

Student Complaint Procedure

Purpose:

The purpose of the Student Complaint Procedure is to provide an expedient and orderly method for resolving student complaints that may arise. The Student Complaint Process provides both an informal and a formal process to facilitate, investigate, and resolve a concern made about a faculty member by a student. The informal process shall precede the formal process. A determined effort shall be made to settle such differences at the lowest possible level in the complaint procedure. All parties agree that these proceedings shall be kept as informal and confidential as may be appropriate at any level of the procedure. The informal process, through cooperative and collaborative meetings with the parties involved, shall seek to facilitate the resolution of the issue(s) in an equitable manner that is acceptable and amenable to all parties. The Association President or any other faculty member, if requested, may assist in the informal process. If the informal process fails to resolve the issue, the student has the option of moving the complaint to the formal process.

Procedure:

A. Definitions for this Article:

- 1. Complainant:** The “complainant” shall be the student bringing the complaint against a faculty member. If the student is underage, he or she is entitled to have a representative present at any meeting, but the student must verbalize the basis of the complaint.
- 2. Standing:** Only students have standing to file complaints against faculty members. A student who has suffered harm as a result of an arbitrary or capricious act, grade, omission, incident or other alleged violation shall be deemed to have standing. The student must show that the alleged act by the faculty was a result of capriciousness or arbitrariness on the part of the faculty member.
- 3. Parties:** The term “parties” refers to the complainant, the faculty member or the College or any administrator, or any other person involved and bound by the complaint procedures expressed herein.
- 4. Witness:** Either party may have a peer witness present at any meeting during the complaint process.
- 5. Complaint Time Limits:** Timelines shall be strictly construed. A failure to meet a required time limit by a student shall result in the complaint being terminated. Extension of timelines (for valid reasons such as availability of parties involved, further investigation, etc.) as specified in this Article shall be by mutual agreement between the College, the Association, and the complainant. All agreements shall be reduced to writing, must specify a deadline date for the resumption of the complaint procedure, and be signed by the College, two officers of the Association, the complainant, and any and all other parties to the complaint.

6. **Working Days:** "Working days," or "work days" as used herein, shall be defined as scheduled working days of the grievant. The end of a working day shall be deemed 5:00 P.M.
7. **Writing Requirement:** The requirement that a communication or agreement shall be "in writing" is satisfied when the writing is deposited in the United States mail addressed to the last known address of the intended recipient. Provided that it can be shown that the intended recipient received the college e-mail in a timely manner, a college e-mail shall be deemed to satisfy the written requirement.

B. Academic Freedom:

No complaint may be filed against a faculty Association member that may infringe upon the member's academic freedom as expressed in Article 15 of this Agreement unless such acts can be shown to be egregiously arbitrary or capricious.

C. Student Complaint Committee:

The standing "Student Complaint Committee" members shall be appointed at the beginning of the academic year. Each person serving on the Committee shall serve at least a two year term on a staggered basis. The Student Complaint Committee shall consist of the following five (5) persons:

1. One tenured faculty Association officer appointed by Association.
2. One tenured faculty member outside the involved faculty member's department appointed by Association (determined at time of complaint).
3. One tenured faculty chair appointed by the mutual consent of the Dean of Instruction and the Association.
4. One professional staff with a Baccalaureate degree or greater appointed by the College.
5. One dean, who has not been involved in the complaint process, appointed by the College and acting as chair and voting only in a tie situation.

D. Cooperation/Collaboration:

1. The Association, faculty members, College, and students shall cooperate in finding a resolution acceptable to all parties and shall abide by the resolution.
2. All parties agree that these proceedings shall be kept informal and confidential as may be appropriate at any level of the procedure.
3. A College "student complaint form" may be created and utilized to facilitate the complaint procedure. Any such form shall be collaboratively created by the College and the Association. The form may be used to satisfy an "in writing" requirement of the provisions within this article but shall not change any other procedure or requirement expressed or implied within this article. The College and the Association must mutually agree to implement the form before such a form shall be utilized or required. Such agreement shall be reduced to writing and signed by the College and two (2) officers of the Association.

4. Any modification, deviation, or changes to the procedures and requirements herein shall be mutually agreed to by all parties. Such agreement shall be reduced to writing and signed by all parties to the complaint and two officers of the Association.

E. Procedure:

Student complaints shall proceed in the following manner and time requirements, unless mutually agreed upon in writing by all parties to the complaint. All such agreements shall be reduced to writing, must specify a deadline date for the resumption of the complaint procedure, and be signed by the College, two officers of the Association, the complainant, and any and all other parties to the complaint.

