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similar to, charges of misconduct to be heard by the Committee. Two separate jurisdictions are involved in such cases. Therefore, hearings may be held and decisions rendered independent of any resolution by the court system.

5. The Committee may identify someone to take written notes and the committee will have the hearing tape recorded, except for the Committee's deliberations. No other party in the hearing may record the proceedings and no other party is entitled to a copy of the notes or the recording. After the conclusion of the hearing, the tape will be kept in the office of the Chief Student Services Officer. The student may listen to the tape of his/her hearing under the supervision of the Chief Student Services Officer or designee. The student is not entitled to a copy of the tape or a written transcript of the hearing.
6. Upon completion of a hearing, the Committee shall meet in executive session to determine concurrence or non-concurrence with the original finding and to impose sanctions, if applicable.
7. Decisions of the Committee shall be made by majority vote.
8. Within 2 instructional weekday after the decision of the Committee, the Chairperson shall send a certified letter to the student's last known address providing the student with the committee's decision, date of the decision and, if applicable the sanction(s) imposed. The letter will also inform the student about the appeal process.

## C. Appeal to the President

When the student appeals to the President, the President, whose decision is final, shall have the authority to:

1. Receive from the student an appeal of the Committee's decision.
2. Conduct additional inquiries as deemed necessary.
3. Review the findings of the proceedings of the Committee.
4. Hear from the student, the Chief Student Services Officer, and the members of the Committee before ruling on an appeal.
5. Approve, modify, or overturn the decision of the Committee.
6. Void the process and reconvene another Committee.
7. Inform the student in writing of the final decision within 10 working days of the receipt of the appeal.

The President's decision regarding disciplinary actions under the Student Code of Conduct 4.049.02 are not grievable.

## The Student Grievance Procedure

### I. PURPOSE

The purpose of the student grievance procedure is to provide a system to channel and resolve student complaints against an OCtech employee concerning decisions made or actions taken. A decision or action can be grieved only if it involves a misapplication of a college's policies, procedures, or regulations, or a state or federal law. This procedure may not be used in the following instances:

- 1) to grieve a claim against a college employee for any matter unrelated to the employee's role or position at the college;
- 2) for complaints or appeals of grades awarded in a class or for an assignment, unless the complaint is based upon alleged discrimination on the basis of age, gender, race, disability or veteran's status; or on the basis of alleged sexual harassment; or

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- 3) to grieve a decision for which other grievance or appeal procedures exist (e.g., appeal of a disciplinary case, a residency appeal, a financial aid appeal, FERPA grievances, transfer credit evaluations, etc.).

The student filing the grievance must have been enrolled at the college at the time of decision or action being grieved and must be the victim of the alleged mistreatment. A grievance cannot be filed on behalf of another person.

For complaints based on sexual harassment or sexual violence where another student is the accused, please refer to OCtech procedure "Addressing Alleged Acts of Sexual Violence and Sexual Harassment" (Procedure number 4.049.02)

For complaints based on sexual harassment or sexual violence where an employee of the college is the accused, please refer to OCtech procedure Non-Discrimination, Anti-Harassment and Sexual Misconduct ( Procedure number 8.004.01).

## II. DEFINITIONS

When used in this document, unless the content requires other meaning,

- A. "College" means Orangeburg-Calhoun Technical College (OCtech)
- B. "President" means the chief executive officer of Orangeburg-Calhoun Technical College
- C. "Administrative Officer" means anyone designated at the college as being on the administrative staff, such as the President, Chief Academic Officer, Chief Student Services Officer, etc.
- D. "Chief Student Services Officer" means the Administrative Officer at the College who has overall management responsibility for student services or his/her designee.
- E. "Chief Academic Officer" means the Administrative Officer at the College who has overall management responsibility for academic programs and services or his/her designee.
- F. "Grievable Act or Decision" means a misapplication of a college's policies, procedures or a violation of a state or federal law.
- G. "Days" means an instructional weekday, excluding Saturday and Sunday and all days in which the college is closed.
- H. "Student" means a person taking any course(s) offered by OCtech.
- I. "Instructor" means any person employed by the college to conduct classes.
- J. "Staff" means any person employed by the college for reasons other than conducting classes.
- K. "Campus" means any place where the college conducts or sponsors educational, public service, or research activities.

## III. GRIEVANCE PROCESS

### A. Filing a Complaint

This procedure must be initiated by the student within sixty days of becoming aware of the decision, action, or event giving rise to the grievance. This time limit may be extended by the OCtech official having jurisdiction over the grievance, if the student requests an extension within the sixty day period.

