

## **STUDENT RIGHTS AND RESPONSIBILITIES – STUDENT COMPLAINTS**

The student complaints policy is designed to resolve complaints in a timely and equitable manner. All complaints will be handled in a confidential manner, and information will not be disclosed to anyone except as required by law, as needed to effectively investigate the complaint, and/or as required to respond to legal proceedings.

### **SECTION ONE: GUIDING PRINCIPLES**

- 1.01** The College encourages students to discuss their concerns with the appropriate instructor or other College employee who has the authority to address the concerns.
- 1.02** Concerns should be expressed as soon as possible to allow timely resolution.
- 1.03** Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

### **SECTION TWO: FORMAL PROCESS GENERAL PRINCIPLES**

- 2.01** A student may initiate the formal process described below by timely filing a written complaint form (see: FLD Exhibit).
- 2.02** Even after initiating the formal complaint process, students are encouraged to seek informal resolution of their concerns. A student whose concerns are resolved may withdraw a formal complaint at any time. The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.
- 2.03** Freedom from Retaliation  
Neither the Board nor any College employee shall unlawfully retaliate against any student for appropriately communicating a concern or complaint.
- 2.04** Notice to Students  
The College shall inform students of this policy through appropriate College publications.
- 2.05** Other Complaint Processes  
Student complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with this policy after the relevant complaint process.
  - 1. Complaints alleging discrimination, including violations of Title IX of the Education Amendments Act of 1972, as amended (gender), Title VII of the Civil Rights Act of 1964, as amended (sex, race, color, religion, national origin), Age

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Discrimination in Employment Act of 1967 (age), or Section 504 of the Rehabilitation Act, as amended and Americans with Disabilities Act of 1990 as amended (disability), shall be submitted in accordance with the Student Freedom from Discrimination, Harassment, and Retaliation policy (see: FFD Regulation in the AC Policies and Procedures Manual).

2. Complaints concerning retaliation relating to discrimination and harassment (see: FFD Regulation in the AC Policies and Procedures Manual).
3. Complaints concerning student disciplinary decisions (see: FLB Local in the AC Policies & Procedures Manual).
4. Complaints concerning a commissioned peace officer who is an employee of the College shall be submitted in accordance with state law.
5. Complaints or appeals regarding course grades (see EGA Regulation in the Policies and Procedures Manual).

### **2.06 Filing a Complaint**

Complaint forms and appeal notices (see FLD Exhibit) may be filed by hand-delivery; by electronic communication, including e-mail and fax; or by U.S. Mail.

- Hand-delivered filings shall be timely filed if received by the appropriate employee by the close of business on the deadline.
- Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication.
- Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than five (5) days after the deadline.

### **2.07 Scheduling Conferences**

If a student fails to appear at a scheduled conference, the College may hold the conference and issue a decision in the student's absence.

### **2.08 Response**

At Levels One, Two, and Three, "response" shall mean a written communication to the student from the appropriate College employee. Responses may be hand-delivered, sent by electronic communication to the student's e-mail address of record, or sent by U.S. Mail to the student's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

### **2.09 Days**

"Days" shall mean College business days. In calculating timelines under this policy, the day a document is filed is "day zero." The following day is "day one."

### **2.10 Representative**

“Representative” shall mean any person who or organization that is designated by the student to represent the student in the complaint process. The student may designate a representative through written notice to the College (see FLD Exhibit) at any level of this process. If the student designates a representative with fewer than five days’ notice to the College before a scheduled conference or hearing, the College may reschedule the conference or hearing to a later date, if desired, in order to include the College’s counsel. The College may be represented by counsel at any level of the process.

### **2.11 Consolidating Complaints**

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

### **2.12 Untimely filings**

All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student, at any point during the complaint process. The student may appeal the dismissal by seeking review in writing within five (5) days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

### **2.13 Costs Incurred**

Each party shall pay its own costs incurred in the course of the complaint.

### **2.14 Complaint and Appeal Form**

Complaints and appeals under this policy shall be submitted in writing on a form provided by the College (see FLD Exhibit). Copies of any documents that support the complaint should be attached to the complaint form. If the student does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student unless the student did not know the documents existed before the Level One conference.

A Complaint and Appeal Form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiled is within the designated time for filing.

## **SECTION THREE: FORMAL COMPLAINT PROCESS**

### **3.01 Level One - Staff Member or Faculty Member**

Complaint forms must be filed within five (5) days of the date the student first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint;

and with the lowest-level staff member or faculty member who has the authority to remedy the alleged problem.

If the complaint is not filed with the appropriate staff member or faculty member, the receiving employee must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate staff member or faculty member.

The appropriate College employee shall investigate as necessary and schedule a conference with the student within five (5) days after receipt of the written complaint. The employee may set reasonable time limits for the conference.

Absent extenuating circumstances, the employee shall provide the student a written response within five (5) days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the employee may consider information provided at the Level One conference and any relevant documents or information the employee believes will help resolve the complaint.

The employee shall develop a record of the Level One process that includes the following documents and files, and submit the entire record to the Executive Director of Student Affairs:

- The original complaint form and any attachments;
- All other documents submitted by the student;
- The written response issued by the employee and any attachments;
- All other documents relied upon by employee in reaching the initial decision; and
- Any audio or video recordings of conferences.

### **3.02 Level Two - Supervisor**

If the student did not receive the relief requested at Level One or if the time for a response has expired, the student may request a conference with the appropriate supervisor to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the College, within five (5) days of the date of the written Level One response or, if no response was received, within five (5) days of the Level One response deadline.

