

Pickens' Student Grievance Procedure

Basis

This Student Grievance Procedure is intended to allow students an opportunity to present an issue which they feel warrants action, including the right to secure educational benefits and services.

If the basis of the claim is discrimination/harassment, sexual or racial, based on federal or state civil rights laws, the student must file a grievance with the Aurora Public Schools under the Civil Rights Grievance and Investigation Process. Please refer to APS Policy ACA and Policy JBB.

Definitions

Complainant(s): is a person who is subject to alleged inequity as it applies to Pickens Policies as they appear in the Student Handbook or APS Policies and Procedures. For purposes of this procedure, a complainant is student who was enrolled at the time of the alleged incident.

Respondent(s): is a person whose alleged conduct is the subject of a complaint. For purposes of this procedure, a respondent can be a Pickens' employee(s), student(s) who was enrolled at the time of the alleged incident, authorized volunteer(s), guest(s), visitor(s), or college.

Grievance: A grievable offense is any alleged action which violates or inequitably applies Pickens Policies as they appear in the Student Handbook or APS Policies and Procedures. The complainant must be personally affected by such violation or inequitable action.

Non-grievable matters: The following matters are not grievable under this procedure except as noted: matters over which the Pickens is without authority to act; grades and other academic decisions unless there is an allegation that the decision was motivated by discrimination and/or harassment which should be filed under the appropriate Civil Rights Grievance and Investigation Process.

The Student Services Coordinator (SSC): The employee designated by the Executive Director of Pickens to administer student grievances. The SSC may refer student grievances to an administrator or the administrative team.

Filing a Complaint

All complaints shall be made as promptly as possible after the occurrence. An unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a complaint or report.

Procedures

Students must timely submit all grievances in writing (See the Student Grievance-Incident Report Form). The signed grievance should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. If submitted in any other format, it should contain the name and all contact information for the grievant along

with supporting documentation and evidence. Additional information should be submitted as quickly as is practicable.

The complainant's supporting documentation should clearly demonstrate all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor. This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort.

Informal Grievance Process

Complainant is encouraged to resolve the issue with the Respondent through the informal process. The SSC will facilitate the informal process. If it is unsuccessful or if the complainant chooses not to pursue the informal process, the SSC will open a formal grievance case.

Formal Grievance Process

Complainant in a timely manner must file with the Student Services Coordinator (SSC) a written statement of the actions complained of in the grievance, describing the remedy being sought. Once it is submitted, the SSC or designee will determine whether or not the situation states a grievable offense. The matter will be closed if the situation is determined not grievable and the Complainant will be notified of the reasons.

If the matter is determined to be grievable, the SSC will request a meeting (hearing) with both the complainant and respondent. Both parties will be given the opportunity to discuss the allegations of the grievance and may offer any documentation, witnesses, or other materials in support of the complaint. During this hearing, neither party may have a representative, including attorneys or law students. These procedures are entirely administrative in nature and are not considered legal proceedings.

No audio or video recording of any kind other than as required by institutional procedure is permitted.

Based on the preponderance of evidence, the SSC shall issue a decision to both the complainant and respondent. The decision shall reject or grant the grievance and make recommendation(s) to resolve the issue(s). The complainant and respondent shall be advised of the right to appeal the decision, subject to the grounds below, by filing a written appeal with the SSC within seven (7) days of service of the Decision.

In the event of an appeal, the Student Services Coordinator shall give written notice to the other party to allow the opportunity to submit a response in writing. The SSC will also draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to an administrator or the administrative team for initial review to determine if the appeal meets the limited grounds and is timely. The original finding will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. The party requesting appeal must show error as the original finding is presumed to have been decided reasonably and appropriately. The ONLY grounds for appeal are as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures); or
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding. A summary of this new evidence and its potential impact must be included in the written appeal.

If the administrator or the administrative team determines that new evidence should be considered, it will return the complaint to the Student Services Coordinator to reconsider in light of the new evidence, only.

The outcome of the appeal process cannot be appealed.

Revising this Procedure

Pickens reserves the right to change any provision or requirement of this procedure at any time and the change shall become effective immediately.

12/5/12