Policy Number: 219

Policy Title: Student Discrimination Grievance

POLICY:


No person shall, on the basis of age, race, religion, color, sex, sexual orientation, national origin, disability or genetic information, (what about veteran status?), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any college initiated program or activity.

If a student feels that he or she has been discriminated against, he or she can utilize the following procedure to address this alleged discrimination.

The College expressly prohibits all forms of retaliation against individuals who file a complaint of discrimination, participate in a discrimination proceeding, or otherwise oppose discriminatory acts.

If a student feels that he or she has been discriminated against by another student, he or she can utilize the following procedure to address this alleged discrimination.

PROCEDURE:

A. General Information

The College provides a meaningful procedure for students to voice their grievances alleging discrimination in academic and student services matters. This procedure is in no way intended to discourage or supplant the informal resolution of disputes by communication between the parties involved, and in fact, no written grievance will be considered and no hearing will be granted by the College Grievance Committee unless an aggrieved party can show that he or she made genuine efforts to resolve the dispute informally, by means specified herein.

In cases where a student is appealing a grade on the basis of alleged discrimination, the student must elect between the College Grade Appeal procedure at Section 119 of the Georgia Perimeter College Policy Manual or the Student Discrimination Grievance Procedure, but cannot use both for the same grade appeal. (See Grade Appeal, Georgia Perimeter College Policy Manual, Section 119)

In grade appeal situations based on alleged discrimination, the student must select between the grade appeal procedure outlined in college policy 119...
In cases where the discrimination involves sexual misconduct, the student’s case will be heard following the policies and procedures as outlined in the College’s Sexual Misconduct Policy (Policy 216). See http://depts.gpc.edu/gpcmisconduct. Students with disabilities also have the option of using the ADA Grievance Procedure which can be found on the Disability Services website at http://depts.gpc.edu/cds/pol.htm.

I prefer the wording below... Students who do not like how things go with the grade appeal or discrimination process may then claim they have a disability. This has happened at other times and the first thing I do is find out if a student is registered with CDS. Many times they are not and have not complied with CDS requirements but still want the benefits.

Students registered with the Georgia Perimeter College’s Center for Disability Services will also have the option of using the ADA Grievance Procedure which can be found on the GPC Disability Services website at http://depts.gpc.edu/cds/pol.htm.

B. Informal Process

Depending upon where the alleged discrimination originated—an aggrieved student shall meet with the Campus Dean of Academic or Student Services at the earliest opportunity after the most recent incident which is the subject of the alleged discrimination. The student should be prepared to explain to the appropriate Campus Dean all relevant facts and circumstances surrounding the alleged discrimination. In consultation with Human Resources, the Dean will review the claim and attempt to resolve the claim through an Informal Process. The Dean may involve the College Ombudsperson during the Informal Process. If the grievance involves allegations against a GPC employee or the College itself, the Campus Dean will refer the student to the Director of Human Resources for Compliance and Affirmative Action who will then handle the matter.

If after review the alleged facts do not constitute a basis of discrimination prohibited by law, informal resolution options or grievance procedures are still available to the student. If the alleged facts would constitute a basis for discrimination and no resolution can be reached in an Informal Process, the Campus Dean will forward the information to the Director of Human Resources for Compliance and Affirmative Action for review. The Campus Dean will also advise the student of their option to file a written grievance and begin the Formal Process.

C. Formal Process—Filing of Written Grievance
Any formal written grievance shall be filed with the respective Campus Dean within ten college instructional days after the aggrieved student’s meeting with the Campus Dean. Such grievance must contain specific factual allegations of the discriminatory practice(s) or incident(s), and a statement of the alleged basis or bases of the discrimination, which must be one or more of the following: age, race, religion, color, sex, sexual orientation, national origin, disability, or genetic information.

If the grievance involves an allegation against a GPC employee or the college itself, the Dean will contact and involve the Director Human Resources, Affirmative Action and Compliance.

D. Appointment of Grievance Committee

An Ad Hoc Grievance Committee will be appointed by the Campus Dean no later than ten college instructional days after the filing of a formal written grievance and will consist of five members: a student, a faculty member, a student affairs professional, and two additional individuals (either staff or faculty, corresponding to the position of the individual against whom the grievance is brought). All committee members except the Chair will be from the campus on which the grievance originated. The Campus Dean will name one of his/her peers from another campus as Chair of the committee.

E. Duties of Grievance Committee

Notice of Hearing

Within ten college instructional days of the appointment of the committee, the Chair shall issue a written notice to the student and any other party of interest. The notice shall set forth the date, time, and place of the hearing, the issue(s) as they are understood by the committee, and a statement that the parties are responsible for the attendance of their own witnesses and the presentation of any evidence they wish to make part of the record, including the sworn statements of any witnesses who are unable to attend the scheduled hearing. The date of the hearing shall be within ten college instructional days of the notice.

Hearing Procedure

The parties will not be permitted to be represented by attorneys at the hearing, but they will be permitted to be accompanied by an advisor from the College with whom they may confer during the course of the hearing. The burden of proof of the allegations raised in the written
grievance shall rest with the aggrieved student. The student shall have the first opportunity to present his or her case by narrative, testimony of witnesses, and presentation of documentary evidence. The party against whom the grievance has been brought will then have an opportunity to present his or her case, in the same manner. All testimony shall be taken under oath administered by the Chair of the grievance committee. Both parties shall have the right to cross-examine adverse witnesses.

The committee shall not be bound by legal rules of evidence, but shall hear all relevant evidence presented. The Chair of the committee will rule on any challenge raised to the admissibility of evidence, as well as any other objections made during the course of the hearing.

Determination of Committee

Within five college instructional days of the hearing, the committee, through its Chair, shall prepare a written determination for disposition of the grievance. The determination shall include specific findings of fact based on evidence presented at the hearing and a course of optional courses of action for the College. The determination may include a dissenting opinion or opinions if the committee members are unable to reach consensus.

The Campus Dean will then report the results of the hearing to the parties involved in writing. Depending on where a discrimination grievance originates—within academic or student services at the College—the Campus Dean will advise the parties at that time of their right to appeal the determination of the committee to the Vice President of Academic Affairs or the Vice President of Student Affairs and Enrollment Services within five college instructional days of the issuance of the determination. Both parties have the right to appeal (2).

F. Appeal to the Vice President of Academic Affairs or the Vice President of Student Affairs and Enrollment Services

Within five college instructional days of the receipt of an appeal, the appropriate Vice President shall issue a decision based on review of the record. This decision shall be in writing, and may incorporate, by reference, all or part of the determination of the committee.

G. Appeal to the President

Either party who wishes to appeal the decision of the Vice President may appeal to the College President within five college instructional days of the date of the decision. Such appeal must be in writing and dated, setting forth the specific grounds of the appeal.
H. Final Decision

The President shall issue a final decision on the appeal within a reasonable amount of time. This decision shall be in writing, and may incorporate, by reference, all or part of the determination of the committee or the previous appeal decision. The decision shall apprise the appealing party of the right to further appeal to the Board of Regents of the University System of Georgia pursuant to Paragraph IX of the Bylaws of the Board of Regents or any other applicable provision of the Policies of the Board of Regents.