



Grievance Policy and Procedure for Arkansas Welding Academy

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Grievance Policy and Procedure for Arkansas Welding Academy

1. Introduction

Arkansas Welding Academy promotes a positive learning environment and has developed policies and procedures to support this. However, it is recognized that from time to time, students will have concerns, problems or complaints about an aspect of their training. A grievance could, for example, include concerns about a grade or a problem in their learning environment. This policy and procedure has been developed to support students who feel that they have a grievance.

The procedure provides students with a clear and specific mechanism for resolving their grievances quickly, fairly and consistently, to help to maintain effective learning relationships. Students will not be treated any less favorably or suffer any detriment in their learning, as a result of raising a grievance under this procedure.

The policy, procedure and accompanying guidance provides advice on the informal resolution of grievance issues and in situations where informal resolution is deemed inappropriate, or has been unsuccessful, provides advice for students, teachers, and AWA staff regarding the formal grievance procedure.

This policy has also been developed in line with the Arkansas Welding Academy and The Arkansas State Board of Private Career Education equality and diversity policies under the Arkansas State Board of Higher Education

2. What is a grievance?

Definition: A grievance is a concern, problem or complaint that a student raises with Arkansas Welding Academy. A grievance could, for example, include concerns about a grade or a problem in their learning environment

3. Policy Statement

The purpose of this Policy is to:

- Support Arkansas Welding Academy and students to resolve grievance matters promptly and effectively.
- Encourage open communication between Arkansas Welding Academy and students to aid the early and where possible, informal resolution of grievance matters.
- To ensure a fair, reasonable, and consistent procedure is adopted for all grievances.

4. Policy and Procedure Scope

The Grievance Policy and Procedure applies to all students of Arkansas Welding Academy.

If a student wishes to raise a grievance it may be more appropriate to raise as concern in the attempt to easily resolve without due process.

The Grievance Policy and Procedure for Arkansas Welding Academy is not permissible to be utilized to raise the same issues that have been raised and exhausted under another policy including disciplinary matters.

All the documents mentioned in this section are available in the Director's office or can be provided by your teacher.

5. Roles and Responsibilities

The Director and School Board:

- The Director and Advisory Committee are responsible for approving this grievance policy for Arkansas Welding Academy.
- The Director and Advisory Committee are also responsible for hearing grievances and grievance appeals as necessary or appropriate under the procedure.
- The Director and Advisory Committee are responsible for ensuring the fair and consistent application of policy and ensuring that local procedures are in place to manage grievance matters.

Teachers:

- Director of training/teachers are responsible for ensuring the fair and consistent application of policy and ensuring that local procedures are in place to manage grievance matters.
- Encourage open and effective communication with employees, thereby enabling employees to voice any concerns or problems which may impact on work.
- Ensure all employees are aware of and understand the Grievance Policy and Procedure.
- Address issues informally, in the first instance, wherever possible.
- Adopt a fair and consistent approach when dealing with grievance matters.
- Maintain written records of any grievances matters/cases and ensure confidentiality is maintained.

Students:

- Communicate any concerns or problems which may impact on learning to Arkansas Welding Academy teacher/Staff without delay.
- Ensure that you are aware of and understand the Grievance Policy and Procedure.
- Actively participate in the grievance process.

AWA Director:

- Develop and maintain appropriate policies and procedures, conduct ongoing research and identify best practice.
- Consult with students, student representative groups, Directorate HR representatives, management teams, and advisory board to establish, develop, and review effective policies and procedures.
- Ensure effective communication of the Grievance Policy and Procedure for Arkansas Welding Academy.
- Ensure that the Grievance Policy and Procedure for Arkansas Welding Academy is applied consistently and fairly by Director of training/teachers.
- Provide support and guidance to Governing Bodies, Director of trainings, Teachers and Students regarding grievance matters.

