

STUDENT COMPLAINT/GRIEVANCE AND APPEAL POLICY

Drake State recognizes that in order to efficiently and effectively carry out its mission, its students must feel confident that any valid complaint or grievance a 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 Drake State Community and Technical College.

The Drake State Student Handbook defines the initial steps to solve a complaint, as well as defines sexual harassment, discrimination, and grievance as follows:

- Complaints - Academic or non-academic areas of dissatisfaction with instructional or support services. Examples of academic complaints include a disputed course grade, faculty performance, or course information. Examples of non-academic complaints include a disputed late registration fee, delivery of support services, or student conduct.
- Sexual Harassment- Inappropriate introduction of sexual activities or comments into the workplace or learning environment. While sexual harassment may involve relationships among equals, it often involves relationships of unequal power, giving rise to elements of coercion centered on sexual activity for opportunities of benefit such as improved job or academic status.
- Discrimination- Difference in treatment in any service, program, course or facility on the basis of race, color, creed, gender, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status, or parental status.
- Grievance - An unresolved complaint shall be termed a "grievance." A student who submits a complaint to the appropriate College officials and who is not satisfied with the plan of resolution

INITIAL STEPS TO RESOLVE A COMPLAINT

Informal Student Complaint Process

Drake State has a variety of procedures for dealing with student-related issues, including grade appeals, academic dishonesty violations, student discipline, harassment complaints, and Student Grievance procedures. One area not generally covered by other procedures concerns informal student complaints about faculty, staff or student conduct. The College respects the academic freedom of the faculty and will not interfere with the exercise of appropriate discretion concerning the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. At the same time, the College recognizes its responsibility to provide students with a procedure for addressing complaints about faculty/staff treatment of students that are not covered by other procedures.

Wherever possible, complaints at Drake State are handled in an informal manner. Administrators, faculty, and staff maintain an "open-door" policy to discuss issues of concern for all students. Faculty and staff serve as a resource for individuals seeking assistance in resolving matters within the College community. Students are encouraged to first attempt to resolve complaints with the faculty or staff person. If unresolved, students should next speak to the departmental chairperson or supervisor of the faculty or staff member in an effort to resolve the matter. If still unresolved, the student should lodge their complaint with the Dean of Instruction (academic complaints) or Dean of Students (non-academic complaints). The chart below details the initial area for assistance referral and subsequent contact areas. If students have any questions about the applicable area for assistance, they should consult with

the Title IX Coordinator, who will advise the student if some other procedure is applicable to the type of complaint they are seeking to resolve.

Informal Complaint Referral Chart

Issue	1 st Response - Level I	2 nd Response - Level - II
Academic Instructor Concerns	Instructor	Division Chair
Grade Appeals	Instructor	Division Chair
Academic Probation/Suspension	Admission Records	Registrar/Director of Financial Aid
Admissions Application Process	Admissions	Director of Admissions/Registrar
Assessment/Testing Center	Testing Center Coordinator	Dean of Students
Academic Advising	Instructor	Division Chair
Canvas Technical Assistance	IT Help	IT Coordinator
Bookstore	Business Office Clerk	Director of Fiscal Affairs
Campus Tours	Enrollment Specialist	Director of Admissions/Registrar
Discipline Outside of the Classroom	Operations/ Staff Member	Dean of Students
Financial Aid Issues	Financial Aid Staff	Director of Financial Aid
Veteran Benefits	Veteran and Military Affairs Clerk	Director of Financial Aid
Tutor Support	Instructor	Division Chair
Students with Disabilities	Student Success Specialist	Dean of Students
Student Orientation	Student Success Specialist	Dean of Students
Transcripts	Admissions Records	Director of Admissions/Registrar
Refund Requests	Business Office Staff	Director of Fiscal Affairs
Workforce Development Concerns	Director of Workforce Development	Dean of Instruction
Adult Education Concerns	Director of Adult Education	Dean of Instruction

Formal Student Complaint Process

If an informal conference regarding a complaint fails to reach the outcome requested by the student, the student may initiate the formal process described below by timely filing a written complaint the respective Dean. Any student enrolled at Drake State who wishes to make a formal complaint about an academic matter must report that matter in writing to the Dean of Instruction, who is responsible for managing academic complaints. Any other types of complaints are considered non-academic and are reported to the Dean of Students, who is responsible for managing non-academic complaints. If the complaint involves a specific occurrence, the complaint shall be made within ten (10) working days of the occurrence.

