



TITLE: STUDENT APPEAL OF ACADEMIC AND/OR ADMINISTRATIVE DECISIONS

POLICY NO: 1-12

EFFECTIVE DATE: 07/01/98

VCCS POLICY NO: N/A

REVISED DATE: 03/29/11

I. Purpose:

J. Sargeant Reynolds Community College is dedicated to an affirmative action policy that provides that all matters relating to present and prospective students will be handled fairly and equally without regard to race, color, gender, age, political affiliation, religion, disability, national origin, or other non-merit factors.

The appeals policy described below is applicable to academic and non-academic student grievances as well as student complaints of unlawful discrimination or unfair treatment on the basis of:

- Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972
- Title IX of Education Amendments of 1972, as amended
- Section 504 of the Rehabilitation Act of 1973, as amended, and regulations implemented by HEW consistent therewith
- Americans with Disabilities Act of 1992
- Provisions of Executive Order Number 11246, as amended by 11375
- Family Educational Rights and Privacy Act of 1974, as amended
- Governor's Executive Order Number One, Virginia Equal Employment Opportunity Plan, effective February 6, 1974
- *J. Sargeant Reynolds Community College Catalog*
- *J. Sargeant Reynolds Community College Student Handbook*
- *J. Sargeant Reynolds Community College Policy Manual*
- *Virginia Community College System Policy Manual*

II. Definitions:

Academic grievance: a formal process through which a student can appeal through his/her course instructor and the college's administrative leadership the student's final grade in a course. A final course grade appeal must be based on at least one of the following claims: capricious action on the part of the faculty member that affects the student's final grade; prejudicial treatment of the student by the faculty member with respect to the application of the course syllabus, thereby affecting the student's final grade; or a documented error in calculating the student's final grade. A capricious action is defined as one made on a whim or without justifiable reasons. Prejudicial treatment is defined as treating the student lodging the final grade appeal differently than other students in the course with respect to the instructor's application of the course syllabus.

Non-academic grievance: a formal process through which a student or student group can appeal a decision made by a staff member representing an administrative office that negatively affects a student/student group's standing with the college. A non-academic grievance may include disputes between a student/student group and an office regarding the interpretation and/or application of the

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policies and procedures of the college and/or the Virginia Community College System, student governance issues, student activities, and other concerns that a student might present for redress. A non-academic grievance may be based on one of the following claims: arbitrary and/or capricious actions by a staff member or administrative office; prejudicial treatment of a student by a staff member or administrative office; or an administrative error in the application of a policy by a staff member or administrative office.

Student: any person who is officially registered at J. Sargeant Reynolds Community College during the specific academic semester or term in which the grievance occurs.

Student Grievance Committee: an ad-hoc committee established to hear the Level III grievance matter. Committee composition includes: the appropriate President's Executive Cabinet member, one (1) teaching faculty member, one (1) student affairs representative, and one (1) student.

III. Policy:

It is the policy of J. Sargeant Reynolds Community College that substantive and procedural due process shall be applied in all matters pertaining to the rights of students. Substantive due process addresses the constitutional rights of the individual and procedural due process is an affirmation of this protection. Every effort will be exhausted to resolve student grievances in an amicable and fair manner.

An academic grievance must be initiated within thirty (30) calendar days after the official last day of instruction (including the exam period) for the semester or term in which the incident occurred. Grievances may be submitted electronically (or by e-mail).

A non-academic grievance must be initiated within thirty (30) calendar days after a decision is made.

In the event that a student is at a distance and is unable to travel to campus to meet, meetings may be facilitated by teleconference.

Students are encouraged to contact the Office of Student Affairs for assistance in understanding this policy. In addition, the Office of Student Affairs will assist students in determining the appropriate person with whom a student must file an appeal, and providing that person's contact information.

IV. Procedures:

A. Level I

1. The student with a grievance must provide in writing a formal letter to the instructor or non-instructional party outlining the grade or decision in which he or she is grieving and request to meet with his or her instructor or person whose actions he or she is grieving. In the instance of an academic grievance, the student must submit a copy of the letter that is being submitted to the instructor to the academic dean of the unit that is responsible for the instructor. In the instance of a non-academic grievance, the student must submit a copy of the letter to the administrative unit supervisor of the person he or she is grieving.

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2. The instructor or non-instructional party has ten (10) business days from the date the grievance is received to schedule a meeting with the student. Within five (5) business days after the meeting, the instructor or non-instructional party must provide the student a letter outlining the decision of the meeting. A copy of the letter should be forwarded to the academic dean and Office of Student Affairs. The academic or administrative unit should follow up in order to ensure the meeting is held. In the event the instructional or non-instructional party is unavailable, the academic dean or administrative unit supervisor has the discretion to move to Level II or postpone the hearing until the instructional or non-instructional party is available. The academic dean or administrative unit supervisor must document his or her effort to contact the instructor or non-instructional party. The academic dean or supervisor will communicate his or her decision to move the Level I meeting to a Level II hearing.
3. At the meeting, the student must clearly present his or her case regarding the grieved issue and the resolution that he or she would like to occur. Every reasonable effort should be made by both parties to resolve the matter at this level. No attorneys or other advisors/counselors are allowed to be present to represent either party. No audio taping or other recording will be permitted during the conference, but both parties are encouraged to make notes as they feel appropriate. Prior to the meeting, the faculty member or student may request to have a silent observer in the meeting. However, both the student and faculty member must agree to the silent observer. If an agreement regarding the appeal is made, a copy of the agreement and other appropriate documentation, including the original grievance letter, must be forwarded to the Office of Student Affairs.
4. If the student is not satisfied with the disposition of his/her grievance at Level I, he/she may continue to Level II.

