

## 7.12 Student Grievance Process

**Last Revised:** October 2011

**Policy:** Piedmont Community College encourages the resolution of all non-discipline-related disputes involving students through open and informal communication between the affected parties. If a non-discipline-related dispute remains unresolved, students are provided due process to seek a resolution.

**Purpose/Definitions:** This policy outlines the steps to be taken when the resolution of a dispute cannot be achieved through informal communication(s) between the parties involved.

Definitions:

Grievance - A formal written statement by an individual student indicating that he or she feels that they have been adversely affected by a violation, misapplication, or misinterpretation of the NC General Statutes, College policies, rules, or regulations. A grievance must specify the statute, policy, rule, or regulation in question, and the details of the alleged violation, misapplication, or misinterpretation of the same.

Complaint - A document that outlines the stated reason for which the student is filing a grievance.

Days - Days on which classes are regularly held by the College, unless otherwise specifically defined.

**Approval Authority/Monitoring Authority:** Piedmont Community College's Board of Trustees has approval authority for this policy. The Vice President, Instruction and Student Development and the Vice President, Continuing Education have monitoring authority.

**Procedure:**

1. The grievance procedure will proceed upward through three administrative levels:
  - a. Level 1 – Dean, Student Development
  - b. Level 2 – Review Committee
  - c. Level 3 – President
2. The complaint must be filed within ten (10) days after the student knew or should have known of the action upon which the complaint is based. In the complaint document, the student must state specifically
  - a. the full name, address, and telephone number of the complainant;
  - b. the full name and address of the person against whom the complaint is made, if applicable;
  - c. the action or failure of action complained of; and
  - d. the remedy sought.
3. Within five (5) days after receipt of a grievance, the Dean, Student Development will conduct an interview with the student to discuss the grievance and to determine whether remedial action is

justified. If the Dean, Student Development is a party named in the complaint, the appropriate Vice President will serve as the Level 1 Administrator. The Level 1 Administrator will arrange a convenient time and place for the interview and will give timely notice of the interview to all parties.

4. At the interview, the student will discuss with the Level 1 Administrator the facts from which the grievance arose, its nature, and the remedy sought. The student, the Level 1 Administrator, and any other person must have the opportunity to make any statement related to the grievance and to informally question anyone at the interview. Other individuals who may have knowledge of the grievance may also be heard at the interview, at the request of either the student or the Level 1 Administrator.
5. Within five (5) days after the interview, the Level 1 Administrator will deliver his/her decision to the student. The decision must be in writing and will include a statement of the facts relied upon and the reasons for the decision.
6. With respect to a grievance, within five (5) days after receiving the decision of the Level 1 Administrator, a student who is not satisfied with the decision may request a review by the Review Committee. The request must be in writing; it must state the essential facts of the complaint, the reasons for requesting the review, and the remedy sought; and it must be delivered to the Vice President, Instruction and Student Development or the Vice President, Continuing Education.
7. The Review Committee will have five (5) members: three faculty members, one student, and the appropriate Vice President who will serve as chairperson. The chairperson will have the following duties and powers:
  - a. to select the other members of the committee, excepting the one (1) student, who will be selected by the Student Government Association President and approved by the appropriate Vice President;
  - b. to schedule and notify all parties of the date, time, and place of the hearing;
  - c. to assure the presence of a full committee at the hearing;
  - d. to be available before the hearing to answer any questions from the parties or their representatives about the nature and conduct of the hearing;
  - e. to have full charge of the hearing, to have the authority to direct its proceedings and control the conduct of all persons present, subject to the general directions contained in this procedure; and
  - f. to write, on behalf of the committee, the findings of fact and recommendations for disposition of the complaint, which responsibility may be delegated by the chairperson to another member of the committee.
8. No one who is directly involved in the complaint or who may give testimony to the Review Committee may serve on the Committee. The Dean, Student Development will assist the Review Committee as needed. In the event that the Dean, Student Development is involved in the conflict, the Level 1 Administrator will assist the Review Committee.

