

COMMUNITY COLLEGE OF DENVER

Title: Student Grievance

Guideline #: SA – 1

Approved: June 12, 2012
July 13, 2015
August 9, 2017

References: [Board Policy 4-31](#)
[SP Procedure 4-31a](#)

Approved By: Dr. Everette J. Freeman, President

1. APPLICATION

These guidelines apply to all Community College of Denver (College or CCD) students.

2. BASIS

- a. These guidelines are intended to allow students an opportunity to present an issue which they feel warrants action, including the right to secure educational benefits and services.
- b. If the basis of the claim is discrimination and/ or harassment based on federal or state civil rights laws, the student must file a grievance under the Civil Rights Grievance and Investigation Process. If the accused (respondent) is a student, please refer to [System President's Procedure \(SP\) 4-31a](#) as adopted by CCD in [Human Resources Guidelines HR – 8](#). If the respondent is a

CCCS employee, please refer to SP 3-50a as adopted by CCD in [Human Resources Guidelines HR – 9](#).

3. DEFINITIONS

- a. Complainant – Person who is subject to alleged inequity as it applies to any Board Policy (BP), SP, or College Procedures/Guidelines. For purposes of these guidelines, a complainant is a student who was enrolled in a College course at the time of the alleged incident.
- b. Respondent – Person whose alleged conduct is the subject of a complaint. For purposes of these guidelines, a respondent can be a CCD employee(s), authorized volunteer(s), guest(s), or visitor(s) of the College.
- c. Grievance – A grievable offense is any alleged action which violates or inequitably applies BP, SP, and College Procedures/Guidelines. The complainant must be personally affected by such violation or inequitable action.
- d. Non-Grievable Matters – The following matters are not grievable under these guidelines except as noted: matters over which the College 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.
- e. Chief Student Services Officer (CSSO) – The individual designated by the College President to administer student grievances. The CSSO may delegate the responsibility over

student grievances to another person only with the approval of the College President.

- f. Notice – Required to be given by these guidelines shall be considered served upon the student when given by personal delivery, mailing by certified mail, or email with receipt notification to the address the student has filed with the College’s admissions and records office. If notice is mailed, student shall be given three (3) additional days to respond.
- g. Day – Calendar day unless otherwise noted.
- h. Remedy – The relief that the complainant is requesting.
- i. Appeals Officer – The individual(s) designated by the College President to review the appeal of a grievance decision by the Investigator.

4. FILING A COMPLAINT

All complaints shall be made as promptly as possible after the occurrence. A delay in reporting may be reasonable under some circumstances; however, an unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a complaint or report.

5. GUIDELINES

- a. Students must timely submit all grievances in writing to the CSSO. The grievance should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. The grievance should be signed by the complainant or, in the case of an email submission, sent as an

email attachment, in letter format and should contain the name and all contact information for the grievant. Any supporting documentation and evidence should be referenced within the body of the formal grievance. Additionally, the complainant of a formal grievance should submit any supporting materials in writing as quickly as is practicable.

- b. 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. If contacting the person involved and/or the supervisor is impracticable, the complainant should state the reasons why.
- c. The College benefits from informal and formal guidelines that encourage prompt resolution of complaints and concerns students may have about the implementation of guidelines that govern the College.

6. INFORMAL GRIEVANCE PROCESS

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

7. FORMAL GRIEVANCE PROCESS

- a. Complainant must timely file a written statement of the actions complained of and describe the remedy he/she is seeking with

the CSSO. A matter could also be referred to this process by the College President or his/her designee. Once a written grievance is filed or referred, the CSSO or their 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.

- b. If the matter is determined to be grievable, the CSSO or their designee 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 guidelines are entirely administrative in nature and are not considered legal proceedings.
- c. The CSSO may require audio and/or video recording interviews with the complainant, respondent, and/or witnesses to supplement notes taken during the interview.
- d. The CSSO or their designee may also contact or request a meeting with relevant College staff, students, or others as part of the investigation.
- e. At the CSSO or their designee's discretion, the CSSO or their designee may discontinue meetings with anyone that is causing a disruption to the process or is being uncooperative, and will proceed to make a determination based on the information known at that time.
- f. Based on the preponderance of evidence, the CSSO or their designee shall issue a decision, in writing, 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 his/her right to appeal the decision, subject to the grounds below, by filing a written appeal with the CSSO or their designee within seven (7) days of service of the decision.

- g. In the event of an appeal, the CSSO or their designee shall give written notice to the other party to allow him/her the opportunity to submit a response in writing. The CSSO or their designee will also draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the appeals officer or committee 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:

- i. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established guidelines); or,
- ii. 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.

- h. If the appeals officer determines that new evidence should be considered, it will return the complaint to the CSSO or their designee to reconsider in light of the new evidence only.
- i. If the appeals officer or committee determines that a material procedural or substantive error occurred, it may return the complaint to the CSSO or their designee with instructions to reconvene the hearing to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the CSSO or their designee in cases of bias, the appeals officer or committee may order a new hearing be held by a different individual acting in the place of the designated CSSO or their designee. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the two applicable grounds for appeals.

8. SPECIAL GRIEVANCE PROCESS PROVISIONS

- a. In the event that the student is under the age of eighteen (18) or incapacitated, he/she may have an advisor present to assist him/her in presenting his/her case.
- b. Students do not have the right to be represented by an attorney or law student during these proceedings except in the case where civil or criminal actions concerning the student are pending and in that case the attorney's role shall be advisory only.
- c. The student is responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing except when the student is under the age of eighteen (18) or incapacitated.

- d. Student shall have the right to identify documents, witnesses and other material he/she would like the CSSO or their designee to review before making a final decision.
- e. Any hearing held shall be conducted in private unless all parties agree otherwise.
- f. A record of the hearing should be maintained by the CSSO or their designee.
- g. If student has a disability and would like to request an accommodation to assist him/her through the grievance process they may do so by informing the CSSO or their designee. The CSSO or their designee will then work with disability support services to accommodate the request.
- h. If the grievance is against the CSSO or their designee, the Chief Academic Officer or other person designated by the College President shall perform the duties of the CSSO or their designee.
- i. Jurisdiction - College grievance proceedings may be instituted over incidences that occur or are related to College or College-sanctioned activities or were of such a nature to have an impact upon the College.
- j. Proceedings under these guidelines may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- k. Standard of proof - the College will use the preponderance of evidence standard in the grievance proceedings, meaning, the college will determine whether it is more likely than not the

complainant was subjected to inequity as it applies to BP, SP, or College procedures/guidelines.

- I. The procedural rights afforded to students above may be waived by the student.

9. RETALIATORY ACTS

It is a violation of these guidelines to engage in retaliatory acts against any employee or student who files a grievance or any employee or student who testifies, assists or participates in the grievance proceeding, investigation or hearing relating to such grievance.

10. REVISING THESE GUIDELINES

CCD reserves the right to change any provision or requirement of these guidelines at any time and the change shall become effective immediately.