

POLICY & PROCEDURES MEMORANDUM

TITLE:	STUDENT GRIEVANCE PROCEDURES
EFFECTIVE DATE:	February 17, 1998 (Title Updates: 2/24/05, 3/06/08)
CANCELLATION:	DCI 2530.2 (2/20/90)
OFFICE:	Student Affairs (SA)

POLICY STATEMENT

Student grievance, as used in this memorandum, refers to non-academic and non-financial complaints of students against other students or employees of Delgado Community College. It does not include grade appeals, academic status appeals, admission appeals, student discipline by the institution, financial aid appeals, refund appeals, and all other matters that are within the jurisdiction of other committees of the institution.

The procedures contained in this memorandum are to be followed for all complaints and/or grievances, as defined above, that are filed by students against other students or employees of the College.

PROCEDURES & SPECIFIC INFORMATION

1. **Purpose**

To publish the College’s policy for affording students a process for redressing non-academic and non-financial grievances which students might have against other students or employees of the College.

2. **Scope and Applicability**

This policy and procedures memorandum applies to all enrolled students and all employees of the College. Specifically, the procedures outlined in this memorandum apply when an enrolled student initiates an action against either another student(s) or an employee(s) of the College.

3. **Definitions**

A. **Grievance**

Grievance, as used in these procedures, refers to non-academic and non-financial complaints of students against employees or against other students of the College. It does **NOT** include: grade appeals; academic status appeals; admission appeals; student discipline imposed by the institution; financial aid appeals; refund appeals; traffic citation appeals; or any other matters that are within the jurisdiction of other committees of the institution.

B. **Student**

Student, as used herein, refers to any individual currently enrolled as a student at the College.

C. **Employee**

Employee refers to any individual employed by the College. A student employee is considered an employee of the College when an alleged grievance occurs during paid working hours.

D. **Complainant**

Complainant refers to the student making a complaint or filing a grievance.

E. **Respondent**

Respondent refers to the student(s) and/or employee against whom a complaint or grievance has been filed.

F. **Supervisor**

When the respondent is an employee of the College, *supervisor* refers to his/her immediate supervisor. When the respondent is a student, the *supervisor* is the Student Government Association (S.G.A.) Advisor of the campus/site where the incident occurred.

G. **Day**

Day as used herein refers to a day (Monday through Friday) on which the College's administrative offices are open and operating.

4. **Mediation Procedures**

A. **General Provisions**

Unless the respondent is a faculty member in whose class the student is currently enrolled, a student who wishes to make a complaint under these procedures, must within ten (10) days of the alleged *either*: (1) request an appointment with the Assistant Vice Chancellor for Student Affairs (or designee) or (2) complete a [*Student Incident Report, Form 2530/001*](#), (Attachment A) and provide that report to the Assistant Vice Chancellor for Student Affairs (or designee).

Within five (5) days of the student requesting an appointment or the Assistant Vice Chancellor for Student Affairs (or designee) receiving a completed [*Student Incident Report*](#), the Assistant Vice Chancellor for Student Affairs (or designee) meets with the complainant to discuss the alleged incident. If in the opinion of the Assistant Vice Chancellor for Student Affairs (or designee) no violation of college policy has occurred, the Assistant Vice Chancellor for Student Affairs (or designee) so informs the student and makes a written record of the discussion he/she had with the complainant. The complainant may accept the decision of the Assistant Vice Chancellor for Student Affairs (or designee) or file a formal grievance using the procedures outlined in Section 5.

If the Assistant Vice Chancellor for Student Affairs (or designee) finds that a violation of college policy might have occurred, the Assistant Vice Chancellor for Student Affairs (or designee):

1. offers to:
 - hold a *Mediation Conference* during which the complainant has an opportunity to discuss his/her complaint with the respondent, the respondent's supervisor, and the Assistant Vice Chancellor for Student Affairs (or designee). [The Assistant Vice Chancellor for Student Affairs (or designee) may serve as both the supervisor and mediator.]; or
 - investigate the alleged incident and provide feedback to the complainant without holding a mediation conference;
2. if the incident is deemed to be a potentially **serious** violation of college policy, provides the student with a [*Student Grievance Form, Form 2530/003*](#), (Attachment C); encourages the student to complete and return the form within five (5) days; and forwards it to the appropriate grievance committee.

