

# AP 5530 Student Rights and Grievances

## Reference:

*Education Code Section 76224(a)*  
*Title 9 Education Amendments of 1972*

The student is encouraged to pursue academic and occupational studies and other college sponsored activities that will promote his/her intellectual growth, career aspirations, or personal development. In pursuing these ends, the student would be free of unfair and improper action by any member of the academic community. When a student feels that he/she has been subjected to unfair and improper action or denied his/her rights by a member of the academic community, he/she can seek redress according to the following procedures. Grievance actions may be initiated by a student against another student, an instructor, an administrator, or a member of the classified staff.

The following actions are grounds for student grievance:

### ***Grievance Category #1 - Grading***

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.

### ***Grievance Category #2 - All Other Grievances except grading including but not limited to:***

- A. Acts or threats of intimidation or harassment
- B. Acts or threats of physical aggression
- C. Arbitrary actions or imposition of sanctions without proper regard to due process
- D. Violation of student rights and responsibilities
- E. Grievances under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1973, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination on the basis of race, color, national origin, sex or handicap by federally funded educational institutions

## **PROCEDURES**

### ***Preliminary Action for Any Type of Grievance***

When a petitioner has an alleged grievance, he/she shall first attempt to resolve it by the following preliminary actions:

Confer with the person against whom he/she has the alleged grievance and if that proves impossible or unsatisfactory, confer with the Vice President of Student Services or designee. The Vice President of Student Services shall make written recommendation to the Petitioner and Respondent for the disposition of charges within five (10) school days of the final conference.

If the Petitioner feels that the issue has not been resolved by either of the two above actions, he/she may submit to the Vice President of Student Services or designee a signed statement specifying the time, place, and nature of the alleged grievance and a list of witnesses and a summary of the testimony they would give to the Vice President of Student Services or designee. This signed statement must be submitted within ten (10) school days of the final conference.

If illness of official school business prevents the Vice President of Student Services or designee from receiving the petition during the above time frame, the ten (10) school day period will commence on the dean's return to duty.

**Secondary Action – Grievance Category #1 – Grading**

Within three (3) school days after receiving a signed statement of an alleged grievance(s) involving a disputed grade, the Vice President of Student Services shall refer the matter to an Academic Fairness Committee which will then conduct a formal hearing to establish findings of fact and to recommend if the grade is fair or unfair.

**Formal Hearing Procedure - Grievance Category #1 – Grading**

The Academic Fairness Committee shall be comprised as follows:

- A. Two faculty members appointed by the President of the Academic Senate.
- B. One administrator appointed by the President of the College.
- C. The President of the Academic Senate. The Vice-President of the Academic Senate will fill this seat if the Senate President is the Respondent.
- D. The committee will select one of its members as chairperson and one as secretary.

The Academic Fairness Committee shall conduct its proceedings as follows:

- A. Within five (5) school days after receiving the alleged grievance, the committee shall receive a summary record from the Vice President of Student Services and convene to discuss issues, hear testimony, examine witnesses, and consider all available evidence pertaining to the charge.
- B. Both parties shall have the right to present written or oral statements, testimony, evidence, and witnesses. Each party shall have the right to be represented by counsel and to question witnesses and hear testimony.

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- C. The committee shall judge the relevancy and weight of testimony and evidence and make its findings of facts limiting its investigation to the formal charge. The committee shall also make recommendations.
- D. Within fifteen (15) school days of its initial meeting, the Academic Fairness Committee shall consider the charges and make a written recommendation to the faculty member involved with copies to the student, the Vice President of Instruction, and the Vice President of Student Services.
- E. The hearing shall be closed to the public.
- F. A summary record of the proceedings shall be kept in a confidential file by the Vice President of Student Services and shall be available to the Respondent and Petitioner throughout this procedure. If the Vice President of Student Services is the Respondent, the Vice President of Instruction will keep the summary record.
- G. Upon issuance of the written recommendation to the Respondent and Petitioner, the record referred to in No. 6 above shall be destroyed by the Vice President of Student Services or his designee. The Respondent may ask a copy of the record be placed in his/her personnel file if he/she chooses.