Before initiating the Student Grievance process, a student could go to the college employee who originated the alleged problem and attempt to resolve the matter informally. If the student is not

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satisfied with the outcome of this meeting or if the student prefers to ignore this step, then the student may file a written complaint and initiate the grievance process. In instances alleging discrimination or harassment, including sexual harassment and violence, the student is not required to initially try to resolve the matter with the person alleged to have committed the violation under this policy. This written complaint should describe the decision or action that is being grieved, the date of the decision or action, and the college employee(s) involved in the decision or action.

1. Written complaints about alleged discrimination on the basis of age, gender, race, disability or veteran's status and written complaints about alleged sexual harassment shall be submitted to the OCtech Office of Human Resources Director who is the designated Section 504, Title II, and Title IX compliance Officer.
2. Written complaints about decisions and actions not related to discrimination on the basis of age, gender, race, disability, veteran's status, or sexual harassment shall be submitted to the college's Chief Student Services Officer.
3. Any written complaint naming the college's President as the person whose alleged action or decision originated the problem shall be submitted to the President of the South Carolina Technical College system. (SCTCS)
4. For complaints based on sexual harassment or sexual violence where another student is the accused, please refer to OCtech procedure "Addressing Alleged Acts of Sexual Violence and Sexual Harassment" (Procedure number 4.049.02)
5. For complaints based on sexual harassment or sexual violence where an employee of the college is the accused, please refer to Non Discrimination and Anti-Harassment Sexual Harassment(Procedure number 8.004.01)

## **B. Pre-Hearing**

The person receiving the student's written complaint will send a written acknowledgement to the student no later than two instructional weekdays after receiving the written complaint.

The person receiving the complaint will forward the complaint to the immediate supervisor of the employee named in the complaint no later than two instructional weekdays days after it has been received. When the President is named in the complaint, the South Carolina Technical College System's Vice President of Academic Affairs (SCTCS VPAA) will be responsible for the pre-hearing.

As a part of the effort to resolve the matter, the supervisor or the SCTCS VPAA, will consult, as needed, with the employee named in the complaint, the student filing the complaint, and Chief Administrative Officer of the division or component concerned.

The supervisor or the SCTCS VPAA shall respond in writing to the student within ten instructional weekdays of receipt of the complaint. The response, sent by certified mail, shall include a summary of the findings and, as needed propose the steps that shall be taken to resolve the complaint. If the student does not agree with the proposed resolution, the student may request to have the complaint heard by the Student Grievance Committee.

When the President is named in the complaint, the President of the SCTCS will convene a three person ad hoc committee consisting of System Presidents or a three person ad hoc committee from within the System to hear the student's complaint.

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## C. Student Grievance Hearing

1. Requesting a Hearing
  - a) The student must submit a written request for a Grievance Hearing to the Chief Student Services Officer within five instructional weekdays after receiving the supervisor's written response and no later than fifteen instructional days after the supervisor sent the summary of findings. The request must include a copy of the student's original written complaint, a statement describing why the supervisor's response was unsatisfactory, and a copy of the supervisor's response.
  - b) If the student does not submit the written request for a hearing within fifteen instructional weekdays, and the student can demonstrate that extenuating circumstances resulted in the failure to meet this deadline, the Chief Student Services Officer may allow the hearing to take place.
  - c) Within two instructional days, the Chief Student Services Officer shall notify the President or, as appropriate, the System President about the need to convene a Student Grievance Committee or an ad hoc committee of Systems Presidents. These committees shall be formed to hear specific complaints and a new committee may be formed each time a grievance covered by this procedure is filed.
2. Grievance Committees
  - a) Student Grievance Committee--The President must approve all recommended members. The committee shall be composed of the following:
    - 1) Three students recommended by the OCtech Student Advisory Board.
    - 2) Two faculty members recommended by the Chief Academic Officer.
    - 3) One Student Services staff member recommended by the Chief Student Services Officer
    - 4) One administrator, other than the Chief Student Services Officer, to serve as the Committee's chairperson.
    - 5) The Chief Student Services Officer, or designee, who serves as an ex-officio, nonvoting member of the committee
  - b) Grievance Against the President - The President of the SCTCS will select three System Presidents to serve on this committee and identify one of the three Presidents to serve as the chairperson for the hearing.
  - c) The Chief Student Services Officer, or designee, will send copies of the student's request for a hearing to the committee members, the employee, and the employee's supervisor. The employee against whom the grievance was filed has an opportunity to submit his/her response to the request for a hearing to the Committee prior to the hearing.
  - d) The Student Grievance Committee's meeting(s) shall be conducted within twenty-one instructional weekdays following the date of the request. The chairperson may grant a postponement if either party submits a written request no later than five instructional weekdays prior to the scheduled meeting. The chairperson of the Student Grievance Committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties. The re-scheduled hearing must take place within ten instructional weekdays of the date of the previously scheduled hearing.