** Note: If, at the time of the alleged incident, the respondent is a faculty member in whose class the student is enrolled, the complainant has until ten (10) days following the official end of that semester to provide a completed [Student Incident Report](#) to the Assistant Vice Chancellor for Student Affairs (or designee) or meet with the Assistant Vice Chancellor for Student Affairs (or designee) to discuss the incident.*

B. **Mediation Conference**

A Mediation Conference provides an opportunity for the complainant, respondent, respondent's supervisor, and Assistant Vice Chancellor for Student Affairs (or designee) to discuss and attempt to resolve the alleged incident without a Grievance Hearing. When the Assistant Vice Chancellor for Student Affairs (or designee) has found that a violation might have occurred, and the respondent has accepted the offer of a Mediation Conference, the Assistant Vice Chancellor for Student Affairs (or designee) establishes a day, time, and location for the conference. She/he notifies, in writing, the complainant, respondent, and respondent's supervisor of the day, time, and location of the conference. In addition, the Assistant Vice Chancellor for Student Affairs (or designee) provides the respondent and her/his supervisor with a copy of the [Student Incident Report](#), completed by the complainant, five (5) days prior to the Mediation Conference.

If the respondent chooses not to attend the Mediation Conference, the Assistant Vice Chancellor for Student Affairs (or designee) provides the student with a [Student Grievance Form](#), encourages the student to complete and return the form within five (5) days, and forwards it to the appropriate grievance committee.

If the respondent chooses to attend the Mediation Conference and chooses to respond in writing, the respondent uses [Response to Student Incident Report, Form 2530/002](#), (Attachment B). If the respondent chooses to attend the Mediation Conference, and the complaint is resolved to the satisfaction of the complainant, the Assistant Vice Chancellor for Student Affairs (or designee) notes the outcome in the Assistant Vice Chancellor for Student Affairs (or designee)'s files and so notifies the Vice Chancellor for Learning and Student Development.

If during the Mediation Conference, the complaint cannot be resolved to the satisfaction of the complainant, the Assistant Vice Chancellor for Student Affairs (or designee) informs the complainant that he/she has the option of filing a formal grievance following the procedures outlined in Section 5.

C. Mediation Without a Conference

The Assistant Vice Chancellor for Student Affairs (or designee) follows the same procedures (and corresponding time line) as outlined above for a Mediation Conference, but will not hold a face-to-face conference between the complainant and respondent. In these situations, the complainant must complete the [Student Incident Report, Form 2530/001](#), (Attachment A) and the respondent is strongly encouraged to complete the [Response to Student Incident Report, Form 2530/002](#), (Attachment B). If the complaint cannot be resolved to the satisfaction of the complainant, the Assistant Vice Chancellor for Student Affairs (or designee) informs the complainant that she/he has the option of filing a formal grievance following procedures outlined in Section 5.

5. Grievances**A. Referral to Student Grievance Committee**

If under Section 4 preceding:

1. the Assistant Vice Chancellor for Student Affairs (or designee) has found that a serious violation of college policy might have occurred;
2. or if the complainant has chosen to bypass mediation;
3. or if the respondent has chosen not to attend a scheduled mediation conference; or
4. or if a complainant is not satisfied with the outcome of a mediation conference;
5. and if the complainant has completed and returned a [Student Grievance Form, Form 2530/003](#), (Attachment C) within five (5) days of 1 through 4 above to the Assistant Vice Chancellor for Student Affairs;

then the grievance is referred to the Student Grievance Committee.

