

Students and Student Services

Administrative Rules and Procedures

5513 Student Grievance – Chabot College & Las Positas College

1. Chabot College

The Chabot-Las Positas Community College District encourages all its students to pursue academic studies and other college sponsored activities that will promote intellectual growth and personal development. In pursuit of these goals, the student should be free of unfair or improper action from any member of the academic community. Toward that end, the following procedures have been developed to provide every student with a prompt and equitable means of seeking an appropriate remedy for any alleged violation of the student's rights.

The district accords every student the right of protection. Students, however, must also be aware that they are responsible for complying with all college regulations and for maintaining the appropriate requirements as established by the instructor for each course in which they are enrolled. The district shall insure that the student is fully accorded due process as stated in this student grievance policy.

General Provisions

Under this section, a grievance may be initiated by a student alleging violation of college/district policies and procedures. The grievance may be against another student, an instructor, an administrator or a member of the classified staff.

Processing the Grievance

When a student feels subjected to an unjust action or denied rights by a member of the academic community, the students may seek redress according to the following procedures. The following actions are grounds for student grievance:

- a. Prejudiced or capricious decision in the academic evaluation of a student's performance.
- b. Prejudiced or capricious decision in orientation, counseling, assessment or any other matriculation procedure.
- c. Act or threat of intimidation or harassment.

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- d. Act or threat of physical aggression.
- e. Arbitrary action or imposition of sanctions without proper regard to due process as specified in college procedures.
- f. Violation of student rights which are described in the college rules and regulations.

Step I - Informal Procedure

Before filing a formal, written grievance, the student shall first attempt to resolve the issue in the following manner. An informal conference should be conducted with:

- a. The person against whom the grievance is directed.
- b. The appropriate division dean or manager.
- c. The Vice President for Academic Services for academic evaluation of a student's performance (a., above under Processing the Grievance.)
- d. The Vice President of Student Services for all other student grievances (b. through f., above under Processing the Grievance.)

If the student feels that the grievance has not been resolved by any of the above conferences within five (5) working days, a formal grievance may be submitted to the appropriate vice-president.

Step II- Formal Procedure

Grievances involving prejudiced or capricious decisions in the academic evaluation of a student's performance shall be submitted to the Vice President for Academic Services for referral to the Academic Fairness Committee; all other grievances requiring further investigation shall be submitted to the Vice President of Student Services and referral to the Student Grievance Committee. Both of these committees shall be standing committees with one year appointments.

The process for submitting a formal grievance to the appropriate vice-president is as follows:

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- a. The student shall complete and submit within five (5) working days a grievance form provided by the vice-president.
- b. Upon receipt of the completed grievance form, the vice-president shall within five (5) working days, (1) request a response from the person against whom the charges are made. That person should submit a response within ten (10) working days (failure to respond within the defined time lines will not delay the processing of the grievance); and (2) refer the grievance materials from both parties to the chair of the (appropriate) committee. The committee chair will convene the committee to conduct formal hearings; establish findings of facts, and recommend action for resolution.

The vice-president shall also advise the student of the investigation that will ensue.

- a. The Academic Fairness Committee shall be established as follows:
 - (1) The academic senate shall appoint two standing members. A third appointment shall be made at the time of the grievance to ensure that one faculty member be named who has specific knowledge of the academic discipline involved. Should one of the standing members be a party to the grievance, an alternate will be named.
 - (2) The Associated Students shall appoint one student to serve as a standing member for a one-year term. Should the standing member be a party to the grievance, an alternate will be selected.
 - (3) The president of the college shall appoint one member who may be a student, an instructor, a member of the classified staff, or an administrator other than the vice-president of academic services or a member of that vice-president's administrative staff.
 - (4) The committee shall select one of their members to be chair.

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- b. The Academic Fairness Committee shall conduct its proceedings as follows:
 - (1) A record of all information in the possession of the vice-president shall be given to the committee chair. The committee shall make every reasonable effort to conduct its hearing and present its findings and recommendations within fifteen (15) working days of receiving the grievance.
 - (2) The committee shall discuss issues, hear testimony, examine witnesses and consider all available evidence pertaining to the charge.
 - (3) Both parties shall have the right to present written or oral statements, testimony, evidence and witnesses. Each party may be present at the hearing and be represented by a person of their choice. Each person has the right to question witnesses and hear testimony.
 - (4) The committee shall judge the relevancy and weight of testimony and evidence and make its findings of facts, limiting its investigation to the formal charge. The committee shall also make recommendations for the disposition of the charge.
 - (5) The hearing shall be closed to the public unless the student requests from the vice-president at least two (2) working days in advance that the hearing be public.
 - (6) The committee shall submit its findings of facts and recommend action within seven (7) working days after the hearing to the vice-president with a copy to each party and the president of the college.

