

The purpose of this procedure is to provide a prompt and equitable means for resolving student grievances. These procedures shall be available to any student who reasonably believes a College decision or action has adversely affected his or her status, rights or privileges as a student. The procedures shall include, but not be limited to, grievances regarding:

1. Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972
2. Sexual harassment as defined in Board Policy 3430
3. Financial aid
4. Illegal discrimination
5. The exercise of rights of free expression protected by State and Federal constitutions and Education Code Section 76120.

This procedure does not apply to the following:

1. Student disciplinary actions covered under Board Policy 5500 and Administrative Procedure 5520.
2. Police citations (i.e. “tickets”). Complaints about citations must be directed to the District’s Campus Police Department.
3. Course grades to the extent permitted by Education Code Section 76224(a). Grade appeals are addressed in Board Policy 4231 and Administrative Procedures 4231.

Definitions:

1. Party: The student or any persons claimed to have been responsible for the student’s alleged grievance, together with their representatives. “Party” shall not include the Grievance Hearing Committee or the College Grievance Officer.
2. Superintendent/President: The Superintendent/President or a designated representative of the Superintendent/President.
3. Student: Any currently enrolled student, a person who has filed an application for admission to the College, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).
4. Respondent: Any person claimed by a grievant to be responsible for the alleged grievance.

5. Business Day: Unless otherwise provided, business day shall mean a day Monday to Friday, excluding public holidays and weekends, during which the College is in session and regular classes are held.
6. Grievance Officer. Appointed by the Superintendent/President or designated representative to assist students in seeking resolution by informal means.

Grievance Hearing Committee:

The Superintendent/President or designee shall at the beginning of each semester, including any summer session, establish a standing panel of members of the College community, including students, classified staff, faculty members and administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization, Classified Employees and the Academic Senate, who shall each submit names to the Superintendent/President for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

1. It shall include one student, one faculty member, one member of the classified service and one College administrator selected from the panel described above.
2. No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party of the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the Superintendent/President or designee who shall determine whether cause for disqualification has been shown. If the Superintendent/President or designee feels that sufficient ground for removal of a member of the committee has been presented, the Superintendent/President or designee shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.
3. The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member nor vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversarial role.

Informal Resolution:

1. Each student who has a grievance shall make reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the local College administration.
2. The Superintendent/President or designated representative shall appoint an employee who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a grievance informally.
3. Informal meetings and discussion between persons directly involved in a grievance are essential at the onset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult.
4. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion for strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.
5. In an attempt to resolve a complaint informally, the student shall first request a meeting to discuss it with the Dean, Associate Dean or Director (hereinafter Administrator) of the division in which the matter in question resides. Upon such a request, the Administrator shall inform and confer with any staff members named by the student. In turn, the Administrator shall schedule a meeting with the student and, if requested, all involved parties not more than ten (10) business days from the date of request.
6. If an informal resolution of the complaint is not reached, which is satisfactory to the student, the student shall have the right to request a grievance hearing.
7. This concludes the Informal Process.

Formal Resolution (Request for a Grievance Hearing)

The student may process any complaint not resolved by the Informal Process. As set forth above, the student can process a grievance as follows:

1. The student shall submit his or her written grievance, on a form provided by the College, to the Grievance Officer (Dean of Enrollment Services or designee) within thirty (30) business days following the student's first meeting with an Administrator.
2. The grievance shall be signed and dated by the student and shall incorporate a statement that the student had first followed the provisions of the Informal Process.
3. Within fifteen (15) business days following receipt of the request for a grievance hearing, the Dean of Enrollment Services or designee shall appoint a Grievance Hearing Committee, as described above. The Grievance Hearing Committee shall meet in private and, without the parties present, select a chair and determine based on the Statement of the Grievance whether it presents sufficient grounds for a hearing.
4. If the hearing is warranted, it shall be based on the following:
 - a) The statement contains facts which, if true, would constitute a grievance under these procedures;
 - b) The grievant is a student as defined in these procedures, which include applicants and former students;
 - c) The grievant is personally and directly affected by the alleged grievance;
 - d) The grievance was filed in a timely manner;
 - e) The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.
5. If the grievance does not meet each of the above requirements, the Hearing Committee Chair shall notify the student in writing of the rejection of the Request for a Grievance hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within ten (10) business days of the date the decision is made by the Grievance Hearing Committee.

6. Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the Vice President of Student and Community Advancement within five (5) business days of that decision. The Vice President of Student and Community Advancement shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The Vice President of Student and Community Advancement's decision on whether or not to grant a grievance hearing shall be final and not subject to further appeal.
7. If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. All parties to the grievance shall be given not less than seven (7) business days' notice of the date, time and place of the hearing.

Hearing Procedure:

1. The decision of the Grievance Hearing Committee Chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.
2. The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.
3. Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
4. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
5. Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant or grievants shall make the first presentation, followed by the respondent or respondents. The grievant(s) and respondent(s) may present rebuttal evidence. The burden shall be on the grievant or grievants to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

6. Each party to the grievance may represent him or herself, and may have the right to be represented by a person of his or her choice, except that an attorney shall not represent a party unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than five (5) business days prior to the date of the hearing. If one party is permitted to be represented by an attorney, the other party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the Superintendent/President. A legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
7. Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made not less than five (5) business days prior to the date of the hearing.
8. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.
9. The hearing shall be recorded by the Grievance Officer by either audio recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. At the beginning of the hearing in the event the recording is by audio recording, the Grievance Hearing Committee Chair shall ask each person present to identify him or herself by name, and thereafter shall ask witnesses to identify themselves by name. The audio recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. Any party may request a copy of the audio recording.
10. All testimony shall be taken under oath. The Grievance Hearing Committee Chair shall administer the oath. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be audio recorded shall be considered unavailable.

11. Within ten (10) business days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the Dean of Enrollment Services or designee a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matters outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

Dean of Enrollment Services or Designee's Decision:

1. Within fifteen (15) business days following receipt of the Grievance Hearing Committee's decision and recommendations, the Dean of Enrollment Services or designee shall send to all parties his or her written decision, together with the Hearing Committee's decision and recommendations. The Dean of Enrollment Services or designee may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight. If the Dean of Enrollment Services or designee does not accept the decision or a finding or recommendation of the Hearing Committee, the Dean of Enrollment Services or designee shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The grievant shall be given written notice of the decision.
2. The grievant may seek review of the Dean of Enrollment Services or Designee's decision by delivering to the Vice President of Student and Community Advancement, no later than ten (10) business days after notice to the grievant of the Dean Enrollment Services or Designee's decision, a signed statement containing:
 - a. A statement that the grievant appeals the decision; and
 - b. A brief statement of why the grievant considers the decision to be in error.

Appeal

1. The Vice President of Student and Community Advancement shall examine all documents received and shall grant review of the matter only if he or she determines from these documents that the decision of the Dean Enrollment Services or Designee was in error.
2. If the Vice President of Student and Community Advancement determines that review is not appropriate, he or she shall, within ten (10) business days after receipt of the grievant's request for review, send written notice to the grievant denying review and affirming the decision of the Dean of Enrollment Services or Designee .
3. If the Vice President of Student and Community Advancement determines that review is appropriate, he or she shall, within ten (10) business days after receipt of the request schedule a meeting with the grievant and the Grievance Hearing Committee Chair, giving the grievant at least five (5) business days written notice. The grievant will be allowed to present his or her objections to the Dean of Enrollment Services or designee's decision, and the Grievance Hearing Committee Chair will be allowed to respond thereto.
4. After such meeting, the Vice President of Student and Community Advancement may reverse, revise or modify the decision or the Vice President may let the decision stand.
5. The Vice President's decision shall be in writing and shall include a statement of reasons for the decision. The Vice President's decision shall be final.

Time Limits:

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

References:

Title IX of the Higher Education Amendments of 1972
Education Code Section 76120 and 76224 (a)

January 19, 2010