

CAROLINAS COLLEGE OF HEALTH SCIENCES POLICY AND PROCEDURE

STUDENT AFFAIRS

SUBJECT: COMPLAINTS AND ACADEMIC APPEALS

REVIEWER(S): Provost*
Dean of Student Affairs and Enrollment Management
Director of Teaching, Learning, and Technology

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 any issue without prejudice, penalty, or recrimination. Concerns can be shared as complaints or appeals. Complaints may be submitted in either verbal or written formats, while appeals must be in writing. The College will investigate written complaints regardless of the source of the complaint. Some definitions to clarify the policy:

- Irresponsible treatment is defined as an action that appears reckless, tactless, or insensitive 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 college policy, that has a negative impact on a student's preparation or performance at formative or summative assessments or a situation in which the integrity of such assessments has been compromised.
- Arbitrary decisions are defined as seemingly random actions, not based on policy or principle, that negatively impact the student.
- 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 a negative impact on a student's performance.

PROCEDURE

A. Complaints

1. Complaints are generally of an administrative nature and address concerns with procedure, process, or institutional decisions. Complaints about discrimination, harassment, and sexual misconduct, including those related to ADA and Section 504 accommodation compliance, are handled in accordance with the College's Accommodating Special Needs policy. Complaints regarding administrative decisions will be handled by the Dean of Student Affairs and Enrollment Management of Student Affairs and Enrollment Management or the Provost depending upon the nature of the complaint.
2. Verbal complaints will generally be considered 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.
3. Written complaints, when signed, are considered formal and will be immediately referred to the Dean of Student Affairs and Enrollment Management of Students Affairs and Enrollment Management or the Provost, depending on the nature of the complaint. Anonymous complaints

will generally not be addressed.

- a. Generally, within one month from receipt of the complaint, the Dean of Student Affairs and Enrollment Management or Provost will notify the complainant of the status or action taken, if any, as a consequence of the complaint. If investigation or remediation extends beyond this time, the complainant will be informed of the delay.
 - b. Complaints are resolved administratively. In the rare instance that is not possible or if the complaint is of unique significance, the complaint may be heard by a review committee as described in Section C.
4. 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: The complaint will be forwarded to the Provost and the appropriate program chair for investigation. The response to the complaint will be submitted to the appropriate accrediting body as requested, or no longer than 60 calendar days.
 - b. Institutional Accreditation: The president, Provost and SACSCOC liaison will review the complaint and develop a plan and timeline for responding. The response to the complaint will be submitted to SACSCOC as requested, or no longer than 60 calendar days.

B. Academic Appeals

1. Appeals are academic in nature and address concerns regarding formative or summative assessments that negatively impact a student's performance or concerns regarding overall grading policies or practices within a specific course. Academic appeals are submitted when a student seeks to change a decision about an academic matter. The program chair where an academic decision was made is responsible for administering the appeals process. If the program chair made the original academic decision while serving in the role of advisor or faculty member, the Provost will administer the appeals process.
2. Procedures for an informal academic appeal:
 - a. Step 1. The student should discuss the matter directly with the faculty member immediately after its occurrence but no later than three business days after receipt of the academic decision.
 - b. Step 2. If no resolution is reached through the first step, or if the student is uncomfortable trying to resolve the issue directly with the faculty member, the student should request informal resolution by the program chair. This step must occur within five business days of the student's receipt of the original academic decision. The program chair does not play a decision-making role; rather, he or she facilitates a resolution when possible.
3. Procedures for a formal academic appeal:
 - a. Step 1. If the student is unable to resolve the issue informally with the faculty member, the student may submit a formal appeal in writing to the program chair within 10 working days of when the student and faculty member met. Some considerations include, but are not limited to:
 - i. Appeals cannot be used to challenge the outcome of academic decisions unless the process by which the decision was reached was subject to irresponsible treatment, procedural irregularity, arbitrary decisions, discrimination, or differential treatment

