

CAROLINAS COLLEGE OF HEALTH SCIENCES POLICY AND PROCEDURE

Section II - Academic/Student

SUBJECT: COMPLAINTS AND APPEALS

REVIEWER(S): Dean of Student Affairs and Enrollment Management*
Dean of Administrative and Financial Services
Provost

Related Policies to Consult:

[College Records – Privacy, Retention and Storage \(Sec. II\)](#)

[Dismissal Policy \(Sect. II\)](#)

[Eligibility for Clinical Participation \(Sec. II\)](#)

[Response to Claims of Non-Compliance with Accrediting Standards \(Sect. I\)](#)

[Discrimination, Harassment, Assault, Retaliation and Sexual Misconduct](#)

I. POLICY

Students will not be subject to irresponsible treatment, procedural irregularity, arbitrary decisions, discrimination, or differential treatment. Students are encouraged to voice their concerns about all issues regarding the programs, classes, environment, and services at Carolinas College of Health Sciences. Complaints may be submitted in either verbal or written formats, while appeals must be in writing. Complaints may also be submitted to accrediting bodies or the NC Attorney General's office. The College will investigate claims or complaints provided by those bodies. Such letters of concern may originate with a complaint from a student, a staff member, a former student, a member of the public or any other source. Some definitions to clarify the policy:

- Irresponsible treatment is defined as an action that appears unreliable or thoughtless based on the published policies of the college.
- Procedural irregularity is defined as an action that occurs outside the established criteria of the course or program, generally as described in the syllabus, or outside of college policy.
- Arbitrary decisions are defined as seemingly random actions or as capricious acts against the student or complainant.
- Discrimination is defined as any unfair treatment of a person or group on the basis of prejudice or real or perceived differences. Discrimination includes but is not limited to deliberate actions causing unfair or unfavorable treatment based on race, color, age, religion, gender, sexual orientation, gender identity, national origin, veteran status, disability, genetic information indicating predisposition to chronic diseases, or any other basis prohibited by law.
- Differential treatment is defined as actions that appear to favor one student over another resulting in disciplinary or other outcomes.

II. PROCEDURE

A. Complaints

1. Verbal complaints generally address an issue of relatively minor significance or one from which few, if any, negative consequences have resulted or are likely to result. Verbal complaints are considered less formal than written and may be expressed to any member of the staff or faculty. It is expected that staff and faculty will give appropriate attention to such complaints and seek to resolve the verbal complaint at the lowest level of the organization. When necessary, the complaint will be referred to an appropriate leader for further review. Due to the less formal nature of verbal complaints, students may or may not receive notification of action taken, if any.
2. Written complaints, whether signed or unsigned, are considered formal and will be referred to the dean of student affairs and enrollment management or the provost, depending on the nature of the complaint. Students and others are encouraged to sign written complaints to

- facilitate additional fact-finding and follow up.
- a. Generally, within one month from receipt of the complaint, the dean or provost will notify the complainant of the status or action taken, if any, as a consequence of the complaint. If investigation or remediation will extend beyond this time, the complainant will be informed of the delay.
 - b. Complaints are resolved administratively. In the rare instance that is not possible, the complaint is heard by a review committee as described in Section C.
3. In North Carolina, the attorney general's office is the appropriate office with which to file complaints which rise to the state level. To file a complaint with the Consumer Protection Division of the North Carolina Department of Justice, visit the State Attorney General's web page at <http://www.ncdoj.gov/complaint>. North Carolina residents may call (877) 566-7226. Those who live outside North Carolina should call (919) 716-6000. Mail a complaint to:
 - Consumer Protection
 - Attorney General's Office
 - Mail Service Center 9001
 - Raleigh, NC 27699-9001
 4. Complaints of non-compliance with accreditation criteria may be directed to the college using the complaint or grievance process, or directly to an appropriate accrediting agency. The matter, if then brought to the attention of the college, will be investigated as follows:
 - a. Programmatic Accreditation
 - 1) Receipt of the complaint will be date stamped.
 - 2) The complaint will be forwarded to the provost with a copy to the president, and the appropriate program director, or dean.
 - 3) The provost will convene a meeting with the dean or appropriate program director.
 - 4) Relevant documentation, if any, will be gathered and examined. Faculty and staff may be included in the process.
 - 5) The provost and dean or program director will develop a response to the complaint, which will then be discussed with the president.
 - 6) Upon final draft, the response to the complaint will be submitted to the appropriate accrediting body.
 - 7) The provost will maintain an open file on the complaint until a final letter of resolution is received. Periodic updates will be provided to the president, as requested.
 - b. Institutional Accreditation
 - 1) Receipt of the complaint will be date stamped.
 - 2) The president, provost, and SACS liaison (if different from the provost) will review the complaint and develop a plan and time line for responding. Depending upon the nature of the complaint, a variety of personnel may be involved in examining the complaint and developing the response.
 - 3) The president assures that the examination and preparation of the response proceeds in a timely manner.
 - 4) The response to the complaint will be submitted to the appropriate accrediting body.
 - 5) The president will maintain an open file on the complaint until a final letter of resolution is received.
 - c. Responses will be directed to the appropriate accrediting body within 60 calendar days of receipt of the complaint or earlier if requested by the accrediting body.

