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## **STUDENT GRIEVANCES POLICY(IES):**

COE Standard 10

Updated: January 2021/DPW

Ben Franklin Career Center strives to provide an environment that recognizes and respects all individual rights. In order to ensure due process, students are provided with both informal and formal mechanisms for resolving disputes with other individuals and/or offices at our institution. This policy applies to students admitted or enrolled at BFCC.

Students are members of our academic community and are entitled to the rights and protections enjoyed by all members of society. Our students are also subject to outlined obligations/responsibilities by virtue of choosing to be a member of our school community. If disputes arise, students have a right to request an explanation, reconsideration, and review of a professional judgement decision.

As required by federal law and regulations, Ben Franklin Career Center and the Kanawha County Board of Education do not discriminate on the basis of sex, race, color, religion, disability, age, or national origin in employment and in the administration of any of its education programs and activities.

### **ACADEMIC GRIEVANCES**

Ben Franklin Career Center (BFCC) students that have a disagreement/dispute with an instructor and/or administrator should first request a meeting to have an informal discussion with the individual to discuss their specific concerns and seek explanations. If the issue is not resolved via this meeting, the student can file a Level 1 complaint.

**Level 1:** Students are to submit a written request to the principal. This request should outline the details of the issue(s) and be as detailed as possible. The principal is obligated to provide a written response to the complaint within five (5) school days. The response time period may be extended by mutual agreement between the student and the principal. If a student is not satisfied with the outcome of this stage, s/he may elect to file an appeal.

**Level 2:** Students that have not been able to resolve their concerns either informally or by a Level 1 filing, may submit a written complaint to the Assistant Superintendent of Career and Technical Education at the Kanawha County Board of Education. This detailed request must be submitted to the Assistant Superintendent within ten (10) school days of the Level 1 outcome notification. This time period may be extended by mutual agreement between the student and the Assistant Superintendent.

Assistant Superintendent of Career and Technical Education  
Kanawha County Board of Education  
200 Elizabeth Street  
Charleston, WV 25311  
Phone: (304) 348-7770

**Level 3:** Students that have not been able to resolve their issue at Level 2, may submit a written complaint to the West Virginia Department of Education Associate Superintendent of Technical Education. This request must be submitted to the Associate Superintendent within ten (10) school days of the Level 2 outcome notification.

Associate Superintendent of Technical Education  
WV Department of Education  
Building 6, 1900 Kanawha Boulevard, East  
Charleston, WV 25305  
Phone: (304) 558-2348

**Level 4:** Students that have not been able to resolve their issue at Level 3, may submit a detailed written complaint to our school accrediting organization:

Council on Occupational Education  
7840 Roswell Road  
Building 300, Suite 325  
Atlanta, GA 30350  
Phone: (770) 396-3898 or (800) 917-2081  
Fax: (770) 396-3790

## **TITLE IX GRIEVANCES**

As required by federal law and regulations, Ben Franklin Career Center and Kanawha County Board of Education do not discriminate on the basis of sex, race, color, religion, disability, age, or national origin in employment and in the administration of any of its education programs and activities. As part of Kanawha County Schools, we adhere to the county procedures for resolution of Title IX Grievances. Title IX of the Education Amendments of 1972 prohibits sex discrimination in educational programs or activities receiving Federal Financial Assistance. The full Title IX Grievance Procedure is posted in our main office, in each classroom, and can be reviewed/accessed <https://kcs.kana.k12.wv.us/Document/256>. A summary of these procedures (note: any citing indicating principal may be principal and/or building representative):

### **KANAWHA COUNTY SCHOOLS**

#### **TITLE IX**

#### **STUDENT GRIEVANCE PROCEDURE**

##### **Section I - Purpose**

The purpose of this procedure is to provide a way for students to reach solutions to problems of alleged sex discrimination.

Good morale is maintained, effective scholastic performance is enhanced, and the students of the school are better served when sincere efforts of principal and students are exerted toward constructive solutions to problems that may arise. It is the intent of this procedure to provide in a simple, straight-forward, and easily understood way, for the solution of problems at the lowest possible administrative level, as fairly and as expeditiously as possible.

## **Section II — Definitions**

(a) Grievance - Grievance shall mean a claim by a student of a violation, a misapplication, a disagreement, or a misinterpretation of Title IX Rules and Regulations, specifying that which is claimed to be violated and the specifics of such violation. The term "grievance" shall not apply to any matter for which (1) the method of review is prescribed by law, or (2) the Title IX Committee is without authorization to act.

(b) Student - Student shall mean any person enrolled in the public schools of Kanawha County, i.e., elementary, secondary, career and technical, adult education and community education.

