

# PROCEDURE

<b>Subject</b>	<b>Student Request for Conflict Resolution as Related to Administrative Policies</b> <small style="text-align: right;">Page 1 of 5</small>	<b>Number:</b> 4.14.02
<b>Source</b>	Vice President, Student Affairs	<b>Reference (Rule #)</b> 6HX14-4.14
<b>President's Approval/Date:</b> 02/25/2014		

## A. Definition

For the purposes of this Procedure a “conflict” or “complaint” is defined as the allegation by a State College of Florida, Manatee - Sarasota student in such instances where the student finds it necessary to secure a resolution to an administrative, non-academic concern including, but not limited to, incorrect assessment of fees, registration or records errors, or advisement issues.

## B. Purpose & Conditions for a Conflict Resolution Procedure

State College of Florida, Manatee - Sarasota (SCF) strives to maintain a professional work and academic environment where all students, staff, faculty and other members of the collegiate community are treated with respect and dignity. The goal of the College is to provide an academic and institutional climate that is conducive to learning and working productively. To that end, the purpose of this Procedure is to:

1. Provide students with a complaint mechanism for their perceived conflicts/complaints.
2. Assure students that there will be no retaliation for pursuing the resolution of their conflict/complaint.
3. Provide students with:
  - a. Assurance that policies are applied consistently and equitably;
  - b. An effective method to present concerns to faculty and administration for resolution internally.
  - c. A process that provides a prompt, thorough and impartial investigation.
  - d. The potential for resolution at the lowest level possible.
  - e. Assurance that confidentiality will be maintained to the extent possible within legal requirements.

The burden of proof needed to substantiate the merits of an administrative, non-academic complaint shall rest with the student. Therefore, the student must demonstrate:

- (a) The presence of a wrong or loss;
- (b) That the specific alleged incident caused damage;
- (c) That there is remedy available to right the wrong.

Examples of the above may include, but are not, necessarily limited to, situations or actions where students feel that they were inappropriately assessed a fee, their transcript does not reflect all appropriate documentation, or their “residency” classification is incorrect.

In keeping with the intent and spirit of this Procedure, it is incumbent upon all parties involved to show respect, civility, restraint, and professionalism in their efforts to resolve conflicts and complaints. It is incumbent upon all administrative staff, faculty and students to arrange meetings and conferences with each other in good faith and to communicate decisions within established time frames to all concerned parties.

### **C. Conflict Resolution Policy**

General Guidelines:

1. Students are encouraged to direct their concerns to the college employee with whom their conflict/complaint exists informally. However, in the event that these efforts fail, the *Conflict Resolution Procedure* provides the guidelines and procedures for resolving the conflict.
2. This Procedure is not to be used for complaints of admission to an academic program. These concerns are to be directed to the AVP, Enrollment Services, and subsequently to the College Admissions Committee.
3. This Procedure is not to be used for complaints of alleged *harassment or discrimination*. These concerns are to be directed to the College Equity Officer, and subsequently another College Procedure for resolution.
4. This conflict resolution process may only be initiated by the affected student and not by third parties in a representative capacity.
5. Students and college employees are encouraged to communicate directly and openly to resolve conflicts at the lowest possible level. However, a designated College \_advisor from Student Services may serve as an alternate contact to the College employee in the event that the college employee is not available, and/or a situation warrants immediate attention.
6. The time limits provided in this Procedure shall be strictly observed by all parties, unless extended by written agreement of the parties. The number of days indicated at each step will be considered as the maximum and every effort will be made by the parties to expedite the process. Failure of the student to process the conflict/complaint within the time limits herein provided shall result in the dismissal of the complaint. Failure of faculty, supervisory employees or the administration to process the complaint within the time frames provided shall entitle the student to proceed to the next step of the Procedure.
7. The written conflict/complaint of the student must state pertinent facts in enough detail to enable an otherwise uninformed third-party to determine from the document the administrative non-academic conflict/complaint requiring resolution, assuming the truth of the facts as stated. The written explanation of the conflict/complaint must specify with particularity the relief sought by the student.
8. In each of the Procedure steps, working days shall be defined as any day the College is open for business and shall EXCLUDE Saturday, Sundays, any holiday the College has published as “College Closed,” and emergency closings.

## **D. Conflict Resolution Procedure**

It is the College's intent to be responsive to its students and their concerns; therefore, the following conflict resolution procedure has been established.

### Step One – Informal Procedure

- a. The student and college employee will meet within ten (10) working days from when the conflict/complaint occurred; unless the situation warrants immediate attention.
- b. The college employee will take a positive approach, explain the reasons for any action, documentation, or policy which may have contributed to the complaint, and seek a mutually agreeable solution.
- c. The goal of both parties should be to resolve the issues at this level.

