

STUDENT COMPLAINTS

A student complaint is an allegation by a student against a faculty member that the member has harmed a student by violating a policy, rule, or regulation, or otherwise engaged in inappropriate conduct. A complaint does not include a grade or file challenge, or an allegation of discrimination or sexual harassment, or other conduct for which immediate disciplinary action or suspension could result.

Student complaints are governed by the following procedure:

Informal Process

1. A complaint should first be raised directly with the faculty member concerned.
2. If a direct meeting does not resolve the complaint, or if either party is unable or unwilling to meet, the complaint should be taken to the faculty member's supervisor.
3. The supervisor may take the following action, including, but not limited to:
 - a. Investigating the complaint.
 - b. Meeting with any party separately or facilitating a joint meeting.
 - c. Recommending appropriate action to any party.
 - d. Recommending an evaluation of the faculty member to the Chancellor.
 - e. Redirecting the matter as appropriate.
4. If the supervisor fails to resolve the complaint within 20 semester instructional days, then the student may file a formal complaint in accordance with the process set forth below. Semester instructional days include only regular business days during the Fall and Spring semesters, and not summer sessions.
5. If, after the failure of the supervisor to resolve the complaint at the informal level, the student fails to file a formal complaint within an additional 20 semester instructional days, then the matter will be considered dropped unless renewed by the student within the first 20 semester instructional days of the next semester.

Formal Process

1. If any party is dissatisfied with the result of the informal process, that party may appeal the matter to the Dean of Students, at the College, or the Dean of the Student Service Center, as appropriate, whose role is to channel the complaint to the appropriate Vice-Chancellor and to the Academic Senate. If any party chooses to pursue the matter to the formal level, all parties shall be given written notice of that fact.

2. Any party who appeals a complaint to the formal level must complete a form which describes:
 - a. The specific nature of the complaint and its history;
 - b. All efforts which have been made to resolve the complaint;
 - c. What the appealing party would consider a fair and appropriate resolution of the complaint.
3. Upon receiving a formal complaint, the designated Vice-Chancellor and the Academic Senate shall each appoint one member to a committee whose function shall be to hear and decide the matter.
4. In reaching its decision, the committee may take any action which could have been taken pursuant to the informal process, except that the committee may not redirect the matter.
5. The findings and decision of the committee must be made in writing and provided to the student, the faculty member, and the member's supervisor, and must encompass some or all of the following results:
 - a. Resolution of the complaint to the satisfaction of all parties.
 - b. Dismissal of the complaint with or without the consent of all parties.
 - c. Recommendation of appropriate action to the faculty member's supervisor.

At the committee's discretion, its decision and the underlying student complaint may be inserted into the faculty member's personnel file.
6. Formal complaints should be resolved as quickly as possible. Except under unusual circumstances, the written findings and decision of the committee should be provided within forty (40) semester instructional days of its receipt of the formal complaint.
7. Any student or faculty member involved in a student complaint may, by his/her own initiative, provide representation of their choice.

NOTICE

STUDENT COMPLAINTS MAY HAVE SERIOUS CONSEQUENCES FOR THE FACULTY MEMBER CONCERNED. STUDENTS SHOULD RECOGNIZE THAT DIFFERENCES IN PERSONALITY, OPINION, AND PERCEPTION DO OCCUR, AND CAN OFTEN BE RESOLVED BY DISCUSSION BETWEEN THE PARTIES. WHENEVER POSSIBLE, STUDENTS ARE ENCOURAGED TO ADDRESS SUCH DIFFERENCES DIRECTLY WITH THE FACULTY MEMBER.

EXPLANATORY NOTES

1. At Step 2 of the informal process, the student will be required to complete a form which:
 - a. Briefly describes the complaint and identifies witnesses to any incident complained of therein;
 - b. Authorizes the supervisor to act;
 - c. Acknowledges that anonymity may not be preserved;
 - d. Includes the student's signature and the date;
 - e. Notifies the student that if he or she is unwilling to complete the form at that time, or is unwilling to authorize the supervisor to act, then the complaint must be renewed within the first 20 semester instructional days of the next semester and that, except under unusual circumstances, the student's failure to bring a claim within this timeline would foreclose the availability of the student complaint process; and,
 - f. Reprints the notice provided to students in the College Catalog regarding the consequences of student complaints.

