

## **Section 5: Fort Scott Community College Student Handbook**

### **Student Appeals Other Than Disciplinary Areas**

#### **The Student and Academic Decisions**

Academic decisions are made by faculty members, division chairs, and Vice President of Academic Affairs. If a student believes that an academic decision is unfair, he/ she may meet with the above personnel who will review the student's complaint and render a final decision. Determination will be made based on fairness, that is, that the instructor treated all students equally in the class.

#### **Appeals Process (Other than Disciplinary)**

Any FSCC student has the right to appeal what is perceived to be an unfair practice without fear of reprisal, abuse or other form of discouragement by the staff, faculty or administration.

Such unfair practice may be registered by the student informally as an oral complaint (a recommended first step), or officially filed in writing. The College encourages the resolution of all complaints through the most informal means and at the lowest possible administrative level. When a complaint is made directly to the Board of Trustees as a whole or to Board members as individuals, it will be referred to the administration for study and possible resolution.

This appeals procedure is designed for academic and classroom issues rather than disciplinary actions (previously addressed in this catalog). This process provides students with protection against unwarranted infringement of their rights. Such appeals may concern alleged violations of college policies, infringement of students' rights and problems dealing with other students, college staff and faculty, or college activities.

The following procedures should be followed in order to ensure an appropriate resolution of a student complaint: Within two years of the incident about which the student is complaining, he/she should contact the Board of Trustees using the FSCC Student Complaint Form. Please follow the steps outlined below to submit a complaint:

#### **STEP 1:**

If a student has concerns related to classroom situations or administrative actions, he/she should contact the faculty or staff member(s) with whom he/she has a conflict (<http://www.fortscott.edu/directory>). It may be possible to resolve the concerns without the need for formal institutional action. If the student's complaint is not resolved through this action, he/she should contact the department program chair. If the student's complaint is not resolved satisfactorily, or if the complaint

cannot be resolved by contacting the faculty/ staff member(s) or chair/dean (follow steps A-B, below), the student should proceed to STEP 2.

a. The student should attempt to rectify the grievance with the instructor if possible. Mistakes are sometimes made, and instructors encourage students to talk to them first.

b. If the attempt to work with the instructor is unsuccessful, the student should take the grievance to the supervisor of the area in which the alleged violation occurred. The student should then after consulting with the appropriate supervisor/division chair attempt to resolve the grievance through informal discussions. The supervisor will inform the student, in writing, of any decision made and the reason for that decision. Personnel decisions cannot, however, be discussed with students or parents.

#### STEP 2:

The student should file a complaint through his/ her institution of higher education's established complaint process. Information on the process can usually be found in the institution's academic catalog, student handbook, or website (fortscott.edu). If the student is unable to resolve the complaint in this manner (follow steps C-D, below), he/she should proceed to STEP 3.

c. If the student feels that the complaint has not been satisfactorily resolved, he/she may submit a written appeal to the appropriate VP of Student Affairs and request a conference. The VP of Student Affairs will meet with the student and any other College personnel involved. The VP of Student Affairs will inform the student, in writing, of any decision made and the reason for making that decision.

d. If the student still feels that the complaint has not been satisfactorily resolved, he/she may submit a written grievance to the President for review. The decision of the President is final (the option remains to file a formal complaint with the Board of Trustees, Step 3).

#### STEP 3:

The student must complete the Board's Student Complaint Form. After receiving a complaint through our complaint form, the Board will review the submitted materials and contact the submitter for any required additional information or clarifications. The Board will then send a copy of the complaint to the institution against which the complaint has been filed and ask for a response within three weeks. After receiving the college's response, the Board will determine whether the institution's student complaint process has been followed and exhausted and what additional steps or follow-up may be taken. The Board will inform both parties involved in the complaint. If the student has additional questions about the complaint process, or wants to clarify that the individual complaint is reviewable by the Board, please feel free to contact the VP of Student Affairs office at 620.223.2700 ext. 3500. All student complaints should follow the preceding process. The following applies to non-

Kansas residents, enrolled in distance education courses relating to the State Authorization Reciprocity Agreement (SARA).

