

Student Complaint & Grievance Procedure, 4.06(a)**Chapter 4: Student****Responsible Office: Enrollment Management & Student Affairs**

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.

I. 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.

II. 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 III.

III. Formal Resolution Procedure:**a. Written Grievance:**

- i. The formal resolution procedure begins when a written grievance is submitted to the Vice President for Enrollment Management & Student Affairs (VPEMSA). The student shall submit a written grievance that includes:

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

II. Written grievances will be submitted through the College's Student Complaint & Grievance tracking system at this URL:

https://cm.maxient.com/reportingform.php?RhodesStateCollege&layout_id=7

- b. Within ten (10) calendar days from the receipt of the written grievance, the VPMSA 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 VPMSA, a written response, which shall:
 - i. Confirm or deny each fact alleged in the grievance;
 - ii. Indicate the extent to which the grievance has merit; and
 - iii. 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 from the respondent, the VPMSA shall call together the Grievance Review Panel unless the respondent accepts the desired resolution in which the written grievance will be considered closed.

IV. 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 VPMSA. The Panel Chair only votes in the case of a tie.
- c. **Panel Membership:**
 - i. **The College Review Panel membership includes:**
 - 1. One (1) or two (2) faculty members recommended to VPMSA by the Vice President for Academic Affairs (VPAA);
 - 2. One (1) or two (2) professional or administrative staff members assigned to Enrollment Management & Student Affairs and appointed by the VPMSA; and
 - 3. 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 VPMSA. 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.

V. 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 Complaint & 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 VPEMSA at least two (2) calendar days before the scheduled hearing. The VPEMSA is responsible for ruling on the request. The VPEMSA will notify the grievant and respondent of the ruling prior to the scheduled hearing.

VI. Hearing Procedures – Grievance Review Panel:

- a. **Case Review File:** 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 VPEMSA 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:**
 - i. 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.
 - ii. Witnesses shall not attend the entire hearing, but will be called to present information by the Grievance Review Panel Chair at the appropriate time.
 - iii. Pertinent records and supporting documentation may be accepted as information for consideration by the Grievance Review Panel at the discretion of the Panel Chair.
 - iv. 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 VPEMSA to be acceptable.
- f. **Consultants:**
 - a. In cases requiring special expertise, the VPEMSA may appoint individuals with relevant expertise to serve as consultants to the Grievance Review

Panel.

- b. The consultants may be present and provide information as called upon during the hearing, but will not vote.

g. Grievance Review Panel Quorum:

- a. 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.
- b. At the conclusion of the hearing, the panel members shall determine by a majority vote whether the grievance is substantiated.
- c. 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 VPEMSA 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 VPEMSA 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.

VII. 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 VPEMSA. Appeals received more than ten (10) calendar days after receipt or attempted delivery of the Panel's decision may be dismissed.
- 1. The written notice of appeal must include:
 - a. A brief statement of the grounds for the appeal, based on errors of fact or procedure;
 - b. Be signed and dated; and
 - c. A copy of the decision being appealed.
- b. The VPEMSA 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.
- c. The VPEMSA's appeal decision is final.

VIII. 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.

IX. 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 VPEMSA. Grievance documents shall be maintained in the Office of the VPEMSA.

Related Policies or Procedures:

[Advance Ohio Higher Education Act Policy](#) and [Procedure](#)

[Anti-Hazing Policy](#)

[Free Speech Policy](#) and [Procedure](#)

[Racial, Religious, and Ethnic Harassment and Intimidation Policy](#) and [Procedure](#)

[Sexual Harassment, Discrimination, and Sexual Misconduct Policy](#) and [Procedure](#)

[Student Code of Conduct Policy](#)

History:

	Date:	Reason:
Issued:	05/17/2005	Original issue date
Revised:	12/15/2015	

This policy and / or procedure provides operating principles for Human Resources issues at Rhodes State College. It supersedes any prior policy covering specific subject. This policy and / or procedure may be suspended, modified or cancelled as determined by the College. This policy and / or procedure does not create a contract of employment, nor is it a condition of employment between the College and its employees.