



Trinity Valley Community College
107501

STUDENT RIGHTS AND RESPONSIBILITIES:
STUDENT COMPLAINTS

FLD
(LOCAL)

GUIDING PRINCIPLES

INFORMAL PROCESS

If the complaint involves a problem with an instructor or academic related matter, the student shall discuss the matter with the instructor before requesting a conference with the department chairman and or dean at Level One.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

FORMAL PROCESS

If an informal conference regarding a complaint fails to reach the outcome requested by the student, the student may initiate the formal process described below by timely filing a written complaint.

Even after initiating the formal complaint process, students are encouraged to seek informal resolution of their concerns. A student whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

FREEDOM FROM RETALIATION

Neither the Board nor any College District employee shall unlawfully retaliate against any student for bringing a concern or complaint.

NOTICE TO STUDENTS

The vice president of student services shall inform students of this policy.

APPLICATION

Except as addressed by SPECIFIC COMPLAINTS, below, this policy applies to all complaints or grievances from students.

SPECIFIC COMPLAINTS For more information on how to proceed with complaints regarding:

1. Alleged harassment, see FLDA and FLDC.
2. Alleged discrimination, see FA.
3. Discipline, see FMA.
4. A commissioned peace officer who is an employee of the College District, see CHA.

DEFINITIONS For purposes of this policy, terms are defined as follows:

**COMPLAINT /
GRIEVANCE** The terms "complaint" and "grievance" shall have the same meaning.

FILING Written complaints and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

RESPONSE At Levels One, Two, and Three, "response" shall mean a written communication to the student from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the student's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline and received by the student or designated representative no more than three days after the response deadline.

REPRESENTATIVE "Representative" shall mean any person who or organization that is designated by the student to represent the student in the complaint process.

The student may designate a representative through written notice to the College District at any level of this process. If the student designates a representative with fewer than three days' notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District's counsel.

DAYS "Days" shall mean College District business days. In calculating time lines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."

GENERAL PROVISIONS Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

UNTIMELY FILINGS

All time limits shall be strictly followed unless modified by mutual written consent.

If a written complaint or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student, at any point during the complaint process. The student may appeal the dismissal by seeking review in writing within ten days, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

COSTS INCURRED

Each party shall pay its own costs incurred in the course of the complaint.

COMPLAINT

Complaints under this policy shall be submitted in writing.

Copies of any documents that support the complaint should be attached to the written complaint. If the student does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted unless the student did not know the documents existed before the Level One conference.

A written complaint that is incomplete in any material aspect may be dismissed, but may be refiled with all the requested information if the refile is within the designated time for filing a complaint.

LEVEL ONE

A complaint must be filed in writing:

1. Within 15 days of the date the student first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, students shall file Level One complaints with the department chairman or appropriate dean. The complaint, however, may begin at the first level at which the administrator has the authority to remedy the complaint.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint was received and immediately forward the written complaint to the appropriate administrator.

The appropriate administrator shall hold a conference with the student within ten days after receipt of the written complaint.

The administrator shall have ten days following the conference to provide the student a written response.

LEVEL TWO

If the student did not receive the relief requested at Level One or if the time for a response has expired, the student may request a conference with the appropriate dean or vice president to appeal the Level One decision.

The appeal notice must be filed in writing within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level One.

LEVEL THREE

If the student did not receive the relief requested at Level Two or if the time for a response has expired, the student may request a conference with the College President or designee to appeal the Level Two decision.

The appeal notice must be filed in writing, within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level Two.

LEVEL FOUR

If the student did not receive the relief requested at Level Three or if the time for a response has expired, the student may appeal the decision to the Board.

The appeal notice must be filed in writing within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level Three.

The College President or designee shall inform the student of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The College President or designee shall provide the Board with copies of the written complaint, all responses, all appeal notices, and all written documentation previously submitted by the student or the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice.

The College District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]

The presiding officer may set reasonable time limits and guidelines for the presentation. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the student or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/ audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.

DATE ISSUED: 08/01/2005

LDU-31-05

FLD(LOCAL)-X

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