

Orangeburg-Calhoun Technical College

Statement of Procedure

Title: **THE STUDENT GRIEVANCE PROCEDURE**

Number: 4.049.01

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Department of

Responsibility: Student Services

Authorization:

President

Date Approved: November 27, 2012

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Last Reviewed: _____

I. PURPOSE

The purpose of the student grievance procedure is to provide a system to channel and resolve student complaints against a college employee concerning decisions made or actions taken. A decision or action can be grieved only if it involves a misapplication of a college's policies, procedures, or regulations, or a violation of state or federal law. This procedure may not be used in the following instances: (1) to grieve a claim against a college employee for any matter unrelated to the employee's role or position at the college; (2) for complaints or appeals of grades awarded in a class or for an assignment, unless the complaint is based upon alleged 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 on the basis of alleged sexual harassment/violence; or (3) to grieve a decision for which other grievance or appeal procedures exist (e.g., appeal of a disciplinary case, a residency appeal, a financial aid appeal, FERPA grievances, transfer credit evaluations).

The student filing the grievance must meet the definition of a "student" at the time of the decision or action being grieved and must be the victim of the alleged mistreatment. A grievance cannot be filed on behalf of another person.

For complaints based on sexual harassment or sexual violence where another student is the accused, please refer to OCtech procedure "Addressing Alleged Acts of Sexual Violence and Sexual Harassment" (Procedure number 4.049.02)

For complaints based on sexual harassment or sexual violence where an employee of the college is the accused, please refer to State Board for Technical and Comprehensive Education (SBTCE) procedure Non-Discrimination and Anti-Harassment (Procedure number 8-5-101.1)

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II. DEFINITIONS

When used in this document, unless the context requires other meaning,

- A. "College" means Orangeburg-Calhoun Technical College (OCtech)
- B. "President" means the chief executive officer of Orangeburg-Calhoun Technical College
- C. "Administrative Officer" means anyone designated at the college as being on the administrative staff, such as the President, Chief Academic Officer, Chief Student Services Officer, etc.
- D. "Chief Student Services Officer" means the Administrative Officer at the College who has overall management responsibility for student services or his/her designee.
- E. "Chief Academic Officer" means the Administrative Officer at the College who has overall management responsibility for academic programs and services or his/her designee.
- F. "Grievable Act or Decision" means a misapplication of a college's policies, procedures or a violation of a state or federal law.
- G. "Instructional Days" means any weekday (M-F) in which classes are in session.
- H. "Student" means an individual currently enrolled in a program and/or registered for the current or upcoming academic term.
- I. "Instructor" means any person employed by the college to conduct classes.
- J. "Staff" means any person employed by the college for reasons other than conducting classes.
- K. "Campus" means any place where the college conducts or sponsors educational, public service, or research activities.
- L. "Approved Method of Notification" means 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 e-mail. A student who

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communicates with the college via e-mail or otherwise provides an e-mail 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 e-mail, and the date and time of such e-mail(s) shall be deemed the date and time of service.

M. "Close of Business" means the time that the administrative offices of the college close on that specific workday.

III. GRIEVANCE PROCESS

A. Filing a Complaint

This procedure must be initiated by the student within fifteen (15) instructional days of becoming aware of the decision, action, or event giving rise to the grievance. This time limit may be extended by the President or his/her designee, if the student requests an extension within the fifteen (15) instructional day period.

Before initiating the Student Grievance process, a student may go to the college employee who originated the alleged problem and attempt to resolve the matter informally. In instances alleging discrimination or harassment, including sexual harassment and violence, the student is not required to initially try to resolve the matter with the person alleged to have committed the violation under this procedure. Where applicable, if the student is not satisfied with the outcome of this meeting or if the student prefers to ignore this step, then the student may file a written complaint and initiate the grievance process. This 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 to the employee(s) designated in the college's Statement of Nondiscrimination to coordinate Section 504, Title II, and Title IX compliance.
2. 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 college's Chief Student Services Officer.

