

Complaint Resolution

Southern Union State Community College promotes the open exchange of ideas among all members of the Southern Union State Community College community, students, faculty, staff, and administration. An environment conducive to the open exchange of ideas is essential for intellectual growth and positive change. Southern Union State Community College recognizes that in order to efficiently and effectively carry out its mission, its employees and students must feel confident that any valid complaint or grievance an employee or student may make concerning the College will be promptly addressed by the appropriate authorities. Therefore, the following procedures for resolving such complaints and grievances have been adopted by the College.

1. Complaint

For purposes of this policy, a complaint shall mean a specific event, activity, or occurrence within the scope of the authority of the College's administration or faculty about which an individual has expressed a specific concern in writing.

Faculty and staff procedures can be found in the Employee Handbook.

A. Students

1. **Complaint Related to Academic Matters:** All complaints involving academic disputes must follow the College's Academic Grade Appeal Procedure.
2. **Complaint Related to Disability:** Complaints related to a disability should be reported orally or in writing to the College ADA Coordinator within ten (10) business days of occurrence of the event prompting the complaint.
3. **Other Types of Complaints:** Complaints related to any matter other than academic or disability should be reported in writing to the Associate Dean of Students within ten (10) business days of the event prompting the complaint.

If, after discussion between the student and the respective college official, it is determined that the complaint is valid and can be resolved immediately and informally, the college official will take action to resolve the complaint. The college official to whom the complaint was made shall record and keep a written report of the complaint and resolution of the complaint.

B. Plan of Resolution

If the student's complaint cannot be resolved immediately and informally, but requires instead a "Plan of Resolution", the appropriate college official to whom the complaint was made shall submit a written report to the College Grievance Officer. The report shall be submitted within ten (10) business days of the complaint and shall detail the complaint and the plan to resolve the complaint. If the Plan of Resolution does not result in satisfactory resolution to the complaint, the complainant may choose to pursue a grievance. (See Section 2: Grievance Procedures)

C. VA Complaint Policy

Any VA complaint against the school should be routed through the VA GI Bill Feedback System by going to the following link: <http://www.benefits.va.gov/GIBILL/Feedback.asp>. The VA will then follow up through the appropriate channels to investigate the complaint and resolve it satisfactorily.

2. Grievance Procedures

Faculty and Staff procedures can be found in the Employee Handbook.

Any student who submits a written complaint to the appropriate college official, and who is not informed of a satisfactory resolution or plan of resolution of the complaint within ten (10) business days, shall then have the right to file a grievance with the College Grievance Officer. [Grievance Forms](#) are available online or in the President's Office. The written grievance statement shall include, at minimum, the following information:

1. Date the original complaint was reported;
2. Name of the person to whom the original complaint was reported;
3. Facts of the complaint; and
4. Action taken, if any, by the receiving official to resolve the complaint.

The grievance statement may also contain other information relevant to the grievance that the Grievant wants considered by the Grievance Officer.

If the grievance involves a claim of discrimination based on sex, race, age, nation of origin, religion, handicap, or disability, the complaining party should state with particularity the nature of discrimination and, if known, a reference to any statute or policy which the Grievant believes to have been violated. The Grievant shall file any claim involving discrimination as described above within thirty (30) calendar days of the occurrence of the alleged discriminatory act, or the date on which the Grievant became aware that the alleged discriminatory act took place.

3. Investigation: Hearing and Findings

The College shall have thirty (30) calendar days from the date of receipt by the College Grievance Officer of the grievance to conduct an investigation of the allegation(s), hold a hearing (if requested) on the grievance, and submit a written report to the Grievant of the findings arising from the hearing.

Grievance Form A shall be used to report both the grievance and the hearing findings. The hearing findings shall be reported by the President (or his/her designee) to the Grievant by either personal service or certified mail sent to the Grievant's home address.

