KAUA‘I COMMUNITY COLLEGE
Student Non-Academic Grievance Policy & Procedure

1. Purpose of the Policy

This policy and procedures are designed to provide a student grievant with an opportunity to obtain an equitable resolution to alleged injustices or problems of a non-academic nature caused in part or whole by the actions or practices of the College. Grievance relating to academic matters are handled through the Academic Grievance Procedure. Grievances relating to student conduct matters are handled through the Student Conduct Procedure.

2. Description of a Non-Academic Grievance

A grievance is a complaint by a student about an alleged action by a College employee which adversely affects the status, rights or privileges of the student. A grievance is filed against the College, with employee acting as the respondent to the allegations. Any action or practice can be complained at the informal level, that is, through direct discussion with the relevant employee.

Throughout the steps of the grievance, the burden of proof will be on the student to prove the allegations and the grievance may be denied because of a lack of sufficient evidence. A simple allegation or unsubstantiated assertion is an insufficient basis for lodging a formal grievance. Students must support their allegations with evidence compelling enough to give the Non-Academic Grievance Committee reason to hold a formal hearing.

3. The grievance process cannot be used to contest the following actions (proper procedures cited in parenthesis below):

A. To contest an instructors evaluation of academic performance; (through Academic Grievance Procedure)
B. Academic probation, disqualification or other academic decisions by the College (through Vice Chancellor of Student Affairs)
C. College student conduct action; (through Student Conduct Procedure)
D. Academic dishonesty allegations; (through Vice Chancellor of Student Affairs)
E. Debt to the university; (through Vice Chancellor of Academic Services)
F. Contents of materials contained in a student's university records; (through Vice Chancellor of Student Affairs)

4. Informal Resolution

A. Students who believe that their status, rights or privileges have been adversely affected by an action of the College’s employee(s) may request that the Informal Resolution process be initiated prior to/or instead of filing a formal grievance.

B. Upon receipt of a student's informal concern(s), the person who received the concern shall contact the Vice Chancellor of Student Affairs and provide that individual with the student's contact information. In cases where the grievance is with the Vice Chancellor of Student Affairs and/or his staff, the person should contact the Chancellor of the College.

C. During the Informal Resolution process, the College will attempt to resolve the student's concern(s) quickly and effectively. The Vice Chancellor of Student Affairs or Chancellor will meet with the student, the accused, and any other person(s) or witness(es) determined to be necessary for a resolution of the matter, to review the allegations and any responses. Informal Resolution may take the form of a negotiated resolution facilitated by the Vice Chancellor of Student Affairs or Chancellor or the Chancellor. At any time during the Informal Resolution process, the student may elect to terminate the process and proceed with the Formal Level of this policy. Both the student and the accused will be expected to keep the details of the informal resolution process confidential until the process is concluded.

D. If resolution is reached by these informal means, a record of the resolution will be documented and signed by the student. Such document will be maintained in accordance with applicable College recordkeeping policies in the Office of the Vice Chancellor of Student Affairs or Office of the Chancellor as appropriate. The matter will be considered closed and the student will be precluded from subsequently filing a formal grievance or appeal on the same incident under this policy.

E. If resolution is not reached by these informal means, the student will be informed about how to file a formal grievance.
5. Formal Level

A. The student shall file a written grievance with the Vice Chancellor of Student Affairs or Chancellor, as appropriate. The date of receipt shall establish the grievance filing date.

B. Timeline for filing a grievance. To be timely, the student must file a grievance no later than twenty (20) work days after the most recently alleged act occurred.