(c) Days - "Days" shall refer to consecutive days of the week excluding Saturdays, Sundays, and holidays.

(d) Parties in Interest - Any persons involved in the processing of the grievance.

(e) Representative - Any person authorized by the grievant to advise or speak for the grievant.

## **Section III Procedure**

Since it is important that a grievance be processed as rapidly as possible, the number of days indicated at each level shall be considered as a maximum and every effort should be made to expedite the process. The time limit specified may, however, be extended by mutual agreement of the grievant and the principal. If a grievance is filed which might not be finally resolved under the time limits set forth herein prior to the end of the school year, and which if left unresolved until the beginning of the following school year, could result in irreparable harm to the grievant, the time limit set forth herein will be reduced to the extent possible so that the grievance procedure may be concluded prior to the end of the school year, or as soon thereafter as is practicable.

In the process stated below, a student may have the assistance of a fellow student or one other chosen representative (except at the initial informal discussion) in the preparation and presentation of the grievance. Such person may be present, but only if the grievant so requests.

No reprisals of any kind shall be taken by the principal or by any member of the administration against any grievant, any representative, or any other participant in the grievance procedure by reason of such participation.

All decisions rendered at all levels of the Grievance Procedure shall be in writing, setting forth the decision and the reasons therefore, and shall be transmitted promptly to all parties in interest.

Forms for filing grievances, taking appeals, and any other necessary documents shall be made available to all students upon request so as to facilitate operations of the grievance procedure.

All meetings and hearings under this procedure shall be conducted in private and shall include only such parties in interest and their designated or selected representative heretofore referred to in this article.

A grievance shall be processed in a manner which does not interfere with the student's scheduled classes or school related activities.

In no case may a grievance be altered in content or wording once it is filed. Anything different from the original grievance would be a different case and can be accepted only as a different grievance.

All written records of grievance proceedings shall be maintained in locked file under the custody of the principal and shall not appear in the student's school file. These records may be inspected by the grievant or the grievant's designated representative.

## **INFORMAL DISCUSSION**

Student discusses alleged violation with principal and/or appointed building representative.

### **LEVEL 1:**

If a grievance is not resolved informally, a formal grievance must be lodged by the student with the school principal, in writing, on the prescribed form and signed by the student. Such grievance shall be so lodged within five days of the occurrence of the event upon which it is based. Any discussion with the principal concerning the grievance shall be: by the student or by the student accompanied by a parent/guardian or member of the school faculty or student body.

Within five days after the grievance is lodged, unless extended by mutual agreement of the principal and the grievant, the principal shall state a decision in writing to the appropriate parties.

**LEVEL 2:**

Within five days of receiving the decision of the principal at Level One, the student may appeal his/her decision to the Title IX Committee, Kanawha County Schools, in writing on the prescribed form and signed by the grievant. The Title IX Committee must:

Review all written decisions and transcripts of previous meetings, conduct an on-site investigation of the grievance, and issue a written decision within ten days to all parties. The time limit specified may, however, be extended by mutual agreement of the grievant and the Title IX Committee

**LEVEL 3:**

Within five days of receiving the decision of the Title IX Committee, the grievant may appeal the decision on the prescribed form to the Kanawha County Board of Education (in writing and signed by the grievant) through the Superintendent of Schools who shall present the grievance to the Kanawha County Board of Education at least five days prior to the next regular meeting. The Kanawha County Board of Education within forty-five (45) days shall: review all written decisions and transcripts of previous meetings and issue a decision to all parties or conduct a hearing itself with all persons involved at Level Two and issue a decision within ten days of such hearing. The time limit specified may, however, be extended by mutual agreement of the Kanawha County Board of Education and the grievant.

Such decision by the Board of Education shall be final; however, appeals to the State Superintendent of Schools, under certain provisions of Chapter 18 and 18A may be appropriate, and proper redress may be sought through the courts, should the student so choose. Grievance forms are available in the following locations:

- the office of the principal or guidance counselor of any Kanawha County elementary or secondary school, or career and technical center
- the administrative office of any community education or adult education center
- the office of the Title IX Committee Chairperson, Kanawha County Schools, 200 Elizabeth Street, Charleston, WV 25311.

If a student is in need of any forms, inquiry should be made at any of the above listed places, and the student shall follow the directions as outlined in the procedure explicitly.

## **DISABILITY GRIEVANCES**

Ben Franklin Career Center adheres to the United States Rehabilitation Act/Americans With Disabilities Act of 1990 and follows the related Policies and Grievance Procedures.