



College of The Albemarle Procedure

Procedure Number: 4-22.1P

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Title: Student Grievance

Related Policy: 2-26: Unlawful Harassment, 2-37: Sexual Misconduct, 3-21: Grading, Grade Reporting and Grade Appeal, 3-23: Academic Progress, 3-26: Disability Support Services, 4-02: Civil Rights/Nondiscrimination, and 4-13: Student Code of Conduct

Division of Responsibility: Student Success and Enrollment Management

Policy Number: 4-22

College of The Albemarle acknowledges students have the right to a fair and balanced system for initiating general complaints or grievances relating to decisions made or actions taken by a college employee that involves misapplication of the college's policies, procedures, or regulations.

To affirm its commitment to promoting a fair and balanced system for student complaint and grievance resolution, the College publishes procedures to guarantee a prompt, reasonable, and impartial process for addressing informal complaints and written grievances. In addition, the College maintains a record of student complaints.

February 9, 2020

Date Approved by Board of Trustees

Date of Last Review

Date of Last Revision

Administrative Responsibilities

It is the responsibility of the Vice President of Student Success and Enrollment Management in conjunction with the Enrollment Management Team to review and revise this procedure.

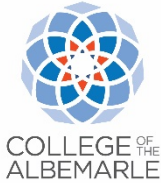
PROCEDURES

I. PURPOSE

The purpose of the student grievance procedure is to provide students a fair and balanced system for initiating general complaints or grievances relating to decisions made or actions taken by a college employee that involves misapplication of the college's policies, procedures, or regulations.

This procedure may not be used for the following instances:

1. Discrimination or harassment, including sexual harassment and violence or any Title IX related offenses (see COA Policy 2-37)



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2. Discrimination because of race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender, veteran status, pregnancy, childbirth, other categories protected by applicable law (See COA Policy 4-2)
3. Instructional or academic matters such as grade appeals (see COA Policy 3-21)
4. Claims against a college employee for any matter unrelated to the employee's role or position at the college
5. Decisions in which other grievance or appeal procedures exist (e.g., appeals for disciplinary cases, residency and financial aid, FERPA grievances, transfer credit evaluations)

II. DEFINITIONS

The following definitions shall apply to this procedure.

- a. **Approved Method of Notification** – Any communication from college personnel through a communication channel to which the student has consented or which confirms receipt of the communication by the student, such as a hand-delivered letter, restricted mail delivery services, or email. A student who communicates with the college via email or otherwise provides an email address in connection with communications relating to a grievance thereby consents to the service of documents and all other correspondence associated with the grievance by email, and the date and time of such email(s) shall be deemed the date and time of service.
- b. **College** - College of The Albemarle
- c. **Informal Complaint** - An attempt initiated by the student to resolve the complaint with the college employee prior to filing a formal written grievance. Informal resolution is not a requirement.
- d. **Informal Resolution** – A resolution reached due to an informal meeting or discussion between the student and employee.
- e. **Written Student Complaint** - is any complaint which:
 - is submitted by a COA student electronically via the online [Student Complaint Form](#) or in writing to the VP of Student Success and Enrollment Management.
 - documents the student's concern that a COA employee has misapplied or misinterpreted any college policy, procedure or regulation
 - is submitted before the expiration of any applicable deadlines



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III. GRIEVANCE PROCESS

A. Initiating an Informal Complaint

This procedure must be initiated by the student within ten (10) calendar days of becoming aware of the decision, action or event giving rise to the complaint. Students are encouraged to informally resolve an alleged complaint with a college employee. In many instances, college personnel may be able to resolve issues without a formal procedure. Informal resolution is not a requirement.

B. Filing a Written Grievance

Students may proceed with the written grievance without seeking informal resolution within ten (10) calendar days of the action(s) giving rise to the complaint. The formal student grievance process is not initiated until the student submits the written complaint.

Written grievances should be submitted via the [Student Complaint Form](#) or in writing according to the definition listed above. Written grievances will be reviewed and forwarded to the appropriate department/supervisor. The written complaint should describe the decision or action that is being grieved, the date of the decision or action, and the college employee(s) involved in the decision or action.

1. Written complaints about alleged discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender, veteran status, pregnancy, childbirth, other categories protected by applicable law and written complaints about alleged sexual harassment or violence shall be submitted in accordance to the COA Civil Rights/Nondiscrimination Policy 2-2, Unlawful Harassment Policy 2-26 and Title IX Policy 2-37.

Written complaints about decisions and actions not related to discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender, veteran status, pregnancy, childbirth, other categories protected by applicable law or sexual harassment shall be submitted to the Vice President of Student Success and Enrollment Management.

C. Preliminary Investigation and Findings

Formal complaints submitted via the Student Complaint Form or in writing will be forwarded to the immediate supervisor of the employee named in the complaint no later than two (2) calendar days after the complaint has been received.



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The student submitting the written complaint will receive written acknowledgement via the student's college email account no later than three (3) calendar days after submitting the written complaint.

In an effort to resolve the matter, the supervisor will consult, as needed, with the employee named in the complaint, the student filing the complaint, the Vice President of the division or other area concerned, and any other parties relevant to the resolution of the complaint.

D. Notification of Results

The supervisor shall respond in writing to the student within ten (10) calendar days of receipt of the complaint. The response, sent through an approved method of notification, shall include a summary of findings and, as needed, propose the steps that shall be taken to resolve the complaint. If the student does not agree with the proposed resolution, the student may request to have the complaint heard by the Student Grievance Committee.

IV. GRIEVANCE APPEALS

A. Request a Hearing

A student who does not agree with the proposed resolution must submit a written request for a Grievance Hearing to the Vice President of Student Success and Enrollment Management within three (3) calendar days after receiving the supervisor's response.

