

## Chapter 5 - Student Services

### AP 5530 Student Rights and Grievances

#### References:

Title IV, Title IX, Education Amendments of 1972; Education Code Section 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, or an administrator or an official of the College or another student. Student complaints may be classified as grievances and fall into ~~three~~ **four** categories: Academic, Non-Academic, ~~and~~ Discrimination, **and Financial Aid Challenge**.

- 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~~ **Student Complaint and Process** Grievance Procedures **located on the College's website**.
- B. Non-academic Grievances: As used in this section, grounds for a non-academic grievance include, but are not limited to, the following:
- any act or threat of intimidation, ~~discrimination, or harassment~~;
  - any act or threat of physical aggression;
  - arbitrary action, violation of student rights, or imposition of sanctions without proper regard to College policy as specified in the Education Code, Policy Manual, and/or Administrative Procedures;
  - ~~violation of Title IX; and/or~~
  - ~~any violation of Section 504 with reference to the rights of disabled students.~~
- C. Discrimination Complaints: Students wishing to file **discrimination** 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 **Programs** representative located in the Office of Human Resources, **Building 4, Room 1460. (909)274.4225**.
- D. Financial Aid Challenge: Financial Aid students wishing to file a complaint regarding the financial aid process and/or determination should refer to the Right to Challenge section of Financial Aid Policies. Financial Aid Policies are posted on the College's website.**

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 for the grievance. Students

may pick up Grievance Procedures and forms from the Student Life Office. ~~It is recommended that~~ Students **are required to** meet with the **Director, Student Life** regarding the grievance prior to starting the process **to establish deadline dates**. The following is the College's approved process to pursue a grievance:

## GRIEVANCE REVIEW

### 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; and
3. Division dean of the division of the faculty defendant.

**The Statement of Grievance form (LEVEL I) must be completed in order to document that the student followed the informal resolution process. Within three days of initiating the grievance with the Student Life Office, the student must submit the Statement of Grievance form (LEVEL I) to the faculty/staff member.**

If there is no resolution after meeting with the faculty/staff member, or the faculty/staff member refuses to meet or respond within 10 school days, the student may proceed to the next level by meeting with the faculty member's department chair or staff member's immediate supervisor. If the complaint is still not resolved at this level, 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 levels indicated, the student may file a **Formal Grievance –LEVEL II** Request for Grievance Review within 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.**~~

### B. FILING OF FORMAL GRIEVANCE - LEVEL II

If the student believes the issue has not been resolved satisfactorily at Level I, **the student must meet with the Director, Student Life to establish deadline dates.** ~~The~~ **subsequent** 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. **A notification of the grievance will be sent to the faculty/manager/staff member's immediate supervisor.** 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, Dean of Student Services 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~~ **division, specified in the grievance**, designated by the Dean, Student Services; and
  - e. resource person (non-voting), Director, Student Life 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; or
  - b. there is insufficient evidence to warrant further action; or
  - 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. LEVEL III – GRIEVANCE HEARING

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 is responsible for setting the formal hearing date and notifying 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, Director of Student Life (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); and
  - 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 defendant; and
  - 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 panel members may ask questions specific to the case;
  - e. discussion, clarification, and additional comments are allowed;
  - f. hearing is recessed for a decision; student and faculty/manager/staff member and any other invited parties are excused; and
  - g. a decision is made by the hearing panel within fifteen (15) school days.
    - (1) Reject grievance; deny requested outcome
    - (2) Support grievance; approve requested outcome
    - (3) 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 of Student Services, and the President of the College 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 Panel, 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 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 ~~e~~C 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 the transcript of the hearing.

The decision of the Board of Trustees completes the Grievance Process. **Issues that are not resolved at the campus level may be presented to: 1) The Accrediting Commission for Community and Junior Colleges (ACCJC) for complaints associated with the institution's compliance with academic program quality and accrediting standards. ACCJC is the agency that accredits the academic programs of the California Community Colleges. 2) The California Community Colleges (CCC) Chancellor's Office if the complaint does not concern the College's compliance with academic program quality and accrediting standards.**

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.

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