

STUDENT GRIEVANCE POLICY

The student is encouraged to pursue academic studies and other college-sponsored activities that will promote intellectual growth and personal development. In pursuing these ends, the student should be free of unfair and improper action by any member of the academic community. A grievance may be initiated by a student when he/she believes he/she has been subject to an unjust action or denial of rights as stipulated in college regulations and in the state education and administrative codes. Such action may be instituted by the student against another student, a faculty member, an administrator or other college staff member. A grievance must be initiated no later than twenty (20) working days of the end of the term during which incident occurred. Where a student believes an injustice has been done, the student may seek redress through the following policy and procedure.

Student may initiate grievance for any of the following reasons:

1. Prejudicial or capricious action in the evaluation of the student's academic performance.
Education Code 76224 states: "When grades are given for any course of instruction taught in 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 incompetence, shall be final."
2. Intimidation, assault, battery, or harassment (sexual harassment).*
3. Arbitrary action or imposition of sanctions by a college representative without proper regard to procedural due process as specified in the section on Guideline for Due Process.

*Note: In case of sexual harassment or unlawful discrimination, complaints should be filed as Title V complaints and/or Office of Civil Rights complaints. These complaints will be processed through the Human Resources Office.

I. Preliminary Action Procedure

- A. The student who believes an injustice has occurred shall first attempt to resolve the grievance by informal consultation with the persons, preferable in sequence:
 1. The college staff, faculty member, or administrator concerned.
 2. The administrator in charge of that area.
- B. If the student still believes that the issue has not been resolved satisfactorily at these levels, the student shall submit a completed "Report of Grievance" form to the Dean of Student Activities.

STUDENT GRIEVANCE POLICY

- C. The Dean of Student Activities shall confer with the student for the purpose of reviewing the grievance and attempting to resolve the matter.
- D. The Dean of Student Activities, or designee, may also obtain information relating to the grievance from other parties involved. Whenever appropriate, the Dean of Student Activities shall assess damage to property and injury to person(s).
- E. The Dean of Student Activities will notify each party regarding any of the following actions:
 - 1. Against the faculty member or college staff member:
 - a. Dismiss the grievance for lack of merit.
 - b. Work towards an equitable solution.
 - c. Remand the case to a formal hearing. (see guideline for due process)
 - 2. Against another student:
 - a. Dismiss the grievance for lack of merit.
 - b. Work towards an equitable solution.
 - c. Issue to the student a Warning, Reprimand, Disciplinary Probation or Disciplinary Suspension
 - d. Recommend expulsion to the Governing Board.
- F. The student will notify the Dean of Student Activities within three (3) calendar days of:
 - 1. Acceptance of the Dean's decision.
 - 2. Nonacceptance of the Dean's decision and request a formal hearing.

No formal hearing may be initiated by the student unless the Dean of Student Activities is notified, in writing, within three (3) calendar working days following the initial conference with the Dean to notify the student of the action being taken by the college.

- G. The Dean of Student Activities shall arrange a review of case by formal hearing by a committee within fourteen (14) working days to consider disposition of the following cases:

STUDENT GRIEVANCE POLICY

1. Any appeal by the student of the misconduct charge.
2. Any appeal by a student regarding proposed sanctions for alleged misconduct.
3. Any case which may result in the possible suspension or expulsion of the student.
4. Any other cause which the Dean of Student Activities may wish committee advice.

For Formal Hearing Procedure and Final Action, refer to the District's Administrative Guideline for Due Process.

II. GRADE DISPUTES

1. Definitions: The California Education Code (Section 76224) specifies that the instructors determination of student grades shall be final except in cases of mistake, fraud, bad faith, or incompetence.

Students should note the following definitions which are taken from Black's Law Dictionary:

- **Mistake** – some unintentional act, omission, or error by the instructor,
 - **Fraud** – an intentional perversion of the truth for the purpose of inducing another to part with something valuable or to surrender a legal right;
 - **Bad Faith** – synonymous with fraud neglect, or refusal to fulfill some duty or contractual obligation, not prompted by an honest mistake as to one's rights or duties;
 - **Incompetence** – lack of ability, legal qualification, or fitness to discharge a required duty.
2. If the student feels that an instructor has given a grade based on a mistake, fraud, bad faith, or incompetence, and the student has evidence to substantiate the claim, these steps must be followed:
 - **First**, the student must discuss the matter with his/her professor in person, via electronic mail or in writing within **30 working days** of the time the official grade report was sent to the student. If the concern is not resolved satisfactorily, then:

STUDENT GRIEVANCE POLICY

- **Second**, the student must within **10 working days** discuss the matter with the School Dean or Designee in person, via electronic mail or in writing. The School Dean or Designee will try to resolve the dispute and will respond to the student in writing within **10 days**.
- **Third**, If the concern is still unresolved the student must within **10 working days** discuss the matter with the Vice President for Academic Affairs in person, via electronic mail or in writing. The Vice President for Academic Affairs in consultation with the Academic Senate President will render a final decision in writing within **15 working days**.