

## C-5 POLICY Formal Student Concern/Complaint Resolution

The College strives to provide a positive learning environment for students, one that is conducive to innovative teaching and learning. In the spirit of providing our students with a quality education and offering an appropriate array of student support services, the College will promote a **concern and complaint resolution process** that maximizes a positive and engaging organizational environment.

The College is committed to a timely resolution of student complaints and concerns informally with the faculty, staff or department personnel or with departments or offices directly involved. However, a formal complaint process is also available to all students and stakeholders to access at their discretion. The College will track and log actions related to all submitted complaints and concerns to ensure compliance with federal regulations and to monitor the quality and effectiveness of College operations and services.

**No Retaliation** – Students submitting a concern/complaint through the formal process will be free from any restraint, interference, coercion, retaliation, or reprisal by any employee or student of the College. Anyone violating this expectation will be subject to formal disciplinary action, up to and including termination of employment or expulsion from the College.

**Adopted:** 7/20/21 (SCC Board of Governors)

**Reviewed:** 6/28/21(Administrative Team)

**Created:** 5/12/21

**Web link:** student concern/complaint resolution

## C-5a PROCEDURE Student Concern/Complaint Resolution Administrative Procedures

### **SECTION I: INTRODUCTION.**

Southeast Community College strives to provide a positive learning environment for students, one that is conducive to innovative teaching and learning. In the spirit of maximizing a positive, supportive, and engaging environment, students, employees, and other stakeholders are encouraged to address issues and concerns directly with individuals or departments involved as much as the individual feels is safe to do so. (SCC Board Policy C-5)

**Submitting a Complaint or Concern.** If a concern or complaint cannot be resolved informally with the involved individuals or groups, or if the nature of the concern/complaint dictates otherwise, the student may submit a formal [Concerns and Complaints report](#), or they may present the issue directly to any campus or college administrator.

### **SECTION II: COLLEGE RESPONSE.**

Regardless of the subject matter, all submitted student concerns/complaints received through the Student Complaints & Concerns Reporting process will be reviewed and/or referred within five (5) business days by the Assistant Campus Director/Dean of Students (or designee) to the appropriate/responsible administrator who will oversee the complaint or concern review and resolution process.

- **Initial Inquiry:** The responsible administrator will conduct an initial inquiry, which may include (but not be limited to) gathering additional information, documents, interviews, observations, etc. to inform a resolution of the complaint or concern.
- **NOTE:** There are some types of complaints or concerns for which there are formal complaint processes, including but not limited to harassment, discrimination, and disability. [INSERT LINKS TO THESE PROCEDURES](#)
- **Extension of Time:** Unless extensions of time are needed/requested to complete the review, the responsible administrator will have fifteen (15) business days to conduct an initial inquiry into the complaint or concern. Any necessary and reasonable deviations from these timelines will be communicated by the administrator conducting the review to all involved parties in a timely manner via SCC email.

**Resolution of Complaints or Concerns.** At the conclusion of the initial inquiry, the responsible administrator will respond to the parties involved in the complaint or concern via their SCC email address, describing the resolution (consisting of a summary of their findings, conclusions, and follow-up actions or sanctions). The resolution will provide an explanation of the outcome to all parties and provide options for any party involved to respond. All proceedings will be documented in writing for purposes of quality control and internal review.

**Additional Review Request.** The party submitting the complaint or concern may request a Formal Committee Review of the initial resolution (either the findings or the follow-up actions/sanctions). Requests for a formal review of the resolution must be submitted to the Assistant Campus Director/Dean of Students within five (5) business days after receiving notice of the resolution.

The Assistant Campus Director/Dean of Students (or designee) will schedule the Formal Review Committee within five (5) business days of receiving the request. The Formal Review Committee hearing will be held within ten (10) business days or as the academic calendar allows. The Committee may affirm or revise the initial findings or actions/sanctions, or make additional recommendations to all parties.