- ii. Where an appeal claims a factual inaccuracy or challenges the interpretation or application of college policy, it is the responsibility of the student to demonstrate that the decision was clearly in error or that the person who made the decision abused his or her discretion.
- iii. The determination of whether the student may attend class and/or clinical throughout the appeal process will be made by the college Provost in consultation with the Dean of Student Affairs and Enrollment Management of Student Affairs and Enrollment Management when necessary.
- b. Step 2: The student submits a written appeal to the program chair that includes a full description of the academic decision and the basis for the student's appeal for reconsideration based on this policy, a statement of the remedy the student is seeking, the name of the involved faculty member and when the student attempted an informal resolution, and any supporting documents (e.g., syllabus, course assignments, course tests, evaluations of prior learning, etc.). The services of a member of the academic support department will be available to support the student in the appeal process.
- c. Step 3: The program chair will review the appeal and consult with the faculty member before determining a response. The program chair may ask the faculty member to submit a response to the appeal in writing with necessary supporting documentation. The program chair may consult with other leaders in academic and student affairs depending on the nature and complexity of the appeal. Within 10 working days of receipt of the written appeal, the program chair will reply in writing to the student and shall state and affirm the decision, modify the decision, or overturn the decision. If there is a real or perceived conflict of interest, the program chair will confer with the Provost to determine how to proceed.
- d. Step 4: If the student is dissatisfied with the decision of the program chair, the student may request a formal review by the Provost. The student may submit a formal appeal in writing to the Provost within 10 working days of receiving correspondence from the program chair. In rare instances, the Provost may agree to review the decision if there is evidence of irresponsible treatment, procedural irregularity, arbitrary decisions, discrimination, or differential treatment. In this case and when the interests of justice so require, the Provost may decide to have the appeal 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.
- 2. The review committee will be composed of four individuals including the following:
 - a. A non-academic leader will serve as chair with voting privileges.
 - b. One faculty member from the academic program in question (if program size permits).
 - c. One faculty member from a different academic program.
 - d. One student from a different program or class from the appealing student.
- 3. The review committee will receive all documents reviewed by the Provost with the appealable issue clearly identified. In the case of a complaint, the documents may come from the Dean of Student Affairs and Enrollment Management.
- 4. The review committee will meet as soon as possible to review the complaint or appeal, generally within seven working days after being appointed. The committee may request additional documentation from any of the parties or independent of the parties in hearing the appeal. The chair will be responsible for requesting any additional information requested.
- 5. The hearing will be heard as soon as practical, normally within ten working days of the first meeting of the committee.
- 6. The chair of the review committee, in consultation with the full review committee after reviewing the complaint or appeal, will determine who to invite as witnesses at the hearing. At a minimum, the student, and the program chair (or their representative) will be invited. Other staff and faculty may be invited to the hearing based on the evidence presented by either party. All invited parties will be notified of the date of the hearing in writing. Expedient methods of communication may be utilized at the discretion of the review committee chair for all communication.

7. The student will not be allowed an attorney in any phase of the hearing. The student may elect to have either his/her faculty advisor, another member of the college personnel or a personal representative in attendance for emotional support. That person will not participate in the proceeding nor coach the student.
 8. Prior to and during the hearing, the review committee will have complete discretion in determining the manner in which the appeal is heard. The chair may rule at any time that evidence or testimony presented is not applicable.
 9. The decision of the review committee will generally be rendered to the student, the program chair and the Provost within three working days after the completion of the hearing. The chair of the review committee will review the decision with the president before informing others. In rare instances, the president may refer the decision back to the review committee for reconsideration or alter the decision, as necessary.
 10. The rendered decision is considered final. The review committee has authority to overturn academic decisions. 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 make recommendations regarding corrective action to the president, the Provost and/or the program chair.
 11. 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 academic appeals, along with the documentation and the response, will be kept in the president's office and maintained according to the college's records retention policy.
- E. The Complaints and Academic Appeal process will be reviewed bi-annually.

REFERENCES

Related Policies to Consult

Carolinas College:

ACADEMIC - Dismissal, Clinical Access and Eligibility; Records: Privacy, Retention and Storage

Related 2024 SACSCOC Standard(s)

- 6.4 Academic freedom
- 12.3 Student rights
- 12.4 Student complaints

CAROLINAS COLLEGE OF HEALTH SCIENCES
Committee Guidelines for Appeal Hearings

Initial Meeting of the Review Committee

1. The chair will review the Complaint and Academic Appeal policy with the members of the review committee and will discuss how the hearing will be conducted.
2. The review committee will review the submitted documents and the nature of the appeal. If additional documentation is required, the chair will request it from the appropriate party.
3. The review committee will discuss issues which are central in focus to the complaint or academic appeal considering the issue(s) and evidence submitted.
4. The review committee will determine who to invite to the hearing beyond the student and the program chair (or representative).
5. The review committee will set date and time of hearing.

Complaint or Academic Appeal Hearing

1. The chair will perform the following functions:
 - a) Introduce members of the review committee, those attending the hearing including the student, the program chair, and the student's advisor or support person, if present.
 - b) Remind all present of the following:
 - All proceedings are strictly confidential.
 - The hearing will be recorded.
 - Only issues applicable to the nature of the appeal will be discussed and that the committee chair has the right to determine the applicability of evidence or testimony.
 - 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 a simple majority of the committee will be final and rendered to both parties in writing.
 - a) Verify, for the record, that both parties agree that the Complaints and Academic Appeals policy has been followed thus far.
1. All parties 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 party will be allowed to direct questions to the other party 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. Once the student has completed his/her presentation, ask if the committee has any questions.
 - b. Allow the program chair to present. Once the program chair has completed his/her presentation, ask if the committee has any questions.
 - c. Allow other attendees to present one at a time. Once these attendees have completed their presentation, ask if the committee has any questions.
 - d. Ask if either party has a rebuttal allowing for the rebuttal in the same order as above.
 - e. The committee chair may set time limits for the initial presentations and the rebuttals based on the amount of information being presented.
 - 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 review 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. Once the decision is fully discussed, take a vote.
5. 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. Completes a letter to the student, with a copy to the program chair, the Provost, the president, and the student's official record. The letter is signed by the chair only. The president will review the letter prior to being distributed.
3. If the review committee made specific recommendations to the program chair, the Provost, or the president, these will be included separately from the official notification to the student and will not be maintained in the student file. These recommendations are for internal use only and may or may not be acted on at the discretion of the president.