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3. Any written complaint naming the College's President as the person whose alleged action or decision originated the problem shall be submitted to the President of the South Carolina Technical College System.
4. For complaints based on sexual harassment or sexual violence where another student is the accused, please refer to OCtech procedure "Addressing Alleged Acts of Sexual Violence and Sexual Harassment" (Procedure number 4.049.02)
5. For complaints based on sexual harassment or sexual violence where an employee of the college is the accused, please refer to SBTCE procedure Non Discrimination and Anti-Harassment Sexual Harassment (Procedure number 8-5-101.1)

B. Preliminary Investigation and Findings

The person receiving the student's written complaint will send a written acknowledgement to the student no later than two (2) instructional days after receiving the written complaint.

1. When the complaint is against anyone other than the President of a College:

The person receiving the complaint will forward the complaint to the immediate supervisor of the employee named in the complaint no later than two (2) instructional days after it has been received.

As a part of the effort to resolve the matter, the supervisor, or designee, will consult, as needed, with the employee named in the complaint, the student filing the complaint, (collectively, the "Parties") the Chief Administrative Officer of the division or component concerned, and any others relevant to the resolution of the complaint.

The supervisor, or designee, shall respond in writing to the student within ten (10) instructional days of receipt of the complaint. The response, sent through an approved method of notification, shall include a summary of the findings and, 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 (see Section III.C.2.a).

2. When the complaint is against the President of a College:

The South Carolina Technical College System's Executive Vice President, or

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designee, will be responsible for the preliminary investigation and findings.

As a part of the effort to resolve the matter, the South Carolina Technical College System's Executive Vice President, or designee, will consult as needed with the College President named in the complaint, the student filing the complaint, the Chief Administrative Officer of the division or component concerned, and any others relevant to the resolution of the complaint.

The South Carolina Technical College System's Executive Vice President, or designee, shall respond in writing to the student within ten (10) instructional days of receipt of the complaint. The response, sent through an approved method of notification, shall include a summary of the findings and 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 an ad hoc committee.

The President of the South Carolina Technical College System will convene a three person ad hoc committee consisting of College Presidents or a three person ad hoc committee from within the System to hear the student's complaint.

C. Student Grievance Hearing

1. Requesting a Hearing

- a) When the complaint is against anyone other than the President of a College:
 - 1) The student must submit a written request for a Grievance Hearing to the Chief Student Services Officer within seven (7) instructional days after receiving the supervisor's written response. The request must be related to the original complaint, and include a statement describing why the supervisor's response was unsatisfactory.
 - 2) If the student does not submit the written hearing request within seven (7) instructional 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 Chief Student Services Officer may allow the hearing to take place.
 - 3) Within two (2) instructional days of receiving the hearing request, the Chief Student Services Officer shall notify the College President about the need to convene a Student Grievance Committee. These committees shall be formed to hear specific complaints and a new

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committee may be formed each time a grievance covered by this procedure is filed.

- b. When the complaint is against the President of a College:
 - 1) The student must submit a written request for a Grievance Hearing to the South Carolina Technical College System's Executive Vice President, or designee, within seven (7) instructional days after receiving the Executive Vice President's written response. The request must be related to the original complaint, and include a statement describing why the Executive Vice President's response was unsatisfactory.
 - 2) If the student does not submit the written hearing request within seven (7) instructional days after receiving the Executive Vice President's written response, but the student can demonstrate that extenuating circumstances resulted in the failure to meet this deadline, the Executive Vice President may allow the hearing to take place.
 - 3) Within two (2) instructional days of receiving the hearing request, the Executive Vice President shall notify the South Carolina Technical College System President about the need to convene an ad hoc committee of College Presidents or a three person ad hoc committee from within the System to hear the student's complaint. These committees shall be formed to hear specific complaints and a new committee may be formed each time a grievance covered by this procedure is filed.

