



Policies and Procedures

TITLE: STUDENT GRIEVANCE

POLICY NO: 1-12

EFFECTIVE DATE: 07/01/98

VCCS POLICY NO: N/A

REVISED DATE: 01/06/09

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 grievance 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:

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.

Academic grievance: A formal process through which a student can raise an academic concern with the college's administrative leadership regarding a faculty member and/or learning activities as they affect the student. This may include grading, instructional procedures, attendance, instructional quality, and situations where the student believes he or she is being treated unfairly.

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Non-academic grievance: A formal process through which a student can raise a concern with the college's administrative leadership regarding a general matter or dispute between an instructor, administrator, or other JSRCC student that does not expressly involve academic matters listed above. A non-academic grievance may also include disputes between a student and the interpretation and/or application of the policies and procedures of the college and/or the Virginia Community College System, student governance issues, student activities, arbitrary and capricious management decisions, and other concerns that a student might present for redress.

Student Grievance Committee: An ad hoc committee established to hear the Level III grievance matter. Committee composition includes: the appropriate executive cabinet member, one (1) teaching faculty member, (1) one 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 due process manner.

The academic grievance procedure 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.

A non-academic grievance must be initiated within thirty (30) calendar days after the incident occurred.

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 situation 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 should 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 should submit a copy of the letter to the administrative unit supervisor of the person he or she is grieving; students are encouraged to contact the Office of Student Affairs for assistance in determining the name and contact information of the appropriate administrative unit supervisor.
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

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kept on file. The academic or administrative unit should follow up in order to ensure that the meeting is held. In the event that 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.

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. If an agreement 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 10 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 school dean or administrative unit supervisor, within ten (10) business days after the conference, shall 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, within ten (10) business days of the receipt of the disposition from the school dean or administrative unit

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supervisor, the student may file a written appeal to the appropriate Executive Cabinet member; students are encouraged to contact the Office of Student Affairs for assistance in determining the name and contact information of the appropriate Executive Cabinet member. Within ten (10) business days of receipt of this appeal, the 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 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 Executive Cabinet member.
3. The appropriate Executive Cabinet member will serve as the convener and facilitator of the committee for the Level III hearing. The Executive Cabinet member will chair the hearing but will not be able to vote. In the event the designated Executive Cabinet member is unable to participate in the hearing due to a challenge or conflict of interest, another Executive Cabinet member will be selected to convene and facilitate the hearing.
4. An ad hoc committee (see Section II) will be formed in order to objectively hear the facts of the grievance and to render a decision.
 - a. Any 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 ad hoc committee based on bias, the committee member being challenged shall 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 will be appointed for two-year terms. In addition, one alternate for each of the above members will be appointed.
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

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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 grievance committee shall determine the outcome of the meeting by a majority vote; the Executive Cabinet member may not vote. Within ten (10) business days after the meeting, the Executive Cabinet member shall prepare a report of the disposition of the matter including the determined outcome. Copies of the letter shall 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 grievance committee is final.

V. Other Information:

See college committees on the college intranet site for potential members of the [Student Grievance Committee](#).