

AP 5522 STUDENT GRIEVANCE PROCESS FOR INSTRUCTION AND GRADE RELATED MATTERS

References:

Education Code Section 76224
Title 5 Section 55024

I. General Provisions

1. Purpose: The purpose of the Student Grievance Procedure is to provide a means by which a student may pursue a complaint for an alleged violation of college or district policy concerning instruction or to appeal a grade. However, complaints regarding discrimination harassment or retaliation are to be handled in accordance with Administrative Procedure 3435 titled Handling Complaints of Discrimination, Harassment or Retaliation.
2. Scope: Student grievances for matters other than for discipline such as, but not limited to, grade challenges and academic or program issues, will be processed in the following manner. Please note: Per Education code 76224, the instructor's grade is final except in cases of mistake, fraud, bad faith, or incompetency.

A grievable action is an action that is in violation of a written college or district policy or procedure, or an established practice. The basis of the grievance is that an action constitutes arbitrary, capricious, or unequal application of a written college or district policy or procedure or an established practice.

3. Confidentiality: To protect to the maximum extent possible, the privacy of individuals who in good faith file legitimate grievances, these procedures will be considered confidential throughout initial consultation, preliminary and final review, and appeal, unless required to be disclosed pursuant to a court order or state or federal law. Confidentiality will also be afforded the respondent to avoid unwarranted damage to reputation. Breach of confidentiality by any party to the grievance is considered unethical conduct and may be subject to disciplinary action. However, those involved in the

hearing process may seek consultation and/or guidance from the District's General Counsel, or academic or student services administrators.

There may be cases where disclosure of part or all of the proceedings and final outcome must be considered to provide a remedy to the student, to correct misperceptions of the reputations of parties to the grievance, or for the best interests of the institution. In these cases, if, and only if, deemed appropriate by majority vote of the grievance committee in concurrence by the President, public disclosure will be directed through the President's office.

4. Protections for complainants: Any student has the right to seek redress under these procedures and to cooperate in an investigation or otherwise participate in these procedures without intimidation, threat of retaliation or retaliatory behavior. Any such behavior, verbal or written, in response to participation in the grievance process is prohibited and may be regarded as a basis for disciplinary action.
5. Abuse of process: A student must proceed with a complaint in good faith. Abuse of process, malicious complaints or frivolous complaints may be grounds for disciplinary action.

II. Definitions

1. District -- The Riverside Community College District
2. Student -- Any person currently enrolled as a student at any college or in any program offered by the District.
3. Instructor -- Any academic employee of the District in whose class a student is enrolled, or a counselor who is providing, or has provided, services to the student, or other academic employee who has responsibility for the student's educational program.
4. Day -- Days during which the District is in session and regular classes are held, excluding weekends and holidays.
5. Time Limits -- Any time specified in the above procedures may be shortened or lengthened if there is mutual agreement by all parties.

III. Informal Consultation Process

A student has 120 calendar days from the date of the incident giving rise to the grievance to initiate the informal consultation process, except in the case of a grade

change. The time limit to initiate a change is one (1) year from the end of the term in which the grade in question was recorded. For further information on grade changes, see Board Policy/Administrative Procedure 4231.

1. A student will be encouraged to contact the faculty member and attempt, in good faith, to resolve the concern through the consultative process.
2. If consultation with the faculty member does not resolve the issue, the student may request a consultation with the department chair, assistant chair, or designee. The faculty member will be notified of the outcome of the meeting, by the party who meets with the student.
3. If the issue is not resolved with the department chair, assistant chair, or designee, the student may file a written Request for Consultation with the appropriate Dean. Forms will be available from the office of the appropriate Dean or Vice President. The Dean will convey a decision to all affected parties, as well as note that decision on the form.

IV. Grievance Process and Formal Hearing

If the issue is not resolved through informal consultation, the student may file a written grievance requesting a formal hearing within thirty (30) calendar days of the informal consultation with the Dean. The written request should contain a statement detailing the grievance to be resolved, and the action or remedy requested. The student will direct this grievance to the President. The student must notify the President at the time the student submits his/her request for a formal hearing if an accommodation for a disability will be needed at the hearing.

1. Upon receipt of a written request for a formal hearing, the President will, within three (3) days, excluding weekends and holidays, of receipt of the request for hearing, appoint an administrator (not the Vice President of Academic Affairs) to serve as chair of a grievance committee for the hearing.
2. A grievance withdrawn from the formal hearing stage will be deemed without merit and cannot be refiled.
3. The formal hearing will be conducted before a College Grievance Committee. This committee will be composed of the following individuals:
 - a. Two (2) students appointed by the College Student Body President.

- b. Two (2) faculty members appointed by the College Academic Senate President.
- c. One (1) academic administrator (not the Vice President of Academic Affairs) appointed by the President of the College. The individual may be from another College in the District.
- d. The chair of the committee, which is selected by the President, (see above) will be part of the committee, but will not vote in the final decision, except in the case of a tie.