Before forwarding the [Student Grievance Form](#) to the Student Grievance Committee, the Assistant Vice Chancellor for Student Affairs attempts to gather any information relevant to the alleged violation of college policy. Together with the [Student Incident Report](#) (if any) and the [Student Grievance Form](#), the Assistant Vice Chancellor for Student Affairs forwards this information to the committee. This information might include:

- notes from interviews the Assistant Vice Chancellor for Student Affairs (or designee) conducted with the complainant, respondent, respondent's supervisor, or witnesses (if any);
- notes from any mediation conference conducted as described in Section 4B.
- a brief summary of other grievances or incidents, on file, found to have merit*, against the respondent (if any);
- a brief summary of any on-file administrative charges of similar behavior, found to have merit*, against the respondent (if any);
- if the respondent chooses to provide it, his/her written response on the [Response to Student Grievance, Form 2530/004](#), (Attachment D) and any accompanying documentation.

**Note: Only grievances, incidents, charges which were (at the time of the incident or incident report) discussed by the respondent's supervisor or Assistant Vice Chancellor for Student Affairs (or designee) with the respondent and which were either acknowledged to have happened by the respondent or found to have occurred through the grievance process may be given to the committee.*

B. Hearing

1. Location. All hearings are handled on the campus/site where the alleged violation occurred regardless of the home campus/site of the complainant(s) or respondent(s). Incidents occurring at Delgado sites where no full-time faculty/staff are housed are to be handled on the Charity, City Park or West Bank Campus, as appropriate.
2. Scheduling. The grievance committee schedules a hearing within ten (10) days of receiving the [Student Grievance Form](#).
3. Notification. Immediately, the committee, in writing, notifies the complainant, respondent, respondent's supervisor and the Assistant Vice Chancellor for Student Affairs of the day, time, and location of the hearing.
4. Procedures. In order to protect the rights of all those who might appear before the grievance committee and to provide the respondent with a fair hearing, the following procedures are followed:

- a. the complainant and respondent are provided written notice of the hearing at least 72 hours in advance;
 - b. All five appointed members of the committee must be present at the hearing; however, in the event an emergency prohibits the committee member from attending, the Assistant Vice Chancellor for Student Affairs names a replacement.
 - c. except in cases of unavoidable emergency, if the complainant does not appear or does not request a postponement in advance, the grievance is nullified;
 - d. except in cases of unavoidable emergency, if the respondent does not appear, the hearing will proceed;
 - e. the complainant and respondent are provided the opportunity to testify if they so desire;
 - f. the complainant and respondent are provided the opportunity to present the testimony, either in writing or orally, of any competent witnesses who have personal knowledge of the grievance;
 - g. in an advisory capacity only, the complainant and respondent are permitted to have a representative attend the hearing (The representative may not speak to or ask questions of any member of the committee or anyone appearing before it.); and
 - h. both the complainant and respondent (if they choose to attend the hearing) are permitted to be present during all testimony heard by the committee.
5. Findings. After hearing from all of those who appear and offer relevant testimony, the committee excuses all but its members and retires to consider the grievance. It makes a decision based on the relevant written and oral evidence presented. If the committee finds the grievance has merit, it recommends an appropriate punishment.

Within five (5) days of the hearing's conclusion, the chair of the committee notifies, in writing, the Assistant Vice Chancellor for Student Affairs on which the hearing is held, of the committee's findings and recommended punishment (if any).

The Assistant Vice Chancellor for Student Affairs, within five (5) days of receiving the committee's findings communicates, in writing, her/his disposition to all parties to the grievance, the committee members, and the Vice Chancellor for Learning and Student Development.

A copy of the committee's findings and Assistant Vice Chancellor for Student Affairs' ruling is filed in the respondent's file and in the Grievance Files maintained by the Assistant Vice Chancellor for Student Affairs.

6. **Appeals**

A. **First-Level Appeals**

If the complainant or respondent wishes to appeal the findings of the committee and/or the ruling of the Assistant Vice Chancellor for Student Affairs, the complainant or respondent must file his/her appeal, in writing, within five (5) days of being notified of the findings and ruling. This appeal must be made to the Vice Chancellor for Learning and Student Development.

Within five (5) days of receiving the appeal, the Vice Chancellor for Learning and Student Development notifies, in writing, all parties to the grievance, the committee members, and the Assistant Vice Chancellor for Student Affairs of her/his ruling on the appeal.

A copy of the first-level appeal and the Vice Chancellor's ruling is to be filed in the appellant's file and in the Grievance Files maintained by the Assistant Vice Chancellor for Student Affairs.

