NORTHWEST
LOUISIANA TECHNICAL COMMUNITY COLLEGE

Policy No. 2.020

Northwest Louisiana Technical Community College

GRIEVANCE POLICY

Original Adoption:	May 15, 2007
Effective Date:	May 15, 2007
Last Revision:	July 24, 2019

Northwest Louisiana Technical Community College (NLTCC) establishes the guidelines and standards for student grievances NOT involving an academic or grade appeal or financial appeal; refund appeals; admission appeals and other matters within the jurisdiction of other committees of the college. This policy reflects the College's commitment to the principles, goals, and ideals described in the Northwest Louisiana Technical Community College Mission Statement and its core values.

Cases of challenges to student records through the Family Educational Rights and Privacy Act (FERPA) shall be referred to Campus Student Affairs Office. Student appeals relating to Financial Aid decisions, rules, and regulations shall be directed to the Financial Aid Office.

223.1 SCOPE

Any enrolled student has the right to file a grievance when he/she feels unjustly or improperly treated by the College or another student. The process set out here is not intended to initiate disciplinary action against a member of the faculty, staff, or administration, or to alter College policy.

In the cases involving sexual harassment, discrimination on the basis of race, sex, creed, color, religion, sexual orientation, national origin, age, marital status, pregnancy, veteran's status, or disabling condition, etc., the Campus Administrator shall be responsible for receiving complaints.

223.2 DEFINITIONS

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

223.2.2 ***Counsel*** - Assistance in the formal hearing process; may be of two types:

223.2.2.1 Legal Counsel includes attorneys and individuals with legal training.

223.2.2.2 Non-legal representation is any person without legal training.

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

223.2.4 ***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.

223.2.5 ***Grievance*** - is 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.

223.2.6 ***Preponderance of Evidence*** - Such evidence as, when weighed with that opposed to it, has more convincing force and the greater probability of truth.

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

223.2.8 ***Student*** - as used herein, refers to any individual currently enrolled at the College at the time of the alleged violation.

223.2.9 ***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 (SGA) Advisor of the campus where the incident occurred.

223.3 GRIEVANCE HEARING COMMITTEE

223.3.1 The Grievance Hearing committee shall consist of the following members:

Two (2) faculty members One (1) staff member Two (2) student members

223.3.2 The Campus Administrator will appoint one of the committee members to serve as Chair.

223.4 TIME FOR INFORMAL RESOLUTION AND/OR FILING OF GRIEVANCE

All time referred to in these procedures shall refer to working days.

223.5 ELEMENTS OF THE GRIEVANCE PROCESS

223.5.1 Investigation of the complaint by the Campus Administrator;

223.5.2 Review by an impartial grievance/hearing committee if warranted;

223.5.3 An opportunity to present evidence both documentary and testimonial and to present evidence to the contrary;

223.5.4 The right of the student to be counseled during the proceedings at the student's expense;

223.5.5 A summary record of the hearing, to be kept by the campus for a period of three years subject to provision of existing privacy and disclosure laws;

223.5.6 A written recommendation by the hearing committee upon conclusion of the hearing;

223.5.7 Right of appeal.

223.6 MEDIATION PROCEDURES

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*:

223.6.1 Request an appointment with the Campus Administrator of the campus on which the alleged incident occurred; or

223.6.2 Complete a *Student Incident Report* (Attachment A) and provide that report to the Administrator of the campus on which the alleged incident occurred.

223.6.3 Within five (5) days of the student requesting an appointment of the Campus receiving a completed *Student Incident Report*, the Campus Administrator meets with the complainant to discuss the alleged incident.

223.6.4 If, in the opinion of the Campus Administrator, no violation of college policy has occurred, the Campus Administrator informs the student and makes a written record of the discussion he/she had with the complainant.

223.6.5 The complainant may accept the decision of the Campus Administrator or file a formal grievance using the procedures outlined in Section 223.9 Grievances.

223.6.6 If the Campus Administrator finds that a violation of college policy may have occurred, he/she offers to:

223.6.6.1 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 Campus Administrator. (The Campus Administrator may serve as both the supervisor and mediator.) Or;

223.6.6.2 Investigate the alleged incident and provide feedback to the complainant without holding a mediation conference;

223.6.6.3 If the incident is deemed to be a potentially serious violation of college policy, provides the student with a *Student Grievance Form* (Attachment C); encourages the student to complete and return the form within five (5) working days; and forward 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 Campus Administrator to discuss the incident.*

223.7 MEDIATION CONFERENCE

223.7.1 A Mediation Conference provides an opportunity for the complainant, respondent, respondent's supervisor, and Campus Administrator to discuss and attempt to resolve the alleged incident without a Grievance Hearing.

223.7.2 When the Campus Administrator has found that a violation might have occurred, and the respondent has accepted the offer of a Mediation Conference, the Campus Administrator establishes a day, time, and location for the conference.

