

COLORADO COMMUNITY COLLEGE SYSTEM
SYSTEM PRESIDENT'S PROCEDURE
STUDENT GRIEVANCE PROCEDURE

SP 4-31

EFFECTIVE: July 1, 1998
RETITLED: September 14, 2000
RETITLED: August 25, 2001
REVISED: April 20, 2011
REVISED: May 9, 2012

REFERENCES: Board Policy 4-31; SP 4-31a

APPROVED:

Nancy J. McCallin, Ph.D.
System President

Application

The procedure applies to students within the Colorado Community College System (CCCS)¹.

Basis

This Student Grievance Procedure is intended to allow students an opportunity to present an issue which they feel warrants action, including the right to secure educational benefits and services.

If the basis of the claim is discrimination and/ or harassment based on federal or state civil rights laws, the student must file a grievance under the Civil Rights Grievance and Investigation Process. If the accused (respondent) is a student, please refer to SP 4-31a. If the respondent is a CCCS employee, please refer to SP 3-50a.

Definitions

Complainant(s) is a person who is subject to alleged inequity as it applies to Board Policies, System President's Procedures, or College Procedures. For purposes of this procedure, a complainant is student who was enrolled at the time of the alleged incident.

¹ This model procedure uses the convention "CCCS" with the understanding that each community college can substitute their college name and acronym with a simple find-and-replace command.

Respondent(s) is a person whose alleged conduct is the subject of a complaint. For purposes of this procedure, a respondent can be a CCCS employee(s), authorized volunteer(s), guest(s), visitor(s), or college.

Grievance: A grievable offense is any alleged action which violates or inequitably applies State Board Policies, System President's Procedures, and College Procedures. The complainant must be personally affected by such violation or inequitable action.

Non-grievable matters: The following matters are not grievable under this procedure except as noted: matters over which the college is without authority to act; grades and other academic decisions unless there is an allegation that the decision was motivated by discrimination and/or harassment which should be filed under the appropriate Civil Rights Grievance and Investigation Process.

Chief Student Services Officer (CSSO): The college employee designated by the college president to administer student grievances. The CSSO may delegate the responsibility over student grievances to another person.

Notice: Notices which are required to be given by this procedure shall be considered served upon the student when given by personal delivery, mailing by certified mail, or email with receipt notification to the address the student has filed with the College's admissions and records office. If notice is mailed, student shall be given three (3) additional days to respond.

Day: Refers to calendar day unless otherwise noted below.

Remedy: The relief that the Grievant is requesting.

Filing a Complaint

All complaints shall be made as promptly as possible after the occurrence. A delay in reporting may be reasonable under some circumstances; however, an unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a complaint or report.

Procedures

Students must timely submit all grievances in writing (See Appendix) to the CSSO. The grievance should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. The grievance should be signed by the initiator or, in the case of an email submission, sent as an email attachment, in letter format and should contain the name and all contact information for the grievant. Any supporting documentation and evidence should be referenced within the body of the formal grievance. Additionally, the initiator of a formal grievance should submit any supporting materials in writing as quickly as is practicable.

The complainant's supporting documentation should clearly demonstrate all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor. This includes names, dates and times of attempted or actual contact along

with a description of the discussion and the manner of communication made in the course of each effort. If contacting the person involved and/or the supervisor is impracticable, the complainant should state the reasons why.

The CCCS community benefits from informal and formal procedures that encourage prompt resolution of complaints and concerns students may have about the implementation of policies and procedures that govern the institution.

Informal Grievance Process

Complainant is encouraged to resolve the issue with the Respondent through the informal process. The CSSO shall facilitate the informal process. If the informal grievance process is unsuccessful, or if CCCS or the complainant chooses not to pursue the informal process, the CSSO will open a formal grievance case.

Formal Grievance Process

Complainant must timely file a written statement of the actions complained of and describes the remedy s/he is seeking with the CSSO. A matter could also be referred to this process by the College president or his/her designee. Once a written grievance is filed or referred, the CSSO or designee will determine whether or not the situation states a grievable offense. The matter will be closed if the situation is determined not grievable and the Complainant will be notified of the reasons.

If the matter is determined to be grievable, the CSSO will request a meeting (hearing) with both the complainant and respondent. Both parties will be given the opportunity to discuss the allegations of the grievance and may offer any documentation, witnesses, or other materials in support of the complaint. During this hearing, neither party may have a representative, including attorneys or law students. These procedures are entirely administrative in nature and are not considered legal proceedings.

No audio or video recording of any kind other than as required by institutional procedure is permitted.

