



LIFE CHIROPRACTIC

COLLEGE WEST

Student Complaint Procedures

Introduction

Life Chiropractic College West (hereafter College), in accordance with applicable federal and state law and College policy, does not discriminate and prohibits any form of discrimination, including harassment, on the basis of race, color, creed, national origin, sex, sexual orientation, disability, and age. The College is committed to a policy against legally impermissible, arbitrary, or unreasonable discriminatory practices. All groups operating under the College including administration, faculty, staff, student governments, and programs sponsored by the College are governed by this policy of nondiscrimination.

I. Purpose and Scope

A. Applicable to all College programs and activities, this procedure allows for the prompt and equitable resolution of student grievances alleging violation of federal and State laws as well as College policies found in the Life Chiropractic College West Catalog & Student Handbook, including:

1. Discriminatory practices based upon disability, pursuant to Section 504 of the Rehabilitation Act of 1973 (504), the Americans with Disabilities Act of 1990 (ADA as amended), and College policy regarding Services for Students with Disabilities;
2. Discriminatory practices based upon sex including harassment and sexual violence, pursuant to Title IX of the Education Amendments of 1972 and the College's Sexual Harassment policy; and
3. Discriminatory practices including harassment based upon race, color, or national origin, pursuant to Title VI of the Civil Rights Act of 1964; and
4. Discriminatory practices including harassment based upon race, color, or national origin, pursuant to the Age Discrimination Act of 1975.

B. This procedure does not apply to the following:

1. Academic Appeals. Complaints regarding academic dismissal, placement on probationary status, denial of readmission, and other administrative or academic decisions that terminate or otherwise impede progress toward academic or

- professional degree goals should be directed to the Dean of Students in the Office of Academic Affairs.
2. Federal Family Education Rights and Privacy Act of 1974 (FERPA). Complaints regarding access to student records or inaccurate, misleading, inappropriate records otherwise maintained in violation of student rights to privacy should be directed to the Registrar's Office.
 3. Grade Appeals. Students with complaints regarding grades in courses of instruction based on the application of non-academic criteria should refer to the College catalog section on Student/Faculty Conflict Resolution and Grade Appeals.
 4. Student Code of Conduct. Complaints regarding students or student organizations that have allegedly violated campus policy and/or professional codes of should be directed to the Dean of Students in the Office of Academic Affairs.

C. If a student grievance filed on the basis of any of the provisions noted in B. above includes an issue of discrimination, the grievance process on the disputed matter may be postponed pending investigation of the discrimination allegation filed by the student.

II. Definitions

A. Complaint Resolution Officer (CRO): The College's Executive Vice President is designated to receive and assign complaints brought under this procedure to an investigative officer. The College's Academic Counselor may be asked to assist in any mediation or resolution efforts.

B. Student: The individual presenting a complaint who (a) is enrolled or registered in the College's curriculum; (b) has recently completed the preceding term and is eligible for reenrollment, including the recess periods between academic terms; or (c) is on approved educational leave or other approved leave status.

C. Accused: The individual alleged to have committed the violation.

D. Respondent: The person designated to answer or respond to the complaint. Generally the respondent would be the head of the department in which the violation allegedly occurred.

E. Notification: Notification occurs two days after the date of posting of any document in the United States mail, properly addressed, or upon the date of receipt of any document, when placed in the campus mail, properly addressed. Written communications to a student are properly addressed when sent to the address given in the complaint or the last address given since the filing of the complaint.

F. Time: All time periods referred to in this procedure refer to calendar days, excluding inter-quarter recesses. If the designated time period ends on a Saturday, Sunday or campus holiday, the time period will be extended to the following working day. The time periods designated in this procedure may be extended only where there is good cause and notice of the extension is provided to all parties.

G. Confidentiality: The College recognizes that confidentiality is important. As such, the College will make every effort to prevent public disclosure of the names of all parties involved except to the extent necessary to carry out a thorough investigation.