**Complaint Resolution Processes (2015 SARA Policies and Procedures, sec. 4, 2, a.-g.)**

- a. Complaints against an institution operating under SARA go first through the institution's own procedures for resolution of grievances.
- b. Complaints regarding student grades or student conduct violations are governed entirely by institutional policy and the laws of the SARA institution's home state.
- c. If a person bringing a complaint is not satisfied with the outcome of the institutional process for handling complaints, the complaint (except for complaints about grades or student conduct violations) may be appealed, within two years of the incident about which the complaint is made, to the SARA portal agency in the home state of the institution against which the complaint has been lodged. That agency shall notify the SARA portal agency for the state in which the student is located on receipt of that appealed complaint. The resolution of the complaint by the institution's home state SARA portal agency, through its SARA complaint resolution process, will be final, except for complaints that fall under the provisions of (g), below.
- d. While the final resolution of the complaint rests with the SARA portal agency in the home state of the institution against which the complaint has been lodged, nothing precludes the state in which SARA Policies and Standards - July 10, 2015 - Page 11, the complaining person is located from also working to resolve the complaint, preferably through the state's SARA portal agency. Indeed, it is expected that SARA states will facilitate the resolution of any complaints brought to their attention.
- e. While final resolution of complaints (for purposes of adjudication of the complaint and enforcement of any resultant remedies or redress) resides in certain cases with institutions (complaints about grades or student conduct violations), or more generally with the relevant institution's home state SARA portal agency (all other complaints), the regional compact(s) administering SARA may consider a disputed complaint as a "case file" if concerns are raised against a participating state with regard to whether that state is abiding by SARA policies and Standards. The regional compact may review such complaints in determining whether a state under its purview is abiding by the SARA standards. Similarly, a complaint "case file" may also be reviewed by NC-SARA in considering whether a regional compact is ensuring that its member states are abiding by the SARA standards required for their participation in the agreement.
- f. SARA shall develop policies and procedures for reporting the number and disposition of complaints that are not resolved at the institutional level. Such data will create transparency and can be used in determining whether a regional compact is

ensuring that its SARA member states and those states' institutions are abiding by the standards required for participation in the agreement.

g. Nothing in SARA Policies and Standards precludes a state from using its laws of general application to pursue action against an institution that violates those laws.

## **Discrimination Grievance**

Any applicant, employee, or student who believes he/she has been subjected to discrimination including harassment on the basis of sex, disability, age, race, color, or national origin may file a grievance under this procedure. It is unlawful for FSCC to retaliate against anyone who files a complaint or assists in an investigation of a complaint of discrimination, including harassment.

Complaints will be promptly and thoroughly investigated in a confidential manner as outlined below. The aggrieved will be allowed to provide evidence to support the grievance. The aggrieved will be notified in writing of the status of the grievance at the end of each stage of the investigation.

If an investigation validates discrimination or harassment based on sex, disability, age, race, color, or national origin including complaints of harassment, FSCC will take appropriate corrective and remedial actions.

### Procedure

- Grievances from applicants, employees, and students must be submitted to FSCC's Section Human Resources Director (or his/her designee) as soon as possible but no later than sixty (60) calendar days after the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A grievance must be in writing, containing the name and address of the person filing it. The grievance must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- FSCC's HR Director (or his/her designee) will conduct an investigation of the grievance. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the grievance. The investigation may consist of personal interviews with the complainant, the individuals against whom the complaint is filed, and others who have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. FSCC's HR Director will maintain the files and records relating to such grievances.
- FSCC's HR Director will issue a written decision to the individual on the grievance no later than thirty (30) calendar days after its filing.
- The person filing the grievance may appeal the decision of FSCC's HR Director by writing the College President within fifteen (15) calendar days of receiving FSCC's HR

Director decision. The appeal should explain why the HR Director's finding should be overturned.

- The College President will review the grievance records including all submitted evidence and issue a written decision on the appeal no later than thirty (30) calendar days after its filing.

- Filing a grievance with FSCC's HR Director (or his/her designee) does not prevent the applicant, employee, or student from filing a complaint with the Office for Civil Rights, US Department of Education.

- FSCC staff, including the Vice President of Student Affairs and Vice President of Academic Affairs, may assist FSCC's HR Director Coordinator with investigations or other appropriate actions in grievances involving students.

- FSCC's HR Director (and/or his/her designee) will make appropriate arrangements to ensure that individuals with disabilities are provided reasonable modifications and appropriate auxiliary aids and services where necessary to participate in this grievance process. Such arrangements may include making the grievance procedure available in alternate formats such as braille, large print, audiotape, providing interpreters for the deaf or hard-of-hearing, or assuring a barrier-free location for proceedings.