



## **Mt. San Antonio College Student Complaint and Grievance Procedures Filing of Informal Grievance Level I**

References: AP 5530 Student Rights and Grievances, Title IX. Education Amendments of 1972; ECS 76224(a)

Students are protected against capricious, arbitrary, unreasonable, unlawful, false, malicious or professionally inappropriate evaluations or behavior by a faculty member, a staff member, an administrator or an official of the College or another student.

Formal grievances must be filed **no later than 30 school days**, Monday through Friday, when classes are in session, after the beginning of the primary term following the alleged violation, or 30 school days from the time that the student learns of the basis of the grievance. Students may pick up grievance packets and forms from the **Student Life Office**. It is recommended that students meet with the Director, Student Life, regarding the complaint/grievance prior to starting the process.

Student complaints may be classified as grievances and fall into one of three categories: Academic and Non-Academic, and Discrimination.

### **A. Academic Grievances:**

When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of "mistake, fraud, bad faith, or incompetency" shall be final (Education Code Section 76224). If a student files a grievance relative to a grade, he/she must prove that "mistake, fraud, bad faith, or incompetency" is the reason for the grade assignment. The student must follow the due process Grievance Procedure.

### **B. Non-Academic Grievances**

Grounds for non-academic grievances include, but are not limited to, the following:

1. Any act or threat of intimidation, discrimination or harassment.
2. Any act or threat of physical aggression.
3. Arbitrary action, violation of student rights, or imposition of sanctions without proper regard to College policy as specified in the Education Code, Board Policy, and/or Administrative Procedures.
4. Violation of Title IX.
5. Any violation of Section 504 with reference to the rights of disabled students.

### **C. Discrimination Complaints**

Students wishing to file complaints based upon discrimination on the basis of ethnic group identification, religion, age, gender, sexual orientation, color, or physical or mental disability and any other category of unlawful discrimination should contact the College's Affirmative Action Officer/504 Compliance Officer/Equal Employment Opportunity Representative located in the Office of Human Resources.

**A. STATEMENT OF GRIEVANCE - Level I**

Any student who believes an injustice or a violation of state, federal, or college policies, laws, or regulations has occurred should try to resolve the problem through informal consultation with each of the individuals indicated below, in order, before filing a formal grievance (Level II).

1. Instructor involved (or staff member/administrator for non-academic grievances)
2. The appropriate Department Chairperson or Department representative designated by the College.
3. Division Dean of the division of the faculty defendant.

If there is no resolution after meeting with the faculty/staff member or the faculty/staff member refuses to meet or respond within ten (10) school days, the student may proceed by meeting with the faculty member's department chair or staff member's immediate supervisor. If the complaint is still not resolved at this step, the student must meet with the faculty or staff member's division dean or supervisor. If the student has not been able to resolve the complaint/grievance at any of the informal steps indicated, the student may file a request for grievance review, Formal Grievance Level II, within ten (10) school days after meeting with the division dean or supervisor.

*Statement of Grievance form (Level I) must be completed in order to document that the student followed the informal resolution process.*

**GRIEVANCE REVIEW**

**B. FILING OF FORMAL GRIEVANCE – Level II**

If the student believes the issue has not been resolved satisfactorily at Level I, the following procedures are to be followed:

1. He/she shall file a Formal Grievance form with the Student Life Office within ten (10) school days after completing Level I. Additional documentation substantiating the grievance must be attached to the form.
2. The Director, Student Life is responsible for informing the aggrieved student of his/her rights, responsibilities, and procedures.
3. The faculty/manager/staff member against whom the grievance is filed will be sent a copy of the student grievance (Levels I and II) by the Student Life Office within ten (10) school days. The faculty/manager/staff member will have fifteen (15) school days to submit a response.
4. The Director, Student Life seeks committee appointees within the same ten (10) school day period that is considered the notification deadline for the faculty/manager/staff member being grieved.

