

RHODES STATE COLLEGE STUDENT COMPLAINT/GRIEVANCE POLICY

Policy 11.1
BOT 12-15-15
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Applies to: Students

I. Purpose

The purpose of the Rhodes State College Student Complaint/Grievance Policy is to provide guidance for students, faculty, and staff to work together in resolving student claims that their rights under College policy have been violated.

II. Policy

Rhodes State College shall provide a designated procedure to address a student's claim that his/her rights, as set forth in College policies or procedures have been adversely affected by a College decision or action. No retaliation of any kind shall be taken against a student for participation in a complaint or grievance.

III. Definitions

As used in the Student Complaint/Grievance Policy and procedures, the following terms and definitions apply:

A. Appeal

A request for reconsideration of a grievance application of a policy or procedure.

B. College

Rhodes State College or one of its divisions, departments, or operating units.

C. Complaint

A student's verbal claim alleging that his/her rights or benefits have been adversely affected by a College employee's decision or action. A complaint may constitute a grievance if it is not resolved and if the complaint falls within the definition of a grievance.

D. Grievance

A student's written claim alleging that his/her rights or benefits have been adversely affected by a College employee's decision or action.

E. Grievant

A student, enrolled at Rhodes State College at the time of the alleged action, who submits a grievance. The person filing the grievance must be the alleged victim of unfair treatment; the grievance cannot be filed on behalf of another person.

F. Hearing Officer

The College representative(s) delegated with the authority to investigate or to establish a procedure for investigation in all formal student grievances. The Hearing Officer shall be designated by the President in collaboration with the Vice President for Student Affairs.

G. Respondent

The person(s) alleged to be responsible for the grieved action or decision.

H. Retaliation

Retribution taken against a student for participating in a complaint or grievance.

IV. Policy Details

A. Complainable/Grievable Matter

Student complaints and grievances are limited to matters that:

1. Adversely affect the student in a personal or academic capacity; and
2. Involve a misapplication or misinterpretation of College policy, procedure, rule or regulation.

B. Exclusions

The following matters may not be the basis for a complaint or grievance:

1. **Policies and Procedures of General Applicability**
Complaints and Grievances may not be used to challenge the language of the College policies or procedures that have been approved by the Board of Trustees.
2. **Disciplinary Decisions**
Student disciplinary decisions are excluded since there is a separate College procedure administered for these matters which have been determined and prescribed through the Student Code of Conduct (**Policy 10.1**).
3. **Matters Unrelated to the College**
Claims against an employee on matters that are unrelated to the employee's position or role at the College.
4. **Matters Covered by College Policy**

College Policy covers behaviors related to discrimination, sexual harassment, sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, relationship violence, stalking, and retaliation.

5. Grade Appeal

Grade appeal decisions are excluded since there is a separate College procedure administered for these matters which have been determined and prescribed through the Grade Appeal Policy.

C. 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**).

V. Student Complaint/Grievance Resolution Procedure

The following procedures will be used by enrolled students of the college for the resolution of complaints/grievances against decisions or actions made by the College's employees. The person filing the complaint/grievance must be the alleged victim. A complaint/grievance may not be filed on behalf of another person.

It is the intent of these procedures to encourage students to have decisions reconsidered in the unit where they arise before filing a complaint or grievance.

A. Time Limits

Any complaint/grievance must be initiated within thirty (30) calendar days from the decision, action or occurrence forming the basis of the complaint/grievance.

B. Informal Resolution Procedure

Before submitting a written grievance, the student should first attempt to resolve the issue with the person(s) responsible for the action or decision by making a complaint.

1. Informal Discussion

- a. The student shall first discuss the issue with the person(s) who may be responsible in an effort to resolve the matter.
- b. If the complaint is resolved satisfactorily between the two parties, the matter is considered closed.

2. Administrator/Supervisor Review

- a. If the complaint is not resolved between the two parties, the student may request an informal review with the administrator(s) who directly supervises the respondent involved.
- b. The Administrator/Supervisor may choose to convene the parties involved in an effort to resolve the complaint.
- c. If the complaint is not resolved during the informal procedure, the student may initiate the formal resolution procedure set forth in section V.C.

