In this policy, the terms “complaint” and “grievance” shall have the same meaning.

A complaint or grievance is defined as an unresolved issue concerning the application of College District policy, practice, or regulation. This concern could include misconduct or a condition the student believes to be unfair, inequitable, discriminatory, or a hindrance to the student’s educational progress. This policy shall not apply to decisions regarding financial aid eligibility, challenges to existing policy, or those pertaining to academic or grading matters.

The College District encourages students to discuss their concerns with the appropriate instructor or other campus administrator who has the authority to address the concerns.

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

Informal resolution shall be encouraged for most complaints but shall not extend any deadlines in this policy, except by mutual written consent.

A student may initiate the formal process described below by timely filing a complaint. [See FLD(EXHIBIT) to file 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.

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

The College District shall inform students of this policy through appropriate College District publications.

Student complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FLD after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, sex, gender, national origin, disability, age, or religion. [See FFDA and FFDB]
2. Complaints concerning retaliation relating to discrimination and harassment. [See FFDA and FFDB]

3. Complaints concerning disciplinary decisions. [See FMA and FLB]

4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]

**General Provisions**

**Filing**

Complaint forms and appeal notices may be filed by hand-delivery, electronic communication, including email and 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. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

**Scheduling Conferences**

The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student fails to appear at a scheduled conference, the College District may hold the conference and issue a decision in the student’s absence.

**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, sent by electronic communication to the student’s email address of record, 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 or before the deadline.

**Days**

“Days” shall mean College District business days. In calculating timelines under this policy, the day a document is filed is “day zero.” The following day is “day one.”

**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. The College District may be represented by counsel at any level of the process.
Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

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

If a complaint form 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 from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

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

Complaints and appeals under this policy shall be submitted in writing on a form provided by the College District.

Copies of any documents that support the complaint should be attached to the complaint form. 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 by the student unless the student did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Complaint forms must be filed:

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 dean of students or designee. If the only administrator who has authority to remedy the alleged problem is the Level Two or Level Three administrator, the complaint may begin at Level Two or Level Three, respectively, following the procedure, including deadlines, for filing the complaint form at Level One.
If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The dean of students shall investigate as necessary and schedule a conference with the student within ten days after receipt of the written complaint. The dean of students may set reasonable time limits for the conference.

Absent extenuating circumstances, the dean of students shall provide the student a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the dean of students may consider information provided at the Level One conference and any relevant documents or information the dean of students believes will help resolve the complaint.

**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 vice president of student services to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the College District, within ten days from the date the written Level One response is sent or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the vice president of student services. The student may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student may provide information concerning any documents or information relied on by the administration for the Level
One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the student a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

**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, on a form provided by the College District, within ten days of the date of the written Level Two response was received or, if no response was received, within ten days of the Level Two response deadline.

After receiving notice of the appeal, the Level Two administrator shall prepare and forward a record of the Level Two complaint to the Level Three administrator. The student may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

The College President shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level Two. At the conference, the student may provide information concerning any documents or information relied on by the administration for the Level Two decision. The College President may set reasonable time limits for the conference.

The College President shall provide the student a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the
College President may consider the Level One and Level Two records, information provided at the Level Three conference, and any other relevant documents or information the College President believes will help resolve the complaint.

Recordings of the Level One, Level Two, and Level Three conferences, if any, shall be maintained with the Level One, Level Two, and Level Three records.

Upon conclusion of the Level Three appeal process, the College President shall provide a briefing to the Board.

Level Four

In accordance with law, the Board shall not be required to take any action concerning a grievance but is required to listen if the grievance is presented at a public meeting. Under the Texas Constitution, any student may present a grievance to the Board regardless of the scope of this policy. [See FLD]

Copies of written grievances and complaints and accompanying responses, documentation, and recordings shall be maintained in accordance with the College District’s records retention regulations. [See CIA and FJ]