

Northern Virginia Community College

Student Grievance Process for Academic and Non-Academic Decisions

Policy

Northern Virginia Community College is dedicated to a policy which provides that all grievances relating to students at the college, including grade appeals, will be handled fairly and equally without regard to race, color, sex, age, religion, disability, national origin, marital status, veteran status, political affiliation, sexual orientation or other non-merit factors. It is the policy of Northern Virginia Community College to provide fair and orderly procedures to resolve student grievances. Nothing in this policy prevents a student from discussing a complaint informally with any appropriate College employee.

Scope

The grievance process applies to academic and non-academic student grievances, including student complaints of unlawful discrimination or unfair treatment. The grievance process applies to complaints arising under any of the following:

- Title VI of the Civil Rights Act of 1964
- Title IX of Education Amendments of 1972
 - Exception: allegations of sexual harassment or sexual assault are covered by the Sexual Misconduct Policy. If assistance is needed in determining which Policy is applicable, please contact the Title IX Coordinator at 703-323-3266.
- Section 504 of the Rehabilitation Act of 1973
- Title II of the Americans with Disabilities Act of 1992
- Family Educational Rights and Privacy Act of 1974
- Age Discrimination Act of 1975
- *Northern Virginia Community College Catalog*
- *Northern Virginia Community College Student Handbook*

Definitions

Academic grievance: An academic grievance is an appeal of a final course grade or dismissal from an academic program. An academic grievance must be based on at least one of the following: arbitrary and/or capricious action on the part of the faculty member, including assignment of a grade or dismissal from a program on some basis other than performance in the course or program; application of standards different from those that were applied to other students in the same course or program; the assignment of a grade not in accord with the grading protocol on the course syllabus; or dismissal from a program not in accord with the program standards.

Non-academic grievance: A non-academic grievance is a formal difference or dispute between a student and a college employee about the interpretation and/or application of the policies and procedures of the campus, the College, or the Virginia Community College System that negatively affects the student.

A non-academic grievance may be based on one of the following claims: arbitrary and/or capricious actions by a college employee or administrative office; policy or procedure applied unfairly and/or in a different manner than it was applied to others; administrative error in the application of the policy or procedure.

Discrimination: The unequal treatment of individuals who are similarly situated. The College prohibits discrimination on the basis of race, color, sex or age (except where sex or age is a bona fide occupational qualification), religion, disability, national origin, marital status, veteran status, political affiliation, sexual orientation, gender identity or other non-merit factors.

Respondent: The respondent is the faculty or staff member whose decision or action is the subject of the grievance.

Time Limits

Every effort will be made to settle grievances promptly. Time limitations specified in this policy may be extended by written mutual agreement. If there is no written mutual agreement to extend the time limits, and if the student fails to appeal to the next level within the specified time limits, the grievance will be deemed settled on the basis of the last decision rendered. If the College fails to act on a grievance or to notify the student of the decision at any level within the specified time limits, the student will be permitted to appeal to the next level within the time that would have been allotted had the decision been communicated within the appropriate time limit.

Retaliation Prohibited

Retaliation against a grievant or witness for filing or participating in the investigation of a grievance is prohibited. Retaliation is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against one or more individuals for exercising their rights (or supporting others for exercising their rights) under this policy. The College will investigate any reports of retaliation and take appropriate disciplinary action.

Confidentiality

All actions taken to resolve grievances through this process will be conducted with as much privacy, discretion and confidentiality as possible without compromising the thoroughness and fairness of the process. All persons involved are to treat the process with respect.

Procedures

Level One

Recognizing that grievances should be raised and settled promptly, a grievance should be raised within twenty (20) business days following the event giving rise to the grievance. As the first step, the student is encouraged to meet with the college employee who would best be able to handle the grievance, that is, the person with whom the student has the difference or dispute.

- In the case of academic grievances, this is the course instructor. If the faculty member who issued the grade is no longer at the College or is otherwise unavailable, the student should proceed to the division dean as in Level Two. If a student contacts an ELI staff member regarding a course offered through ELI, the staff will refer the matter to the appropriate division dean.
- In cases involving the Extended Learning Institute (ELI), the student may contact the ELI Director of Student Services to facilitate communication between the student and instructor at this stage of the process.
- A student who alleges harassment will not be required to make direct contact with the alleged harasser. In that situation, the student should contact the Dean of Students, who will discuss with the student her/his right to proceed to Level Two of this procedure.

At the meeting, the student must clearly present his or her case regarding the grieved issue and the resolution that he or she seeks. The respondent may consult with his/her supervisor, assistant dean or program head at this step in the process. **Every reasonable effort should be made to resolve the matter informally at this level.**

Level Two

If the student is not satisfied with the outcome of the grievance at Level One or has been permitted to bypass Level One, the student may submit a written grievance to the appropriate college official within twenty (20) business days. The college official receiving the grievance will notify the respondent, who will respond in writing to the grievance. The appropriate college officials are outlined as follows:

- In an academic grievance, this is the dean of the division in which the course is taught or in which the program is offered, or his/her designee. If a student contacts an ELI staff member regarding a course offered through ELI, the staff will refer the matter to the appropriate division dean.
- In academic grievances involving ELI matters, the division dean should consult directly with the ELI Director of Student Services. The decision is the responsibility of the dean.
- In grievances involving non-credit courses, this is the Associate Vice President for Workforce Development.
- A grievance relating to admission or other student services matters will be heard by the Dean of Students.
- For all other grievances, or if the grievance relates to the appropriate college official, the Dean of Students will forward the grievance to the appropriate division supervisor or other college official.
- Complaints about the Dean of Students should be submitted to the Provost.

