

CITRUS COMMUNITY COLLEGE DISTRICT STUDENT SERVICES

AP 5530 STUDENT RIGHTS AND GRIEVANCES

References: Education Code Section 76224(a); Title IX, Education Amendments of 1972

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

- Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972
- Sexual harassment
- Financial aid
- Illegal discrimination
- Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "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." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors.
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

This procedure does not apply to:

- Student disciplinary actions, which are covered under separate Board policies and administrative procedures.
- Parking citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

Students who make false or malicious charges against an employee of the College are subject to disciplinary action as outlined in the document "Standards of Student Conduct."

1. **Informal Resolution**

A student who believes that he or she has been treated unfairly by an employee of the College must make a reasonable, good faith attempt to resolve the problem on an informal basis by first meeting individually with the employee. In the event that the student first contacts the employee's supervisor (including the

Department Chair* and Dean of a faculty member), the supervisor shall first direct the student to meet with the employee. If the issue is not resolved in that meeting (or reasonable attempts to arrange the meeting fail), then the employee's supervisor shall meet with both parties, in an earnest and good faith attempt to resolve the matter successfully. If, after this, the matter cannot be resolved informally, the student may file a formal grievance. If the employee or their supervisor has not responded in ten (10) school days, the Vice President of Student Services may help in contacting the appropriate persons, but no record will be kept of the informal process.

2. Formal Grievance

A formal grievance is a written allegation by a student (or group of students) filed in the manner prescribed by Section II, C, alleging that he or she was directly wronged by an action of an employee of the College. Any action that violates an established rule or regulation of the College or any law that protects student rights can be grieved.

a. Eligibility to File a Grievance

Any person who at the time of the filing of the grievance is a student and any person who, although not a student at the time of filing, was a student within 20 days before the time of filing, is eligible to file a grievance under these procedures as long as the person has attempted to resolve his or her grievance informally. If the grievance is grade-related, a former student has 20 days after receiving notification of the grade within which to file a grievance.

b. Time Limit on Filing a Grievance

To be timely, a grievance must be filed with the Vice President of Student Services or his or her designee not more than 20 days after the student learned or could have reasonably learned of the most recent of those events. In any case, in order for a grievance to be timely, it must be filed within six (6) months of the occurrence of the event(s). Because of the difficulty in reaching adjunct faculty and the amount of time spent in the formal resolution process, the time limit will be considered as met if the student makes contact with the supervisor, department chair, dean or vice president within 20 days.

c. Filing of Grievances

All formal grievances must be submitted on a standard grievance form. The standard grievance form may be obtained from the Office of Student Affairs or the Office of the Vice President of Student Services. It must include specific details regarding the events involved and the rule, regulation, or law alleged to have been violated by an employee of the College. Full factual data (including names, dates, times, records, etc.) should be reported to support the allegation of the grievance and to make an impartial investigation and decision possible. The student may seek the assistance of an employee of the College or any official of the Associated Students' governing board to assist with his or her grievance.

* As of June 2009, the college's organizational structure does not include the position of department chairperson. As such, please defer to the dean

By providing assistance, the faculty, staff, or student leader is not necessarily taking a position on the merits of the grievance.

All formal grievances must be filed with the Vice President of Student Services or his or her designee. Immediately upon filing a grievance with the Vice President of Student Services, the Vice President of Student Services shall forward a copy of the grievance to appropriate personnel involved, including the staff member or members most directly responsible for grieved action(s).

d. Grievance Review Board

Within ten (10) days after the date on which a grievance is filed, or as soon as is reasonably possible thereafter, the Vice President of Student Services shall convene the Grievance Review Board for the purpose of a closed hearing. The Vice President of Instruction or designee shall serve as Grievance Officer. The remainder of the committee shall be composed of one counselor and two teaching faculty selected by the Academic Senate President and one administrator selected by the Vice President of Student Services. The Grievance Officer shall be the Chairperson of the Grievance Review Board and shall be a voting member of the Board. All five members and recording secretary shall be present at all deliberations.

In the case of a grievance involving a classified or confidential staff member, the composition of the committee may be changed by the Vice President of Student Services with the appropriate consultation.

At the hearing the Grievance Review Board shall determine whether the grievance meets the following criteria:

- (1) Was timely filed, and
- (2) Contains allegations that appear to be substantially credible and can be grieved; and,
- (3) Is not frivolous; and
- (4) Indicates that a reasonable effort was made to resolve the grievance informally.