4. The College Grievance Committee Chair will:

- a. Forward a copy of the request for hearing to the faculty member being grieved within seven (7) days (excluding weekends and holidays) of receipt of the request.
- b. Within a reasonable time period not to exceed twenty (20) days (excluding weekends and holidays) set a reasonable time and date for the hearing as well as a reasonable time limit for its duration. In the event the parties are not available within the 20 days, the Vice President has the discretion of extending the time period, with notification to the parties.
- c. Arrange for a disability accommodation if requested pursuant to the above.
- d. Within three (3) days, excluding weekends and holidays, after setting the hearing date, notify both parties that they are to provide to the Chair signed written statements specifying all pertinent facts relevant to the grievance. A copy of these statements will be given, by the Chair, to the other party, as well as the Grievance Committee members. At this time, both parties will also be invited by the Chair to submit a list of potential witnesses and the rationale for calling them. Each party's witness list will be given to the other party and to the Grievance Committee. Witnesses will be called at the discretion of the Grievance Committee Chair. This signed statement and witness list is to be received by the Chair no later than 10 days prior to the hearing.

Individuals approached by either party to act as a witness for that party are not under any obligation to do so and may decline to be a witness. Any witness has the right to cooperate in an investigation or otherwise participate in these procedures without intimidation,

threat of retaliation or retaliatory behavior. Any such behavior, verbal or written, in response to participation in the grievance process is prohibited and may be regarded as a basis for disciplinary action.

- e. Notify the parties that they are entitled to bring a representative, from within the District, to assist them during the hearing. The representative's role is restricted to assisting the party. He/she may not actively participate in the grievance hearing or engage in the proceedings. The Representative must be an individual from within the District (student or employee). Legal representation is prohibited.
- f. Notify both parties as to who the members of the grievance committee will be. Each party will be allowed one (1) opportunity to request that a committee member be replaced with a different person because of perceived bias or conflict of interest. Any such requests must be directed to the committee chair within two (2) days of notification of who the committee members will be and will state the perceived bias or conflict of interest. At that time, the committee chair may excuse that committee member and seek a replacement in accordance with IV.3 above.
- g. Provide, to the faculty, student and Grievance Committee, prior to the hearing, a copy of the document titled [Grievance Hearing Protocol](#), which shall serve as a guideline during the hearing. Any requests for deviations from, or additions to, the hearing protocol, shall be addressed to the Committee Chair who will make the decision on whether or not the deviation or addition will be allowed.
- h. Develop a list of questions, or intended areas of inquiry, to both parties and the Grievance Committee at least three (3) days (excluding weekends and holidays) in advance of the hearing.
- i. Maintain an official recording of the proceeding which will be kept in a confidential file but be available for review by either party. Individual parties will not be allowed to have their own recording device.
- j. Ensure that the formal hearing will be closed to the public.

5. The Grievance Committee will:

- a. Judge the relevancy and weight of testimony and evidence. The committee will make its findings of fact, basing its findings on the evidence presented. It will also reach a decision for disposition of the case.
- b. Submit its findings of fact and disposition to each party and the Vice President of Academic Affairs within ten (10) days (excluding weekends and holidays) of the completion of the formal hearing.

V. Appeals

1. Either party, within five (5) days (excluding weekends and holidays) of receipt of the Committee's decision, may appeal the decision to the Vice President of Academic Affairs. The Vice President may:
 - a. Concur with the decision of the Committee, or
 - b. Modify the Committee's decision.

The Vice President will submit his/her decision to each party and the President within ten (10) days (excluding weekends and holidays) of receipt of the Committee's decision.

2. Either party, within five (5) days (excluding weekends and holidays) of receipt of the Vice President's decision, may appeal the decision to the President. The President may:
 - a. Concur with the decision of the Vice President, or
 - b. Modify the Vice President's decision.

The President will submit his/her decision to each party within ten (10) days (excluding weekends and holidays) of receipt of the Vice President's decision.

In all cases, final decision will rest with the President.

After a student has exhausted all grievance rights at the College level, the student has the right to file a complaint with any of the following resources:

- The Accrediting Commission for Community and Junior Colleges (ACCJC) at <http://www.accjc.org/complaint-process>. If your complaint is associated with the institution's compliance with academic program quality and accrediting standards. ACCJC is the agency that accredits the academic programs of the California Community Colleges.
- The California Community College (CCC) Chancellor's Office by completing the form(s) found on the link below, if your complaint does not concern CCC's compliance with academic program quality and accrediting standards.

- To the State Attorney General using the forms available at http://ag.ca.gov/contact/complaint_form.php?cmplt=PL

VI. Responsibility

The Vice President of Academic Affairs will be responsible for the overall implementation of these procedures and will retain a file of all grievances for matters relative to this procedure for this college. This file may be maintained electronically.

Matters involving the prohibition of discrimination and the prohibition of sexual harassment and any concerns regarding these matters should be referred to the District's Department of Diversity, Equity and Compliance.

Office of Primary Responsibility: Vice Chancellor, Educational Services
College Vice President of Academic Affairs

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(Replaces a portion of grievance
procedures in RCCD Regulation 6080)