ARTICLE 7: STUDENT COMPLAINT PROCEDURE

A. Purpose

The purpose of the Student Complaint Procedure is to provide an expedient and orderly method for resolving student complaints that may arise. The generally accepted definition of a Student Complaint is any claim by a student alleging improper, unfair, arbitrary or discriminatory treatment. The College may ask the student to submit the complaint and its details in writing for purposes of follow-up and required College record keeping. This procedure does not include complaints of alleged criminal activity or harassment and/or Title IX violations and "Violence Against Woman Act" (VAWA). The Student Complaint Process provides both an informal and a formal process to facilitate, investigate, and resolve a complaint made about a faculty member by a student. The informal process shall precede the formal process.

1. A determined effort shall be made to settle such differences at the lowest possible level in the complaint procedure. All parties agree that these proceedings shall be kept as informal and confidential as may be appropriate at any level of the procedure. Both the student and the faculty member may be accompanied by an advocate of their choosing throughout this process.

2. The informal process, through cooperative and collaborative meetings with the parties involved, shall seek to facilitate the resolution of the issue(s) in an equitable manner that is acceptable and amenable to all parties. The Association President or any other faculty member, if requested, may assist in the informal process. If the informal process fails to resolve the issue, the student has the option of moving the complaint to the formal process.

3. No reprisals of any kind shall be taken by the TVEA members against any student participant in the complaint procedure by reason of such participation.

B. Procedure:

Student complaints shall proceed in the following manner and time requirements, unless mutually agreed upon in writing by all parties to the complaint. All such agreements shall be reduced to writing, must specify a deadline date for the resumption of the complaint procedure, and be signed by the College, two officers of the Association, the complainant, and any and all other parties to the complaint. If the student comes to the faculty member's chair, VPAA, dean, or other college employee, the student shall be informed of the process.

C. Informal Complaint Procedure:

1. Step One—Student/Faculty Meeting:

i. The student contacts the faculty member within ten (10) working days in which the alleged action of concern occurred. Email communication will satisfy this requirement.

(a) The student and faculty member will schedule a meeting to informally discuss the student's concerns. This meeting should be held at the earliest possible time based on the current academic schedule and availability of the faculty member. If the concern is not resolved at this informal meeting, the student has (5) working days to initiate Step Two.

2. Step Two—Student/Faculty/Chair Meeting:

i. The Student requests a meeting with the faculty member's department chair within (5) working days of the meeting with the faculty member.
(a) This request will be in writing and should briefly describe the actions or omissions by the faculty member and state the student's requested relief.
(b) An email shall suffice to fulfill the above written requirement.
(c) If the department chair is not available or is the subject of the complaint, then a tenured faculty member from that department or a department chair from another department can facilitate this step (aka alternate in Step Three).

ii. The meeting shall be an informal conversation between the student, the faculty member, and the faculty member's department chair whereby a reasonable and agreeable resolution is sought.

iii. If the complaint is not resolved, the complainant has five (5) working days of the meeting to move to Step Three.

3. Step Three—Student/Faculty/ Vice President Meeting:

i. The student requests a meeting with the faculty member and the faculty member's Vice President within (5) working days of the meeting with the department chair (or alternate).
(a) This request will be in writing and should briefly describe the actions or omissions by the faculty member and state the student's requested relief.
(b) An email shall suffice to fulfill the above written requirement.

ii. The Vice President shall arrange a time for a confidential conversation with the faculty member and the student.

iii. The meeting shall be an informal conversation between the student, the faculty member, and the faculty member's Vice President whereby a reasonable and agreeable resolution is sought.

iv. Within five (5) working days after the meeting, the Vice President shall prepare a written decision on how best to resolve the complaint.
(a) The Vice President will meet with the faculty member to share his/her findings, recommendations and decision before meeting with the student.
(b) If the faculty member disagrees with the Vice President's finding:

(i) The faculty may advise the Vice President that they would like the complaint forwarded to the Student Complaint Committee via the "Formal Complaint" procedure.
(ii) In this event, the Vice President notifies the student in writing of his/her decision and advises the student that the complaint is to be forwarded to the Student Complaint Committee for final determination.

(c) If the faculty member does not request at the meeting that the complaint be heard by the Student Complaint Committee, then the Vice President will provide his/her written findings, recommendations and decision to the student and advise the student that he/she has (5) working days to appeal the decision to the Student Complaint Committee; (i.e., Move to the Formal Process.

