

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.

Student 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. **Complaints Related to Academic Matters:** Complaints involving academic disputes must follow the Academic Appeals process located in the College Catalog and Student Handbook under Academic Policies.
2. **Student Complaints Related to Disability:** Students with complaints related to a disability are encouraged to report incidents in writing within ten (10) working days of the occurrence of the event prompting the complaint. Complaints related to a disability should be reported to the ADA Coordinator.
3. **Student or Employee Complaints Related to Sexual Harassment:** Any student or employee of the College or applicant for employment or admission who has a complaint against a student or a member of the College faculty, staff, or administration concerning sexual harassment (Title IX of the Educational Amendments of 1972) or has knowledge of any conduct constituting sexual harassment in an educational program or activity of the College or which occurred on property owned by the College or controlled by the College should report the complaint to the Title IX Coordinator. An educational program or activity of the College includes, but is not limited to locations, events or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes buildings owned or controlled by a student organization that is officially recognized by the College.

Any individual may report a sexual harassment incident to the Title IX Coordinator in person, by e-mail, by telephone, or in writing. The report must include the names of the Complainant(s) and Respondent(s), approximate date of incident, facts of the incident, and contact information for the person submitting the complaint. The Title IX Coordinator will respond in writing to the person submitting the complaint as soon as practicable, but not exceeding five (5) business days. If the person submitting the complaint is not the Complainant, the Title IX Coordinator will also contact the Complainant within five (5) business days. If after a discussion with the Complainant,

the Title IX Coordinator determines that the complaint does not qualify as a Title IX Complaint, the Title IX Coordinator will notify the Complainant in writing and may redirect the Complaint to the appropriate committee. If after a discussion between the Complainant and the Title IX Coordinator, the Title IX Coordinator determines that the complaint meets the criteria of a Title IX Complaint and the Complainant requests to file a formal complaint, the Title IX Coordinator will initiate the formal complaint process.

4. **Other Types of Student Complaints:** Students with complaints related to any other matter are encouraged to report concerns in writing within ten (10) working days of the occurrence of the event prompting the complaint.

If a student complaint 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. The College official will provide a copy of the written report to the official's supervising administrator and to the Dean of Students.

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 receipt 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 within fifteen (15) business days with the Dean of Students.

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 ten (10) business days of the complaint then has the right to file a grievance with the Dean of Students within fifteen (15) business days. Grievance Procedure Forms are available online at 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 and Respondent 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 and Respondent by either personal service or certified mail sent to the Grievant's and Respondent's respective 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 and Respondent of the Dean of Students report, the Grievant and Respondent will have five (5) business days to notify the Dean of Students whether or not the Grievant or Respondent demands a hearing on the grievance. The failure by the Grievant or Respondent to request a hearing by the end of the fifth business day will constitute a waiver of the opportunity for a hearing by the party failing to request 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 either party 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 or attorney 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 by an 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.

Standards of Evidence

The evidentiary standard to be used by the Dean of Students, Student Conduct Committee, or the President is based strictly on the evidence presented whether it was more likely than not that the allegation(s) made against the accused student was (were) true based upon a reasonable belief of the Dean of Students, Student Disciplinary Committee, or the President.

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 advise the Respondent of any available appeal or if the College is the Respondent, the Dean of Students will meet with the Grievant and the appropriate college representative(s) and attempt to bring about resolution of the grievance. If no such resolution is reached the Grievant may appeal to the President.

Presidential Appeals

The Grievant or Respondent will have the right to appeal the decision of the hearing officer or committee to the President of Central Alabama Community College, provided that:

- A notice of appeal is filed with the Dean of Students and the President within fifteen (15) calendar days following the receipt of the committee report and
- 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 receipt of the committee report, the 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.

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. The President will have the authority to (1) affirm, (2) reverse or (3) affirm in part and reverse in part and/or modify 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.

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. Please refer to the ACCS Student Complaint Process found on the ACCS website. (<https://www.accs.edu/student-complaints/>)