J.F. Drake State Technical College promotes the open exchange of ideas among all members of the College community, students, faculty, staff, and administration. An environment conducive to the open exchange of ideas is essential for intellectual growth and positive change. The College recognizes that in order to effectively carry out its mission, its employees and students must feel confident that any valid complaint or grievance an employee or student may make concerning the College will be promptly addressed by the appropriate authorities. Therefore, the following procedures for resolving such complaints and grievances have been adopted by the College.

Definition of terms:

**Complaint.** For purposes of this policy, a complaint shall mean a specific event, activity, or occurrence within the scope of the authority of the College’s administration or faculty about which an individual has a specific concern.

**Employees.** Any individual on the college payroll or employed by Drake State Technical College.

**Students.** Any student enrolled in classes at Drake State Technical College.

Any college employee making a complaint shall report that complaint in writing to his/her immediate supervisor. The complaint shall be made within ten (10) business days of the event, activity, or occurrence generating the complaint.

After discussion between the employee and the supervisor, if it is determined that the complaint can be resolved immediately and informally, the supervisor will take action to resolve the complaint. However, the supervisor shall submit a written report within ten (10) business days of the filing of the complaint to the **College Grievance Officer**, detailing both the complaint and the resolution of the complaint if the complaint involves any of the following:

1. Charge of physical abuse,

2. Charge of racial or other discrimination,

3. Sexual or other harassment, or if the complaint relates to a disability, or if the complaint relates to a matter involving theft or any other act of dishonesty,

**1. Complaint Related to Academic Matters:** All complaints involving academic disputes must follow the college “Academic Appeal Policy”, and the decision of the Dean of Instructional and Student Services will be final.
2. Complaint Related to Disability: Complaints related to a disability should be reported in writing to the College ADA Coordinator within ten (10) business days of occurrence of the event prompting the complaint.

3. Other Types of Complaints: Complaints related to any matter other than academic or disability should be reported orally or in writing to the Student Services Management Director within ten (10) business days of the event prompting the complaint.

If, after discussion between the student and the respective college official, it is determined that the complaint is valid and can be resolved immediately and informally, the college official will take action to resolve the complaint. However, if the complaint involves a charge of physical abuse, racial, or other discrimination, sexual or other harassment, or if the complaint relates to a disability, or if the complaint relates to a matter involving theft or any other act of dishonesty, the respective college official will submit a written report within ten (10) business days of the filing of the complaint to the College Grievance Office, detailing both the complaint and its resolution.

Plan of Resolution:

If the student's or employee's complaint cannot be resolved immediately and informally, but requires instead a "Plan of Resolution", the appropriate college official to whom the complaint was made shall submit a written report to the person designated by the president to be the Grievance Officer. The report shall be submitted within ten (10) business days of the complaint and shall detail the complaint and the plan to resolve the complaint. If the Plan of Resolution does not result in satisfactory solution to the complaint, the complainant may choose to pursue a grievance.

Grievance Procedures:

An employee or student who submits a written complaint to the appropriate college official, and who is not informed of a satisfactory resolution or plan of resolution of the complaint within ten (10) business days, shall then have the right to file a grievance with the College President/Grievance Officer. The written grievance statement shall be filed using Grievance Form A, which will be provided by the Grievance Officer and shall include at least the following information:

1. Date the original complaint was reported;
2. Name of person to whom the original complaint was reported;
3. Facts of the complaint; and
4. Action taken, if any, by the receiving official to resolve the complaint.

The grievance statement may also contain other information relevant to the grievance that the Grievant wants considered by the Grievance Officer.

If the grievance involves a claim of discrimination based on sex, race, age, national origin, religion, handicap, or disability, the complaining party should state with particularity, the nature of the
discrimination and, if known, a reference to any statute, regulation, or policy which the Grievant believes to have been violated. The Grievant shall file any claim involving discrimination as described above within thirty (30) calendar days of the occurrence of the alleged discriminatory act or of the date on which the Grievant became aware that the alleged discriminatory act took place.

4. Investigation, Hearing, and Findings:

The College shall have thirty (30) calendar days from the date of the receipt by the College Grievance Officer of the grievance to conduct an investigation of the allegation(s), hold a hearing (if requested) on the grievance, and submit a written report to the Grievant of the findings arising from the hearing. Grievance Form A shall be used to report both the grievance and the hearing findings. The hearing findings shall be reported by the President (or his/her designee) to the Grievant by either personal service or certified mail sent to the Grievant’s home address.