D. Formal Complaint Procedure (Appeal to the Student Complaint Committee):

Student Appeal to the Student Complaint Committee:

i. The student must submit a signed written Statement of Disagreement with Vice President's decision to the Vice President of Academic Affairs. The Complaint must state how the student disagrees with the Vice President's findings of fact, decision and remedy, if any.

ii. The due process rights of the faculty member and student must be protected in the formal resolution process.

iii. The Vice President must forward the student complaint to the faculty member and all members of the Committee within five (5) working days of receiving the complaint.

iv. The Vice President shall inform the complainant that he or she has the right to be assigned an advocate by the College or have a representative of his or her choosing. The student, within five (5) working days of choosing a representative and at least ten (10) working days before the Committee hearing, must inform the Vice President and the Committee of the name and position of the representative chosen. If the representative is an attorney, the College attorney shall appear on behalf of the College and the Faculty Member.

v. Within five (5) working days of the receiving the complaint, the Committee chair shall schedule a hearing. At least ten (10) working days before the hearing, the chair must inform all parties of the time, place, and date of the hearing. All reasonable steps must be taken to make the hearing convenient to all parties.

Faculty Appeal to the Student Complaint Committee

i. In the event that the faculty member disagrees with the Vice President's decision, the faculty member may begin a formal process for resolution following the informal process. The initiation of the formal process must be filed in writing and submitted to the Vice President within five (5) working days of the Vice President's informal decision.

ii. The faculty member must submit to the Vice President a written statement that identifies the member's disagreement with any findings of fact, conclusions, and/or remedies set forth in the Vice President's decision

iii. The Vice President must forward the faculty statement to the complainant and all members of the Committee within five (5) working days of receiving the statement.

iv. The faculty member, the College, or the complainant may have representation.

v. Within five (5) working days of the receiving the statement, the Committee chair shall schedule a hearing. At least ten (10) working days before the hearing the chair must inform all parties of the time, place, and date of the hearing. All reasonable steps must be taken to make the hearing convenient to all parties.

E. Student Complaint Committee:

. The Student Complaint Committee shall consist of the following five (5) persons:

1. One tenured faculty Association officer appointed by Association.

2. One tenured faculty member outside the involved faculty member's department appointed by Association (determined at time of complaint).

3. One tenured faculty chair appointed by the mutual consent of the Vice President of Academic Affairs and the Association.

4. One professional staff with a Baccalaureate degree or greater appointed by the College.

5. One Vice President, who has not been involved in the complaint process, appointed by the College and acting as chair.

F. Student Complaint Committee Procedures:

1. The Committee shall conduct the hearing in the order as follows:

i. The hearing(s) shall be closed to the public unless by mutual agreement of all parties. Such agreement shall be reduced to writing and signed by all parties and the Committee chair.

ii. The proceedings shall be recorded by a confidential secretary chosen by the Committee chair.

iii. All parties and witnesses shall be sworn or affirmed under oath.

iv. Any party may request a record to be made of the proceedings and be given a copy if requested.

v. The Committee members may question parties, witnesses or documentation at any time.

vi. The party dissenting from the Vice President's decision shall present evidence, including witnesses, documentation, or other evidence first, followed by the other party's presentation.

vii. The Committee shall have the sole right to determine what evidence may be considered. Such determination shall not be prejudicial against either party. It is suggested that the Committee err on the side of caution with a just decision being the ultimate desire.

viii. The Committee shall have ten (10) working days to make a determination. During the ten (10) working days, the Committee shall have the right to independently investigate the issues of the case. The Committee shall have the right to ask the parties for clarification of evidence; however, both parties shall be informed of the communication of clarification by the Committee.

viii. Within ten (10) working days, the Committee shall submit a written decision to the parties.

2. The decision of the Committee shall be final.

G. Limits on Complaint Procedures

1. No decision regarding a faculty member arising from the complaint process or procedures shall be disciplinary in application, nature, or intent.

H. Definitions for this Article:

1. Working Days: "Working days," or "work days" as used herein, shall be defined as scheduled business days of the College. The end of a working day shall be deemed 5:00 P.M.

I. Academic Freedom:

No complaint may be decided against a faculty Association member that may infringe upon the member's academic freedom as expressed in Article 16 of this Agreement unless such acts can be shown to be egregiously arbitrary or capricious.