C. Requirements of a Grievance. The student should complete the "Student Non-Academic Grievance Complaint Form" or, as an alternative, the student shall submit a written signed statement containing the following information:

   i. The full name, address and telephone number(s) of the College employee;

   ii. A clear, concise written statement of the facts that constitute the alleged act(s), including pertinent date(s) and sufficient information to identify any individuals who may provide information (e.g., potential witnesses) during the course of the investigation conducted under these procedures;

   iii. A statement by the student verifying that the information supporting the allegations are true and accurate to the best of his/her knowledge;

   iv. The term and year of the student's last active academic status;

   v. The name of the student's advisor/, if any;

   vi. Specific harm resulting from the alleged action;

   vii. Specific remedy sought;

   viii. The student's signature; and

   ix. The date of complaint submission.
D. Intake interview. An interview with the student shall occur as soon as possible with the Vice Chancellor of Student Affairs or Chancellor, as appropriate, or other designated individual, but no later than ten (10) work days after the student has submitted a formal grievance. Students must make themselves available for this meeting. The meeting will serve to:

i. Acquaint the student with the investigation procedure and timelines, if not already done.

ii. Inform the student of his/her rights (including having an advisor,) if not already done.

iii. Request the student to complete and sign a formal grievance form, if not already done.

iv. Conduct the initial intake interview.

E. Advisor. The student may elect to have an advisor accompany him/her to any meeting(s) and/or interview(s) with the University regarding the grievance. The advisor's role in such meetings and/or interviews is limited to observing and consulting with the student.

F. Only those persons with a legitimate need to know will be apprised of the filing of and disposition of a grievance. Those persons may include, but are not necessarily limited to, Vice Chancellors, Division Chairs, and Directors who must be involved to ensure that retaliatory action does not occur during or after the investigative process, and/or to effectuate corrective actions.

G. Upon inquiry or during the course of an investigation, the student shall be advised of the status of the investigation. The investigation shall be completed no later than sixty (60) work days after the intake interview, unless the timeline has been extended pursuant to the next section of this policy. The timeline for the investigation shall not be extended for a period longer than an additional thirty (30) work days from the original due date. Within the investigation period stated above, the investigator will make findings of fact and conclusions regarding the allegations which he/she shall reduce to an investigative report. The preponderance of the evidence is the applicable standard for demonstrating facts in the investigation. In order to establish a fact, the investigator must find that its existence is more probable than its non-existence: i.e., that it is more likely than not to exist. The
investigative report should include a summary of the allegations, a
description of the investigative process, the preponderance of the evidence
standard used to determine whether a violation of policy occurred, the
evidence considered and a determination of whether the allegations were
found to be substantiated. The investigative report is then provided to the
appropriate Vice President or designee.

H. The person handling the case shall provide the student with notification of
the outcome of the campus investigation within ten (10) work days of
completing the report. The notification should include a summary of the
allegations, a description of the investigative process, the preponderance of
the evidence standard used to determine whether a violation of policy
occurred, the evidence considered and a determination of whether the
allegations were found to be substantiated. The decision of the Chancellor is
final.

I. In addition to the above notification, a separate notification shall be provided
to the accused(s), indicating whether or not the allegations at the Formal
Level were substantiated.

6. General Provisions for Investigations of a Grievance Against College
Employees

A. The person who conducts an investigation under this policy at the Formal
Level may be any of the College administrators or an external consultant,
provided the investigator is not within the administrative control or authority
of the accused. All investigations/reviews under this policy shall be
conducted impartially and in good faith.

B. Students and the College employees are required to cooperate with the
investigation/review, including but not limited to attending meetings, being
forthright and honest during the process, and keeping confidential the
existence and details of the investigation/review. If a grievant and/or accused
refuses to cooperate, the investigator may draw all reasonable inferences and
conclusions on the basis of all available evidence and conclude the
investigation/review.

C. A student must proceed with a grievance in good faith. A student who
knowingly and intentionally files a false grievance, abuses this policy, or
files a malicious or frivolous grievance may be subject to discipline.
Discipline shall be taken in accordance with the Student Conduct Code. Such disciplinary action shall not be deemed to be retaliation under this policy.

D. Both the student and the accused shall have the right to identify witnesses and other evidence for consideration; however, the investigator shall decide which witnesses and evidence are relevant and significant to the issues raised.

E. If the student, the accused, a witness, the campus investigator, or other necessary person involved in the grievance process is unavailable because of any reason deemed to be legitimate by the investigator, the timelines in this policy will be automatically adjusted according to the period of absence. The student will receive written notification of the period of extension.