4 –a Investigation Procedures:

The Grievance Officer and a designee of the President (if appointed), shall conduct a factual investigation of the grievance allegations and shall research the applicable statute, regulation, and/or policy, if any. The College Grievance Officer shall determine, after completion of the investigation, whether there is substantial evidence to support the grievance. The factual findings of the investigation and the conclusions of the Grievance Officer shall be stated in a written report which shall be submitted to the Grievant and to the party/parties against whom the complaint was made (the "Respondent") and shall be made a part of the hearing record, if a hearing is requested by the Grievant.

Each of the parties shall have the opportunity to file written objections to any of the factual findings and, if there is a hearing, to make their objections part of the hearing record. Publications or verified photocopies containing relevant statutes, regulations, and policies shall also be prepared by the Grievance Officer for the hearing record.

If the Grievance Officer finds that the grievance is supported by substantial evidence, he or she shall also make a recommendation in the report as to how the grievance should be resolved. Upon the receipt by the Grievant of the Grievance Officer's report, the Grievant shall have five (5) business days to notify the Grievance Officer whether or not the Grievant demands a hearing on the grievance.

The failure by the Grievant to request a hearing by the end of the fifth business day shall constitute a waiver of the opportunity for a hearing. However, at the discretion of the Grievance Officer, a hearing may be scheduled if it is in the best interest of the College.

In the event that no hearing is to be conducted, the Grievance Officer's report shall be filed with the President, and a copy provided to the Grievant and each Respondent.

4 – b Hearing Procedures:

In the event that the Grievant requests a hearing within the time frame designated by the Grievance Officer, the President shall designate a qualified, unbiased person or committee to conduct each
grievance hearing. The hearing officer and/or committee members will generally be employees of the College. However, the President shall have the discretion to select individuals other than College employees to serve as a hearing officer or as a committee member. The hearing officer and/or committee shall notify the Grievant, and each Respondent, of the time, place, and subject matter of the hearing at least seventy-two (72) hours prior to the scheduled beginning of the hearing. The hearing shall be conducted in a fair and impartial manner and shall not be open to the public unless both parties agree in writing for the hearing to be public.

At the hearing, the Grievant and the Respondent shall be read the grievance statement. After the grievance is read into the record, the Grievant shall have the opportunity to present such oral testimony and offer such other supporting evidence as he/she shall deem appropriate to his/her claim. Each Respondent shall then be given the opportunity to present such oral testimony and offer such other evidence as he/she deems appropriate to the Respondent’s defense against the charges. In the event that the College, or the administration of the College at large, is the party against whom the grievance is filed, the President shall designate a representative to appear at the hearing on behalf of the respective College.

Any party to a grievance hearing shall have the right to retain, at the respective party's cost, the assistance of legal counsel or other personal representative. However, the respective attorney or personal representative, if any, shall act in an advisory role only and shall not be allowed to address the hearing body or question any witnesses. In the event that the College is the Respondent, the College representative shall not be an attorney or use an attorney unless the Grievant is also assisted by an attorney or other personal representative.

The hearing shall be recorded either by a court reporter or on audio or video tape or by other electronic recording medium. In addition, all items offered into evidence by the parties, whether admitted into evidence or not, shall be marked and preserved as part of the hearing record.

4 – c Rules of Evidence:

The hearing officer or committee shall make the participants aware that the rules relating to the admissibility of evidence for the hearing will be similar to, but less stringent than, those which apply to civil trials in the Circuit Courts of Alabama.

Generally speaking, irrelevant or immaterial evidence and privileged information (such as personal medical information or attorney-client communications) shall be excludable. However, hearsay evidence and unauthenticated documentary evidence may be admitted if the hearing officer or chairperson determines that the evidence offered is of the type and nature commonly relied upon or taken into consideration by a reasonably prudent person in conducting his affairs.