The written complaint is completed on a [Complaint Form](#) which includes the date the complaint was reported, the student's name, student identification number, contact information and current enrollment status. The specific elements of the complaint review that are included in the records are as follows:

1. The date of the incident;
2. Whether or not the complaint is an academic or non-academic matter;
3. If the complaint involves a specific person and/or department;
4. A description of the complaint, including specific details and additional documentation;

5. Whether the complainant has had an opportunity to speak to a Drake State faculty or staff member regarding the complaint;
6. The person to whom the complainant spoke regarding the complaint;
7. The outcome of the conversation the complainant had with a Drake State faculty or staff member regarding the complaint;
8. Signature and Date Complaint Form completed by complainant;
9. A processing section for either the Dean of Instruction and/or Dean of Students to complete.

If, after discussion between the student and the respective dean, it is determined that the complaint can be resolved immediately; the college official will take action to resolve the complaint and will submit a report within ten working days of the filing of the complaint to the President and other appropriate college officials, detailing both the complaint and its resolution.

GRIEVANCE PROCEDURES

If any student's complaint is not or cannot be resolved at the first level of supervision as described in the paragraphs above, such an unresolved complaint shall be termed a "grievance." A student who submits a complaint to the appropriate College officials under the paragraphs above and who is not satisfied with the plan of resolution shall have the right file a grievance with the College official and shall include the following information:

1. Date the original complaint was reported;
2. Name of the person to whom the original complaint was reported;
3. Detailed facts of the complaint;
4. Proposed action to be taken by the receiving official to resolving the complaint;
5. Specific action to be taken by the receiving official to resolve the complaint;
6. Specific objection(s) to be the proposed plan of resolve;
7. Other information relevant to the grievance that the complainant wants considered.

If the complainant fails to file notice of appeal by 4:30 pm on the 15th calendar day following having received the plan of resolution, the right to further appeal is forfeited.

INVESTIGATION PROCEDURES

The Grievance Officer, either personally or with the assistance of such other persons as the President may designate, shall conduct a factual investigation of the grievance and shall research the applicable statute, regulations or policy, if any. The factual findings from the investigation by the Grievance Officer shall be stated in a written report.

The report will be submitted to the complainant and to the party 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 complainant.

Student Grievance Procedures Involving Discrimination, Sexual Harassment, and Rights of the Disabled

INTRODUCTION

Drake State promotes the exchange of ideas among all members of the college community including students, faculty, staff, and administration. An environment conducive to open exchange of ideas is essential to intellectual growth and positive change. However, the College recognizes that, at times, people may have differences which they are unable or unwilling to resolve themselves, and that employees and students must feel confident that the appropriate authorities will promptly address a valid complaint or grievance concerning the College.

Provided, however, that if a complaint is in the form of an alleged violation of Title IX of the Education Amendments of 1972, the student shall file the complaint with the Title IX Coordinator (Students) using the grievance procedure adopted by the State Board of Education for Title IX grievances. That procedure can be found at Alabama Community College System Policy No. 620.0. In the event that there is a hearing on a Title IX grievance, the hearing procedure shall be the same as stated herein below.

Title IX provides that “No person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” If the student is uncertain as to whether his or her complaint would be covered by Title IX, the student shall meet with the Dean of Students to make that determination.

ANTI-HARASSMENT POLICY

Drake State has a commitment to providing both employment and educational environments free of harassment or discrimination related to an individual’s race, color, gender, religion, national origin, age, or disability. Not only is such harassment or discrimination a violation of the policies of the Alabama Community College System, it is an institutional policy that any practice or behavior that constitutes such harassment or discrimination shall not be tolerated on Drake State’s campus, or in any division or department, by any employee, student, agent, or non-employee on any College property or while engaged in any College sponsored activity. It shall also be a violation of this policy for a person to engage in such harassment or discriminatory practice or behavior through the use of any College-owned or College controlled communication process, system or device.