After receiving notice of the appeal, the Level One employee shall forward the full Level One record to the Level Two supervisor. The student may request a copy of the Level One record.

The Level Two supervisor shall schedule a conference within five (5) days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student may provide information concerning any documents or

information presented at the Level One conference. The Level Two supervisor may set reasonable time limits for the conference.

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The Level Two supervisor shall provide the student a written response within five (5) days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Two supervisor may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two supervisor believes will help resolve the complaint.

The Level Two supervisor shall develop a record of the Level Two process that includes the following documents and files, and submit the entire record to the Executive Director of Student Affairs:

- The complete Level One record;
- All other documents submitted by the student;
- The written response issued by the supervisor and any attachments;
- All other documents relied upon by supervisor in reaching the initial decision; and
- Any audio or video recordings of conferences.

### **3.03 Level Three - Executive**

If the student did not receive the relief requested at Level Two or if the time for a response has expired, the student may request a conference with the appropriate College Official (hereinafter “executive”) to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the College, within five (5) days of the date of the written Level Two response or, if no response was received, within five (5) days of the Level Two response deadline.

After receiving notice of the appeal, the Level Two supervisor shall forward a record of the Level Two complaint to the Level Three executive. The student may request a copy of the Level Two record.

The Level Three executive shall schedule an appeals conference within five (5) days after the appeal notice is filed. The conference shall be limited to the issues and documents presented at Level Two. At the conference, the student may provide information concerning any documents or information relied on by the supervisor for the Level Two decision. The Level Three executive may set reasonable time limits for the conference.

The Level Three executive shall provide the student a written response within five (5) days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the executive may consider the Level One and Level Two record,

information provided at the Level Three conference, and any other relevant documents or information the Level Three executive believes will help resolve the complaint.

The Level Three executive shall develop a record of the Level three process that includes the following documents and files, and submit the entire record to the Executive Director of Student Affairs:

- The complete Level One record;
- The complete Level Two record;
- All other documents submitted by the student;

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- The written response issued by the executive and any attachments;
- All other documents relied upon by executive in reaching the initial decision; and
- Any audio or video recordings of conferences.

#### **3.04 Level Four - College President**

Within five (5) days of receiving notice of the Level Three response, any party to the complaint may petition in writing the College President to review the decision. The petition shall state with particularity why the decision is believed to be incorrect or unfair. The College President shall review the Level Three record, and may -- at the College President's sole discretion -- schedule a conference with the involved parties to discuss the appeal.

Within five (5) days of receiving the petition, the College President may act to affirm, modify, remand, or reverse the decision in a written response to all parties. If no action is taken within five (5) days, the Level Three decision shall thereby be affirmed and final.

**ANGELINA COLLEGE STUDENT COMPLAINT AND APPEAL FORM**

All formal complaints/grievances and appeals must be submitted using this form, and all fields must be completed. If a field is not relevant, write "N/A" in the space provided. Please note that complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504(disability), must be submitted to the Executive Director of Student Affairs, Administration Building room 204-A, and in accordance with Angelina College policy.

Field 1 **Student Name:** \_\_\_\_\_ **Field 2 Date:** \_\_\_\_\_

**Field 3 Select One Option Below:**

- LEVEL ONE: Complaint filed with Staff or Faculty Member
- LEVEL TWO: Appeal to Associate Dean or Director
- LEVEL THREE: Appeal to Vice President or Dean
- LEVEL FOUR: Appeal to College President
- Title IX, Title VII, ADEA & Section 504, and all other Discrimination: submit to Dean of Student Affairs
- DISCRIMINATION

You may attach any relevant documents to this form. You may also attach additional pages if the spaces provided below are insufficient. If you choose to attach additional pages, please write "see attached" in the space(s) below.

**Field 4 Complaint**

Be specific (e.g., include full names, **date the alleged incident occurred**, places, relevant rules & regulations, etc.). The complaint must be in relation to an incident that has already occurred. Do not reference multiple matters or matters already addressed in a grievance you previously submitted.

**Field 5 Adverse Effect**

Explain how the alleged action or issue adversely affected or interfered with your right to an education.

**Field 6 Requested Relief**

State the specific corrective action or relief you are requesting. The corrective action or requested relief shall be within the authority of AC to grant and shall not include a request for another student/employee to be disciplined.

**Field 7 Names of Witnesses** who have firsthand knowledge of the events being grieved if you want to present a witness(es) or testimony from such a witness or witnesses:

\_\_\_\_\_

\_\_\_\_\_

**Field 8 Name of Representative:** \_\_\_\_\_

You may elect to identify a representative when the complaint/grievance is initially submitted or when submitting an appeal to a Level One, Level Two, or Level Three response. If you fail to identify a representative when this form is submitted, a representative shall not be allowed to attend the corresponding conference or hearing.

**ADMINISTRATION USE ONLY**

Name of supervisor or administrator who received this form: \_\_\_\_\_

Date complaint form received: \_\_\_\_\_

Did student discuss complaint with you informally (y/n) \_\_\_\_\_

Date of complaint conference or hearing: \_\_\_\_\_

Date written response sent to employee: \_\_\_\_\_

**Supervisor/Administrator must retain** (a) the original complaint form and any attachments, (b) all other documents submitted by the student, (c) the written response issued by the supervisor/administrator and any attachments, (d) all other documents relied upon by the supervisor in reaching the initial decision, and (e) any recordings of conferences.

Administrative Notes: