

Complaint / Grievance Procedures for Students

Snead State Community College promotes the open exchange of ideas among all members of the Snead State Community College community, students, faculty, staff, and administration. An environment conducive to the open exchange of ideas is essential for intellectual growth and positive change. Snead State Community College recognizes that in order to efficiently and effectively carry out its mission, its students must feel confident that any valid complaint or grievance a 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.

1. Complaint

For purposes of this policy, a complaint shall mean a specific event, activity, or occurrence within the scope of the authority of the College's administration or faculty about which an individual has a specific concern.

- a. **Complaint Related to Academic Matters.** All complaints involving academic disputes must follow the college Academic Appeal Process. The decision of the Chief Academic Officer is final.
- b. **Complaint Related to Disability.** Complaints related to a disability must follow the college ADA Complaint / Grievance Procedures. If a satisfactory resolution is not resolved, the complainant may choose to pursue a formal grievance as outlined in grievance procedures below.
- c. **Other Types of Complaints.** Complaints related to any matter other than academics or disability should be reported in writing to the Vice President for Student Services within ten (10) business days of the event prompting the complaint.

If, after discussion between the student and the respective college official, it is determined that the complaint can be resolved immediately, the college official will take action to resolve the complaint and will submit a report within ten (10) business days of the filing of the complaint to the College Grievance Officer for Students and such other appropriate college official(s) as the President may designate, detailing both the complaint and its resolve.

2. Grievance Procedures

- a. 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, shall then have the right to file a grievance with the College Grievance Officer for Students. The written grievance statement shall be filed using Grievance Form A, which may be obtained from the College website or from the Office of the Vice President for Student Services.

- b. The College shall have thirty (30) calendar days from the date of the receipt by the College Grievance Officer for Students to conduct an investigation of the allegation(s), hold a hearing (if requested) on the grievance, and submit a written report to the Grievant of the findings arising from the investigation. Grievance Form A shall be used to report both the grievance and the investigation/hearing findings. Copies of Form A must be provided to the College Grievance Officer for Students and the College President. A copy will also be delivered to the Grievant either through certified mail or personal delivery.

Investigation Procedure

The College Grievance Officer for Students, either personally or with the assistance of such other person(s) as the President may designate, shall conduct a factual investigation of the grievance allegations and shall research each applicable statute, regulation, and/or policy, if any. The College Grievance Officer for Students shall determine, after completion of the investigation, whether or not there is substantial evidence to support the grievance. The factual findings in the investigation and the conclusion of the grievance officer shall be stated in the written report which shall be submitted to the Grievant and to the party or parties against whom the grievance was made (the "Respondent or Respondents") and shall be made part of the hearing record, if a hearing is requested by the Grievant. Publications or verified photocopies containing relevant statutes, regulations, and policies shall also be prepared by the College Grievance Officer for Students for the grievance record. If the Grievance Officer finds the grievance is supported by substantial evidence, he or she shall make a recommendation in the report as to how the grievance should be resolved. Upon the receipt by the Grievant of the Grievant Officer's report, the Grievant and Respondent(s) shall have three (3) business days to notify the College Grievance Officer for Students whether or not the Grievant or Respondent(s) demand(s) a hearing on the grievance. The failure by the Grievant or Respondent(s), respectfully, to request a hearing by the end of the third business day shall constitute a waiver of the opportunity for a hearing. However, the College Grievance Officer for Students may, nevertheless, as his or her discretion, schedule a hearing on the grievance if to do so would appear to be in the best interest of the College. In the event that no hearing is to be conducted, the Grievance Officer's report shall be filed with the President, with a copy to be provided to the Grievant and each Respondent.

Hearing Procedure

In the event that the College Grievance Officer for Students schedules a hearing, the College President shall designate an unbiased person or committee to conduct the grievance hearing. The hearing officer and/or committee members will generally be employees of Snead State Community College. However, the President shall have the discretion to select other than SSCC employees to serve as a hearing officer or as a committee member. The hearing officer and/or committee shall 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 shall be conducted in a fair and impartial manner and shall not be open to the public unless both parties agree in writing for the hearing to be public.

At the hearing, the Grievant and Respondent shall be read the grievance statement. After the grievance is read into the record, the Grievant shall have the opportunity to present such oral testimony and offer such other supporting evidence as he or she shall deem appropriate to his or her claim. Each Respondent shall then be given the opportunity to present such oral testimony and offer such other evidence as he or she deems appropriate to the Respondent's defense against the charges. In the event that the College, or the administration of the College at large, is the party against whom the grievance is filed, the President shall designate a representative to appear at the hearing on behalf of the respective College.

Any party to a grievance hearing shall 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, shall act in an advisory role only and shall not be allowed to address the hearing body or question any witnesses. In the event that the College is the Respondent, the College representative shall not be an attorney or use an attorney unless the Grievant is also assisted by an attorney or other personal representative.

The hearing shall be recorded either by a court reporter or on audio/video or by other electronic recording medium. In addition, all items offered into evidence by the parties, whether admitted into evidence or not, shall be marked and preserved as part of the hearing record.

Rules of Evidence

The hearing officer or committee shall make the participants aware that the rules relating to admissibility of evidence for the hearing will be similar to, but less stringent than, those which apply to civil trials in the Circuit Court of Alabama.

Generally speaking, irrelevant or immaterial evidence and privileged information (such as personal medical information or attorney-client communications) shall be excludable. However, hearsay evidence and unauthenticated documentary evidence may be admitted if the hearing officer or chairperson determines that the evidence offered is of the type and nature commonly relied upon or taken into consideration by a reasonably prudent person in conducting his or her affairs.

