

**COLLEGE OF THE SISKIYOU**

**Procedure Manual**

<b>Title:</b>	<b>Student Rights and Grievances</b>
<b>Revision Date:</b>	<b>2/25/10; April 10, 2014; November 10, 2015</b>
<b>Responsible Area:</b>	<b>Vice President, Student Services</b>
<b>Responsible Office:</b>	<b>Student Services</b>
<b>Reference:</b>	<b>Education Code Section 76224(a); Title IX, Education Amendments of 1972; ACCJC Accreditation Eligibility Requirement 20; ACCJC Accreditation Standard IV.D</b>

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. This procedure shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedures shall include, but not be limited to, grievances regarding:

- Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972;
- Financial aid (See AP 5130 for Financial Aid Appeal/Grievance information)
- 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 (BP 5500/AP5520)
- Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation

**Definitions:**

- Student - A currently enrolled student, a person who has filed an application for admission to the college, 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).
- College Friend – An active employee or student at the College. This individual serves to provide support and cannot provide input at the hearing.

- Respondent - Any person claimed by a grievant to be responsible for the alleged grievance.
- Day - Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

## **ACADEMIC GRIEVANCES & CHALLENGES**

### **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 college administration. Academic Grievances & Challenges include:

<b>Area</b>	<b>Informal Resolution</b>		<b>Formal Process</b>
	<b>First Step for Assistance - Informal</b>	<b>If resolution cannot be reached, next contact by</b>	<b>Type of Grievance Hearing Committee</b>
<b>Classroom:</b> Grades, Testing, Class Content, Assignments	Instructor	Dean/Director	Academic
<b>Academic Probation or Dismissal</b>	Counseling	Designated Administrator	Academic
<b>Counseling/Advising</b>	Counseling	Designated Administrator	Academic
<b>Course or Requirement Challenge</b>	Counseling	Designated Administrator	Academic
<b>Challenge: Prerequisite</b>	Counseling	Faculty, Dean/Director	Academic
<b>Waivers: AA Degree or Certificate Requirement</b>	Counseling	Faculty, Dean/Director	Academic

Contact Information for Deans and Directors:

- Liberal Arts & Sciences Dean Instruction Office – 938-5375
- Career & Technical Education Dean ESTC – 938-5512
- Athletics Director Gym Annex – 938-5313
- Yreka Campus Director Yreka Welcome Center – 842-1245

## **NON-ACADEMIC GRIEVANCES & CHALLENGES**

### **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 college administration as indicated in the table below. The student may also seek the assistance of a college friend in attempting to resolve a grievance informally.

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Non-academic grievances and challenges include:

Area	Informal Resolution		Formal Process
	First Step for Assistance - Informal	If resolution cannot be reached, next contact by	Type of Grievance Hearing Committee
<b>Campus Gift &amp; Book Shop</b>	Bookstore Supervisor	Designated Administrator	General
<b>Classroom Facilities</b>	Maintenance Staff	Director of Maintenance	General
<b>Computer Labs</b>	Computer Lab Staff	Dean	General
<b>Disabled Students</b>	DSPS	Designated Administrator	General
<b>Fee Payments &amp; Refunds</b>	Cashier	Director of Accounting	General
<b>Financial Aid</b>	Financial Aid Officer	Financial Aid Appeals	
<b>Health Services</b>	Health Clinic Staff	Designated Administrator	General
<b>Grounds</b>	Director of Maintenance	Designated Administrator	General
<b>Library</b>	Library Director	Designated Administrator	General
<b>Matriculation: Advising, Assessment, Orientation</b>	Counseling Services	Designated Administrator	General
<b>Parking &amp; Traffic</b>	Director of Maintenance	Designated Administrator	General
<b>Registration Procedures &amp; Residency</b>	Director of Enrollment Services	Designated Administrator	General
<b>Lodges</b>	Lodge Staff	Lodge Manager	General
<b>Safety (non-emergency)</b>	Campus Safety	Designated Administrator	General
<b>Sexual Harassment</b>	Dir of Human Resources	Designated Administrator	General
<b>Student Dining Services</b>	Dining Services Manager	Designated Administrator	General
<b>Student Govt. &amp; Clubs</b>	ASB Advisor	Designated Administrator	General
<b>Student Records</b>	Director of Enrollment Services	Designated Administrator	General

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. This informal process and outcome should be documented.

