

STUDENT RIGHTS & GRIEVANCES

Overview

Note: Complaints under Section 504, Section 508, and/or the Americans with Disabilities Act are to be made to the Section 504/Title II Coordinator in the Diversity, Compliance, & Title IX ("DCTIX") Office in the Human Resources Office. Complaints of sexual harassment and other illegal discrimination are to be made to the Title IX Coordinator in the Human Resources Office or the Vice President of Human Resources.

If a student files a grievance under this procedure that includes an allegation of unlawful discrimination, including harassment or retaliation, the grievance, or portion of the grievance, will immediately be referred to

- i. the Title IX Coordinator or to the Vice President of Human Resources for "Intake and Processing of the Complaint," or to
- ii. the Cerritos College Section 504/Title II Coordinator per Administrative Procedure 3412, for attempted informal resolution or investigation.

Students have the right to request reasonable accommodations to participate in this procedure. This request may be made in writing to Student Accessibility Services (SAS) at least five (5) instructional days in advance of a meeting or hearing via email to sasapply@cerritos.edu. Timelines within this procedure may be extended as needed to ensure reasonable accommodations, as determined by SAS, can be arranged.

Student Grievance Procedures

Purposes and Definitions

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances.

College Grievance Officer – The Dean of Student Services or designee.

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.

Grievant – A student who has filed a grievance.

Party – The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.

Superintendent/President – The Superintendent/President or a designated representative of the Superintendent/President.

Student – A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224 subdivision (a).

Respondent – Any student or District employee the Grievant claims to be responsible for the alleged grievance.

Instructional Day - Any day Monday through Friday that all normal college business is conducted, both in the classroom and in the administrative offices. All weekend days and District holidays are excluded.

A grievance may only be heard when:

- The statement contains facts which, if true, would constitute a grievance under these procedures;
- The grievant is a student, which includes 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.
- There is a remedy which is within the authority of the District to grant; and
- There is no other prescribed administrative channel for due process.

A grievance may include, but is not limited to, claims regarding:

- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.
- Any act depriving a student of any of the rights set forth in the statement of "Student Rights and Responsibility," or any state, federal, or local codes.
- Course grades, to the extent permitted by Education Code Section 76224 subdivision (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.

A grievance does not include claims regarding:

- Student disciplinary actions, which are covered under separate board policies and administrative procedures.
- Police, traffic, or parking citations (i.e. "tickets"); complaints about citations must go through process prescribed by the applicable agency.
- The evaluation of the professional competence or job performance of an employee, except as allowed under grade grievance educational code.
- Discipline of employees.
- Matters for which there is another prescribed administrative channel for due process; and
- Criminal acts or civil damages.

Should issues, concerns, and/or policy violations come to light during the grievance process, the issue will be referred to the appropriate office for review and action, as appropriate.

GRIEVANCE PROCEDURE (EXCEPT GRADES AND GRADING, SEXUAL HARASSMENT, AND OTHER ILLEGAL DISCRIMINATION):

(Except Grades and Grading, Sexual Harassment, and Other Illegal Discrimination):

STEP I - INFORMAL ACTION

A. The student with a grievance shall first attempt to resolve the matter in good faith by informal discussion with the Respondent(s) involved.

B. If the problem is not resolved in step I-A, the student shall then attempt to resolve the matter in good faith by informal discussion with the person at the lowest level of supervisory authority (Dean or area Manager) for the person with whom there is a complaint.

Step II - Formal Action**A. GRIEVANCE SUBMISSION**

1. If the Grievant still believes the issue has not been resolved satisfactorily after Step I-B, a student Statement of Grievance Form may be obtained from the Office of Student Conduct and Grievances website. On the Form the Grievant must specify the time, place, nature of the complaint and remedy or correction requested, as allowed under the 'Purposes and Definitions' section of this Procedure. This Form must be submitted within 60 instructional days after the Grievant has become aware of the act or condition on which the complaint is based. Failure to meet this timeline may result in dismissal or denial of the grievance as untimely.