In the event of an objection by any party to any testimony or other evidence offered at the hearing, the hearing officer or committee chairperson shall have the authority to rule on the admissibility of the evidence, and this ruling shall be final and binding on the parties.
4 – d Report of Findings and Conclusions of Law:

Within five (5) working days following the hearing, there shall be a written report given to the College Grievance Officer (with a copy to the President, the Grievant, and each Respondent) of the findings of the hearing officer or the chairperson of the hearing committee, whichever is applicable, and the report shall contain at least the following:

1. Date and place of the hearing;

2. The name of the hearing officer or each member of the hearing committee, as applicable;

3. A list of all witnesses for all parties to the grievance;

4. Findings of fact relevant to the grievance;

5. Conclusions of law, regulations, or policy relevant to the grievance; and

6. Recommendation(s) arising from the grievance and the hearing thereon.

4.5 Conciliation of Grievance. In the event of a finding by the hearing officer/committee that the grievance was unfounded or was not supported by the evidence presented, the College Grievance Officer shall notify the Grievant of any appeal that may be available to the Grievant.

In the event of a finding that the grievance was supported, in whole or in part, by the evidence presented, the College Grievance Officer shall meet with the Grievant and the appropriate college representative(s) (which may include the Respondent[s]) and attempt to bring about a reasonable resolution of the grievance.

5. Available Appeals

5 – a Presidential Appeal:

If the grievance does not involve a claim of illegal discrimination based on gender, race, or disability, the findings of the hearing officer/committee shall be final and non-appealable. However, if the grievance involves such a claim, the Grievant shall have the right to appeal the decision of the hearing officer or committee to the President of the College, provided that:

1. A notice of appeal is filed, using Grievance Form B, with the College Grievance Officer and the President within fifteen (15) calendar days following the Grievant’s receipt of the committee report; and

2. The notice of appeal contains clear and specific objection(s) to the finding(s), conclusion(s), and/or recommendation(s) of the hearing officer or committee.

If the appeal is not filed by the close of business on the fifteenth (15th) day following the Grievant’s receipt of the report, the Grievant’s right to appeal shall have been waived. If the appeal does not contain clear and specific objections to the hearing report, it shall be denied by the President.
If an appeal is accepted by the President, the President shall have thirty (30) calendar days from his/her receipt of the notice of appeal to review and investigate the allegations contained in the grievance, to review the hearing record, to hold an appellate hearing (if deemed appropriate by the President), and to produce a report of the President's findings of fact and conclusions of law. The President shall have the authority to (1) affirm, (2) reverse, or (3) affirm in part and reverse in part the findings, conclusions, and recommendations arising from the college grievance hearing. The President's report shall be served to the Grievant and Respondent(s) by personal service or by certified mail, return receipt requested, at their respective home addresses.

5–b President's Review:

Except in cases involving a claim alleging a violation of Title IX of the Civil Rights Act of 1964, as amended, the President's findings and conclusions shall not be appealable. However, pursuant to State Board of Education policy, a Grievant who is alleging a claim of illegal discrimination based on a violation of Title IX may file an appeal to the Chancellor of the Alabama Department of Postsecondary Education for a review of the President's report and the findings arising from the college grievance hearing.

A Grievant who has ground for appealing the findings of the President to the Chancellor may do so by:

1. Filing the notice of appeal, using Grievance Form C, to the Chancellor and the President of Drake State Technical College within fifteen (15) calendar days following the Grievant's receipt of the report of the President's findings; and

2. Specifying in the notice of appeal clear and specific objection(s) to the finding(s), conclusion(s), or recommendation(s) affirmed by the President.

If the appeal is not filed with the Chancellor by the close of business on the fifteenth (15th) day following the Grievant's receipt of the President's report, the Grievant's opportunity to appeal shall have been waived. If the appeal does not contain clear and specific objections to the President's report, it shall be denied by the Chancellor.

5–c Appeal to the Chancellor:

If an appeal is accepted by the Chancellor, the Chancellor shall have thirty (30) calendar days following his/her receipt of the Grievant's notice of appeal to investigate and review the allegations contained in the grievance, to review the reports of the President and the college hearing officer/committee, to hold an appellate hearing, (if he/she deems such appropriate), and to issue a report of his/her findings of fact and conclusions of law. The Chancellor shall have the authority to (1) affirm, (2) reverse, or (3) affirm in part and reverse in part the findings, conclusions, and recommendations of the President and/or the hearing officer/committee. The report of the Chancellor shall be served to the Grievant and Respondent(s) by personal service or by certified mail, return receipt requested, to the respective home addresses of the parties. The report of the Chancellor shall not be further appealable with the Alabama
two-year college system. However, the Grievant shall not be precluded from filing his or her grievance with an appropriate court or administrative agency.