5. Both the student and faculty/manager/staff member involved may solicit documentation from other persons to support their position.
6. The written grievance and written response by the faculty/manager/staff member shall be forwarded to the Director, Student Life .
7. The Grievance Review Committee will be convened to review the student grievance. The committee will be comprised of the following members:
  - a. Chair, Student Services Dean or Vice President's designee (non-voting)
  - b. One student appointed by the Associated Students.
  - c. One faculty (from outside the division of the defendant) appointed by the Academic Senate.
  - d. One administrator from within the department, designated by the Dean, Student Services.
  - e. Resource person (non-voting), Student Life Director or Student Services Vice President.
8. The Grievance Review Committee will make one of the following determinations within twenty (20) school days.
  - a. The complaint of the student is not grievable.
  - b. There is insufficient evidence to warrant further action.
  - c. The case should proceed to formal action, Level III.
9. The faculty/manager/staff member, dean/manager, and grievant will be notified within five (5) school days of the committee's written report.

**C. GRIEVANCE HEARING –Level III**

If the Grievance Review Committee determines that further action is warranted, the case is referred to the Dean, Student Services.

1. The Dean, Student Services will set the formal hearing date and notify the appropriate bodies in writing of the need to appoint members to the Grievance Hearing Committee. The hearing must commence within ten (10) school days after the Grievance Review Committee renders its decision.
2. The Dean, Student Services shall send confidential packets to the Grievance Hearing Committee members (in person or by express/certified mail) five (5) school days prior to the hearing.
3. The Grievance Hearing Committee will be comprised of the following members:
  - a. Chair, Dean, Student Services (non-voting)
  - b. Resource Person, Student Life Director (non-voting)
  - c. Two (2) student appointments made by the President, Associated Students

- d. Two (2) faculty appointments made by the Academic Senate (one from the department and one outside of the department in which the grievance has been made).
  - e. One (1) Instruction Team administrator (for academic grievances) or Student Services administrator (for all other grievances) designated by the Dean, Student Services.
4. The following persons shall be present at the hearing to answer questions by the Grievance Hearing Committee:
  - a. The student grievant
  - b. The faculty/manager/staff member defendant
  - c. The Department Chairperson/Division Dean who participated in the Grievance Review Committee.
5. The following process shall be followed when the hearing is convened:
  - a. Purpose, function, and guidelines of hearing will be reviewed by the Chair.
  - b. The student is allowed to make a statement specific to the grievance and the requested outcome.
  - c. Faculty/manager/staff member is allowed to make a statement specific to the grievance, requested outcome, and any statements/evidence presented by the student.
  - d. The hearing committee members may ask questions specific to the case.
  - e. Discussion, clarification, and additional comments are allowed.
  - f. The hearing is recessed for a decision; student and faculty/manager/staff member and any other invited parties are excused.
  - g. A decision is made by the hearing committee within fifteen (15) school days.
    - i. Reject grievance; deny requested outcome.
    - ii. Support grievance; approve requested outcome.
    - iii. Support grievance; approve revised outcome.
  - h. The Dean, Student Services shall send out written notification to the student, faculty/manager/staff member, the Vice President, Student Services, and the College President of the decision within ten (10) school days.
6. Both the grievant and the defendant have the right to present witnesses, testimony, and evidence, but only as related to the charges previously presented to the Grievance Review Committee. No new charges shall be admitted for consideration.
7. Both the grievant and the defendant have the right to be accompanied by an advocate in the formal grievance hearing.
8. The hearing shall be closed to the public.

## **TIME LIMITS**

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

## **APPEAL PROCESS**

### College President

1. If either party is dissatisfied with the decision of the Grievance Hearing Committee, an appeal may be submitted to the College President.
2. Such an appeal must be submitted to the College President by certified mail within ten (10) school days after notification of the decision.
3. The College President has ten (10) school days to respond to the appeal.

### Board of Trustees

1. If either party is dissatisfied with the decision of the College President, an appeal may be submitted to the Board of Trustees through the College President.
2. Such an appeal must be submitted to the College President by certified mail within ten (10) school days after notification of the decision by the College President.
3. The Board of Trustees shall have two (2) consecutive Board business meetings to review the appeal before making a final decision.
4. The Board of Trustees may not overturn the President's decision without reviewing a transcript of the hearing.

The decision of the Board of Trustees completes the Grievance Process. Any further appeal must be filed through civil court. A record of the Board's decision shall be kept on file in the College President's office.

**Mt. San Antonio College  
Statement of Grievance Form**

**Student** \_\_\_\_\_ **Date** \_\_\_\_\_  
Last First Middle

**College ID** \_\_\_\_\_ **Phone** \_\_\_\_\_ **E-mail** \_\_\_\_\_

**Check One:**  **Academic (Faculty)**  **Non-Academic (Faculty or Staff)**

If Academic, check only the categories that apply (each category checked must have support documentation):  Mistake  Fraud  Bad Faith  Incompetency

If Non-Academic, specify: \_\_\_\_\_ Date Initiated (Level I): \_\_\_\_\_

Level I Due Date \_\_\_\_\_ Level II Filing Date \_\_\_\_\_  
(20 school days from initiation date) (10 school days from Level I due date)

**IT IS THE STUDENT'S RESPONSIBILITY TO ENSURE THAT ALL DEADLINE DATES ARE MET.**

**Level I** – (Informal Resolution Process)

*Any student who believes that an injustice or a violation of state, federal or college policies, laws or regulations has occurred, should try to resolve the problem through consultation with each of the individuals in the order listed below. Level I must be completed within twenty (20) school days.*

- Instructor or staff member
- Appropriate department chairperson or department representative designated by the College
- Division Dean, Director or Manager of the division/department of the faculty or staff member

**Name of Instructor/Staff Member:** \_\_\_\_\_

**Class (if appropriate) or Department:** \_\_\_\_\_

**Specify your grievance:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Requested outcome** (specify the solution/action you want taken):

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Student Signature*

\_\_\_\_\_  
*Date*

**Response to Level I** -- *Documentation of attempts to resolve through Informal Action*

- Response from Instructor or Staff member

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\_\_\_\_\_  
*Instructor/ Staff Member Signature*

\_\_\_\_\_  
*Date*

- Response from Department Chairperson or Department Representative as designated by the College

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\_\_\_\_\_  
*Department Chair/ Rep. as designated*

\_\_\_\_\_  
*Date*

- Response from Dean

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\_\_\_\_\_  
*Dean Signature*

\_\_\_\_\_  
*Date*

I Agree/Disagree (circle one) with the outcome of Level I  
I will / will not (circle one) proceed to Formal Level II- Grievance Review

\_\_\_\_\_  
*Student Signature*

\_\_\_\_\_  
*Date*

## Grievance Review

### Level II – Filing of Formal Grievance - Statement from *Student*:

- For academic grievance, clarify charge(s) (mistake, fraud, bad faith, incompetence)
- For non-academic grievance, clarify charge(s) (present evidence to support charge)
- Explain how/why informal process was unsuccessful
- Attach supportive documentation pertinent to this specific grievance
- Include any additional information
- Clarify/restate requested outcome

Clarification of charge: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How informal process was unsuccessful: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional Information \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Requested Outcome (if different from original request): \_\_\_\_\_

\_\_\_\_\_

List documents attached:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

\_\_\_\_\_  
*Student's Signature*

\_\_\_\_\_  
*Date*





Mt. San Antonio College  
Student Complaint and Grievance Procedures

**Level II – Decision from Grievance Review Committee (GRC)**

Members of Grievance Review Committee      Date of GRC: \_\_\_\_\_

Chair/Facilitator      \_\_\_\_\_

Student      \_\_\_\_\_

Faculty Member      \_\_\_\_\_

Administrator      \_\_\_\_\_

Resource Person      \_\_\_\_\_

Decision of Grievance Review Committee:

- The complaint of the student is not grievable.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Insufficient evidence to warrant further action:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- The case should proceed to formal action, Level III:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
*Signature of Dean, Student Services or designee*

\_\_\_\_\_  
*Date*

**Routing:** Grievant, Faculty/Staff Member, Dean/Administrator of Faculty/Staff member, Vice President, Student Services, within five (5) school days.

**Mt. San Antonio College**  
**Student Complaint and Grievance Procedures**  
**Filing of Formal Action Level III**

**Level III – Grievance Hearing Panel, Formal Action**

- ❑ Schedule and hold Grievance Hearing within ten (10) school days. Notify student grievant and faculty defendant of Grievance Hearing day, time and location within five (5) school days.
- ❑ Membership of panel:
  1. Chair, Dean, Student Services (non-voting)
  2. Resource Person, Director, Student Life (non-voting)
  3. Two (2) Students appointed by the Associated Students President
  4. Two (2) Faculty appointments made by the Academic Senate; (one from the department and one outside of the department in which the grievance has been made)
  5. One (1) Instruction Team administrator (for academic grievances) or Student Services Administrator (for all other grievances), designated by Dean, Student Services
  6. The following persons shall be present at the hearing to answer questions by the Grievance Hearing Panel:
    - a. The student grievant
    - b. The faculty defendant, or staff person, or manager
    - c. The Department Chairperson/Division Dean who participated in the Grievance Review Committee.
- ❑ Confidential packets sent to Grievance Hearing Panel members five (5) school days prior to hearing (in person or by express/certified mail):
  1. Summary of the findings of the Grievance Review Committee
  2. Student's submitted written grievance and documents
  3. Faculty/staff member's submitted response and documents
  4. Any other pertinent information
- ❑ Hearing is convened:
  1. Purpose, function, and guidelines of hearing reviewed by Chair
  2. Student is allowed to make statement specific to the grievance and the requested outcome
  3. Faculty/staff member/manager is allowed to make a statement specific to the grievance, requested outcome, and any statements/evidence presented by the student

4. Hearing panel members may ask questions, specific to the case
5. Discussion, clarification, additional comments allowed
6. Hearing is recessed for decision – student and faculty/staff member are excused
  
7. Decision is made by hearing panel within fifteen (15) school days
  - a. Reject grievance; deny requested outcome
  - b. Support grievance; accept requested outcome
  - c. Support grievance; approve revised requested outcome
8. Chair will send out written notification of decision within 10 school days to student, faculty/manager/staff, Vice President, Student Services, and the College President
9. The grievant and defendant both have the right to be accompanied by an advocate in the formal grievance hearing
10. The Hearing shall be closed to the public

#### Time Limits

Any times specified in these procedures may be shortened or lengthened upon mutual concurrence by all parties.

Mt. San Antonio College  
Student Complaint and Grievance Procedures

**Level III – Formal Action – Grievance Hearing**

Members of Grievance Hearing Panel

Chair/Facilitator \_\_\_\_\_

Two Students \_\_\_\_\_

Two Faculty Members \_\_\_\_\_

Instructional or Student Services  
Administrator \_\_\_\_\_

Date of Grievance Hearing \_\_\_\_\_

Decision of Grievance Hearing Panel

- Reject grievance – Deny requested outcome

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Support grievance: approve requested outcome

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Support grievance: approve revised outcome

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Signature of Dean, Student Services or designee*

\_\_\_\_\_  
*Date*

**Routing:** Student, Faculty/Manager/Staff, Vice President Student Services, and College President

Mt. San Antonio College  
Student Complaint and Grievance Procedures  
**APPEAL PROCESS**

College President

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3. The Board of Trustees shall have two (2) consecutive Board business meetings to review the appeal before making a final decision.
4. The Board of Trustees may not overturn the President's decision without reviewing a transcript of the hearing.

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# Appeal Process

## College President

- Date appeal received from student \_\_\_\_\_  
Appeal must be sent by certified mail within ten (10) school days after notification of the decision from the Grievance Hearing Committee.
  
- Decision:  
The College President has ten (10) school days to respond to the appeal.
  - Reject
  - AcceptReason:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- Notification mailed to student – Date: \_\_\_\_\_

## Board of Trustees

Date appeal received by the Board of Trustees: \_\_\_\_\_  
(Appeal must be submitted to the Board by certified mail within ten (10) days after notification of the College President’s decision.)

Dates of Board Meetings to review decision of appeal:  
1<sup>st</sup> Board Meeting date \_\_\_\_\_  
2<sup>nd</sup> Board Meeting date: \_\_\_\_\_

Final decision by Board of Trustees completed on: \_\_\_\_\_

Decision/Outcome:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Rev 12/10/08

CK/RS