

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 3-2-106.2

PAGE: 1 of 6

TITLE: THE STUDENT GRIEVANCE PROCEDURE
FOR THE SOUTH CAROLINA TECHNICAL COLLEGE
SYSTEM

**POLICY
REFERENCE NUMBER:** 3-2-106

**DIVISION OF
RESPONSIBILITY:** ACADEMIC AFFAIRS AND TECHNOLOGY

DATE OF LAST REVISION: November 12, 2003

ASSOCIATE EXECUTIVE DIRECTOR

EXECUTIVE DIRECTOR

I. PURPOSE

The purpose of the student grievance procedure is to provide a system to channel student complaints against faculty or staff, concerning the following:

A. Alleged discrimination on the basis of age, gender, race, disability or veteran's status, excluding sexual harassment complaints. Because of the sensitive nature of this type of complaint, a conference with the Chief Student Services Officer may replace the first step of the grievance procedure. The Chief Student Services Officer will counsel with the student to determine the appropriate action that is required.

B. Alleged sexual harassment complaints should be directed to the Chief Student Services Officer. Because of the sensitive nature of this kind of complaint, a conference with the Chief Student Services Officer will replace the first step of the grievance procedure. The Chief Student Services Officer will counsel with the student to determine the appropriate action that is required.

If the grievance is not resolved after this meeting, then the remainder of the grievance procedure will be followed.

C. Academic matters, excluding individual grades except when the conditions in items A or B above apply.

Effective Date: No Later Than Fall 2004

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 3-2-106.2

PAGE: 2 of 6

II. DEFINITIONS

When used in this document, unless the content requires other meaning,

- A. "College" means any college in the South Carolina Technical College System.
- B. "President" means the chief executive officer of the college.
- C. "Administrative Officer" means anyone designated at the college as being on the administrative staff, such as the President, Chief Academic Officer, Chief Student Services Officer, etc.
- D. "Chief Student Services Officer" means the Administrative Officer at the College who has overall management responsibility for student services or his/her designee.
- E. "Chief Instructional Officer" means the Administrative Officer at the College who has overall management responsibility for academic programs and services or his/her designee.
- F. "Student" means a person taking any course(s) offered by the college.
- G. "Instructor" means any person employed by the college to conduct classes.
- H. "Staff" means any person employed by the college for reasons other than conducting classes.
- I. "Campus" means any place where the college conducts or sponsors educational, public service, or research activities.

III. PROCEDURES

A. First Step – Filing a Complaint

This procedure must be initiated by the student within sixty instructional days of the decision, action, or event giving rise to the grievance. This time limit may be extended by the college official having jurisdiction over the grievance, if the student requests an extension within the sixty day period.

Before initiating the Student Grievance process, a student could go to the college employee who originated the alleged problem and attempt to resolve the matter informally. If the student is not satisfied with the outcome of this meeting or if the student prefers to ignore this step, then the student may file a written complaint and initiate the grievance process. This written complaint should describe the decision or action that is being grieved, the date of the decision or action, and the college employee(s) involved in the decision or action.

Effective Date: No Later Than Fall 2004

- Written complaints about alleged discrimination on the basis of age, gender, race, disability or veteran's status and written complaints about alleged sexual harassment shall be submitted to the employee designated in the college's Statement of Nondiscrimination to coordinate Section 504 Title II, and Title IX compliance.
- Written complaints about decisions and actions not related to discrimination on the basis of age, gender, race, disability, veteran's status or sexual harassment shall be submitted to the college's Chief Student Services Officer.

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 3-2-106.2

PAGE: 3 of 6

B. Second Step – Pre-Hearing

The person receiving the student's written complaint will send a written acknowledgement to the student no later than two instructional days after receiving the written complaint. The written complaint will also be forwarded to the immediate supervisor of the employee named in the complaint no later than two instructional days after it has been received. As a part of the effort to resolve the matter, the supervisor will consult, as needed, with the employee named in the complaint, the student filing the complaint, and the Chief Administrative Officer of the division or component concerned.

The supervisor shall respond in writing to the student within ten instructional weekdays of receipt of the complaint. The response, sent by certified mail, shall include a summary of the findings and, as needed, the steps that shall be taken to resolve the complaint. If the supervisor's written response does not resolve the matter, the student may request to have the complaint heard by the Student Grievance Committee.