7. General Rule on Filings:

If the last date for filing a document under this procedure falls on a Saturday, Sunday, or legal holiday, the date of the first business day following the respective Saturday, Sunday, or legal holiday shall be considered the deadline date.

8. List of Responsible Officials:

Below is a list of officials who have been referenced herein above as responsible for responding to complaints and grievances.

1. President
2. Dean of Instructional and Student Services
3. Business Manager
4. Director of Accreditation and Program Development
5. Associate Dean of Instruction
6. Associate Dean of Career Technical Education
7. Student Services Management Director
8. Director of Human Resources

Each of these officials is charged with the responsibility of assisting employees in every reasonable way to resolve any valid complaint which an employee may have and to assist any employee who has been unable to resolve a complaint and desires to file a formal grievance. The President reserves the right to make such changes or substitutions to the above list of officials as he deems appropriate in order to avoid conflicts of interest or any potential appearance of bias or prejudice.
GRIEVANCE PROCEDURE - TITLE IX

The College adheres to the Alabama State Board of Education Policy 620.01:

1. The original and two copies of Grievance Form A must be filed with complainant’s Dean or Department or Division Chair within 30 calendar days following the date of alleged violation(s) of the Title IX regulation. The alleged violation(s) must be clearly and specifically stated (complainant is advised to keep a copy of all forms used in Steps 1-6 for his/her files).

2. Complainant’s Dean or Department or Division Chair will immediately notify the President and the Title IX Coordinator of receipt of Grievance Form A. The Dean or Department or Division Chair will have 30 calendar days following date of receipt of Grievance Form A to investigate and study complainant’s allegations, hold a formal hearing, and make a written report of findings to complainant. Form A must be used for the report. Copies of Form A must be provided to the Title IX Coordinator and the President. Complainant’s copy must be mailed to his/her home address by certified mail, return receipt requested.

3. Complainant must, within 15 calendar days following receipt of Dean or Department or Division Chair’s report, file with the President and Title IX Coordinator, a written notice of acceptance or appeal of the report. If a notice of appeal is filed, appeal Form B must be used. Complainant must state clearly and specifically on Form B the objections to the findings and/or decision of the Dean, Department or Division Chair. Copies of Form B must be provided for the Title IX Coordinator and the President. If complainant fails to file notice of appeal by 5:00 p.m. on the 15th calendar day following receipt of Dean or Department or Division Chair’s report, the right to further appeal will be forfeited.

4. The President will have 30 calendar days following date of receipt of complainant’s notice of appeal to investigate and study complainant’s allegations, the report of the Dean or Department or Division Chair, and make a written report of findings to complainant. Form B must be used for the report. Copies of Form B must be provided the Title IX Coordinator and the Chancellor. Complainant’s copy must be mailed to his/her home address by certified mail, return receipt requested.

5. Complainant must, within 15 calendar days following receipt of President’s report, file with the President and Title IX Coordinator a written notice of acceptance or appeal of the report. If notice of appeal is filed, appeal Form C must be used. Complainant must state clearly and specifically on Form C the objections to the findings and/or decisions of the president. Copies of Form C must be provided the Title IX Coordinator and the Chancellor. If complainant fails to file notice of appeal by 5:00 p.m. on the 15th calendar day following receipt of the President’s report, the right to further appeal will be forfeited.
6. The Chancellor will have 30 calendar days following the date of receipt of complainant’s notice of appeal to investigate and study complainant’s allegations and the report of the President, hold a formal hearing, and make written report of findings to complainant. Form C must be used for the report. Copies of Form C must be provided the Title IX Coordinator. Complainant’s copy must be mailed to his/her home address by certified mail, return receipt requested.

NOTE: If the last day for filing notices of appeal falls on either Saturday, Sunday, or a legal holiday, complainant will have until 5:00 p.m. the first working day following the 15th calendar day to
GRIEVANCE APPEAL – FORM A

TO: College Grievance Officer _________________________________________________________

FROM: ___________________________________________________________, Grievant

DEPARTMENT/PROGRAM:

Student ______________ or Employee __________________

Home Address: __________________________________________________________________

Home Phone Number: _____________________ Work Phone Number: ____________________

INFORMATION ON GRIEVANCE:

A. Date(s) of Occurrence(s) upon which Grievance is based:

B. Description of Grievance: [If the Grievant is alleging illegal discrimination based on gender, race, color, national origin, religion, handicap, or disability, the Grievant should include a reference, if known, to any pertinent statute(s), policy(cies), or regulation(s). Use additional pages, if necessary, to describe Grievance.]