2. The College Grievance Officer will meet with the student to advise them of their rights and responsibilities under these procedures. The student must schedule a meeting with the College Grievance Officer within 15 instructional days of submitting the form

3. The College Grievance Officer will review the Grievance Form. If the grievance does not meet the requirements under 'Purposes and Definitions', the College Grievance Officer, in consultation with the ASCC Chief Justice or designee, shall notify the student in writing of the rejection of the request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within 10 instructional days of the meeting between the Grievant and the College Grievance Officer.

B. HEARING PRELIMINARY STEPS

1. If the grievance meets the requirements under 'Purposes and Definitions', and Steps I-A, I-B, and II-A were completed in the timeframe provided within, the College Grievance Officer shall schedule a Grievance Hearing. The College Grievance Officer is responsible for setting the Grievance Hearing date and notifying the appropriate bodies in writing of the need to appoint members to the Grievance Hearing committee. The hearing must commence within 15 instructional days of the meeting between the Grievant and the College Grievance Officer (Step II-A-2), unless otherwise extended by notice to the Parties. All Parties to the grievance shall be given no less than five (5) instructional days' notice of the date, time and place of the hearing.
2. The Hearing Committee will be comprised of the following:
 - College Grievance Officer, Chair (non-voting)
 - ASCC Chief Justice or designee and one Court Justice or designee,
 - Dean of Academic Affairs & Strategic Initiatives or designee for instructional grievances; **or** one Student Services administrator (designated by the Vice President of Student Services) for all other grievances.
 - Faculty, Classified, and/or Confidential Representatives – two individuals total;

- For academic (to include counseling, coaching, and library) grievances: Two faculty appointments made by the Faculty Senate.
- For non-academic grievances: Two appointments made by CSEA or Confidential constituencies based on nature of issue.
- For instances that include both academic AND service-related grievances: one appointment made by Faculty Senate, and one appointment made by CSEA **or** Confidential,

Names selected by the Faculty Senate, CSEA, and Confidential Employee Group are to be submitted to the College Grievance officer. Members of the Committee are to serve for an academic year.

A Grievance Hearing Committee shall be constituted in accordance with the following:

- No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any Party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the College Grievance Officer who shall determine whether cause for disqualification has been shown. If the College Grievance Officer determines that sufficient grounds for removal of a member of the committee have been presented, the College Grievance Officer may remove the challenged member or members and request a substitute from the original appointing constituent group.
- The College Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member nor vote. The College Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all Parties and the Hearing Committee to facilitate a resolution of the grievance in a manner consistent with District policy, and shall avoid an adversarial role.
- A resource person from the Office of Student Conduct and Grievances will be present to assist with administrative support.

C. FORMAL HEARING PROCEDURE

1. The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing.
2. The College Grievance Officer will provide members of the Grievance Hearing Committee with a copy of the grievance, any written response provided by the Respondent, a copy of the Statement of Student Rights and Responsibilities, and copy of the Grievance Procedure before the hearing begins.
3. Both parties shall have the right to present personal statements, testimony, evidence, and witnesses. 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(s) shall make the first presentation, followed by the respondent or respondents. The Grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the Grievant(s) to prove by clear and convincing evidence that the facts alleged are true and that a grievance has been established as specified above.
4. Each Party to the grievance may represent themselves, and may also have the right to be represented by a person of 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 10 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 Business Services Office. 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.

5. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.
6. Hearings shall be closed and confidential unless all Parties request that it be open to the public. Any such request must be made no less than 10 instructional days prior to the date of the hearing.
7. The hearing shall be recorded by the Office of Student Conduct and Grievances resource person, either by audio or video recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. The audio or video recording shall remain in the custody of the District, at all times, unless released to a professional transcribing service.
8. The College Grievance Officer 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.
9. The Grievance Hearing Committee shall discuss the stated grievance(s), hear testimony, examine witnesses, and receive all available evidence to the allegations.
10. All witnesses must testify under oath; the College Grievance Officer will administer the oath. The Grievance Hearing Committee will only admit written statements of witnesses under penalty of perjury if the witness is unavailable to testify. A witness who refuses to be recorded shall be considered to be unavailable.
11. The Hearing Committee shall make decisions in private. The Hearing Committee should attempt to reach a decision by discussion and consensus on a workable solution. Voting should be a last course of action. Within 10 instructional days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to all Parties 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(s), 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.
12. A recording of the proceedings shall be kept in a confidential file in the Office of Student Conduct and Grievance and shall be available at all times to parties directly involved. All documents, communications, and records dealing with the processing of a grievance will be filed separately from the personnel files of the participants. After a period of four years, the grievance file shall be destroyed.
13. Reprisals of any kind will not be taken by the District or any of its agents against any party of interest or any other participant in the grievance procedure by reason of such participation
14. Evidence and testimony given in each case presented shall not be the sole cause of initiating or filing further grievances.