C. Formal Resolution Procedure

1. Written Grievance

- a. The formal resolution procedure begins when a written grievance is submitted by the student to the Vice President for Student Affairs. The student shall submit a written grievance that includes:

- 1) Student grievant's name and address;
- 2) Identification of the College policy, procedure, regulation, and/or rule misapplied or misinterpreted;
- 3) Statement as to how the decision or action has adversely affected the grievant;
- 4) Names and programs/offices against whom the grievance claim is filed; and
- 5) Student grievant's requested resolution.

NOTE: Failure to submit a properly completed written grievance, including failure to identify a College policy, procedure, regulation, or rule misapplied or misinterpreted, may result in the grievance being summarily dismissed at the sole discretion of the Vice President for Student Affairs.

- b. Within ten (10) calendar days from receipt of the written grievance, the Vice President for Student Affairs shall notify the respondent and provide him/her with a copy of the written grievance.
- c. Within ten (10) calendar days of receipt of the grievance notification, the respondent shall submit to the Vice President for Student Affairs, a written response, which shall:
 - 1) Confirm or deny each fact alleged in the grievance;
 - 2) Indicate the extent to which the grievance has merit; and
 - 3) Determine acceptance or rejection of any desired resolution specified by the grievant or outline an alternative resolution.
- d. Within ten (10) calendar days of the receipt of the response from the respondent, the Vice President for Student Affairs shall call together the Grievance Review Panel unless the respondent accepts the desired resolution in which case the written grievance will be considered closed.

2. College Grievance Review Panel

The College Grievance Review Panel is responsible to review the facts and circumstances of the grievance. The review panel roles and membership include:

a. Hearing Officer Role

The Hearing Officer shall investigate or establish procedures for investigation in all grievances and serves as a review panel ex-officio member without the authority to vote.

b. Panel Chair Role

The Panel Chair shall manage the Grievance Review Panel Hearing and coordinate the writing and submission of the report to the Vice President for Student Affairs. The Panel Chair only votes in the case of a tie.

c. Panel Membership

- 1) The College Grievance Review Panel membership includes:
 - a) One (1) or two (2) faculty members recommended to the Vice President for Student Affairs by the Vice President for Academic Affairs;
 - b) One (1) or two (2) professional or administrative staff members assigned to Student Affairs and appointed by the Vice President for Student Affairs; and
 - c) One (1) or two (2) Rhodes State College students appointed by a Rhodes State Student Government Association (SGA) officer or, when the SGA is not functioning, appointed by the Vice President for Student Affairs. To be eligible for appointment, a student must possess a minimum 2.50 cumulative grade point average, be under no current disciplinary sanction and in good standing with the college.

3. Notice of Hearing – Grievance Review Panel Hearing

- a.** In the event of a hearing, the student grievant and respondent shall receive a written notice. The notice may be hand delivered or mailed to the last known address of the student and respondent, either by certified mail or first class mail, no fewer than ten (10) calendar days prior to the hearing. The notice will include the date, time and location of the hearing; information on the hearing procedures; and a copy or location of the Student Grievance Policy.
- b.** The student grievant or respondent may request a postponement of the scheduled hearing for good cause. A request must be made in writing, include supporting rationale, and be received by the office of the Vice President for Student Affairs at least two (2) calendar days before the scheduled hearing. The Vice President for Student

Affairs is responsible for ruling on the request. The Vice President for Student Affairs will notify the grievant and respondent of the ruling prior to the scheduled hearing.

4. Hearing Procedures – Grievance Review Panel

Hearings are conducted in order to review the facts and circumstances of the grievance. Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness the following procedures will apply:

a. Case File Review

Unless otherwise precluded by the Family Educational Rights and Privacy Act (FERPA) and accompanying regulations, or other laws, the student grievant or respondent may review statements and other documentation relative to the grievance by sending a written request to the Vice President for Student Affairs at least three (3) calendar days prior to the scheduled hearing date.

b. Attendance of Respondent

Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the grievant and respondent are expected to attend and participate at the hearing. If the grievant or respondent choose not to attend the hearing, he/she will be deemed to have waived the right to personally appear, the grievance will be reviewed as scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a grievant or respondent for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the grievant or respondent to attend the hearing or answer the grievance.