**NOTE: All resolutions made by the Formal Review Committee are final.**

**NOTE.** Appeals related to the Americans with Disabilities Act or Title IX are provided in a separate process:

- [Steps to File a Formal ADA Grievance/Complaint](#)
- [Title IX Appeals Process](#)

### **SECTION III: APPEAL PROCESS FOR FORMAL COMPLAINT/CONCERN RESOLUTION**

**Step 1:** If the individual filing or responding to the formal complaint/concern discovers new or pertinent evidence or finds a relevant and substantive misapplication of a college policy or procedure, they may appeal the Formal Review Committee's resolution within five (5) days of receiving the resolution. (See Grounds for Appeal Request below).

**Step 2:** The Assistant Campus Director/Dean of Student Affairs will inform all parties in a timely manner of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision when appropriate by procedure or law.

**Step 3:** The Assistant Campus Director/Dean of Student Affairs or designee will refer the request(s) within five (5) business days to the appropriate vice president or administrator who will determine if the appeal request meets the limited substantive grounds for appeal and is timely.

- If the appeal is not timely or substantively eligible, the original resolution will stand, and the Formal Review Committee's decision is deemed to be final.
- If the appeal is timely and substantively eligible for an appeal, the appropriate vice president will remand the appeal to the original decision-maker(s), typically within five (5) business days.
- Where the original decision-maker may be unduly biased by a procedural or substantive error, an Appeal Committee may be constituted to reconsider the matter. The appropriate vice president will have the final authority to approve all those serving on the panel.

**Burden of Proof:** In appeal, the Formal Review Committee's findings and actions/sanctions are presumed to have been decided reasonably, fairly, and appropriately. The burden is on the appealing party(ies) to present evidence of clear error. The responsible vice president or Appeal Committee will limit its review to the new evidence or procedural challenges presented.

**Extension of Time:** All decisions of the responsible vice president or Appeal Committee are to be made within five (5) business days and are final. Any extension to this timeline will be communicated to all involved parties.

**Implementation of Interim Actions:** The presumptive stance of SCC is that all decisions made, and actions/sanctions imposed by the original decision-maker are to be implemented during the appeal process in a bias-free manner. At the discretion of the Assistant Campus Director/Dean of Students, and

in consultation with the Title IX Coordinator when necessary, any or all interim actions may be implemented pending final review.

### **Grounds for Appeal Requests**

Grounds for considering an appeal are limited to the following:

- a. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- b. New evidence proffered by the complainant that was unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
  1. Failure to provide information during or to participate in an investigation or a hearing, even resulting from concern over pending criminal or civil proceedings, does not make evidence “unavailable” at the time of the hearing.
  2. The appropriate vice president or designee will consult with the chair of the original panel to inquire as to whether the new evidence would, in the opinion of the Chair, have substantially impacted the original finding(s) or sanction(s).
- c. The sanctions imposed are substantially outside the reasonable scope necessary to address the underlying complaint for this type of offense or are not supported by the appealing party(ie)’s historical record.

**External resources** - If the student believes that the College’s procedures have not adequately or fully addressed their concerns, they may file a complaint through Nebraska's Coordinating Commission for Postsecondary Education ([Student Complaints Against Postsecondary Institutions | Nebraska's Coordinating Commission for Postsecondary Education](#)), or the U.S. Department of Education’s Office of Civil Rights ( [How to File a Discrimination Complaint with the Office for Civil Rights \(ed.gov\)](#))

**Quality Control & Internal Reviews.** During each summer term, the Vice President of Student Affairs (or designee) will convene a committee to conduct an annual audit to assess whether aggregated data from complaints are received and resolved in accordance with administrative procedures and that they contain the necessary documentation. Each fall semester, aggregate data on complaints and resolutions will be shared with key campus personnel, (including, but not limited to Student Affairs and Instructional Deans, Associate Deans, and Safety & Security) for the purpose of assessing if any patterns exist and make recommendations as needed. These summary recommendations will be submitted to the Area Administrative Team for further review and implementation when determined by the team to be necessary and appropriate.

### **SECTION IV: ADMINISTRATIVE AUTHORITY**

The Vice President for Student Affairs or their designee(s) is responsible for implementing, monitoring, and proposing revisions to these administrative procedures. Any proposed revisions to these procedures will be presented to the Area Administrative Team for consideration and approval.

**Adopted:** 1/31/22

**Reviewed:** 6/28/21, 1/21/22, 1/28/22

**Created:** 5/12/21

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