

# Asheville-Buncombe Technical Community College

# (A-B Tech) Procedure

## Procedure 818: Student Appeals

## General

1. It is the responsibility of all employees and students to attempt, in good faith, to resolve disputes regarding actions taken by College employees that are perceived to be unfair or unjust. If such discussions are unsuccessful, the student shall be entitled to initiate the appeals procedure. At this time, a Student Appeals Committee will be formed and a date and time set for a hearing.
2. No student appealing any decision shall be subjected to harassment or intimidation or be in any way discouraged from filing an appeal pursuant to this procedure.
3. At any stage of the appeal process, all parties shall have the right to be accompanied by an advocate of their choice. The advocate may not present the appeal or complaint on behalf of the student unless otherwise instructed to do so by the chair of the Student Appeals Committee. If the student chooses to have an attorney in attendance, the student must provide notification to the Vice President of Student Services or his or her designee at least three college business days prior to the scheduled hearing date.
4. If the student and/or employee wishes to present documentation to be considered during the hearing, it should be submitted to the Vice President for Student Services or his/her designee no later than two business days prior to the scheduled hearing. Both the student and employee will be given an opportunity to review all documentation submitted prior to the hearing.
5. The Vice President for Student Services or his or her designee shall monitor the handling of appeals through this procedure to ensure correct and prompt compliance by all parties.
6. Please note this procedure applies to students wishing to appeal administrative action or decisions with exception to financial aid, code of student conduct sanctioning, grade appeals, and dismissal by a host clinical or other work-based learning site.

## Appeal Procedure

* 1. Students are strongly encouraged to first discuss the disputed matter with the involved employee as soon as possible.
  2. It is the responsibility of the student to complete and submit a written appeal form, including all necessary employee and student signatures, within six weeks of the date when the matter occurred. The form will clearly explain the student’s complaint as well as the student’s proposed resolution of the complaint. The employee will be given the opportunity to read the student’s written complaint and to meet with the student one more time. Alternately, the employee may sign the appeal form indicating that he or she is unable to resolve the problem. The student will then be directed to the supervisor of the employee who will meet separately with the student to attempt to resolve the issue. If the supervisor is unable to resolve the issue with the student, then the supervisor will sign the appeal form and direct the student back to the Vice President for Student Services. Completion of the form by the employee and supervisor does not in any way indicate agreement with the complaint. Each party may propose solutions to the disagreement that, if accepted by both parties, results in resolution of the appeal. If either party refuses to accept a proposed solution, the matter is referred to the Student Appeals Committee.
  3. If the student has difficulty contacting the supervisor, he or she should contact the Vice President for Student Services or his or her designee, who is responsible for assisting with contacts.
  4. If the student and/or employee wishes to present documentation to be considered during the hearing, it should be submitted to the Vice President for Student Services or his/her designee no later than two business days prior to the scheduled hearing. Both the student and employee will be given an opportunity to review all documentation submitted prior to the hearing. The Vice President for Student Services or his or her designee shall maintain files of all appeal forms submitted to his or her office. Such forms, together with other records indicating final action on a problem, shall be maintained for a minimum of five years.
  5. Students enrolled in distance courses may find it difficult to come to campus in order to pursue an appeal. In these instances, the process may be handled by telephone with the employee involved, the employee’s supervisor, and the Vice President for Student Services by mail, fax, or other agreed upon electronic means for submission of the appeals document. As with other appeals, the Vice President for Student Services will closely monitor the progress, ensuring the contacts are made in a timely fashion and documents are submitted properly. If it becomes necessary for an appeal to go to the Student Appeals Committee, conference calling or any other electronic means agreed upon by both parties will be used. When conference calling is employed for a hearing, no business can be conducted without the student being present on the telephone, with the exception of the deliberations of the Committee in executive session.

## The Student Appeals Committee

### Composition of the Student Appeals Committee:

The Student Appeals Committee will be comprised of no less than seven members and will be composed as follows in an effort to ensure the representation of all constituent groups in the College community.

1. Two student representatives
2. Two faculty representatives
3. One Student Services representative,
4. One non-faculty employee, and
5. One non-teaching professional representative at the level of coordinator or higher who will serve as chairperson.

### Student Appeals Committee Hearing and Procedures

1. The Vice President for Student Services or his or her designee shall be responsible for informing the employee and supervisor involved and the student of the date, time, and place of the hearing. The Vice President for Student Services or his or her designee shall convene the Student Appeals Committee no later than 15 calendar days after receipt of the completed request, along with required signatures from both student and employee, for a hearing.
2. When an appeal is made by a disabled student, the Committee, at its sole discretion, may consult with or include the Associate Director for Support Services in the hearing process for such person’s knowledge of disability and ADA issues and requirements.
3. A quorum to conduct Committee business and vote is defined as a minimum of four members. In no case shall any business be conducted unless at least one student and one faculty member are present. There will be an audio recording of the appeal hearing.
4. The decision of the Student Appeals Committee will be conveyed to the student and may be appealed within five business days to the President whose decision will be final. The President’s review does not include a new hearing and his or her review shall consist of evidence presented at the hearing. The President will affirm, modify or reject the decision of the Student Appeals Committee.
5. In addition to the committee members, the following persons are permitted to attend the hearing:
   1. Involved parties
   2. An advocate for the appealing individual. The advocate may not present the appeal or complaint on behalf of the student unless otherwise instructed to do so by the chair of the Student Appeals Committee. If the student chooses to have an attorney in attendance, the student must provide notification to the Vice President of Student Services or his or her designee at least three college business days prior to the scheduled hearing date.
   3. The chair of the Student Appeals Committee will manage all hearing proceedings, including the sequencing and time allocated for presentation of evidence by both student and employee.
   4. Administrative officers of the College who may be directly concerned with the dispute.
6. If a student fails to attend the scheduled hearing, the appeal is considered to be dropped.
7. All steps of the appeal procedure for students shall be closed to the public, and all documents generated in the course of a complaint shall be confidential except to authorized College officials.

## Availability of Information

The Student Appeal Policy and Procedure is available on the College website.

Definitions: None

Pursuant to Board policy, Chapter 800, Section 818, this procedure must be followed when dealing with appeals by students.

Owner: Student Services

Updated: March 14, 2016