c. Attendance Limitations

Attendance at hearings is limited to those with information relative to the grievance or those requested to attend by the grievant, respondent, or Grievance Review Panel Chair. The Chair will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.

d. Advisor

The student grievant, respondent and/or the College may have an advisor present at the hearing. The advisor may only counsel the grievant, respondent and/or the College and may not actively participate in the hearing, unless clarification is needed as determined by the Grievance Review Panel Chair.

e. **Witnesses and Supporting Documentation**

- 1) The student grievant, respondent and/or the College may submit notarized written statements, absent other clear evidence of authenticity; may invite relevant witnesses to attend, may ask questions of witnesses called by others, and will be notified of potential witnesses to be called.
- 2) Witnesses shall not attend the entire hearing, but will be called to present information by the Grievance Review Panel Chair at the appropriate time.
- 3) Pertinent records and supporting documentation may be accepted as information for consideration by the Grievance Review Panel at the discretion of the Panel Chair.
- 4) The Panel Chair may accommodate concerns for the personal safety, well-being, and/or fears of confrontation during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, videoconferencing, videotape, and other means, where and as determined by the Vice President for Student Affairs to be acceptable.

f. **Consultants**

- 1) In cases requiring special expertise, the Vice President for Student Affairs may appoint individuals with relevant expertise to serve as consultants to the Grievance Review Panel.
- 2) The consultants may be present and provide information as called upon during the hearing, but will not vote.

g. **Grievance Review Panel Quorum**

- 1) A quorum of the Grievance Review Panel must be present to conduct a hearing, unless the grievant and respondent waive the quorum requirement in writing. A quorum for a hearing shall be no fewer than three (3) voting panel members and shall include no less than one (1) student member.
- 2) At the conclusion of the hearing, the panel members shall determine by a majority vote whether the grievance is substantiated.
- 3) In the event of a tie vote regarding the grievance, the Panel will continue to deliberate with regard to the grievance. If

the Panel determines that exhaustive deliberations have occurred and a majority vote cannot be reached regarding the grievance, the respondent will be found not in violation of the policy for which the majority vote could not be reached.

h. Written Record

At the conclusion of the hearing, the Panel Chair will submit a written record of the Panel's decision to the Vice President for Student Affairs within ten (10) calendar days.

i. Notification of Decision

No more than thirty (30) calendar days after the receipt of the written record of the Panel's decision the Vice President for Student Affairs shall notify the grievant and respondent of the panel's decision. The letter shall inform the grievant and respondent of his/her right to appeal the Panel's decision.

5. Appeal of Grievance Review Panel Hearing's Decision

a. Within ten (10) calendar days after receipt of the Panel's decision, the grievant or respondent may appeal the Grievance Review Panel Hearing's decision by submitting a written notice to the Vice President for Student Affairs. Appeals received more than ten (10) calendar days after receipt or attempted delivery of the Panel's decision may be dismissed.

b. The written notice of appeal must include:

- 1) A brief statement of the grounds for the appeal, based on errors of fact or procedure;
- 2) Be signed and dated; and
- 3) A copy of the decision being appealed.

c. The Vice President for Student Affairs shall, within ten (10) calendar days, review the appeal, may choose to meet with the grievant and/or respondent, and respond in writing to all parties concerning the disposition of the appeal.

d. The Vice President for Student Affairs' appeal decision is final.

D. Access to Grievance Records

The grievant(s) or respondent may request information and records which are in the possession of Rhodes State College and which may bear upon the validity of the grievance. Consistent with state and federal law, and relevant College policies, the College may charge the requester for costs associated with the request including

but not limited to costs for copying. 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 information or records supplied to the grievant or respondent. In general, materials relating to the grievance are confidential and may be made available, pursuant to the Family Educational Rights and Privacy Act (**FERPA 20 U.S.C. §1232g. et. seq.**) and accompanying regulations.

E. Maintenance and Confidentiality of Grievance Records

All persons involved in the complaint/grievance procedure are expected to maintain confidentiality. State and federal laws govern the privacy rights of students. Any questions about the disclosure of information should be directed to the Vice President for Student Affairs. Grievance documents shall be maintained in the Office of the Vice President for Student Affairs.