B. **Second-Level Appeals**

The final appeal in grievance cases, at the college level, is to the Chancellor. If the complainant or respondent wishes to appeal the ruling of the Vice Chancellor for Learning and Student Development, the complainant or respondent must file his/her appeal, in writing, within five (5) days of being notified of the Vice Chancellor's ruling.

Within five (5) days of receiving the appeal, the Chancellor notifies, in writing, all parties to the grievance, the committee members, the Assistant Vice Chancellor for Student Affairs, and the Vice Chancellor for Learning and Student Development of her/his ruling on the appeal.

Copies of the second-level appeal and the Chancellor's ruling are filed in the appellant's file and in the Grievance Files maintained by the Assistant Vice Chancellor for Student Affairs.

7. **Composition of Student Grievance Committee**

The Student Grievance Committee is responsible for making policy recommendations regarding student grievances, and for ensuring that consistency in interpretation of these guidelines is maintained at all hearings.

Each year the Chancellor appoints the Student Grievance Committee, which consists of a pool of three faculty, two unclassified staff, and one student appointed from each campus or site with full-time faculty and staff. The Chair is appointed by the Chancellor and serves as a voting member of the committee.

For each hearing, the Assistant Vice Chancellor for Student Affairs appoints five members of the Committee, including the Chair, with two members from the campus/site where the alleged violation occurred. All five appointed members of the committee must be present at the hearing; however, in the event an emergency prohibits the committee member from attending, the Assistant Vice Chancellor for Student Affairs names a replacement.

A committee member may recuse himself/herself from a particular hearing if the committee member feels there might be a conflict of interest in the particular case. In the event a member recuses himself/herself, a replacement, for that hearing, is named by the Vice Chancellor for Learning and Student Development.

8. **Sanctions**

A. **Student Sanctions**

A student may be: required to sign/conform to a behavioral contract, placed on probation, suspended from the College, or expelled from the College.

1. **Behavioral Contract.** A Behavioral Contract is a written agreement which specifies the behavioral expectations that the student is required to follow. A behavioral contract may include, but is not limited to, periodic counseling with a specified staff member, performance of specified assignments, and abstaining from further occurrences of the type that gave to the complaint.

2. Probation. Probation is the loss of privileges, possible loss of employment in the case of students who are employed by the College, campus restrictions, or special restrictions under which a student may remain in college. A record of the proceedings which led to the sanction is kept on file in the Office of the Assistant Vice Chancellor for Student Affairs for a minimum of six (6) months and a maximum of three (3) years. Since probation does not become a part of the permanent record, it is not reported on the official academic transcript. However, if transfer forms require a listing of disciplinary actions, it is reported.
3. Suspension. Suspension is separation from the College for either a specified period or an indefinite period of time. In either case, the student who wishes to return must apply for readmission, and if the student is accepted, he/she may return with either full or curtailed privileges. Since the student must reapply, a record of the suspension is kept in the student's official file in the Registrar's Office and on the applicant file in the Admissions Office until such time the student is readmitted. When the student is readmitted, the record is kept for a maximum of three (3) years. The notation, *Disciplinary Suspension*, is placed on the student's official academic transcript. This notation is removed after the suspension has expired. However, if transfer forms require a listing of disciplinary action, it is reported.
4. Expulsion. Expulsion is permanent dismissal from the College without the privilege of readmission. Expulsion may include the revocation of any or all academic credits earned at the College. Expulsion becomes a permanent part of a student's official academic transcript. Records of the proceedings resulting in expulsion remain permanently on file in the Office of the Assistant Vice Chancellor for Student Affairs.

B. **Employee Sanctions**

If sanctions are warranted, the Assistant Vice Chancellor for Student Affairs forwards his/her recommendation to the Director of Human Resources and the appropriate Vice Chancellor within five (5) days. Among measures the Assistant Vice Chancellor for Student Affairs might recommend are:

- a written reprimand;
- suspension with pay;
- suspension without pay;
- demotion;
- removal of tenure; and/or
- termination.

If the final recommendation involves termination, revocation of tenure, or separation, additional due process procedures are required and initiated by the College.

