



The Peninsula's Community College

**Administrative Procedures Manual**

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| Title:  | NO:            |
| <b>Student Grievance Policy</b>                                 | <b>6.16</b>    |
| VCCS Policy Manual Reference:<br><a href="#">Policy 6.5.0.1</a> | Page<br>1 of 6 |
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**Office of Primary Responsibility: Vice President of Student Affairs**

- A. Purpose. This policy provides an equitable and orderly process to resolve general grievances/complaints made by students for improper treatment by a Thomas Nelson employee, student, and/or an employee of a firm under contract. This policy does not apply to grade appeals, general harassment, sexual harassment complaints, disability accommodations, and discrimination grievances or appeals regarding tuition refunds, final course grades, and/or student conduct which involves violation of state, federal or local law or violations of the Student Code of Conduct. For such matters, the College has a variety of policies and procedures for dealing with student-initiated complaints that are handled under separate policies and procedures.
- B. Definitions:
1. Active Student: A student is defined as either a registered part-time or full-time student at Thomas Nelson.
  2. Grievant: An individual who is an active student with the college who has a grievance against the college as a result of the action or inaction of a college employee or student.
  3. Grievance: An unwritten or written claim raised by a student alleging improper treatment charged by a student against any person employed by the College with respect to the application of the provisions of rules, policies, or procedures (Virginia Community College System Policy Manual [Section 6.5.0.1](#)). The grievant must be personally affected by the alleged violation and inequitable action.

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| <b>Dr. Daniel Lufkin</b>                      |  |
| Responsible Area Vice President               | Date: February 3, 2015   |
| <b>Charles A. Nurnberger</b>                  | <b>Dr. John T. Dever</b>   |
| Vice President for Finance and Administration | President<br><i>Original signature available in office of VPFA</i> |
| Date: February 3, 2015                        | Date: February 6, 2015   |

4. Formal grievance: The written stage of the student grievance process.
5. Informal grievance: The unwritten stage of the student grievance process.
6. Respondent: A Thomas Nelson employee, student, and/or an employee of a firm under contract to TNCC identified by the grievant as causing or contributing to the grievance.
7. School day: Any school day in session, but not to include Saturdays or Sundays.

C. Informal Grievance Procedure:

1. Students must first attempt to resolve grievances informally. Given the nature of grievances covered by this procedure, it is expected that in all but the most unusual circumstances, students will first raise the issue with the respondent. In the event this is not feasible, the student will contact the Division Dean.
2. Students who have grievances with other Thomas Nelson Community college students, which do not involve violations of state, federal or local law or violations of the Student Code of Conduct, should direct their concerns to the appropriate Director or Dean.

D. Formal Grievance Procedure:

1. Level 1. If the grievance cannot be resolved informally, the student may file a written grievance regarding the respondent through the Vice President for Academic Affairs, if the grievance involves faculty, or other instructional personnel, then through the Academic Dean or the Vice President for Student Affairs. For all other grievances, within ten (10) school days following oral response from the respondent. Within ten (10) school days of receipt of the written grievance, the respondent shall respond with a written decision to the student through the appropriate Vice President.
2. Level 2. If the student is not satisfied with the disposition of the grievance at Level 1, he or she may file an appeal through the appropriate Vice President with the appropriate supervisor of the respondent. The supervisor serving as Hearing Officer will meet with the student, the respondent, and any other relevant persons to ascertain the validity of the grievance. The supervisor will give a written decision through the appropriate Vice President to the student and respondent within twenty (20) school days of the initial filing of the appeal at Level 2. In cases where the initial grievance against a person who would normally be the hearing officer at Level 2, the grievance process will bypass Level 2 and move immediately to Level 3.
3. Level 3. If the student or respondent is not satisfied with the disposition at Level 2, he or she may file a written appeal through the appropriate Vice President within ten (10) days of receipt of the Level 2 reply. The Vice

President will determine the appropriate dean to hear the grievance. The dean serving as Hearing Officer shall meet with the student, the respondent, and any other appropriate persons to ascertain the validity of the grievance and the appeal from Level 2. The dean will give a written decision through the appropriate Vice President to the student and respondent within twenty (20) days of the initial filing of the appeal at Level 3. If the initial grievance is directed against the dean who would normally be the Hearing Officer at Level 3, the grievance process will bypass Level 3 and move immediately to Level 4.

4. Level 4. If the student or respondent is not satisfied with the disposition of the grievance at Level 3, he or she may file a written appeal through the appropriate Vice President to the President for the College within ten (10) days of receipt of the Level 3 reply and request that the appeal be heard by a grievance panel. That appeal will include a statement of grievance and a summary of the decisions made at previous levels and specify the relief requested.

