

# STUDENT GRIEVANCE (NON-ACADEMIC)

## Purpose

This procedure establishes procedural guidelines for students at Hillsborough Community College to follow for having a grievance heard and acted on in a fair and equitable manner.

## Procedure

Hillsborough Community College recognizes the meaningful value and importance of full discussion in resolving misunderstandings and preserving good relations between the students and the College. This procedure will better ensure that complaints receive full consideration, with an emphasis on resolving the problem at the lowest level, with the individual with whom the dispute occurred. However, if a problem or condition exists, the student should bring this to the attention of the appropriate person in the proper manner.

Students at the College are entitled to fair and equitable treatment and an accessible procedure for expressing dissatisfaction and communication with the administration to reconcile any College-related problems. Retaliation for the exercise of these rights is forbidden.

Where informal methods are unsuccessful, the College recognizes that certain problems are best settled by a grievance procedure. If a problem is included within the definition of a grievance, the purpose of this procedure is to settle the grievance promptly and within the time limitations prescribed below. However, a student's problem may be referred to another procedure if the dissatisfaction or problem is not included in a grievance.

### I. DEFINITIONS - the following definitions will apply to this procedure:

- A. Grievance - a dispute involving a non-academic issue with an employee of the College or with the College, which may include the violation of an administrative rule or procedure. A grievance will not involve administrative decisions regarding the operation of the College, such as but not limited to the scheduling of classes or the location of a classroom(s).
- B. Grievant - a student who initiates a grievance as defined above. (If more than one student has the same or a similar grievance, each student will be required to file a grievance.)
- C. Respondent - the specific individual(s) responsible for causing or implementing the matter that gives rise to the dispute. The respondent may be a member of the faculty or other College employee against whom a grievance is filed.
- D. Student/Staff Committee - the committee will include two (2) College employees appointed by the Campus President and two (2) students appointed by the campus Student Government. The Campus President will also appoint an administrator to be the chairperson of the committee.

E. Student Rights Representative - each campus Student Government will select a student to be the Student Rights Representative.

**2. GRIEVANCE GUIDELINES** - the following guidelines will apply to this procedure for student grievances:

- A. A grievance may only be filed by the affected student who is solely responsible for initiating this grievance.
- B. The time limitations are necessary to provide a timely resolution of the grievance. "School days" shall exclude Saturdays, Sundays and approved holidays.
- C. If the student fails to adhere to the time limitations, the grievant will be deemed to have waived his/her grievance. The Dean of Student Services will terminate the grievance and notify the grievant and respondent accordingly.
- D. If the respondent fails to adhere to the time limitations, the respondent will be deemed to have waived his/her right to respond during that time or step of the grievance and the grievance will move to the next step.
- E. The Dean of Student Services may authorize an extension of time following receipt of a written request. The Dean of Student Services will notify the grievant and respondent accordingly.
- F. If the Dean of Student Services is named as a respondent in a grievance, the Campus President will name a designee for the Dean of Student Services for the procedural steps outlined in this procedure. In addition, to better ensure that the grievance is handled in a timely manner in the event the Dean of Student Services is unavailable, the responsibilities outlined in this procedure will be assigned to a designated employee by the Campus President.
- G. This is not the appropriate procedure for a grievance involving discrimination or sexual harassment. The student must contact the Dean of Student Services or the Office of Equity for additional information, or refer to the appropriate administrative rules or procedures which are available at the office of the Campus President, an administrator's office or in the libraries.
- H. A student may not grieve an executive discretionary decision by College personnel regarding the operation of the College or the management of employees and students as permitted by the rules of the State Board of Education and the laws of the state of Florida.
- I. The College will work with students to resolve problems. A student will not be penalized for presenting a complaint or filing a grievance.
- J. To better ensure that the grievance is addressed on an informal basis, a non-College related spokesperson or representative would not be permitted during the grievance process until the appeal process commences with an appeal to the President.

