

STUDENT SERVICES

AP 5530 STUDENT RIGHTS AND GRIEVANCES

References:

Education Code Section 76224(a);
Title IX Education Amendments of 1972

A. Definition of Terms

Grievance: A claim that a student has been the subject of an unjust action or has been denied his/her rights by an employee of the District or another student. Excluded from the grievance process are any matters for which a specified method of complaint resolution is provided by law or by District policy (such as the Americans with Disabilities Act Complaint Procedure, the Sexual Harassment Complaint Procedure, and Student Final Grade Appeal Procedure). The grievance process may not be used to change a District policy.

Complaint: A statement of dissatisfaction with a procedure, policy, application of a policy, or actions of an individual through which a student's rights were not violated or denied. Complaints are excluded from the grievance process and should be resolved with the individuals involved and the next level of supervision.

Appeal: An action taken to request a review of and possible change to the recommended resolution of the grievance.

Day: A day is a school day when classes are offered or exams scheduled, excluding Saturday.

B. Informal Grievance Resolution Procedures

Before initiating formal grievance procedures, the student shall attempt to resolve the dispute informally with the appropriate staff member and supervisor at the point of initial decision. The student should use the Informal Grievance Resolution Chart to informally resolve his/her grievance.

1. The initial request must be made to the person in the area in which the dispute arose. This individual is identified in the First Level of the Informal Grievance Resolution Chart.
2. If the student still has not resolved his/her dispute at the First Level s/he should present his/her grievance to the administrator or administrative committee indicated in the Second Level on the Informal Grievance Resolution Chart.

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- 33 3. The designated administrator or committee chairperson shall review and
34 investigate the request and provide the student with a verbal or written notice of
35 the decision within ten days of receipt of the request.

36 C. Formal Grievance

- 37 1. If a dispute is not satisfactorily resolved through the informal resolution process,
38 the student may submit a formal grievance to the Director of Student Affairs. The
39 formal grievance must be submitted to the Director of Student Affairs within
40 ninety (90) days of the student becoming aware of the dispute. The student
41 should obtain a Student Grievance form from the Student Affairs Office. The
42 formal grievance submitted to the Director of Student Affairs must include the
43 following:

- 44 a. A clear and concise statement of the grievance
45 b. The name/s of the individual/s against whom the grievance is being filed
46 c. Identification of the resolution, corrective action, or remedy being sought
47 d. A summary of actions already taken to resolve the issue

- 48 2. Following review of the formal grievance, the Director of Student Affairs shall
49 make a determination as to the appropriateness of allowing the grievance to go
50 forward. The following criteria should be taken into consideration when making
51 this determination:

- 52 a. Is the resolution sought by the student reasonable given the
53 circumstances of the grievance articulated by the student?
54 b. Can the grievance be resolved through established process? That is, will
55 a grievance committee have the authority to remedy the injustice or
56 restore the rights of the student in line with the remedy being sought by
57 the student?
58 c. Is the grievance timely? That is, has the student initiated the process
59 within ninety (90) days of becoming aware of the injustice?

- 60 3. If any of the above criteria are answered in the negative, the Director of Student
61 Affairs shall notify the student that the process cannot appropriately address their
62 grievance. This notice shall be delivered to the student either in person or by
63 U.S. mail within fourteen (14) days of receipt of the grievance by the Director of
64 Student Affairs. The student shall be allowed to revise and resubmit the formal
65 grievance for reconsideration.
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- 67 4. Should the student desire to appeal the decision of the Director of Student
68 Affairs, he/she may write a letter to the Vice President for Student Services
69 requesting examination of the case and reversal of the Director's decision. This
70 appeal letter must be received by the Vice President for Student Services within
71 twenty-one (21) days of the date of the notice sent by the Director of Student
72 Affairs.
- 73 5. The Vice President for Student Services shall decide within fourteen (14) days of
74 receipt of the student's appeal whether to allow the grievance to go forward. The
75 student shall be notified either in person or by U.S. mail of the decision of the
76 Vice President. The Director of Student Affairs will be notified to allow the
77 grievance to move forward.
- 78 6. The Director of Student Affairs will appoint an ombudsperson. If the grievance is
79 against the Director of Student Affairs, the Assistant Superintendent/Vice
80 President for Student Services will appoint an ombudsperson acceptable to both
81 the student and the Director. If the grievance is against the Assistant
82 Superintendent/Vice President for Student Services, the Assistant
83 Superintendent/Vice President for Instruction will assume responsibility for
84 resolution.
- 85 7. Within ten days after receipt of the Formal Grievance, the Ombudsperson will
86 meet with the parties involved in the grievance prior to convening a conciliation
87 conference. The Ombudsperson will attempt to reach resolution with the parties
88 prior to or during the conciliation conference. If agreement is reached between
89 the parties, a written statement signed by both parties shall be filed with the
90 Director of Student Affairs.
- 91 8. If no agreement is reached, a written request for a formal hearing may be filed
92 with the Director of Student Affairs. If neither party submits a request for formal
93 hearing within ten days after the conciliation conference, the matter will be
94 considered closed. The Director of Student Affairs will notify each party in writing
95 of closure.