E. Grievance Panel. The President shall within fifteen (15) days after the receipt of the appeal, appoint a grievance panel consisting of the following:

1. One dean nominated by the Vice President for Academic Affairs or the Vice President for Student Affairs, as applicable.
2. Two faculty members nominated by the Faculty Senate Executive Committee.
3. Students nominated by the President for the Student Government Association to serve only in an advisory capacity.
4. One member of the administration, faculty, staff or student nominated by the grieving student. If a student is appointed, he or she will serve only in a non-voting, advisory capacity.
5. One Classified person nominated by the personnel officer.
6. The Vice President for Academic Affairs and the Vice President for Student Affairs will serve as ex-officio, non-voting members of the panel. The panel will select its own Chairperson, within ten (10) school days after the Grievance Panel has been designated by the President. The Chairperson of the Grievance Panel shall set a time and place of the hearing and notify the panel, the student, and the respondent. The hearing shall begin within fifteen (15) school days after the Grievance Panel has been appointed and the Chairperson selected. The Grievance Panel shall make its decision by simple majority vote and communicate its decision in writing to the President within five (5) school days after the hearing has been completed. The President, in turn, will notify the student and the respondent.

F. General Provisions

1. Matters Preliminary to Hearing:
  - a. In no case may an individual involved in an earlier level of the grievance serve on the Grievance Panel. No later than ten (10) school days before the scheduled hearing, the grievant shall furnish the Panel Chairman in writing with the following:
  - b. The name of each witness the grievant wants to appear. It is the grievant's responsibility to contact the witnesses and arrange for their appearance.
  - c. A specific description of all documentary and other evidence possessed by the College which the grievant wishes produced. Any institutional or public records consistent with the College's policy on the release of student academic records and the release of college employee personnel records may be requested by the grievant if these records are pertinent to the grievance. Requests for records shall be made in writing by the Grievance Panel Chairperson to the appropriate College official who is responsible for the maintenance of the subject records. In no event will such records be released in violation of law or College policy.
  - d. The College employee involved will be given a copy of all material which is submitted or requested.
  - e. No later than ten (10) school days before the scheduled hearing, the College employee named in the grievance shall furnish the panel Chairperson in writing with the following:
    - 1) The name of each witness the College employee wants to appear. It is the responsibility of the College employee to contact the witnesses and arrange for them to appear.
    - 2) A description of all pertinent public documentary evidence the College employee wishes reproduced from college files for the perusal and consideration of the panel. In addition, in accordance with the Family Education Rights and Privacy Act (Buckley Amendment), before the record of any student may be released for panel use, written permission to release the record must be granted by that student. In no event will such records be released in violation of law or college policy.
    - 3) The student involved will be furnished a copy of all of the aforementioned documentary evidence furnished to the College employee.
2. Procedure for Conducting the Hearing
  - a. The Grievance Panel as appointed by the President at Level 4 will have the responsibility of evaluating the grievance in light of College policies and procedures and will present a decision to the President. The Grievance Panel does not have the prerogative to

- formulate or change college policies or procedures nor to commit public resources.
- b. The hearing is informal and the Grievance Panel Chairman shall be provided reasonable opportunities for witnesses to be heard.
  - c. The Panel shall proceed generally as follows during the hearing:
    - 1) The Chairperson reads the grievance and informs all parties of the hearing procedures.
    - 2) The grievance or appeal is presented by the appropriate party.
    - 3) The Panel questions the grievant, respondent, and the witnesses.
    - 4) Both the student and the respondent will be afforded the opportunity to make statements and to ask questions of the witnesses and of each other.
3. The Grievance Panel Shall Arrive at a Decision by a Simple Majority Vote.
- a. The decision of the Grievance Panel (including the vote tally) is made in writing by the Chairperson to the President for appropriate dissemination and action.
  - b. Within the limits indicated in F.2.a, the Grievance Panel may include any recommendation it desires as part of its decision. Examples are shown below:
    - 1) Review the action upon which the grievance is based by the person who made the official decision.
    - 2) Review the procedures and/or policy used by the College employee making the decision which is in question.
    - 3) Review the College policies and/or procedures by appropriate officials.
    - 4) Make to appropriate officials recommendations which might assist in preventing future actions causing the grievance.
    - 5) Recommend disciplinary procedures be initiated against the respondent if the Grievance Panel decided that there have been violations of college policies or regulations.
    - 6) Find no basis for grievance.
  - c. Copies of the President's decision, if the final appeal process is activated, will be forwarded by the President to the student, the respondent, the Vice President for Academic Affairs and the Vice President for Student Affairs, the Grievance Panel Chairperson, and other appropriate administrators.
  - d. All written grievances shall include the name of the student filing the grievance, date of filing, and a brief but particularized statement of the nature of the grievance and the redress sought.
  - e. Any previously unobtainable written information pertaining to the grievance may be presented by the grievant throughout the grievance process, but where an official of the College was the

subject of the grievance as initiated at Level 1, that person shall have the right to copies of all information presented by the grievant at subsequent levels.

- f. At Level 4, minutes will be recorded for the meeting of the Grievance Panel. A copy of the minutes of the Level 4 meeting will be made available to any appropriate persons, at their expense, as determined by the President. These minutes will be filed in the President's Office.
- g. The grievant shall be informed that his or her action against a college employee is a serious matter and the matter should be given a great deal of thought.
- h. Revision of the deadline for filing appeals and rendering responses may be made in writing by mutual agreement among the grievant, the respondent, and the responsible college officials.
- i. It should be understood that the filing of a grievance against a college employee or even a final decision in favor of the student is not in itself necessarily an unfavorable comment on an employee's performance of his or her duties. It should also be understood that the filing of a grievance against a college employee by a student will not result in any arbitrary, unreasonable, or capricious actions against that student.