B. Appeals

1. The student who wishes to appeal must send written notification to the president within seven working days of when the action occurred. The student's written notification will set forth the specific issues the student seeks to appeal. Some examples include, but are not limited to:

- a. Students may appeal their final grade in a course if they feel the grade was assigned outside the established grading criteria.
 - b. Students may appeal their dismissal if they feel it was made in an irresponsible, arbitrary or discriminatory manner or some procedural irregularity or differential treatment occurred.
 - c. Students may appeal any decision that appears to violate their rights as defined in the College Catalog and Student Handbook
2. The services of an uninvolved member of the student affairs department will be available to review the student appeal process with the student. The president will review the request for appeal and determine if the circumstances fall within the areas subject to appeal.
 3. Generally, within seven working days, the president will inform the student whether the request for appeal is approved. If approved, the specific appealable issue(s) will be identified for the student. If more time is needed, the president will notify the student.
 4. The appealable issues will also be shared with the department manager over the area that made the decision or took the action being appealed.
 5. All approved appeals will be heard by a review committee as described in Section C.

C. Review Committee

1. Upon decision to convene a review committee, the president will select the members. If the appeal involves an academic program, the provost will determine who will represent the college and communicate that to the president. If the appeal is of an administrative or other non-academic matter, the president will select the individual to represent the college.
2. The composition of the review committee will include individuals who are not involved in the situation. The committee will be composed of five individuals including the following:
 - a. The dean of administrative and financial services or designee, will serve as chair with voting privileges.
 - b. Three uninvolved representatives from a CCHS academic program.
 - c. A CCHS student in a different program or class from the appealing student.
3. The appealing student and the college representative will be provided with written notice of the membership of the committee. The student will be advised which student services representative has been appointed to assist him/her in understanding the process, requesting documents, etc., and who will represent the program or the college. The committee will receive a copy of the president's letter identifying the appealable/grievable issue.
4. For good cause, the student and/or the college representative may challenge the membership of one member of the committee within 24 weekday hours of receipt of written notice. If a conflict of interest or question of the member's impartiality or suitability is presented to the satisfaction of the chair, the member will be excused from further participation. If the participation of the chair is challenged, the president determines if the chair will be excused. If any member is excused, including the chair, the president designates an alternate member.
5. A student may request documents to support his/her position in preparing for the hearing. Copies should be requested by the student, preferably in writing, to the department manager, committee chair or support person, or whoever is the responsible party. The assigned student services representative may assist the student in determining what documents may be available and how to request them. The request should be specific and should provide the date by which the documents are needed. The college will make all

- reasonable efforts to provide the documents requested, but requests with less than 24-hours response time may be impossible to honor. The student may request items prior to and independent of placing them on his/her "evidence list" submitted to the appeal panel, but may present during the hearing only those items on the approved evidence list. The student's advisor or assigned student services representative may assist by identifying what documents may be available and how to secure them.
- a. If the person responsible for the document is unsure whether it is public information, the concern is addressed to the supervisor or the next senior person over that area. In contested situations, the final decision on release will rest with the college president. Requests for FERPA-protected information will not be honored without appropriate waivers.
 - b. If committee minutes, etc., contain information of a confidential nature not related to the situation, the committee chair or department manager/dean may provide copies on which unrelated information is masked. The review-hearing chair is responsible for assuring the confidentiality of information requested which is not covered by the requestor's personal waiver.
6. The student and the college representative will be asked to supply the committee with a written list of evidence they plan to present. The list may include individuals who are able to bring relevant information, including faculty members. The written list of evidence will be provided to the opposing party not less than 24 working hours prior to the hearing. Neither party will be allowed to introduce additional evidence during the hearing.
 7. Upon receipt of notice of appointment, the committee will meet as soon as possible generally within seven working days after being appointed to review the conduct of the hearing and the submitted documentation and identify the relevance of the planned evidence. The committee may request additional documentation. The ruling on evidence and the date of the hearing will be sent to the student and the college representative in writing. Electronic transmission of this information is acceptable provided its receipt is verified electronically, by phone, or other reasonable means.
 8. The matter will be heard as soon as practical, normally within ten workdays of the first meeting of the committee. The determination of whether the student may attend class and/or clinical throughout the appeal process will be made by the dean of student affairs and enrollment management and the college provost.
 9. Prior to and during the hearing, the committee will have complete discretion in determining the manner in which the appeal/grievance is heard. The chair may rule at any time that evidence or testimony presented is not applicable.
 10. Neither the student nor the CCHS representative will be represented by an attorney in any phase of the hearing. The student and/or the college representative may consult with legal counsel in connection with preparation for the hearing. The student may elect to have either his/her faculty advisor or another member of the college personnel in attendance for emotional support. That person will not participate in the proceeding nor coach the student.
 11. The decision of the committee will be rendered generally within five working days after the completion of the hearing. The chair of the committee will inform the student, the college representative, program director/dean, provost, and the president of the decision as soon as practical, generally within one business day. Expedient methods of delivery may be utilized at the discretion of the chair.
 12. The decision will be rendered by a majority of the committee and will be final. In cases of dismissal the committee has the authority to uphold or overturn the dismissal. In cases of an

alleged violation of student rights, the committee has the authority to determine whether or not a violation of rights has occurred. The committee may, additionally, make a recommendation regarding corrective action to the president.