For these purposes, the term “harassment” includes, but is not necessarily limited to:

- Language, behavior, or other activity that has the intent or effect of unduly demeaning, embarrassing, or discomforting any person, or creating an environment that is unduly demeaning, embarrassing, or discomforting to any person or persons of reasonable sensitivity.
- Harassment of employees or students by persons who are not employees or students shall also be a violation of this policy. Any employee or student who becomes aware of any such harassment shall report the incident(s) to the appropriate institutional official.

Such discrimination may or may not be in the form of harassment, per se. However, as with incidents of harassment, any employee or student who becomes aware of the unduly adverse treatment of any person on the basis of that person’s race, color, gender, religion, national origin, age, disability, or any other impermissible factor, shall report such situation to an appropriate College official.

Sexual harassment is a form of misconduct that is considered under the law to be both harassment and discrimination which is illegal under Title VII of the Civil Rights Act of 1964 for employees and under Title IX of the Education Amendments of 1972 for students. Sexual harassment does not refer to such innocent conduct as occasional compliments on another's appearance; it refers to behavior with sexual connotations that would have the effect of interfering with, or the tendency to interfere with, the work, educational, or social environment of its victims. Sexual harassment may involve the behavior of a person of either sex toward a person of the opposite or the same sex, and occurs when it consists of unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational opportunities;
2. Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creates an intimidating, hostile, or offensive work or educational environment.

Sexual harassment may include, but is not be limited to, any of the following:

1. Physical assault, or attempted physical assault, of a sexual nature.
2. Direct propositions of a sexual nature;
3. Subtle pressure for sexual activity;
4. Threats or coercion used for the purpose of soliciting sexual favors;
5. Displaying pictures or other objects which are sexual in nature that would have the tendency to create a hostile or offensive environment and serve no legitimate business purpose;
6. Repeated conduct that has the effect of causing, or intent to cause, discomfort or humiliation, or both, that includes comments of a sexual nature or sexually explicit statements, questions, jokes, or anecdotes;
7. Repeated conduct that has the effect of causing, or the intent to cause, discomfort or humiliation in the form of (i) touching, patting, pinching, hugging, or brushing against another's body; (ii) comments of a sexual nature about another's clothing or appearance; or (iii) remarks about sexual activity or prior sexual experiences.

Any student who is the victim, or intended victim, of sexual harassment should report the matter to the Title IX Coordinator (Students) as soon as possible after the situation occurs. If the matter is determined by the Title IX Coordinator to involve sexual harassment, it shall also be reported to the President of the College and to the Vice Chancellor for Legal and Human Resources, who shall also be kept informed of the progress and results of the investigation of the complaint. Any subsequent adverse treatment incurred by the reporting party that appears to be retaliation of, or related to, the report of sexual harassment should also be brought to the attention of the office of the Dean of Students.

With further regard to relationships of a physical nature, Drake State employees determine the ethical and moral tone for this College through both their personal conduct and their job performance. Therefore, each employee must be dedicated to the ideals of honor and integrity in all public and personal relationships. Relationships between College personnel of different ranks which involve partiality, preferential treatment, or other improper use of position shall not be tolerated. Consensual amorous relationships that might be appropriate in other circumstances are inappropriate when they occur between an instructor and a student for whom he or she has responsibility, or between any

supervisor and an employee where preferential treatment result. Furthermore, such relationships have the potential of undermining the atmosphere of trust on which the educational process depends. Implicit in the concept of professionalism is the recognition by those in positions of authority that in their relationships with students or subordinate employees there is always an element of power. Therefore, it is incumbent on those with authority not to abuse the power with which they are entrusted.

STEPS DEFINED

In order to accommodate the resolution of such situations, Drake State offers the following grievance procedures as the appropriate course of action for settling disputes and resolving problems.

A. Initial Steps

Any student of Drake State who has a grievance against another student or a member of the Drake State faculty, staff, or administration concerning any form of discrimination (Title VI, Civil Rights Act of 1964), sexual harassment (Title IX of the Educational Amendments of 1972), or violation of the rights of the disabled (Sec. 504 of the Rehabilitation Act of 1973) should first attempt to resolve his/her situation with the individual involved. However, a student who believes herself or himself to have been subjected to sexual harassment is not required to first speak to or attempt to resolve the situation with the perpetrator of sexual harassment before filing a complaint. If for some reason resolution of the grievance is not possible, the student should make his/her grievance known to the immediate superior of the individual against whom the student has a grievance, and/or to the Title IX Coordinator (Students) in order to seek an informal resolution to the problem. If, after the discussion between the student and the respective College official or representative it is determined that the complaint is valid, the College official or representative will take appropriate action to resolve the complaint using a formal "plan of resolution."

