

~~STUDENT COMPLAINTS OTHER THAN ACADEMIC COMPLAINTS OR UNLAWFUL  
DISCRIMINATION~~

**STUDENT RIGHTS AND GRIEVANCES**

~~If a student wishes to lodge a complaint other than academic complaints or unlawful discrimination, he or she may seek redress through the following procedures. Student complaints adjudicated under this regulation are those complaints brought against a decision made or action taken by the College that is alleged to adversely affect a student's status or privileges. These complaints may include matters such as: complaints about college staff, a challenge to a student's academic record, or complaints about a service or program. Student complaints within the purview of this regulation must be filed with the Chief Student Services Officer (CSSO) within thirty (30) days of the decision, action, or incident that is the source of the complaint.~~

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. This procedure is available to any student who reasonably believes a decision or action has adversely affected his or her status, rights, or privileges as a student.

Grievances related to:

- Course grades are addressed in Board Policy 4231, Grade Changes, and Administrative Procedure 4231.
- Sexual harassment, sexual assault, or illegal discrimination (i.e. age, ancestry, citizenship status, color, disability, ethnic group identification, gender, marital status, medical condition, national origin, parental status, race, religion, sexual orientation, or veteran status), are addressed in Administrative Procedure 3435 Discrimination and Harassment Complaints and Investigations. Students should contact the Director of Human Resources and/or Director of Public Safety.
- Financial aid;
- The exercise of rights of free expression, protected by state and federal constitutions and Education Code Section 76120, are addressed in Board Policy 3900 Free Expression by Students and Administrative Procedure 3900.

This procedure does not apply to the following:

- A. Student Conduct, which is covered under Board Policy 5500 and Administrative Procedure 5500.
- B. Police traffic tickets. Those complaints must be made to the local courts.
- C. Parking tickets. Those complaints must be made at the Public Safety Office.

**A. Informal Resolution Process**

~~Many complaints are simply the result of misunderstanding or miscommunication. The parties involved are recommended to first seek to resolve any complaints informally and amicably. For most complaints, a direct discussion with the immediate supervisor of the employee, program, service, or~~

~~area of responsibility relevant to the complaint, may be adequate to resolve the matter to the satisfaction of both parties.~~

Each student who has a grievance shall make a 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 college administration.

The District Superintendent/President shall appoint an employee who shall serve as the Grievance Officer. The Grievance Officer shall serve to assist all parties to facilitate a full, fair and efficient resolution of the grievance, shall coordinate all scheduling of hearings, and shall avoid an adversarial role.

Failure of the District to meet any of the deadlines specified in this Administrative Procedure shall not be construed against the District nor result in a finding in favor of the student.

### **Informal Grievance Process**

A student who believes that his/her rights have been violated must make a reasonable, good faith attempt to resolve the matter through the informal grievance process before the formal process can be requested. At any point during the informal grievance process level, a student may also informally and orally present the complaint to the Grievance Officer.

- **First Step.** The student should discuss the problem directly with the person involved or see the grievance officer for assistance in problem resolution within sixty (60) instructional days from the date the student became aware of the problem/or the alleged act. Failure of the student to act within the above specified sixty (60) day period shall constitute a waiver of the right to pursue the matter further.
- **Second Step.** If the problem cannot be resolved at the first step, the student shall discuss the problem with the immediate supervisor of the person against whom the complaint is directed. The immediate supervisor shall make every effort to resolve the problem with the student and the person being grieved.
- **Third Step.** If the problem cannot be resolved at the second step, the student shall discuss the grievance with the next-level administrator within ten (10) working days from receiving a decision from the immediate supervisor.

### **Formal Grievance Process**

If the complaint cannot be satisfactorily resolved at the informal level, then the Formal Grievance Process shall be followed:

#### **1. Student Files a Request for Hearing**

The student must complete and deliver to the CSSO ~~(or Campus Dean at the Education Centers)~~ or designee the "Request for Hearing" form within ten (10) business days of receiving the written decision rendered by the area supervisor as described above.

The determination of whether the Request for Hearing presents sufficient grounds for a hearing shall be based on the following:

- The statement contains facts which, if true, would constitute a grievance under these procedures;
- The grievant is a student as defined in these procedures, which include applicants and former students;
- The grievant is personally and directly affected by the alleged grievance;
- The grievance was filed in a timely manner;
- The grievance is clearly not frivolous, without foundation, or filed for purposes of harassment.

If the grievance does not meet each of the 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 5 days of the date the decision is made by the Grievance Hearing Committee.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within 10 days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than 5 days notice of the date, time and place of the hearing.