**3. PRE-GRIEVANCE INFORMAL CONSULTATION** - the following guidelines apply to a pre-grievance informal consultation in addition to the other applicable requirements of this procedure:

- A. Prior to initiating a grievance, a student should make reasonable efforts to resolve any questions, problems or misunderstandings that may arise. Students should evaluate whether a dispute involves executive discretionary matters by College personnel regarding the operation of the College or the management of students and employees. Such matters are not subject to the grievance process.
- B. For dissatisfactions and disputes not involving discretionary decisions by College personnel, students are encouraged to initiate discussions with the Dean of Student Services or a faculty member (where applicable) or any other employee involved at the time of dissatisfaction or when a problem arises. Such discussions are encouraged to better ensure that positive and prompt action is initiated to answer student questions and to resolve complaints. It is College personnel's responsibility to ensure that any complaint brought to him/her receives prompt attention. The student may meet with the Dean of Student Services prior to initiating a grievance to receive guidance and assistance.
- C. The complainant (student) must submit a brief written request for an informal meeting to the respondent within five (5) school days following the date of the incident, giving rise to the complaint or the date on which the complainant has knowledge of the incident. Within five (5) school days following the written request, the respondent will schedule an informal meeting with the complainant to discuss the alleged complaint, with the objective of resolving the matter to the satisfaction of the complainant and the respondent. A complainant may not file a grievance if the complainant has not requested and attended the informal meeting.
- D. At the informal meeting, the grievant is not responsible for notifying the respondent that a formal grievance may be filed.
- E. If the problem is resolved at this step, the issue will be dropped.
- F. If the complainant is unable to contact the respondent or the respondent is unwilling to meet with the grievant within the five (5) school day period, the grievant will notify the Dean of Student Services for further directions which may include skipping the respondent in the grievance procedure.

#### **4. FORMAL GRIEVANCE**

**STEP ONE:** To initiate a grievance, the grievant will obtain a copy of the Student Grievance form from the Dean of Student Services and complete Step One. The Student Grievance form must be completed and filed with the Dean of Student Services within five (5) school days following the date of the informal meeting.

- A. The Dean of Student Services may determine whether the allegations filed constitute a grievance. If it is determined that a grievance does not exist in accordance with the definition, the grievance will not proceed and both the grievant and the respondent will be notified accordingly. The student may

appeal this decision to the Campus President within five (5) days following notification from the Dean of Student Services. The Campus President will have five (5) school days following receipt of the request to notify the Dean of Student Services, who will notify both the grievant and the respondent accordingly.

- B. The grievant will attach the following information to the Student Grievance form:

- (1) A brief summary of the dispute.
- (2) A description of the administrative rule or procedure violated, misinterpreted or misapplied.
- (3) A description of the facts in chronological order on which the grievant relies.
- (4) A statement with the names of all witnesses to the condition or action from which the grievance arose.
- (5) Copies of all documentation possessed by the grievant regarding the grievance process and all documentation leading to or involving the grievance.
- (6) A statement of the specific relief sought or resolution requested for the grievance.

- C. The grievant's statements on the Student Grievance form and the attached documentation constitute the grievant's written statement. The grievant may not add other grievances, modify the grievance, or modify the requested relief after the Student Grievance form is filed with the Dean of Student Services. The grievance shall proceed on the basis of the written statement. Nothing in this procedure shall be construed to prevent the Dean of Student Services, the President or any decision-making level listed in this procedure from granting any relief deemed appropriate. The Dean of Student Services will forward a copy of the Student Grievance form with attachments to the respondent within three (3) school days following receipt of the grievant's written statement.

**STEP TWO:** The respondent will submit a written response to the Dean of Student Services within five (5) school days following receipt of the grievant's written statement.

- A. The respondent's written statement will prepare the following information and attach the documentation to the Student Grievance form:

- (1) A response to the grievant's written statement as the respondent deems appropriate.
- (2) Documentation that the respondent deems appropriate to the respondent's response.

- B. The respondent's statement on the Student Grievance form with the attached documentation is the respondent's written statement. The respondent may not modify the response after the Student Grievance form with attachments is filed with the Dean of Student Services. The grievance will proceed on the basis of the material described above.

C. The Dean of Student Services will forward a copy of the completed Student Grievance form with attachments to the respondent's immediate supervisor within three (3) school days following receipt of the respondent's written statement. Within a maximum of five (5) school days after receiving the copies of the Student Grievance form, the respondent's immediate supervisor will schedule a meeting with both the grievant and respondent to discuss the grievance. The respondent's immediate supervisor will have five (5) school days following the date of receipt of the grievant's and respondent's statements from the Dean of Student Services to forward a written recommendation to both the grievant and the respondent.

**STEP THREE: Student Grievance Hearing** - if the grievant is not satisfied with this recommendation, the grievant will have five (5) school days following receipt of the recommendation, to notify the Dean of Student Services that the grievance will proceed.

The grievant will determine whether the Student Grievance Hearing will be held either with the Dean of Student Services or the Student/Staff Committee.

A. Dean of Student Services - the Dean of Student Services will schedule a hearing within five (5) school days after the grievant officially requests the hearing. The grievant and the respondent will each present the facts, issues and resolution to the grievance.

B. Student/Staff Committee - the Campus President will appoint two (2) full-time employees and the campus Student Government Association will appoint two (2) students to serve on the Student/Staff Committee. The Campus President will also appoint an administrator to chair this committee. (The Dean of Student Services will not be appointed to this committee.)

C. Student Rights Representative - the grievant may ask to be represented by the campus Student Rights Representative selected by the campus Student Government Association.

D. Hearing Guidelines:

- (1) The committee will review the facts in the grievance.
- (2) The Dean of Student Services will schedule the hearing and notify the grievant, respondent and all witnesses regarding the time, date and location of the hearing. In addition, where applicable, the Dean of Student Services will forward a copy of the written statements to the members of the Student/Staff Committee.
- (3) The statements by the witnesses, the grievant and the respondent should not exceed thirty (30) minutes, except when the committee determines that additional time is needed.
- (4) The grievant and the respondent are required to appear at the hearing or to submit documentation stating his/her position on the matter. If the grievant or respondent fails to attend or to submit a written statement, only the party's written statements will be reviewed. The grievant and the respondent may submit

documentation to the hearing that was not included in the written statements to correct statements of fact made by the grievant or respondent. All witnesses may be videotaped at the prerogative of the committee chairperson.

- (5) The statements of the grievant, respondent and any witnesses will be evaluated and each person may be questioned.

A formal written recommendation will be forwarded to both the grievant and respondent within five (5) school days following the date of the hearing.

**STEP FOUR: Campus President** - within five (5) school days following receipt of the recommendation, the grievant may notify the Dean of Student Services that (s)he is not satisfied with the recommendation. The Dean of Student Services will forward a copy of all documentation to the Campus President within three (3) school days after receiving the request.

The Campus President will meet with both the grievant and the respondent within five (5) school days after receiving the request. The Campus President will forward a final grievance decision to the grievant, respondent and the Dean of Student Services, based on a review of the written statements, any investigation conducted by the Dean of Student Services and the non-binding recommendation from the grievance hearing step.

## 5. APPEAL PROCESS

A request for appeal of a grievance decision is a request for special consideration at the district level. Students should first attempt to resolve grievances at the campus level. For each step of the request for appeal process, the following information will be included by the grievant:

- A. A statement describing any failure by the Dean of Student Services, the respondent, the Student/Staff Committee or the Campus President to follow the grievance process;
- B. A statement describing how the failure to follow the grievance process prejudiced the grievant; and
- C. A statement describing the errors or mistakes committed by the Dean of Student Services, the Student/Staff Committee or the Campus President in evaluating the grievance. The grievant must reference the written statements.

Each district official, upon receipt of a grievance appeal:

- (1) Will investigate the circumstances and attempt to resolve the problem;
- (2) May schedule a meeting with the grievant and respondent;
- (3) Will not conduct another hearing or receive additional factual presentations; and
- (4) Will forward a decision to the grievant, the respondent and the Dean of Student Services within five (5) school days.

## STEP ONE:

### **Appeal to the Vice President for Student Services and Enrollment Management**

Within five (5) school days following receipt of the decision of the Campus President, the grievant may submit a written request for an appeal to the Dean of Student Services. The Dean of Student Services will forward the request and all documentation to the Vice President for Student Services and Enrollment Management within two (2) school days for review.

## STEP TWO: Appeal to the College President

Within five (5) school days following receipt of the decision of the Vice President for Student Services and Enrollment Management, the grievant may submit a written request for an appeal to the Dean of Student Services. The Dean of Student Services will forward the request and all documentation to the President within two (2) school days for review.

The President's decision to uphold, reverse or modify the grievance decision shall terminate the grievance.

(Student Services Operations Procedure/4/07)