13. Additional guidelines for conducting the hearing can be found in the Committee Guidelines for Appeal Hearings at the end of this policy.

D. A log of all written complaints and appeals, along with the documentation and the response, will be kept in the college's administrative assistant's office and maintained according to the college's records retention policy.

E. The Complaints and Appeal process will be reviewed bi-annually.

III. APPROVAL

Name: _____ Title: President Date: _____

CAROLINAS COLLEGE OF HEALTH SCIENCES
Committee Guidelines for Appeal Hearings

Informational Meeting

1. Review of Student Complaint/Grievance/Appeal Process Policy and the conduct of the hearing.
2. Review of relevant policies, documentation, and evidence submitted.
3. Discuss issues which are central in focus to the appeal/grievance considering the issue(s) and evidence submitted.
4. Rule on relevance of evidence. Request additional documentation if needed.
5. Set date and time of hearing.

Appeal/Grievance Hearing

1. Introduction - The chair will perform the following functions:
 - a. Introduce members of the review committee. Refer to their positions and, per policy, reasons for sitting on the committee.
 - Chair
 - Three non-involved faculty/academic managers.
 - Student from different program or course.
 - The student filing the appeal/grievance.
 - The student's advisor or support person, if any.
 - b. Remind all present of the following:
 - All proceedings are strictly confidential.
 - The hearing will be recorded.
 - Only issues applicable to the approved issues will be discussed.
 - The purpose of the hearing is to determine if the student was subject to irresponsible treatment, procedural irregularities, arbitrary decisions, discrimination, or differential treatment affecting continued participation in or completion of the program, or if the student's rights have been violated.
 - The decision of the majority of the committee will be final and rendered to both parties in writing.
 - c. Verify, for the record, that both parties agree that the Student Complaints and Appeals Policy has been followed thus far.

Presentations

1. The student and the college representative will receive a full and complete hearing, allowing each to state a position related to action taken. The chair will verify that both parties are satisfied that their positions have been stated. Neither the student nor the college representative will direct questions to one another or otherwise verbally confront one another during the hearing
 - a. If, at any time during the presentations, either party strays from the above purpose of the hearing, the chair will stop the presenter and redirect.
 - b. If, at any time during the presentations, one party interrupts, speaks out-of-turn, or otherwise disrupts the proceedings, the chair will stop and redirect.
2. Order of presentations:
 - a. Allow the student to present first.
 - b. Once the student has completed his/her presentation, ask if the committee has any questions for the student. (The person representing the college action may not ask questions of the student.)
 - c. Allow the college representative to present.
 - d. Once the college representative has completed his/her presentation, ask if the committee has any questions for the college representative.
 - e. Ask if the student or college has rebuttal.
 - f. Verify, for the record, that both parties feel they received a full and complete hearing.

Deliberations

1. Once all questions are answered, the chair may suggest a break. Dismiss the presenters; ask the

committee members to return in 10 minutes, reminding them of the importance of confidentiality and avoiding discussion of the issues.

2. Upon resumption, discuss the proceedings.
3. No recording of the deliberations is made.
4. The committee has the power to:
 - a. In an appeal of a dismissal, uphold or overturn the dismissal.
 - b. In the event of an appeal or grievance not related to dismissal, determine whether the student's rights have been violated or another serious miscarriage of policy or procedures has occurred, and render a recommendation to the president.
5. Once the decision is fully discussed, take a vote. Ask for a motion, and then request a sign (such as "aye") of all in favor; all opposed; all abstained. Motion passes by a majority vote (51% or more of those voting).
6. The chair typically does not vote, but may vote in order to break a tie, to create a tie (i.e., to defeat an existing 1-vote majority), or any time his/her vote will affect the outcome. The chair may ask anyone abstaining to clarify the reason for that vote in confidence. If the response indicates lack of adequate information to make an informed decision, the chair may request additional information. If the response indicates concerns over retaliation, the chair will counsel the abstainer to support the weight of the evidence.
7. Collect all documentation issued to committee members during the hearing. Shred all copies. Originals are kept in the president's office

Decision

The Chairperson:

1. Outlines reasons for the decision.
2. Informs the student, college representative, program director/dean, and president within five working business days.
3. Completes letter to student, with a copy to the college representative, the president, and the student's official record. The letter is signed by the chair only.