AP 5530 STUDENT RIGHTS AND GRIEVANCES

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

A. Definition of Terms

Grievance: A claim that a student has been the subject of an unjust action or has been
denied his/her rights by an employee of the District or another student. Excluded from
the grievance process are any matters for which a specified method of complaint
resolution is provided by law or by District policy (such as the Americans with
Disabilities Act Complaint Procedure, the Sexual Harassment Complaint Procedure,
and Student Final Grade Appeal Procedure). The grievance process may not be used
to change a District policy.

Complaint: A statement of dissatisfaction with a procedure, policy, application of a
policy, or actions of an individual through which a student's rights were not violated or
denied. Complaints are excluded from the grievance process and should be resolved
with the individuals involved and the next level of supervision.

Appeal: An action taken to request a review of and possible change to the
recommended resolution of the grievance.

Day: A day is a school day when classes are offered or exams scheduled, excluding
Saturday.

B. Informal Grievance Resolution Procedures

Before initiating formal grievance procedures, the student shall attempt to resolve the
dispute informally with the appropriate staff member and supervisor at the point of initial
decision. The student should use the Informal Grievance Resolution Chart to informally
resolve his/her grievance.

1. The initial request must be made to the person in the area in which the dispute
arose. This individual is identified in the First Level of the Informal Grievance
Resolution Chart.

2. If the student still has not resolved his/her dispute at the First Level s/he should
present his/her grievance to the administrator or administrative committee
indicated in the Second Level on the Informal Grievance Resolution Chart.

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C. Formal Grievance

1. If a dispute is not satisfactorily resolved through the informal resolution process, the student may submit a formal grievance to the Director of Student Affairs. The formal grievance must be submitted to the Director of Student Affairs within ninety (90) days of the student becoming aware of the dispute. The student should obtain a Student Grievance form from the Student Affairs Office. The formal grievance submitted to the Director of Student Affairs must include the following:

   a. A clear and concise statement of the grievance
   b. The name/s of the individual/s against whom the grievance is being filed
   c. Identification of the resolution, corrective action, or remedy being sought
   d. A summary of actions already taken to resolve the issue

2. Following review of the formal grievance, the Director of Student Affairs shall make a determination as to the appropriateness of allowing the grievance to go forward. The following criteria should be taken into consideration when making this determination:

   a. Is the resolution sought by the student reasonable given the circumstances of the grievance articulated by the student?
   b. Can the grievance be resolved through established process? That is, will a grievance committee have the authority to remedy the injustice or restore the rights of the student in line with the remedy being sought by the student?
   c. Is the grievance timely? That is, has the student initiated the process within ninety (90) days of becoming aware of the injustice?

3. If any of the above criteria are answered in the negative, the Director of Student Affairs shall notify the student that the process cannot appropriately address their grievance. This notice shall be delivered to the student either in person or by U.S. mail within fourteen (14) days of receipt of the grievance by the Director of Student Affairs. The student shall be allowed to revise and resubmit the formal grievance for reconsideration.

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4. Should the student desire to appeal the decision of the Director of Student Affairs, he/she may write a letter to the Vice President for Student Services requesting examination of the case and reversal of the Director's decision. This appeal letter must be received by the Vice President for Student Services within twenty-one (21) days of the date of the notice sent by the Director of Student Affairs.

5. The Vice President for Student Services shall decide within fourteen (14) days of receipt of the student's appeal whether to allow the grievance to go forward. The student shall be notified either in person or by U.S. mail of the decision of the
Vice President. The Director of Student Affairs will be notified to allow the
grievance to move forward.

6. The Director of Student Affairs will appoint an ombudsperson. If the grievance is
against the Director of Student Affairs, the Assistant Superintendent/Vice
President for Student Services will appoint an ombudsperson acceptable to both
the student and the Director. If the grievance is against the Assistant
Superintendent/Vice President for Student Services, the Assistant
Superintendent/Vice President for Instruction will assume responsibility for
resolution.

7. Within ten days after receipt of the Formal Grievance, the Ombudsperson will
meet with the parties involved in the grievance prior to convening a conciliation
conference. The Ombudsperson will attempt to reach resolution with the parties
prior to or during the conciliation conference. If agreement is reached between
the parties, a written statement signed by both parties shall be filed with the
Director of Student Affairs.

