

## BOARD POLICY 5310

## Student Grievance

### I. Purpose and Definition

The purpose of this policy is to provide a due process procedure for review and resolution of student grievances. A grievance is defined as a student's claim that his or her legal rights, status, or privileges as a student have been adversely affected by a College decision or action. This includes but is not limited to filing a discrimination complaint on the basis of race, religious creed, color, national origin, ancestry, handicap, sex, or services as a Vietnam era veteran.

This policy does not apply to student disciplinary matters which are subject to Policy 5138 (changed to 5500 on 4/18/05) or to student grades.

### II. Informal Resolution

In an attempt to resolve a complaint informally, the student shall first request a meeting to discuss it with the Dean, Associate Dean or Director (hereinafter Administrator) of the division in which the matter in question resides. Upon such a request the Administrator shall inform and confer with any staff members named by the student. In turn, the Administrator shall schedule a meeting with the student and if requested all involved parties, not more than ten (10) school days from the date of request.

### III. Formal Resolution

Any complaint that is not resolved by the Informal Procedure as set forth in Section II and which constitutes a grievance as defined in Section I, may be processed by the student as follows:

#### A. Step One

The student shall submit his or her written grievance, on a form provided by the College, to the appropriate Administrator. In order to be considered valid, the written grievance must be submitted within thirty (30) school days after the student knew or should have known of the facts giving rise to the grievance. The grievance shall fully state the facts surrounding the grievance and the remedy sought by the student. The grievance shall be signed and dated by the student and shall incorporate a statement that the student had first followed the provisions of Section II.

Upon receipt of the written grievance, the Administrator shall (a) promptly forward one copy to the Dean of Student Services and (b) schedule a meeting with the student to review and discuss the grievance. The student will be allowed to have any witnesses and a non-legal support person with him or her. Staff members named by the student shall be asked to attend

this meeting and will be allowed to have a non-legal co-worker with them. Neither the student's nor the staff member's support person will participate in the meeting.

Such meetings shall be scheduled to take place no later than the fifth (5<sup>th</sup>) school day from the date the written grievance is received. By the end of the fifth school day following the date of the meeting, the Administrator shall provide the student and staff member(s) with a written decision.

The written decision will terminate Step One.

**B. Step Two**

- 1) If the grievance is not satisfactorily resolved at Step One, the student may seek review of the decision of the Administrator by the Dean of Student Services. The student shall provide the Dean of Student Services with: a) a copy of the written grievance, b) a copy of the Step One decision, c) a written request to appeal the Step One decision, and d) a brief statement justifying the appeal. The written appeal must be filed with the Dean of Student Services no later than the end of the tenth (10<sup>th</sup>) school day after the decision in Step One has been issued.
- 2) Within five school days after receipt of the student's written appeal, the Dean of Student Services shall meet with the student. The Dean of Student Services may schedule a meeting with the participants as allowed in Step 1 after meeting with the student.
- 3) A written decision on the grievance appeal shall be transmitted to the student and staff members by the Dean of Student Services by the end of the fifth school day following the appeal meeting. Transmittal of the written decision will terminate Step Two.

**C. Step Three**

- 1) If the grievance is not resolved at Step Two, the student may submit a written request for a final appeal to the Vice President of Student & Personnel Services. The student's written request shall be submitted to the Dean of Student Services, no later than the end of the tenth (10<sup>th</sup>) school day after the decision in Step Two has been issued. The Dean of Student Services will forward the request to the Vice President.
- 2) The Vice President of Student and Personnel Services will forward the request to the Superintendent-President's Cabinet and attach a

copy of the grievance, the Dean of Student Services' decision, and a copy of the grievant's request to appeal to Step Three.

- 3) The Superintendent-President's Cabinet shall review the written record within ten (10) work days of receipt of the appeal to Step Three. Upon conclusion of this review, the Superintendent-President shall render a written decision to the student grievant with a copy to the Dean of Student Services. The decision of the Superintendent-President shall be final.

#### IV. General Provisions

- A. The time limits specified in this policy may be shortened or extended if there is mutual written concurrence between the parties.
- B. As used in these procedures, "student" includes a person who has filed an application for admission to the College. A grievance by an applicant for admission shall be limited to a complaint regarding denial of admission.
- C. At any step of the grievance procedure, the College may designate a substitute for the designated College officials. Additional management representatives may be designated by the College to be present at either Step One or Step Two meetings.
- D. Failure of the student grievant to appeal a grievance determination at any step to another step within the specified time limits shall be deemed acceptance of the last determination rendered.
- E. The grievant may appeal to the next step if a favorable decision was made but the necessary steps to implement the decision were not fulfilled.
- F. It is the intent of this policy that the confidentiality of the discussions, including any documents or written records, be maintained by the participants.
- G. It will not be mandatory for any staff member to attend the student grievance meetings nor will the student grievance procedure supersede staff member's contractual rights.

Previous Board Policy Number: 5140

El Camino College

Adopted: 9/25/78

Amended: 8/21/89, 4/26/93, 9/07/93

Renumbered: 4/18/05