6. General Principles

The following principles should be maintained throughout the grievance process:

- Director of training/teachers and students should always seek to resolve grievance issues at Arkansas Welding Academy, informally prior to invoking the formal Grievance Procedure for Arkansas Welding Academy.
- It is imperative that basic principles of fairness are followed when dealing with grievance cases and that they are dealt with in a reasonable manner.
- Director of training/teachers and students should act consistently throughout the grievance process.
- Director of training/teachers and students should raise and deal with grievance issues promptly and should not unreasonably delay meetings, decisions or confirmation of decisions.
- Students' should be allowed to be accompanied by a 'companion' at any formal grievance meeting. The chosen companion may be a fellow student.
- All meetings should be held in private and at a time and place that is reasonable for the student and any person accompanying them. If either the student or their 'companion' has any special requirements, they should inform the advisory board prior to the meeting and, where appropriate, reasonable adjustments will be made. The purpose of each meeting throughout the grievance process is to try to resolve the grievance satisfactorily. Everyone involved in dealing with the grievance should ensure that discussions are open and constructive.
- Any necessary investigations should be carried out to establish the facts of the case.
- A student should be allowed to appeal against any formal decision made.
- Director of training/teachers and Students should keep a written record of any grievance cases they deal with. Such records should be treated as confidential and retained for a period of five years.

Where a specific grievance has been dealt with under the formal Grievance Procedure, the same grievance cannot be raised again later. This provision stands even where a student feels the grievance has not been resolved to their satisfaction.

This provision does not prevent a student from pursuing filing a complaint with the Arkansas State Board of Private Career Education or The Council On Occupational Education.

7. Grievance Procedure

When raising a grievance, Students should follow the procedure detailed below.

Informal Stage:

Grievances should always be raised informally at the earliest opportunity with a student's teacher, where appropriate. A quiet word is often all that is needed and concerns, problems and complaints can often be easily resolved at this stage, enabling effective learning relationships to be maintained. If the teacher is unavailable (e.g. due to holiday, sickness, etc) or is not the most appropriate person to report the matter to, the student should contact the next most senior person.

If the grievance is against the teacher, the student should first work with the teacher to find an informal resolution where appropriate and possible.

Director of training/teachers should encourage effective communication and open discussion with students to enable them to feel able to voice any concerns they may have and to ensure that grievance matters are resolved quickly and effectively at the informal stage.

Formal Procedure:

When it is not possible or appropriate to resolve a grievance informally, students should raise the matter formally and the formal Grievance Procedure detailed below should be followed:

STAGE 1- RAISING A GRIEVANCE

- 1.1 To raise a formal grievance a student must submit a written statement to their teacher/
Director of training without unreasonable delay, (as long as their Director/teacher is not the subject of the grievance). Wherever possible the grievance should be made using the form attached at Appendix 1. The written statement must set out the nature of the grievance and detail how the student would like the grievance to be resolved.
- 1.2 Where it is unclear if the written statement received is intended to be treated as a grievance, the recipient of the written statement shall seek to clarify this without unreasonable delay.
- 1.3 The Teacher/Director of Training should arrange for a formal grievance meeting to be held without unreasonable delay, after a grievance has been received.
- 1.4 Students should be notified of their right to be accompanied by a 'companion' at the formal grievance meeting. The chosen companion may be a fellow student. To exercise the right to be accompanied a student must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case.
- 1.5 Director of training/teachers, students and their companions should make every effort to attend the grievance meeting.
- 1.6 During the grievance meeting the student, should be allowed to explain their grievance and how they think it should be resolved. The companion should be allowed to address the grievance hearing to put and sum up the student's case, respond on behalf of the student to any views expressed at the meeting and confer with the student during the hearing.

- 1.7 Consideration should be given to adjourning the grievance meeting for any investigation that may be necessary, and the investigation should be carried out without unreasonable delay. The meeting should then be rearranged without unreasonable delay and within a timescale agreed upon by all parties.
- 1.8 Following the grievance meeting the Director of Training/teacher and/or advisory committee should decide on what action to take, if any.
- 1.9 The Director of Training/teacher should notify the student of the decision, in writing, without unreasonable delay. The letter, where appropriate, should set out what action the Director of training/teacher intends to take to resolve the grievance. Where a student's grievance is not upheld the reasons for not upholding the grievance should be carefully explained in the letter. The student should also be informed that they can appeal if they are not content with the decision and any action taken.
(see Appendix 2)