9. **Timeline for Procedures**

A. **Mediation**

- ◆ Within ten (10) days of the alleged incident*, a student must either:
 - a. request an appointment with the Assistant Vice Chancellor for Student Affairs (or designee); or
 - b. complete a [Student Incident Report, Form 2530/001](#), (Attachment A) and provide that report to the Assistant Vice Chancellor for Student Affairs (or designee).*
- 2. Within five (5) days of the student's requesting an appointment or filing a [Student Incident Report](#), the Assistant Vice Chancellor for Student Affairs (or designee) meets with the complainant to discuss the alleged incident.
- 3. Within ten (10) days of meeting with the complainant, if the Assistant Vice Chancellor for Student Affairs (or designee) has found that a violation of college policy might have occurred and the complainant accepts the offer of a mediation conference, the mediation conference will be scheduled.
- 4. At least five (5) days prior to holding a mediation conference, the Assistant Vice Chancellor for Student Affairs (or designee) notifies, in writing, the complainant, respondent, and respondent's supervisor of the day, time, and location for the conference and provides the respondent and her/his supervisor with a copy of the [Student Incident Report](#), completed by the complainant.

** Note: If, at the time of the alleged incident, the respondent is a faculty member in whose class the student is enrolled, the complainant has until ten (10) days following the official end of that semester to provide a completed [Student Incident Report](#) to the Assistant Vice Chancellor for Student Affairs (or designee) or meet with the Assistant Vice Chancellor for Student Affairs (or designee) to discuss the incident.*

B. **Grievance**

- 1. If the complainant rejects mediation, the complainant must file a [Student Grievance Form, Form 2530/003](#) (Attachment C) within five (5) days of meeting with the Assistant Vice Chancellor for Student Affairs (or designee).

- ◆ If under Section 9A, the Assistant Vice Chancellor for Student Affairs (or designee) has found that no violation of college policy has occurred and the complainant wishes to proceed with the grievance, the complainant must file a [Student Grievance Form](#) within five (5) days of the Assistant Vice Chancellor for Student Affairs (or designee)'s finding.
- ◆ If a mediation conference is held and the respondent fails to appear, the complainant has five (5) days to file a [Student Grievance Form](#).
- ◆ If a mediation conference is held and the complainant is not satisfied with the results of the mediation conference, the complainant has five (5) days to file a [Student Grievance Form](#).
- ◆ Within five (5) days of receiving a [Student Grievance Form](#), the Assistant Vice Chancellor for Student Affairs refers the grievance to the Student Grievance Committee.
- ◆ Within ten (10) days of receiving the [Student Grievance Form](#) and accompanying documents the Student Grievance Committee schedules a hearing.
- ◆ In writing, at least three (3) days in advance of the hearing, the committee notifies the complainant, respondent, respondent's supervisor, and the Assistant Vice Chancellor for Student Affairs of the day, time, and location of the hearing.
- ◆ Within five (5) days of the hearing's conclusion, the chair of the grievance committee notifies, in writing, the Assistant Vice Chancellor for Student Affairs, of the committee's findings and recommended punishment (if any).
- ◆ The Assistant Vice Chancellor for Student Affairs communicates, in writing, his/her disposition to all parties to the grievance, the committee members, and the Vice Chancellor for Learning and Student Development within five (5) days of receiving the committee's findings.

C. **First-Level Appeals**

1. If the complainant or respondent wishes to appeal the findings of the committee and/or the ruling of the Assistant Vice Chancellor for Student Affairs, the complainant or respondent must file his/her appeal, in writing, with the Vice Chancellor for Learning and Student Development within five (5) days of being notified of the findings and ruling.

2. Within five (5) days of receiving the appeal, the Vice Chancellor for Learning and Student Development will notify, in writing, all parties to the grievance, the committee members, and the Assistant Vice Chancellor for Student Affairs (or designee) of her/his ruling on the appeal.

