

KAUA‘I COMMUNITY COLLEGE
Student Non-Academic Grievance Policy & Procedure

1. Purpose of the Policy

This policy and procedures are designed to provide a student grievant with an opportunity to obtain an equitable resolution to alleged injustices or problems of a non-academic nature caused in part or whole by the actions or practices of the College. Grievance relating to academic matters are handled through the Academic Grievance Procedure. Grievances relating to student conduct matters are handled through the Student Conduct Procedure.

2. Description of a Non-Academic Grievance

A grievance is a complaint by a student about an alleged action by a College employee which adversely affects the status, rights or privileges of the student. A grievance is filed against the College, with employee acting as the respondent to the allegations. Any action or practice can be complained at the informal level, that is, through direct discussion with the relevant employee.

Throughout the steps of the grievance, the burden of proof will be on the student to prove the allegations and the grievance may be denied because of a lack of sufficient evidence. A simple allegation or unsubstantiated assertion is an insufficient basis for lodging a formal grievance. Students must support their allegations with evidence compelling enough to give the Non-Academic Grievance Committee reason to hold a formal hearing.

3. The grievance process cannot be used to contest the following actions (proper procedures cited in parenthesis below):

- A. To contest an instructors evaluation of academic performance; (through Academic Grievance Procedure)
- B. Academic probation, disqualification or other academic decisions by the College (through Vice Chancellor of Student Affairs)
- C. College student conduct action; (through Student Conduct Procedure)
- D. Academic dishonesty allegations; (through Vice Chancellor of Student Affairs)

- E. Debt to the university; (through Vice Chancellor of Academic Services)
- F. Contents of materials contained in a student's university records; (through Vice Chancellor of Student Affairs)

4. Informal Resolution

- A. Students who believe that their status, rights or privileges have been adversely affected by an action of the College's employee(s) may request that the Informal Resolution process be initiated prior to/or instead of filing a formal grievance.
- B. Upon receipt of a student's informal concern(s), the person who received the concern shall contact the Vice Chancellor of Student Affairs and provide that individual with the student's contact information. In cases where the grievance is with the Vice Chancellor of Student Affairs and/or his staff, the person should contact the Chancellor of the College.
- C. During the Informal Resolution process, the College will attempt to resolve the student's concern(s) quickly and effectively. The Vice Chancellor of Student Affairs or Chancellor will meet with the student, the accused, and any other person(s) or witness(es) determined to be necessary for a resolution of the matter, to review the allegations and any responses. Informal Resolution may take the form of a negotiated resolution facilitated by the Vice Chancellor of Student Affairs or the Chancellor. At any time during the Informal Resolution process, the student may elect to terminate the process and proceed with the Formal Level of this policy. Both the student and the accused will be expected to keep the details of the informal resolution process confidential until the process is concluded.
- D. If resolution is reached by these informal means, a record of the resolution will be documented and signed by the student. Such document will be maintained in accordance with applicable College recordkeeping policies in the Office of the Vice Chancellor of Student Affairs or Office of the Chancellor as appropriate. The matter will be considered closed and the student will be precluded from subsequently filing a formal grievance or appeal on the same incident under this policy.
- E. If resolution is not reached by these informal means, the student will be informed about how to file a formal grievance.

5. Formal Level

- A. The student shall file a written grievance with the Vice Chancellor of Student Affairs or Chancellor, as appropriate. The date of receipt shall establish the grievance filing date.
- B. Timeline for filing a grievance. To be timely, the student must file a grievance no later than ten (10) days after the conclusion informal process
- C. Requirements of a Grievance. The student should complete the "Student Non-Academic Grievance Complaint Form" or, as an alternative, the student shall submit a written signed statement containing the following information:
 - i. The full name, address and telephone number(s) of the College employee;
 - ii. A clear, concise written statement of the facts that constitute the alleged act(s), including pertinent date(s) and sufficient information to identify any individuals who may provide information (e.g., potential witnesses) during the course of the investigation conducted under these procedures;
 - iii. A statement by the student verifying that the information supporting the allegations are true and accurate to the best of his/her knowledge;
 - iv. The term and year of the student's last active academic status;
 - v. The name of the student's advisor/, if any;
 - vi. Specific harm resulting from the alleged action;
 - vii. Specific remedy sought;
 - viii. The student's signature; and
 - ix. The date of complaint submission.
- D. Intake interview. A student interview with the Vice Chancellor of Student Affairs or Chancellor, as appropriate, or other designated individual shall

occur within ten (10) working days after the student has submitted a formal grievance or as soon as possible if the Chancellor deems it cannot occur within ten days. The meeting will serve to:

- i. Acquaint the student with the investigation procedure and timelines, if not already done.
 - ii. Inform the student of his/her rights (including having an advisor,) if not already done.
 - iii. Request the student to complete and sign a formal grievance form, if not already done.
 - iv. Conduct the initial intake interview.
 - v. To provide the Chancellor with sufficient information to assign the appropriate investigator.
- E. Advisor. The student may elect to have an advisor accompany him/her to any meeting(s) and/or interview(s) with the University regarding the grievance. The advisor's role in such meetings and/or interviews is limited to observing and consulting with the student. The advisor cannot be a potential witness or someone who has filed a separate complaint against the accused.
- F. Only those persons with a legitimate need to know will be apprised of the filing of and disposition of a grievance. Those persons may include, but are not necessarily limited to, Vice Chancellors, Division Chairs, Directors, Program Coordinators, and the accused employee who must be involved to ensure that retaliatory action does not occur during or after the investigative process, and/or to effectuate corrective actions.
- G. Upon inquiry or during the course of an investigation, the student shall be advised of the status of the investigation. The investigation shall be completed no later than thirty (30) days after the intake interview, unless the timeline has been extended pursuant to the next section of this policy. The timeline for the investigation shall not be extended for a period longer than an additional thirty (30) days from the original due date. Within the investigation period stated above, the investigator will make findings of fact and conclusions regarding the allegations which he/she shall reduce to an investigative report. The preponderance of the evidence is the applicable

