

Harassment/Discrimination Complaints

If you believe you are a victim of harassment or discrimination, at any BHC location, you may either file a formal complaint with the AA/EEO Officer at 309-796-5225 or aaeeo@bhc.edu. If the AA/EEO Officer is unavailable, the complaint may be made to the Dean of Student Services at 309-796-5041. Complaints regarding harassment or discrimination against a protected class will follow the BHC Non Harassment Policy.

Disability Complaints

Complaints regarding a violation, misinterpretation, or improper application of the terms and conditions contained in Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990 may be made to the Disability Services Coordinator at 309-796-5903 or disabilityservices@bhc.edu. If the Disability Services Coordinator is not available, complaints may be made to the Dean of Student Services at 309-796-5041.

Title IX Complaints

Complaints regarding a violation, misinterpretation, or improper application of the terms and conditions contained in Title IX of the Educational Amendments of 1972 may be made to the Title IX Coordinator at 309-796-5177 or aaeeo@bhc.edu. If the Title IX Coordinator is not available complaints may be made to the Deputy Title IX Coordinator/Dean of Student Services at 309-796-5041.

I. ACADEMIC COMPLAINT PROCEDURES

An academic complaint may be brought by a student regarding the college's provision of education and academic services affecting his/her role as a student. Academic complaints can include, but are not limited to the following types of allegations:

- a) Discriminatory action toward student within the classroom by faculty member, e.g., by singling out specific students for either preferential or adverse treatment;
- b) Failure of faculty member to follow college policies in the conduct of classes or examinations;
- c) Capricious or unreasonable arbitrary actions by a faculty member that adversely affects student performance.

The Dean of Student Services is available at any stage of the process to help a student understand the process and the steps to be taken. If able, the Dean of Student Services may intervene to help resolve the matter informally.

Stage 1 – Informal Academic Complaint Procedure

Prior to filing a formal complaint, students are encouraged (but not required) to resolve the problem informally as a complaint. Any meetings, which take place during this stage, shall be conducted at a mutually agreed-upon private space, and the pertinent issues clearly defined so they may be

discussed as objectively as possible. The informal academic complaint process can be terminated and moved to the formal academic complaint stage at any point in time as requested by the student.

- a) The student is expected to contact the staff member within ten days of the occurrence to directly discuss the complaint. The student may bring a support person, who is not a participant but advisory to the student. Hopefully, the matter can be resolved informally at this level.
- b) If the issue is not resolved at this point the student should discuss the matter next with the department chair and the faculty member together, to attempt to resolve the complaint informally. The student has ten school days from the time he/she met with the faculty to resolve the complaint at this level.
- c) If the complaint cannot be resolved at this level, then the student shall inform the department chair and faculty member of his or her plans to pursue a formal complaint. The student may then meet separately with the Dean to seek resolution and/or proceed with a formal complaint.

Stage 2 – Formal Academic Complaint Procedure

The student submits the Student Complaint Form to the Academic Dean within ten school days after the informal complaint meeting with the department chair and faculty member. The form must contain a specific description of the complaint and reference to any specific state/federal law or any applicable district/college policy which is the basis for the complaint. The names of the parties involved at Stage 1 and a proposed remedy or resolution shall also be included in the formal written complaint. The subject (faculty member) of the complaint is encouraged to submit a written rationale for his or her actions to the Academic Dean for consideration before making a decision on the complaint.

Based on the written material, the Dean assumes the responsibility for making a decision regarding the validity of the complaint and appropriate action to be taken. Options for resolving the complaint include the following:

- a) Accept the complainant's remedy or modification of the remedy,
- b) Refer the complainant to the faculty evaluation process, or
- c) Determine the complaint to be without merit.

Within ten school days after receiving the written complaint, the decision and proposed action of the Dean shall be communicated in writing to the student involved, the faculty member involved, and the Vice President of Instruction or designee.

Stage 3 – Formal Academic Complaint Appeal Procedure

If either the student or the faculty member involved is not satisfied with the decision made or action taken by the Academic Dean, an appeal may be made to the Vice President of Instruction, or designees, within ten school days after the receipt of the decision. This written appeal shall outline the nature and basis for the dissatisfaction with the decision or action taken. A copy of the appeal shall be filed with the Dean, and student or faculty member, as appropriate.

The Vice President of Instruction, or designee, shall review the appeal and recommendation from the Dean and within ten school days after receipt of the appeal, shall schedule a private meeting with the complainant, the subject of the complaint, and the Dean. The student will be allowed a support person/advocate. The Vice President of Instruction, or designees, has authority to uphold, reverse, or modify the action taken by the Dean with rationale for his/her action. His/her decision shall be final and shall be delivered in writing to the student lodging the complaint with copies to the Dean and faculty member involved within ten school days after the meeting with all parties involved.

II. NON-ACADEMIC COMPLAINT PROCEDURES

A non-academic complaint is a complaint that occurs during the delivery of a service (administrative or support) by a staff member to a student. A non-academic complaint may be brought by a student regarding alleged improper, unfair, arbitrary or discriminatory treatment by a faculty or staff member, another student, student group, or administrator. Non-academic complaints can include, but are not limited to the following types of allegations: issues regarding sexual harassment, discrimination, criminal allegations, or an alleged infringement upon the rights or sensibilities of an individual by a college employee, student or student organization.

The Dean of Student Services is available at any stage of the process to help a student understand the process and the steps to be taken. If able the Dean of Student Services may intervene to help resolve the matter informally.

