

## **Student Grievance Procedure**

<https://www.cccs.edu/sp-4-31-student-grievance-procedure/>

**Basis:** The Student Grievance Procedure is intended to allow students an opportunity to present an issue which they feel warrants action, including the right to secure educational benefits and services. If the basis of the claim is discrimination and/ or harassment based on federal or state civil rights laws, the student must file a grievance under the Civil Rights Grievance and Investigation Process. If the accused (Respondent) is a student, please refer to SP 4-31a. If the Respondent is a CCCS Administrator/Professional Technical employee(s), Faculty or Adjunct Instructor(s), Classified employee(s), hourly employee(s), which would include student hourly and workstudy (CCCS employee(s)), authorized volunteer(s), guest(s) or visitor(s), please refer to SP 3-50b.

### **Definitions:**

Chief Student Services Officer (CSSO) is the College employee designated by the College President to administer student grievances. The CSSO may delegate the responsibility over student grievances to another person.

Complainant(s) is a person who is subject to alleged inequity as it applies to Board Policies, System President's Procedures, or College Procedures. For purposes of this procedure, a Complainant(s) is a student who was enrolled at the time of the alleged incident.

Day refers to calendar day unless otherwise noted below.

**Grievance:** A grievable offense is any alleged action which violates or inequitably applies State Board Policies, System President's Procedures, and College Procedures. The Complainant must be personally affected by such violation or inequitable action.

**Non-grievable matters:** The following matters are not grievable under this procedure except as noted:

- Matters over which the college is without authority to act.
- Grades and other academic decisions unless there is an allegation that the decision was motivated by discrimination and/or harassment which should be filed under the appropriate Civil Rights Grievance and Investigation Process.

Notices which are required to be given by this procedure shall be considered served when given by personal delivery, mailing by certified mail, or emailing the parties to their official college email address requesting a delivery receipt notification. If notice is mailed, the parties shall be given three (3) additional days to respond.

Respondent(s) is a person whose alleged conduct is the subject of a complaint. For purposes of this procedure, a Respondent can be a CCCS employee(s), student(s) who was enrolled at the time of the alleged incident, authorized volunteer(s), guest(s), visitor(s), or College.

**Filing a Complaint:** All complaints shall be made as promptly as possible after the occurrence. A delay in reporting may be reasonable under some circumstances; however, an unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a complaint or report.

**Procedures:** Students must timely submit all grievances in writing (See Appendix) to the CSSO. The grievance should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. The grievance should be signed by the initiator or, in the case of an email submission, sent as an email attachment, in letter format and should contain the name and all contact information for the grievant. Any supporting documentation and evidence should be referenced within the body of the formal grievance. Additionally, the initiator of a formal grievance should submit any supporting materials in writing as quickly as is practicable.

The Complainant's supporting documentation should clearly demonstrate all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor. This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort. If contacting the person involved and/or the supervisor is impracticable, the Complainant should state the reasons why.

The CSSO shall initially determine whether the complaint is grievable or non-grievable.

- If grievable, the CSSO shall inform the Complainant and Respondent of the grievance.
- If the CSSO determines the complaint is not grievable, s/he shall inform the Complainant of this decision in writing. This decision is final.

**Informal Grievance Process:** Complainant is encouraged to resolve the issue with the Respondent through the informal process. The CSSO shall facilitate the informal process. If the informal grievance process is unsuccessful, or if the College or the Complainant chooses not to pursue the informal process, the CSSO will open a formal grievance case.

### **Formal Grievance Process**

#### **Participation in the Grievance Process**

The CSSO will contact or request a meeting with both the Complainant and Respondent. Both parties will be given the opportunity to discuss the allegations of the grievance and may offer any documentation, witnesses, or other materials in support of the complaint.

The CSSO may also contact or request a meeting with relevant college staff, students, or others as part of the investigation. At the CSSO's discretion, he/she may discontinue meetings with anyone that is causing disruption, and will proceed to make a determination based on the information known at that time.

The Complainant(s) and the Respondent(s) have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing. These procedures are entirely administrative in nature and are not considered legal proceedings. The CSSO may remove or dismiss an advisor who becomes disruptive or who does not abide by the restrictions on their participation.

**Audio and/or Video Recording:** The Colleges, at its discretion, may audio or video record any meeting throughout the process. No other audio or video recording will be allowed.

**Decision:** Based on the preponderance of evidence, the CSSO shall issue a decision, in writing, to both the Complainant and Respondent. The decision shall reject or grant the grievance and make recommendation(s) to resolve the issue(s). The Complainant and Respondent shall be advised of his/her right to appeal the decision, subject to the grounds below, by filing a written appeal with the CSSO within seven (7) days of service of the decision.

**Appeal:** In the event of an appeal, the CSSO shall give written notice to the other party to allow him/her the opportunity to submit a response in writing. The CSSO will also draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the appeals officer or committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding will stand if the appeal is not timely or substantively eligible, and the decision is final. The party requesting appeal must show error as the original finding is presumed to have been decided reasonably and appropriately. The ONLY grounds for appeal are as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures); or
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding. A summary of this new evidence and its potential impact must be included in the written appeal.

If the appeals officer or committee determines that new evidence should be considered, it will return the complaint to the CSSO to reconsider in light of the new evidence, only.

If the appeals officer or committee determines that a material procedural or substantive error occurred, it may return the complaint to the CSSO with instructions to reconvene the hearing to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the CSSO in cases of bias, the appeals officer or committee may order a new hearing be held by a different individual acting in the place of the designated CSSO. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the two applicable grounds for appeals.

#### **Special Grievance Process Provisions**

- The student is responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing except when the student is under the age of eighteen or incapacitated.
- Student shall have the right to identify documents, witnesses and other material he/she would like the CSSO to review before making a final decision.
- Any hearing held shall be conducted in private unless all parties agree otherwise.
- A record of the hearing should be maintained by the CSSO.
- If student has a disability and would like to request an accommodation to assist him/her through the grievance process they may do so by informing the CSSO. The CSSO will then work with disability support services to accommodate the request.
- If the grievance is against the CSSO, the Chief Academic Officer or other person designated by the president shall perform the duties of the CSSO.
- Proceedings under this procedure may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- Standard of proof-the college will use the preponderance of evidence standard in the grievance proceedings, meaning, the college will determine whether it is more likely than not the Complainant was subjected to inequity as it applies to Board Policies, System President's Procedures, or College procedures.
- False Reports-College will not tolerate intentional false reporting of incidents. False reporting could lead to disciplinary action, up to and including expulsion for students.
- The procedural rights afforded to students above may be waived by the student.

**Retaliatory Acts:** If any person who files a grievance, or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such grievance, feels they are being subjected to retaliatory acts may report such incidences to the CSSO. It is a violation of the grievance procedure to engage in retaliatory acts against any person who files a grievance or any person who testifies, assists or participates in the grievance proceeding, investigation or hearing relating to such grievance. Such act will be subject to discipline, up to and including expulsion for students, termination for CCCS employees, and dismissal for authorized volunteers, guests or visitors.

**Revising this Procedure:** CCCS reserves the right to change any provision or requirement of this procedure at any time and the change shall become effective immediately.