15. If the Grievant does not act within the time limits provided herein, the ability to proceed with the grievance shall be terminated and no further action will be taken.

Appeals Process

To appeal the decision of the Grievance Hearing Committee, either party may submit the Grievance Hearing Appeal Form on the Office of Student Conduct and Grievance website within 10 instructional days from the issuance of the Grievance Committee outcome. The appeal must include a detailed description of the new information and an explanation of why it was not available during the grievance hearing, or detailed information to support this procedure was not followed.

The appeal form will be reviewed by the Dean of Student Services or designee to determine if new relevant information is available or if this procedure was not properly followed.

1. If it is found that the new information is substantial and could potentially alter the decision of the Grievance Hearing Committee, or that the procedure was not followed, the Dean of Student Services or designee will refer the appeal to the Board of Trustees (via the Office of the President/Superintendent) within 10 instructional days of receipt of the appeal. The Board of Trustees will review the appeal at the next agendaized, regular Board of Trustees meeting, and their decision will be documented and communicated to all relevant parties in writing within 10 instructional days. The decision of the Board of Trustees will be final.
2. If it is found that the new information is insufficient or was available to the party appealing the decision during the prior grievance review (whether or not it was presented), or that there is insufficient evidence to show that the procedure was not followed, the appeal will be dismissed, and the Grievance Hearing Committee outcome will be final. The Dean of Student Services or designee decision will be documented and communicated to all relevant parties in writing within 10 instructional days.

Time Limits

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all Parties.

Student Grade Grievance Procedure

A student of the College may present a grade grievance. The California Education Code, Section 76224 (quoted below) states for a final course grade the conditions upon which grades or grading can be questioned.

When grades are given for any courses of instruction taught in a community college district, the grade given to each student shall be 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. "Mistake" may include, but is not limited to, errors made by an instructor in calculating a student's grade and clerical errors.

Definitions

Fraud: Fraud consists of some deceitful practice with intent to deprive another of their right.

Bad Faith: Intentional design to mislead or deceive another, or neglect or refusal to fulfill some duty or contractual obligation.

Incompetence: That a person is incapable, inefficient, and without the qualities needed to discharge their obligations and duties.

Mistake: An unintentional act, omission, or error.

Instructional Day: Any day Monday through Friday that all normal college business is conducted, both in the classroom and in the administrative offices. All weekend days and college holidays are excluded.

Step I – Individual Action

If a student believes they have valid grounds to challenge a final course grade based on the presence of a mistake, fraud, bad faith, or incompetence, they must first meet with the faculty member to attempt to resolve his or her concern informally. Once grades are available, the student is expected to contact their instructor directly to discuss the dispute. If the instructor is not available or is no longer employed, the student should contact the Division Dean.

When challenging a grade, the burden of proof is on the student to provide substantial evidence of mistake, fraud, bad faith, or incompetence.

Step II – Management Action

Note: If a student files a grade grievance that includes an allegation of unlawful discrimination, including harassment or retaliation, the grievance, or portion of the grievance, will immediately be referred to