The sole purpose of this form is to document the authority of the supervisor to act on the complaint and the student's acknowledgment that anonymity may not be preserved.

2. One particular unusual circumstances we envisioned which could delay resolution at both the formal and informal levels is the case of sequential courses.
3. If the supervisor recommends an evaluation pursuant to Step 3(d) of the informal process, the President shall act in accordance with Article 9.A.1.2 through 9.A.1.4.
4. The form used at Step 2 of the formal process should advise each party of the right to provide representation of their choice and of other procedural aspects of the process. We agreed that this form could be required of all parties at the formal level and not just the appealing party.
5. We recognized that the designation and selection of faculty committee members are issues which, because they may affect others who are not at the bargaining table, cannot be immediately determined. However, one option we discussed was a system whereby the Academic Senate and the Vice-Chancellors would pre-designate representatives from which committee members would be chosen, either with discretion or mechanically from a list. Ideally, such designations would be made prior to the semester in which the designees would serve so that they could receive Flex-day training. We also discussed staggering the terms of pool participants and setting up the selection process so that each committee would have at least one experienced member.

EXHIBIT M

6. Appeal: A faculty member shall have the right to challenge the documentation of a student complaint in his/her personnel file and the procedure by which such documentation is placed in the file. In those cases, the appeal shall have the same scope and procedure as an Article 11 personnel file appeal. See Article 11.C.5 and 11.C.6.
7. Representation: A faculty member may be represented by an agent of AFT 2121.
8. Sealing/Purging: Unless there is a subsequent entry in the personnel file within five years which concerns similar inappropriate conduct, the decision of a committee which results in the documentation of a student complaint in a faculty member's personnel file shall be purged from such file, as allowed by law; and, if purging is not allowed by law, shall be sealed. In the case where such a subsequent entry or entries do appear in the personnel file, such entries shall be purged or sealed, as allowed by law, on the fifth anniversary of the date of the last entry concerning the similar conduct.
9. Training: We have discussed two elements of training for committee members: (1) written guidelines on complaint handling process; and (2) flex-day training in conflict resolution.

STUDENT COMPLAINT FORM (Formal Level)

This form must be completed to appeal a complaint to the formal level. Once this form is completed, we will attempt to resolve your complaint before _____.

NAME _____ DATE: _____

Last First Middle Telephone Number

Address City Zip / /
Social Security Number

DESCRIPTION OF COMPLAINT: Attach a statement which describes:

1. The specific nature of the complaint, including the date of the incident(s) and names of witnesses, if any.
2. All efforts which have been made to resolve the complaint.
3. What you would consider a fair and appropriate resolution of this matter.

By my signature below, I request that formal action be taken on the above complaint. I understand that I may choose to be represented in this matter and that it is my responsibility to obtain such representation.

Student Signature

Received By

cc: Student and Faculty Member

STUDENT COMPLAINT FORM (Informal Level)

This form must be completed in order for action to be taken on your complaint. Once this form is completed, we will attempt to resolve your complaint before _____. If, at that time, you are not satisfied with the result on this process, you may take your complaint to the Dean of Students or the Dean of the Student Service Center, as appropriate. If you are presently unwilling to complete this form then, except under unusual circumstances, your complaint must be renewed before _____ or no action will be taken.

NAME _____ DATE: _____

Last First Middle Telephone Number

Address City Zip Social Security Number / /

DESCRIPTION OF COMPLAINT: Attach a statement which describes:

1. The specific nature of the complaint, including the date of the incident(s) and names of witnesses, if any.
2. All efforts which have been made to resolve the complaint.
3. What you would consider a fair and appropriate resolution of this matter.

Do you request to remain anonymous? Yes ___ No ___

By my signature below, I request that action be taken on the above complaint. I understand that, if requested, every effort will be made to keep my complaint anonymous. I further understand, however, that as a result of this process, my identity may become known.

Student Signature

Received By

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cc: Student