

## APPENDIX II

### Student Grievance

#### I. PURPOSE

Students are encouraged to pursue academic studies and other college sponsored activities in order to promote intellectual growth and personal development. In seeking these ends, students should be free from improper interference by other members of the college community. A grievance may be initiated by a student whenever the student believes that she or he has been subject to unjust actions or denied normal rights as stipulated in college regulations and in the State Education and Administrative Codes. A grievance may be initiated by a student against any other student or employee of the college.

#### II. DEFINITION

A grievance is an allegation of unjust action or denial of student rights. A grievance exists only when a specific educational wrong has occurred to a single student. This wrong must involve an unjust action or denial of student rights as defined in a specified college, college district or superior legal covenant or judgment. A grievance exists only when such an error or offense has some demonstrably correctable result. The outcome of a grievance must produce a tangible benefit to the student complaining or an actual redress of the wrong rather than a punishment for the person or persons found in error.

#### III. PROCEDURES

##### A. INFORMAL PROCESSES

When a student believes that a personal injustice has been sustained, an attempt should first be made to resolve the concern by informal means. Consultation should be made with the student, faculty member, administrator or classified person involved in order to seek direct resolution. If this process fails or, for some reason, cannot be accomplished, the aggrieved student should confer with the direct supervisor of the person allegedly causing the problem. If both of these steps are unsuccessful, the aggrieved student should discuss the problem with the Executive Vice President of Student Learning or designee.

##### B. FORMAL PROCESSES

If the aggrieved student believes that the informal consultation processes mentioned in IIIA have failed, the procedures and rules described below must be followed by both the student and the college. This process represents the formal grievance procedure of the college. However, the entire formal grievance process shall be discontinued at any time the parties can informally agree on a mutually satisfactory result. All formal records will be destroyed in this instance. Resolution of grievances may not abrogate state or federal laws and applicable Board of Trustees' rules and policies.

1. A college Grievance Committee shall be established by the College President at the opening of each academic year. This committee shall be composed of one faculty member, one enrolled student and one administrator. The chairperson will be designated by the President. Committee members are appointed by and serve at the pleasure of the President. If, in the judgment of either participant in a formal grievance or the President, a conflict of interest or bias exists with any committee member, that member will be excused and a substitute

- appointed for the case in question only.
- A formal grievance must be filed with the Executive Vice President of Student Learning or designee within 90 calendar days of the final event in a sequence of events, if any. The 90-day period shall commence on the day of the event or on the day of first knowledge of the event by the complaining party. Proof of the latter delayed date is the responsibility of the complaining party.
2. A formal grievance exists when the Executive Vice President of Student Learning or designee receives a signed written charge specifying the time, place and nature of the injury from the aggrieved student. This written charge should be dated and must be on behalf of an individual student only. Group or class action grievances are not permitted. This charge must also clearly specify the informal consultation attempts made and described in Section A.
  3. The Executive Vice President of Student Learning or designee will verify the completeness of the written charge and present the charge to the Grievance Committee within fourteen calendar days of receipt.
  4. The Grievance Committee will review the charges made (Section B.2) within seven calendar days and request a response in writing from the person accused. This person must reply within ten calendar days. Upon receipt of this response, the committee shall meet and recommend to the President that (a) the case be dismissed or (b) the reasonable cause for a hearing exists. This action must take place within seven calendar days.
  5. The President will then either dismiss the case with the reasons set out in writing to both parties and request that the Grievance Committee hold a formal hearing. The President must take this action within seven calendar days of receipt from the committee (Section B.4).
  6. Formal hearing procedures:
    - a. A hearing will be called by the chairperson within thirty calendar days of receipt of the President's request (Section B.5).
    - b. Both parties will be asked to attend the hearing and will be given sufficient notice in writing as to the time and place. Notice shall be given by certified mail at least ten calendar days prior to the hearing date.
    - c. At the time of the hearing, the chairperson shall state the charge. The committee shall hear testimony, examine witnesses and receive all evidence pertaining to the charge.
    - d. Both parties shall have the right to present statements, testimony, evidence and witnesses. Each party shall have the right to be represented by a single advisor but not a licensed attorney.
    - e. The accused person and/or representative may be present as well as the aggrieved person and/or his/her representative. No other persons except scheduled single witnesses and the Grievance Committee members shall be present.
    - f. The person making the charge shall assume the burden of proof. Hearings shall be closed and confidential.
  - g. The hearing shall be recorded by the District by electronic means such as audiotape, videotape, or by court reporting service and shall be the only recording made. No other recording devices shall be permitted to be used at the hearing.
  - h. The committee shall judge the relevancy and weight of testimony and evidence. It shall make its findings on fact and limit investigation to the formal charge. It shall also make a recommendation for disposition of the charge to the college President. Actions in this procedure shall be completed within thirty calendar days following the close of the hearing.
  - i. The committee shall submit its findings of fact and recommend action to both parties and to the President of the college. Upon receipt of the findings and recommendations, the President of the college shall:
    - (1) concur with the committee's recommendation.
    - (2) not concur with the committee's recommendation.
    - (3) take alternative action.
    - (4) The college President shall state in writing the reasons for the action taken on the committee's recommendation. The President shall act within 21 calendar days.
  - j. If either party does not agree with the decision of the college President at this time, an appeal may be made to the Chancellor of the Ventura County Community College District within five calendar days. The Chancellor's decision will be final.
  - k. Records of all proceedings shall be maintained by the college President in accordance with rules of confidentiality and board/state/federal laws, rules, regulations and contracts. Insertion of information regarding a case in employee's personnel records will only be made in compliance with board/state/federal laws, rules, regulations and contracts.