## **2. CSSO or Designee Convenes the College Hearing Committee**

The CSSO (~~or Campus Dean at the Education Centers~~) or designee shall then convene the College Hearing Committee within a period of fifteen (15) business days following receipt of the Request for Hearing to consider the complaint. The CSSO or designee shall consider the preferences of the accused student, the nature of the complaint, and the availability of the committee members when assigning the case for a hearing. The College Hearing Committee shall be composed of the following:

- Two students appointed by the ASCR President
- Two faculty members appointed by the Academic Senate Co-Presidents
- One classified member appointed by the CSEA President
- One administrator, who shall chair the committee, appointed by the College President or designee

All committee members shall be selected from among persons with little or no connection to the source of the complaint and that had no involvement in the decision, action, or incident. The CSSO or ~~Campus Dean~~ designee shall also confirm that all prospective members are not related in any way to the complainant.

## **3. Hearing Procedures**

The Chair of the College Hearing Committee will establish a hearing format consistent with this administrative procedure. Formal hearings will be conducted by the committee according to the following guidelines:

- 1) In complaints involving more than one student complainant, the Chair of the College Hearing Committee will determine if hearings concerning each student will be conducted jointly or separately. The decision of the Chair shall be final on all matters

- relating to the process of the hearing unless there is a vote by other members of the panel to the contrary.
- 2) The student(s) will be notified by certified mail of the hearing at least five business days in advance of the hearing. The letter will inform the student of the time, location and place of the hearing and include a copy of this administrative procedure.
  - 3) All parties shall be present at the hearing. In the willful absence of the complainant and/or a representative of his/her choice, the complaint will be dismissed.
  - 4) Hearings shall be closed and confidential unless the one of the parties requests that it be open to the public. Any such request must be made no less than five days prior to the date of the hearing. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the Chair agree to the contrary.
  - 5) Quorum for a hearing requires that four (4) of the six College Hearing Committee members are present for the hearing. If the case is to be heard at the ~~Mendocino~~ or Del Norte ~~site~~ Education Center, a quorum will be three (3) members of the Committee.
  - 6) The parties may be accompanied by an advisor if so desired. The advisor may attend the hearing with the student to counsel him/her and suggest questions. The parties may be present during the entire time of the hearing, except during the deliberations of the Committee. In no event may the advisor participate directly by speaking for either party or questioning witnesses. Admission of any other person to the hearing will be at the discretion of the Chair.
  - 7) The student may represent him or herself, and may also have the right to be represented by a person of his or her choice, with the exception that the student shall not be represented by an attorney unless agreed to in advance of the hearing by the Chair. The student must note on the Request for a Hearing form if the student wishes to be represented by an attorney. If the student is permitted to be represented by an attorney, the Committee may also request legal assistance. Any legal advisor provided to the 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.
  - 8) The parties may present evidence, including witnesses and written statements. The Chair will determine the format of the hearing, and the admissibility of witnesses or written statements, and may elect not to hear such statements if deemed redundant or irrelevant.
  - 9) The Chair retains authority to question witnesses and parties to the alleged violations and will determine the appropriateness of questions posed by the parties. Other committee members should request and receive the permission of the Chair before asking questions of the witnesses. Employees against whom complaints have been filed will be advised of their right to remain silent, and may choose not to respond to any questions.
  - 10) Pertinent and relevant information may be reviewed without regard to the legal rules of evidence.
  - 11) The person making the complaint shall assume the burden of proof.
  - 12) There will be a single verbatim recording, digital or taped, of all hearings before the Committee. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the 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. Recordings shall remain in the custody of the College at all times, unless released to a professional transcribing service. Access is limited to reviewing the verbatim record only on College premises and in the presence of the CSSO or designee. The verbatim record will be the property of the

College.

- 13) The College Hearing Committee may accommodate concerns for the personal safety, well-being, or fears of confrontation of the complainant, staff or other witnesses during the hearing by providing separate facilities, by using a visual screen, or permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, as determined in the sole judgment of the Chair to be appropriate and in the best interests of the parties.
- 14) Following testimony of witnesses, the Committee shall consider the complaint and determine if the complaint is valid. Determination of validity shall be made based on the preponderance of evidence.
- 15) The Committee shall then decide, by majority vote, if any remedy, action, or decision is required or necessary. 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 accusation, the written response, if any, of the student and staff, and the oral and written evidence produced at the hearing. The Committee need not limit its recommendations to the remedy requested by the student.
- 16) The Committee shall submit in writing its findings of validity and recommend action to the President. The President may accept or modify part or all of the Committee's recommendation and shall submit the decision, with stated reasons, to all concerned within the shortest reasonable time after the decision has been rendered, but not to exceed ten (10) business days after the hearing.
- 17) The decision shall include whether the complaint is valid or invalid, and may include specific recommendations for further action.
- 18) The student shall have the right to submit a written statement of response to the decision of the President. This statement shall be included with all other compiled records of the complaint.
- 19) The decision of the President shall be final.
- 20) The President shall refer all records to the CSSO or designee for retention.

References: Title IX, Education Amendments of 1972; Education Code Section

76224(a)

Approved: 02/07/2012 Former Administrative Regulation #528.02, "Regulation Re: Student Complaints other than Unlawful Discrimination," Approved: 3/16/82 Revised 6/6/94, 10/9/95