

# **STUDENT GRIEVANCE PROCEDURE**

## **PURPOSE**

The purpose of this student grievance procedure is to provide equitable and orderly processes to resolve grievances other than grade appeals by students at Tidewater Community College. Grievance procedures for appealing final grades in a course are described separately (see *Student Handbook*).

## **DEFINITIONS**

**Student:** A student is defined as one who is or has been duly and legally registered as either a full-time or part-time student at Tidewater Community College.

**Grievance:** A grievance is defined as a difference or dispute between a student and a college employee of the campus with respect to the application of the rules, policies, procedures, and regulations--exclusive of grade appeals--of the campus, college, or the Virginia Community College System as they affect the student. Grievance procedures for appealing final grades are described separately.

## **PROCEDURE**

**First Step:** Recognizing that grievances should be raised and settled promptly, a grievance should be raised within ten calendar days following the event giving rise in the grievance. As the first step, the student should contact the college employee who would best be able to handle the grievance; e.g., the person with whom the student has a difference or dispute. Every reasonable effort should be made by all parties to resolve the matter informally at this level, and no written records of the matter will be placed on the student's official file.

**Second Step:** If the student is not satisfied with the disposition of his grievance at the first step, he may file a written appeal to the immediate supervisor of the employee involved within five calendar days of receipt of the decision given in the first step. Within five calendar days of the supervisor's receipt of the written appeal from the student, he will notify the employee and notify the student where and what time the meeting shall take place, but such a meeting must be held no later than ten calendar days after receipt of the written appeal by the student. At this point, the college employee involved may respond in writing to the grievance.

**Third Step:** If the student is not satisfied with the disposition of his grievance by the supervisor of the employee involved, he may request a hearing with the provost within five days after receipt of the disposition of his grievance at the second step.

If, in his/her discretion, the appeal and record of previous actions indicate an appeal is not warranted, the provost will notify the student, employee, and supervisor of his/her decision within five calendar days after receipt of the appeal.

If the provost grants the appeal, the provost may either hear the appeal himself/herself or appoint an ad hoc hearing committee. The provost will notify the student, employee, and supervisor within five calendar days after receipt of the appeal as to whether the provost or an ad hoc committee will hear the appeal.

If the provost hears the appeal himself, he will set a date for a meeting and notify the student of the time and location in which the meeting will take place, but the meeting will take place no later than ten calendar days after receipt of the written appeal by the student. The provost will notify the student, employee, and supervisor of his decision within five calendar days after hearing the appeal.

If, in his/her discretion, an ad hoc committee is desired, the provost will appoint the ad hoc committee within five days after receipt of the written appeal. The ad hoc committee will consist of five disinterested persons, including student representation, from the college. The provost shall designate the chairman of the committee.

Within five calendar days after the ad hoc committee has been appointed by the provost, the chairman of the ad hoc committee will set a time and place for the hearing and will notify the student, the employee, and the employee's supervisor. The hearing will begin within ten calendar days after the ad hoc committee has been appointed. The ad hoc committee will reach its decision by simple majority vote and communicate its recommendation in writing to the provost within five calendar days after the hearing is completed.

Within ten calendar days of the provost's receipt of the recommendation from the ad hoc committee, the provost will make his decision and notify the student, the employee involved, and the employee's supervisor of this decision.

A copy of the appeal, the recommendation of the committee, and the decision of the provost will be placed in the student's official file.

#### Time Limitations for Grievances

*Extension of Time:* It is important to good relationships that grievances be initiated and processed as rapidly as possible. Every effort will be made by all parties to expedite the process. The time limitations specified herein may be extended by written mutual agreement initiated by either party.

*Effect of failure to appeal within time limits:* If there is no written mutual agreement to extend the time limit set herein, and if a decision at the first step is not appealed to the next step of the procedure within the specified time limit, the grievance will be deemed settled on the basis of the last decision rendered.

*Effect of failure to respond within the time limits:* Failure at any level of the grievance procedure to initiate communication of a decision to the student within the specified time will permit the lodging of an appeal at the next step of the procedure within the time which would have been allotted had the decision been communicated by the final day.

### General Provision for Grievances

*Identification:* All written grievances and appeals will include the name and position of the aggrieved party and a brief statement of the nature of the grievance and the redress sought by the aggrieved party.

*Informal Discussion:* Nothing contained herein will be construed as limiting the right of the student having a grievance to discuss the matter informally with any appropriate member of the college and to have the grievance informally settled.

*Employment of attorney:* If a student so desires, he or she may employ an attorney at his or her own expense to provide counsel at any level of the grievance procedure.

*Academic Freedom:* This grievance procedure will not be construed as restraining students in their exercise of constitutional rights nor faculty in their exercise of academic freedom.

### **Title IX and Rehabilitation Act of 1973, Sec. 504**

In student grievances arising under Title IX, Higher Education Amendments of 1973 (sex discrimination) and/or the Rehabilitation Act of 1973, Sec. 504, the student may appeal the provost's decision to the college Title IX and/or Sec. 504 student grievance officer (campus dean of Student Services). The grievance officer will make such investigations, finding of fact, and conclusions as are supported by the evidence and recommend a disposition to the provost.