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4 **STUDENT GRIEVANCES**

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6 The purpose of this policy is to provide a due process procedure for review and resolution of student
7 grievances.

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9 **I. Cause and Filing**

10 Student grievance proceedings may be initiated against a District employee or another student for
11 any of the following reasons:

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14 1. Any act or threat of intimidation
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16 2. Any act or threat of physical aggression
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18 3. Any arbitrary action or imposition of sanctions without a proper regard to due process as
19 specified in college procedures.
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- 21 NOTICE:
- 22 1. Grades are not grievable (see Board Policy 5540)
 - 23 2. Sexual Harassment complaints are filed in accordance with Board Policy
24 3430 and are not covered under Student Grievances.
 - 25 3. Discrimination complaints are filed in accordance with Board Policy 3430
26 and are not covered under Student Grievances.

27 **Who to File a Grievance With?**

28 A student may submit a grievance to any manager or employee in any area for delivery to the Vice
29 President of Student Services who will assess which manager or vice president is to oversee the
30 grievance process.

31 A student grievance is to be handled in the area where the alleged grievance occurred. Examples are:

- 32 • Classroom or teacher-related issues would go to the vice president or manager in Instruction
- 33 • Student service or counselor-related issues would go to the vice president or manager in Student
34 Services
- 35 • Building, grounds, cashiering, or police-related issues would go to the vice president or manager
36 in Administrative Services

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38 **II. Time for Filing a Grievance Notice**

39 The appropriate vice president, district manager, or designee will accept a formal written student
40 grievance when submitted within 180 calendar days of the event's occurrence and under the
41 provisions specified. A grievance may be denied if the events occurred more than 180 calendar
42 days prior to the date in which the grievance was filed in writing.
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44 **III. Student Status for Filing a Grievance**

45 Only registered students may file a student grievance. Non-student grievances may be
46 considered by the designated vice president or manager if the grievance is a result of a dispute
47 arising out of the registration or enrollment process and the grievance is filed within thirty (30)
48 calendar days of the alleged incident.
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50 **IV. Group Grievance**

51 If more than one student files a grievance against an individual on the same issue or situation,
52 members of the group shall select one person to serve as spokesperson / representative for the
53 entire group.
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55 **V. Informal Student Complaint Resolution Process (Non-written)**

56 **Step 1.** Every effort shall be made to resolve a student complaint at the lowest level possible. A
57 student must first attempt to resolve the issue directly. If this is not practical or possible, or due to
58 the nature of the problem, or Failing a resolution the grievance progresses to Step 2.
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60 **Step 2.** A student who is not satisfied with the Step 1 outcome may next attempt to resolve the
61 alleged problem by conferring with the immediate supervisor of the employee with whom the
62 initial conference was held. If the grievance is alleged against another student, Step 2 would be
63 taken to the Director of Student Life. Upon such a request, the administrator shall inform and
64 confer with any employee or student named by the student. In turn, the administrator shall
65 schedule a meeting with the grievant and if requested, all involved parties, not more than ten (10)
66 school days from the date of the initial request.
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68 VI. **Formal Procedures**

69 If the alleged problem is not resolved at the Informal Level, the student may request a formal
70 hearing in writing with the appropriate vice president or designee. This written notice shall state
71 the conditions, practice, alleged act, or injustice that is being grieved, the date(s) of the alleged
72 occurrence and should, if possible, include a proposed remedy or resolution to the problem.
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74 Step 1: Within three (3) working days of receipt of the written student grievance notice, the
75 appropriate Vice President or designee, shall determine if the allegations were filed in a
76 timely manner and meet the criteria outlined. If the student grievance notice fails to meet
77 the above criterion, the Vice President shall notify the student of this determination and
78 the grievance shall be terminated. If the student grievance notice is not terminated, the
79 Vice President shall appoint a Student Grievance Hearing Committee within five (5)
80 working days.
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82 Step 2: Any employee who has conferred with a student who requests a hearing shall prepare a
83 written account of the discussion which shall be forwarded to the appropriate Vice
84 President or designee.
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86 Step 3: The student and any college personnel or student involved in the allegations shall be
87 notified of a hearing and the time and place of the hearing in writing. The notice shall
88 include the names of the Hearing Committee and all documentation relating to the
89 allegation(s).
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91 Step 4: The Hearing Committee shall consist of either a maximum of two faculty or two classified
92 staff members, based on the nature of the classification of staff involved, two students,
93 and one administrator to hear the grievance. The administrator where the issue relates
94 shall serve as chairperson of the hearing committee.
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96 VII. **Hearing Procedures**

97 a. The hearing shall convene within ten (10) working days of the receipt of the
98 student grievance notice unless mutually agreed upon for a delay.
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100 b. The hearing shall be closed unless the District employee or student against
101 whom the grievance is brought requests that it be open.
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103 c. The following persons should be present:
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105 (1) The Hearing Committee
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107 (2) The student grievant and non-legal representative/advocate if any;
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109 (3) The college employee or student against whom the grievance is brought
110 and a representative of the appropriate bargaining unit, if any;
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(4) Witnesses, while presenting testimony.

