I. PURPOSE

To establish policy and procedures for student grievances.

II. AUTHORITY

The President has given the Vice President of Academic and Student Affairs the responsibility and authority to establish and enforce the college’s Student Grievance Policy.

III. APPLICABILITY

This policy applies to all matriculated students at the college.

IV. POLICY AND PROCEDURES

It is the goal of Eastern Shore Community College (ESCC) to provide an environment for the growth and development of all students where disagreements can be discussed and resolved in a manner befitting an educational institution. To that end, ESCC shall provide a reasonable, prompt, orderly, and fairly administered resolution of complaints by an active student, credit or non-credit, for alleged improper, unfair, arbitrary, or discriminatory treatment to include disability discrimination and disability harassment by ESCC employees, employees under contract to ESCC, or a third party. ESCC shall also take action to prevent the recurrence of any discrimination and correct discriminatory effects on others.

Any student raising a complaint shall be treated with respect and shall receive a response as delineated in the following procedure. Retaliation against anyone involved in a complaint process, including the complainant, witnesses, or institutional representatives, is strictly prohibited.

The accompanying procedure may not be used if a formal complaint has been filed with another state or federal agency, or if a court action has been initiated by the complainant on the same complaint.

This policy does not apply to complaints or appeals regarding tuition refunds, academic grades, or student conduct. It also does not apply to student complaints involving harassment by another
individual, which is covered in the college’s Title IX Policy on Sexual Violence, Domestic Violence, Dating Violence, and Stalking. These policies are accessible in the College Catalog and Handbook.

This policy is presented in two sections. Section I covers the college’s procedures in resolving complaints and filing grievances. Section II provides General Provisions related to formal complaints and grievances.

SECTION I. Procedures for Resolving Complaints and Filing Grievances

A. Step One: Informal Student Complaint

Students are encouraged to make reasonable efforts to have their concerns addressed informally. The student ("complainant") is strongly encouraged to discuss the matter in question informally with the ESCC employee, contractor or third party most directly involved ("respondent"). The complainant must initiate the informal phase of the student complaint process within ten (10) business days from when the complainant knew or should have known of the action or inaction.

If the problem is resolved to the satisfaction of the complainant, the matter is closed. If the problem is not resolved to the satisfaction of the complainant, the student may elect to move to Step Two, the Formal Student Complaint Process.

While the complainant is encouraged to resolve the issue(s) in question through the informal process, he/she may elect to move to the formal process at any time.

B. Step Two: Formal Student Complaint Process

If the complainant is not satisfied with the outcome of the informal process or elects to skip it, the student may file a formal complaint. The formal complaint must be filed within 10 business days of the action or inaction or within ten (10) business days of the conclusion or termination of the informal process, whichever is later. The student must make a written statement clearly describing the nature of the complaint. The statement must include:

- complainant’s name and ESCC student identification number;
- complainant’s contact information;
- date of the complaint;
- date of the contested action, inaction, decision, or situation;
- description of what, if any, other steps have been taken by the complainant to attempt to address the complaint; and,
- supporting documentation and/or any other information the student would like to be considered (including the identities of witnesses concerning any facts in the alleged violation).

A student may request assistance in preparing the written statement by contacting any college counselor. Counselors are available to assist students in filing a written complaint.

The complaint shall be directed to a college representative ("college official") as follows:
1. Academic matters (e.g., course requirements, faculty grievances, transfer/application of academic credit, etc.) will be heard by the Vice President of Academic and Student Affairs ("Vice President"). The Dean of Workforce Development Services will hear complaints regarding non-credit courses. (Complaints against the Vice President or Dean shall be directed to the College President.)

2. Complaints regarding admission and enrollment matters (e.g. admission, enrollment, financial aid, VA/military, student conduct, etc.) will be heard by the Coordinator of Student Services. (Complaints against the Coordinator shall be directed to the Vice President of Academic and Student Affairs.)

3. Complaints in other areas should be submitted to the Coordinator of Student Services, who will forward the complaint to the appropriate person.

At each step of the formal process, the respondent shall be advised of the details of the complaint by the college official responsible for hearing the matter. The respondent shall have a full and fair opportunity to prepare and present his or her position, and to offer evidence and witness testimony.

It is the responsibility of the college official to conduct an investigation of the issues raised by the complainant. The process may include gathering evidence from the college employee, contractor or third party, or other students and statements of the witnesses.

The investigation shall be completed and the student and respondent shall be notified in writing of the determination of findings and resolution within 10 business days of receiving the student’s formal complaint.

The college official may determine that the formal complaint is without merit and conclude the investigation.

In the event that the investigation reveals actions/behaviors that may be considered misconduct on the part of any college employee, contractor or third party, the college official shall refer the matter to Human Resources for a misconduct investigation. The college official shall provide a copy of the complaint record to the appropriate authority for a misconduct investigation.

When the complaint results in a misconduct investigation, the college will immediately put into place interim measures that resolve the complaint pending completion of the misconduct investigation. Interim measures can range from new access to learning assistance technology and services to temporary changes of personnel or procedures.

When the complaint concludes with a discrimination finding in favor of the complainant that results in an unfair final grade, the student shall be directed to follow the Final Grade Appeal Procedure to request a grade change.

At the conclusion of the misconduct investigation, an appropriate remedy will be implemented by the college in accordance with all appropriate Human Resources policies and/or student disciplinary procedures.
C. Step Three: Appeal Process

Any outcome from the formal complaint process with which the complainant or respondent disagrees, either because of a belief that the process was not followed or a belief that errors were made in the process, may be appealed in writing by the complainant to the Vice President (or College President if the Vice President conducted the investigation). Any such appeal must be submitted within 10 business days of notification of the Step 2 outcome from the college official.

