



Pima County Community College District Administrative Procedure

<i>AP Title:</i>	Student Complaints
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<i>Sponsoring Unit/Department:</i>	Office of the Provost
<i>Policy Title(s) & No(s).</i>	Student Conduct, Ethics and Complaint Resolution, BP 3.31
<i>Legal Reference:</i>	34 CFR 602.16(a)(1)(ix)
<i>Cross Reference:</i>	

PURPOSE

Pima Community College (the “College”) is committed to the highest level of service and continuous improvement in providing students with a safe place to learn, thrive, and achieve. The purpose of this Administrative Procedure (“AP”) is to ensure the College takes appropriate action in responding to complaints from students and that student complaints are addressed and resolved in a fair and timely manner. In the context of this AP, a “complaint” is any problem, conflict or issue that negatively impacts a student. Reports of code of conduct violations that are addressed in a timely manner consistent with related policies and procedures are considered “reports,” not “complaints.” In the context of this AP, a “Formal Complaint” does not include complaints resolved through Informal Resolution.

SECTION 1: Informal Resolution

The College encourages the resolution of any complaint through direct, respectful communication between those involved. Anyone directly involved in a complaint may seek the assistance of an appropriate College employee (i.e. designated

campus contact person, or supervisor of the respondent). If the parties involved cannot resolve the complaint through informal means, the complainant may initiate a Formal Complaint. Whenever possible, the complainant should submit a Formal Complaint within 30 calendar days of the last incident.

SECTION 2: Formal Complaint Resolution Process

To initiate the Formal Complaint process, the complainant must submit their complaint either to a Campus Student Complaint Resource Liaison or to the Office of Dispute Resources (“ODR”). Formal Complaints may be submitted in person, by phone, by email, by regular mail, or online. While complaints may be made anonymously, the ability to fully respond and bring about a resolution may be impacted. Reporting through the Hotline allows a complainant to remain anonymous to College personnel while permitting communication through the Hotline service. More information on submitting complaints can be found at: <https://pima.edu/student-resources/student-policies-complaints/complaint-processes/index.html>.

Upon receipt of the complaint, the Campus Student Complaint Resource Liaison or ODR will assign the case to the appropriate *Reviewer* based on the Formal Complaints Matrix. Complaints involving prohibited discrimination, harassment, or retaliation shall also be reported to ODR as required in AP 2.03.01.

Formal Complaints Matrix

Complaints against the Chancellor or a Governing Board member:

- The Governing Board will conduct the review in accordance with Governing Board Bylaws Article XII and issue a decision.
- The Governing Board’s decision is final, without further internal appeal.

Complaints against a faculty member by students, including grade complaints:

- Reviewed by the Department Head
- Appeals to the Division Dean or Vice Provost

Complaints against another student:

- Reviewed by the Division Dean or Dean of Students.
- Appeals to the VP of Student Affairs.

Complaints against a staff member or administrator (non-Chancellor):

- Reviewed by the respondent’s direct supervisor.
- Appeals to the respondent’s administrative supervisor.

Complaints against a College policy, process or procedure:

- Reviewed by the unit supervisor.
- Appeals to the administrative supervisor.

Complaints alleging discrimination or retaliation based upon a disability:

- Reviewed by the Access and Disability Resources (ADR) Director
- Appeals to the Dean of Student Services and Access

Complaints alleging discrimination based upon other protected class or disability, other than Title IX Sexual Harassment:

- Reviews by the direct supervisor if the complaint is about a staff member or administrator, Division Dean if the complaint is about a faculty member, or Dean of Students if the complaint is about a student.
- Investigations conducted by ODR.
- Appeals to the Chief HR officer for an employee or VP of Student Experience for a student.

Complaints alleging discrimination or retaliation meeting the jurisdiction of Title IX Sexual Harassment:

- If any allegation includes discrimination that would, if proven, meet the definition of Title IX Sexual Harassment, a Title IX Hearing Officer is the decision maker.
- Investigations conducted by ODR.
- Appeals to a Title IX Appeal Officer or Panel.