STAGE 2

- 2.1 Following receipt of the Director of Training/teacher's notification of their decision, where a student feels that their grievance has not been satisfactorily resolved, they may decide to submit an appeal.
- 2.2 In order to appeal a student should submit a written statement within **10** working days of receiving the notification of the decision. Should an appeal not be received within this timescale it will be considered that the grievance has been resolved. Wherever possible the appeal should be made using the form attached at Appendix. The written statement should clearly state the grounds for the student's appeal. All appeals at this stage should be submitted to the Appeals Committee of the Governing Body of the Arkansas Welding Academy.
- 2.3 Appeals should be heard by the Appeals Committee of the Governing Body of Arkansas Welding Academy. The appeal should be heard without unreasonable delay and at a time and place which should be notified to the student in advance. The appeal should be dealt with impartially and wherever possible by someone who has not previously been involved in the case.
- 2.4 Students have the right to be accompanied at any such appeal hearing.
- 2.5 The outcome of the appeal should be communicated to the student, in writing, without unreasonable delay. The decision of the Appeals Committee will be final.

Please Note: Grievances' raised by past students-Arkansas Welding Academy is not required to deal with a grievance raised by a past student, as the Grievance Procedure focuses on resolving disputes with students. However, although not required, issues raised by past students will receive a written response from the Arkansas Welding Academy.

Arkansas State Board of Private Career Education Complaint Process

423 Main Street

Little Rock, Ar 72201

Phone: (501)371-2000 Fax: (501)682-6399

Email: alana.boles@adhe.edu

If a student believes that their rights have been violated, we always suggest they first, seek to resolve the problem by following the Arkansas Welding Academy (AWA) complaint process. Next, meet with the AWA School Administrator and discuss their concerns with him/her. If the problem is not solved at the school level, the student may then contact us at 501-371-2000. We will take the following steps to resolve the problem:

- A complaint form is mailed to the student (complaints must be submitted in writing on the forms provided).
- Once the completed form has been returned to us, we forward the complaint to the school administrator.
- The school administrator then has ten (10) calendar days to respond in writing to this complaint.
- The school's response is then forwarded to the student for review.
- The student then has ten (10) calendar days from receipt to respond in writing. If additional correspondence is not received from the student by the tenth (10th) calendar day after receipt by the student, the school's response shall be considered accepted by the student.
- At any time, the Board Staff may attempt to seek an informal resolution of the complaint.

The Council On Occupational Education Complaint Process

The procedures to be followed by the Commission on complaints concerning alleged injustices or unethical practices by applicants, candidates, and accredited institutions will depend upon the nature of the charges and the documents on submitted.

A complaint may be defined as any formal notification as provided to the Commission alleging violations of the standards, criteria, conditions, policies, and/or procedures of the Commission. A complaint may be brought against an institution by one or more parties, including students, instructors, administrators, state or federal agencies, employers, vendors, another institution, or others. A complaint may also take the form of a lien, lawsuit, disciplinary action, negative action by another accrediting body or a regulatory agency or board, or a decision of a criminal or civil court. Complaints that do not relate to the Commission's standards, criteria, conditions, policies, and/or procedures are referred to the appropriate federal or state agency. When a complainant is associated with an institution on or in some capacity and contacts the Commission in person or by telephone, the complainant is asked whether institutional grievance procedures have been followed. If not, it is recommended to the complainant that he or she do so prior to making a formal complaint to the Commission. The complainant is also told to submit the complaint in writing, to address the complaint specifically to the Commission, and to include any supporting documentation. The complaint must be signed and must provide the name and mailing address of the complainant. The Commission may review any oral or written complaint that alleges a safety or health problem at a candidate or accredited institution.

A. Written Complaints

The Commission considers and processes all written and signed complaints regarding applicant, candidate, and accredited institutions. All complaints received by the Commission are acknowledged by written reply to the complainant upon receipt.