In the event, the student does not submit the written request for a hearing within three (3) calendar days after receiving the supervisor's written response, and the student can demonstrate that extenuating circumstances resulted in the failure to meet this deadline, the Vice President for Student Success and Enrollment Management may proceed with a hearing. The request must be related to the original complaint, and include a statement describing why the supervisor's response was unsatisfactory.

Upon receipt of the written request, the Vice President of Student Success and Enrollment Management has two (2) calendar days to notify the College President about the need to convene a Student Grievance Committee. The Student Grievance Committee will hear specific complaints and a new committee may be formed each time a grievance covered by this procedure is submitted.



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B. Student Grievance Committee Members

The college President must approve all recommended members. The Committee shall be composed of the following:

1. Two students recommended by the governing body of the student body
2. One faculty member recommended by the Vice President of Learning
3. One Student Services staff member recommended by the Vice President of Student Success and Enrollment Management
4. One administrator, other than the Vice President of Student Success and Enrollment Management, to serve as the Committee's chairperson
5. The Vice President of Student Success and Enrollment Management, or designee, who serves as ex-officio, non-voting member of the committee.

C. Notice of Hearing

The Vice President of Student Success and Enrollment Management will notify Committee members, the student making the appeal, and the employee of the hearing date and time. The hearing shall be held within ten (10) calendar days following the date of the request except in unusual circumstances or with the consent of the student. The Committee Chair must be notified, in advance, if any party is unable to appear at the scheduled meeting for a valid reason and the hearing may be rescheduled within ten (10) calendar days of the date of the previously scheduled hearing.

The Vice President of Student Success and Enrollment Management or designee will send an approved method of notification to the student filing the complaint and the employee(s) named in the complaint at least five (5) calendar days before the scheduled hearing. The notification may include:

- a. a brief description of the complaint, including the name of the person filing the complaint
- b. the date, time, and location of the hearing
- c. the name of the person(s) who might be called as witnesses
- d. a list of the student's procedural rights. These rights follow:
 - i. The right to review all available evidence, documents or exhibits that each party may present at the hearing. This review must take place under the supervision of the Vice President of Student Success and Enrollment Management or designee.
 - ii. The right to appear before the Hearing Committee and to present information and additional evidence, subject to the Committee's judgment that the evidence is relevant to the hearing.



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- iii. The right to consult with counsel. This person serving as counsel may not address the committee, question the employee(s) named in the complaint, or any witnesses. The student will be responsible for paying any fees charged by the counsel.
- iv. The right to present witnesses who have information relating to the complaint. Witnesses will be dismissed after presenting the information and responding to questions posed by the Committee, the student filing the complaint, and the employee(s) named in the complaint.

D. Rules and Regulations

1. The employee against whom the grievance was filed has an opportunity to submit a response to the request for a hearing to the Committee prior to the hearing.
2. The Student Grievance Committee's hearing shall be conducted within ten (10) calendar days following the date of the request. If any party fails to appear at the scheduled hearing without a valid reason, the Committee may make its decision based upon any information received from parties or witnesses appearing at the hearing and/or the written documentation submitted prior to the hearing.
3. No one who has been involved in the investigation of the case or who may have some other interest in the case that may affect their impartiality shall serve on the Committee.

The Committee Chair shall preside over the hearing and shall:

- a. Determine who will be allowed to attend the hearing
- b. Establish the order in which both sides shall present their information and establish time frames
- c. Record the hearing (no other recording is permissible). The recording will be accessible only to the members of the Committee participating in the hearing, the Vice President for Student Success and Enrollment Management, and the President of the college. The deliberations and voting of the individual committee members will not be recorded.
- d. Report or select a committee member to report the committee's decision.



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- e. Decide whether to have an attorney present to advise the committee.
 - f. Decide on ways to enhance the orderly presentation of evidence.
 - g. Control the conduct, language, volume and actions of the parties to prevent harassment or intimidation of the participants.
4. Witnesses shall be called in one at a time to make a statement and to respond to questions, as permitted by the Chair.
5. The student requesting the hearing and the employee, will each present their own case and may present documents or other tangible evidence and call witnesses that have been approved prior to the hearing by the committee Chair.
7. Hearings before the committee are not legal proceedings. Formal rules of evidence are not applied. The committee or its Chair, may decide to admit any evidence that is considered to be generally reliable and competent, as well as what weight to give any evidence. Decisions will be based on the preponderance of the evidence.
8. Members of the committee shall have the right to call other persons to appear and to question anyone present.
9. After the portion of the hearing concludes in which all pertinent information has been received, everyone other than the committee will be excused and its deliberations will begin. The "preponderance of the evidence" standard shall apply to the deliberations, which means that the Committee members must determine if the information presented at the hearing leads them to conclude that it is more likely than not the violation(s) occurred as alleged. The Committee members will determine by majority vote whether the violation(s) occurred and, if so, the Committee members will decide upon the appropriate sanction(s) by majority. In case of a tie, the chairperson may vote.
10. The Chair of the committee will send an approved method of notification to the student and employee's addresses of record within three (3) calendar days of the committee's decision. The letter shall inform both parties of the Committee's decision, the date of the decision, any sanction(s) imposed, and the appeal process.
11. Copies of the committee's case summary shall be kept permanently in the office of the Vice President of Student Success and Enrollment Management or the designated area to be retained in files separate from the student's permanent academic files.



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V. FINAL APPEALS

The decision of the Student Grievance Committee may be appealed by the student in writing to the college President within three (3) calendar days after the student's notification of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the Committee's decision. Appeals of the committee's decision may only be made if new evidence is discovered or a violation of the hearing process negatively impacted the student's case.

The college President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten (10) calendar days of receipt of the appeal. The college President will notify both parties of his decision through an approved method of notification.

The President's decision is final.