The CSSO may also contact or request a meeting with relevant college staff, students, or others as part of the investigation.

At the CSSO's discretion, the CSSO may discontinue meetings with anyone that is causing a disruption to the process or is being uncooperative, and will proceed to make a determination based on the information known at that time.

Based on the preponderance of evidence, the CSSO shall issue a decision, in writing, to both the complainant and respondent. The decision shall reject or grant the grievance and make recommendation(s) to resolve the issue(s). The complainant and respondent shall be advised of his/her right to appeal the decision, subject to the grounds below, by filing a written appeal with the CSSO within seven (7) days of service of the Decision.

In the event of an appeal, the CSSO shall give written notice to the other party to allow him/her the opportunity to submit a response in writing. The CSSO will also draft a

response memorandum (also shared with all parties). All appeals and responses are then forwarded to the appeals officer or committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. The party requesting appeal must show error as the original finding is presumed to have been decided reasonably and appropriately. The ONLY grounds for appeal are as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures); or
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding. A summary of this new evidence and its potential impact must be included in the written appeal.

If the appeals officer or committee determines that new evidence should be considered, it will return the complaint to the CSSO to reconsider in light of the new evidence, only.

If the appeals officer or committee determines that a material procedural or substantive error occurred, it may return the complaint to the CSSO with instructions to reconvene the hearing to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the CSSO in cases of bias, the appeals officer or committee may order a new hearing be held by a different individual acting in the place of the designated CSSO. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the two applicable grounds for appeals.

Special Grievance Process Provisions

- In the event that the student is under the age of eighteen or incapacitated, s/he may have an advisor present to assist him/her in presenting his/her case.
- Students do not have the right to be represented by an attorney or law student during these proceedings except in the case where civil or criminal actions concerning the student are pending and in that case the attorney's role shall be advisory only.
- The student is responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing except when the student is under the age of eighteen or incapacitated.
- Student shall have the right to identify documents, witnesses and other material he/she would like the CSSO to review before making a final decision.

- Any hearing held shall be conducted in private unless all parties agree otherwise.
- A record of the hearing should be maintained by the CSSO.
- If student has a disability and would like to request an accommodation to assist him/her through the grievance process they may do so by informing the CSSO. The CSSO will then work with disability support services to accommodate the request.
- If the grievance is against the CSSO, the Chief Academic Officer or other person designated by the president shall perform the duties of the CSSO.
- Jurisdiction-College grievance proceedings may be instituted over incidences that occur or are related to College or college-sanctioned activities or was of such a nature to impact upon the college.
- Proceedings under this procedure may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- Standard of proof-the college will use the preponderance of evidence standard in the grievance proceedings, meaning, the college will determine whether it is more likely than not the complainant was subjected to inequity as it applies to Board Policies, System President's Procedures, or College procedures.
- The procedural rights afforded to students above may be waived by the student.

Retaliatory Acts

It is a violation of the grievance procedure to engage in retaliatory acts against any employee or student who files a grievance or any employee or student who testifies, assists or participates in the grievance proceeding, investigation or hearing relating to such grievance.

Revising this Procedure

CCCS reserves the right to change any provision or requirement of this procedure at any time and the change shall become effective immediately.

Identify all individuals with knowledge of the conduct about which you are complaining.

We highly encourage attempting to resolve complaints informally. Would you be interested in attempting this process? *Check one:* Yes ___ No ___

Please describe your requested remedy for this grievance.

Disclosure

To investigate your grievance, it will be necessary to interview you, the alleged respondent, and any witnesses with knowledge of the allegations or defenses. The statements and the information that you are providing may be attributed to you and could be included in any grievance reports that are prepared.

Authorization to disclose identity of complainant: Yes No

**Please note limiting the college's ability to disclose will affect the college's ability to respond to the grievance.*

Please provide your contact information

Phone Number _____ Alternate Phone Number _____

Email _____

Acknowledgement

I, _____, am willing to cooperate fully in the investigation of my grievance and provide whatever evidence the College deems relevant. I affirm that the information I am providing is true and correct to the best of my knowledge. I understand that my statements and the information that I am providing may be attributed to me and could be included in any investigation reports that are prepared. I also understand that this investigation is confidential and for me to disclose any information that I have obtained during the course of this investigation could interfere with the investigation. Further, I understand that discussing this investigation with Non-College Officials could expose me to civil liability under current defamation law. I also understand that if I do not fully cooperate, decisions will be made based on the best information available to the College.

Signature

Date

Witness

Date