standard for demonstrating facts in the investigation. In order to establish a fact, the investigator must find that its existence is more probable than its non-existence: i.e., that it is more likely than not to exist. The investigative report should include a summary of the allegations, a description of the investigative process, the preponderance of the evidence standard used to determine whether a violation of policy occurred, the evidence considered and a determination of whether the allegations were found to be substantiated. The investigative report is then provided to the Non-Academic Grievance Committee.

- H. The Non-Academic Grievance Committee shall have thirty days (30) after completion of the investigation to convene, review the report, and render a single written recommendation to the Chancellor
- I. The Chancellor has ten (10) working days to render a decision and notify the student of the decision and the reasons for it. The decision of the Chancellor is final.

6. General Provisions for Investigations of a Grievance Against College Employees

- A. The person who conducts an investigation under this policy at the Formal Level may be any of the College administrators or an external consultant, provided the investigator is not within the administrative control or authority of the accused. All investigations/reviews under this policy shall be conducted impartially and in good faith.
- B. Students and the College employees are required to cooperate with the investigation/review, including but not limited to attending meetings, being forthright and honest during the process, and keeping confidential the existence and details of the investigation/review. If a grievant and/or accused refuses to cooperate, the investigator may draw all reasonable inferences and conclusions on the basis of all available evidence and conclude the investigation/review.
- C. A student must proceed with a grievance in good faith. A student who knowingly and intentionally files a false grievance, abuses this policy, or files a malicious or frivolous grievance may be subject to discipline. Discipline shall be taken in accordance with the Student Conduct Code.

Such disciplinary action shall not be deemed to be retaliation under this policy.

- D. Both the student and the accused shall have the right to identify witnesses and other evidence for consideration; however, the investigator shall decide which witnesses and evidence are relevant and significant to the issues raised.
- E. If the student, the accused, a witness, the campus investigator, or other necessary person involved in the grievance process is unavailable because of any reason deemed to be legitimate by the investigator, the timelines in this policy will be automatically adjusted according to the period of absence. The student will receive written notification of the period of extension.
- F. When submitting a grievance or issuing a response, personal delivery or certified mail shall be used. If personal delivery is used, a signature acknowledging the calendar date of delivery shall be obtained which will establish the date of filing or response. If certified mail delivery is used, the postmark shall establish the date of response or filing.
- G. The College is not obligated under this policy to investigate a grievance not timely filed under its provisions. Regardless, the College may investigate the underlying allegations of any grievance against a College employee if it determines the circumstances warrant investigation.
- H. The Non-Academic Grievance Committee shall consists of seven voting member and shall be constituted as follows:
 - i. Three students selected by the UHCC-KCC Student Government
 - ii. Three faculty members selected by Faculty Senate
 - iii. A chairperson selected by the Chancellor

KAUAI COMMUNITY COLLEGE

STUDENT NON-ACADEMIC GRIEVANCE FORM

The Student Non-Academic Grievance Policy was established to provide students a procedure to file non-academic grievances. Students who file a grievance are required to cooperate with the investigation/review, including but not limited to, attending meetings, being forthright and honest during the process, and keeping confidential the existence and details of the investigation/review.

Please fill in all of the information requested below as completely as possible.

Last Name: _____ First Name: _____ M.I. _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Work Phone: _____ Home Phone: _____ Cell Phone: _____

Best time to call: _____ a.m. [] p.m. []

Email: _____

Currently enrolled: Yes [] No [] Student I.D. Number: _____

Last semester attended: _____

Identify the employee(s) of the University against whom the allegations are made and the relationship to you, e.g., instructor, etc. Attach additional pages to this form if necessary.

Accused Employee's Name: _____

Relationship to you: _____

Accused Employee's Name: _____

Relationship to you: _____

Accused Employee's Name: _____

Relationship to you: _____

STUDENT NON-ACADEMIC GRIEVANCE FORM

Describe the incident(s) or event(s), date(s), time(s), and location(s) giving rise to your complaint. **Attach additional pages to this form if necessary.**

To whom have you gone for resolution of the grievance? What did you or others do to try to resolve the grievance? What was the outcome?

Identify individuals who may have observed or witnessed the incident(s) that you described.

Last Name: _____ First Name: _____

Telephone: _____ Email: _____

Last Name: _____ First Name: _____

Telephone: _____ Email: _____

Last Name: _____ First Name: _____

Telephone: _____ Email: _____

STUDENT NON-ACADEMIC GRIEVANCE FORM

Do you have any documents that support your allegations? Yes [] No [] **Please list and attach a copy.**

Describe how you would expect the complaint to be resolved. **Be as specific as possible.**

You may elect to have an advisor present at meetings/interviews. If you indicate you will have an advisor, you are authorizing that individual to accompany you to any meetings and/or interviews regarding this complaint. The role of the advisor is limited to observing and consulting with you.

If you elect to have an advisor, provide his/her name, address, and telephone number:

Last Name: _____ First Name: _____

Address: _____ City: _____ State: _____ Zip Code _____

Telephone: _____ Cell Phone: _____

AUTHORIZATION

I certify that the information given in this complaint is true and correct to the best of my knowledge or belief.

Signature of Student

Date

Print Name of Student