D. **Second-Level Appeals**

1. If the complainant or respondent wishes to appeal the ruling of the Vice Chancellor for Learning and Student Development, the complainant or respondent must file his/her appeal, in writing, with the Chancellor within five (5) days of being notified of the Vice Chancellor's ruling.
2. Within five (5) days of receiving the appeal, the Chancellor will notify, in writing, all parties to the grievance, the committee members, the Assistant Vice Chancellor for Student Affairs, and the Vice Chancellor for Learning and Student Development of her/his ruling on the appeal.

10. **Cancellation**

This policy and procedures memorandum cancels DCI 2530.2, *Student Grievance Procedure*, dated February 20, 1990.

SIGNATURE

J. Terence Kelly
President

Review Process:

Student Grievance Committee 11/20/97
Student Affairs Council 12/11/97
Faculty Senate Executive Committee 2/5/98
Executive Council 2/17/98

Distribution:

Currently distributed on the College's web site.

Original Distribution (1998):

Regular Faculty (HRS Codes 01 - 04)
Regular Academic Support Staff (HRS Code 05)
Limited Appointment Faculty (HRS Code 06)
Adjunct Faculty (HRS Code 07)
12-Month Unclassified Administrators/Staff (HRS Code 08)
Classified Staff (HRS Code 09)
Temporary Unclassified Staff (HRS Code 10)
Grant Employees (HRS Code 11)
Restricted Classified Appointments (HRS Code 12)
Student Government Association Presidents

Attachments:

[Student Grievance Forms:](#)

- Attachment A- [Student Incident Report \(Form 2530/001\)](#)
- Attachment B- [Response to Student Incident Report \(Form 2530/002\)](#)
- Attachment C- [Student Grievance Form \(Form 2530/003\)](#)
- Attachment D- [Response to Student Grievance \(Form 2530/004\)](#)

Addendum: [Student Grievance Process Flowchart](#)



STUDENT INCIDENT REPORT

Please exercise care in completing this form. Take the time to print or write clearly.

Student Name:

Student's I.D. Number:

Today's Date:

Date of the Alleged Incident:

Location of the Alleged Incident:

Time of the Alleged Incident:

Name of the Respondent:

Describe the Alleged Incident

Instructions: Be specific. Describe clearly the alleged incident. (If necessary, seek assistance from a person of your choice in preparing this form.)

Please attach to this form any written and signed statements or other evidence which support your description of the alleged incident.

Attachment A (continued)

What remedy/solution are you seeking?

Please list all attachments you are including with this form

Signature: _____ Date: _____



RESPONSE TO STUDENT INCIDENT REPORT

Use this form to reply to the Student Incident Report on which you have been named as the respondent. Please take the time to print or write clearly.

Your Name:

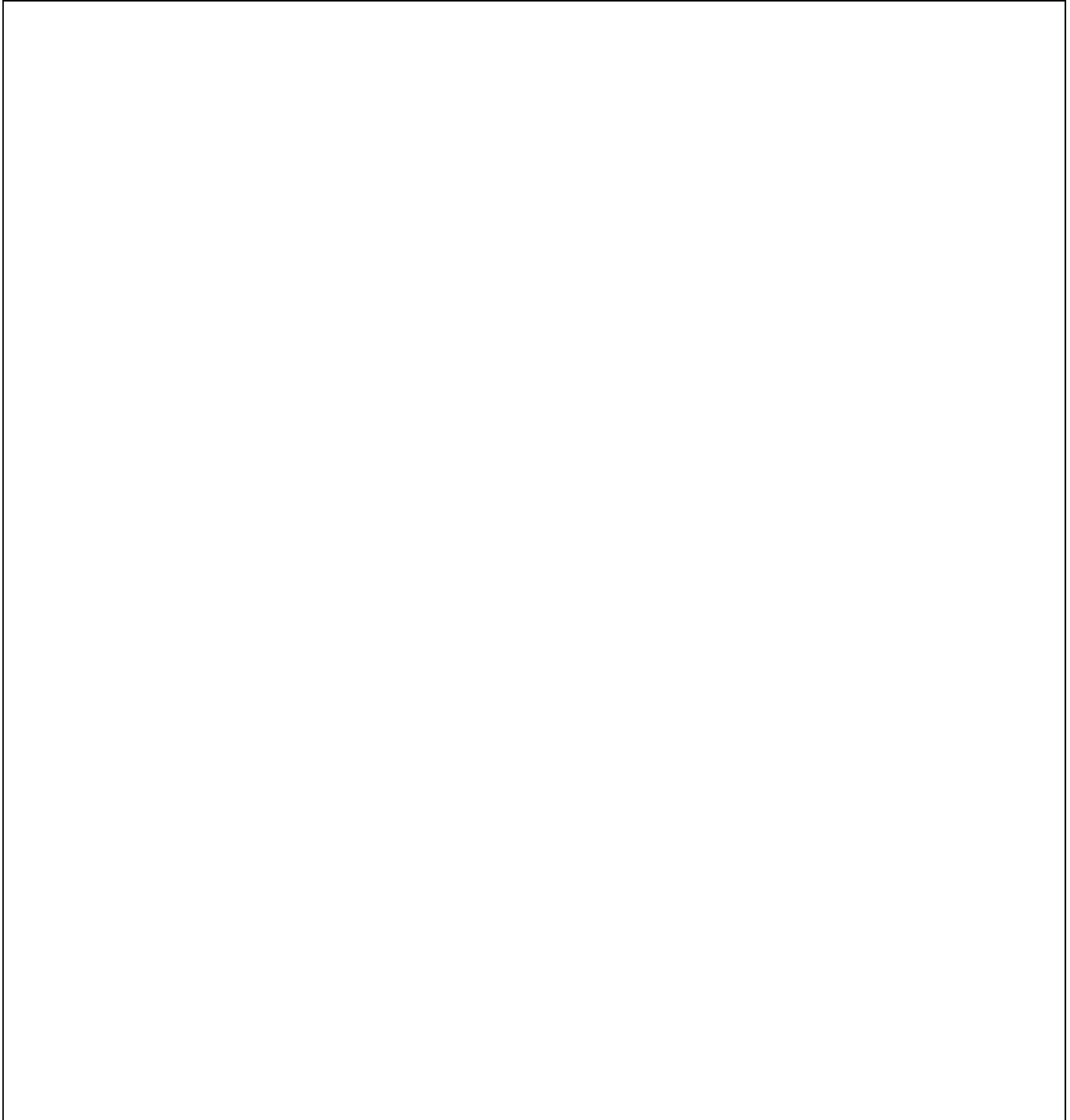
Your I.D. Number:

Today's Date:

Your Response to the Alleged Incident

Instructions: Be specific. Please attach to this form any written and signed statements or other evidence which support your description of the alleged grievance.

Attachment B (continued)



Signature: _____ Date: _____

Form 2530/002 (*back*) (3/08)



STUDENT GRIEVANCE FORM

Please exercise care in completing this form. Take the time to print or write clearly.

Student Name:

Student's Identification Number:

Today's Date:

Date of the Alleged Grievance:

Location of the Alleged Grievance:

Time of the Alleged Grievance:

Name of the Respondent:

Describe the Alleged Grievance

Instructions: Be specific. Describe clearly the alleged grievance. (If necessary, seek assistance from a person of your choice in preparing this form.)

Please attach to this form any written and signed statements or other evidence which support your description of the alleged grievance.

Note: If you have already completed and turned in a *Student Incident Report* (Form 2530/001) and have no additional information to provide you may check here: _____ and just sign and date the form on the reverse side.

Attachment C (continued)

What remedy/solution are you seeking?

Please list all attachments you are including with this form

Signature: _____ Date: _____



RESPONSE TO STUDENT GRIEVANCE

Use this form to reply to the Student Incident Report on which you have been named as the respondent. Please take the time to print or write clearly.

