

# Grievance Procedures Involving Discrimination and Rights of the Disabled

## Introduction

Any student who has a grievance against any other student or member of the College faculty, staff, or administration concerning any form of discrimination (Title VI, Civil Rights Act of 1964), sexual harassment (Title IX of the Educational Amendments of 1972), violation of the rights of the disabled (Section 504 of the Rehabilitation Act of 1973) or the Americans with Disabilities Act of 1999 should first attempt to resolve the matter with the individual involved. If for some reason resolution of the grievance is not possible, the student should make his/her grievance known to the immediate supervisor of the individual against whom the student has a grievance, the Dean of Students or Senior Personnel Officer in order to seek informal resolution of the problem.

In the event that the grievance involving discrimination (Title VI), sexual harassment (Title IX), or violation of the rights of the disabled (Section 504) cannot be informally resolved, the formal procedures listed below should be followed. The following procedures attempt to protect the student's rights to file a grievance involving discrimination (Title VI), sexual harassment (Title IX), or violation of the rights of the disabled (Section 504) against students or member of the College faculty, staff, or administration, yet providing the right of due process for the accused. Students and members of the College faculty, staff, or administration are guaranteed procedural due process and the right to review and defend any evidence related to the grievance.

In order to accommodate the resolution of such situations, Northwest Shoals Community College offers the following grievance procedures as the appropriate course of action for settling disputes and resolving problems.

## I. Initial Steps

Any student of Northwest Shoals Community College who has a grievance against another student or a member of the Northwest Shoals faculty, staff, or administration should first seek to resolve the issues with the individual involved. However, a student who believes herself or himself to be a victim of sexual harassment is not required to speak with the perpetrator before filing a formal complaint. If a resolution is not met, the student should make his/her grievance know to the individual's immediate supervisor or to the Dean of Students to seek an informal resolution to the problem. If no resolution is met, the student may file a formal student complaint.

If the student requires a formal student complaint, a formal written report must be submitted to the Dean of Students. If the student's complaint cannot be resolved in the manner described above, the unresolved complaint becomes an official grievance.

## II. Interim Resolution

If the Dean of Students deems that an interim resolution should be enforced pending a final outcome, the Dean of Students will recommend such accommodations to the President or his/her designee. The President or designee will have the discretion to impose or not impose an interim resolution.

## III. Formal Grievance Process

A student who submits a complaint to the Dean of Students or appropriate College personnel and is not satisfied with an informal resolution may file a formal grievance. Grievance charges made by a student must be submitted to the Dean of Students in writing. The grievance must be signed and as detailed as possible. The grievance should contain the following elements:

1. Date the original complaint was reported;
2. Name of the person to whom the original complaint was reported;
3. Facts of the complaint;
4. Action taken, if any, by the receiving official to resolve the complaint.

The Dean of Students will notify the student or a member of the College faculty, staff, or administration of the charge(s) against him/her within five working days of the filed grievance. The Dean of Students may suspend the student being charged, or the President of the College or his/her designee may suspend with pay the faculty member, staff member, or administrator being charged until a hearing is held and a decision rendered, if charges so warrant.

The Dean of Students may then schedule the time and location of the Grievance Committee session. The Dean of Students will make all reasonable attempts to notify the student or member of the College faculty, staff, or administration of the charges against him/ her and provide the time, date, and location of the Student Grievance Committee hearing. If the student or member of the College personnel who is charged with the grievance so desires, he/she may request a Grievance Committee hearing after initially meeting with the Dean of Students. If the Dean is unable to notify the student or College personnel of the charges and Grievance hearing after a reasonable attempt, then the student may be suspended. The President of the College or his/her designee may suspend with pay the faculty member, staff member, or administrator until a hearing is held and a decision rendered.

The College shall have 30 calendar days from the date of receipt by the Dean of Students of the grievance to conduct an investigation, hold a formal hearing, and submit a written report to the appropriate parties.

## IV. Investigation Procedure

The Dean of Students or his/her designee will conduct a factual investigation of the grievance allegations. The Dean of Students, after reviewing all of the evidence, will determine if substantial evidence exist to support the grievance. The factual findings of the investigation will be stated in the preliminary written report and submitted to the Grievant and to the party or parties against whom the complaint was made. The report will be made a part of the hearing record if a hearing is subsequently conducted. Parties will have the opportunity to submit a written report objecting to any of the factual findings. If the Dean of Students finds the grievance is supported by substantial evidence, she/ he will make recommendations to the hearing committee for the resolution of the grievance. Upon receipt of the Dean of Students' report, the Grievant has 5 working days to notify the Dean of Students of a hearing request. The Dean of Students, at his/her discretion, may choose to schedule a grievance hearing in the best interest of the College. In the event of no hearing, the Dean of Students' report will be deemed a final report and will be filed with the President.

## V. Hearing Procedure

In the event that the Dean of Students schedules a hearing, a designee will appoint a qualified five-member committee. The chairperson shall be the Dean of Students or her designee. A quorum shall consist of four members and the chairperson. The hearing may not be conducted without a quorum. All Student Grievance Committee hearings shall be confidential and closed to all persons except the Grievant, party of whom the grievance is accused, counsels, and witnesses. Witnesses will give testimony and leave the committee meeting room immediately upon the completion of the testimony. All hearings will be taped and minutes recorded. Tapes, hearing minutes, and evidence will become the property of the College and access to them will be determined by the designee. All case files will be located and archived in the Office of the Dean of Students. The decision reached by the Student Grievance Committee shall be by a majority vote.

## VI. Report of Findings

Within five (5) working days after the decision has been reached by the committee, the Chairperson of the Student Grievance Committee shall send a certified letter to the student or employee's last known address to provide written notification of the committee's decision. Decisions and recommendations will be forwarded to the Dean of

Students for official confirmation and implementation. Decisions and recommendations issued by the Student Grievance Committee shall be implemented within the confines of the laws of the State of Alabama and of the laws of the United States of America. The report shall contain:

1. Date and place of the hearing;
2. The name of each member of the hearing committee;
3. A list of all witnesses for all parties of the grievance;
4. Findings of facts relevant to the grievance;
5. Conclusions of law, regulations, or policy relevant to the grievance;
6. Recommendation(s) arising from the grievance and the hearing thereon.

## VII. Appeal Procedure

The President of the College shall be the appeal authority in upholding, rejecting, or modifying the decision and recommendations of the institutional Student Grievance Committee. The charged student or College personnel may file a written request with the Dean of Students requesting that the President of the College review the decision of the Student Grievance Committee. The written request must be filed within five working days of the hearing's conclusion. The President of the College shall issue his/her opinion to accept, reject, or modify the decision of the Student Grievance Committee within five working days of the appeal.

If the decision of the Student Grievance Committee does not satisfy the complainant and should the grievance allege discrimination (Title VI), sexual harassment (Title XI), or violation of the rights of the disabled (Section 504), the complainant may file a written grievance with the Alabama State Board of Education as defined in Section 616, p. 104-105, of the State Policy and Procedure Manual, the regional office of the Office for Civil Rights of the U.S. Department of Education within 180 days of the act, and/or the Equal Employment Opportunity Commission within 180 days of the decision issued by the institution. The College complies with non-discriminatory regulations under Title VI and Title VII of the Civil Rights Act of 1964; Title IX Education Amendment of 1972; and Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act (ADA) of 1990.

For Policy/Grievance Procedure, contact:

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