

FLATHEAD VALLEY COMMUNITY COLLEGE STUDENT COMPLAINT PROCEDURES

Purpose

The purpose of this procedure is to promote the prompt, just, and efficient resolution of student complaints against College employees. Complaints involving discrimination, sexual harassment, sexual misconduct, or stalking are addressed in *FVCC Board Policy Chapter 1, Section 60: Discrimination & Sexual Harassment Policy* and the *Discrimination Grievance Procedure*. Copies of this procedure, the Student Complaint Form, and *FVCC Board Policy Chapter VII, Section 60: Code of Student Conduct and Student Complaints* may be obtained from the Dean of Students or online at <http://www.fvcc.edu/current-students/student-resources/student-policies.html>.

The College reserves the right to make changes to this procedure and corresponding policy as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online at <http://www.fvcc.edu/current-students/student-resources/student-policies.html> for the updated versions of all policies and procedures.

The term "complaint" shall mean a claim or allegation by a student that a College employee(s):

- significantly failed to carry out their professional responsibilities or failed to deal with a student fairly and impartially;
- significantly failed to carry out an assigned responsibility or failed to apply college policy fairly and impartially; or
- performed an action which impinged on the rights or activities of a student in the legitimate pursuit of the educative process.

All student complaints must be filed within thirty (30) calendar days after the complainant knew or reasonably should have known about the complaint. Complaints shall be filed upon the Student Appeals Complaint Form available with the Dean of Students.

Informal Complaint Procedure

Before a student may file a formal complaint, the student must first attempt to resolve the issue with:

- the instructor or Division Chair for academic complaints, or
- the employee or department supervisor for non-academic complaints.

If the complaint or allegation is against a Division Chair or department supervisor, the student must attempt to resolve the issue with the Dean of Students. View the current list of [Department Supervisors & Division Chairs](#)

at the end of this document. Division Chairs and department supervisors are also located in the Deans of Students' office (BH 119).

Formal Complaint Procedure

A complaint under this procedure must commence within thirty (30) business days from the date of the act or omission that caused the complaint, or from the date that the student knew or reasonably should have known of such act or omission.

Step 1

To initiate a formal complaint, the student must bring the matter to the Division Chair (for academic complaints), the department supervisor (for non-academic complaints), or the Dean of Students (for complaints against a Division Chair or department supervisor). The respective Division Chair, department supervisor, or Dean of Students will assist the student to complete a complaint form available at

<http://www.fvcc.edu/wp-content/uploads/2015/01/Student-Complaint-Form.docx?61d1e1> which contains the following information:

- name of student complainant
- date(s) of the act(s) or omission(s) that caused the complaint
- name of the employee involved in the complaint (respondent)
- summary and explanation of the facts which form the basis of the complaint
- names of potential witnesses (if applicable)
- list and attachments of supporting documents
- description of remedy requested
- signature of the complainant and date ("initiation date")

The respective Division Chair, department supervisor, or Dean of Students will schedule and conduct a meeting with the respondent within fifteen (15) business days of the initiation date. The student and the respondent may each bring an advocate to this meeting. The advocate shall not make a presentation or represent the student bringing the complaint or the responding party during the meeting. However, the advocate may confer quietly with their advisee, exchange notes, clarify procedural questions, or suggest questions to their student or employee. The parties should make an effort to resolve the complaint during the meeting.

Step 2

If the complaint is not resolved within twenty (20) business days of the initiation date, the student may submit the written complaint to the Dean of Students to request a hearing before the Student Complaint Panel. The Dean of Students will then forward the complaint to the respondent, the Division Chair or department supervisor, and the Chair of the Student Complaint Panel. If the student does not forward the written complaint to the Dean of Students within thirty (30) business days of the initiation date, the complaint will be considered resolved.

Within fifteen (15) business days of the date the request for a hearing is received by the Dean of Students, the Student Complaint Panel will hold a hearing on the complaint. The hearing will be conducted pursuant to procedures to be developed in a preliminary meeting attended by, and where procedures are subject to mutual agreement by the Panel Chair, the Division Chair or department supervisor, the respondent, the student complainant, and Dean of Students.

For each formal complaint, a five (5) member Student Complaint Panel will be chosen from the available pool, and is usually comprised of at least one student, one faculty member, and one staff member or administrator. Member availability may determine a different composition for the Panel, and in complaints involving sensitive issues, the Dean of Students may choose to assign three

administrative/staff members to the Panel. The Dean of Students will appoint the non-voting chair of the Panel and will serve in an advisory capacity to assure that College procedures are followed throughout the hearing. The membership of the Panel is selected from an appointed pool of up to 2 students, 4 faculty, and 4 staff/administrative members trained annually by the Dean of Students. Student Government and the Dean of Students will each appoint 1 student (for a total of 2 students) who will each serve a one year appointment to the Panel pool. The Faculty Senate President will appoint 4 faculty who will serve a two-year, staggered appointment to the Panel pool. The College President will also appoint 4 staff/administrative members who will serve a two-year, staggered appointment to the Panel pool.

The purpose of the hearing is to determine findings of fact and recommend either dismissal of the complaint or a specific remedy limited to curing the act or omission for which the complaint was filed.

During the course of its deliberation, the Panel may confer with the parties to the complaint and may confer with other individuals at the Panel's discretion.

The Panel will make its decision by majority vote. The Panel Chair will provide its written decision to the Dean of Students within five (5) business days of completion of the hearing.

The Dean of Students will review the case within five (5) business days of receipt of the written report and either approve the resolution and forward it to the President or remand the case to the Panel with objections and a suggested alternative resolution. The Panel must, within five (5) business days of receipt of the Dean of Students' suggested alternative resolution, either accept it or forward its own suggested alternative resolution to the President.

The President may accept or reject the Panel's suggested resolution. Implementation of a specific remedy rests with the President, whose decision is the final campus disposition of the complaint. The President must provide the Panel, the Dean of Students, and the parties, with a rationale for the final campus disposition, should it differ from that suggested by the Panel. The President will send copies of the final decision to all parties involved.

At any time during the formal complaint process, the deadlines may be modified due to extenuating circumstances if both the complainant and respondent agree to the extension.

**Department Supervisors & Division Chairs
2016-2017**

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