

Grievance and Appeal Policy

GRIEVANCE PROCEDURE

Coastal Alabama Community College recognizes that in order to efficiently and effectively carry out its mission, and to maintain a climate that is conducive to its effective and efficient operation, its employees and students must feel confident that any valid complaint or grievance an employee or student may make concerning the College will be promptly addressed by the appropriate authorities. Therefore, the following procedures for resolving such complaints and grievances have been adopted by Coastal Alabama Community College.

INITIAL STEPS TO RESOLVE A COMPLAINT

Employees: Any college employee who wishes to make a complaint about any work-related matter shall first report that complaint orally or in writing to his/her immediate supervisor, vice-president, dean or department chair. If the complaint is about a specific occurrence, the complaint should be made within ten (10) working days of the occurrence.

The employee making the complaint and the college official to whom the complaint is made shall endeavor to resolve the complaint informally and as quickly as is reasonable. If, after discussion between the employee and the supervisor, dean or department chair, it is determined that the complaint can be resolved informally, the supervisor, dean or department chair will take action to resolve the complaint and will submit a report within (10) working days of the filing of the complaint to the President, the College's Employee Grievance Officer, and such other appropriate college supervisory official(s) as the President may designate, detailing both the complaint and the resolution of the complaint.

If it is determined by the college that the complaint is of such a nature that it would fall within the scope of the Title IX statute or a Title IX regulation, the employee shall complete and file an original and two copies of Grievance Form A with the appropriate Dean, Department Chair or Division Chair within thirty (30) days of the most recent occurrence of the alleged Title IX violation. Once such a Title IX complaint is filed, the complaint shall be handled in accordance with Alabama Community College System Policy No. 620.01.

Students: Any student of Coastal Alabama Community College who wishes to make a complaint about an academic matter shall report that complaint in writing to the appropriate Instructional Officer. Other types of complaints shall be reported in writing to the Dean of Enrollment Management. If the complaint is about a specific occurrence, the complaint shall be made within ten (10) business days of the occurrence.

The student making the complaint and the college official to whom the complaint is made shall endeavor to resolve the complaint informally and as quickly as is reasonable. If, after discussion between the student and the respective college official, it is determined that the complaint can be resolved informally, the college official will take action to resolve the complaint and will submit a report within ten working days of the filing of the complaint to the President, the College's Student Grievance Officer, and such other appropriate college official(s) as the President may designate, detailing both the complaint and its resolution.

If it is determined by the college that the complaint is of such a nature that it would fall within the scope of the Title IX statute or a Title IX regulation, the student shall complete and file an original and two copies of Grievance Form A with the Dean of Enrollment Management within thirty (30) days of the most recent occurrence of the alleged Title IX violation. Once such a Title IX complaint is filed, the complaint shall be handled in accordance with Alabama Community College System Policy No. 620.01.

For any type of complaint other than one falling within the scope of Title IX, the following procedures shall apply:

PLAN OF RESOLUTION

If the student's or employee's complaint cannot be resolved immediately, but requires instead a "plan of resolution", the college official to whom the complaint was made shall submit a written report to the President, the respective College Grievance Officer, and such other appropriate college official(s) as the President shall designate. The report shall be submitted within ten (10) working days of the complaint and shall detail the complaint and the plan to resolve the

complaint. Should the President, College Grievance Officer, or other respective designated official wish to assist in submitting the report, or instruct the submitting official to modify the "plan of resolution," the President, College Grievance Officer or other official shall inform the submitting official of his/her intention.

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If any student's or employee's complaint is not or cannot be resolved at the first level of supervision as described in the above paragraphs, such an unresolved complaint shall be termed a "grievance." An employee or student who submits a complaint to the appropriate college official and who is not informed of a satisfactory resolution, or plan of resolution, of the complaint within ten (10) working days, shall have the right to file with the Student Grievance Officer or Employee Grievance Officer, respectively, a written statement detailing the grievance. The written grievance statement shall be filed using Grievance Form A, which will be provided by the Grievance Officer and shall include at least 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 may also contain other information relevant to the grievance which the Grievant wants considered by the Grievance Officer. If the grievance involves a claim of discrimination based on gender, race, age, national origin, religion, color, or disability, the complaining party should state with particularity the nature of the discrimination and, if known, a reference to any statute, regulation, or policy which the Grievant believes to have been violated.

INVESTIGATION, HEARING, AND FINDINGS

The College shall have thirty (30) calendar days from the date of the receipt by the respective Grievance 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. Grievance Form A shall be used to report both the grievance and the hearing findings. The hearing findings shall be reported by the President (or his/her designee) to the Grievant by either personal service or certified mail sent to the Grievant's home address. The President shall have the right to extend the investigation/hearing period if such an extension is either agreed to by the parties or made necessary by the circumstances of the situation at hand.