3.1 Investigation Procedures

The Grievance Officer, either personally or with the assistance of such other person(s) as the President may designate, shall conduct a factual investigation of the grievance allegations and shall research the applicable statute, regulation, and/or policy, if any. The College Grievance Officer shall determine, after completion of the investigation, whether there is substantial evidence to support the grievance. The factual findings of the investigation and the conclusions of the Grievance Officer shall be stated in a written report which shall be submitted to the Grievant and to the party or parties against whom the complaint was made (the "Respondent") and shall be made a part of the hearing record, if a hearing is requested by the Grievant. Each of the parties shall have the opportunity to file written objections to any of the factual findings and, if there is a hearing, to make their objections part of the hearing record. Publications or verified photo copies containing relevant statutes, regulations, and policies shall also be prepared by the Grievance Officer for the hearing record. If the Grievance Officer finds that the grievance is supported by substantial evidence, he or she shall also make a recommendation in the report as to how the grievance should be resolved. Upon the receipt by the Grievant of the Grievance Officer's report, the Grievant shall have five (5) business days to notify the Grievance Officer whether or not the Grievant demands a hearing on the grievance. Failure of the Grievant to request a hearing by the end of the fifth business day shall constitute a waiver of the opportunity for a hearing. However, the College Grievance Officer may, nevertheless, at his or her discretion schedule a hearing on the grievance if to do so would appear to be in the best interest of the College. In the event that no hearing is to be conducted, the Grievance Officer's report shall be filed with the President, and a copy provided to the Grievant and each Respondent.

3.2 Hearing Procedures

In the event that the Grievant requests a hearing within the time frame designated by the Grievance Officer, the President shall designate a qualified, unbiased person or committee to conduct each grievance hearing. The hearing officer and/or

committee members will generally be employees of SUSCC. However, the President shall have the discretion to select someone other than SUSCC employees to serve as a hearing officer or a committee member. The hearing officer and/or committee shall notify the Grievant, and each Respondent, of the time, place, and subject matter of the hearing at least seventy-two (72) hours prior to the scheduled beginning of the hearing. The hearing shall be conducted in a fair and impartial manner and shall not be open to the public unless both parties agree in writing for the hearing to be public.

At the hearing, the Grievant and the Respondent shall be read the grievance statement. After the grievance statement is read into the record, the Grievant shall have the opportunity to present such oral testimony and offer such other supporting evidence he/she shall deem appropriate to his/her claim. Each Respondent shall then be given the opportunity to present such oral testimony and offer such evidence as he/she deems appropriate to the Respondent's defense against the charges. In the event that the College, or the administration of the College at large, is the party against whom the grievance is filed, the President shall designate a representative to appear at the hearing on behalf of the respective College.

Any party to a grievance hearing shall have the right to retain, at the respective party's cost, the assistance of legal counsel or other personal representation. However, the respective attorney or personal representative, if any, shall act in an advisory role only and shall not be allowed to address the hearing body or question any witnesses. In the event that the College is the Respondent, the College representative shall not be an attorney or use an attorney unless the Grievant is also assisted by an attorney or other personal representative.

The hearing shall be recorded either by a court reporter or on audio/video or by other electronic recording medium. In addition, all items offered into evidence by the parties, whether admitted into evidence or not, shall be marked and preserved as part of the hearing record.

3.3 Rules of Evidence

The hearing officer or committee shall make the participants aware that the rules relating to the admissibility of evidence for the hearing will be similar to, but less strict than, those which apply to civil trials in the Circuit Courts of Alabama.

Generally speaking, irrelevant or immaterial evidence and privileged information (such as personal medical information or attorney-client communications) shall be excludable. However, hearsay evidence and unauthorized documentary evidence may be admitted if the hearing officer or chairperson determines that the evidence offered is of the type and nature commonly relied upon or taken into consideration by a reasonably prudent person in conducting his affairs.

In the event of an objection by any party to any testimony or other evidence offered at the hearing, the hearing officer or committee chairperson shall have the authority to rule on the admissibility of the evidence, and the ruling shall be final and binding on the parties.

3.4 Report of Findings and Conclusions of Law

Within five (5) working days following the hearing, there shall be a written report given to the College Grievance Officer (with a copy to the President, the Grievant, and each Respondent) of the findings of the hearing officer or the chairperson of the hearing committee, whichever is applicable, and the report shall contain at least the following:

1. Date and place of the hearing;
2. The name of the hearing officer or each member of the hearing committee, as applicable;
3. A list of all witnesses for all parties to the grievance;
4. Findings of fact relevant to the grievance;
5. Conclusions of law, regulations, or policy relevant to the grievance; and
6. Recommendation(s) arising from the grievance and the hearing thereon.

3.5 Conciliation of Grievance

In the event of a finding by the hearing officer/committee that the grievance was unfounded or was not supported by the evidence presented, the College Grievance Officer shall notify the Grievant of any appeal that may be available to the Grievant.

In the event of a finding that the grievance was supported, in whole or in part, by the evidence presented, the College Grievance Officer shall meet with the Grievant and the appropriate college representative(s) (which include the Respondent(s)) and attempt to bring about resolution of the grievance.