III. Department Level Resolution Procedures

A. Informal Process.

Before filing a grievance under this Policy, a student may attempt to resolve the matter informally with the person alleged to have committed the violation, or with the head of the department in which the alleged violation occurred, or both. If the person to whom harassment normally would be reported is the individual accused of harassment, reports may be made to staff, faculty or the dean who shall notify the CRO. The student may also contact the CRO directly for assistance with informal resolution.

Attempts to resolve the matter informally should be completed within sixty (60) days from the time at which the student knew or could reasonably be expected to have known of the action being grieved. If a student wishes to file a formal grievance, he or she must do so within the sixty (60) day limit, regardless of the progress of the informal process.

B. Formal Department Level Procedures.

Where the department in which the violation allegedly occurred has written procedures for student grievances, students should first attempt to resolve the matter through those procedures. An attempt to resolve a complaint under department level grievance procedures must be initiated within sixty (60) days from the time at which the student knew or could reasonably be expected to have known of the action being grieved. If the department fails to provide notice of resolution to the student within sixty (60) days of receiving the complaint, the student may file a formal student grievance within ten (10) days thereafter.

IV. Formal Campus Resolution Procedures

A. Filing

If the student is not satisfied with the outcome of the departmental level resolution, the student may file a formal student grievance within ten (10) days of notice of the outcome of the departmental level process.

Where there is no written departmental grievance procedure, a student may file a formal student grievance within sixty (60) days from the time at which the student knew or could reasonably be expected to have known of the action being grieved. Students should file a Student Complaint Form with the CRO. Forms are available in the Office of Academic Affairs.

Student grievances must be in writing and signed by the student or the student's designated representative, if any. Grievances must contain the student's address and phone number to the extent available, a detailed statement of the specific action being grieved, the approximate date when the action took place, the resulting injury or harm, the specific law, policy, or rule alleged to have been violated (if known), a description of the evidence supporting the grievance, whether informal procedures were available and completed, and the remedy or relief requested. It is the responsibility of the student to update the CRO as to the appropriate address to use throughout the grievance process.

If the student is to be assisted by a personal representative, the student must submit the name of the designated representative, and indicate whether the representative is a lawyer. The student also must submit a signed statement authorizing the representative to receive copies of relevant student records and correspondence regarding the grievance and to accompany the student to any meetings.

B. Initial Review

Upon receipt of a formal student grievance, the CRO shall review the grievance and make an initial determination regarding whether the grievance is complete, timely, within the jurisdiction of the Student Complaint Procedures, and alleges facts which, if true, would constitute a violation of law or College policy. The CRO shall complete initial review of the grievance and notify the student of the determination in writing within twenty (20) days of the receipt of the complaint.

If the CRO determines that the grievance is incomplete, the student will have ten (10) days from the date of the written notice to make the grievance complete. If the student fails to make the grievance complete, the grievance will be dismissed. If the CRO determines that the grievance is untimely, outside the jurisdiction, or factually insufficient, the grievance will be dismissed. If the grievance raises multiple issues, the CRO will make a determination described above with regard to each issue. The CRO may investigate some issues and dismiss others pursuant to this review process.

If a complaint is dismissed, the CRO will provide the student with a written explanation of the basis for the dismissal. The student will have ten (10) days from the date of the written notice to request an appeal of the dismissal from the President of the College. The request for appeal must be a signed, written document articulating why the decision by the CRO to dismiss the case was in error. The President of the College will respond in writing within twenty (20) days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision to dismiss is overturned on appeal, the case

shall be sent back to the CRO for investigation in accordance with the procedures outlined below.

C. Investigation

The CRO will commence the investigation by sending a copy of the written grievance and any supporting documentation to the head of the department (respondent) in which the violation allegedly occurred and asking for a written response. The respondent shall (1) confirm or deny each fact alleged in the grievance; (2) indicate the extent to which the grievance has merit; and (3) indicate acceptance or rejection of any remedy requested by the grievant or outline an alternative proposal for remedy. The CRO will provide the grievant with a copy of the department's response.

