

Aims Community College Procedure
Student Engagement, Inclusion, and Success
Student Formal Complaint Procedure

Scope and Purpose:

Aims Community College is committed to addressing student concerns and challenges in a responsive and prompt manner. This Student Formal Complaint Procedure provides an avenue for the resolution of matters that have been unsuccessfully resolved through the informal complaint procedure. This Formal Complaint Procedure may also be initiated if the employee responding to an informal complaint filed by a student elects not to participate in the informal complaint procedure.

This formal process does not apply to all student complaints. If the basis of the complaint was sexual misconduct allegations such as sexual assault, sexual harassment, dating/intimate partner violence, and stalking, students should file a complaint via the Title IX Sexual Misconduct Reporting Form. If the basis of the complaint is related to an alleged incident of discrimination, harassment, or retaliation due to protected class status, students should file a complaint via the Civil Rights Student Complaint Form.

A student may use the Student Formal Complaint Procedure to file an academic complaint. An academic complaint can only be submitted for the following matters: denial of program admission or completion, academic dismissal from a program, or a final course grade.

Initiation of the Formal Complaint Process:

Students may file a formal complaint alleging that the College or employee of the College violated or inequitably applied the College's written policies or procedures. A student may also submit a formal complaint regarding the following instructional matters: denial of program completion or admission, academic dismissal from a program, or a final course grade. A formal complaint may be filed within ninety (90) calendar days of the date of the incident complained of and must be submitted by the student who believes they have been treated unfairly or unjustly.

Procedures:

1. Filing a Complaint. Students may file a Formal Complaint by submitting the Student Formal Complaint Form located on the College's website. The Formal Complaint must detail the nature of the alleged violation of policy or procedure or unfair or unjust treatment, the College department/employee(s) involved, the date or dates of the incident or underlying conduct, the steps previously taken to resolve the complaint, and the desired resolution. The Formal Complaint submission should contain the Complainant's name and contact information. Any supporting documentation should be referenced within the body of the submission. The Complainant's supporting documentation should clearly demonstrate all informal efforts, if any, to resolve the issue(s) with the Respondent and the person having authority over the Respondent or the issue, which may include 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.

2. Responding College Agent. The Vice President of Academic Affairs or the Vice President of Student Engagement, Inclusion, and Success (or their designee) will typically serve as the College Agent. In reviewing the Formal Complaint, the College Agent will first determine whether the student attempted informal resolution of the alleged issues. If the student attempted to resolve informally the issue(s) or if informal resolution was impracticable, then the College Agent will proceed with the Formal Complaint procedure. If the matter has not been resolved informally, then the College Agent will refer the Complainant to the Informal Complaint Process unless doing so would be futile or is not in the best interests of the parties or the College. In either case, the College Agent will provide a written response regarding the status of the formal complaint to the Complainant within seven (7) calendar days of the formal complaint submission.

3. Formal Complaint Process.

- a. Meeting. The College Agent will conduct a meeting with both the Complainant and Respondent within fifteen (15) calendar days of the date of submission of the formal complaint. At the meeting, both parties may provide pertinent information concerning the allegations of the formal complaint and may offer any supportive documentation, witnesses, or other materials. If any party is not cooperative or responsive, the College Agent will make a decision based on the information available. The College Agent may also contact or request information from other relevant College staff, students, or others as part of their review of the matters presented. Technical rules of evidence are not applicable. The College Agent may consider and give appropriate weight to the information provided by the parties as they deem appropriate.
- b. Preparation for the Meeting. Prior to the meeting, the Respondent will be provided a copy of the formal complaint. Both parties are encouraged to gather relevant documentation that will facilitate a collaborative discussion about the issues alleged in the formal complaint.
- c. Advisors. The Complainant and Respondent, at their own expense, may have an advisor of their choice, including an attorney, to assist them throughout the formal complaint process. The advisor may attend the meeting with the College Agent but they may not speak, actively participate, disrupt or delay the proceedings. Advisors cannot communicate orally or in writing with the other party or any other College official involved in the formal complaint process. The College Agent may dismiss from the meeting an advisor who becomes disruptive or who does not abide by these restrictions on their participation.
- d. ADA Accommodations. If ADA accommodations are required, written notification of accommodations should be provided to the College Agent in advance of any scheduled meeting.
- e. Recording Prohibited. No audio or video recording of any kind, unless otherwise required by College policies or procedures, is permitted during any portion of the formal complaint procedure.

4. Final Decision. A preponderance of evidence is the standard of proof used when reviewing evidence substantiating a complaint. This means that a finding of responsibility requires that it is more likely than not that the Respondent violated or inequitably or unfairly applied College policy or procedure. The College Agent shall issue a written decision to the parties by electronic mail (or

via certified mail to the party's address on file) making findings by a preponderance of the evidence as to the allegations of the Formal Complaint and recommendation(s) to resolve the issue(s). The decision will be made within seven (7) calendar days of the meeting. Reasonable efforts will be made to complete the formal complaint resolution process within thirty (30) calendar days of the formal complaint submission. The parties shall be advised of their right to appeal the decision as provided herein below.

5. Confidentiality. Confidentiality of the formal complaint resolution will be strictly observed, insofar as it does not interfere with the College's (1) obligation to investigate complaints appropriately, (2) ability to take necessary remedial action, or (3) ability to advise or report on a need-to-know basis. The College prohibits disseminating information or materials to persons not involved in the formal resolution procedures unless on a need-to-know basis or required by law.

6. Appeal.

- a. Either party may appeal the final decision of the College Agent only under the following circumstances:
 - i. Allegations that the College Agent deviated from this policy or a procedural irregularity occurred in a way that substantially altered the outcome of the matter.
 - ii. New and relevant evidence that was not reasonably available at the time the final decision was made that could alter the outcome of the matter.
 - iii. Allegations that the College Agent was biased or had a conflict of interest and such bias or conflict of interest affected the outcome of the matter.
- b. A party wishing to appeal must file a request in writing to the College President (or their designee) within fourteen (14) calendar days of the date of the College Agent's final decision. The appeal must clearly articulate the basis for appeal. Each party is limited to submitting one appeal per matter. If no appeal is received within the provided timeline, then the College Agent's decision will be considered final and the formal complaint considered fully and finally resolved.
- c. Upon receipt of an appeal, the President (or their designee) will review and may deny the appeal as groundless either because the appeal was untimely filed or because the appeal is not based on the grounds specified above. In such a case, both parties will be notified of the decision. Any appeal submitted will be sent to the other party. If an appeal is not denied without further process, then the President will review the appeal, all appeal materials, and make a decision on its outcome in writing within thirty (30) calendar days. The College reserves the right to appoint an appeals panel to review the appeal. The College will send a written notice to both parties of the decision on appeal. The decision of the President (or their designee) is final.

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Responsible Administrator: Vice President of Student Engagement, Inclusion, and Success
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