STUDENT GRIEVANCES AND COMPLAINTS

I. PURPOSE

Provides internal procedures for handling student grievances and complaints concerning (a) discrimination or harassment based on sex, race, age, national origin, religion, veteran status, or handicap; (b) nonacademic decisions, rules, or regulations; (c) actions, rules, or regulations not defined as pertaining to disciplinary measures or decisions; (d) management or conduct of programs; (e) allegations of misleading advertisement or promotion of programs; or (f) other actions of college employees.

II. LEGAL REFERENCE

The College District that receives federal financial assistance, directly or indirectly, and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. 34 CFR 104.7(b)

The College District that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations). 28 CFR 35.107

The College District that receives federal financial assistance, directly or indirectly, shall adopt and publish grievance procedures providing for prompt and equitable resolution of student complaints alleging any action prohibited by Title IX of the Education Amendments of 1972. 34 CFR 106.8(b) [See FA]

The College District shall give a student, on request, an opportunity for a hearing to challenge the content of the student’s education records on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student. 34 CFR 99.21

III. POLICY

A. The College shall provide for students and prospective students applying for admission to the College opportunities to express grievances and complaints and to seek appropriate resolution or redress.

B. The College shall establish a procedure for receiving, investigating, and resolving student grievances and complaints pertaining to matters other than those involving academic decisions and disciplinary decisions (for which areas of decisions the college shall have procedures separate from those described herein).

C. The procedure for student grievances and complaints shall be published in the student handbook and reference shall be made to it in the college catalog. In addition, copies of this regulation and any other information relevant to student grievances and complaints shall be made available to any prospective and current students upon demand.

D. Current students may use the procedures set forth herein to lodge a grievance or complaint concerning allegations of the following:

1. discrimination or harassment based on sex, race, age, national origin, religion, veteran status, or handicap;

2. nonacademic decisions, rules, or regulations (for appeals of academic decisions, see Regulation 663);

3. actions, rules, or regulations not defined as pertaining to disciplinary measures or decisions (for
appeals of *disciplinary* actions, see Regulation 664); 

4. management or conduct of college programs; 

5. misleading advertisement or promotion of programs; 

6. any illegal actions of College employees that affect the grievant. 

(POLICY APPROVAL: 4-19-95, Board of Trustees, amended 2-19-08, amended 8-19-14) 

**IV. PROCEDURES** 

To insure speedy resolution of a grievance or complaint, the time limits prescribed herein must be strictly adhered to unless a waiver is granted by the Vice-President of Student Services (VPSS) or the College President. 

A. **Step One:** Informal Resolution 

   Within ten (10) calendar days of the occurrence of the cause of the grievance, the student, if possible, contacts the source of the grievance to attempt resolution of the problem. 

B. **Step Two:** Review by the Vice President of Student Services (VPSS) 

   1. If the results of the informal approach at Step One are not satisfactory, the grievant initiates a formal appeal by submitting a written statement of the grievance and specifies pertinent dates, names, circumstances, and the remedy requested to the VPSS. (If the grievance is against the VPSS, the written formal appeal is directed to the VPI.) The written grievance must be filed no later than fifteen (15) calendar days after the occurrence of the circumstances leading to the grievance. 

   2. The VPSS (or, if the situation warrants, the VPI) investigates the complaint and schedules a meeting with the concerned parties no later than twenty (20) calendar days after the receipt of the written grievance. 

   3. The VPSS (or the VPI) issues a written decision on the grievance and mails it to the grievant by registered or certified mail, return receipt requested, within ten (10) calendar days of the meeting. The VPSS also provides copies of this written notification to any other principals involved in the grievance. 

C. **Step Three:** Review by College Hearing Board (CHB) 

   1. If any grievant chooses to appeal the decision of the VPSS (or the VPI) and alleges that the decision was unreasonable, arbitrary, capricious, unfair, or prejudicial, he or she so notifies the VPI in writing within five (5) calendar days following the decision in Step Two and requests that the College Hearing Board (CHB) be convened to hear the appeal. 

   2. The VPI convenes the CHB within twenty (20) calendar days of receiving the request for appeal. The VPI may not deny such a request. 

      a. To convene the CHB, the VPI must receive a written petition from the grievant that consists of the circumstances of the grievance, the remedy requested, and documents detailing the previous action resulting from the grievance to date. 

      b. The VPSS (or the VPI) makes available to the CHB all data accumulated from his or her investigation of the grievance to date.
3. The hearing will be conducted in accordance with the procedures outlined in this Regulation.

4. The grievant may bring witnesses and/or counsel or an advisor to the hearing. The role of the grievant’s legal counsel or advisor is limited to advising the student.

5. The CHB meets and reviews the appeal and renders a decision within ten (10) calendar days of the date the committee is first convened.

6. Possible Outcomes
   a. The CHB may sustain the VPSS’s (or VPI’s) decision.
   b. The CHB may grant the appeal and overturn or modify the original decision. A two-thirds majority is required to overturn the VPSS’s (or VPI’s) decision.

7. The chair of the CHB provides written notification of the results of the hearing to all parties and directs that any appropriate action be taken that is required to carry out the CHB’s decision.

D. Composition of the CHB
   1. Chair. Normally, the VPSS or designee serves as chair of the CHB. When, however, student appeals concern a decision by the VPSS, that officer may not function as the CHB chair. Instead, the president of the college appoints a senior administrator to chair the committee. The function of the chair is to assure procedural correctness, impartiality, and to pass judgment on the information presented at the hearing. The chair may not vote on any cases except to break a tie, nor may the chair be present during voting.

