

**CHAPTER 5: STUDENT SERVICES
ADMINISTRATIVE PROCEDURE NO.: 5530**

COLLEGE OF THE SISKIYOU

Procedure Manual

Title: Student Rights and Grievances

Adoption Date:

Review Date:

Revision Date: ~~2/25/10~~ **February 25, 2010**; April 10, 2014; November 10, 2015

Responsible Area: Vice President, Student Services

Responsible Office: Student Services

Policy Reference: 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 is to provide a prompt and equitable means of resolving student grievances. **Documentation of complaints and resolutions are required for accreditation.** 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; (see **AP 3435 Discrimination and Harassments Complaints and Investigations for sexual misconduct complaints under Title IX**);
- 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:

- **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 College Grievance Officer.
- **The President/Superintendent or a designated representative of the President/Superintendent**
- **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 and shall not include the Grievance Hearing Committee or the College Grievance Officer.
- **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.
- **Designated Administrator** – Administrator appointed by the President/Superintendent to assist the student(s) with the Grievance process. In matters of non-academic appeals and hearing outcomes, the Designated Administrator will be the Vice President of Student Services. In matters of academic appeals and Academic Appeals hearing outcomes, the Designated Administrator will be the Vice President of Academic Affairs.

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:

Area	Informal Resolution		Formal Process
	First Step for Assistance - Informal	If resolution cannot be reached, next contact by	Type of Grievance Hearing Committee
Academic Success Center	Dean of Liberal Arts and Sciences	VP of Academic Affairs	Academic
Classroom: Grades, Testing, Class Content, Assignments	Instructor	Dean/Director	Academic
Academic Probation or Dismissal	Counseling	Designated Administrator	Academic
Computer Labs	Dean of Liberal Arts and Sciences	VP of Academic Affairs	Academic
Counseling/Advising	Counseling	Designated Administrator	Academic
Course or Requirement Challenge	Counseling	Designated Administrator Faculty member, Dean	Academic
Challenge: Prerequisite	Counseling	Faculty, Dean/Director	Academic
Waivers Modifications: AA Degree or Certificate Requirement	Counseling	Faculty, Dean/ Director	Academic
Library	Librarian	Dean of Instruction	Academic

Contact Information for Deans and Directors:

- ~~Dean of Liberal Arts & Sciences~~ **Student Success Dean**, Instruction Office – 938-5375
- ~~Career & Technical Education Dean ESTC~~ 938-5512
- Athletics Director ~~Gym Annex~~ **ESTC** – 938-5313
- **Dean of Career & Technical Education**/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.

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
Campus Gift & Book Shop	Bookstore Supervisor	Designated Administrator VP of Administrative Services	General
Classroom Facilities	Maintenance Staff Director of Maintenance and Facilities	Director of Maintenance VP of Administrative Services	General
Counseling, Advising, & Counseling Area Functions	Designated Administrator	VP of Student Services	General
Computer Labs	Computer Lab Staff Dean of Instruction	Dean VP of Academic Affairs	General
Disabled Students Programs and Services	DSPS Director	Designated Administrator VP of Student Services	General
Fee Payments & Refunds	Cashier	Director of Accounting Fiscal Services	General
Financial Aid	Director of Financial Aid Officer	Financial Aid Appeals VP of Student Services	Financial Aid
Health Services	Health Clinic Staff	Designated Administrator VP of Student Services	General
Grounds	Director of Maintenance	Designated Administrator VP of Administrative Services	General
Library	Library Director	Designated Administrator	General
Matriculation: Advising, Assessment, Orientation	Counseling Services	Designated Administrator	General

Area	Informal Resolution		Formal Process
	First Step for Assistance - Informal	If resolution cannot be reached, next contact by	Type of Grievance Hearing Committee
Parking & Traffic	Director of Maintenance	Designated Administrator VP of Administrative Services	General
Registration Procedures & Residency	Director of Enrollment Services Admissions and Records	Designated Administrator VP of Student Services	General
Lodges	Lodge Staff Director of Housing	Lodge Manager VP of Administrative Services	General
Safety (non-emergency)	Campus Safety Director of Maintenance	Designated Administrator VP of Administrative Services	General
Sexual Harassment	VP of Human Resources Administrative Services/HR/Title IX Coordinator	President/Superintendent or Designated Administrator	General
Student Dining Services	Dining Services Manager	Designated Administrator VP of Administrative Services	General
Student Govt. & Clubs	Associated Student Board Advisor or Club Advisor	Designated Administrator VP of Student Services or Designee	General
Student Records	Director of Enrollment Services Admissions and Records	Designated Administrator VP of Student Services	General
Technology	Director of Information Technology	VP of Administration	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, **one of which is from the Student Services Area**

- Financial Aid Appeals Committee - ~~Three Faculty members or Administrators~~ **Three Student Services staff**
 - 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~~ **Designated Administrator (Senates to be consulted for faculty appointments)**
 - General: Designated Administrator (depends on grievance; ~~Senates~~ **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.~~

Hearing Procedure

The decision of the Grievance Hearing Committee shall be final on all matters relating to the conduct of the hearing per vote of a majority of the other members of the panel.

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.

The complainant and respondent may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of information shall not apply. Any relevant information shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant(s) or shall make the first presentation, followed by the respondent(s). The grievant(s) may present rebuttal information after the respondent(s)' information. The burden shall be on the grievant(s) to prove by substantial information that the facts alleged are true and that a grievance has been established as specified above.

Each party to the grievance may represent himself/herself. No party may be represented by an attorney

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 workdays 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 committee agree to the contrary.

The hearing shall be recorded by the Grievance Officer either by tape recording, stenographic recording, or other technology and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. 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 recording shall remain in the custody of the District at all times. Each party may request an opportunity to hear the recording. However, copies of the recording will not be released and the recording must be within control of the District.

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.

~~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~~

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.~~

Committee's 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~~ **Designated Administrator (Vice President of Instruction or Vice President of Student Services)** 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 information produced at the hearing.

Appeal: Any appeal relating of a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the Designated Administrator within [number] days of that decision. The President/Superintendent shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The President/Superintendent's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

Designated Administrator's Decision: Within five working days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the Designated Administrator shall send to all parties a written decision, together with the Hearing Committee's decision and recommendations. The Designated Administrator may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight; and if the Designated Administrator does not accept the decision or a finding or recommendation of the Hearing Committee, the Designated Administrator shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the Designated Administrator shall be final, ~~subject only to appeal as provided below.~~

Step 6. Appeal

1. Any appeal relating to a Grievance Hearing Committee decision shall be made in writing to the ~~Designated Administrator~~ VP, Student Services within 2 days (workdays, 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 ~~Designated Administrator~~ VP, Student Services, the matter shall be reviewed to allow reconsideration of the original determination and/or sanction.
4. The VP Student Services ~~Designated Administrator~~ may also decide to sustain, reverse or modify the decision. The ~~Designated Administrator's~~ 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 (workdays, M-F) after receipt of the appeal documents. Copies of the ~~Designated Administrator~~ 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.