F. Informal Complaint Procedure:

1. Step One—Student/Faculty Meeting:

- i. The informal process is student initiated. The goal of the informal process is to provide answers to the student's questions and concerns and/or to come to a resolution of issues agreeable to all parties involved.
- ii. The student must initiate the informal resolution process within ten (10) working days in which the alleged action of concern occurred requesting a meeting with the faculty member. If the time requirement falls during a break (e.g., Winter, Spring, or Summer breaks), the student must still comply with the time requirement by requesting a meeting. An email shall satisfy such written request, but any meeting may be postponed because the faculty member is deemed not available and the time requirement shall not be adversely affected for either party. If the faculty member has instructional duties during the Summer, then the faculty member shall be viewed as being available at the beginning of the Summer Session.
- iii. The Student and faculty member shall first discuss the concern informally. Either party may request another faculty member that is not the chair of the member's department to help facilitate the meeting.
- iv. It is the student's responsibility to arrange a time that will facilitate a confidential conversation with the faculty member. It is the faculty member's responsibility to be available during office hours for the meeting or to accommodate, to the best of his or her ability, a time when both parties can be available for this conversation and to work toward finding a satisfactory resolution.
- v. If the student comes to the faculty member's chair, dean, or other college employee, the student shall be instructed to speak with the faculty member first. The student should leave the meeting with the chair or dean with a clear understanding of the next steps in the process, including an option of a facilitated meeting, but not with the belief that the chair or dean has resolved the issue.
- vi. If the faculty member involved no longer works at the College or is a part time instructor that cannot be reached or who does not respond, the student may begin at Step Two.
- vii. If the complaint is not resolved, the complainant has five (5) working days of the meeting to move to Step Two.

2. Step Two—Student/Faculty/Chair Meeting:

- i.** If the complaint is not resolved in Step One, the complainant has five (5) working days from the meeting in Step One to request, in writing, that the student and faculty member meet with the faculty member's department chair. The writing should briefly describe the actions or omissions by the faculty member and state the student's requested relief. An e-mail shall suffice to fulfill the writing requirement.
- ii.** If the faculty member is the subject of the complaint and is the department chair, then a tenured member of the department shall conduct the meeting. If such a member is not available, the meeting shall be conducted by the chair of another department.
- iii.** It is the student's responsibility to arrange a time that will facilitate a confidential conversation with the faculty member and the faculty member's department chair. The faculty member and the chair must accommodate, to the best of their abilities, a time when all parties can be available for this conversation and to work toward finding a satisfactory resolution.
- iv.** The meeting shall be an informal conversation between the student, the faculty member, and the faculty member's department chair whereby a reasonable and agreeable resolution is sought.
- v.** If the complaint is not resolved, the complainant has five (5) working days of the meeting to move to Step Three.

3. Step Three—Student/Faculty/Dean Meeting:

- i.** If the complaint is not resolved in Step Two, the complainant has five (5) working days from the meeting in Step Two to request, in writing, that the student and faculty member meet with the faculty member's appropriate dean. The writing should briefly describe the actions or omissions by the faculty member and state the student's requested relief. An e-mail shall suffice to fulfill the writing requirement.
- ii.** It is the student's responsibility to arrange a time that will facilitate a confidential conversation with the faculty member and dean. The faculty member and dean must accommodate, to the best of their abilities, a time when all parties can be available for this conversation and to work toward finding a satisfactory resolution.
- iii.** The meeting shall be an informal conversation between the student, the faculty member, and the faculty member's dean whereby a reasonable and agreeable resolution is sought.
- iv.** Within five (5) working days after the meeting, the dean shall prepare a written decision on how best to resolve the complaint.
- v.** The dean may decide that the complaint go forward to the formal complaint process.
- vi.** The written decision shall be furnished to both parties.
- vii.** If either party disagrees with the dean's opinion or decision that party shall, within

five (5) working days, have the right to initiate the formal complaint process as set forth below.

