

CITRUS COMMUNITY COLLEGE DISTRICT STUDENT SERVICES

AP 5530 STUDENT RIGHTS AND GRIEVANCES

References: Education Code Section 76120 and 76224(a); Title 5: 55025

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, grievances regarding:

- 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 (See AP 5520 Student Discipline Procedures).
- Parking citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.
- Sexual harassment and sexual assault as defined under Title IX (See AP 3540 Sexual and other Assaults and AP 7102.1 Prohibition of Harassment-Students).
- Sexual harassment as defined pursuant to AP 7102 Prohibition of Harassment-Employees.
- Discrimination complaints pursuant to AP 7101 Discrimination Complaint Procedure: Students, Employees and Job Applicants.
- Complaints concerning denial of accommodation for disabled students (See AP 5140 Disabled Student Programs and Services).
- Discrimination complaints concerning disabled students (See AP 5140 Disabled Student Programs and Services).

Definitions:

Party – The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the District Grievance Officer.

The Superintendent/President – or a designated representative of the Superintendent/President.

Student – A currently enrolled student, a person who has filed an application for admission to the District, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

Respondent – Any person claimed by a grievant to be responsible for the alleged grievance.

Business Day – Unless otherwise provided, business day shall mean a day Monday to Friday, excluding holidays and weekends, during which the District is in session and regular classes are held.

Informal Resolution – 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 local District administration.

1. Informal Resolution

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

A student who believes that he or she has been treated unfairly by an employee of the District 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 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) business days, the Vice President of Student Services may help in contacting the appropriate persons. 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 2, c, alleging that he or she was directly wronged by an action of an employee of the District. Any action that violates an established rule or regulation of the District 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 designee, not more than 20 days after the student learned or could have reasonably learned of the most recent of those events. 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, 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 District. 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 District or any official of the Associated Students' governing board to assist with his or her grievance.

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 Office of the Vice President of Student Services or designee. Immediately upon filing a grievance with the Office of the Vice President of Student Services, the Office of 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 Hearing Committee

Within ten (10) days after the date on which a grievance is filed, or as soon as is reasonably possible thereafter, the Office of the Vice President of Student Services

shall convene the Grievance Hearing Committee for the purpose of a closed hearing. The Vice President of Academic Affairs 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, two students selected by the Associated Students of Citrus College (ASCC), and one administrator selected by the Vice President of Student Services. The Grievance Officer shall be the Chairperson and a voting member of the Grievance Hearing Committee. All seven 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 grievance hearing the committee shall determine whether the grievance meets the following criteria:

- 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 not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

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

- Matters involving admission of evidence.
- 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 shall be recorded by the Grievance Officer and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. 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.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than five (5) days prior to the date of the hearing.

All testimony shall be taken under oath; the oath shall be administered by the Grievance Hearing Committee Chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be recorded shall be considered to be unavailable.

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 or in the case of a faculty member, the manager, may attend if possible. 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 grievant', however, are encouraged to attend.

The questioning of witnesses at the hearing will usually be conducted by the Grievance Hearing Committee. 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, if any, of the proceedings shall be kept in a confidential file by the Office of the Vice President of Student Services, separately from the personnel files of the participants.

e. Grievance Hearing Committee's Decision and Report

The Grievance Hearing Committee 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 Hearing Committee shall consist of a determination as to whether a valid grievance has been established by the evidence before the Grievance Hearing Committee and, if so, what remedy the committee believes should be granted, if any.

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

f. Action by the Superintendent/President

The Superintendent/President may accept or reject, in whole or in part, the recommendations contained in the Grievance Hearing Committee's report. Within

five (5) days after receipt of the Grievance Hearing Committee's report, the 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. 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 District 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)
2. 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.
3. An additional grievance may not be filed based solely on charges or evidence considered in a previous formal grievance.
4. A grievance may be withdrawn by the student at any time. However, the same grievance shall not be filed again by the same student.
5. 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.
6. The Grievance Hearing Committee 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.

Time Limits:

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.

Board Approved 07/21/09
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