96 D. Formal Hearing

- 97 1. Within ten days of receiving a written request for a formal hearing, the Director of
98 Student Affairs will convene a Student Grievance Committee to conduct the
99 hearing. The committee shall be composed as follows:
- 100 a. Two students appointed by the ASG President.
- 101 b. Two faculty members appointed by the Faculty Senate President.

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- 102 c. One educational or classified administrator appointed by the
- 103 Administrative Association President.
- 104 d. If the grievance is against a classified employee, two classified employees
- 105 will be appointed by the Grievance Officer for the CCE/AFT in lieu of two
- 106 faculty members.
- 107 e. The committee will select a chairperson.

108 Each party will be permitted challenges to committee members for cause and
109 one peremptory challenge. In the establishment of the Committee, the Director
110 of Student Affairs will serve to coordinate the formation of the Committee, provide
111 information needed to assist parties to the dispute in challenges to membership
112 on the Committee and, if necessary, rule on challenges for cause.

113 2. The Student Grievance Committee shall:

- 114 a. Receive a signed written statement from each party involved in the
- 115 grievance specifying all relevant facts.
- 116 b. Hear testimony, examine witnesses, and receive all evidence pertaining to
- 117 the case.
- 118 c. Allow each party the right to be represented at the hearing by a student or
- 119 staff member of the District and to question witnesses and testimony.
- 120 d. Evaluate the relevance and weight of testimony evidence; limit its
- 121 investigation to matters identified in the formal grievance.
- 122 e. Make recommendations for disposition of the case.
- 123 f. Provide a transcript of the proceeding which shall be kept in a confidential
- 124 file and shall be available at all times to the parties to the grievance.
- 125 g. Submit its findings of fact and recommended action to each party and the
- 126 Director of Student Affairs within ten days of the formal hearing.

127 3. The formal hearing shall be closed to the public unless mutually agreed upon by
128 the parties to the grievance.

129 E. Appeal

- 130 1. Upon receipt of the Student Grievance Committee's decision, either party, within
- 131 five days, may submit a written appeal of the decision to the appropriate
- 132 Assistant Superintendent/Vice President. The appeal must contain a clear and
- 133 concise statement of the reason(s) for the appeal and include copies of the
- 134 original grievance and all proposed resolutions and recommended decisions.
- 135 The Assistant Superintendent/Vice President may:

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- 136 a. Affirm the recommendation of the Student Grievance Committee.
- 137 b. Modify the recommended decision.

138 F. Final Action

- 139 1. Upon receipt of the recommendation of the appropriate Assistant
140 Superintendent/Vice-President, the parties to the grievance have five days to
141 appeal the decision to the Superintendent/President.
- 142 2. If neither party submits a request for appeal within five days, the matter will be
143 considered closed. The documentation will be kept by the Director of Student
144 Affairs.
- 145 3. If an appeal is submitted to the Superintendent/President, it must contain clear,
146 concise reason(s) for the appeal and include copies of the original grievance and
147 all proposed resolutions and recommended decisions.
- 148 4. Within thirty days of receipt of the request for appeal, the Superintendent/
149 President will review the written record and issue a written decision. The
150 Superintendent/ President may:
 - 151 a. Affirm the recommendation of the Student Grievance Committee
 - 152 b. Affirm the recommendation of the appropriate Assistant Superintendent/
153 Vice President
 - 154 c. Modify the recommended action

155 G. Governing Board Appeal

- 156 1. If either party wishes to appeal the decision of the Superintendent/President,
157 she/he must submit a request for an appeal to the Governing Board within ten
158 days of receipt of the Superintendent/President's decision. The Governing Board
159 reviews all written records and shall render a final decision within sixty days.
- 160 2. Requests for appeal must contain the following:
 - 161 a. A clear and concise statement of the reason(s) for the appeal.
 - 162 b. A file containing copies of the original grievance and all proposed
163 resolutions and recommended decisions.
- 164 3. The decision of the Governing Board is final.
- 165 4. Documentation of the appeal will be kept by the Director of Student Affairs.

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166 TIME LINES MAY BE EXTENDED BY MUTUAL AGREEMENT OF PARTIES TO THE
167 GRIEVANCE AND DURING INTERSESSIONS AND THE SUMMER SESSION WHEN
168 INSTRUCTORS MIGHT NOT BE AVAILABLE.

169 Additional informal grievance resolution information is available in the Office of Student
170 Affairs.

171 Office of Primary Responsibility: Student Affairs