Your Name:

Your I.D. Number:

Today's Date:

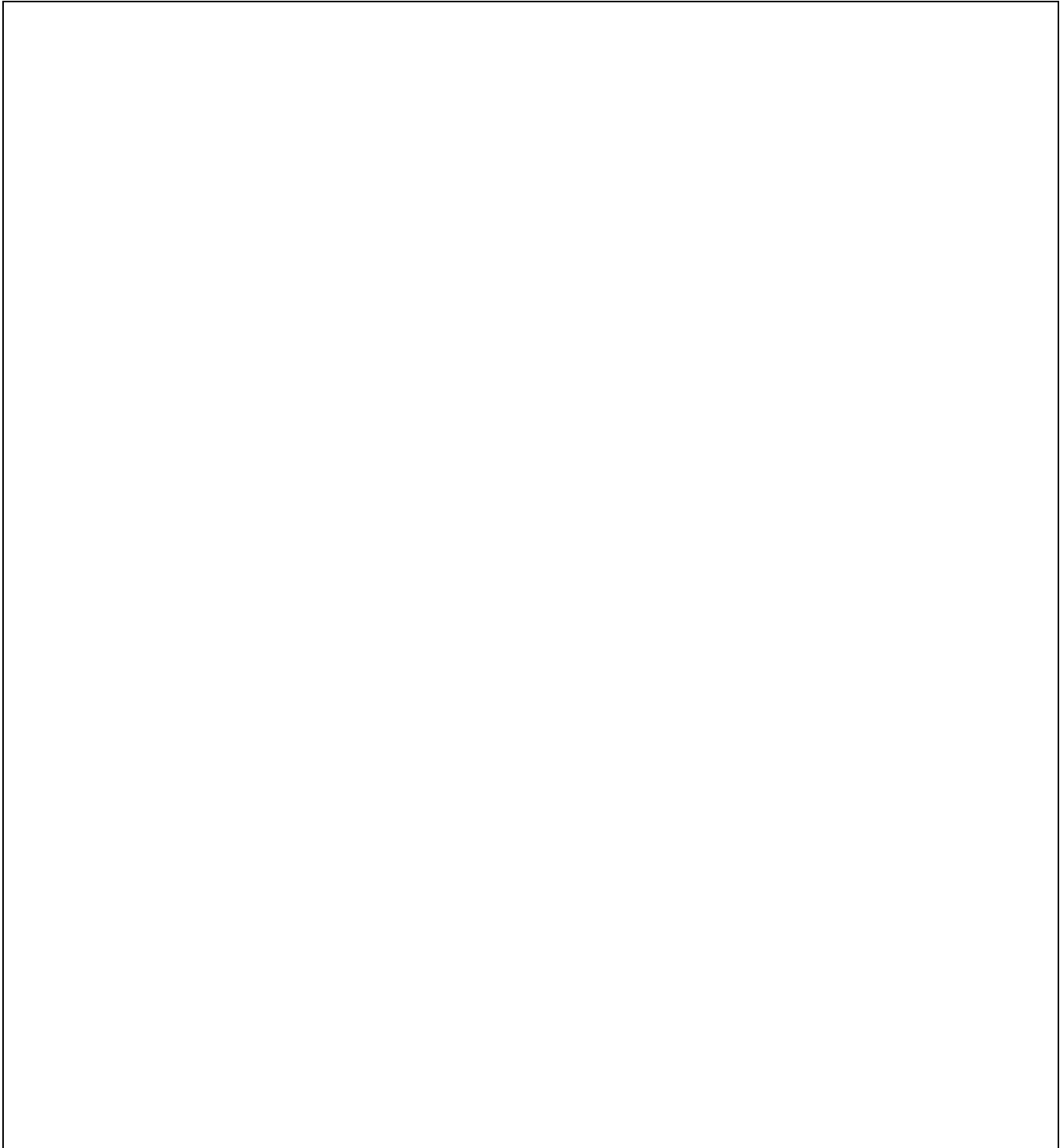
Your Response to the Alleged Grievance

Instructions: Be specific. Describe clearly the alleged grievance. (If necessary, seek assistance from a person of your choice in preparing this form.)

Please attach to this form any written and signed statements or other evidence which support your description of the alleged grievance.

Note: If you have already completed and turned in a *Response to Student Incident Report* (Form 2530/002) and have no additional information to provide you may check here: _____ and just sign and date the form on the reverse side.

Attachment D (continued)



Signature: _____ Date: _____

Form 2530/004 (back) (3/08)

Student Grievance Process
 (Policy and Procedures Memorandum SA-2530.2A)