In the event of an objection by any party to any testimony or other evidence offered at the hearing, the hearing officer or committee chairperson shall have the authority to rule on the admissibility of the evidence, and this ruling shall be final and binding on the parties.

Report of Findings and Conclusion

Within five (5) business days following the hearing, there shall be a written report given to the College Grievance Officer for Students (with a copy to the President, the Grievant, and each Respondent) of the findings by the hearing officer or the chairperson of the hearing committee, whichever is applicable, and the report shall contain at least the following:

- a. Date and place of hearing;
- b. The name of the hearing officer or each member of the hearing committee, as applicable;
- c. A list of all witnesses for all parties to the grievance;
- d. Findings of fact relevant to the grievance;
- e. Conclusions of laws, regulations, or policy relevant to the grievance; and
- f. Recommendation(s) arising from the grievance and the hearing thereon.

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 College Grievance Officer for Students shall 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 evidence presented, the College Grievance Officer for Students shall meet with the Grievant, the Respondent(s), and the appropriate college representative(s) and attempt to bring about resolution of the grievance.

c. Available Appeals

Presidential Appeal – If the grievance does not involve a claim of illegal discrimination based on gender, race, or disability, the findings of the hearing officer / committee shall be final and non-appealable. However, if the grievance involves such a claim, the Grievant shall have the right to appeal the decision of the hearing officer or committee to the President of Snead State Community College, provided that:

1. A notice of appeal is filed, using Grievance Form B, with the College Grievance Officer for Students and the College President within fifteen (15) calendar days following the Grievant's receipt of the committee report; and
2. 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 Grievant's receipt of the report, the Grievant's right to appeal shall have been waived. If the appeal does not contain clear and specific objections to the hearing report, it shall be denied by the President.

If an appeal is accepted by the President, the President shall 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 an appellate hearing (if deemed appropriate by the President), and to produce a report of the President's findings of fact and conclusions of law. The President shall have the authority to (1) affirm, (2) reverse, or (3) affirm in part and reverse in part of the findings, conclusions, and recommendations arising from the college grievance hearing. The President's report shall be served to the Grievant and Respondent(s) by certified mail or personal delivery.

Chancellor Appeal – Except in cases involving a claim alleging a violation of Title IX of the Civil Rights Act of 1964, as amended, the President's findings and conclusions shall not be appealable. However, pursuant to State Board of Education policy, a Grievant who is alleging a claim of illegal discrimination based on a violation of Title IX may file an appeal to the Chancellor of the Alabama Community College System for a review of the President's report and the findings arising from the college grievance hearing.

A Grievant who has grounds of appealing the findings of the President to the Chancellor may do so by:

1. Filing the notice of appeal, using Grievance Form C, to the Chancellor and the President of SSCC within fifteen (15) calendar days following the Grievant's receipt of the report of the President's findings; and
2. Specifying in the notice of appeal clear and specific objection(s) to the finding(s), conclusion(s), or recommendation(s) affirmed by the President.

If the appeal is not filed with the Chancellor by the close of business on the fifteenth (15th) day following the Grievant's receipt of the President's report, the Grievant's opportunity to appeal shall have been waived. If the appeal does not contain clear and specific objections to the President's report, it shall be denied by the Chancellor.

If an appeal is accepted by the Chancellor, the Chancellor shall have thirty (30) calendar days following his or her receipt of the Grievant's notice of appeal to investigate and review the allegations contained in the grievance, to review the reports to the President and the college hearing officer/committee, to hold an appellate hearing (if he/she deems such appropriate), and to issue a report of his/her findings of fact and conclusions of law. The Chancellor shall have the authority to (1) affirm, (2) reverse, or (3) affirm in part and reverse in part the findings, conclusions, and recommendations of the President and/or the hearing officer/committee. The report of the Chancellor shall be served to the Grievant and Respondent(s) by personal service or by certified mail to the respective home address of the parties. The report of the Chancellor shall not be further appealable with the Alabama two-year college system. However, the Grievant shall not be

precluded from filing his or her grievance with an appropriate court or administrative agency.

d. General Rule on Findings

If the last date for filing a document under this procedure falls on a Saturday, Sunday, or legal holiday, the date of the first business day following the respective Saturday, Sunday, or legal holiday shall be considered the deadline date.

3. List of Responsible Officials

Below is a list of officials who have been referenced herein as responsible for responding to complaints and grievances.

President	Dr. Robert Exley
Vice President for Student Services	Mr. Jason Cannon
Vice President for Academic Affairs	Dr. Annette Cederholm
Vice President for Finance	Mr. Joe Whitmore
Chief Information Technology Officer	Mr. Randy Maltbie
Director of Community Education and Arab Instructional Site	Ms. Teresa Walker
Director of Marketing and Public Relations	Ms. Shelley Smith

ADA Coordinator
Rachel Green
Office: Academic Success Center
rgreen@snead.edu
256.840.4151

Grievance Officer for Students
Jason Cannon, Vice President for Students
Office: Room 215, McCain Center, Boaz
jcannon@snead.edu
256.840.4150

Grievance Officer for Employees
Amanda Gunnells, Director of Human Resources
Office: Room 115, McCain Center, Boaz
agriggs@snead.edu
256.840.4113

Each of these officials is charged with the responsibility of assisting in every reasonable way to resolve any valid complaint and to assist when one has been unable to resolve a complaint and desires to file a formal grievance. The President

reserves the right to make such changes or substitutions to the above list of officials as he/she deems appropriate in order to avoid conflicts of interest or any potential appearance of bias or prejudice.

It is the policy of the Alabama Community College System and Snead State Community College that no person shall, on the grounds of race, color, disability, sex, religion, creed, national origin, or age, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any program, activity, or employment.