- i. the Title IX Coordinator or to the Vice President of Human Resources for “Intake and Processing of the Complaint” or to
 - ii. the Cerritos College Section 504/Title II Coordinator per AP 3412, for attempted informal resolution or investigation.
1. The student will submit the Grade Grievance Form on the Office of Student Conduct and Grievance website within 90 instructional days after the completion of the course about which the grade grievance is filed. Information from the form will be used to create a Grade Grievance Petition, provided to the student during the meeting with the Student Conduct Coordinator. Students may obtain an alternate electronic format of this form by request to the Student Conduct Coordinator or Dean of Student Services. Stated deadline still applies.
 2. The Student Conduct Coordinator will meet with the student to review this procedure and the Grade Grievance Petition. The student must schedule and meet with the Student Conduct Coordinator within 10 instructional days of submitting the form. If the student wishes to pursue the grievance, the Student Conduct Coordinator will sign and date the Petition and provide to the student. In the absence of the Coordinator, the Dean of Student Services will perform these duties.
 3. The student will present a copy of the Grade Grievance Petition and all supporting evidence to the applicable Division Dean within 10 instructional days of obtaining the signature of the Student Conduct Coordinator. The Division Dean may schedule a meeting with the student and the faculty if appropriate. The Division Dean shall render a decision, and communicate the decision in writing to all parties within 15 instructional days. The outcome notice must include a summary of the grievance allegations, findings from review of the grievance and supporting evidence, a statement of analysis and determination, and instructions for appeal.

Step III – Administrative Action

If either party is dissatisfied with the decision of the Division Dean, he or she may appeal the matter to the Vice President of Academic Affairs or designee within ten instructional days of the Division Dean's recommendation. The Vice President of Academic Affairs or designee

shall call a meeting with the student, the ASCC Chief Justice, the Division Dean, and if needed, the faculty member. The Vice President of Academic Affairs or designee shall transmit his or her decision to the parties within ten instructional days.

The outcome notice must include a summary of the grievance allegations and prior findings, findings from review of the grievance appeal and supporting evidence, a statement of analysis and determination, and instructions for appeal.

Step IV – Board of Trustees APPEAL

If either party is dissatisfied with the decision of the Vice President of Academic Affairs or designee, an appeal may be submitted to the Board of Trustees. This appeal will only review new information or whether the procedures described above were not followed. The new information must be substantial and have a direct impact on the original decision.

To appeal the decision of the Vice President of Academic Affairs or designee, either party may submit the Grade Grievance Step III Appeal Form on the Office of Student Conduct and Grievance website within 10 instructional days from the issuance of the Step III outcome notice. The appeal must include a detailed description of the new information and an explanation of why it was not available during the prior reviews of the grade grievance at hand, or detailed information to support this procedure was not followed.

The appeal form will be reviewed by the Dean of Student Services or designee to determine the relevance and impact of the new information, and that it was not available during the prior grade grievance review (Step II or Step III), or that this procedure was not followed.

1. If it is found that the new information is substantial and could potentially alter the decision of the Vice President of Academic Affairs or designee, or that there is evidence this procedure has not been followed, the Dean of Student Services or designee will refer the appeal to the Board of Trustees (via the Office of the President/Superintendent) within 10 instructional days of receipt of the appeal. The Board of Trustees will review the appeal at the next agendaized, regular Board of Trustees meeting, and their decision will be documented and communicated to all relevant parties in writing within 10 instructional days. The decision of the Board of Trustees will be final.
2. If it is found that the new information is insufficient or was available to the party appealing the decision during the prior grievance review (whether or not it was presented), or that there is insufficient evidence to show that the procedure was not followed, the appeal will be dismissed, and the Step III outcome will be final. The Dean of Student Services or designee decision will be documented and communicated to all relevant parties in writing within 10 instructional days.

Time Limits – Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Additional Information

Most complaints, grievances, and disciplinary matters should be resolved at the college level. If a complaint does not fall into one of the college's established procedures, it may be addressed in writing to the President/Superintendent. Individuals are strongly encouraged to make every attempt to resolve matters through the appropriate administrative processes.

Matters that are not resolved at the college level may be submitted to one or more of the following agencies for consideration:

- The Accrediting Commission for Community and Junior Colleges (ACCJC) at www.accjc.org/complaint-process (<http://www.accjc.org/complaint-process>), if the complaint is associated with the institution's compliance with academic program quality and accrediting standards. The ACCJC is the agency that accredits the academic programs of the California Community Colleges.
- If the complaint does not concern the college's compliance with academic program quality and accrediting standards, it may be directed to the California Community Colleges Chancellor's Office by completing the web form found at www.californiacommunitycolleges.cccco.edu (<http://www.californiacommunitycolleges.cccco.edu>).