Complainants are requested to furnish additional information that will substantiate the allegations set forth within 14 days of the date of the letter of acknowledgment from the Commission. The acknowledgment letter also informs the complainant (when associated with the institution) that it is assumed he or she has exhausted the grievance procedures of the institution prior to submitting the complaint.

B. Grievance Certification on A Complaint

Certification form is sent along with the acknowledgment letter to the complainant. This form is completed and attests either that all grievance procedures have been exhausted, or that grievance procedures have not been followed due to reasons stated on the form. The form is signed, dated, and returned. (See Complaint Certification on and sample letters.) Uncertified complaints will not be processed.

C. Institution Notification

After receiving any additional information as requested from the complainant that substantiates the allegations of the complainant, the complaint is sent to the institution requesting that a written reply be furnished to the Commission within 21 calendar days from the date of the letter. The standard form letter informs the institution that the complaint, if true, may be a serious violation of the Commission's standards, criteria, conditions, policies, and/or procedures and requires a reply with documentation that: (a) the complaint has been resolved; (b) the complaint has no merit and documentation is offered in support of this position; or (c) the complaint has merit and documentation is offered to support changes that will eliminate such complaints in the future. The institution is informed that the complaint, together with the institution's response, will be taken to the Commission for review and appropriate action. Documents submitted by an institution in response to a complaint filed with the Council are subject to review only by the Commission and the Council staff.

D. Commission Review

The Commission, or the Commission Executive Committee acting on behalf of the Commission, then determines whether the complaint has merit or not, and considers whether the institutional response is adequate. The Commission or the Commission Executive Committee will then take appropriate action within 21 days which may include one or more of the following:

1. Resolution of the Complaint: A letter informs both the complainant and the institution that the Commission believes the matter to be resolved. The letter to the institution may contain a stern warning that a similar complaint in the future will cause the institution's accreditation to be in jeopardy. The resolution of the complaint may be a result of actions upon the merits of the complaint and the institutional response, or upon additional information obtained by staff and/ or a special evaluation team.

2. Deferral of Action for Additional Information: The Commission or the Commission Executive Committee may request additional information concerning the matter either from the institution, the complainant, or other sources including state, federal, or accreditation agencies.

3. Deferral of Action for Site Visit:

The Commission or the Commission Executive Committee may request a focused review team to obtain additional facts from the complainant, the institution, and/or other agencies.

4. Placement of Institution on Conditional Status:

When it appears that serious violations of standards, criteria, conditions, policies, and/or procedures have occurred, the Commission or the Commission Executive Committee may immediately issue a Notification of Apparent Deficiency, place the institution on Probation status, or issue a Show Cause Order, which gives the institution 30 calendar days to respond in writing. The notification sets forth: (1) the particular standard, criterion, condition, policy, and/or procedure apparently violated; (2) the nature of the violation as it relates to the standard, criterion, condition, policy, and/or procedure; and (3) the evidence of the violation. The Commission or the Commission Executive Committee may also place the institution on Warning status. Notices of Probation, Warning, and Show Cause status are sent to all appropriate state, federal, and accrediting agencies with a request for any additional information from them concerning the institution. (This process also informs the agencies of possible violations of federal or state law.)

5. Removal of Conditional Status:

When the Commission or the Commission Executive Committee receives documentation that the institution has complied with the requirements imposed upon it as a result of the complaint, then the conditional status is removed and letters are issued to appropriate state, federal, and accrediting agencies announcing this action. Depending on the nature of the situation and compliance requirements, the complainant may or may not be informed of this action.

6. Severance of Its Relationship with the Institution:

For serious unethical conduct, the Commission or Executive Committee may act to sever the Council's relationship with the institution by issuing a letter dropping the institution from accredited or candidate status. A copy of this letter is also sent to appropriate state, federal, and accrediting agencies. If the institution is an applicant for candidacy (having no actual candidate or accredited status with the Commission) and has been found in serious violation of standards, criteria, or conditions, the Commission may sever its relationship by issuing a letter Denying the Application with Cause and copying this letter to the appropriate state, federal, and accrediting agencies.