SECTION 3: Investigation Procedures

Formal Complaints will be reviewed by the assigned *Reviewer* following procedures detailed in the Administrative Procedures (APs) or Standard Operating Procedures (SOPs) of the program or unit of the *Reviewer*. Complaints meeting the definition of Title IX Sexual Harassment may only be investigated and resolved pursuant to AP 2.03.01, Section 14.

In some instances, it may be necessary for several College departments and/or units (*i.e.*, Campus Administration, Finance, General Counsel, Human Resources, Public Safety, and/or the Office of the Provost) or seek external assistance to complete the investigation. The investigation will include the following steps:

1. If any allegations include sexual discrimination, harassment, or retaliation, a deputy Title IX Coordinator must first determine if the allegations fall

under Title IX Sexual Harassment jurisdiction. If so, that process must be followed.

2. Determine if adequate information was provided to conduct an investigation and if an investigation is necessary.
3. Develop an investigative plan (i.e. determine the scope of the investigation, interviews to be conducted, documents to be reviewed, and appropriate offices/personnel involved). If the complaint alleges discrimination, harassment, or retaliation, the complaint must be investigated by ODR. The General Counsel may designate an alternate investigator if ODR has a conflict. Reviewers may ask ODR to conduct investigations for any type of complaint.
4. Inform the parties of the expected timeframe for the review and provide updates regarding any extensions to the timeline.
5. Identify any potential internal or external reporting obligations.
6. Inform all parties regarding the status of the investigation as necessary.
7. Maintain appropriate documents to effectively support the complaint investigative process, appeals, outcomes, and recommended corrective actions.

Investigations should normally be concluded within 30 days of receipt of the complaint, although the timeframe may be extended when necessary due to the complexity of the investigation, availability of witnesses, and similar factors. At the conclusion of the investigation, the *Reviewer* will issue a written decision detailing the findings and resolution. The decision will be communicated to the complainant and the respondent as appropriate. Other appropriate parties may be informed on a need to know basis.

SECTION 4: Employee Advisors or Title IX Advisors

The complainant and the respondent have the right to select another person as an advisor during the complaint investigation process. Except for Title IX Sexual Harassment cases, an advisor shall not be a key witness or potential witness. If the advisor has legal training or is an attorney, the advisor may not act in the capacity of an attorney. The advisor may act as an observer and/or note-taker, and/or may offer advice to the complainant or respondent. The advisor may not speak for the complainant or respondent. The advisor will be required to sign an acknowledgment form indicating that the advisor understands and agrees to abide by confidentiality requirements.

SECTION 5: Appeals

If the complainant or respondent believes that an error was made in the review process, the complainant or respondent may make a written appeal request. The appeal process for Title IX Sexual Harassment is defined in AP 2.03.01, Section 14.

Other appeals must be made within thirty (30) days of receiving the final decision and specify the error or flaw in the process justifying the appeal, such as an incomplete investigation, bias or conflict of interest of the investigator, newly discovered information, or incorrect interpretation of the applicable rule or standard.

The appeal will include the following steps:

1. Develop an appeal plan (*i.e.*, determine the basis of the appeal, and if needed, whether interviews need to be conducted, documents reviewed, and appropriate offices/personnel involved);
2. Inform the parties of the expected timeframe for reviewing the appeal and provide updates regarding any extensions to the timeline;
3. Inform all parties regarding the status of the appeal as necessary; and
4. Maintain appropriate documents to effectively support the appeal process, including a written response regarding the appeal decision.

The appeal decision is final.

SECTION 6: Retaliation

Any form of retaliation for bringing forward a complaint, being a witness, or otherwise participating in an investigation or other aspect of a complaint process is prohibited and may result in discipline.

SECTION 7: Periodic Review and Continuous Improvement Process

Unless performed by a College-wide team, the Provost shall designate a team that shall, at least twice annually, compile and assess student Formal Complaints to evaluate trends, timeliness, process effectiveness, and outcomes and share the results with the Student Affairs. The assessment team shall make recommendations for improvements to the administrators responsible for the processes, activities, or issues being addressed in the recommendations. The team or designee shall monitor and evaluate the effectiveness of changes that are implemented.