8. If no agreement is reached, a written request for a formal hearing may be filed
with the Director of Student Affairs. If neither party submits a request for formal
hearing within ten days after the conciliation conference, the matter will be
considered closed. The Director of Student Affairs will notify each party in writing
of closure.

D. Formal Hearing

1. Within ten days of receiving a written request for a formal hearing, the Director of Student Affairs
will convene a Student Grievance Committee to conduct the hearing. The committee shall be
composed as follows:

a. Two students appointed by the ASG President.

b. Two faculty members appointed by the Faculty Senate President.

c. One educational or classified administrator appointed by the
   Administrative Association President.
d. If the grievance is against a classified employee, two classified employees will be appointed by the Grievance Officer for the CCE/AFT in lieu of two faculty members.

e. The committee will select a chairperson.

Each party will be permitted challenges to committee members for cause and one peremptory challenge. In the establishment of the Committee, the Director of Student Affairs will serve to coordinate the formation of the Committee, provide information needed to assist parties to the dispute in challenges to membership on the Committee and, if necessary, rule on challenges for cause.

2. The Student Grievance Committee shall:

a. Receive a signed written statement from each party involved in the grievance specifying all relevant facts.

b. Hear testimony, examine witnesses, and receive all evidence pertaining to the case.

c. Allow each party the right to be represented at the hearing by a student or staff member of the District and to question witnesses and testimony.

d. Evaluate the relevance and weight of testimony evidence; limit its investigation to matters identified in the formal grievance.

e. Make recommendations for disposition of the case.

f. Provide a transcript of the proceeding which shall be kept in a confidential file and shall be available at all times to the parties to the grievance.

g. Submit its findings of fact and recommended action to each party and the Director of Student Affairs within ten days of the formal hearing.
3. The formal hearing shall be closed to the public unless mutually agreed upon by the parties to the grievance.

E. Appeal

1. Upon receipt of the Student Grievance Committee's decision, either party, within five days, may submit a written appeal of the decision to the appropriate Assistant Superintendent/Vice President. The appeal must contain a clear and concise statement of the reason(s) for the appeal and include copies of the original grievance and all proposed resolutions and recommended decisions. The Assistant Superintendent/Vice President may:
   a. Affirm the recommendation of the Student Grievance Committee.
   b. Modify the recommended decision.

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F. Final Action

1. Upon receipt of the recommendation of the appropriate Assistant Superintendent/Vice-President, the parties to the grievance have five days to appeal the decision to the Superintendent/President.

2. If neither party submits a request for appeal within five days, the matter will be considered closed. The documentation will be kept by the Director of Student Affairs.
3. If an appeal is submitted to the Superintendent/President, it must contain clear, concise reason(s) for the appeal and include copies of the original grievance and all proposed resolutions and recommended decisions.

4. Within thirty days of receipt of the request for appeal, the Superintendent/President will review the written record and issue a written decision. The Superintendent/President may:

   a. Affirm the recommendation of the Student Grievance Committee
   b. Affirm the recommendation of the appropriate Assistant Superintendent/ Vice President
   c. Modify the recommended action

G. Governing Board Appeal

1. If either party wishes to appeal the decision of the Superintendent/President, she/he must submit a request for an appeal to the Governing Board within ten days of receipt of the Superintendent/President's decision. The Governing Board reviews all written records and shall render a final decision within sixty days.

2. Requests for appeal must contain the following:

   a. A clear and concise statement of the reason(s) for the appeal.
   b. A file containing copies of the original grievance and all proposed resolutions and recommended decisions.

3. The decision of the Governing Board is final.

4. Documentation of the appeal will be kept by the Director of Student Affairs.
TIME LINES MAY BE EXTENDED BY MUTUAL AGREEMENT OF PARTIES TO THE GRIEVANCE AND DURING INTERSESSIONS AND THE SUMMER SESSION WHEN INSTRUCTORS MIGHT NOT BE AVAILABLE.

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169 Additional informal grievance resolution information is available in the Office of Student Affairs.

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