## **FORMAL PROCESS FOR ACADEMIC AND NON-ACADEMIC GRIEVANCES & CHALLENGES**

### **Step 1. Filing a Grievance**

- a. Any student who believes, after the informal process, that he or she continues to have a grievance shall file a Statement of Grievance with the Designated Administrator within one year of the incident on which the grievance is based.
- b. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official.

### **Step 2. Review of Grievance**

- c. Within two days following receipt of the Statement of Grievance Form, the Designated Administrator shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form. At this time, the Designated Administrator will work with the student to determine if a formal grievance committee is necessary or if they can work with an appointed mediator.
- d. In general, the requirements for Statement of Grievance to present 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 not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.
- e. If at the end of 10 days following the student's first formal meeting with the designated employee, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request 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 1 days notice of the date, time and place of the hearing.

### **Step 3. Grievance Hearing Committee Members**

- a. Membership: There are three types of Grievance Hearing Committees used to respond to the formal grievances. These include:
  - Academic Grievance Committee - Three Faculty members
  - Financial Aid Appeals Committee - Three Faculty members or Administrators
  - General Grievance Committee - One student, one faculty member and one staff member

- b. Appointment: The three types of Grievance Committees are appointed as follows:
- Academic: Academic Senate
  - Financial Aid Appeals: Academic Senate
  - General: Designated Administrator (depends on grievance; Senate to be consulted for faculty appointments)

No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the Designated Administrator. The Designated Administrator may remove the challenged member or members and substitute a member or members from the panel described above.

- c. The Designated Administrator shall appoint an individual to serve as the Grievance Officer for the Grievance Hearing Committee. This individual shall not serve as a member nor vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.

#### **Step 4. Grievance Committee Hearing Process**

- a. Prior to the scheduled Grievance Hearing, the Grievance Hearing Committee shall meet in private and without the parties present to select a chair and review the grounds for a hearing.
- b. The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.
- c. Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- d. Formal rules of evidence shall not apply. Any relevant information shall be admitted.
- e. The decision of the Grievance Hearing Committee shall be final on all matters relating to the conduct of the hearing.

The following is the procedure for the hearing:

- a. Presentations
  1. Each party to the grievance shall be permitted to make an opening statement.
  2. Thereafter, the grievant or grievants shall make the first presentation, followed by the respondent or respondents.
  3. The grievant(s) may present rebuttal information after the respondent(s) information. The burden shall be on the grievant or grievants to prove by substantial information that the facts alleged are true and that a grievance has been established as specified above.
  4. The respondent can then respond.
- b. Participants

Each party to the grievance represents himself or herself, and may also be accompanied by a college friend (active employee or student of the college) of his or her choice; except that a party shall not be represented by an attorney. Hearings shall be closed and confidential.

c. Witnesses

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.

d. Recording

If necessary or requested, the hearing may be recorded either by tape recording or detailed notes, 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.

e. Attendance

If the individual filing the grievance fails to appear at the hearing, only the written information will be used.

f. Committee Decision

Within 5 days (work days, M-F) following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the Designated Administrator a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

**Step 5. Decisions**

- a. For Academic Grievances, Financial Aid Appeals and General Grievances, the committee's decision is final.
- b. The Designated Administrator discusses the committee's recommendation with the committee chair to implement the recommendation.
- c. Within 5 days (work days, M-F) following receipt of the Grievance Hearing Committee's decision and recommendation(s), the Designated Administrator shall send to all parties his or her written decision, together with the Hearing Committee's decision and recommendations. The student may choose to appeal if he/she meets the criteria in Step 6.

**Step 6. Appeal**

1. Any appeal relating to a Grievance Hearing Committee decision shall be made in writing to VP, Student Services within 2 days (work days, M-F) of the receipt of the decision. Such appeals shall be in writing and shall be delivered to the College President or his or her designee.
2. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Grievance Hearing Committee and supporting documents for one or more of the following purposes:

- a. Due Process: To determine whether the Grievance Hearing Committee was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information and that all parties were given a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
  - b. New Information: To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Grievance Hearing Committee.
3. If an appeal is upheld by the VP, Student Services, the matter shall be reviewed to allow reconsideration of the original determination and/or sanction.
  4. The VP Student Services may also decide to sustain, reverse or modify the decision. The VP Student Services decision shall be in writing and shall include a statement of reasons for the decision and shall be final.
  5. The decision on appeal shall be reached within 5 days (work days, M-F) after receipt of the appeal documents. Copies of the VP Student Services appeal decision shall be sent to all parties.

**Time Limits:**

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