4. Available Appeals

4.1 Presidential Appeal

If the grievance does not involve a claim of illegal discrimination based on gender, race, or disability, the findings of the hearing officer/committee shall be final and non-appealable. However, if the grievance involves such a claim, the Grievant shall have the right to appeal the decision of the hearing officer or committee to the President of Southern Union State Community College, provided that:

1. A notice of appeal is filed, using [Grievance Appeal Form B](#), with the College Grievance Officer and the President within fifteen (15) calendar days following the Grievant's receipt of the committee report; and
2. The notice of appeal contains clear and specific objection(s) to the finding(s), conclusion(s), and/or recommendation(s) of the hearing officer or committee.

If the appeal is not filed by the close of business on the fifteenth day following the Grievant's receipt of the report, the Grievant's rights to appeal shall have been waived. If the appeal does not contain clear and specific objections to the hearing report, it shall be denied by the President.

4.2 President's Review

If an appeal is accepted by the President, the President shall have thirty (30) calendar days from his/her receipt of the notice of appeal to review and investigate the allegations contained in the grievance, to review the hearing record, and to hold an appellate hearing (if deemed appropriate by the President), and to produce a report of the President's findings of fact and conclusions of law. The President shall have the authority to (1) affirm, (2) reverse, or (3) affirm in part and reverse in part the findings, conclusions, and recommendations arising from the college grievance hearing. The President's report shall be served to the Grievant and Respondent(s) by personal service or by certified mail, return receipt requested, at their respective home addresses.

4.3 Appeal to the Chancellor

Except in cases involving a claim alleging a violation of Title IX of the Civil Rights Act of 1964, as amended, the President's findings and conclusions shall not be appealable. However, pursuant to State Board of Education policy, a Grievant who is alleging a claim of illegal discrimination based on a violation of Title IX may file an appeal to the Chancellor of the Alabama Community College System for a review of the President's report and the findings arising from the college grievance hearing.

A Grievant who has grounds for appealing the findings of the President to the Chancellor may do so by:

1. Filing a notice of appeal to the Chancellor and the President of SUSCC within fifteen (15) calendar days following the Grievant's receipt of the report of the President's findings; and
2. Specifying in the notice of appeal clear and specific objection(s) to the finding(s), conclusion(s), or recommendation(s) affirmed by the President.

If the appeal is not filed with the Chancellor by the close of business on the fifteenth day following the Grievant's receipt of the President's report, the Grievant's opportunity to appeal shall have been waived. If the appeal does not contain clear and specific objections to the President's report, it shall be denied by the Chancellor.

The ACCS Student Complaint Process and forms are located online at <https://www.accs.edu/student-complaints/>.

5. Review by the Chancellor

If an appeal is accepted by the Chancellor, the Chancellor shall have thirty (30) calendar days following receipt of the Grievant's notice of appeal to investigate and review the allegations contained in the grievance, to review the reports of the President and the college hearing officer/committee, to hold an appellate hearing, (if he/she deems such appropriate), and to issue a report of his/her findings of fact and conclusions of law. The Chancellor shall have the authority to (1) affirm, (2) reverse, or (3) affirm in part and reverse in part the findings, conclusions, and recommendations of the President and/or the hearing officer/ committee. The report of the Chancellor shall be served to the Grievant and Respondent(s) by personal service or by certified mail, return receipt requested, to the respective home addresses of the parties. The report of the Chancellor shall not be further appealable with the Alabama two-year system.

6. General Rule on Filings

If the last date for filing a document under this procedure falls on a Saturday, Sunday, or legal holiday, the date on the first business day following the respective Saturday, Sunday, or legal holiday shall be considered the deadline date.

7. List of Responsible Officials

Below is a list of the officials who have been referenced herein above as responsible for responding to complaints and grievances.

President	Mr. Todd Shackett
Dean of Academics	Dr. Linda North
Dean of Health Sciences	Ms. Rhonda Davis
Dean of Technical Education and Workforce Development	Mr. Eric Sewell
Dean of Student Affairs	Mr. Gary Branch
Associate Dean of Students	Ms. Derika Hodge
Director of Adult Education	Ms. Conner Chaveaux
College Grievance Officer	Ms. Marty Kirby
ADA Grievance Officer	Ms. Sandra Hughley

Each of these officials is charged with the responsibility of assisting in every reasonable way to resolve any valid complaint and to assist when one has been unable to resolve a complaint and desires to file a formal grievance. The President reserves the right to make such changes or substitutions to the above list of officials as he/she deems appropriate in order to avoid conflicts of interest or any potential appearance of bias or prejudice.