If the student's complaint requires a formal "plan of resolution," a written report must be submitted to the Dean of Students. The report shall be submitted by the College official or representative within ten business days of the initial complaint and shall detail the complaint and the plan to resolve the complaint. If a student's complaint cannot be resolved in the manner described above, an unresolved complaint shall be termed a "grievance."

B. Interim Resolution

If the Dean of Students should determine that the grievance is of a nature that there should be imposed an interim resolution pending the outcome of the grievance procedure, the Dean of Students shall recommend such an interim resolution to the President or designee. The President or designee shall have the discretion to impose or not impose an interim resolution.

C. Formal Grievance Process

A student who submits a complaint to the appropriate College official or representative in the manner described above and who is not informed of a satisfactory resolution or plan of resolution within ten business days after the complaint's initial submission shall have the right to file, within ten business days, a formal grievance statement. The written grievance statement shall be filed using Grievance Form A, which will be provided by the Grievance Officer and shall include the following information:

1. Date the original complaint was reported;
2. Name of the 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 shall also contain any other information relevant to the grievance the Grievant wants to be considered by the Dean of Students. Any grievance must be filed within 45 calendar days of the occurrence of the alleged discriminatory act or the date of which the Grievant became aware that the discriminatory act took place

The Dean of Students will notify the student or a member of the Drake State faculty, staff or administration of the charge(s) against him/her within five business days of receiving the formal grievance statement. If after a reasonable attempt to notify the student, faculty member, staff member, or administrator of the charges against him/her, the Dean of Students is unable to do so, then the Dean of Students may suspend the student, or the President of the College or his/her designee may suspend with pay the faculty member, staff member, or administrator until a hearing is held and decision rendered.

The College shall have thirty (30) calendar days from the date of receipt by the Dean of Students of the grievance to conduct an investigation of the allegation(s), hold a hearing 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

D. Investigation Procedure

The Dean of Students shall have the right to conduct such preliminary hearing(s) as the Dean of Students or designee shall deem necessary to complete his/her investigation. The Dean of Students shall conduct a factual investigation of the grievance allegations and shall research each applicable statute, regulation, and/or policy, if any. The Dean of Students shall determine, after completion of the investigation, whether or not there is substantial evidence to support the grievance. The factual findings in the investigation and the conclusion of the Dean of Students (Grievance Officer) shall be stated in a preliminary written report which shall be submitted to the Grievant and to the party or parties against whom the complaint was made and shall be made a part of the hearing record, if a hearing is subsequently conducted. 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. If the Grievance Officer finds the grievance is supported by substantial evidence, he or she shall make a recommendation in the report as to how the grievance should be resolved. Upon the receipt of the Grievance Officer's preliminary report, the Grievant and the Respondent shall have three (3) business days to notify the Grievance Officer of the respective party's request for a hearing. The Dean of Students may, nevertheless, at his/her discretion, schedule a hearing on the grievance if to do so would be in the best interest of the College. In the event that no hearing is to be conducted, the Grievance Officer's report shall be deemed a final report and shall be filed with the President, with a copy to be provided to the Grievant.

E. Hearing Procedure

In the event that the Dean of Students schedules a hearing, the Title IX Coordinator or designee will appoint a qualified five-person committee. The Dean of Students shall serve as the nonvoting chairperson. A quorum shall consist of four members of the committee and the chairperson. Unless the President determines otherwise, or both parties agree in writing for the hearing to be public, the hearing shall not be open to the public.

At the hearing, the Grievant and the Respondent(s) 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 testimony and offer such other evidence as he/she deems appropriate to the Respondent's defense against the grievance. 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 College.

Any party to a grievance hearing shall have the right to retain, at the respective party's own 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 witness. In the event that the College or its administration at large is the Respondent, the College representative shall not be an attorney or use an attorney unless the Grievant is also permitted to be assisted by an attorney or other personal representative.

