

Davis Technical College

Student Grievance Policy and Procedures

Effective Date: 16 May 2024

1. Purpose

The purpose of the Student Grievance Policy is to provide guidance and procedures for addressing student grievances and complaints in an equitable manner in order to reach fair and appropriate resolutions to student complaints in compliance with Davis Technical College standards for due process.

2. References

2.1 Utah Code 53B-27: State System of Higher Education Campus Individual Rights Act Part 6: Student Legal Representation

3. Definitions

- 3.1. Grievance** - Any reported incident that occurred while the student was enrolled that is the subject of a complaint involving a College student, faculty member, other College staff, guests visiting the College, or other students. Such incidents must be a violation of College policies and/or procedures. Incidents or complaints reported may include (but are not limited to) sexual harassment, racial discrimination, or other types of allegations or grievance issues. Reliable documentation and/or testimony that allow a fair review of the complaint are essential components of the grievance process.
- 3.2. Student** - The College recognizes student status as a person engaged in an active course of study.
- 3.3. Guest** - A guest is any person who is visiting the College for any purpose who is not currently enrolled as a student or employed by the college. This may include vendors or any member of the general public. A guest may also be a person who is attending a class offered by another institution, agency, or other non-College host such as adult education, local colleges, or universities through extension education, etc. Guests are not eligible to utilize the College Student Grievance procedure and should seek resolution to problems through appropriate representatives of the host agency or institution. Guests may be the subject of the grievance filed by a student.
- 3.4. Due Process** - Due process refers to the right to be heard, which shall be provided to all parties associated with a student grievance. Due process includes the right of notification of statements or charges made and reasonable opportunities to respond in a timely manner prior to disciplinary action taken by the College. Student should be informed of standards and regulations regarding student conduct and performance standards. Resolutions and disciplinary actions, which are outcomes of a complaint, shall be clearly examined and fairly administered.
- 3.5. Confidentiality** - College staff, faculty, and students have a right to privacy and confidentiality, subject to College rules and federal FERPA and GRAMA requirements. The College shall exercise reasonable and diligent observance of the rights of all parties associated with a reported grievance.
- 3.6. Informal Grievance** - An informal grievance is a complaint taken to an instructor or Career and Academic Advisor for consideration and is often a preferred alternative to formal procedures for obtaining a reasonable resolution. While this process is recommended whenever possible, it is not a pre-requisite to filing a formal grievance.
- 3.7. Formal Grievance** - A process requiring a written complaint relating to an incident which occurred on campus or campus-controlled property during the period of time when a student was actively enrolled in a program of study. The formal written grievance shall be submitted to the director or manager responsible for the area in which the alleged infraction or incident occurred to allow a prompt response to the grievance issue. Details and documentation concerning the incident in question must be provided with the formal complaint to the director or manager who shall conduct appropriate notifications and reviews in accordance with College policy.

3.8. Secondary Student - Student who meets the following criteria during the fiscal year in which they are enrolled: Is currently enrolled in grades 7-12 in a Utah public or private school; Is not more than 17 years old on or before September 1, or is documented as a retained senior, or has been enrolled in less than grade 12 during the previous year and is no more than 19 years old on or before September 1; has not previously earned a high school diploma, certificate of high school completion, adult education secondary diploma, or high school equivalency diploma, such as the GED or other completion exams.

4. Policy

4.1. The College recognizes and supports the student's right to grieve (formally or informally) any incident, which he or she believes to be a violation of College policies or procedures. All such grievances will be given a fair hearing by College personnel.

4.2. Eligible grievances are those that occurred while a student was officially enrolled at the Davis Technical College.

4.2.1. The College encourages students to address concerns on an informal basis whenever possible. In the event an attempt at an informal review of the matter does not result in a satisfactory outcome, the student may choose to submit a formal grievance.

4.2.2. Students wishing to file a grievance must do so in writing within 10 days of the alleged incident to allow for a timely review of the complaint and related details.

4.2.3. The College encourages students who become aware of sex discrimination or harassment to report such issues, with the consent of the alleged victim, to the Title IX Coordinator.

4.2.3.1. In the event of extenuating circumstances, the College administration may choose to entertain a grievance, which is submitted after 10 days, but is under no obligation to do so. The decision to extend the time for any particular grievance in no way obligates the College administration to any future exceptions for other grievances.