2. Grievance Committees

- a. When the complaint is against anyone other than the President of a College:
 - 1) Student Grievance Committee - The College President must approve all recommended members. The committee shall be composed of the following:
 - a) Two students recommended by the governing body of the student body;
 - b) One faculty members recommended by the Chief Academic Officer;
 - c) One Student Services staff member recommended by the Chief Student Services Officer;
 - d) One administrator, other than the Chief Student Services Officer,

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to serve as the Committee's chairperson; and

- e) The Chief Student Services Officer, or designee, who serves as an ex-officio, nonvoting member of the committee.

- 2) The Chief Student Services Officer, or designee, will send copies of the student's hearing request to the committee members, the employee, and the employee's supervisor. The employee against whom the grievance was filed has an opportunity to submit his/her response to the hearing request to the Committee prior to the hearing.
- 3) The Student Grievance Committee's hearing shall be conducted within twenty-one (21) instructional days following the date of the request. The chairperson may grant a postponement if either party submits a written request no later than five (5) instructional days prior to the scheduled hearing. The chairperson of the Student Grievance Committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties. The re-scheduled hearing must take place within ten (10) instructional days of the date of the previously scheduled hearing.

b. When the complaint is against the President of a College:

- 1) Ad hoc committee - The President of the South Carolina Technical College System will select three College Presidents from the System to serve on this committee and identify one of the three College Presidents to serve as the chairperson for the hearing. The President of the South Carolina Technical College System may also choose to select a three person ad hoc committee from within the System to hear the student's complaint.
- 2) The President of the South Carolina Technical College System, or designee, will send copies of the student's hearing request to the committee members, and the President at that college. The President against whom the grievance was filed has an opportunity to submit his/her response to the hearing to the Committee prior to the hearing.
- 3) The ad hoc committee hearing shall be conducted within twenty-one (21) instructional days following the date of the request. The chairperson may grant a postponement if either party submits a written request no later than five (5) instructional days prior to the scheduled hearing. The chairperson of the ad hoc committee, in his/her discretion, may postpone the hearing due to circumstances

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beyond the control of the parties. The re-scheduled hearing must take place within ten (10) instructional days of the date of the previously scheduled hearing.

3. Hearing Procedures

- a. When the complaint is against anyone other than the President of a College:
 - 1) The Chief Student Services Officer, or designee, shall send an approved method of notification to the student filing the complaint and to the employee(s) named in the complaint at least fifteen (15) instructional days before the scheduled hearing. This notification shall 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; and
 - c) a list of the student's procedural rights.
 - 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 Chief Student Services Officer, 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.
 - 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 examine any witnesses. The student will be responsible for paying any fees charged by the student's 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.
 - v. The right to submit evidence relevant to the complaint.
 - 2) At least ten (10) instructional days before the scheduled hearing the Parties must submit the names of persons that the Parties anticipate calling as witnesses as well as any evidence that the Parties intend to introduce at the hearing.

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- 3) At least five (5) days prior to the hearing, the Chief Student Services Officer shall provide the list of witnesses and evidence to the Parties involved in the hearing and shall send hearing information to the witnesses to include, at minimum, the date, time, and location of the hearing.
- 4) Committee hearings shall be closed to all persons except the student filing the complaint, the employee(s) named in the complaint, respective counsel for the student and the employee(s), witnesses authorized by the Committee to participate in the hearing, committee members, and one or more persons designated by the Committee to be responsible for making an official written record or audio recording of the hearing.
- 5) The Committee will arrange for an official audio recording or written record of the hearing (not including deliberations) to be made, and only the person(s) designated by the Committee may make any kind of record of the proceedings. No record of the Committee's deliberations shall be permitted to be made by any means. The official audio recording or written record of the hearing is the property of the College and will be maintained in the office of the Chief Student Services Officer. The Student or employee(s) named in the complaint may review the official audio recording or written record of the hearing (as applicable) under the supervision of the Chief Student Services Officer or designee, but neither are entitled to a copy of the audio recording or written record. Notes made by Committee members for use as a personal memory aid shall not be made a part of the written record and are not subject to review by the Student or employee(s).
- 6) Witnesses shall be called in one at a time to make a statement and to respond to questions, as permitted by the Chair.
- 7) 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 that the violation(s) occurred as alleged. The Committee members will determine by majority vote whether the

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violation(s) occurred and, if so, the Committee members will decide upon the appropriate sanction(s) by majority vote.