A student does not forfeit any of his/her constitutional rights upon his/her admission into Drake State, nor does a faculty member, staff member, or administrator forfeit his/her constitutional rights upon employment with Drake State. The Committee shall not have the authority to compel any witness to testify. However, insofar as it is not contrary to law, the Committee may take into account the refusal of a witness to testify when deliberating the evidence. With regard to a College employee, the President shall have the authority to direct the employee to testify at a hearing if, in the discretion of the President, such testimony could be material to an accurate determination of the facts in the case.

The hearing shall be recorded by either 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.

F. Report of Findings and Conclusions

Within five (5) working days following the hearing, there shall be a written report from the chairperson on the findings of the hearing committee (with a copy forwarded to the President, the Grievant, and each Respondent). The report shall contain at least the following:

1. Date and place of the hearing;
2. The name of each member of the hearing committee;
3. A list of all witnesses for all parties to the grievance;
4. Findings of facts relevant to the grievance;
5. Conclusions of law, regulations, or policy relevant to the grievance;
6. Recommendations(s) arising from the grievance and the hearing thereon.

G. Resolution of Grievance

In the event of a finding by the Committee that the grievance was supported, in whole or in part, by the evidence presented, the Dean of Students shall meet with the Grievant, the Respondent(s) and the appropriate College representative(s) and attempt to bring about a reasonable agreed-upon resolution of the grievance. If there is no mutual resolution, the President shall impose a resolution of the grievance which shall be final and binding.

H. Appeal Procedure

The President of Drake State shall be the appeal authority in upholding, rejecting, or modifying the recommendations of the Grievance Committee. The President shall not be bound in any manner by the recommendation(s) of the hearing committee, but shall take it (them) into consideration in imposing his/her decision. The charged student, faculty member, staff member, or administrator may file a written request with the Title IX Coordinator and Dean of Students requesting that the President of the College review the decision of the Grievance Committee. The written request must be filed within 15 calendar days following the party's receipt of the hearing report. If the appeal is not filed by the close of business on the fifteenth day following the party's receipt of the report, the party's opportunity 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. The President of the College shall issue his/her opinion to accept, reject, or modify the decision of the Grievance Committee within 15 calendar days of the initiation of the appeal process. If the decision of the Grievance Committee does not satisfy the complainant and should the grievance allege discrimination (Title VI), sexual harassment (Title IX), or violation of the rights of the handicapped (Sec. 504), the complainant may file a written grievance with:

1. The Alabama Community College System pursuant to Alabama Community College System policies and procedures, with respect to Title IX violations;
 - a. If, after exhausting all available institutional processes, a student's complaint remains unresolved, the student may appeal to the Alabama Community College System using the System's official Student Complaint Form available [here](#) or at the ACCS website (www.accs.edu). Students may submit completed complaint forms by printing the form, signing it, and then either scanning it and emailing it to complaints@accs.edu or mailing it to:

Alabama Community College System
Attention: Office of the Vice Chancellor
for Instructional and Student Services
P.O. Box 302130 Montgomery, AL 36130-2130

2. The Vice Chancellor for Instructional and Student Services or an appropriate administrator designated by the Vice Chancellor will investigate the complaint within 30 days of receipt.
3. The institution which is the subject of complaint has 30 days to provide a written response to questions and/or concerns raised during the investigation. Such response may or may not contain a resolution.
4. The Vice Chancellor or designated administrator will adjudicate the matter and write a report or letter to the institution and student detailing corrective action, if any is necessary, or stating that the school has no violation of policies.
5. If corrective action is needed the institution will have 30 days to comply or develop a plan to comply with the corrective action.
6. The System Office will monitor the institution's compliance to ensure the completion of any required corrective action.
7. The regional office of the Office of Civil Rights of the U.S. Department of Education within 180 days of the discriminatory act;
8. The Equal Employment Opportunity Commission within 180 days of the discriminatory act.

Exception

When a complainant or grievant complains of, asserts the existence of, or indicates the possibility of sexual harassment violation of the law, Drake State policy, or standards of appropriate conduct, the President may, in his/her discretion, determine that the matter will not be resolved through procedures set forth above, but will be reasonably, appropriately, and promptly investigated and resolved by the College pursuant to such process as the President determines in accordance with the College's objective of maintaining a work and educational environment free from sexual harassment.