G. Formal Complaint Procedure:

1. Step One—Student Appeal to the Student Complaint Committee:

- i.** In the event that the student disagrees with the dean's decision, a student may begin a formal process for resolution against a faculty member after following the informal process. The initiation of the formal process review must be filed in writing and submitted to the Dean of Instruction within five (5) working days of the dean's informal decision.
- ii.** The student must submit a signed written Statement of Complaint to the Dean of Instruction. The Complaint must include the following information:
 - (a) The name of the faculty member involved in the alleged complaint
 - (b) A description of the act, omission, or matter that is the subject of the concern
 - (c) A statement of facts the student believes are relevant to the formal concern
 - (d) The date(s) of incident(s)
 - (e) All necessary documentation proving the allegation(s)
 - (f) The resolution being sought by the student
 - (g) The name of the student
 - (h) The signature of the student and date submitted.
- iii.** It is the duty of the complainant to prove that the faculty member has done the act, omission, or matter. The Statement of Complaint should be carefully prepared and should include all of the relevant details and documentation. The due process rights of the faculty member must be protected in the formal resolution process.
- iv.** The Dean must forward the student complaint to the faculty member and all members of the Committee within five (5) working days of receiving the complaint.
- v.** The Dean shall inform the complainant that he or she has the right to be assigned an advocate by the College or have a representative of his or her choosing. The student, within five (5) working days of choosing a representative and at least ten (10) working days before the Committee hearing, must inform the dean and the Committee of the name and position of the representative chosen. If the representative is an attorney, the College shall have the right to be represented by legal counsel, as well as the faculty member.
- vi.** At this point the College shall become the advocate of the faculty member and the faculty member shall have the right to represent himself or herself as well as the College at the Committee hearing. The College, if it so chooses, shall have the right to

appoint a representative.

- vii. Within five (5) working days of the receiving the complaint, the Committee chair shall schedule a hearing. At least ten (10) working days before the hearing, the chair must inform all parties of the time, place, and date of the hearing. All reasonable steps must be taken to make the hearing convenient to all parties.

2. Step Two: Faculty Appeal to the Student Complaint Committee

- i. In the event that the faculty member disagrees with the dean's decision, the faculty member may begin a formal process for resolution following the informal process. The initiation of the formal process must be filed in writing and submitted to the Dean of Instruction within five (5) working days of the Dean's informal decision.
- ii. The faculty member must submit to the dean a written statement documenting why the Dean's decision is in error.
- iii. The Dean must forward the faculty statement to the complainant and all members of the Committee within five (5) working days of receiving the statement.
- iv. The faculty member, the College, or the complainant may have representation.
- v. Within five (5) working days of the receiving the statement, the Committee chair shall schedule a hearing. At least ten (10) working days before the hearing the chair must inform all parties of the time, place, and date of the hearing. All reasonable steps must be taken to make the hearing convenient to all parties.

H. Student Complaint Committee Procedures:

- 1. Within five (5) working days of receiving the student complaint or faculty statement, the Committee chair shall schedule a hearing. At least ten (10) working days before the hearing, the chair must inform all parties of the time, place, and date of the hearing. All reasonable steps must be taken to make the hearing convenient to all parties.
- 2. The Committee shall conduct the hearing in the order as follows:
 - i. The hearing(s) shall be closed to the public unless by mutual agreement of all parties. Such agreement shall be reduced to writing and signed by all parties and the Committee chair.
 - ii. The proceedings shall be recorded by a confidential secretary chosen by the Committee chair.
 - iii. All parties and witnesses shall be sworn or affirmed under oath.
 - iv. The faculty member may request a record to be made of the proceedings and be given a copy if requested.
 - v. The complainant may request a record be made of the proceedings at his or her own

expense, but must submit such a request at least five (5) working days before the hearing and include the person and method of recordation. The chair must approve of the person and/or the method of recording the proceedings.

- vi. The Committee members may question parties, witnesses or documentation at any time.
- vii. The student or his or her representative shall present evidence, including witnesses, documentation, or other evidence first.
- viii. The faculty shall then present his or her evidence including witnesses.
- ix. The student shall have a right of rebuttal and closing summation.
- x. The faculty member shall then have the right of rebuttal and closing summation.
- xi. The Committee shall have the sole right to determine what evidence may be considered. Such determination shall not be prejudicial against either party. It is suggested that the Committee err on the side of caution with a just decision being the ultimate desire.
- xii. The Committee shall have ten (10) working days to make a determination. During the ten (10) working days, the Committee shall have the right to independently investigate the issues of the case. The Committee shall have the right to ask the parties for clarification of evidence; however, both parties shall be informed of the communication of clarification by the Committee.
- xiii. Within ten (10) working days, the Committee shall submit a written decision to the parties.

3. The decision of the Committee shall be final.

I. Limits on Complaint Procedures

- 1. No decision regarding a faculty member arising from the complaint process or procedures shall be disciplinary in application, nature, or intent.

End of Process

From CBA between TVCC and TVEA July 1, 2012 to June 30, 2017