

NUMBER: 608; AND R947-1 OF ADMINISTRATIVE RULES

SUBJECT: STUDENT GRIEVANCE

APPROVAL DATE OF LAST REVISION: AUGUST 15, 2005; JULY 1, 2008; JANUARY 24, 2011; NOVEMBER 23, 2015; JUNE 19, 2017; JULY 29, 2019

SOURCE(S): UTAH OFFICE OF ADMINISTRATIVE RULES (RULES.UTAH.GOV), UTAH ADMINISTRATIVE RULEMAKING ACT, UTAH CODE, TITLE 63G, CHAPTER 3, COUNCIL ON OCCUPATIONAL EDUCATION, STANDARD 10, STUDENT SERVICES AND ACTIVITIES

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608.1 – PURPOSE

This policy establishes general elements of due process that must be provided to a student prior to being expelled or suspended for 10 days or more for non-academic Student Rights and Responsibilities violations. Students are presumed not to have engaged in a Student Rights and Responsibilities violation until the college has established a violation by a preponderance of the evidence.

For complaints of discrimination see Policy 607 Nondiscrimination or Policy 533 Title IX and Protection from Sex Discrimination.

608.2 – POLICY

In the course of technical training at Bridgerland Technical College (BTECH), the student will have the opportunity for contesting any ~~treatment delivered~~ ~~evaluation made in an unjust manner~~ by Administration, faculty, staff, or students of the College. ~~in an appeal~~ Grievances may be made informally or formally and may include a grievance hearing. ~~if so desired.~~

608.3 – REFERENCES ADDITIONAL SOURCES

- (1) United States Constitution, Amendment 14, Due Process
- (2) Utah Constitution, Article 1, Section 7, Due Process of Law
- (3) Utah Code, Title 53B, Chapter 27, Section 302, Campus Civil Liberties Protection Act

608.4 – DEFINITIONS

608.4.1 – Grievance: ~~An appeal~~ is a claim or charge of injustice ~~or discrimination~~ based upon an event or condition that affects the welfare or conditions of an individual student or group of students.

608.4.2 – Grievant: is a person who submits a grievance for resolution through a grievance procedure.

608.5 – PROCEDURES

608.5.1 – Informal: Should a student believe there is a cause for grievance, he or she should discuss the grievance with the person(s) involved (instructor, student, Student Services staff, etc.) in an effort to resolve the grievance mutually and informally. For online or hybrid courses, the same procedure applies, except the informal discussion can be through an e-mail or over the phone. Students may also contact the Student Services Office at BTECH (435) 753-6780 to discuss any grievance issue ~~following the General Rights of Due Process below.~~

608.5.2 – Formal: If attempts to resolve the grievance informally are unsuccessful, the student should fill out the "Complaint Submission" Form and file the grievance with the Vice President for Student Services.

- (a) The grievance must be filed in writing within 90 days of the occurrence of the circumstance upon which it is based.
- (b) It must specifically identify the policy, procedure, or statute violated, misinterpreted, or inequitably applied.
- (c) It must furnish sufficient background concerning the alleged violation, misinterpretations, or inequitable applications to identify persons, actions, or omissions that led to the allegation.

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The grievance should be sent to the following address: Vice President for Student Services, Bridgerland Technical College, 1301 North 600 West, Logan, Utah 84321. The Vice President for Student Services will appoint a Hearing Committee to hear the grievance following the General Rights of Due Process below. The committee will notify the grievant of their decision in writing.

The institution maintains records on student complaints that are filed in accordance with the institutions grievance policy to ensure acceptable quality in the educational programs offered by the institution. Institutional records reflect that program complaints and grievances include evidence of resolution.

608.6 – GENERAL RIGHTS OF DUE PROCESS

In accordance with Title 53B, Chapter 27, Section 302, Campus Civil Liberties Protection Act, matters of non-academic conduct that may result in either expulsion or a minimum 10-day suspension, the College will provide students the following minimum due process:

608.6.1 – NOTICE

Prior to being interviewed about allegations of misconduct, the college shall provide the accused party students with notice of the allegations against them and of their right to have an advisor throughout the process who may, but need not be, an attorney. During an inquiry, investigation, or other informal process, an advisor may only advise the student and may not actively participate in the investigation or informal process.

608.6.2 – EXPLANATION OF THE EVIDENCE

Prior to a formal hearing, unless prohibited by reasonable circumstances, each party shall provide to the hearing committee chair (or hearing officer) copies of the documents they intend to submit as evidence and a list of witnesses they intend to call during the formal hearing. This information will be shared with both parties. In all circumstances, including informal processes, the college will provide students an explanation of the evidence against them.

608.6.3 – OPPORTUNITY TO RESPOND

The college will provide the accused party students an opportunity for a full hearing at which they can respond to the allegations and evidence against them. With the agreement of all parties, the college may also provide an informal hearing or opportunity to respond, or an agreed upon informal resolution. At formal adjudicatory hearings, students the party may have an advisor advocate for them. The student's party's advisor may be an attorney and .The student's advisor may actively participate in the hearing. in accordance with the college's policies regarding active participation.

608.7 – UNRESOLVED GRIEVANCES

In the event that the grievance cannot be resolved through the above measures, students may contact the school's accrediting commission: the Council on Occupational Education, 7840 Roswell Road Building 300, Suite 325, Atlanta, Georgia 30350, (800) 917-2081 or (770) 396-3898, or www.council.org. Copies of documents describing the College's accreditation and state approval are available for review upon request.