The appeal must identify one of the following grounds as its basis:

- A claim that the investigation was not conducted fairly or in conformity with the prescribed procedures.
- A claim that the decision reached by the college official was not supported by substantial evidence.
- A claim that new evidence sufficient to alter a decision but unknown at the time of the formal grievance, should be considered.

The complainant or respondent shall provide a written statement, along with any additional and new documentation since the formal complaint, that articulates the ground(s) of appeal.

The Vice President (or President) shall review the record of the complaint and the response and affirm or deny reconsideration of the matter within 10 business days of receipt of the appeal.

The Vice President (or President) shall dismiss the appeal in the event that either of the circumstances exists:

- The appeal does not identify a legitimate basis as delineated above.
- The appeal does not set forth written policies or procedures to which the complainant/respondent was entitled but were not afforded during the prior phases of the process.
- The facts that the formal complaint alleges to have occurred are true, but do not constitute a violation of the college’s policies or procedures.

The Vice President (or President) may affirm reconsideration of the matter. In these instances, the Vice President (or President) shall, within 10 business days of receipt of the appeal, appoint an ad hoc Appeal Panel with the following membership:

1. One administrator or faculty leader (Department Chair), who will serve as a chair of the panel
2. One full-time teaching faculty member
3. One student member, who will be selected by the Coordinator of Student Services (or Vice President’s/President’s designee for conflict of interest cases)
An Appeal Panel may not include an individual who participated during an earlier level of the grievance.

Within 10 business days after the Appeal Panel has been designated by the Vice President (or President), the chair of the Appeal Panel shall set a time and place for the hearing and notify the claimant and respondent in writing. The hearing shall be held within 14 business days after the Appeal Panel has been designated.

The Appeal Panel will have the responsibility of interpreting the grievance in light of College policies and procedures. The panel will determine whether or not there is sufficient evidence to support the appeal. The Appeal Panel cannot formulate or change College policies or procedures nor commit state resources, and any decisions must be supported by the weight of the evidence.

The Appeal Panel shall make its decision by simple majority vote with all members present, each serving as a voting member. The Appeal Panel's decision will be communicated in the form of a recommendation to the Vice President (or President) within 10 business days after the hearing is completed.

The Vice President (or President) shall notify the complainant, respondent and college official, in writing, of the outcome of the appeal within 10 business days of receipt of the Panel's recommendation. The decision of the Vice President (or President) is final.

SECTION II. General Provisions

A. To comply with standards set forth by SACSCOC and the federal Department of Education, the Coordinator of Student Services shall maintain a record of all formal complaints, appeals, and outcomes in a secured and centralized location. Electronic retention of the records is encouraged. These files shall be maintained for a period of three (3) years from the date of the final outcome.

B. When filing an appeal, the student may have an advisor present at the hearing; however, the student must so inform the chair of the Appeal Panel five business days prior to the hearing. The student may receive advice, but this person may not speak for the student. In like manner, the respondent may have an advisor present at the hearing.

C. If the person with whom the student has a grievance chooses not to attend the hearing, the person's written statements shall be reviewed in her/his absence.

D. All parties shall have the opportunity to present to the panel any written and/or oral information relevant to the grievance. The panel may also request information from other sources. Signed written statements may, when necessary, be submitted by individuals and witnesses who are unable to attend.

E. The Vice President (or President) shall have the authority to accept and implement or modify the recommendation of the Appeal Panel.

F. All hearings are closed to the public.
G. Business day periods for responses will not include official College holidays or when the College is closed for inclement weather or other emergencies.

H. During the procedure, if there are additional grievances directly related to the original grievance, they will be noted but usually will not be acted upon until the original disagreement has been resolved.

I. Revision of deadlines should be mutually agreed upon at the appropriate level; however, the Vice President of Academic and Student Affairs (or President) reserves the right to extend deadlines because of mitigating circumstances. Agreements must be made in writing. If the complainant does not respond within the deadline, the grievance is ended. If a student or college representative believes that he/she has been subjected to adverse treatment because of filing or participating in a complaint, the College President shall be notified in writing immediately. The President shall investigate the alleged retaliation and meet with all involved parties and attempt a resolution to the situation. The President’s decision is final.

J. This policy and procedures are not intended to impede any student’s right to file a timely complaint with an appropriate external state or federal agency. Students may seek resolution through the Office for Civil Rights of the United States Department of Education (“OCR”). A complaint filed with OCR must be filed within 180 calendar days of the alleged discrimination. Or, if the college complaint procedure was utilized by the student, the OCR complaint must be filed within 60 calendar days from the date of the final decision, unless the time for filing is extended by the OCR for good cause shown. Information on how to proceed may be accessed on OCR’s website at: http://www2.ed.gov/about/offices/list/ocr/index.html.

K. The college President shall designate a responsible party in the event of a position vacancy, or when a college employee is out for an extended period.

V. SANCTIONS

The college considers violation of this Policy to be a serious offense. Violations of this policy shall be referred to the Vice President of Academic and Student Affairs for enforcement and sanctions.

VI. INTERPRETATION

The authority to interpret this policy rests with the President, and is generally delegated to the Vice President of Academic and Student Affairs.

Approved:
William T. Greer, Jr., President (Interim)

Date

Kellie C. Sorey, Vice President (Interim)

Date