**Student Complaint and Grievance Procedures**

Reid State Technical College promotes the open exchange of ideas among all members of the College community, including students, faculty and staff members, and administrators; however, the College recognizes that, at times, people may have differences that they are unable or unwilling to resolve without intervention.

The procedures described below shall be available to any Reid State Technical College student who feels that he or she has **not** been treated fairly or that College policies have been applied to them inappropriately. The steps outlined are designed as means of resolving complaints at the lowest level possible or in accessing subsequent steps in the grievance procedure. The name and institutional address and phone number of any College officials referred to herein may be obtained from the Office of the Dean of Students.

This grievance procedure is not intended to be used by a student who wishes to appeal the final grade awarded in a course. Any student of RSTC who wishes to appeal the final grade in a course may do so by virtue of the grade appeal procedure, which can be found in the academic section of this document and will be handled by the Dean of Instruction. All other types of complaints shall be reported to the Dean of Students. If the complaint is strictly academic in nature, the Dean of Students will review it and may involve the Dean of Instruction in the review and resolution of the complaint. If the complaint is about a specific occurrence, the complaint must be made within 10 business days after the occurrence or after the student becomes aware of the occurrence.

A student with a complaint shall begin his/her attempt to resolve the situation by bringing it to the attention of the appropriate College official or representative as stated above. If, after a discussion between the student and the respective College official or representative, it is determined that the complaint is valid and can be resolved immediately, the College official or representative will take appropriate action to resolve the complaint. If the matter at issue involves an allegation of sexual harassment, sexual assault, dating violence, or stalking, please consult the Title IX policy and procedure manual. If the matter at issue involves an allegation of physical abuse, racial, gender or other discrimination, harassment, complaint related to a disability, or matter involving theft or any other act of dishonesty, the respective College official shall submit a written report within 10 working days of the filing of the complaint to the Dean of Students, Division Chair, and Title IX Officer describing both the complaint and how it was resolved, or how it will be resolved through a “plan of resolution.”

**Grievance Process**

If a student’s complaint cannot be resolved in the manner described above, such an unresolved complaint shall be termed a “grievance.” A student who submits a complaint to the appropriate college official or representative in the manner described above and who is not informed of a satisfactory resolution or plan of resolution of the complaint within fourteen business days after the complaint’s submission shall have the right to file, within the following ten business days, with the Dean of Students a written statement detailing the grievance. The written grievance statement shall be and include the following information:

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

The grievance statement shall also contain any other information relevant to the grievance that the Grievant wants to be considered by the Dean of Students. If the grievance involves a claim of discrimination based on sex, race, national origin, religion, age, handicap, or disability, the complaining party should state with particularity the nature of the discrimination and reference any statute, regulation, or policy that the Grievant believes to have been violated. The Grievant shall file any grievance involving alleged discrimination within forty-five calendar days of the occurrence of the alleged discriminatory act or the date on which the Grievant became aware that the alleged discriminatory act took place. This deadline shall be in addition to all other applicable reporting deadlines. The College shall have thirty (30) calendar days from the date of receipt by the Dean of Students and Title IX Officer of the grievance 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 hearing.

**Investigation Procedure**

The Dean of Students or President’s Designee, 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 Dean of Students or President’s Designee 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 complaint was made (the “Respondent or Respondents”) and shall be made a part of the hearing record, if a hearing is requested by the Grievant. Each of the parties shall have the opportunity to file written objections to any of the factual findings, and, if there is a hearing, to make their objections part of the hearing records. Publications or verified photocopies containing relevant statutes, regulations, and policies shall also be prepared by the Dean of Students or President’s Designee for the grievance record. If the Dean of Students or President’s Designee 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 Dean of Students or President’s Designee report, the Grievant and Respondent(s) shall have three business days to notify the Dean of Students or President’s Designee whether or not the Grievant or Respondent(s) demand(s) a hearing on the grievance. The failure by the Grievant or Respondent(s), respectively, to request a hearing by the end of the third business day shall constitute a waiver of the opportunity for a hearing. However, the Dean of Students or President’s Designee may, nevertheless, at 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 Dean of Students or President’s Designee 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 Dean of Students or President’s Designee schedules a hearing, the President shall designate a qualified, three-person committee to conduct the grievance hearing. The hearing committee members will generally be employees of RSTC. However, the President shall have the discretion to select persons other than RSTC employees to serve as committee members. The committee shall notify the Grievant and each Respondent of the time, place, and subject matter of the hearing at least seventy-two 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 the Respondent(s) 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/she shall deem appropriate to his/her claim. Each Respondent shall then be given the opportunity to present such oral testimony and offer such other evidence as he/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 College.

Any party to a grievance hearing shall have the right to retain, at the respective party’s own 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 witness. In the event that the College or its administration at large 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 by either a court reporter or on audio or videotape 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 committee shall make the participants aware that the rules relating to the admissibility of evidence for the hearing will be similar to, but less stringent than, those which apply to civil trials in the courts of Alabama. Generally speaking, irrelevant or immaterial evidence and privileged information (such as personal medical information or attorney-client communications) shall be excluded. However, hearsay evidence and unauthenticated documentary evidence may be admitted if the hearing chairperson determines that the evidence offered is of the type and nature commonly relied upon or taken into consideration by a responsible prudent person in conducting his/her affairs.

