

# Davis Technical College

## Student Grievance Policy and Procedures

Effective Date: 10-18-2017

### 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 - No references for this section.

### 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 that 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.
- 4.2.2.1. 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.
- 4.2.2.2. 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.
- 4.2.3. All grievances and subsequent actions shall be thoroughly and appropriately documented.
- 4.2.4. Any form of retaliation against a student who files a grievance is expressly forbidden by the College.

#### 5. Procedures

- 5.1. Procedures for Informal Grievances
- 5.1.1. Students seeking an informal address to complaints shall first attempt to discuss the matter with their classroom instructor(s) to seek a resolution.
- 5.1.2. If the student is unable to come to a satisfactory resolution in the classroom, the student should consult with a Career and Academic Advisor.
- 5.1.3. 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.
- 5.1.3.1. After completion of the investigation, the Career and Academic Advisor will suggest a resolution 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.
- 5.1.4. 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.

5.1.5. 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.

## 5.2. Procedures for Formal Grievances

5.2.1. 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.

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

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

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

5.2.1.2.2. 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.

5.2.1.3. 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.

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

5.2.1.3.1.1. In the event that 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.

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

5.2.1.4. 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.

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

5.2.1.4.2. 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.

5.2.1.4.3. 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.

5.2.1.5. 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.

- 5.2.1.5.1. In the event that the vice-president was involved in the grievance consideration, the request for reconsideration will be forwarded to the President.
- 5.2.1.5.2. 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.
- 5.2.1.5.3. The Ombudsman will forward all relevant information, documentation ,and evidence to the vice president (or President if required) for review in a timely manner.
- 5.2.1.6. 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:
  - 5.2.1.6.1. Support of the initial grievance resolution provided by the College representative, designating that resolution to be fair and appropriate based on the information reviewed.
  - 5.2.1.6.2. 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.
- 5.2.1.7. The vice president (or President if required) shall provide a decision in writing in a timely manner to the student.
- 5.2.1.8. 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.
- 5.2.1.9. 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>

## 6.0 Approval

Effective Date: 18 October 2017

President's Council Approval: 16 October 2017

Updated October 2017 to reflect new name and minor wording changes

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