C. State the name of each College instructor or official to whose attention the Grievant has already brought the matter being complained of, and state on what date each such instructor or official was first notified of the situation:

D. Describe any attempt(s) which have already been made by any College official and representative to resolve the Grievance described above. Please name each college official and representative who has participated in any prior attempt to resolve the situation, and describe the involvement of each such person.________________________________________________________

___________________________________________________________________________________

E. State any other information which the Grievant believes should be considered by the College Grievance Officer in investigating the Grievance. [Also attach to, or enclose with this form, and other document(s), photo(s), audio or video tape(s), etc., which the Grievant believes will be helpful to the College Grievance Officer.]______________________________________________

___________________________________________________________________________________

I, the undersigned Grievant, hereby confirm that the information stated above and all other information submitted by me in support of the Grievance hereby made is accurate, complete, and truthful to the best of my knowledge and belief.

_______________________________________

Grievant
GRIEVANCE APPEAL – FORM B

IMPORTANT NOTICE TO GRIEVANT: In order for this Appeal to be considered, it must be received by the President of Drake State Technical College by not later than the close of the business day fifteen (15) days after your receipt of the Report of the findings, conclusions, and recommendations of the Hearing Officer or Hearing Committee who heard your Grievance.

TO: President

FROM: ____________ (Grievant)

DEPARTMENT/PROGRAM:

Student ___________ or Employee ________________

Home Address: _________________________________________________________________

Home Phone Number: ___________________ Work Phone Number: _____________________

APPEAL STATEMENT: [Please include a copy of the Report of the Hearing Officer or Committee which heard your Grievance. Please specify each objection which you have to the finding(s), conclusion(s), and/or recommendations(s) of the Report. A failure to state a specific and reasonable objection will cause the appeal to be denied without a review. Use additional sheets, if necessary. Please also attach or enclose any additional document(s), photo(s), audio or video tape(s), etc., which are supportive of your Appeal.]

____________________________

Grievant Filing Appeal

Date: _____________________________

GRIEVANT MUST SEND A COPY OF THIS APPEAL TO:

College Grievance Officer

Each Respondent to Grievance (if other than College)
GRIEVANCE APPEAL – FORM C

IMPORTANT NOTICE TO GRIEVANT: An appeal to the Chancellor of Postsecondary Education may only be filed in the event of Grievance alleging a violation of Title IX of the Civil Rights Act of 1964, as amended, and that the Grievant has filed an Appeal with the President of Drake State Technical College and has received a Report from the President affirming in whole or in part the finding(s), conclusion(s), and recommendation(s) of the Hearing Officer or Hearing Committee which heard the Grievance filed by the Grievant. In order for this Appeal to be considered, it must be received by the Chancellor by not later than the close of the business day fifteen (15) days after your receipt of the Report from the President of DRAKE STATE TECHNICAL COLLEGE.

TO: Chancellor, Alabama Department of Postsecondary Education

401 Adams Avenue, Montgomery, AL 36104

FROM: ______________________________________________________________________________, Grievant

Department/Program:

___________________________________________________________________________

Student ____________ or Employee _____________

Home Address:

______________________________________________________________________________

Home Phone Number: ____________________ Work Phone Number:______________________

APPEAL STATEMENT: [Please include a copy of the Report of the hearing Officer or Committee who heard your Grievance and a copy of the Report of the President in response to your Appeal to him. Please specify each objection to the finding(s), conclusions(s), and/or recommendation(s) of the Reports of the Hearing Officer of Committee and the President. A failure to state a specific and reasonable objection will cause the appeal to be denied without a review. Use additional sheets, if necessary. Please also attach or enclose any additional document(s), photo(s), audio or video tape(s), etc., which are supportive of your appeal.]

_________________________________

Grievant Filing Appeal

Date: _____________________________

GRIEVANT MUST SEND A COPY OF THIS APPEAL TO:

• President, J.F. Drake State Technical College
• Designated Grievance Officer,
• Each respondent to Grievance.