F. When submitting a grievance or issuing a response, personal delivery or certified mail shall be used. If personal delivery is used, a signature acknowledging the calendar date of delivery shall be obtained which will establish the date of filing or response. If certified mail delivery is used, the postmark shall establish the date of response or filing.

G. The College is not obligated under this policy to investigate a grievance not timely filed under its provisions. Regardless, the College may investigate the underlying allegations of any grievance against a College employee if it determines the circumstances warrant investigation.

H. The Non-Academic Grievance Committee shall consists of seven voting member and shall be constituted as follows:

i. Three students selected by the UHCC-KCC Student Government
ii. Three faculty members selected by Faculty Senate
iii. A chairperson selected by the Chancellor
KAUAI COMMUNITY COLLEGE

STUDENT NON-ACADEMIC GRIEVANCE FORM

The Student Non-Academic Grievance Policy was established to provide students a procedure to file non-academic grievances. Students who file a grievance are required to cooperate with the investigation/review, including but not limited to, attending meetings, being forthright and honest during the process, and keeping confidential the existence and details of the investigation/review.

Please fill in all of the information requested below as completely as possible.

Last Name: ___________________ First Name: ______________________ M.I. _______
Mailing Address: __________________________________________________________
City: ___________________________ State: __________ Zip Code: ______________
Work Phone: _______________ Home Phone: ______________ Cell Phone: ______________
Best time to call: _____________ a.m. [ ] p.m. [ ]
Email: ____________________________
Currently enrolled: Yes [ ] No [ ] Student I.D. Number:________________________
Last semester attended: __________________________

1. Identify the employee(s) of the University against whom the allegations are made and the relationship to you, e.g., instructor, etc. Attach additional pages to this form if necessary.

Accused Employee’s Name: ______________________________
Relationship to you: ____________________________

Accused Employee’s Name: ______________________________
Relationship to you: ____________________________

Accused Employee’s Name: ______________________________
Relationship to you: ____________________________

Accused Employee’s Name: ______________________________
Relationship to you: ____________________________

Accused Employee’s Name: ______________________________
Relationship to you: ____________________________

Accused Employee’s Name: ______________________________
Relationship to you: ____________________________

Accused Employee’s Name: ______________________________
Relationship to you: ____________________________
STUDENT NON-ACADEMIC GRIEVANCE FORM

2. Describe the incident(s) or event(s), date(s), time(s), and location(s) giving rise to your complaint. **Attach additional pages to this form if necessary.**

3. To whom have you gone for resolution of the grievance? What did you or others do to try to resolve the grievance? What was the outcome?

4. Identify individuals who may have observed or witnessed the incident(s) that you described.

   Last Name: ___________________ First Name: ___________________
   Telephone: ___________________ Email: __________________________

   Last Name: ___________________ First Name: ___________________
   Telephone: ___________________ Email: __________________________

   Last Name: ___________________ First Name: ___________________
   Telephone: ___________________ Email: __________________________
STUDENT NON-ACADEMIC GRIEVANCE FORM

5. Do you have any documents that support your allegations? Yes [ ] No [ ] Please list and attach a copy.

6. Describe how you would expect the complaint to be resolved. Be as specific as possible.

You may elect to have an advisor present at meetings/interviews. If you indicate you will have an advisor, you are authorizing that individual to accompany you to any meetings and/or interviews regarding this complaint. The role of the advisor is limited to observing and consulting with you. If you elect to have an advisor, provide his/her name, address, and telephone number:

Last Name: _______________ First Name: _______________
Address: _______________ City: __________ State: _____ Zip Code ______
Telephone: _______________ Cell Phone: _______________

___________________________________________
Print Name of Student

_______________________________________
Signature of Student        Date

AUTHORIZATION

I certify that the information given in this complaint is true and correct to the best of my knowledge or belief.

___________________________________________
Signature of Student
dt

___________________________________________
Print Name of Student

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