

Appendix 4

Student Grievance Procedures: Policy 5060.a

Procedures regarding student grievances are governed by the NECC Student Grievance Policy. The NECC Student Grievance Policy is maintained in the office of the Vice President of Student Services, published in the Student Handbook and posted on the College website.

Section A. Definition

Complaint: a complaint is something that is the cause or subject of protest or an allegation against a party. A student(s) having a complaint about a college staff member, a college policy or procedure, or an action or position taken by the college may discuss their concerns with a faculty advisor, instructor, counselor from Student Services, or any college staff member. The staff member will attempt to resolve any complaints between the particular college department or staff member and the complainant. All complaints should be resolved at the lowest organizational level and will likely be between the student(s) and the college staff member immediately involved in the matter. The student(s) should continue to pursue any unresolved issues by following the college chain of command through the College President. Should this process fail to give the student(s) satisfactory resolution, the student(s) should continue to pursue the issue in accordance with the formal student grievance procedures identified herein. Student Services counselors are available for assistance in filing a formal grievance.

Grievance: a grievance is a cause of distress felt to afford reason for a formal complaint or resistance. This grievance may be based upon an event(s) or condition(s) which affects the welfare of the student. This includes the interpretation, meaning, or application of any college policies, procedures or an action or position taken by the college.

Section B. Formal Student Grievance Procedures

Step One - Within fifteen (15) college working days of the event or culmination of events giving rise to the grievance to the student(s), the student(s) [the grievant(s)] will file written notice, in any format, of the nature of the grievance by delivering such notice to the accused college staff member (the accused), and by delivering copies of such notice to the immediate supervisor of the accused, appropriate administrators, and the Human Resources Office. In the event that the grievance concerns a college policy or procedure, the college staff member responsible for enforcement of the policy or procedure shall become the accused for purposes of this grievance procedure. After the written complaint has been filed, the accused, the immediate supervisor and the appropriate divisional administrators shall review and discuss the grievance. Within five (5) college working days from the date of filing the written notice, the grievant(s) and the accused shall meet at a mutually agreed upon time and place to discuss the grievance. If a meeting time and place cannot be

agreed upon, the Human Resource Office shall intervene and assist in setting a time and place. The grievant(s) shall have the option of requesting the attendance of the immediate supervisor and/or divisional administrators at this meeting. Hopefully this meeting will bring resolution to the grievance.

Step Two - If the grievance cannot be resolved in Step One and the grievant(s) wishes to pursue the grievance, the grievant(s) must file a "Formal Student Grievance Report" to the Executive Branch of the Student Senate within five (5) college working days of the informal meeting identified in Step One. A hearing(s) shall be scheduled and held by the Student Senate with the parties involved. After the hearing and within five (5) college working days, the Student Senate shall render the decision to either support or not support the grievant(s) in the continued pursuit of the grievance. The grievant(s) has the option to proceed with the grievance regardless of the decision of the Student Senate.

Step Three - If the grievance is not resolved in Step Two and the grievant(s) wishes to pursue the grievance, the grievant(s) must submit the "Formal Student Grievance Report" to the Vice President of Student Services or the President within five (5) college working days of the decision rendered by the Student Senate as identified in Step Two. The Vice President of Student Services shall schedule a formal grievance hearing within ten (10) college working days of the date the "Formal Student Grievance Report" is received by the Vice President of Student Services. A "Grievance Committee" shall hear the grievance. The Grievance Committee shall consist of two representatives from each college employee group and three Student Senate members who shall be selected by the president of each group. The grievant(s) may have the right to pre-empt one of the people selected from each group prior to the hearing. Any pre-empted committee member will be replaced by a new member selected by the president of the same employee group. The committee chairperson shall be elected by the members of the committee. The committee shall issue a judgment in favor of or against the grievance and shall file a "Formal Grievance Disposition" with the Human Resource Office. The Human Resource Office shall provide the "Formal Grievance Disposition" to the grievant(s) and shall receive a written acknowledged receipt from the grievant(s). The Human Resource Office will provide copies of the disposition to the accused, the Student Senate President and the Vice President of Student Services.

