

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 Student Affairs or online at www.fvcc.edu/current-students.

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.

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 30 calendar days after the complainant knew or reasonably should have known about the complaint. Formal complaints shall be submitted in writing using the **Student Appeals Complaint Form** available at the end of this document.

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 Student Affairs. View the current list of Department Supervisors & Division Chairs on page 4 of this document.

The instructor or employee or respective Division Chair or department supervisor shall attempt to resolve the issue within five (5) business days of receiving the complaint either verbally or in writing.

A complaint under this procedure must commence within 10 business days after attempting to resolve the issue informally between the instructor or employee or respective Division Chair or department supervisor.

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 Student Affairs (for complaints against a Division Chair or department supervisor). The respective Division Chair, department supervisor, or Dean of Student Affairs can assist the student with completing the complaint form available at: www.fvcc.edu/current-students 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
- date the respondent (or respective Division Chair or department supervisor) was notified of the informal complaint
- the informal resolution offered, if any
- signature of the complainant and date of formally submitting the formal complaint (“initiation date”)

The respective Division Chair, department supervisor, or Dean of Student Affairs will schedule and conduct a meeting with the complainant and respondent within 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 after the Step 1 meeting, the student submits the written complaint to the Dean of Student Affairs to request a hearing before the Student Complaint Panel within 10 business days of the Step 1 meeting. The Dean of Student Affairs 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 Student Affairs within 10 business days of the initiation date, the complaint will be considered resolved.

Within 15 business days of the date the request for a hearing is received by the Dean of Student Affairs, the Panel Chair will hold a prehearing meeting with the complainant, the respondent, and the Dean of Student Affairs. The student and the respondent may each bring an advocate to this meeting. The

purpose of the prehearing meeting is to schedule a time and date for the hearing, discuss procedural and evidentiary issues, and establish a deadline for assembly of documents to be shared at the hearing.

The hearing will be conducted pursuant to procedures established at the prehearing meeting where procedures were subject to mutual agreement by the Panel Chair, the respondent, the student complainant, and Dean of Student Affairs.

For each formal complaint, a five 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 or conflicts of interest, the Dean of Student Affairs may choose to assign three administrative/staff members to the Panel. The Dean of Student Affairs 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 three students, six faculty, and six staff/administrative members trained prior to the panel being convened. Student Government will appoint one student and the Dean of Student Affairs will appoint two students (for a total of three students) who will each serve a one year appointment to the Panel pool. The Faculty Senate President will appoint six faculty who will serve a two-year, staggered appointment to the Panel pool. The College President will also appoint six 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 business days of completion of the hearing.

The Dean of Student Affairs will review the case within five 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, if the recommendation exceeds the Panel's scope of authority or the facts presented do not support the recommendation. The Panel must, within five business days of receipt of the Dean of Student Affairs' 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 within five business days. 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 Student Affairs, 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 by the Dean of Student Affairs due to extenuating circumstances such as schedule conflicts.

Complaints that remain unresolved after engaging in the above-referenced process may be further pursued in the following manners:

- An individual adversely affected by the final decision of the president may appeal the decision to the Commissioner of Higher Education and the Board of Regents pursuant to Board of Regents' Policy 203.5.2 at www.mus.edu/borpol/bor200/203-5-2.pdf.
- Complaints concerning broad institutional academic practices, such as those that raise issues regarding an institution's ability to meet accreditation standards, may be filed with the Northwest Commission on Colleges and Universities at www.nwccu.org/Complaints/ComplaintProcess.htm.
- Complaints concerning consumer protection violations should be directed to the Montana Department of Justice Office of Consumer Protection at <https://dojmt.gov/consumer/consumer-complaints/>.
- Individuals enrolled in an online or distance course with the Montana University System and residing outside of the State of Montana may also have an opportunity to utilize the complaint processes in their state of residence. A list of information regarding the complaint processes of other states can be found at www.mus.edu/OnlineStudents-StateContactInfo.asp.



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Department Supervisors

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Institutional

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Library:

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Lincoln County Campus:

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Maintenance Services:

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Media Center:

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MIS:

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Student Life:

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Residence Life:

Kelly Murphy
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1. Student (complainant) submitting complaint:

2. Name of the employee (respondent) involved in the complaint:

3. Date(s) of the act(s) or omission(s) that caused the complaint:

4. Summary and explanation of the facts which form the basis of the complaint:

5. Names of potential witnesses (if applicable):

6. List of attached supporting documents:

7. Description of remedy requested:

8. Date and how respondent (or respective Division Chair or department supervisor) was notified of the informal complaint:

9. Resolution offered by the instructor or employee (or respective Division Chair or department supervisor), if any, as a result of the informal complaint procedure:



Signature of Complainant

Date

Eagle Mail Address

Phone

Please return the completed form and corresponding documents to the respective Division Chair, department supervisor or Dean of Student Affairs to initiate Step 1 of the formal student complaint process. Please refer to the FVCC Student Complaint Procedures available at www.fvcc.edu/current-students for more details or contact the Dean of Student Affairs at 756-3812 or bhanson@fvcc.edu.

To Be Completed by Respective Division Chair, Department Supervisor, or Dean of Student Affairs

Date Received: _____

Date of Step 1 Meeting: _____

Resolution Offered, if any:

To Be Completed by Dean of Student Affairs

Date Received: _____

Date, Time & Location of Prehearing Meeting:

Date, Time & Location of Student Complaint Panel Hearing:
