



Ventura County Community College District

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DR. RICK MACLENNAN
CHANCELLOR

STATEMENT OF GRIEVANCE/REQUEST FOR HEARING FORM

PART A:

Student:

First Name

Last Name

Student ID#

Preferred Name:

Email:

Mailing Address:

Street

City

State

Zip

Telephone/Cell Phone Number/s:

Semester: SU FA SP

Year

Course & CRN:
(if applicable)

College: MC OC VC:
Select your campus

Instructor:

First Name

Last Name

Grade Received:

(If applicable to this grievance)

Grievance: A claim by any Student who reasonably believes a college decision or action has adversely affected their status, rights, or privileges as a student.

A **Grievance** includes, but is not limited to claims regarding:

1. **Financial aid** determinations made at the college or District level.
2. **Course grades**, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a 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 incompetency, shall be final." "Mistake" may include, but is not limited to, errors made by an instructor in calculating a student's grade and clerical errors.
3. **The exercise of rights of free expression** protected by state and federal constitutions and Education Code Section 76120.
4. **Other:** A grievance that falls **outside** of Title IX, SB 493, or discrimination. Title IX, SB 493, or discrimination grievance procedures should be followed under AP 3434, AP3435.

I am filing a "Statement of Grievance" for the following reason:

Financial aid: (Provide explanation of the grievance):

Course grades: Take note: To the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a 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 incompetency, shall be final." "Mistake" may include, but is not limited to, errors made by an instructor in calculating a student's grade and clerical errors.

I am grieving the grade given for the following reasons:

The exercise of rights of free expression: (Provide explanation for this grievance):

Other: (Provide explanation for this grievance):

INFORMAL RESOLUTION: (In cases where a grade change is being requested, student must speak to instructor first before requesting a hearing. If the instructor of record is not available, the department chair or another full-time regular instructor in the same discipline may fill in for the instructor of record. AP-4231 Ca.Ed.Code 76232,76224)

I spoke with the instructor on _____ attempting to resolve this issue.
Date

I spoke with the Department Chair on _____ attempting to resolve this issue.
Date

I spoke with the Dean on _____ attempting to resolve this issue.
Date

State your proposed remedy to the situation:

Student Signature

Date

Any student who believes he/she/they has a Grievance shall file a Statement of Grievance with the Grievance Officer within 20 instructional days of the incident on which the Grievance is based, or 20 instructional days after the student learns of the basis for the Grievance, whichever is later.

The exception of the 20-day time limit is when a student is requesting a grade change. The change of grade shall be requested by the student no more than three years after the term in which the grade was awarded. Exceptions to the time limit may be made if it is determined that the grade was awarded as a result of mistake, fraud, bad faith or incompetence by the instructor, then there is no time limit. AP-4231 Ca.Ed.Code 76232,76224

If at the end of 20 instructional days following the filing of the Statement of Grievance, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a Grievance hearing by completing **PART B** of this form.

PART B:

Request for Hearing

Any request for a Grievance hearing shall be **filed 20 instructional days** after filing the Statement of Grievance form.

The college president will assign a Grievance Hearing Committee who will meet within 10 days of receiving the "Request for Hearing. The committee will select a Chair at this meeting. They will also determine whether the request moves forward.

The determination by the Grievance Hearing Committee of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:

- The statement contains facts which, if true, would constitute a Grievance under these procedures.
- The Grievant is a student as defined in these procedures, which include applicants and former students.
- The Grievant is personally and directly affected by the alleged Grievance.
- The Grievance was filed in a timely manner.
- The Grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

Facts for each area and certification: (Check each item below)

I am a student as defined in these procedures, which include applicants and former students.

I am personally and directly affected by the alleged Grievance.

I have filed this "Request for Hearing" in a timely manner.

"I certify my statement contains facts which constitute a Grievance under these procedures."

Student Signature

Date

If your grievance doesn't meet all the requirements, the chair of the Grievance Hearing Committee will send you a written notice of the rejection **within 5 instructional days**. The notice will include the reasons for the rejection and information on how to appeal the decision.

Appeal if Hearing is not Granted: If you disagree with the Grievance Hearing Committee's decision that your complaint doesn't qualify as a grievance, you can write to the College President **within 5 instructional days**. The President will only review the grievance and hearing request based on the procedure's requirements, not other issues. The President's decision on whether to allow a Grievance hearing is final and cannot be appealed further.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a Grievance hearing. The hearing will begin **within 30 instructional days** following the decision to grant a Grievance Hearing. All Parties to the Grievance shall be given not less than 10 instructional days' notice of the date, time and place of the hearing.

College President's Decision: Within 20 instructional days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the College President shall send to all Parties his/her/their written decision, together with the Hearing Committee's decision and recommendations.

The College President may accept or reject the findings, decisions, and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight; and if the College President does not accept the decision or a finding or recommendation of the Hearing Committee, the College President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions.

The decision of the College President shall be final.

Hearing Procedure

- The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.
- The Grievance Officer will provide members of the Grievance Hearing Committee with a copy of the Grievance and any written response provided by the Respondent before the hearing begins.
- Each Party to the Grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
- Unless the Grievance Hearing Committee determines to proceed otherwise, each Party to the Grievance shall be permitted to make an opening statement. Thereafter, the Grievant or Grievants shall make the first presentation, followed by the Respondent or Respondents. The Grievant may present rebuttal evidence after the Respondent(s)'s evidence. The burden shall be on the Grievant or Grievants to prove by substantial evidence that the facts alleged are true and that a Grievance has been established as specified above.
- Each Party to the Grievance may represent himself/herself/themselves and may also have the right to be represented by a person of his/her/their choice; except that a Party shall not be represented by an attorney unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved. If a Party wishes to be represented by an attorney, a request must be presented **not less than 5 instructional days** prior to the date of the hearing. If one Party is permitted to be represented by an attorney, any other Party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the College President. Any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
- Hearings shall be closed and confidential.
- Witnesses shall not be present at the hearing when not testifying unless all Parties and the committee agree to the contrary.
- The Grievance Officer will record the hearing by digital audio recording, and this will be the only recording made. **No witness who refuses to be recorded may be permitted to give testimony.** In the event the recording is by digital audio recording, the Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The digital audio recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any Party may request a copy of the digital audio recording.
- All witnesses must testify under oath; the Grievance Hearing Committee Chair will administer the oath. The Grievance Hearing Committee will only admit written statements from witnesses under penalty of perjury if the witness is unavailable to testify. A witness who refuses to be tape-recorded shall be considered to be unavailable.

Within 30 instructional days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the College President a written decision. The decision shall include specific factual findings regarding the Grievance, and shall include specific conclusions regarding whether the hearing established a Grievance as defined above. The decision shall also include a specific recommendation regarding the relief for the Grievant, if any. The Grievance Hearing Committee will base its decision only on the record of the hearing, and not on matter outside of that record. The record consists of the original Grievance, any written response, and the oral and written evidence produced at the hearing.

INSTRUCTIONS ON HOW TO COMPLETE THIS FORM:

PART A:

- The student completes their contact information.
- The student completes the "I am filing a Statement of Grievance for the following reason" portion that pertains to their grievance.
- The student indicates what remedy they are seeking.
- The student signs the form for the PART A portion.

PART B: This portion is completed if the student would like to request a hearing.

- The student checks each item of facts.
- The student signs the form to certify what they are saying is true.
- Explain to the student the timeline and appeal process.
- Provide the student with a copy of the Hearing Procedures.