B. Level II

1. The student may file a written appeal of the Level I grievance decision with the faculty or staff member's school dean or appropriate administrative unit supervisor within ten (10) business days after receiving the written decision from the Level I meeting. The written statement provided for Level I describing the issues grieved must be part of the student's written request for the Level II hearing. Within ten (10) business days of receipt of the written grievance, the school dean or administrative unit supervisor will schedule a conference with the parties in an effort to resolve the grievance (the actual conference may occur after the ten (10) business days, but its date should be established within this time frame).
2. The role of the dean/administrative unit supervisor is to chair the meeting, facilitate the discussion, seek to mediate a resolution between the parties, ensure that college policies have not been violated, and render a decision concerning the matter. No attorneys or other advisors/counselors are allowed to be present to represent either party. No audio taping or other recording will be permitted during the conference, but both parties are encouraged to make notes as they feel appropriate. The dean/administrative unit supervisor or student may request to have a silent observer in the meeting. However, both the student and the dean/administrative unit

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supervisor must agree to the silent observer. The school dean or administrative unit supervisor, within ten (10) business days after the conference, will prepare a report of the disposition of the matter providing copies to the student and the instructor or non-instructional party. In addition, a copy of the report and the official grievance letters (Level I and Level II) must be forwarded to the Office of Student Affairs.

C. Level III

1. If the student is not satisfied with the disposition at Level II, the student may file a written appeal to the appropriate President's Executive Cabinet member. The appeal must be submitted within ten (10) business days of the receipt of the disposition from the school dean or administrative unit supervisor. Students are encouraged to contact the Office of Student Affairs for assistance in determining the name and contact information of the appropriate President's Executive Cabinet member. Within ten (10) business days of receipt of this appeal, the President's Executive Cabinet member will set a date for a meeting for all parties involved.
2. The actual meeting should occur no later than thirty (30) business days after receipt of the appeal letter by the President's Executive Cabinet member, unless reasonable circumstances prevent this meeting from occurring. However, any meeting date scheduled or rescheduled beyond the thirty-day time frame must be mutually agreed upon by the student and the President's Executive Cabinet member.
3. The appropriate President's Executive Cabinet member will serve as the convener and facilitator of the Student Grievance Committee for the Level III hearing. The President's Executive Cabinet member will chair the hearing but will not be able to vote. In the event the designated President's Executive Cabinet member is unable to participate in the hearing due to a challenge or conflict of interest, another President's Executive Cabinet member will be selected to convene and facilitate the hearing.
4. The Student Grievance Committee (see definition in Section II) will be formed in order to objectively hear the facts of the grievance and to render a decision.
 - a. Any Student Grievance Committee member associated with the academic school or administrative unit where the grievance originated will not be eligible to hear the grievance. In the event of a challenge to the membership of the Student Grievance Committee based on bias, the committee member being challenged will be replaced by another committee member. If a substitute is unavailable at the time of the hearing, the hearing shall be rescheduled.
 - b. The committee will be chosen from a pool of committee members that are available to participate in the hearing. The available pool will consist of: one faculty member from each academic school, two Student Affairs representatives, and two student representatives. Members on this committee pool will be appointed for two-year terms. In addition, one alternate for each of the above members will be appointed.

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5. At the Level III meeting, the student and instructor or non-instructional party may bring one attorney or advisor/counselor. If an attorney or advisor/counselor is to be present, the party retaining him/her must notify the meeting chair at least five (5) business days prior to the Level III hearing or the attorney or advisor/counselor will not be allowed to be present. The attorney or advisor/counselor's role is as an observer; and he/she may not speak to the committee members, the instructor or non-instructional party, or the student while the meeting is in session. The attorney or advisor/counselor can only speak to the party he or she is representing. If consultation with the attorney is needed, a request for a recess may be asked. The meeting chair can deny requests if it is deemed that they are disrupting the continuity of the meeting. Both parties may bring persons to provide testimony that support their position. Additionally, both parties may have no more than two other persons to attend as observers. Observers shall not testify nor present any evidence.
6. The meeting chair is responsible for collecting all pertinent documents, calling the meeting, distributing documentation, determining the issue(s) of the case to be heard, and conducting the meeting in an orderly, efficient, and equitable manner. He/she will also provide for the audio taping or other recording method of the meeting and may provide a copy to either party upon request. At the beginning of the meeting, the chair will review the issues of the case to the group and establish the procedure by which testimony will be presented. He/she may decide on the length of time needed to explore an issue, set time limits for speakers, and ask for testimony by any person deemed important to the investigation of the facts. The chair may request a campus police officer to be present. Disruptive persons may be asked to leave the room by the chair.
7. The Student Grievance Committee shall determine the outcome of the meeting by a majority vote; the President's Executive Cabinet member may not vote. Within ten (10) business days after the meeting, the President's Executive Cabinet member will prepare a report of the disposition of the matter including the determined outcome. Copies of the letter will be provided to the student, the instructor or non-instructional party, and all other parties as appropriate. In addition, a copy of the report and the official grievance letters (Level I, Level II, and Level III) must be forwarded to the Office of Student Affairs.
8. The finding of the Level III student grievance committee is final.

V. Other Information:

See college committees on the college intranet site for potential members of the Student Grievance Committee.