

Trinity Valley Community College

Search all policies

Browse sections

Go to policy code

Browse topics index



Trinity Valley Community College
107501

STUDENT RIGHTS AND RESPONSIBILITIES:
STUDENT COMPLAINTS

FLD
(LEGAL)

UNITED STATES
CONSTITUTION

The College District shall take no action abridging the freedom of speech or the right of the people to petition the Board for redress of grievances. *U.S. Const. Amend. I, XIV* [See FLAA]

The Board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when the Board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n*, 429 U.S. 167, 174 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968)

TEXAS CONSTITUTION

Citizens shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27*

There is no requirement that the Board negotiate or even respond to complaints. However, the Board must stop, look, and listen and must consider the petition, address, or remonstrance. *Professional Association of College Educators v. El Paso County Community [College] District*, 678 S.W.2d 94 (Tex. App.-El Paso 1984, writ ref'd n.r.e.)

FEDERAL LAWS

SECTION 504

The College District that receives federal financial assistance, directly or indirectly, and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. *34 CFR 104.7(b)*

AMERICANS WITH
DISABILITIES ACT

The College District that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations). *28 CFR 35.107*

TITLE IX

The College District that receives federal financial assistance, directly or indirectly, shall adopt and publish grievance procedures providing for prompt and equitable resolution of student complaints alleging any action prohibited by Title IX of the Education Amendments of 1972. *34 CFR 106.8(b)* [See FA]

CHALLENGE TO
EDUCATION RECORDS

The College District shall give a student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student. *34 CFR 99.21* [See FJ]

CLOSED MEETING
DISRUPTION

The Board may conduct a closed meeting on a student complaint to the extent required or provided by law. [See BDA]

It is a criminal offense for a person, with intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the ordinary conduct of a meeting by physical action or verbal utterance and thereby curtail the exercise of others' First Amendment rights. *Penal Code 42.05; Morehead v. State, 807 S.W. 2d 577 (Tex. Cr. App. 1991)*

Note: See GFA for provisions concerning students barred from campus.

DATE ISSUED: 02/21/2005
UPDATE 19
FLD(LEGAL)-LJC

This online presentation of your college district's policy concerning the stated subject material is an electronic representation of TASB's record of the college district's currently adopted policy manual. It does not reflect updating activities in progress nor is it a legally binding document. Please contact the office of the President or Chancellor for the official, legally binding generation of this and the other policies that pertain to your college district.

Legal Framework

Local Policy

[Print](#)

[Save as](#)

[Introduction to Board Policies](#)

[Help](#)

[Copyright](#)