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## 3. Hearing Procedures

- A) The Chief Student Services Officer, or designee, shall send a certified letter to the student filing the complaint and to the employee(s) named in the complaint at least five instructional weekdays before the scheduled hearing. This letter shall include:
- 1) a brief description of the complaint, including the name of the person filing the complaint;
  - 2) the date, time, and location of the meeting;
  - 3) the name of any person who might be called as a witness.
  - 4) a list of the student's procedural rights. These rights follow:
    - a) The right to review all available evidence, documents or exhibits that each party may present at the meeting. This review must take place under the supervision of the Chief Student Services Officer, or designee..
    - b) The right to appear before the Hearing Committee and to present information and additional evidence, subject to the Committee's judgment that the evidence is relevant to the hearing.
    - c) The right to consult with counsel. This person serving as counsel may not address the committee, question the employee(s) named in the complaint, or any witnesses. The student will be responsible for paying any fees charged by the advisor.
    - d) The right to present witnesses who have information relating to the complaint. Witnesses will be dismissed after presenting the information and responding to questions posed by the Grievance Committee, the student filing the complaint, and the employee(s) named in the complaint.
- B) At least ten instructional weekdays before the scheduled hearing the parties must submit the names of persons that the parties anticipate calling as witnesses as well as any evidence that the parties intend to introduce at the hearing.
- C) Hearings are closed to the public. When testimony is being given, only the committee members, the student and his/her advisor, the employee and his/her advisor, and the witness giving testimony may be present. During deliberations, only the members of the Committee may be present.
- D) Hearings are informal and a tape recording of the testimony presented during the hearing may be made. The Committee's deliberations are not tape recorded.

After resolution of the appeal, the tape recording will be kept for three months in the office of the Chief Student Services Officer, or designee. The student filing the complaint or the employee(s) named in the complaint may listen to this tape recording under the supervision of the Chief Student Services Officer, or designee.

- E) The Committee may question the student and the employee(s). The Committee may also question the employee's (employees') supervisor(s) and any additional witnesses that it considers necessary to render a fair decision. Questions must be relevant to the issues of the grievance.
- F) Both parties to the grievance may ask questions of the other during the hearing. These questions must be relevant to the issues stated in the written complaint. The Chairperson of the Committee will determine the appropriateness of the questions.
- G) The Committee bears the burden of determining whether the allegations are supported by the information available through the hearing. The committee will use a preponderance of the evidence standards in making this determination.

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- H) The Committee shall decide the solution of the grievance by a majority vote. In case of a tie, the chairperson may vote.
- I) The chairperson shall forward a copy of the Committee's decision to the student filing the complaint and to the employee(s) named in the complaint within two instructional weekdays of the Committee's decision. This letter will include a rationale for the Committee's decision and inform the student and employee(s) that they have a right to appeal the Committee's decision.

## D. Appeal Process

If either party (the student or employee) is not satisfied with the Student Grievance Committee's decision, that person may submit a written appeal to the President of the College within ten instructional weekdays of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the committee's decision. The President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten instructional weekdays of receipt of the appeal. The President's decision is final and this decision cannot be the sole reason for filing a grievance against the President.

If either party (student or college President) is not satisfied with the System's Office ad hoc committee of System President's decision, that person may submit a written appeal to the President of the SCTCS within ten instructional weekdays of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the Committee's decision. The System President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten instructional weekdays of receipt of the appeal. The System President's decision is final.

## Student Code Procedure for Addressing Alleged Acts of Sexual Violence and Sexual Harassment

Orangeburg-Calhoun Technical College does not discriminate on the basis of race, color, gender, national or ethnic origin, age, religion, disability, marital status, veteran status, sexual orientation, gender identity, or pregnancy in educational programs and activities as required by Title IX. Any questions regarding Title IX may be referred to the college's Title IX Coordinator or to the Office of Civil Rights.

The Student Code of Conduct for Orangeburg Calhoun Technical College sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct. This Code applies to behavior on college property, at college-sponsored activities and events, and to off-campus behavior that adversely affects the college and/or the college community and the Code applies to all students from the time of applying for admission through the awarding of a degree, diploma, or certificate.

Any student, or other member of the college community, who believes that he/she is or has been a victim of sexual harassment or sexual assault may file a report with the college's Chief Student Services Officer, campus security office, or with the college's Title IX coordinator or designee. The Title IX coordinator's office location and phone number are available on the college's website. Reports may also be filed by any Responsible Employee, who has an obligation to report any claim of sexual harassment or sexual assault to the Title IX Coordinator or designee.