

Policies and Procedures**Date: August 31, 2022****Subject: Student Grievances**

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1. Purpose

Tidewater Community College (TCC) is committed to ensuring that it does not discriminate on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, genetics, or against any otherwise qualified persons with disabilities in its programs or activities. ([TCC Policy 1200, Equal Opportunity and Nondiscrimination](#)) To that end, this policy provides an equitable and orderly process to resolve grievances made by students for improper treatment or unlawful discrimination. This policy does not apply to grievances or appeals regarding tuition refunds (see TCC Policy 4202, Revenue Refunds), academic grades (see Final Course Grade Appeal Procedure), or student conduct (see Code of Student Rights and Responsibilities and Student Disciplinary Procedures) which are handled under separate policies and procedures. This policy is consistent with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) Requirement 12.4.

2. Policy

TCC shall provide a reasonable, prompt, orderly, and fairly administered resolution of grievances by an active student, credit or non-credit, for alleged improper, unfair, arbitrary, or discriminatory treatment to include disability discrimination and disability harassment by TCC students, employees, employees under contract to TCC, or a third party. TCC shall also take action to prevent the recurrence of any discrimination and correct discriminatory effects on the grievant and others.

A reasonable effort shall be made by TCC to guide and support students through the grievance procedure to facilitate early and effective resolutions. The procedures herein described shall be conducted on a confidential basis. The release of information forms may be required to complete the process.

Any student raising a grievance shall be treated with respect and shall receive a response as delineated in the following procedure. Retaliation against anyone involved in a grievance process, including the complainant, witnesses, or institutional representatives, is strictly prohibited.

In compliance with standards set forth by the U.S. Department of Education and SACSCOC, the college will maintain a record of all formal student grievances against the institution.

The Dean of Student Life and Conduct or Vice President for Student Affairs may appoint a designee to carry out all responsibilities detailed in this policy.

3. Responsibilities

The Vice President for Student Affairs, hereinafter referred to as VPSA, shall be responsible for developing and maintaining procedures that are consistent with this policy. All supervisors and administrators shall ensure that the faculty and staff, including contractors, in their areas of responsibility are aware of and in full compliance with this policy. Any grievance and information pertaining to it shall be treated as confidential and access will be limited to authorized personnel only.

4. Procedures

The following procedures shall be followed by active students for a fair and equitable process to present an issue of improper, unfair, arbitrary, or discriminatory treatment by TCC students, employees, contractor employees, or a third party. A grievance may be resolved through either an informal or a formal process.

4.1. Informal Student Grievance Process

Students are encouraged to make reasonable efforts to have their concerns addressed informally. The complainant is strongly encouraged to discuss the matter in question informally with the respondent(s) (TCC/contractor employee(s)) most directly involved. Students should notify the Dean of Student Life and Conduct that they wish to resolve the matter informally. The Dean of Student Life and Conduct shall mediate the matter, if necessary and document the resolution of the process. Documentation shall include the complaint made and the resolution of the complaint.

- The complainant must initiate the informal phase of the student grievance process within thirty (30) calendar days from when the complainant knew or should have known of the action or inaction.
- If the problem is resolved to the satisfaction of the complainant, the matter is closed. If the problem is not resolved to the satisfaction of the complainant, the student may elect to move to the formal process.
- While the complainant is encouraged to resolve the issue(s) in question through the informal process, the complainant may elect to move to the formal process at any time.

4.2. Formal Student Grievance Process

If the complainant does not wish to attempt a resolution of the grievance through the informal process, or, in the event the student believes the informal process has been unsuccessful, the complainant may use the formal grievance process. At each step of the formal process, the respondent(s) shall be advised by the Dean of Student Life and Conduct or the VPSA of the details of the grievance, have a full and fair opportunity to prepare and present their position, and to offer evidence and witness testimony.