### Step Two – Informal Procedure

- a. If within ten (10) working days of the initial meeting to resolve the conflict/complaint as provided in STEP ONE, the conflict/complaint is not resolved to the mutual satisfaction of the student and college employee, or the conflict/complaint involves treatment by the college employee that is perceived by the student as unfair; the student may request a meeting with the employee's department supervisor (coordinator, director of department).
- b. The student and the department supervisor must meet within ten (10) working days from the date the student and the college employee determine that the conflict/complaint has not been resolved as provided in STEP TWO, part a.
- c. The department supervisor will then meet with the college employee no later than five (5) working days from the date he/she met with the student; unless the situation warrants immediate attention.
- d. Within five (5) working days after the meeting with the college employee, the department supervisor will issue a verbal decision to the student.
- e. The goal of the three parties should be to resolve the issues at this level.

### Step Three – Formal Procedure

To pursue Step Three, if the matter is not resolved at Step Two, the option below must be followed.

- a. If the resolution of the department supervisor does not resolve the conflict/complaint to the satisfaction of the student, the student may within five (5) working days of receipt of the disposition at Step Two, request in writing to proceed to Step Three in which the Vice President, Student Affairs shall investigate the conflict/complaint. The student shall submit such written request to Step Three of the procedure with a summary of the oral findings at Steps One and Two.
- b. The Vice President, Student Affairs will meet with the parties directly involved to facilitate a resolution or gather further information from the other sources as needed. The Vice President's investigation shall be conducted confidentially and any individuals

interviewed in the course of the investigation shall be advised to maintain such confidentiality.

- c. A written finding will be given within ten (10) working days of completion of the investigation by the Vice President, Student Affairs. A copy of the findings will be provided to all parties, the President of the College and/or members of the President's Executive Council as appropriate.

#### Step Four – Formal Procedure (Conflict Resolution Committee)

- a. The student may, within five (5) working days of receipt of the written disposition of STEP THREE, request in writing to proceed to Step Four in which the College Administrative Conflict Resolution Committee shall investigate and adjudicate the request.
- b. Within ten (10) working days of receipt of the student's request, the Vice President, Student Affairs will convene the College Administrative Conflict Resolution Committee and provide the Committee with the original conflict/complaint allegations and written responses. The Committee will have fifteen (15) working days to conduct the investigation and a Hearing.
- c. The College Administrative Conflict Resolution Committee shall render its decision after completion of the Hearing. The Committee may accept or reject, in whole or part, or may modify the findings and conclusions. Within ten (10) working days of the Hearing the Committee shall make a written report of its decision to the student, college employee, department supervisor, President of the College and/or members of the President's Executive Council as appropriate.
- d. The decision of the College Administrative Conflict Resolution Committee shall be the final settlement of the conflict/complaint.

### **E. College Administrative Conflict Resolution Committee**

#### 1. Composition

Membership of the College Administrative Conflict Resolution Committee shall consist of two full- time faculty members; one career member; and one administrative/professional staff member, all of whom will be selected by the College President from the College's Conflict Resolution Pool; plus one student selected by the respective campus Student Government Association; the Vice President, Student Affairs who will be a non-voting member. The Executive Director, Human Resources will be the non-voting chairperson of the Committee. Student members shall serve for no more than one calendar year.

#### 2. Training Program

The College will provide a training program for those persons who agree to serve on the Administrative Conflict Resolution Committee to familiarize them with the College Regulations, procedural and substantive due process, and the role of the Committee.

### 3. Prior Knowledge or Bias

Any Committee member having personal knowledge of the matter to be heard, or a bias or conflict with respect thereto, may disqualify himself/herself, or may be disqualified by a vote of three members of the committee. Alternates may be appointed by the College President as required.

### 4. Hearing Guidelines

- a. The Executive Director, Human Resources will convene the Committee, and the Vice President, Student Affairs will provide information related to the case. Five members of the Committee will constitute a quorum. One member of the quorum must be a student.
- b. The College Administrative Conflict Resolution Committee shall not be bound by the technical rules of evidence, but may hear and receive any testimony of evidence which it deems is relevant and material to the conflict/complaint.
- c. Only the primary parties in interest (and their advisors; if any) and members of the Administrative Conflict Resolution Committee will be permitted to be present throughout the Hearing.
- d. A College advisor from Student Services acting in the capacity of *student* advocate will be available as a resource for the student during the entire Hearing process. The student also has the right to a non-SCF employee advisor of his or her choice, to act in an advisory capacity only. Advisors may not speak for or take the place of the student. Committee members may address questions to all witnesses of those parties involved. Witnesses will be called individually during a Hearing, and once they have completed their testimony, they will be required to leave the room. All parties shall have the right to offer and examine evidence and to offer and cross-examine witnesses.
- e. The College will transcribe the proceedings at the Hearing at their own cost. All parties shall have reasonable access to such record at the requestor's expense.
- F When the chairperson determines, that all evidence, statements, and relevant presentations have been received and reviewed, the primary parties in interest will be entitled to make closing statements.
- g. The Administrative Conflict Resolution Committee will convene in closed session to determine a resolution to the conflict/complaint.
- h. The decision of the Administrative Conflict Resolution Committee shall be the final settlement of the adjudication process, and as such, the final step in the resolution of the conflict/complaint.