Stage 1 – Non-Academic Informal Complaint Procedure

Prior to filing a formal complaint, attempts shall be made to resolve the problem informally. Any meetings, which take place during this stage, shall be conducted at a mutually agreed-upon private space, and the pertinent issues clearly defined so they may be discussed as objectively as possible. The informal non-academic complaint process can be terminated and moved to the formal non-academic complaint stage at any point in time as requested by the student.

- a) The student is expected to contact the staff member within ten days of the occurrence to directly discuss the complaint.
- b) If the matter cannot be resolved at Stage 1(a), the student shall contact the program administrator, supervisor, or coordinator to attempt to resolve the matter informally.
- c) If the complaint cannot be resolved at Stage 1(b), the student shall discuss the matter next with the supervising administrator, who shall also attempt to resolve the complaint informally. If the matter cannot be resolved at this level, the student may progress to Stage 2 after informing the staff member and program administrator, supervisor, or coordinator of his/her decision to pursue a formal complaint.

Stage 2 – Non-Academic Formal Complaint Procedure

The student submits the Student Complaint Form to the next level administrator or department chair within ten school days after the Stage 1(c) meeting. The form must contain a specific description of

the complaint and reference to any specific state/federal law or any applicable district/college policy which is the basis for the complaint. The form shall also include the names of the parties involved at Stage 1 and a proposed remedy or resolution. Within ten days after the receipt of such communication, the administrator shall schedule a mediation committee meeting consisting of the following people:

- a) Supervising administrator;
- b) Student lodging the complaint (if the student wishes, a support person may accompany him/her); and
- c) Staff member, administrator, supervisor, Dean, or coordinator involved (if the subject of the complaint wishes, a designated representative may accompany him/her).

This meeting shall take place no later than ten school days after the notification of the meeting date. The committee shall attempt to resolve the matter at this level. Meetings of the committee shall be chaired by the supervising administrator and shall be closed to all observers.

If the matter cannot be resolved to the satisfaction of all involved, the supervising administrator assumes the responsibility for making a decision regarding the validity of the complaint and appropriate action to be taken. Within ten school days after the mediation meeting, the decision and proposed action of the supervising administrator shall be communicated in writing to the student involved, the subject of the complaint, and the program administrator, supervisor, coordinator, or Dean.

Stage 3 – Formal Non–Academic Complaint Appeal Procedure

If either the complainant or subject of the complaint is not satisfied with the decision of the supervising administrator, an appeal may be submitted to the Committee for Student Complaints within ten school days upon receipt of the Stage 2 decision.

The Committee for Student Complaints shall be composed of two faculty members, two student services staff, and one student. The committee members shall be identified by the Dean of Student Services from a list provided by the Academic Appeals Committee prior to each hearing and based on availability of time of hearing.

It shall be the function of the Committee for Student Complaints to hold a hearing and make a decision that shall resolve the complaint. The decision of the committee shall be made within ten school days of the receipt of the complaint. The written decision shall be distributed to the grievant; any Academic Appeals Committee officer, or designee representing the student; the Vice President, Dean of Student Services, or Title IX Officer; and the subject of the complaint. The committee and the vice president shall work within the following guidelines:

- a) The Committee for Student Complaints shall have no power to add to, subtract from, disregard, alter, or modify any of the terms of college procedures or policies.
- b) Any decision by the Committee for Student Complaints shall be in compliance with the provisions of the Student Handbook, all state/federal statutes, and accrediting agency regulations. The decision shall be final and shall be based only on the pertinent and

relevant written documents submitted and the recorded and pertinent oral testimony received in the hearing.

- c) The Dean of Student Services or the Title IX Officer shall verify the existence of all written documents generated at Stage 2 and submit a list of them with attached copies to the committee.
- d) After a hearing has taken place and both parties have had an opportunity to submit pertinent arguments and oral testimony, the Committee for Student Complaints shall submit its findings and decision in writing within ten school days.
- e) All records, deliberations, and procedures of the Committee for Student Complaints shall be filed with the Vice President, Dean of Student Services, or the Title IX Officer. The records shall be treated in a confidential manner.

III. CRIMINAL COMPLAINT PROCEDURE

When student complaints are received by officers of the Black Hawk College Police Department (BHC PD), the officer receiving the complaint shall determine if the BHC PD has jurisdiction and if the complaint is criminal or non-criminal in nature. Complaints not falling under jurisdiction of BHC PD will be referred to the appropriate law enforcement agency, or other college departments.

Criminal Complaints

If the complaint is criminal in nature, the officer will conduct an investigation in accordance with criminal procedure. The results of the investigation shall determine if the complaint is founded or unfounded, and to establish reasonable suspicion and/or probable cause.

Investigations yielding substantiated probable cause have the following options (individually or combined) depending on nature and severity of the crime.

- a) Complainant referred to the State's Attorney's office (prosecution instructions)
- b) Officer may seek arrest warrants
- c) Officer may arrest without warrant
- d) Officer may charge ordinance violations
- e) Officer may resolve or mediate the complaint
- f) Referral to other college departments, i.e. Dean of Student Services, Title IX

In order to resolve the complaint, the officer may use discretion in applying points 'e' and 'f' in circumstances where the investigation does not yield probable cause for arrest. All documentation of the criminal complaint will be archived in the Competitive Edge police records management system (RMS) notating the outcome of the complaint and any referrals.

Non-Criminal Complaints

If the complaint is non-criminal in nature, the officer shall collect information to determine the appropriate referral, i.e. Dean of Student Services, Title IX Coordinator.

Circumstances may arise where a non-criminal complaint will be investigated by the BHC PD in accordance with certain College Administrative Guidelines. These investigations may be

independent or joint with administrative investigations. All documentation of the non-criminal complaints will be archived in the Competitive Edge police records management system (RMS) notating the outcome of the complaint and any referrals.