

## **Complaint and Grievance Procedures**

Central Alabama Community 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. Central Alabama Community College recognizes that in order to efficiently and effectively carry out its mission, 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.

### ***Complaint Procedures***

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

1. **Complaint Related to Academic Matters:** Complaints involving academic disputes must follow the “Academic Appeal Policy” of the College.
2. **Complaint Related to Disability:** Complaints related to a disability should be reported in writing to the ADA Coordinator, (Tiffanie Character for Alexander City and Millbrook or Leslie Mitchell for Childersburg and Talladega) within ten (10) business days of occurrence of the event prompting the complaint.
3. **Complaint Related to Title IX:** Complaints related to claims of sexual discrimination should be reported in writing to the Title IX Coordinator, Dr. Sherri Taylor, within ten (10) business days of the occurrence of the event prompting the complaint.
4. **Other Types of Complaints.** Complaints related to any other matter should be reported in writing to the Dean of Students within ten (10) business days of the event prompting the complaint.
  - a. If it is determined that the complaint is valid and can be resolved immediately and informally after discussion between the student and the respective College official, the College official will take action to resolve the complaint. The College official who received the complaint will record and keep a written report of the complaint and the resolution of the complaint.
  - b. If the student’s complaint cannot be resolved immediately and informally, the appropriate College official who received the complaint will submit a written report (a “Plan of Resolution”), to the Dean of Students. The report will be submitted within ten (10) business days of the complaint and will detail the complaint and the plan to resolve the complaint. If the Plan of Resolution does not result in a satisfactory resolution to the complaint, the complainant may choose to pursue a grievance.

### ***General Grievance Procedures***

A 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 fifteen (15) business days then has the right to file a grievance with the Dean of Students. Grievance Procedure Forms are available online at [www.cacc.edu](http://www.cacc.edu) and in the Office of Dean of Students.

The written grievance statement will 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 Dean of Students.

### ***Investigation Hearing and Findings***

The College will have thirty (30) calendar days from the date of the receipt of the grievance by the Dean of Students to conduct an investigation of the allegation(s), hold a hearing on the grievance (if requested) and submit a written report to the Grievant of the findings arising from the hearing. The Grievance Form will be used to report both the grievance and the hearing findings. The Dean of Students will report the grievance findings to the Grievant by either personal service or certified mail sent to the Grievant's home address.

### ***Investigation Procedures***

The Dean of Students will conduct a factual investigation of the grievance allegations, either personally or with the assistance of any person(s) designated by the President, and will research any applicable statutes, regulations and/or policies, if any. After completion of the investigation, the Dean of Students will determine whether there is substantial support of the grievance. The factual findings of the investigation and the conclusions of the Dean of Students will be stated in a written report which will be submitted to the Grievant and to the party or parties against whom the grievance was made (the "Respondent"). The report will be made a part of the hearing record, if a hearing is requested by the Grievant. Each of the parties will have the opportunity to file written objections to any of the factual findings and to make their objections part of the hearing record if there is a hearing. Publications or verified photocopies containing relevant statutes, regulations and policies will also be prepared by the Dean of Students for the hearing record. If the Dean of Students finds that the grievance is substantially supported, he or she will also make a recommendation in the report as to how the grievance should be resolved. Upon the receipt by the Grievant of the Dean of Students report, the Grievant will have five (5) business days to notify the Dean of Students 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 will constitute a waiver of the opportunity for a hearing. However, the Dean of Students may, nevertheless, at his or her discretion schedule a hearing on the grievance if doing so would appear to be in the best interest of the College. In the event that no hearing is to be conducted, the Dean of Students report will be filed with the President, and a copy provided to the Grievant and each Respondent.

### ***Hearing Procedures***

In the event that the Grievant requests a hearing within the time frame designated by the Dean of Students, the President will designate a qualified, unbiased person or committee to conduct the grievance hearing. The hearing officer and/or committee members will generally be employees of Central Alabama Community College. However, the President will have the discretion to select individuals that are not Central Alabama Community College employees to serve as a hearing officer or as a committee member.

The hearing officer and/or committee will 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 will be conducted in a fair and impartial manner and will 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 will be read the grievance statement. After the grievance is read into the record, the Grievant will have the opportunity to present oral information and offer other supporting information as he/she will deem appropriate to his/her claim. Each Respondent will then be given the opportunity to present oral information and offer other supporting information as he/she deems appropriate to the Respondent's defense against the charges.