The Grievance Review Board shall make these determinations on the basis of the written grievance and any additions or amendments thereto that it permits the student to make.

The Grievance Review Board shall examine all of the relevant facts and hear any testimony that it deems necessary. Unless overruled by a majority of the Grievance Review Board, the Grievance Officer shall make all rulings on matters related to the conduct of the hearing, including the following:

- (1) Matters involving admission of evidence.
- (2) The calling and questioning of witnesses.

The Grievance Officer shall maintain an orderly meeting and permit no person to be subject to abusive treatment. In this regard, the Grievance Officer may eject or exclude any person who refuses to be orderly.

The hearing may be recorded by the Grievance Officer either by electronic recording or stenographic recording and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by electronic recording, the chair shall, at the beginning of the hearing ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The panel deliberations will not be recorded. The 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 recording.

At the hearing, the student and the grieved party may be accompanied by another person, provided that the other person is not an attorney nor acting as a spokesperson for the parties. The grieved party's supervisor will attend if possible. In the case of a faculty member, the supervisor will be the Department Chair or the Dean. Students with documented special communication needs may request assistance. No other persons shall be present at the hearing, except witnesses at the time of their individual testimony. In the case of a grievance involving several students, a representative may be selected as a spokesperson for the group. All grievants, however, are encouraged to attend.

The questioning of witnesses at the hearing will usually be conducted by the Grievance Review Board. Where fairness compels it, however, the Grievance Officer may, at his or her discretion, recognize the student or any other party involved for the purpose of questioning witnesses.

Written minutes of the proceedings shall be kept in a confidential file by the Grievance Officer. All documents shall be filed in the Office of the Vice President of Student Services separately from the personnel files of the participants.

e. Grievance Review Board's Decision and Report

The Grievance Review Board shall attempt to arrive at its decision within three (3) days after the conclusion of the grievance hearing or as soon as is reasonably possible. The decision of the Grievance Review Board shall consist of a determination as to whether a valid grievance has been established by the evidence before the Grievance Review Board and, if so, what remedy the Board believes should be granted, if any. The Grievance Review Board shall not recommend any remedy that violates any employee rights as guaranteed by law or collective bargaining agreement.

If the Grievance Review Board determines that some remedy should be granted, it will include appropriate recommendations in its report which will be sent to the College Superintendent/President.

f. Action by the College Superintendent/President

The College Superintendent/President may accept or reject, in whole or in part, the recommendations contained in the Grievance Review Board's report. Within five (5) days after receipt of the Grievance Review Board's report, the College Superintendent/President shall advise the student and all others involved of his or her decision by certified mail.

g. Appeal

Either party may appeal the decision of the Superintendent/President by presenting a letter of appeal to the Superintendent/President's Office within five (5) days of receiving notification of the Superintendent/President's decision. The Superintendent/President shall forward all information related to the case to the Board of Trustees for review and final resolution as soon as is reasonably possible.

General provisions

1. Education Code Section 76224(a): "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."
2. If the student is requesting a grade change, provisions shall be made for another faculty member to substitute for the instructor if the instructor is no longer employed by the college or is unable to meet with the student within one week of the student's request; if the student has filed a discrimination complaint or the district determines that it is possible there has been misconduct by the original instructor that may have affected the grading process. In the possibility of misconduct, two faculty appointed by the Academic Senate and the dean of the division shall make a recommendation about substituting for the original instructor. (Title 5: 55025)
3. The written grievance originally submitted shall be the grievance considered during the proceedings, and the student may not file any amendments against the employee during the proceedings. Additional charges constitute a separate grievance and must be filed accordingly.
4. An additional grievance may not be filed based solely on charges or evidence considered in a previous formal grievance.
5. The time limits specified herein shall be considered maximum and every effort shall be made to expedite the process. Time limits may be extended by the mutual consent of the student and the grieved person.

6. A grievance may be withdrawn by the student at any time. However, the same grievance shall not be filed again by the same student.
7. All references in this procedure to "days" shall refer to days when classes are in session, excluding weekends, winter session, and summer session. In cases where delay would cause hardship to a student, an attempt will be made to call a panel during winter and summer sessions.
8. The grievance review board will wait for 15 minutes past the appointed time for the student and employee to appear. If the student has not appeared by that time, the grievance hearing will be dismissed and will not be rescheduled, unless there is documented evidence of a situation beyond the control of the student. If the employee fails to appear, the hearing board will determine how to proceed.

Board Approved 07/21/09