Step Four - If the grievance is not resolved in Step Three and the grievant(s) wishes to pursue the grievance, the grievant(s) must submit the "Formal Student Grievance Report" and the "Formal Grievance Disposition" to the college President for consideration. These reports shall be filed within five (5) college working days of the grievant(s) written acknowledged receipt of the "Formal Grievance Disposition" rendered in Step Three. The President shall review the grievance and shall issue a written decision to support or not support the grievance. This written decision shall be filed with the Human Resource Office within five (5) college working days of the submission of the grievance with the President's Office. The Human

Resource Office will provide copies of the President's written decision to the grievant(s), the accused, the Student Senate President and the Vice President of Student Services.

Step Five - If the grievance is not resolved in Step Four and the grievant(s) wishes to pursue the grievance, the grievant(s) must request in writing to the college President a hearing with the college Board of Governors. This request for a Board hearing shall be within five (5) college working days of the grievant(s) written acknowledged receipt of the President's decision. In conjunction with the Chairperson of the Board of Governors, the President shall arrange a hearing within ten (10) college working days after receipt of the request for a Board hearing. The hearing will consist of the entire Northeast Board of Governors or by a Board committee so designated by the Board Chairperson. The Board shall arrange a time and place by mutual agreement of the grievant(s) and the accused to take evidence and hear the grievance, and shall issue its decision within ten (10) college working days to the grievant(s), the accused, the Chairperson of the Board of Governors, the President, and the Human Resource Office.

Section C. Powers of the Board of Governors

1. If carried through Step 5, following the hearing, a report by the Board's investigating committee will be given to the Board of Governors in executive session, which may be attended by the College President, at the next regularly scheduled Board meeting. Should Board action be required, such action will be taken during the public meeting.
2. Decisions rendered by the Board are final within the College.

Section D. Time Limits

1. The failure of the grievant(s) to act within the prescribed time limits will act as a bar to any further appeal.
2. The failure of the designated administrator to give a decision within the prescribed time limits shall permit the grievance to proceed to the next step.
3. Any grievances not appealed within the time limits shall be deemed settled on the basis of the designated administrators last written response.
4. Time limits may be extended at any step by mutual consent of both parties involved, with written notice to the Human Resource Office, at which time the new date shall be controlling.

Section E. Separate Grievance File

All documents, communications, and records dealing with the processing of a grievance shall be filed in a separate grievance file and shall not be kept in the student file of any participant until the final decision is rendered, at which time the disposition will be placed in the student file.

Section F. Documentation

1. Step 1 - Time, date, who attended, and a copy of the signed agreement if resolved at this level is to be filed with the parties involved and the Human Resource Office.
2. Step 2 - Minutes of the meeting for the Student Senate's reference only. A copy of the decision for the grievant's use only. Notice of the meeting to the Human Resource Office. If resolved, the accused and the Human Resource Office will receive written notice of the resolution.
3. Step 3 - The Formal Grievance Disposition will be completed and signed by the chairperson of the Grievance Committee.
4. Step 4 - The President will submit a written decision to the Human Resource Office.
5. Step 5 - Transcript available if the cost is paid by the party requesting the transcript. Transcript available to parties involved as specified in Step 1 only. Copy of the written decision is a separate grievance file established in Section E.
6. Tape recording of the proceedings in Steps 1, 2, 3 and 4 will not be permitted.

Section G. Retribution or Retaliation

Under no circumstances will any person who in good faith files a grievance or assists in a hearing and/or investigation be subject to any form of retribution or retaliation. Any person who makes or participates in such retribution or retaliation, directly or indirectly, will be subject to disciplinary action. A person who believes he or she has been or is being subjected to retribution or retaliation should immediately notify the Vice President of Student Services (or his or her designee) and/or the Vice President of Educational Services (or his or her designee).

Section H. Other

Under steps Four and Five, the presiding College administrator, or the College Board, as the case may be, shall have authority to reverse, modify or sustain the action or decision of the accused which constitutes the basis for the grievance, or to take whatever other action that is appropriate and within the scope of the administrative and disciplinary policies of the College permissible to such administrator, or Board, presiding.

None of the meetings and hearings under these procedures shall be conducted in public and shall include only the grievant(s), the accused, committee members, and individuals called to give testimony except either party may have legal counsel present during the Board hearing.

Costs associated with additional copies of materials, reports, or written transcripts requested by the grievant(s) and not identified in these procedures shall be paid by the grievant(s).

Transcripts, reports, or other information generated as a result of the grievance shall be confidential and only provided to the parties involved in the grievance process.

Whenever possible, grievance hearings shall be scheduled after 5:00 p.m.