If the College, or the administration of the College at large, is the party against whom the grievance is filed, the President will designate a representative to appear at the hearing on behalf of the College. Any party to a grievance hearing will 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, will act in an advisory role only and will not be allowed to address the hearing body or question any witnesses. The College must be given a minimum of 48 hours notice if the Grievant is being assisted by an attorney or personal representative. The names of the personal representative, attorney, or witnesses must be submitted 48 hours prior to the hearing to the Dean of Students. In the event that the College is the Respondent, the College representative will not be an attorney or use an attorney unless the Grievant is also assisted by an attorney or other personal representative. The hearing will be recorded either by a court reporter or on audio/video or by other electronic recording medium. In addition, all supporting documents or information offered by the parties, whether admitted or not, will be marked and preserved as part of the hearing record.

The hearing officer or committee will make the participants aware that the rules relating to the admissibility of statements and information during the hearing will be less stringent than those which apply to civil trials. Generally speaking, irrelevant, immaterial and privileged information (such as personal medical information or attorney-client communications) will be excludable. However, hearsay conversations and unauthenticated documentary information may be allowed if the hearing officer or chairperson determines that the information 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 statement, information or documentation offered at the hearing, the hearing officer or committee chairperson will have authority to make a final ruling on the objection.

### ***Report of Findings***

Within five (5) working days following the hearing, there will be a written report given to the Dean of Students (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 will 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. Regulations or policies relevant to the grievance, and
6. Recommendation(s) arising from the grievance and the hearing.

### ***Resolution 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 Dean of Students will 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 information presented, the Dean of Students will meet with the Grievant and the appropriate college representative(s) (which may include the Respondent[s]) and attempt to bring about resolution of the grievance.

### ***Presidential Appeals***

If the grievance does not involve a claim of illegal discrimination based on gender, race, or disability, the Grievant will have the right to appeal the decision of the hearing officer or committee to the President of Central Alabama Community College, provided that:

1. A notice of appeal is filed with the Dean of Students 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 to the President will have been waived. If the appeal does not contain clear and specific objections to the hearing report, it will be denied by the President.
3. President's Review: If an appeal is accepted by the President, the President will 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 a hearing (if deemed appropriate by the President) and to produce a report of the President's findings of fact. The President will 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 will be served to the Grievant and Respondent(s) by personal service or by certified mail, return receipt requested, at their respective home addresses.

### ***Civil Rights Grievance Procedures***

This grievance procedure is established to provide recourse for any student who feels that his/her civil rights have been violated as set out in the following legislation:

- Title VI and Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act)
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973 (as amended) and the Americans with Disabilities Act of 1990 (as amended).

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problem that may arise affecting students in their dealings with this institution. These

proceedings will be kept as informal and confidential as may be appropriate at any level of the procedure. For the purpose of this procedure, a grievance is a claim by a student or prospective student who cites a failure of the institution to comply with civil rights legislation.

Within ten (10) working days of an alleged violation, the Grievant may arrange for a conference with the Dean of Students of the institution, and thereby try to resolve the complaint immediately and informally. If the complaint is not resolved to the satisfaction of the Grievant, the following steps must be taken:

1. The Grievant will file the original and two copies of the Grievance Form with the Dean of Students or her designee within thirty (30) calendar days following the date of the alleged civil rights violation(s). The alleged violation(s) must be clearly and specifically stated (Grievant is advised to keep a copy of all forms used).
2. The Dean of Students will have thirty (30) calendar days following date of receipt of Grievance Form to investigate and study Grievant's allegation, hold a formal hearing, and make a written report of findings to Grievant. This report must be mailed to Grievant by certified mail, return receipt requested.
3. Grievant must, within fifteen (15) calendar days, following receipt of report, file with the Dean of Students or her designee written notice of acceptance or appeal of the report. If a notice of appeal is filed, the Grievance Appeal Form must be used. The Grievant must state clearly and specifically the objections to the findings and/or decisions of the Dean of Students or her designee. Copies of the Grievance Appeal Form must be provided to the President or his or her designee. If the Grievant fails to file notice of appeal by 5:00 p.m. on the fifteenth (15th) calendar day following receipt of the President's report, the right to further appeal will be forfeited. If the last day for filing notices of appeal falls on either Saturday, Sunday or legal holiday, a Grievant will have until 5:00 p.m. the first working day following the fifteenth (15th) calendar day period to file.
4. If a notice of appeal is filed on the appealed decision, the Grievance Appeal Form must be used and copies sent to the Chancellor of the Alabama Community College System. The Chancellor or his designee will have thirty (30) calendar days following date of receipt of Grievant's notice of appeal to investigate and study Grievant's allegations and the report of the President or his designee of the institution and make a written report of findings to grievant. Grievant's copy must be mailed to his/her home address by certified mail, return receipt requested. If a settlement is not reached at the local level, a student Grievant may also contact the accrediting agency of the College (address available from the Dean of Students).

NOTE: Grievant has the right to further appeal to the proper court or to the Office of Civil Rights of the U.S. Department of Education. All parties will have the right to legal counsel and to produce witnesses in their own behalf.