

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-student.

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 should be filed within 30 calendar days after the complainant knew or reasonably should have known about the complaint. An untimely complaint may be denied by the College if the complainant cannot justify the delay. Formal complaints shall be submitted online using the [Student Complaint Form](#) available at www.fvcc.edu/current-student under "Policies And Procedures."

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 or designee. 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 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, or Dean of Student Affairs or designee.

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 or designee (for complaints against a Division Chair or department supervisor). The respective Division Chair, department supervisor, or Dean of Student Affairs or designee can assist the student with completing the complaint form available at: www.fvcc.edu/current-student 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

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 receipt of the formal complaint. 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. If the student or respondent chooses to bring an attorney as an advocate, the student or respondent needs to inform the Dean of Student Affairs or designee at least five business days before the scheduled meeting.

Step 2

If the complaint is not resolved after the Step 1 meeting, the student may submit a written request to the Dean of Student Affairs or designee for a hearing before the Student Complaint Panel within 10 business days of the Step 1 meeting. The Dean of Student Affairs or designee 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 submit a written request to the Dean of Student Affairs or designee within 10 business days of the Step 1 meeting, 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 or designee, the Panel Chair will hold a prehearing meeting with the complainant, the respondent, and the Dean of Student Affairs or designee. 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 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. If the student or respondent chooses to bring attorney as an advocate, the student or respondent needs to inform the Dean of Student Affairs or designee at least five business days before the scheduled meeting.

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. Again, 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. If the student or respondent chooses to bring an attorney as an advocate, the student or respondent needs to inform the Dean of Student Affairs or designee at least five business days before the scheduled hearing.

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 or designee may choose to assign three administrative/staff members to the Panel. The Dean of Student Affairs or designee 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 Student of Affairs or designee within five business days of completion of the hearing.

The Dean of Student Affairs or designee 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' or designee's 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 extended by the Dean of Student Affairs or designee due to extenuating circumstances such as schedule conflicts.

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