- d. Both parties shall notify the appropriate Vice President or designee, in writing within three (3) working days of the hearing if he/she will be accompanied by a representative/advocate. Such notification shall include the name and title of the representative. The Committee Chairperson shall be obligated to immediately notify the parties directly involved.
- e. Although minutes will be taken at the hearing to provide a written record, if all parties agree the hearing may also be tape recorded.
- f. All participants in a hearing shall be advised by the Committee Chairperson that the proceedings are confidential.
- g. Witnesses shall not be required to testify under oath; however, witnesses shall be advised that false testimony will constitute grounds for college disciplinary action.
- h. The proceedings will not be bound by formal rules of evidence nor trial-like procedures. Rather, the procedures will be those upon which reasonable persons would rely in the conduct of serious affairs. The Committee Chairperson shall rule on all procedural issues. If substantive or procedural issues arise during the hearing that require external assistance for resolution, the Hearing Committee Chairperson should recess the hearing and submit the issue to the college president for resolution.
- i. Evidence and/or testimony which may be irrelevant or unduly repetitious may be so noted by the Committee Chairperson.
- j. The burden of proof to sustain a grievance rests with the student.
- k. If the grievant fails to appear at the time and place scheduled for the hearing, and fails to notify the committee of the circumstances the grievance will be considered to have been withdrawn and procedures will be terminated. Depending on the nature of the circumstances, the committee shall determine if the hearing should be rescheduled within a reasonable period of time. It is recommended that the defendant participate in the hearing.
- l. Upon conclusion of the hearing, within five (5) working days, the Committee Chairperson shall submit to the Vice President a written report. The report shall include:
 - (1) A brief summary of evidence submitted;
 - (2) A finding of facts, supported by a preponderance of the evidence;
 - (3) A recommendation that the grievance be sustained or denied; and
 - (4) In the event the recommendation is to sustain the grievance, a recommendation of appropriate corrective action.

168 m. Upon review of the Hearing Committee's report, the Vice President or designee
169 shall make a final determination.
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171 **VIII. Notification**

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173 Within five (5) working days following receipt of the report of the Hearing Committee
174 chairperson, the Vice President or designee shall provide a written notification to the student/s
175 and to the employee/s directly involved in the issues as to the final determination.
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177 **IX. Appeal to President**

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179 If either the complainant or accused is not satisfied with the final college-level disposition of the
180 grievance, the party may, within ten (10) working days, appeal the decision to the College
181 President. The basis of appeals are: All parties shall be notified by the President of the appeal.
182 The President shall provide written notification to the student and to other parties directly involved in
183 the issues as to his/her recommendation within five (5) working days.
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185 **X. Appeal to the Chancellor**

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187 If either party is not satisfied with the final college-level disposition of the grievance, he/she
188 may, within ten (10) working days, appeal (state the basis of the appeal again) the decision to the
189 Board of Trustees through the District Chancellor. All parties shall be notified by the Chancellor of
190 the appeal. The Chancellor shall report the grievance in closed session to the
191 Board of Trustees for final determination. The Chancellor shall provide written notification
192 to the student and to other parties directly involved in the issues as to his/her
193 recommendation within five (5) working days. The determination of the Board of Trustees is final.
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196 **XI. General Provisions**

- 197 1. The time limits specified in this procedure may be shortened or extended if there is
198 mutual written concurrence between the parties.
199 2. At any step of the grievance procedure, the college President may designate a substitute
200 for the designated college officials.
201 3. Failure of the student grievant to appeal a grievance determination at any step to another
202 step within the specified time limits shall be deemed acceptance of the last determination
203 rendered.
204 4. It is the intent of this policy that the confidentiality of the discussions, including any
205 documents or written records, be maintained by the participants.
206 5. It will not be mandatory for any staff member to attend the student grievance meetings
207 nor will the student grievance procedure supersede staff member's contractual rights.
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210 Reference:
211 Title IX, Education Amendments of 1972
212 Education Code Section 76224(a)
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214 APPROVED: 6/8/06