4.2.3.2. A representative of the College will be designated to receive the grievance and to ensure that the procedures outlined in this policy are followed including a response to the student who initially filed the grievance.

4.2.4. All grievances and subsequent actions shall be thoroughly and appropriately documented.

4.2.5. Any form of retaliation against a student who files a grievance is expressly forbidden by the College.

5. In accordance with Utah Code 53B-27, students may, at their own expense, be represented by legal representation or a non-attorney advocate in disciplinary proceedings.

6. Procedures

6.1. Procedures for Informal Grievances

6.1.1. Students seeking an informal address to complaints shall first attempt to discuss the matter with their classroom instructor(s) to seek a resolution.

6.1.2. If the student is unable to come to a satisfactory resolution in the classroom, the student should consult with a Career and Academic Advisor.

6.1.3. The Career and Academic Advisor will investigate the complaint, talking to all named parties as appropriate to ascertain whether or not any violation of College policy or procedure occurred.

6.1.3.1. After completion of the investigation, the Career and Academic Advisor will suggest a solution and seek to gain consensus from all parties involved. Such action will be properly documented and may involve meeting(s) with any or all parties involved.

6.1.4. If a satisfactory resolution through informal means is found to be acceptable to all parties involved, no further action shall be required. If no satisfactory resolution is found, the student may elect to use the formal grievance procedure.

6.1.5. If the subject of the grievance is a Career and Academic Advisor, the student may contact the Director of Student Services. A grievance that involves a director, manager, or vice president will be referred to an alternate staff member of the same level for all required considerations.

6.2. Procedures for Informal Resolution of Title IX complaints

6.2.1. College may offer an informal resolution process only after a formal complaint is filed. Informal resolution may include a limited inquiry into the facts, but typically does not include an investigation. Informal resolution should be flexible enough to meet the needs of each case, and may include mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, conducting targeted preventive educational and training programs, or providing remedies for the individual harmed by the offense.

6.2.2. Participation in the informal resolution process is voluntary; the College may not require either party to engage in informal resolution as a condition of enrollment or enjoyment of any other right, waiver of the right to investigation and adjudication of formal complaints of sexual harassment.

6.2.3. The College is not obligated to offer or facilitate informal resolutions. Because each case is different, the Title IX Coordinator shall determine whether a formal complaint of sexual harassment, discrimination, or retaliation is appropriate for informal resolution.

6.2.4. At any time before reaching a determination regarding responsibility the Title IX Office may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the Title IX Office:

6.2.4.1. Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

6.2.4.2. Obtains the parties' voluntary, written consent to the informal resolution process; and

6.2.4.3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

6.2.5. The College and Title IX coordinator will keep record of and conclude informal resolution promptly and according to College Title IX policy.

6.3. Procedures for Formal Grievances related to Title IX complaints

6.3.1. Complainants, respondents, and witnesses shall be treated equitably and with respect throughout the grievance proceedings.

6.3.2. College will evaluate all relevant evidence—both inculpatory and exculpatory—objectively and determine credibility without respect to a person's status as complainant, respondent, or witness.

6.3.3. Deadlines and timeframes established by the College's Title IX policy may be extended for good cause with written notice to the parties and the reasons for the extension. Good cause may include considerations such as the absence of a party, a party's advisor, or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6.3.3.1. Parties may submit a request for a temporary delay to the Title IX coordinator. Any request for temporary delay or limited extension should include a good cause statement and the reason(s) for the request. If no good cause exists, Title IX Coordinator will deny the requesting party's request in writing.

6.3.4. Any person designated as a Title IX Coordinator, investigator, or decision maker shall be free of conflict of interest or bias for or against Complainants or Respondents generally or individually.

6.3.5. Respondents, complainants, and witnesses shall not knowingly make materially false statements or knowingly submit materially false information during the grievance process. However, a determination regarding responsibility alone is not sufficient to conclude that any individual proffered a material falsehood.

6.3.6. Complainants and respondents shall have supportive measures made available and be given the opportunity to request modifications necessary for physical and/or emotional safety.

6.3.7. Complainants, respondents, and other participants in the Title IX process may request accommodations necessary under the Americans with Disabilities Act (ADA) through the Title IX Coordinator, who will refer the request to the appropriate ADA coordinator and then implement approved accommodations.