C. Third Step – The Student Grievance Hearing

. The student must submit a written request for a Grievance Hearing to the Chief Student Services Officer within five instructional weekdays after receiving the supervisor's written response. The request must include a copy of the student's original written complaint and a statement describing why the supervisor's response was unsatisfactory, and a copy of the supervisor's response.

The Chief Student Services Office shall immediately notify the President who shall ensure that the Committee is organized in a manner consistent with Section IV. A of this procedure. The Chief Student Services Officer, or designee, will send copies of the appeal to the members of the Committee, the employee, and the employee's supervisor. The employee against whom the grievance was filed shall be given an opportunity to respond in writing to the chairperson of the Committee.

The Student Grievance Committee's meeting(s) shall be conducted between five and fifteen instructional weekdays following the date of the request. The chairperson may grant a postponement if either party submits a written request no later than five instructional weekdays prior to the scheduled meeting.

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 3-2-106.2

PAGE: 4 of 6

D. Fourth Step

If either party is not satisfied with the Committee's decision, that person may submit an appeal to the President of the college within ten instructional weekdays of the Committee's decision.

The President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten instructional weekdays of receipt of the appeal. The President's decision is final.

IV. THE STUDENT GRIEVANCE COMMITTEE

A. The Student Grievance Committee shall be composed of the following:

1. Three students recommended by the governing body of the student body.
2. Two faculty members recommended by the Chief Instructional Officer.
3. One Student Services staff member recommended by the Chief Student Services Officer.
4. One administrator, other than the Chief Student Services Officer, to serve as the Committee's chairperson.
5. The Chief Student Services Officer, or designee, who serves as an ex-officio, non-voting member of the committee.

The President must approve all recommended members.

B. Purpose and Function of Grievance Committee

1. All student grievance committees are ad hoc and shall be formed to hear specific complaints. A new committee may be formed every time that a grievance covered under this procedure is filed.
2. Whenever a committee is formed, it may adopt additional rules and guidelines not in contradiction with these procedures.

C. Rights of the Parties Involved in a Grievance

When a grievance committee meeting is scheduled, the parties involved are entitled to:

1. A written notice of the complaint that shall be forwarded to all parties at least five instructional weekdays prior to the meeting unless the student filing the complaint waives this requirement. This notice shall include the following:
 - a. A brief description of the complaint, including the name of the person filing the complaint;

Effective Date: No Later Than Fall 2004

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 3-2-106.2

PAGE: 5 of 6

- b. the date, time, and location of the meeting; and
 - c. the name of any person who might be called as a witness.
2. Review all available evidence, documents or exhibits that each party may present at the meeting. This review must take place under the supervision of the Chief Student Services Officer or his/her designee.
3. Appear in person, present information on his or her behalf, and present additional evidence to the committee, subject to the Committee's judgment that the evidence is relevant to the appeal.
4. Call witnesses who are dismissed after providing testimony and responding to questions posed by the Committee and either party in the appeal.
5. An advisor who shall not address the Committee or ask any witness a question. Payment of legal fees is the student's responsibility.

D. HEARING PROCEDURES

1. Hearings are closed to the public. When testimony is being given, only the committee members, the student and his/her advisor, the employee and his/her advisor, and the witness giving testimony may be present. During deliberations, only the members of the Committee may be present.
2. Hearings are informal and a tape recording of the testimony presented during the appeal hearing may be made. The Committee's deliberations are not tape-recorded. After resolution of the appeal, the tape recording will be kept for three months in the office of the Chief Student Services Officer. Either party in the appeal may listen to this tape recording under the supervision of the Chief Student Services Officer or designee.
3. The Committee may question the student and the employee. The Committee may also question the employee's supervisor and any additional witnesses that it considers necessary to render a fair decision. Questions must be relevant to the issues of the appeal. In addition, the Committee may gather any other documentation and information it considers necessary to render a fair decision.

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 3-2-106.2

PAGE: 6 of 6

4. Both parties to the appeal may ask questions of the other during the meeting. These questions must be relevant to the issues of the appeal. The Chairperson of the Committee will determine the appropriateness of the questions.
5. The Committee bears the burden of determining whether the allegations are supported by the information available through the hearing.
6. The Committee shall decide the solution of the grievance by a majority vote. In case of a tie, the chairperson shall vote and thus break the tie.
7. The chairperson shall forward a copy of the Committee's decision to the student filing the complaint and to the employee(s) named in the complaint within two instructional weekdays of the Committee's decision. This letter will include a rationale for the Committee's decision and inform the student and the employee(s) that they have a right to appeal the Committee's decision.