1. **PURPOSE AND DEFINITION**

The purpose of this procedure is to provide a prompt and equitable means for resolving student grievances. The procedures enumerated herein shall be available to any student who believes a district decision or action has adversely affected his/her rights as a student as enumerated in Board of Trustees Policy *BP 3100 Student Rights, Responsibilities and Administrative Due Process, Section 1., Student Rights (a. – i.)*.

2. **RESOLUTION PROCESS**

   a. All parties shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing. Informal meetings and discussion between persons directly involved in a grievance is essential at the onset of the dispute.

   b. If the student fails to resolve the grievance informally, no further action will be taken unless the student files a formal grievance by completing a statement of student grievance form within thirty (30) calendar days of the incident.

   c. Grievances will only be heard where:

      1) The grievant alleges a violation of a student right as specified in *BP 3100 Student Rights, Responsibilities and Administrative Due Process, Section 1., Student Rights (a. – i.)*;

      2) The grievant was a student of the college/Continuing Education at the time the alleged incident occurred;

      3) The grievant is personally and directly damaged by the alleged incident;

      4) There is a remedy which is within the authority of the district to grant;

      5) There is not another prescribed administrative channel for due process.

   d. The following allegations or issues will not be heard under this procedure:

      1) Discipline of students - See *AP 3100.2, Student Disciplinary Procedures*;

         a) Students may not grieve a matter that is undergoing disciplinary proceedings, until these proceedings have concluded.

      2) Discipline of employees;

      3) Traffic or parking citation;
4) Correction to records, including grade changes - See AP 3001.1, Student Records, Release, Correction and Challenge;

5) Discrimination or sexual harassment complaints - See BP 3410 and AP 3410 Nondiscrimination; BP 3430 and AP 3430 Prohibition of Harassment; AP 3435 Discrimination and Harassment Investigations;

6) Academic accommodation complaints - See BP 3105, Academic Adjustments for Students with Disabilities;

7) Criminal acts or civil damages.

e. The grievance officer will notify the student of the disposition of the grievance within 10 instructional days. If a grievance is deemed to be valid (in accordance with 2.c. 1– 5 above), the grievance officer shall advise the student to complete a grievance hearing request form within thirty (30) days of the end of the semester in which the incident occurred.

Upon receipt of a grievance hearing request form, the Grievance Officer shall:

1) Meet with the student within five (5) instructional days of receipt of the hearing request form;

2) Determine that the informal resolution process has been followed and has been unsuccessful;

3) Within ten (10) instructional days following receipt of a Grievance Hearing Request form, the Grievance Officer shall convene the Grievance Committee.

3. **GRIEVANCE OFFICER**

   a. Each academic year, the President shall appoint a Grievance Officer who shall facilitate the grievance process.

4. **GRIEVANCE COMMITTEE**

   Each academic year, the Academic Senate shall nominate five faculty members and the Associated Students organization shall nominate five students to serve for a one year term to form a pool from which a grievance committee may be convened.

   a. The Grievance Committee shall be constituted, as needed, in accordance with the following criteria:
1) The Grievance Committee shall include at least one but no more than three students selected from the pool submitted by the Associated Students organization;

2) The Grievance Committee shall include at least one but not more than three instructors selected from the pool submitted by the Academic Senate;

3) There shall be an equal number of students and faculty represented.

5. HEARING PROCEDURE

a. The full Grievance Committee must be present for the hearing to proceed. The Grievance Officer will be the facilitator and shall inform the participants of the procedures to be followed in the hearing. The decision of the Grievance Officer shall be final on all matters relating to the conduct of the hearing unless there is a two-thirds majority vote of the members of the Grievance Committee to the contrary. The burden of proof shall be on the grievant.

b. Each party to the grievance may provide the committee with oral and written information relevant to the issue of the grievance.

c. The Grievance Officer shall assist all parties in the securing of supporting information.

d. Formal rules of evidence shall not apply. All relevant information shall be considered.

e. Witnesses shall be only present when testifying. A taped record shall be maintained by the Grievance Officer and shall be the only taped record maintained. Destruction of all records of the hearing shall be in accordance with AP 2300.1, Warehousing and Disposition of Records.

6. GRIEVANCE DECISION RECOMMENDATION

a. The Grievance Committee’s recommendation shall be based only upon the record of the hearing. Relevant sections of State and Federal laws shall apply.

b. The Grievance Committee shall submit its findings in writing to the President within five (5) instructional days following the conclusion of the hearing. The written report shall include specific findings on each issue of the grievance together with recommendations.
7. PRESIDENT’S DECISION

a. Within five (5) instructional days following receipt of the Grievance Committee's recommendation, the President shall render a decision. The President may accept or reject the findings and recommendations of the Grievance Committee. If the President does not accept a finding or recommendation of the Grievance Committee, the reason(s) shall be stated in the written decision to the committee. The final decision shall be sent in writing to the grievant and Grievance Officer.

The decision of the President shall be final.

Approved by
the Chancellor:       June 1, 2011

Supersedes: Procedure 3100.1 – 5/10/79, 4/26/84, 10/14/98