

Student Grievance Policy TA (6/10/08)

Student Grievance Policy and Procedure

The grievance process is used when the Issues Resolution Process has not brought about a satisfactory conclusion to a concern about a policy or procedure the student believes is fundamentally unfair. In addition, complaints of discrimination can be resolved through the grievance process if they cannot be addressed through the Issues Resolution Process. It is intended that the grievance procedures provide a problem-solving atmosphere which emphasizes “resolution” and reflects the best interests of the grievant and the College.

Definitions

Student: A student is defined as any person applying to the College or currently enrolled in any course at any campus location and/or online, including high school students applying to DCCC programs or currently enrolled in DCCC coursework at any campus location and/or online.

Grievance: A grievance is defined as a complaint or dispute of a student regarding the College with respect to the following:

- a. The interpretation and application of the policies and regulations of the College or the North Carolina Community College System in areas such as grading, attendance, and instructional quality.
- b. Acts of reprisal as a result of utilization of the grievance procedure.
- c. Complaints of discrimination on the basis of the protected rights of race, color, creed, political affiliation, age, disability, national origin, or gender.
- d. Acts of malicious intent to violate the constitutional rights of individuals.

Student Grievance Process

It is assumed that most student concerns or complaints can be resolved informally through communication between the student and appropriate College personnel through the Issues Resolution Process. Recognizing that grievances should be raised and settled promptly, a grievance should be raised within fifteen (15) work days (a work day is defined as any day the College is in operation as specified in the College calendar) following the event giving rise to the grievance.

Level One

The student should meet with, as a first step, the College employee with whom the student has a complaint or dispute. In a situation where the grievance does not concern a specific employee, the student should contact the College employee with administrative responsibility for the policy, procedure, or regulation. Every reasonable effort should be made to resolve the matter informally. Should that not be possible, the student should contact the College Grievance Officer for assistance with filing a formal complaint (Level Two). The College Grievance Officer serves to:

1. help provide information on the proper procedures associated with filing and resolving grievances,

2. help individuals identify specific issues involved in grievance complaints, and
3. assist in developing approaches, including written grievances, for individuals to pursue their grievances within the spirit and intent of the Student Grievance Policy and Procedure.

Level Two

If the grievance cannot be resolved through the process discussed in Level One, the student, should contact the College Grievance Officer for assistance with filing a written grievance. The written grievance must be submitted to the College employee's vice president, dean, or executive director within 10 work days following the meeting with College employee. The written grievance shall identify:

- a. the name of the aggrieved student,
- b. the name and position of the party or parties against whom the grievance is filed,
- c. the date of filing,
- d. a concise statement of the nature of the grievance,
- e. the stated rule, policy, procedure, or regulation which the College has allegedly misapplied or misinterpreted,
- f. how it was misapplied or misinterpreted, and
- g. the specific redress being sought by the student.

After receiving the written grievance, the appropriate administrator will schedule a hearing with the student and the College employee. The student and College employee may each, if they choose, be accompanied at the meeting by legal counsel. The administrator may be assisted at the meeting by someone designated by the President, including the College attorney. At the hearing, the student will be allowed to make a statement regarding his or her grievance, ask questions of the College employee, and present any documentary evidence he or she wishes, including signed written statements from other parties. The College employee, likewise, will be allowed to make a statement regarding the grievance, ask questions of the student, and present any documentary evidence he or she wishes, including signed written statements from other parties. The student and College employee may present evidence through witness testimony. The hearing may be adjourned and rescheduled at the discretion of the administrator, and the administrator reserves the right to set limitations as to the length of the hearing. Within ten workdays of the hearing, the administrator will provide a written decision on the grievance to the student and the College employee. Whenever the College employee is a vice president, dean, or executive director, the President will designate some other member of the administration to receive and hear the Level Two grievance. All documents considered at the hearing, along with a taped recording of the hearing shall constitute the record of the Level Two grievance.

Level Three

If the student is not satisfied with the decision of the administrator at Level Two, the student may appeal that decision for review by the President. The appeal shall be in writing and delivered to the President within 5 workdays of the grievant's receipt of the administrator's written decision from Level Two. The appeal shall include the written grievance described in Level Two, the administrator's written decision, and a concise explanation of the basis of the appeal. The

President's review shall be on the basis of written materials provided by the student and the administrator who presided at Level Two. The President, in his or her discretion, shall set a date by which all written materials must be submitted. Each party shall have an opportunity to review materials submitted by the other party and to submit comments in writing for purposes of illuminating or clarifying information contained in the record from Level Two. The President, at his or her discretion, may request both parties to present oral statements, or may request additional written information from either or both parties. The President's decision is final and shall be made in writing within 15 workdays after the hearing or, in the absence of a hearing, after the designated date for receiving all information for consideration at Level Three.

GENERAL PROVISIONS

Time Periods and Limitations

Reasonable efforts shall be made by all parties to expedite the grievance process. A time limitation specified for either party may be extended by mutual agreement. If there is no mutual written agreement to extend the time limits, and if a decision at one level is not appealed by the student to the next level of the procedure within the time limits specified, the right of the student to further appeal is terminated.