   2. Members. In a given hearing, the CHB consists of the following categories of eight members: four full-time faculty members, two students, and two staff members (one administrative staff member and one support staff member).

E. Selection of Board Membership
   1. Each academic year, the total membership of the CHB is determined in the following manner:
      a. the VPI appoints eight faculty members,
      b. the VPSS appoints six sophomore students who are in good academic standing,
      c. the VPSS and the VPI jointly appoint six staff members (three administrative, including at least one counselor, and three support).
      d. The VPSS and the VPI may remove any of his or her appointees at any time and replace the removed person.
      e. The CHB may remove any member for cause by a vote of two-thirds of the total membership.
      f. No employee of the college (faculty or staff member) may refuse to serve on the CHB. An employee, however, may petition to be excused by the President. Such petitions will be granted in the sole discretion of the President.

   2. The eight members who serve to hear any particular case of appeal of a grievance decision are selected as follows:
a. The chair of the CHB gives a roster of full board membership to the grievant, who then has 24 hours to strike from the list one faculty member, one student, and one staff member.

b. The chair then appoints the eight members of the board to hear the case from those who remain on the list after the grievant has stricken names.

F. Duties of the CHB Chair

1. Sets the time, location, and any special conditions for the conduct of the hearing; and notifies all participants of same.

2. Provides both grievant(s) and respondent(s) with information about procedures by supplying each with a copy of this regulation.

3. Rules on the relevance of the information presented and the pertinence of documents and witnesses.

4. Assures that hearings are conducted in a timely, efficient, decorous, impartial manner and in procedural compliance with all specifications of this regulation.

5. Keeps a written record of all proceedings.

6. Notifies all relevant parties of the results of hearings.

G. Pre-Hearing Procedures

1. CHB members are responsible for reading all materials relevant to the grievance prior to the first meeting of the hearing.

2. The grievant must file with the chair a written statement of his or her position, copies of any reports or other materials he or she wishes to be considered, the names of any witnesses he or she wish to be called, and the name of his or her chosen advisor, if any (see below).

3. Parties to the hearing are permitted legal counsel or an advisor at the hearing to assist in preparation for and presentation during the hearing. Advisors’ participation is limited to giving advice to principals; advisors may not address the CHB directly or otherwise participate in proceedings.

H. Conduct of Hearings

1. Participants are limited to the grievant, participating members of the CHB, witnesses, personal advisors to the grievant, the chair (except during voting, when the chair may not be present), and any other parties relevant to the proceeding.

2. The chair convenes the meeting, introduces all participants, and explains voting privileges.

3. The chair describes the nature of the appeal and explains the board’s procedures.

4. The grievant presents his or her case first and is permitted a maximum of fifteen (15) minutes in which to do so.

5. Any information in response to the grievance is then presented. This presentation is also limited to a maximum of fifteen (15) minutes.

6. The CHB may then ask questions and engage in discussion with the principals.
7. If the CHB has no further questions, all persons are excused.

8. The CHB discusses the case until it reaches a point in its deliberation when the members are ready to take a vote. At this point, the chair designates one board member to coordinate the voting. The chair then leaves the room.

9. The CHB votes (either by secret ballot or by voice), recalls the chair, and informs him or her of the decision of the board and provides for the record an explanation of the basis upon which that decision was made. In the event of deadlock, the chair breaks the tie by casting the deciding vote. Otherwise, the chair is not permitted a vote.

10. The parties are then recalled and informed of the CHB’s decision and its reasons for that decision. Within three calendar days, the chair also provides written notification of the decision.

I. Step Four: Appeal to President

1. Within five (5) calendar days of the completion of Step Three, the grievant may appeal the decision of the CHB by submitting a written statement to the President of the College requesting that the President review the grievance.

2. The written appeal must contain a description of the CHB’s decision, must explain why that decision is considered unjustified, and must state what action is being requested in place of that decision.

3. Possible Outcomes
   a. The President reviews the record developed at Step Three, and may inform the requesting party (in writing) that his or her challenge of the CHB’s decision is without merit and that the President supports the recommendation of the CHB.
   b. The President may find that sufficient basis exists to question the recommendation of the CHB and return the case to the SVPI to reconvene the CHB and reconsider the case. In this event, the President describes in writing the basis upon which he or she judges that reconsideration is warranted. The CHB then proceeds as described in Step Four.

4. The decision of the President is final.

V. GUIDELINES

A. This regulation does not apply to appeals of decisions concerning college policies such as academic suspension or probation, readmission, and disciplinary action. These other topics are covered by separate regulations. Appeals of academic decisions are described in Regulation 663, Appeal of Academic Decisions; and appeals of disciplinary action are addressed in Regulation 664, Appeal of Student Disciplinary Action.

B. Tape recordings or verbatim transcripts of a hearing may be made. The College is responsible for making tape recordings available to the grievant. Records of student grievances and complaints, decisions, and all steps within the appeal process will be maintained in the office of the Vice President of Student Services.

C. To the extent permitted by law, all information is kept in strict confidence throughout all steps in an appeal. Only those College officials having a right or a reason to know will be advised or consulted about an appeal or be allowed to attend a hearing.

D. The VPSS is responsible for insuring that this regulation is administered properly and for resolving any procedural issues that may arise.
E. A copy of this regulation will be posted on the college website and will be made available to any student who requests it.