Within ten (10) business days of receiving the grievance, the dean, supervisor, or other college official (the decision-maker) will schedule a meeting with both parties in an effort to resolve the grievance. (The meeting may occur after the ten (10) business days, but its date should be established within this time frame.) The role of the decision-maker is to chair the meeting, facilitate the discussion, conduct an

adequate, reliable, and impartial investigation, determine whether or not college policies have been violated, and render a decision on the matter. Each party may present witnesses and other evidence. No attorneys or other advisers are allowed to be present to represent either party. No recording will be permitted during the meeting.

The decision-maker may conduct follow-up inquiries after the meeting if necessary. He/she will prepare a written report of the outcome of the grievance within ten (10) business days after the meeting, and will provide copies to the student and the respondent. In the case of grade appeals, the grade will be changed only if the dean and the instructor agree that the change is warranted; if the dean and the instructor disagree, the matter automatically goes to Level Three.

Level Three

If the student is not satisfied with the outcome of the grievance at Level Two, the student may file a written appeal within ten (10) business days of the determination at Level Two to the Administrative Council member (Provost or Vice President) with responsibility for the respondent's division. The Dean of Students can assist the student in identifying the appropriate Administrative Council member. The Administrative Council member will collect relevant information from all parties and review the record of previous actions. If, in the judgment of the Administrative Council member, the appeal and record of previous actions have resolved the grievance or do not warrant further action, he/she will notify the student and the respondent within ten (10) business days of receiving the written appeal. The Administrative Council member's determination that the grievance does not warrant further action is final.

If, in the judgment of the Administrative Council member, the grievance warrants further action, he/she will appoint a Grievance Panel within ten (10) business days of receiving the written appeal. The Grievance Panel will consist of three members, including one member of the Administrative Council member's staff (who will serve as chair), one faculty or staff member, and one student. For academic grievances, the faculty or staff member must be a member of the teaching faculty. At the request of the student bringing the grievance, a faculty or staff member may replace the student panel member. In no case may an individual involved in an earlier level of the grievance process serve on the Grievance Panel.

Within ten (10) business days after the Grievance Panel has been appointed, the chair of the Grievance Panel will set a time and place for a hearing and notify the student and the respondent in writing at least 48 hours prior to the hearing. The hearing will be held within fifteen (15) business days after the Grievance Panel has been appointed, and no later than thirty (30) days after the written appeal has been submitted to the Administrative Council member.

The chair of the Grievance Panel is responsible for conducting the hearing in an orderly, efficient and equitable manner. The chair will arrange for the audio recording of the hearing. Either party may have access to the recording upon request.

Both the student and the respondent may have an adviser present at the hearing, however each party must so inform the chair of the Grievance Panel five (5) business days prior to the hearing. Either party

may consult with their own adviser; however, the adviser may not speak for the party or address the members of the panel. The chair of the Grievance Panel may disallow a particular adviser in cases where the adviser might be a witness or where such adviser's presence, in the chair's sole determination, would be obstructive to the process or for other good cause.

At the Grievance Panel hearing, the student and the respondent will each have the opportunity to present any information relevant to the grievance. The Panel may also request information from other sources. Signed written statements may be submitted by individuals who are unable to attend the hearing. If either party chooses not to attend the hearing, the Panel will consider any written statements the person submits.

The Grievance Panel is responsible for reviewing the grievance in light of College policies and procedures. The Grievance Panel can neither change nor formulate College policies and procedures, nor can it commit state resources. The Grievance Panel will make its decision by simple majority vote. The chair of the Grievance Panel will prepare a written report of the outcome of the hearing and provide it to the student and the respondent within ten (10) business days after the conclusion of the hearing. The Grievance Panel will inform the Provost if a grade change is warranted. If warranted, the Provost will authorize a grade change and will consult with appropriate faculty to determine the final grade. The decision of the Grievance Panel is final.

Records

The College will maintain a record of every grievance that proceeds to Level Two or beyond. Records will be maintained in the office of the Administrative Council member in whose division the grievance arose.

Academic Progress

When a student grieves a dismissal from an academic program or a final grade that has the effect of preventing the student from continuing in a program or course sequence, the student may be permitted to continue in the academic program or course sequence until the grievance process is concluded, with the following exceptions:

1. the student is in an allied health, nursing, veterinary or other clinical program where the student's continuation in the program may pose a health or safety risk to the student, patients or others; or
2. the student is in an internship where the sponsoring employer has determined that the student is not meeting workplace expectations.

If the original grade or program dismissal is upheld, the student will immediately be removed from the program or course sequence in accord with the original grade or dismissal. Students should be aware that the resulting reduction in credits may affect eligibility for financial aid.

Interpretation

Any questions about the interpretation of this policy may be addressed to the Deans of Students.

2/24/2014

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