#### Secondary Action – Grievance Category #2 – All Grievances except Grading

The Vice President of Student Services or designee shall, within one (1) school day after receiving the signed statement or grievance in non-grading situations, make a determination as to whether a further investigation is needed. Within five (5) school days the Vice President of Student Services will either determine the disposition of the alleged grievance or refer the alleged grievance to the Student Grievance Committee.

#### Formal Hearing Procedure – Grievance Category #2 – All Grievances except

#### Grading

The Student Grievance Committee shall be comprised as follows:

- A. Two students selected by the President of the Associated Student Body

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- B. Two committee members representing the employment classification of the Respondent unless the Respondent is a student. These members shall be selected by the appropriate unit president (Faculty Association President, CSEA President, college President).
- C. One administrator (other than the Vice President of Student Services) selected by the President of the college
- D. The committee shall select one of its members as chairperson
- E. The Vice President of Student Services or designee shall provide the committee secretary

The Student Grievance Committee shall conduct its proceedings as follows:

- A. Within five (5) school days after receiving the alleged grievance, the committee shall receive a summary record from the Vice President of Student Services and convene to discuss issues, hear testimony, examine witnesses and consider all available evidence pertaining to the charge
- B. Both parties shall have the right to present written or oral statements, testimony, evidence and witnesses. Each party shall have the right to be represented by counsel and to question witnesses and hear testimony
- C. If either party to the proceedings or their representatives fails to attend the hearing, that individual forfeits his/her right to further appeal unless he/she has an excuse for the absence which is acceptable to the Vice President of Student Services
- D. The committee shall judge the relevancy and weight of testimony and evidence and make its findings of facts limiting its investigation to the formal charge. The committee shall also make recommendations for the disposition of the charge
- E. Within fifteen (15) school days of initial meeting, the committee shall submit its findings of fact and recommend action to the President of the College with a copy to the Respondent, the Petitioner, and the Vice President of Student Services.
- F. The hearing shall be closed to the public

- G. The hearing shall be recorded by the Grievance Officer either by tape 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 tape recording, the Grievance Hearing Committee 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 tape recording shall remain in the custody of the District, at the college at all times, unless released to a professional transcribing service. Any party may request a copy of the tape recording.

**Final Action - Grievance Category #2 - All Grievances except Grading**

The Vice President of Student Services or designee, upon receiving the findings of facts and recommendations of the Student Grievance Committee, shall, within three (3) school days, render a decision and transmit it in writing to the Respondent, the Petitioner, the Student Grievance Committee chairperson, and the President of the College. The Vice President of Student Services or designee shall review the proceedings of the committee, conduct such additional investigations as he/she deems appropriate, and take one of the following actions:

- A. Dismiss the petition
- B. Act in accordance with the Student Grievance Committee's recommendation
- C. Take such other or further actions as the Vice President of Student Services deems appropriate

The respondent or the Petitioner may appeal the decision of the Vice President of Student Services to the President of the College within three (3) school days. Upon receipt of the appeal, investigations as are deemed appropriate, and take one of the following actions:

- A. Dismiss the petition
- B. Act in accordance with the Student Grievance Committee's recommendation
- C. Take such other or further action as the President deems appropriate

If the Respondent or Petitioner is dissatisfied with the President's decision, he/she may write an appeal to the Board of Trustees within three (3) school days. Upon receipt of the appeal, the Board shall review the proceedings, conduct such investigations as are deemed appropriate, and take one of the following actions:

- A. Dismiss the petition

- B. Act in accordance with the Student Grievance Committee’s recommendation
- C. Take such or further action, within the provisions of the Educational Code, as the Board of Trustees deems appropriate

**TIME LIMITS**

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

The decision of the Board of Trustees is final and there is no further appeal under this procedure.

**EVALUATION PROCESS**

The Student Grievance Procedure shall be evaluated as needed by a committee formed to evaluate the procedure. The committee shall consist of the Vice President of Student Services, Vice President of Instruction, Coordinator of Student Activities, President of the Academic Senate, the Associated Student Body President, President of the Faculty Association, and the President of CSEA.