E. Due Process and Privacy Rights

In all instances, the Commission recognizes the rights of Due Process, the rights of Privacy and Confidentiality, and the rights of Appeal. Complainants and/or institutions may request or be requested to appear before the Commission. Such appearances, however, are for purposes of obtaining information and are not adversarial; and, therefore, they do not bear the weight of law. Whenever there are indications to the contrary, the Council's general counsel advises the Commission as to next steps in dealing with the matter.

F. Third Parties

Although complainants may contact other agencies who in turn also submit copies of the complaint to the Commission, it is the position of the Commission to deal only with the complainant and the institution in resolving the matter. For this reason, third parties are not necessarily informed regarding the action of the Commission unless specifically requested to do so. However, any conditional status imposed upon an institution will result in certain agencies being notified as appropriate. The Commission will not intervene on behalf of individuals in cases of disciplinary action or dismissal, or act as a court of appeals in such matters as admission, graduation, fees, financial aid, and similar points of issue.

G. Legal Representation

When a complainant or member institution is represented by legal counsel, the attorney must allow the client to submit material on his/her own behalf in writing or the lawyer will deal directly with the Council's general counsel. The Commission staff does not communicate in oral or written form with attorneys on either side of an adversarial proceeding involving parties other than the Commission.

H. Commission Staff Perspective

The Commission's staff does not evaluate the merits of a complaint. What appears to be a frivolous or arbitrary complaint may be so due to the inability of the complainant to convey in words the serious nature of the allegations. Even when the complaint appears to be a hoax or is vindictive in nature, it is sent immediately to the institution for response so that the institution can take whatever action as is indicated. Whenever the Commission receives a written communication alleging improprieties of any kind on the part of a candidate or member institution, the Commission believes the school should know about it.

I. Issues of Serious Public Concern

The Commission and staff have a keen responsibility to recognize and act upon emergency complaints. When it appears that a complaint is of such magnitude or is of such a serious nature as to require immediate action, the complaint may be taken directly to the Commission Executive Committee or the Commission via telephone conference call for review and appropriate action. When neither the Commission nor the Commission Executive Committee is in session, the Executive Director may act on behalf of the Commission in response to such an emergency situation. Such matters as front-page news stories involving alleged improprieties, for example, may require an immediate inquiry on the part of the Commission.

J. Complaints Against the Commission

If the Commission receives a formal written complaint from a school regarding a COE Commissioner or staff member, the Commissioner or staff member will be notified and given a copy of the complaint. The Commissioner or staff member will be given an opportunity to respond to the complaint; however, a response is optional. The complaint and any response will be reviewed by the Executive Committee in the absence of the individual against whom the complaint was lodged, to determine what, if any, action is appropriate or required.

K. Timeliness of Complaint Process

The Commission processes all written and signed complaints (that also provide the complainant's name and address) alleging safety or health matters immediately upon receipt. Members of the Commission Executive Committee provide timely review and response and make recommendations for resolving the complaint or continuing the review. The Commission attempts to resolve all complaints within 60 days. However, if the Commission or Council staff requests additional documentation from either the complainant or the institution, additional time may be required for the resolution of the complaint.

Council on Occupational Education COMPLAINT CERTIFICATION

(Please Print or Type)

Name: _____ Date: _____

Address: _____

Telephone (Home) (_____) _____ (Work) (_____) _____

Complaint Against (Name of Institution): _____

Address of Institution: _____

Have you contacted the institution and exhausted all grievance/complaint procedures, including speaking with the director or chief executive officer prior to submitting your complaint to outside agencies such as the Council on Occupational Education?

YES ____ NO ____

If "NO", please provide the reasons why you have not made every effort to resolve this problem with institutional officials prior to requesting outside assistance. (Use the back of this page if necessary.)

Attach any additional supporting documents/evidence to substantiate your claim.

I certify that the information presented above and attached hereto is true, accurate, and complete to the best of my knowledge.

Signature of Complainant

Mail this completed form and all supporting documentation for receipt within 14 days of the date of the enclosed letter of transmittal to the Council on Occupational Education, 7840 Roswell Road, Building 300, Suite 325, Atlanta, GA 30350.