9. Within ten (10) days after receiving the request for review, the chairperson will schedule a meeting of the Review Committee, upon not less than three (3) calendar days notice of the date, place, and time thereof to the student.
10. The Review Committee will comply with the following procedure in the hearing of the complaint:

The hearing will begin with a statement by the student of the essential facts of the complaint and the remedy sought. The student may then present evidence or call witnesses to support the complaint. All witnesses are subject to cross examination by the Level 1 Administrator and the members of the Review Committee. The Level 1 Administrator may then present any evidence to explain his decision or to refute any evidence presented by the student. Any witnesses presented are likewise subject to cross-examination by the student and the committee members. If the Review Committee desires additional witnesses, it may call them on its own authority.

Witnesses will testify in person when possible. If a necessary witness is not available, a written statement signed by him/her may be substituted. The Review Committee will consider only such evidence as it deems to be fair and reliable.

All witnesses, including the student and the affected party, may be questioned by Review Committee members and all other persons directly involved in the proceeding. The chairperson may limit unproductive, lengthy or irrelevant questioning.

The hearing will be private and may be attended only by members of the Review Committee, the student and his/her representative, and the affected party and his/her representative. Witnesses who are not a party to the complaint may be present only if they are giving information to the Review Committee.

The student and the affected party may each be accompanied by another person at the hearing. If the student is to be represented by legal counsel, the student will notify the chairperson. Such representation will be at the expense of the student. The person accompanying either the student or the affected party may present witnesses, question witnesses, make a statement concerning the complaint, or otherwise assist the party whom he/she accompanies.

The Review Committee will record the essential aspects of any evidence presented orally at the hearing. The chairperson will have custodial responsibility for written matter presented at the hearing.

The recommendation of the Review Committee will be by majority vote and will rest solely upon the evidence properly presented at the hearing. The committee will have the power to adopt, reject, or modify the decision from which review is requested; to decide what, if any, remedies are necessary and proper; and to order those remedies implemented. Within three (3) days after the hearing, the committee will summarize the evidence, make findings of fact based thereon, and set forth its recommendations in a written report. The chairperson or his designee will write the report, and a copy will be delivered to the student and the affected party.

11. Within five (5) days after receiving the decision of the Review Committee, the student may request that the decision be reviewed by the President. The request must be written; it must state the essential facts of the complaint, the reasons for appeal, and the remedy sought; and it must be delivered to the President.
12. Within three (3) days after receiving a request for review of a decision by the President, the Chairperson of the Review Committee will deliver to the president all prior decisions, the record of the Review Committee, and all other written materials relating to the complaint.
13. Within five (5) days after receiving a request for review, the President will review the request, the prior decision, the record of the Review Committee, and all other written materials relating to the complaint. No additional evidence or argument will be presented to the President, and his review will be limited to one or more of the following conclusions:
  - a. the decision was arbitrary or capricious; or
  - b. the decision was not supported by substantial evidence; or
  - c. that a fair hearing was not afforded to the student.

On the basis of this review, the President may affirm, modify, or reverse the decision from which the review was requested and require such remedial action as he deems necessary. The decision of the President will be final.

14. In the event the student fails to meet any of the time requirements set forth above, the complaint will be terminated. If any representative of the College fails to meet any of the time requirements set forth above, the student may proceed to the next level in the procedure. If illness, absence from the community, or other good cause makes compliance with the time limitations impossible, an extension of time may be permitted. To be effective, the extension must be mutually agreed upon, stated in writing, and signed by both parties. The party requesting additional time will have the burden of justifying and obtaining the extension.
15. This procedure will not be available for the consideration of
  - a. a complaint for which no remedy is sought;
  - b. complaints of an unspecific, harassing, or frivolous nature;
  - c. "class complaints" involving more than a single individual;
  - d. Grievances relating to the propriety of a grade received by a student, unless the grievance alleges a violation of a statute, College policy, rule, or regulation (see Policy 7.12.3, Grade Appeal).

**Legal Citation:** N.C.G.S. § 115D-20(7)

**History:** Effective March 1984; Revised October 1988, October 2001, October 2011