6.3.8. The Formal Complaint, Formal Investigations, Live Hearings, Written Determination, Sanctions and Remedies, and Appeals processes will be managed and arranged by the Title IX Office according to the College's Title IX policy: <http://www.davistech.edu/title-ix>.

6.4. Procedures for Formal Grievances that are non-Title IX complaints

6.4.1. Formal grievances must be submitted in the form of a written letter and must contain a statement of the alleged violation(s), a statement of the student's desired resolution, and the student's name, address and phone number. Although documentation of the alleged incident is not required as part of the grievance, reliable documentation and/or statements can assist the College in a fair and accurate review of the grievance.

6.4.1.1. Written grievances will be given to the Director of Student Services

6.4.1.2. The Director of Student Services will review the grievance to ascertain if all the required information has been provided.

6.4.1.2.1. If the Director of Student Services determines that the information provided by the student is insufficient, additional information will be requested from the student.

6.4.1.2.2. In order to resolve the situation in a timely manner, the student shall be encouraged to provide the information promptly. If the student fails to provide the requested information in a reasonable period of time (typically 10 working days), the grievance may be cancelled, and no further consideration will be given.

6.4.1.3. The Director of Student Services (having received all of the necessary information to proceed) will provide all documentation to the Ombudsman, who will investigate the alleged incident to ascertain which College policies or procedures may have been violated.

6.4.1.3.1. If the grievance concerns an instructor or program, the Ombudsman will promptly notify the director over the instructor or program.

6.4.1.3.1.1. In the event the Ombudsman is the subject of the grievance, the grievance shall be referred to an alternate staff member of the same level for all required considerations.

6.4.1.3.2. Depending on the nature and severity of the alleged violation, the Ombudsman has the discretion to involve vice-presidents in the review and resolution.

6.4.1.4. Such investigation may include a review of all relevant and available documentation (provided by the student or otherwise available) and any other evidence as might be available.

6.4.1.4.1. The aggrieved student will be given an opportunity for a fair hearing with the administrators involved in the grievance proceeding.

6.4.1.4.2. The involved administrators and the Ombudsman will make a final determination as to the validity of the grievance and the recommended resolution. Once determined, the final decision will be documented in a letter to the student.

6.4.1.4.3. After receiving the response from the College, the student may request (verbally or in writing) a meeting with the Ombudsman and other involved administrators to seek clarification of the response.

6.4.1.5. If the resolution provided by the College representative is not satisfactory to the grieving student, a request for reconsideration may be filed with the College vice-president who is the administrator over the division identified in the grievance.

6.4.1.5.1. In the event the vice-president was involved in the grievance consideration, the request for reconsideration will be forwarded to the President.

6.4.1.5.2. A request for reconsideration must be submitted in writing within five days from the time the student was notified of the outcome of the grievance.

6.4.1.5.3. The Ombudsman will forward all relevant information, documentation, and evidence to the vice president (or President if required) for review in a timely manner.

6.4.1.6. The vice president (or President if required) shall review the request for reconsideration and the available information in a timely manner. Such review will include a hearing with the aggrieved student. The vice president (or President if required) may then select one of the following options:

6.4.1.6.1. Support of the initial grievance resolution provided by the College representative, designating that resolution to be fair and appropriate based on the information reviewed.

6.4.1.6.2. If determination is made that an alternate decision is appropriate based on the review of the available information, such decision will supersede any previously made decisions.

6.4.1.7. The vice president (or President if required) shall provide a decision in writing in a timely manner to the student.

6.4.1.8. The decision of the vice president (or President if required) shall be considered final for the College, and no further remedies will be offered as part of the College Formal Grievance Process.

6.4.1.9. Students retain the right to contact the Commission of the Council on Occupational Education in cases where the student grievance is not satisfactorily settled at the institutional level. Contact information for The Council on Occupational Education is below:

7840 Roswell Road
Building 300, Suite 325
Atlanta, GA 30350
800-917-2081 (voice)
770-396-3898 (voice)
770-396-3790 (fax)
<http://www.council.org>

7. Approval and Notes

Revised Board Approval: 16 May 2024
Expanded President's Council Approval: 13 May 2024
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Expanded President's Council Approval: 14 September 2020
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