Complainants enrolled in non-credit courses through the college's Workforce Solutions Division shall have the same rights and be entitled to the same processes as complainants enrolled in credit courses.

A student with a complaint against a student, employee, contractual employee, or a thirdparty should complete the Formal Student Grievance Form within twenty (20) calendar days of the action or inaction or within thirty (30) calendar days of the conclusion or termination of the informal process, whichever is later. The formal complaint must be filed with the Dean of Student Life and Conduct or to the VPSA if the Dean of Student Life and Conduct is the respondent.¹ Contact information for filing a complaint follows:

¹ Wherever appearing in this procedure, the "Dean of Student Life and Conduct" shall be understood to mean the VicePresident for Student Affairs ("VPSA") if the Dean of Student Life and Conduct is the respondent.

Dean of Student Life and Conduct:

Chesapeake Campus, 1428 Cedar Road, Chesapeake, VA, 23322
757-822-5202

Vice President for Student Affairs:

121 College Place, Norfolk, VA, 23510
757-822-1233

- A student may request assistance in preparing the [Formal Student Grievance Form](#)
- The time frame for filing the formal grievance may be extended for good cause to be determined by the Dean of Student Life and Conduct.
- The formal complaint must include:
 - complainant's name and TCC identification number;
 - complainant's contact information;
 - date of the complaint;
 - date of the contested action, inaction, decision, or situation;
 - description of what, if any, other steps have been taken by the complainant to attempt to address the complaint; and
 - supporting documentation and/or any other information the student would like to be considered (including the identities of witnesses concerning any facts in the alleged violation).
- The Dean of Student Life and Conduct shall meet with the complainant within twenty (20) calendar days following receipt of the formal complaint to attempt to achieve resolution of the issue and to obtain any additional information necessary to achieve such resolution.
- The Dean of Student Life and Conduct shall investigate the issues raised by the complainant and shall make a determination based upon clear and convincing evidence. The process may include gathering evidence from college/contractor employees or other students and statements of the witnesses and shall be completed within thirty (30) calendar days of the Dean of Student Life and Conduct's meeting with the complainant. Witnesses shall complete the [Witness Statement Form](#)
- The Dean of Student Life and Conduct may determine that the formal complaint is without merit and conclude the investigation.
- The Dean of Student Life and Conduct shall provide the complainant and the respondent with a written response of the determination of findings and resolution within thirty (30) calendar days of the conclusion of the investigation.

- In the event the investigation reveals conduct on the part of any party that may be considered misconduct, the Dean of Student Life and Conduct shall refer the matter to the Associate Vice President for Human Resources when it involves an employee, a contractor employee, or a third party. The Dean of Student Life and Conduct shall provide a copy of the complaint record to the appropriate authority for a misconduct investigation.
- When the grievance results in a misconduct investigation, the college will immediately put into place interim measures designed to ensure equal access to TCC programs and activities pending the completion of the misconduct investigation. These interim measures can range from new access to learning assistance technology and services, counseling, extensions, course or schedule adjustments to temporary changes of personnel or procedures.
- When the grievance concludes with a discrimination finding in favor of the complainant that results in an unfair final grade, the student shall be directed to follow the Final Grade Appeal Procedure to request a grade change.
- At the conclusion of the misconduct investigation, an appropriate remedy will be implemented by the college in accordance with all appropriate Human Resources policies and/or Student Disciplinary Procedures.