223.7.2.1 She/he notifies in writing, the complainant, respondent, and respondent's supervisor of the day, time, and location of the conference.

223.7.2.2 In addition, the Campus Administrator provides the respondent and her/his supervisor with a copy of the *Student Incident Report* (Attachment A), completed by the complainant, five (5) days prior to the Mediation Conference.

223.7.3 If the respondent chooses not to attend the Mediation Conference, the Campus Administrator 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.

223.7.4 If the respondent chooses to attend the Mediation Conference and chooses to respond in writing, the respondent uses the *Response to Student Incident Report,* (Attachment B).

223.7.5 If the respondent chooses to attend the Mediation Conference and the complaint is resolved to the satisfaction of the complainant, the Campus Administrator notes the outcome in the files, and notifies the Student Affairs Officer.

223.7.6 If during the Mediation Conference, the complaint cannot be resolved to the satisfaction of the complainant, the Campus Administrator informs the complainant that he/she has the option of filing a formal grievance following the procedures

outlined in Section
223.9 Grievances.

223.8 MEDIATION WITHOUT A CONFERENCE

The Campus Administrator 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.

223.8.1 In these situations, the complainant must complete the *Student Incident Report,* (Attachment A) and the respondent is strongly encouraged to complete the *Response to Student Incident Report,* (Attachment B).

223.8.2 If the complaint cannot be resolved to the satisfaction of the complainant, the Campus Administrator informs the complainant that she/he has the option of filing a formal grievance following procedures outlined in Section 223.9 Grievances.

223.9 GRIEVANCES

223.9.1 Referral to Campus Grievance Committee, if under Section 223.7 Mediation Conference:

223.9.1.1 The Campus Administrator has found a serious violation of college policy might have occurred;

223.9.1.2 *Or* if the complainant has chosen to bypass mediation;

223.9.1.3 *Or* if the respondent has chosen not to attend a scheduled mediation conference;

223.9.1.4 *Or* if a complainant is not satisfied with the outcome of a mediation conference;

223.9.1.5 *and* if the complainant has completed and returned a *Student Grievance Form,* (Attachment C) within five (5) days of 1 though 4 above, to the Student Affairs Officer;

223.9.2 The grievance is then referred to the campus grievance committee of the campus on which the alleged incident occurred. Incidents that occur off campus are referred to the grievance committee of the campus where the complainant is enrolled.

223.9.3 Prior to forwarding the *Student Grievance Form* to the campus grievance committee of the campus on which the alleged incident occurred, the Campus Administrator 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 Campus Administrator forwards this information to the committee. This information might include:

223.9.3.1 Notes from interviews the Campus Administrator conducted with the

complainant, respondent, respondent's supervisor, or witnesses (if any);

223.9.3.2 Notes from any mediation conference conducted as described in Section 223.7 Mediation Conference.

223.9.3.3 A brief summary of other grievances or incidents, on file, found to have merit*, against the respondent (if any);

223.9.3.4 A brief summary of any on-file administrative charges of similar behavior, found to have merit*, against the respondent (if any);

223.9.3.5 If the respondent chooses to provide it, his/her written response the *Response to Student Grievance Form* (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 Campus Administrator 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.*

223.10 HEARING

223.10.1 ***Location***: All on-campus cases are handled by the main Campus' Grievance Committee where the alleged violation occurred regardless of the home campus of the complainant(s) or respondent(s). Incidents occurring at the learning sites where no full-time faculty/staff are housed are to be referred to the main Campus Committee as appropriate.

223.10.2 ***Scheduling***: The grievance committee schedules a hearing within ten (10) days of receiving the *Student Grievance Form.*

223.10.3 ***Notification***: Immediately, the committee notifies in writing, the complainant, respondent, respondent's supervisor and the Campus Administrator of the day, time, and location of the hearing.

223.10.4 ***Hearing 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:

223.10.4.1 Closed Hearing: Unless both parties agree to an open hearing, the hearing shall be closed.

223.10.4.2 Except in cases of unavoidable emergency, if the complainant does not appear or does not request a postponement in advance, the grievance is nullified;

223.10.4.3 Except in cases of unavoidable emergency, if the respondent does not appear, the hearing will proceed;

223.10.4.4 The complainant and respondent are provided the opportunity to testify if they so desire;

223.10.4.5 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;

223.10.4.6 In an advisory capacity only, the complainant and respondent are permitted to have a representative attend the hearing at his/her own expense. (The representative may not speak to or ask questions of any member of the committee or anyone appearing before it.); and

223.10.4.7 Both the complainant and respondent (if they choose to attend the hearing) are permitted to be present during all testimony heard by the committee.

223.10.4.8 Examine all witnesses presented by the college.

223.10.4.9 Exclusion of Witnesses: All witnesses other than the grievant and the accused primarily involved in the action shall be excluded from the hearing except when testifying.

223.10.5 ***Rules of Evidence***

223.10.5.1 Evidence may be verbal or written, but must be limited to issues raised in the written complaint.

223.10.5.2 Hearsay evidence is admissible only if corroborated. The hearing committee will exclude any irrelevant or unduly repetitive evidence.

223.10.6 ***Record***

223.10.6.1 The hearing may be tape recorded.

223.10.6.2 All records pertaining to the hearing shall be kept by the College for a period of three (3) years.

223.11 <u>FINDING</u>

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 punitive action.

223.11.1 Within ten (10) days of the hearing's conclusion, the chair of the committee notifies, in writing, the Campus Administrator of the committee's findings and recommend punishment (if any).

223.11.2 The Campus Administrator, 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 Student Affairs Officer.

223.11.3 A copy of the committee's findings and Campus Administrator's ruling is filed in the respondent's file and in the Grievance Files maintained by the Student Affairs Officer and the Vice President for Career and Technical Education.

223.12 APPEALS

223.12.1 *First Level Appeals- (Campus Level)*

If the complainant or respondent wishes to appeal the findings of the committee and/or the ruling of the Campus Administrator, 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 Student Affairs Officer.

Within five (5) days of receiving the appeal, the Student Affairs Officer notifies, in writing, all parties to the grievance, the committee members, and the Campus Administrator of her/his ruling on the appeal.

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

223.12.2 *Second Level Appeals - (Regional Level)*

The final appeal in grievance cases is to the Chancellor.

If the complainant or respondent wishes to appeal the ruling of the Chancellor, the complainant or respondent must file his/her appeal, in writing, within five (5) days of being notified of the Chancellor ruling.

223.12.3 *Final Appeals - (College Level)*

An appeal may be filed for the following reasons **only**:

223.12.3.1 New evidence has been brought to light - not available by duly diligent effort at the time of the hearing;

223.12.3.2 Established procedures have not been followed.

223.12.4 Within ten (10) days of receiving the appeal, the Vice President for Career and Technical Education notifies, in writing, all parties to the grievance, the committee members, the Campus Administrator, and the Chancellor of his/her ruling on the appeal.

223.12.5 Copies of the second-level appeal and the Vice President for Career and Technical Education's ruling are filed in the appellant's files and in the Grievance Files maintained by the Student Affairs Officer.

223.13 CAMPUS GRIEVANCE COMMITTEES

Each campus has a Campus Grievance Committee which consists of the committee members

from that campus. 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 Campus Administrator.

223.14 SANCTIONS

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

223.14.1 ***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.

223.14.2 ***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 Vice President for Career and Technical Education 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.

223.14.3 ***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. If the student is accepted, he/she may return with either full or curtailed privileges. Since the student must reapply, record of the suspension is kept 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.

223.14.4 ***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 expulsion remain permanently on file in the Office of the Vice President for Career and Technical Education.

Approved:

Earl W. Meador, J.D.
Chancellor

NORTHWEST

LOUISIANA TECHNICAL COMMUNITY COLLEGE

STUDENT INCIDENT REPORT

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

Student Name: _____

NLTCC Student ID #: _____

(THIS NUMBER MUST BE CONCEALED ON ALL COPIES MADE OF THIS DOCUMENT)

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.

_____

_____

_____

_____

_____

_____

_____

_____

_____

What remedy/solution are you seeking?

Signature: _____ Date: _____

NORTHWEST

LOUISIANA TECHNICAL COMMUNITY COLLEGE

RESPONSE TO STUDENT INCIDENT REPORT

(Attachment B)

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 Social Security Number: _____

(THIS NUMBER MUST BE CONCEALED ON ALL COPIES MADE OF THIS DOCUMENT)

Today's Date: _____

YOUR RESPONSE TO THE ALLEGED INCIDENT

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Date: _____

Signature: _____

NORTHWEST

LOUISIANA TECHNICAL COMMUNITY COLLEGE

STUDENT GRIEVANCE REPORT

(Attachment C)

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

Student Name: _____

Student's ID # : _____

(THIS NUMBER MUST BE CONCEALED ON ALL COPIES MADE OF THIS DOCUMENT)

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 and have no additional information to provide you may check here: ☐ sign and date the form on the next page.

_____

_____

_____

_____

_____

_____

_____

What remedy/solution are you seeking?

Please list all attachments that you are including with this form:

Signature: _____

Date: _____

NORTHWEST

LOUISIANA TECHNICAL COMMUNITY COLLEGE

RESPONSE TO STUDENT GRIEVANCE

Attachment D)
2.036

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

Your Name: _____

Your Social Security Number: _____

(THIS NUMBER MUST BE CONCEALED ON ALL COPIES MADE OF THIS DOCUMENT)

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 Grievance Report and have no additional information to provide you may check here: ☐ sign and date the form on the next page.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Signature: _____ Date: _____