

***Policies and Procedures***

**Date: July 23, 2015**

**Subject: Student Complaints**

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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, 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 complaints made by students for improper treatment. This policy does not apply to complaints 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) Federal Requirement 4.5.

## **2. Policy**

TCC shall provide a reasonable, prompt, orderly, and fairly administered resolution of complaints 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 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 others.

A reasonable effort shall be made by TCC to guide and support students through the complaint 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 complaint shall be treated with respect and shall receive a response as delineated in the following procedure. Retaliation against anyone involved in a complaint 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 complaints against the institution.

The accompanying procedure may not be used if a formal complaint has been filed with another state or federal agency, or if a court action has been initiated by the complainant on the same complaint.

## **3. Responsibilities**

The Vice President for Student Affairs, hereinafter referred to as VP, shall be responsible for developing and maintaining procedures that are consistent with this policy. All vice presidents, campus provosts, campus deans of student services, academic deans, and other supervisors 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 complaint 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 employees, contractor employees, or a third party. A complaint may be resolved through either an informal or a formal process.

### **4.1. Informal Student Complaint 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.

- The complainant must initiate the informal phase of the student complaint process within ten (10) business 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, he/she may elect to move to the formal process at any time.

#### **4.2. Formal Student Complaint Process**

If the complainant does not wish to attempt a resolution of the complaint through the informal process, or, in the event the student believes the informal process has been unsuccessful, the complainant may use the formal complaint process. At each step of the formal process, the respondent(s) shall be advised by the campus dean of student services (“campus dean”), campus provost, or VP of the details of the complaint, have a full and fair opportunity to prepare and present his or her position, and to offer evidence and witness testimony.

Complainants enrolled in non-credit courses through the college’s Workforce Solutions Division or the Center for Military and Veterans Education shall have the same rights and be entitled to the same processes as complainants enrolled in credit courses. For the purposes of this policy, the Associate Vice President for Workforce Grants and Special Programs and Director of Military Student Support Services shall be considered the campus dean and the Vice President for Workforce Solutions and the Executive Director of the Center for Military and Veterans Education shall be considered the campus provost.

- A student with a complaint against an employee, contractual employee, or a third party should complete the Formal Student Complaint Form (Appendix A) within ten (10) business days of the action or inaction or within ten (10) business days of the conclusion or termination of the informal process, whichever is later. The formal complaint must be filed with the campus dean at the campus location where the concern occurred, or with the respective campus provost if the campus dean is the respondent, or with the VP if the campus provost is the respondent.<sup>1</sup> Contact information for filing a complaint follows:

Campus Deans of Student Services:

Chesapeake Campus, 1428 Cedar Road, Chesapeake, VA, 233222  
(757.822.5121)

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<sup>1</sup> Wherever appearing in this procedure, the term “campus dean” shall be understood to mean the campus provost if the campus dean is the respondent and the Vice President for Student Affairs (“VP”) if the provost is the respondent.

Norfolk Campus, 300 Granby Street, Norfolk, VA, 23510  
(757.822.1421)

Portsmouth Campus, 120 Campus Drive, Portsmouth, VA 23701  
(757.822.2180)

Virginia Beach Campus, 1700 College Crescent, Virginia Beach, VA,  
23453 (757.822.7245)

Campus Provosts:

Chesapeake Campus, 1428 Cedar Road, Chesapeake, VA, 233222  
(757.822.5201)

Norfolk Campus, 300 Granby Street, Norfolk, VA, 23510  
(757.822.1180)

Portsmouth Campus, 120 Campus Drive, Portsmouth, VA 23701  
(757.822.2242)

Virginia Beach Campus, 1700 College Crescent, Virginia Beach, VA,  
23453 (757.822.7122)

Vice President for Student Affairs: 121 College Place, Norfolk, VA, 23510  
(757.822.1066)

- A student may request assistance in preparing the Formal Student Complaint Form (Appendix A) by contacting the counseling office at any campus. Counselors and advisors are available to assist students in filing a written complaint.
- The time frame for filing the formal complaint may be extended for good cause to be determined by the campus dean.
- 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 campus dean shall meet with the complainant within ten (10) business 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 campus dean shall conduct an investigation of the issues raised by the complainant. The process may include gathering evidence from college/contractor employees or other students and statements of the witnesses and shall be completed with ten (10) business days of the campus dean's meeting with the complainant. Witnesses shall complete the Witness Statement Form (Appendix B).
- The campus dean may determine that the formal complaint is without merit and conclude the investigation.
- The campus dean shall provide the complainant and the respondent with a written response of the determination of findings and resolution within ten (10) business days of the conclusion of the investigation.
- In the event that the investigation reveals conduct on the part of any party that may be considered misconduct, the campus dean 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 campus dean shall provide a copy of the complaint record to the appropriate authority for a misconduct investigation.
- When the complaint results in a misconduct investigation, the college will immediately put into place interim measures that resolves the complaint pending the completion of the misconduct investigation. These interim measures can range from new access to learning assistance technology and services to temporary changes of personnel or procedures.
- When the complaint 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 complaint process by the campus dean 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 campus provost, or to the VP if the campus provost conducted the investigation. In the event that the VP conducted the investigation, the appeal shall be submitted to the Vice President for Academic Affairs/Chief Academic Officer. Any such appeal must be submitted using the Formal Student Complaint Appeal Form (Appendix C) within ten (10) business 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 campus dean 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 campus provost or VP 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 campus provost or VP.
- The campus provost or VP may return the response to the campus dean or provost and direct remedial actions that can be taken to effectively and fairly correct any procedural errors that he or she concludes have been made in prior phases of the formal grievance process.
- The campus provost or VP 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 campus provost or VP'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 twenty (20) business days from the time of the appeal.
- The complainant, respondent, and campus dean, shall receive a written explanation of the campus provost or VP's decision on the appeal. The provost or VP'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 campus dean will maintain a record of all formal

complaints, appeals, and outcomes in a secured and centralized location on the respective campus. Electronic retention of these records is encouraged. These files shall be maintained by the campus dean for a period of three (3) years from the date of the final outcome.

Additionally, each campus dean must record each formal complaint using the college's electronic Student Complaint Log spreadsheet provided by the VP. At the end of each academic year, each campus dean will submit an electronic copy of the campus's Formal Student Complaint Log (Appendix D) to the VP. The VP will maintain an electronic copy of the each campus's Student Complaint Log for a minimum of three (3) years.

#### **4.5. Retaliation**

If a student or institutional representative believes that he/she has been subjected to adverse treatment because of filing or participating in a complaint, the campus provost shall be notified in writing immediately.

The campus provost 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 campus provost, he/she may appeal to the VP. The VP's decision is final.

If a student or institutional representative believes that he/she has been subjected to adverse treatment by the campus provost because of filing or participating in a complaint, the VP shall be notified in writing immediately. The VP shall investigate the alleged retaliation and meet with all involved parties and attempt a resolution to the situation. The VP's 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](http://www.schev.edu).

Students may seek resolution through the Office for Civil Rights 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 or student.

**Complaint:** an unwritten or written claim raised by a student alleging improper, unfair, arbitrary, or discriminatory action by an employee or a student 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 employee, or employee of a firm under contract to TCC identified by the complainant as causing or contributing to the complaint.

## 6. References

[Complaint Procedures Against SACSCOC or Its Accredited Institutions](#), Southern Association of Colleges and Schools Commission on Colleges, Federal Requirement 4.5.

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](#)

Code of Student Rights and Responsibilities and Student Disciplinary Procedures (see: [Student Handbook](#) )

## 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 July 23, 2015.

Policy Approved:

Procedure Developed:

Edna V. Baehre-Kolovani, Ph.D.  
President

Michael D. Summers, Ed.D.  
Interim 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 (NC-SARA) 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 a Resolution Agreement from the US Department of Education, Office for Civil Rights.