4.3. Appeal Process

Any outcome from the formal grievance process by the Dean of Student Life and Conduct with which the complainant or respondent disagrees, either because of a belief that the process was not followed or a belief that errors were made in the process, may be appealed in writing by the complainant or respondent to the VPSA. Any such appeal must be submitted using the [Formal Student Grievance Appeal Form](#) within thirty (30) calendar days of the complainant's/respondent's receipt of the written response. The appeal must identify one of the following grounds as its basis:

- A claim that the investigation was not conducted fairly or in conformity with the prescribed procedures.
- A claim that the decision reached by the Dean of Student Life and Conduct was not supported by substantial evidence.
- A claim that new evidence sufficient to alter a decision, but unknown at the time of the original conference, should be considered.
- The VPSA shall review the record of the complaint and the response and affirm, deny, modify, or recommend reconsideration of the matter within ten (10) business days of the receipt of appeal. The review may or may not involve interviews of individuals involved in the complaint process at the discretion of the VPSA.
- The VPSA may return the response to the Dean for Student Life and Conduct and direct remedial actions that can be taken to effectively and

fairly correct any procedural errors that the VPSA concludes have been made in prior phases of the formal grievance process.

- The VPSA shall dismiss the appeal in the event that either of the following circumstances exists:
 - The appeal does not identify a legitimate basis as delineated above.
 - The appeal does not set forth written policies or procedures to which the complainant was entitled but were not afforded during the prior phases of the process.
 - The facts that the formal complaint alleges to have occurred are true, but do not constitute a violation of the college's policies or procedures.
- The VPSA's determination shall be based on a review of whether a reasonable inquiry was made concerning the alleged action or inaction about which the student complained and whether the findings were appropriate based on the facts determined in the investigation and the goals of this procedure.
- Should more time be needed to render a decision, the complainant and respondent shall be notified in writing of the delay and expected completion date of the review, which shall not to exceed thirty (30) calendar days from the time of the appeal.
- The complainant, respondent, and Dean of Student Life and Conduct, shall receive a written explanation of the VPSA's decision on the appeal. The Dean of Student Life and Conduct or VPSA's decision is final.

4.4. Student Complaint Records and Log

In order to comply with standards set forth by SACSCOC and the federal Department of Education, the Dean of Student Life and Conduct will maintain a record of all formal complaints, appeals, and outcomes in a secure location. Electronic retention of these records is encouraged. These files shall be maintained by the Dean of Student Life and Conduct for a period of three (3) years from the date of the final outcome.

4.5. Retaliation

If a student or institutional representative believes that they have been subjected to adverse treatment because of filing or participating in a grievance, the Dean of Student Life and Conduct shall be notified in writing immediately.

The Dean of Student Life and Conduct shall investigate the alleged retaliation and meet with all involved parties and attempt a resolution to the situation.

If the person claiming retaliation is dissatisfied with a resolution issued by the Dean of Student Life and Conduct, they may appeal to the VPSA. The VPSA

decision is final.

If a student or institutional representative believes that they have been subjected to adverse treatment by the Dean of Student Life and Conduct because of filing or participating in a grievance, the VPSA shall be notified in writing immediately. The VPSA shall investigate the alleged retaliation and meet with all involved parties and attempt a resolution to the situation. The VPSA decision is final.

4.6. External Agencies

This procedure is not intended to impede any student's right to file a timely complaint with an appropriate external state or federal agency. TCC accepts the State Council of Higher Education for Virginia (SCHEV), the Commonwealth's coordinating body for higher education, oversight in resolving complaints from students taking distance education under the aegis of the State Authorization Reciprocity Agreements (SARA). If a student has exhausted the avenues provided by the institution and the complaint has not been resolved internally, the student may submit the Student Complaint Form to SCHEV. More details on the formal SCHEV student complaints procedure may be found on the SCHEV agency page at www.schev.edu.

Students may seek resolution through the [Office for Civil Rights](http://www.ed.gov/about/offices/list/ocr/index.html) of the United States Department of Education ("OCR"). A complaint filed with OCR must be filed within 180 calendar days of the alleged discrimination. Or, if the college complaint procedure was utilized by the student, the OCR complaint must be filed within 60 calendar days from the date of the final decision, unless the time for filing is extended by the OCR for good cause shown. Information on how to proceed may be accessed on OCR's website at: <http://www2.ed.gov/about/offices/list/ocr/index.html>.

