

**Cochise College
Administrative Policy**

**Category: Students
Policy Number: 4008**

Title: Student Grievance and Due Process

The Dean of Student Services shall establish procedures to accommodate any student who feels that he or she has suffered harm by the interpretation, application or violation of College policies.

**Procedure 4008.1
Student Grievance and Due Process**

In pursuit of academic studies and other College-sponsored activities that will promote intellectual growth and personal development, the student should not be subject to unfair and improper action by any member of the College.

When a student feels that he/she has been subjected to unjust action or denied his/her rights as stipulated in published College regulations or State or Federal laws, he/she can seek redress through the grievance procedure.

A grievance may be initiated by a student against an instructor, an administrator, or a member of the classified staff (students disturbed by acts of another student have recourse through Policy 4006, Social Standards.)

The following actions are grounds for student grievances:

1. Acts of threat, intimidation or harassment.
2. Arbitrary action or imposition of sanctions without regard to due process.
3. Violation of student rights which are described in College rules and regulations pertaining to race, color, religion, sex, national origin, age, or disability.

Redress for prejudicial or capricious decisions in the academic evaluation of a student's performance can be sought under Academic Standards Policy 3014.

**Procedure 4008.2
Grievance Process**

1. The primary purpose of this procedure is to secure, at the earliest point possible, equitable resolution of a complaint.
2. Failure to observe time limits:

- a. In the event the aggrieved student fails to exhaust all remedies under this grievance procedure, or to abide by the time limits with respect to each step, the grievance shall be presumed to be abandoned and the matter shall be considered settled, in accordance with the College's last answer thereto.
 - b. In the event the College fails to give its answer, at any step, within the time limits prescribed, the aggrieved shall have the right to proceed immediately to the next step.
 - c. Any time limit may be extended by written mutual agreement of the aggrieved and the College.
 - d. A student must initiate a grievance within thirty days of the occurrence. However, if there are extenuating circumstances which cause the aggrieved to miss this time limit, the Vice President for Instruction/Provost shall judge the validity of the extenuating circumstances and may extend the time limit.
3. Any settlement of a grievance shall be applicable to that grievance only, and shall not be binding for the disposition of any other grievance.
 4. Any College representative who is the subject of, or has a direct interest in the outcome of, a grievance is disqualified from serving as a committee member or participating in any step of the process except as described in the procedures detailed below.
 5. Whenever "day" is used with an asterisk, it is to be interpreted to mean any day when faculty are required to be on duty.

Procedure 4008.3
Preliminary Grievance Petition

1. When a student feels that he/she has a grievance, he/she shall, within thirty days of occurrence, attempt to resolve it by either of the following preliminary actions:
 - a. Confer with the person with whom he/she has the grievance.
 - b. Confer with that person's immediate administrative supervisor, who will notify the accused of the grievance, maintaining student anonymity, whenever possible.
2. In addition to (a) or (b) above, the student may confer with the College's Title IX and Section 504/Americans with Disabilities (ADA) Coordinator regarding the filing of a complaint in compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

3. If the student feels, after consultation, that the issue has not been resolved, he/she may submit a signed statement within five days* of the conference with the accused or his/her supervisor to the Dean of Student Services or a designee. The written statement should specify the time, place, nature of grievance, and corrective action desired.
4. The Dean of Student Services or designee may elect to hold an administrative hearing to review the grievance.

Procedure 4008.4
Formal Grievance Hearing

1. If the Dean of Student Services refers the matter to a student grievance committee, the committee will be composed of the following members:
 - a. Two students selected from the Student Government Association of the campus in question;
 - b. Two faculty members;
 - c. One person, who may be a student, an instructor, or an administrator (other than the Vice President for Instruction/Provost or the Dean of Student Services), to be selected by the Vice President for Instruction/Provost.
2. The Dean of Student Services shall chair the Committee.
3. Whether the grievance is heard by the Dean of Student Services or the Student Grievance Committee, the hearing process shall be conducted as follows:
 - a. Review the signed statement prepared by the aggrieved.
 - b. Discuss, hear testimony, examine witnesses and consider all available evidence pertaining to the grievance.
 - c. The aggrieved and the accused may be present at the hearing and each may be represented by a person of his/her choice. Each party shall have the right to present written or oral statements, testimony and evidence, and to question witnesses and hear testimony. Each party shall be entitled to a taped record of the proceedings on request.
 - d. The committee shall judge the relevance and weight of testimony and evidence, and make findings of fact, limiting the investigation to the formal grievance.

- e. If testimony and evidence are heard by a committee, the committee chair shall submit the findings of fact and the recommended action to the Dean of Student Services within ten days*, with a copy to each party.
- f. After reviewing the findings of fact and the recommended action, the Dean of Student Services will make a determination as to the appropriate disposition of the grievance, and will inform the aggrieved and the accused, in writing, of the findings of fact on each allegation and his/her decision with regard to each.
- g. If both parties accept the decision, the decision of the grievance will be considered final.

Procedure 4008.5
Appeal Process

1. If the accused or the aggrieved is dissatisfied with the Dean of Student Services decision, he/she must submit, in writing, a request for a review by the Vice President for Instruction/Provost within five days*. The request shall be a written memorandum stating the nature of, and the basis for, the dissatisfaction with the decision.
2. The Vice President for Instruction/Provost will review the records of the grievance and determine whether to conduct a hearing, to investigate further, or to make a decision based on the records.
3. If the Vice President for Instruction/Provost elects to conduct a hearing, it will be closed to the public.
4. A summary record of the hearing proceedings shall be kept in a confidential file by the Vice President for Instruction/Provost and shall be available at all times to the accused throughout the process. At the end of the student's enrollment at Cochise College, the file shall be destroyed.
5. Within ten days* after the hearing or review described above, the Vice President for Instruction/Provost will take one of the following actions:
 - a. Dismiss the charges;
 - b. Modify the recommended sanctions;
 - c. Uphold the decision of the Dean of Student Services;
 - d. Recommend new sanctions.

6. The Vice President for Instruction/Provost will provide a written decision to the parties involved in the grievance process.

The decision of the Vice President for Instruction/Provost shall be final.