The CRO may seek to mediate a resolution or negotiate an administrative settlement of the grievance at any time during the course of the investigation. If a resolution satisfactory to both the student and the accused is reached, the CRO will notify both parties of the voluntary resolution in writing and the grievance will be dismissed.

The CRO shall complete the investigation and produce a report to the President of the College within seventy-five (75) days of the initial receipt of the grievance. The report should contain a summary of the issues presented by the grievance, a statement of the applicable law or policy, a summary of the factual findings reached in the investigation and a conclusion regarding the recommended outcome of the grievance, including proposed corrective actions, if any.

The CRO will provide written notice of the complaint outcome to the student and the accused within fifteen (15) days of the above-mentioned report. The notice will include a description of the basis for the decision and assurance that the College will take steps to prevent recurrence of any discrimination and remedy discriminatory effects on the student and others, as appropriate.

D. Retaliation

The College prohibits retaliation against any individual who files a discrimination complaint or who participates in a discrimination inquiry and will act vigorously to prevent any retaliation. Section 100.7(e) of the implementing Regulation of the Department of Education (34 C.F.R. Part 100) for Title VI provides that:

Intimidatory or retaliatory acts are prohibited. No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Section 601 of the Act or this part, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential

except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

This section applies to all complaints filed at the College, whether they concern race, color, national origin, sex, or disability. A similar provision is also found in the Age Discrimination Act of 1975.

E. Request for Reconsideration

The student may seek reconsideration (an appeal) of an adverse determination by filing a written request for review with the CRO within ten (10) days of receiving their written notice of the determination. This request must be based on at least one or more of the following grounds:

1. There is evidence that the Student Complaint Procedures were not followed, and the failure to follow procedures resulted in a decision adverse to the student.
2. There is evidence that the Respondent made an obvious error in interpreting the evidence or applying law and policy, and the error was material to the outcome of the grievance.

The President of the College will review the request for reconsideration and provide a written response within 30 days. The determination of the President of the College is final.

V. Disciplinary Procedures

The purpose of the Student Complaint Procedure is to remedy the harm done to the grievant and to ensure it does not reoccur. The purpose is not to impose punitive sanctions on College employees or students. However, in some cases, the proposed corrective action may include a recommendation for disciplinary action to be taken against a College employee or student. In such cases, the issue of discipline shall be referred to the Dean of Students (or designated Disciplinary Officer) to determine appropriate disciplinary actions.

Any disciplinary actions arising from the subject matter of such complaints shall be in accordance with established policies of the College including, but not limited to:

1. The Code of Student Conduct. This contains the College campus guidelines on student conduct and student disciplinary procedures.
2. Academic Personnel Manual. This contains the College policy on Faculty Conduct and the Administration of Discipline, including the Faculty Code of Conduct.

3. Employee Personnel Manual. This contains conduct guidelines and disciplinary procedures for College employees in these programs.

APPENDIX

Other resources available before or after a student grievance is filed include the following:

1. The Vice President of Academic Affairs (VPAA) may be able to provide information and assistance with regard to informal resolution of student grievances. The VPAA may be reached in Room 105C or by calling (510) 780-4500 x-2180.

2. The Academic Counselor, 504/ADA Coordinator and Title IX/VI Officer will be able to provide information and assistance with regard to student grievances and concerns alleging discrimination on the basis of disability, sex, race, ethnicity, national origin and age. The Academic Counselor may be reached in Room 105B or by calling (510) 780-4500 x-2061 or by email at lpino@lifewest.edu.

3. The student or anyone acting on his/her behalf may elect to bring complaints alleging violations of federal civil rights nondiscrimination laws with the U.S. Department of Education, Office for Civil Rights (OCR) located at 50 Beale Street, Room 9107, San Francisco, California, 94105. This agency serves as a neutral fact finder and attempts either to facilitate the voluntary resolution of disputes with the parties and/or investigates complaints of unlawful discrimination including harassment of students in educational programs or activities. OCR also provides technical assistance or guidance regarding concerns or potential claims by telephone at (415) 486-5555.