5. Definitions

Active Student: individuals are considered "active students" for two (2) years after their initial admission or readmission to the College or most recent enrollment, including in a non-credit course, whichever is later.

Complainant: an individual who is an active student with the college who has a complaint against the college as a result of the action or inaction of a college employee, student, or third party.

Grievance: an unwritten or written claim raised by a student alleging improper, unfair, arbitrary, or discriminatory action by an employee, student, or third party involving the application of a college rule/regulation or a board policy or procedure (Virginia Community College System Policy Manual section 6.5.0.1). The complainant must be personally affected by the alleged violation and inequitable action.

Formal Complaint: the written stage of the student complaint process.

Informal Complaint: the unwritten stage of the student complaint process.

Respondent: TCC student, employee, or employee of a firm under contract to TCC

identified by the complainant as causing or contributing to the complaint.

Discrimination: the unequal treatment of someone on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, genetics or disability.

Discriminatory Harassment: Any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, genetics, or disability that: (1) has the purpose or effect of creating a hostile environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance or student's educational experience; or (3) affects an employee's employment opportunities or compensation or a student's educational opportunities.

Hostile Environment: Conduct so severe, pervasive, or persistent that it interferes with or limits an employee's work performance or a student's participation in the College's programs or activities. However, for matters involving allegations of sexual harassment see [TCC Policy 1108](#)

6. References

[Complaint Procedures Against SACSCOC or Its Accredited Institutions](#), Southern Association of Colleges and Schools Commission on Colleges, Requirement 12.4.

Title 34, Subtitle B, Chapter 1, Part 104, Subpart A, § 104.7 – Designation of responsible employee and adoption of grievance procedures.

Final Course Grade Appeal Procedure (see: <https://www.tcc.edu/service-support/student-handbook/#academic-information>)

Code of Student Rights and Responsibilities and Student Disciplinary Procedures (see: <https://www.tcc.edu/wp-content/uploads/2019/09/student-code-of-conduct.pdf>)

7. Review Periodicity and Responsibility

The Vice President for Student Affairs shall review this policy annually on the anniversary of its approval and, if necessary, recommend revisions.

8. Effective Date and Approval

This policy is effective upon its approval by the College President on August 31, 2022.

Policy Approved:

Procedure Developed:

Marcia Conston, Ph.D.
President

Karen Campbell, Ph.D.
Vice President for
Student Affairs

9. Review and Revision History

The initial version of this policy was approved on October 8, 2014.

- Revision 1 updates the policy to be consistent with requirements of the National Council for State Authorization Reciprocity Agreements (NC-SARA) and the State Council of Higher Education in Virginia.

Approved January 9, 2015 by President Edna V. Baehre-Kolovani.

- Revision 2 updates the policy to be consistent with additional requirements of the National Council for State Authorization Reciprocity Agreements (NCSARA) and the State Council of Higher Education in Virginia.

Conditional approval on July 23, 2015 by President Edna V. Baehre-Kolovani.

- Revision 3 updates the policy to be in compliance with Resolution Agreement from the US Department of Education, Office for Civil Rights. Revision to the policy to include revised definitions of discrimination and harassment and added the definition of hostile environment.

Approved April 25, 2019 by Gregory T. DeClinque, Ph.D.

- Revision 4 updates position titles and transitions responsibilities to support the new student affairs organizational structure.

Approved December 7, 2020 by President Marcia Conston, Ph.D.

- Revision 5 updates the policy to reflect updated position titles, align with the Office of Civil Rights at the U.S. Department of Education (OCR) recommendations, removed appendices and linked them in the policy.

Approved June 8, 2022 by President Marcia Conston, Ph.D.

- Revision 6 updates section 4.2, changes the time from 30 calendar days to 20 calendar days in which the Dean of Student Life and Conduct shall meet with the complainant after receipt of a grievance.

Approved August 31, 2022 by President Marcia Conston, Ph.D.