

STUDENT SERVICES

AP 5530 STUDENT COMPLAINTS AND GRIEVANCES**References:**

Education Code Section 76224(a);
Title IX Education Amendments of 1972
ACCJC Accreditation Eligibility Requirement 20;
ACCJC Accreditation Standard IV.D

The purpose of this procedure, through due process, is to provide a prompt and equitable resolving of student complaints and grievances. It is the responsibility of the student to provide proof of the alleged unjust action.

Definition of Terms

Complaint: A statement of dissatisfaction with an alleged unjust action that affects the status, rights, and/or privileges of a student. Complaints are excluded from the grievance process as they *do not* violate District policies or procedures, or local, state, or federal law.

Grievance: A statement of an alleged unjust action that affects the status, rights, and/or privileges of a student *due to a violation* of District policies or procedures, or local, state, or federal law. 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, Employee Discipline and Student Final Grade Appeal Procedure). The grievance process may not be used to change a District policy.

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.

Ombudsperson: A person capable of mediating in a dispute without taking sides but with an interest in resolving an issue.

Complaint Resolution Process

First, before initiating complaint procedures, the student shall attempt to resolve the dispute with the district employee or other student.

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If the dispute is not satisfactorily resolved with the district employee or other student, the student with the complaint should, as the second step in the process, arrange to speak with the employee's immediate supervisor (if the complaint is against an employee) or the Director of Student Affairs (if the complaint is against another student.)

If the complaint is not satisfactorily resolved with the immediate supervisor, it moves through the administrative chain, with a final decision rendered by the appropriate Vice-President.

Grievance Resolution Process

1. A student may initiate a grievance with the Director of Student Affairs within one semester of the alleged violation. The student should prepare a document that includes the following:
 - a. A clear and concise statement of the grievance demonstrating violation of District policies or procedures, or local, state or federal law
 - b. The name/s of the individual/s against whom the grievance is being filed and factual data including dates, times, records, etc.
 - c. The proposed resolution, corrective action, or remedy being sought (exclusive of the grievance process as identified under Definition of Terms: Grievance.)
 - d. A summary of actions already taken to resolve the issue
2. Following review of the 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. Does the grievance involve 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, Employee Discipline and Student Final Grade Appeal Procedure)?
 - b. Is the resolution sought by the student reasonable given the circumstances of the grievance articulated by the student?
 - c. Can the grievance be resolved through established process?
 - d. Does the grievance committee have jurisdiction to restore the rights of the student and/or provide resolution?

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- e. Is the grievance timely? That is, has the student initiated the process within legally mandated timelines [typically one (1) semester?]
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.
4. Should the student desire to appeal the decision of the Director of Student Affairs, he/she should write a letter to the Assistant Superintendent/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 Assistant Superintendent /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 Assistant Superintendent 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 if that is the decision of the Assistant Superintendent/Vice President.
6. The Assistant Superintendent /Assistant President for Student Services will appoint an ombudsperson acceptable to both sides involved in the grievance. If the grievance is against the Assistant Superintendent/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 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 Vice President handling the grievance.
8. If no agreement is reached, a written request for a formal hearing must be filed with the Director of Student Affairs. If the student fails to submit 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.

Formal Hearing

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1. Within ten days of receiving a written request for a formal hearing, the Director of Student Affairs will coordinate convening a Grievance Committee to conduct the hearing. The five member committee shall be composed as follows:
 - a. Two students appointed by the ASG President.
 - b. Two members from the constituency group of the person who the grievance is being filed against.
 - c. One District Vice President or designee who shall serve as committee chair

Each party will be permitted two 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 and provide information needed to assist parties.

2. The 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. Wait for 15 minutes past the appointed time for the parties to the grievance to arrive at the hearing. If both have not appeared by the extended time frame, the Grievance Committee will determine how to proceed.
 - d. Allow each party the right to be represented at the hearing by a student or staff member of the District
 - e. Question witnesses and testimony
 - f. Evaluate the relevance and weight of testimony evidence; limit its investigation to matters identified in the formal grievance
 - g. Make recommendations for disposition of the case in accordance with the proposed resolution, corrective action, or remedy being sought as identified in the grievance statement.
 - h. Keep a confidential audio recording of the proceeding for six months and which shall be made available to the parties to the grievance upon request.
 - i. Submit its findings of fact and recommended action to each party and the appropriate Vice President 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.

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Initial Appeal

1. Upon receipt of the Grievance Committee's decision, within five days, the student 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 Grievance Committee.
 - b. Modify the recommended decision.

Second Level Appeal

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

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.

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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 when instructors and students-are not available, such as intersession or summer session.

A grievance may be withdrawn by the student at any time. However, the same grievance shall not be filed again by the same student.

Students who make false or malicious charges against an employee of the District are subject to disciplinary action as outlined in BP 5500 Standards of Conduct and AP 5520 Student Discipline Procedures.

Office of Primary Responsibility: Student Affairs