- 8) The Chair of the Committee will send an approved method of notification to the Student and employee's address of record within two (2) instructional weekdays 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.
- b. When the complaint is against the President of a College:
 - 1) The South Carolina Technical College System President, or designee, shall send an approved method of notification to the student filing the complaint and to the College President named in the complaint at least fifteen (15) instructional days before the scheduled hearing. This notification shall 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) 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 South Carolina Technical College System President, or designee.
 - ii. The right to appear before the ad hoc committee and to present
 - a. information and additional evidence, subject to the Committee's
 - b. judgment that the evidence is relevant to the hearing.
 - iii. The right to consult with counsel. This person serving as counsel may not address the committee, question the College President 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 College President named in the complaint.
 - v. The right to submit evidence relevant to the complaint.
 - 2) At least ten (10) instructional days before the scheduled hearing the parties must submit the names of persons that the parties anticipate

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calling as witnesses as well as any evidence that the parties intend to introduce at the hearing.

- 3) At least five (5) days prior to the hearing, the Chief Student Services Officer shall provide the list of witnesses and evidence to the Parties involved in the hearing and shall send hearing information to the witnesses to include, at minimum, the date, and location of the hearing.
- 4) Committee hearings shall be closed to all persons except the student filing the complaint, the College President named in the complaint, respective counsel for the student and the employee(s), witnesses authorized by the Committee to participate in the hearing, committee members, and one or more persons designated by the Committee to be responsible for making an official written record or audio recording of the hearing.
- 5) The Committee will arrange for an official audio recording or written record of the hearing (not including deliberations) to be made, and only the person(s) designated by the Committee may make any kind of record of the proceedings. No record of the Committee's deliberations shall be permitted to be made by any means. The official audio recording or written record of the hearing is the property of the College and will be maintained in the office of the President of the South Carolina Technical College System. The Student or College President named in the complaint may review the official audio recording or written record of the hearing (as applicable) under the supervision of the System President or designee, but neither are entitled to a copy of the audio recording or written record. Notes made by Committee members for use as a personal memory aid shall not be made a part of the written record and are not subject to review by the Student or College President.
- 6) Witnesses shall be called in one at a time to make a statement and to respond to questions, as permitted by the Chair.
- 7) 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

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information presented at the hearing leads them to conclude that it is more likely than not that 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 vote.

- 9) The Chair of the Committee will send an approved method of notification to the Student and College President's address of record within two (2) instructional weekdays 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.

The internal timeline periods contained in Section III.C.3. ("Hearing Procedures") may be waived upon the mutual written agreement of the Parties.

IV. Appeal Process

A. When the complaint is against anyone other than the President of a College:

If either party is not satisfied with the Student Grievance Committee's decision, that person may submit a written appeal to the President of the College within ten (10) instructional days of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the Committee's decision. The College President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten (10) instructional days of receipt of the appeal. The College President will notify both parties of his/her decision through an approved method of notification. The President's decision is final and this decision cannot be the sole reason for filing a grievance against the President.

B. When the complaint is against the President of a College:

If either party is not satisfied with the ad hoc committee's decision, that person may submit a written appeal to the President of the South Carolina Technical College System within ten (10) instructional days of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the Committee's decision. The System President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten (10) instructional days of receipt of the appeal. The System President will notify both parties of his/her decision through an approved method of notification. The System President's decision is final.