INVESTIGATION PROCEDURES

The respective Grievance Officer, personally or with the assistance of such other persons as the President may designate, shall conduct a factual investigation of the grievance allegations and shall research the applicable statute, regulation, or policy, if any. The factual findings of the investigation by the Grievance Officer shall be stated in a written report which shall be submitted to the Grievant and to the party against whom the complaint was made (the "Respondent") 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 to make their objections a part of the hearing record. Publications or verified photocopies containing relevant statutes, regulations, and policies shall also be presented by the Grievance Officer for the hearing record. In the event that the Grievant does not request a hearing, the Grievance Officer's report and a recommendation for the resolution of the complaint shall be filed with the President, and a copy provided to the Grievant and Respondent.

HEARING PROCEDURES

In the event that the Grievant requests a hearing within the time frame designated by the respective Grievance Officer, the President shall designate a qualified, unbiased person or committee to conduct each grievance hearing. The hearing officer or committee shall notify the Grievant, and each Respondent, of the time and place of the hearing at least seventy-two (72) hours prior to the scheduled beginning of the hearing. The hearing shall be conducted in a fair and impartial manner and shall be open to the public unless both parties request in writing for the hearing to be conducted in private to the extent that there will be no violation of any applicable "sunshine law."

At the hearing, the Grievant and the Respondent shall be read the grievance statement by the official conducting the hearing. After the grievance is read into the record, the Grievant will have the opportunity to present such oral testimony and 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 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 Respondent.

Any party to a grievance hearing shall have the right to retain, at the respective party's expense, assistance of legal counsel or other personal representative. However, the respective attorneys or personal representative, if any, shall not be allowed to address the hearing body or question any witnesses. In the event that the College is the Respondent, the College representative shall not be an attorney unless the Grievant is assisted by an attorney or other personal representative. Regardless of whether or not any party to the hearing is assisted by legal counsel, the official conducting the hearing shall have the right to be assisted by legal counsel in conducting the hearing.

The hearing shall be recorded either by a court reporter or on audio or video tape or by other appropriate 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.

REPORT OF FINDINGS AND CONCLUSIONS OF LAW

At the conclusion of the hearing, the Hearing Officer or Chairperson of the Hearing Committee shall submit a written report of findings to the Grievant by personal service or by certified mail, return receipt requested, and to the President containing at least the following information:

1. Date and place of the hearing;
2. The names and title(s) (if any) of each party to the grievance;
3. The nature of the grievance;
4. The name of each member of the hearing committee;
5. A list of all witnesses for all parties to the grievance;
6. Findings of facts relevant to the grievance;
7. Conclusions of law, regulations, or policy relevant to the grievance; and
8. Recommendation(s) to the President arising from the grievance and the hearing thereon.

AVAILABLE APPEAL

The Grievant shall have the right to appeal all or any portion of the hearing findings, provided that within fifteen (15) calendar days following receipt of the report, the Grievant files with the President and respective Grievance Officer a written notice of acceptance or appeal of the report. If a notice of appeal is filed, appeal Form B must be used. The Grievant must state clearly and specifically on Form B the objections to the findings and/or decision of the Grievance Officer. Copies of Form B must be filed with the Grievance Officer and the President. If the Grievant fails to file notice of appeal by 5:00 p.m. on the 15th calendar day following the Grievant's receipt of the report, the right to further appeal will be forfeited, and the report shall be deemed to have been accepted by the Grievant.

In the event that no appeal is filed, the President shall give due consideration to the recommendations of the Hearing Officer/ Hearing Committee and shall issue a final decision of the matter of the Grievance.

In the event that an appeal is filed, the President will have thirty (30) calendar days following date of receipt of the Grievant's notice of appeal to investigate and study the Grievant's allegations, the report of the Grievance Officer, and make a written report of the President's findings to the Grievant. Form B must be used for the report of the President's decision. Copies of the completed Form B shall be provided by the President to the Grievance Officer and the Grievant. The Grievant's copy shall be mailed to his/her home address by certified mail, return receipt requested.

With the exception of Title IX grievances covered by Alabama Community College System Policy, the decision of the President on a grievance appeal filed under this College grievance procedure shall be final and binding.

NOTE: If the last day for filing notice of appeal falls on either Saturday, Sunday, or a legal holiday, the Grievant will have until 5:00 p.m. the first working day following the 15th calendar day to file.