In the event of an objection by any party to any testimony or other evidence offered at the hearing, the hearing 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 Conclusions**

Within seven working days following the hearing, there shall be a written report given to the Dean of Students or President’s Designee (with a copy to the President, the Grievant, and each Respondent) of the findings of the Chairperson of the Hearing Committee, and the report shall contain at least the following:

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 to the grievance;
4. Findings of facts relevant to the grievance;
5. Conclusions of law, regulations, or policy relevant to the grievance; and
6. 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 Dean of Students or President’s Designee 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 Dean of Students or President’s Designee shall meet with the Grievant, the Respondent(s), and the appropriate College representative(s) and attempt to bring about a reasonable agreed-upon resolution of the grievance. If there is not a mutual resolution within a reasonable amount of time, the President shall impose a resolution of the grievance which shall be final and binding, except where the decision may be subject to an appeal to the Chancellor as discussed below.

**Available Appeal**

If the grievance does not involve a claim of illegal discrimination or a claim relating to a disability, the findings of the Hearing Committee shall be final and shall be non-appealable. If the grievance involves a claim of illegal discrimination or a claim relating to a disability, the Grievant and each Respondent shall have the right to appeal the decision of the Hearing Committee to the President of RSTC, provided that:

1. A notice of appeal is filed, using Grievance Form B, with the College Grievance Officer and the President within fifteen calendar days following the party’s receipt of the hearing report; and
2. The notice of appeal contains clear and specific objection(s) to the finding(s), conclusion(s), or recommendation(s), of the hearing committee.

If the appeal is not filed by the close of business on the fifteenth day following the party’s receipt of the report, the party’s opportunity 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.

**President’s Review**

If an appeal is accepted by the President, the President shall have thirty calendar days from his/her receipt of the notice of appeal to review and investigate the allegations contained in the grievance, review the hearing record, to hold an appellant 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 or reverse in part the findings, conclusions, and recommendations of the Hearing Committee. The President’s report shall be served to the Hearing Committee members, Grievant, and the Respondent(s) by personal service or by certified mail, return receipt requested, at their respective home addresses.

**Appeal to the Chancellor**

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 will not be appealable. However, pursuant to applicable Alabama Community College System Board of Trustees 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 decision and the findings arising from the College grievance hearing. A Grievant who has grounds for appealing the findings of the President by the Chancellor may do so by:

1. Filing a notice of appeal, using Grievance Form C, to the Chancellor and the President of RSTC, within fifteen 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 objections(s) to the findings;

If the appeal is not filed with the Chancellor by the close of business on the fifteenth 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.

**Review by the Chancellor**

If an appeal is accepted by the Chancellor, the Chancellor shall have thirty (30) calendar days from his/her receipt of the Grievant’s notice of appeal to investigate and review the allegations contained in the agreement, to review the report of the President and the Hearing Committee, to hold an appellant 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 or reverse in part the findings, conclusions, and recommendations of the President and/or Hearing Committee. The report of the Chancellor shall be served to the Grievant and the Respondent(s) by personal service or certified mail, return receipt requested, to the respective home addresses of the parties. The report of the Chancellor shall not be further appealable except as allowed by the policies of the Alabama Community College System. However, the Grievant shall not be precluded from filing a grievance with an appropriate court or administrative agency.

**General Rule on Filing Deadlines**

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.

**ACCS Formal Complaint Process**

**\*\*This process should not be used to initiate an ADA complaint. Complaints of this nature should be filed with the designated local ADA representative at the local college.**

**\*\*This process should not be used to initiate harassment or discrimination complaints. Complaints of this nature should be filed with the designated representative at the local college.**

**\*\*This process should not be used to initiate an additional level of appeal. If a complainant has exhausted their administrative remedies, or if they have failed to pursue all administrative remedies, this process is not the appropriate forum. If the administrative remedies included an opportunity to address your issue with the Chancellor’s Office, this process is not the appropriate forum.**

**\*\*This process should not be used to initiate an employee grievance. Employees must initiate employee grievances at the local level. Employees must exhaust all avenues available at the local level prior to filing an ACCS Formal Complaint.**

**\*\*This process is not an avenue to file student complaints. Students seeking to file complaints against an ACCS institution must follow the student complaint process. The form for filing student complaints may be located on the ACCS website under the Academic and Student Affairs section.**

The Alabama Community College System (ACCS) Board of Trustees and Chancellor provide oversight of the State’s public two-year community and technical colleges, Marion Military Institute (MMI) and the Alabama Technology Network (ATN).

While most complaints should be handled at the local college level, or with the applicable entity, the ACCS System Office, through the Legal Division, also renders assistance to resolve complaints after all local avenues of resolution have been fully exhausted. If the local avenue of resolution included appeal rights to the ACCS Chancellor, then the Chancellor’s decision is deemed final and a complainant may not file a complaint using this process. Each college, MMI and the ATN are charged with providing effective and efficient avenues for employees, community members, and other interested parties to address complaints. The ACCS Formal Complaint Process is not intended to supersede or replace existing processes in place at the local college level.

Complainants seeking to file a report of noncompliance of federal or state law, or system policy should first address the problem by utilizing the local complaint process prior to initiating the ACCS Formal Complaint Process. Complaints of allegation of fraud, malfeasance, presidential misconduct, or other case specific instances, where the local grievance process may not result in an unbiased evaluation, may be filed using the ACCS Formal Complaint Form and will not be required to follow the local complaint process stated above.

Complainants may submit a formal complaint using this process if there is dissatisfaction with the results at the local level, or the complaint deals with allegations of fraud, malfeasance, presidential misconduct, or other case specific instances that necessitate a direct filing through this process. Formal complaints must be submitted on the required ACCS Formal Complaint Form. Complaints may be mailed to:

**Alabama Community College System**

**Legal Division-Confidential Formal Complaint**

**Post Office Box 302130**

**Montgomery, AL 36130-2130**

The Legal Division will only review completed, signed and dated complaint forms. The Legal Division will issue a written response within a reasonable time usually between 30-45 business days. The identity of the complainant will be kept confidential and will be withheld from any information submitted to the ACCS entity identified in the complaint.