in the possession of Rhodes State College and which may bear upon the validity of the grievance. If the requested information requires an unreasonable cost to the College, the request will be refused. In order to protect the privacy of persons not directly involved in the grievance, the College reserves the right to expunge names and any identifying information not directly relevant to the substance of the grievance from any information or records supplied to the grievant. In general, materials, relating to the grievance are confidential and may be made available, pursuant to the Family Education and Privacy Act (**FERPA 20 U.S.C. §1232g, et.seq.**) guidelines and standards.

11.9 Right to Representation and Assistance

- A. The grievant(s) has the right to be accompanied by knowledgeable persons, organizations, or groups of his/her selection at any point during initiating, filing, or processing of the grievance.
- B. The student will be allowed to have witnesses and/or a non-legal person with him or her during the hearings conducted at Level 2 and 3 of the formal grievance process.
- C. The College shall provide assistance through the grievant which will be limited to, consultation and assistance in the interpretation of relevant information and the use of this grievance procedure.
- D. The existence of this procedure does not prevent a grievant(s) from also filing claims in other forums to the extent permitted by State or Federal law.

11.10 Duration of Hearings

The duration of any grievance hearing shall be of such length as to allow both the grievant and the respondent adequate time to present their cases and question identified witnesses. Each level of formal resolution shall be adjudicated to finality even if the aggrieved is no longer a student at the time of the proceeding.

11.11 Maintenance and Confidentiality of Grievance Records

- A. Level 2 and Level 3 grievance hearings shall be recorded on recording devices supplied by the college.
 1. Recordings shall be made available to grievant(s) and the accused at their request.
 2. Recordings shall be maintained for a period of three years after resolution of the grievance.
- B. Records shall be maintained in the Office of the Dean of Student Development Education of each grievance. These records shall include but not limited to the following:

1. Name of the grievant and his/her position in the College;
 2. Date of the grievance filing;
 3. Specific allegation made in the grievance and any corrective action requested;
 4. Names of persons responsible for the alleged action or decision;
 5. Levels of processing and the resolution, date, and hearing officer(s) at each level;
 6. Summary of major points, facts, and evidence presented by each party to the grievance; and
 7. Statement of the final resolution and the nature and date of any corrective action taken. Such records shall be maintained on a confidential basis unless otherwise specified by the grievant.
- C. In general, materials, relating to a grievance are confidential and may be made available, pursuant to the Family Education and Privacy Act (**FERPA 20 U.S.C. §1232g. et. seq.**) guidelines and standards, only to those who have a valid need to know. A written notice of the decision will be provided to the grievant and the accused.
- D. For purposes of the dissemination of grievance precedents, separate file records shall be kept which indicate only the subject matter of each grievance; resolution of each grievance; and the date of resolution. These records shall not refer to any specific individuals and they shall be open to public inspection.
- E. All written grievance records shall be maintained for a minimum period of three years after the grievance resolution.

11.12 Retaliation

- A. No person shall be subject to dismissal, suspension, discipline, intimidation, harassment, or any form of discrimination for having utilized or having assisted others in the utilization of the grievance process.
- B. No record of the grievance shall be entered in the personal file of any student.

11.13 Role of the Dean of Student Development Education

It is the primary responsibility of the Dean of Student Development Education to ensure the effective installation, maintenance, processing, recordkeeping, and notification required by the grievance procedure. The Dean of Student Development Education also serves as the Title IX, Section 504/ADA Compliance Officer

11.14 Role of the Title IX, Section 504/ADA Compliance Officer

It is the primary responsibility of the Title IX, Section 504/ADA Compliance Officer to receive all student complaints regarding discrimination based on race, color, national origin, sex, or handicap, and sexual harassment and to notify the College's legal counsel to ensure effective processing of those complaints.

11.15 Modifications from Procedure

A student and hearing officer may agree in advance to minor modifications from procedure. Such deviations are not then subject to appeal. Minor modifications are acceptable as long as such modifications are for good cause and are not found to be unreasonably harmful to the student or violate due process rights, policies and rules of Rhodes State College.