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- (7) A summary record of the proceedings will be the responsibility of the chair of the committee, if the hearing is held in closed session. These proceedings shall be kept in a confidential file by the vice-president and shall be available at all times to both parties.
- c. The Student Grievance Committee shall be established as follows:
- (1) The associated students shall appoint two standing members. Should one of the standing members be a party to the grievance, an alternate will be named.
 - (2) The academic senate shall appoint two standing members. Should one of the standing members be a party to the grievance, an alternate will be named.
 - (3) The president of the college shall appoint one member who may be an instructor, a member of the classified staff, or an administrator other than the vice-president or a member of the vice-president's administrative staff.
 - (4) The committee shall select one of their members to be chair.
- d. The Student Grievance Committee shall conduct its proceedings as follows:
- (1) A record of all information in the possession of the vice-president shall be given to the committee chair. The committee shall make every reasonable effort to conduct its hearing and present its findings and recommendations within fifteen (15) working days of receiving the grievance.
 - (2) The committee shall discuss issues, hear testimony, examine witnesses and consider all available evidence pertaining to the charge.

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- (3) Both parties shall have the right to present written or oral statements, testimony, evidence and witnesses. Each party has the right to be present at the hearing and be represented by a person of their choice. Each person shall have the right to question witnesses and hear testimony.
 - (4) The committee shall judge the relevancy and weight of testimony and evidence and make its findings of facts, limiting its investigation to the formal charge. The committee shall also make recommendations for the disposition of the charge.
 - (5) The hearing shall be closed to the public unless the student requests from the vice-president at least two (2) working days in advance that the hearing be public.
 - (6) The committee shall submit its findings of facts and recommended action within seven (7) working days to the vice-president with a copy to each party, and the president of the college.
 - (7) A summary record of the proceedings will be the responsibility of the chair of the committee, if the hearing is held in closed session. These proceedings shall be kept in a confidential file by the vice-president and shall be available at all times to both parties.
- e. Final action for all grievances: the vice-president, upon receiving the findings of facts and recommendations of the committee, will review the proceedings of the committee, conduct such investigations as are appropriate and take one of the following actions:
- (1) Concur with the committee's recommendations.
 - (2) Reduce the recommended sanctions.
 - (3) Dismiss the charge.
- If (2) or (3) should occur, the vice president shall convene the committee for further discussion and consultation.

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The decision by the vice-president shall be rendered within seven (7) working days and transmitted in writing to the accused person, the appropriate committee, the president of the college and the student filing the grievance.

- f. The accused or the aggrieved person may write an appeal of the decision made by the vice-president to the president of the college within seven (7) working days. Upon receipt of the appeal, the college president will review the proceedings of the committee, conduct such investigations as are appropriate and take one of the following actions:

- (1) Concur with the committee's recommendations.
- (2) Reduce the recommended sanctions.
- (3) Dismiss the charge.

If (2) or (3) should occur, the college president shall convene the vice-president and committee for further discussion and consultation. The decision by the president shall be rendered within seven (7) working days and transmitted in writing to the accused person, the committee, the vice-president and the student filing the grievance.

- g. If the accused or aggrieved person is dissatisfied with the college president's decision, a written appeal may be filed with the chancellor within seven (7) working days. Upon receipt of the appeal, the chancellor will review the proceedings of the committee, conduct such investigations as are appropriate and take one of the following actions:

- (1) Concur with the committee's recommendations.
- (2) Reduce the recommended sanctions.
- (3) Dismiss the charge.

The decision by the chancellor shall be rendered within fourteen (14) working days and transmitted, in writing, to the accused person, the committee, the president, the vice-president and the student filing the grievance.

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- h. If the accused or aggrieved person is dissatisfied with the chancellor's decision, a written appeal may be filed with the board of trustees within fourteen (14) working days. Upon receipt of the appeal, the board of trustees will review the proceedings of the committee, conduct such investigations as are appropriate and take one of the following steps:
 - (1) Concur with the committee's recommendations.
 - (2) Reduce the recommended sanctions.
 - (3) Dismiss the charge.

The decision by the Board of Trustees shall be rendered within twenty-one (21) working days and transmitted, in writing, to the accused person, the committee, the Chancellor, the president, the vice-president and the student filing the grievance. The decision of the board of trustees shall be considered the final step that may be taken under academic grievance and due process.

- i. Retaliation: Any retaliatory action of any kind by an employee or student of the district/college against any student as a result of filing a grievance under these procedures, cooperating in an investigation, or other participation in these procedures is prohibited, and may be regarded as the basis for disciplinary action.

2. Las Positas College

Las Positas College accords each student the right to redress for infringement of his/her rights. However, the student must also be aware that she/he is responsible for complying with all District/College regulations and for maintaining the appropriate requirements as established by the instructor for each course in which they are enrolled. The College shall insure that the student is fully accorded due process as stated in the written procedures of the College.

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GENERAL PROVISIONS

- a. A student may file a grievance when s/he feels that there has been a violation of College/District policies and procedures. A grievance may be initiated against another student, an instructor, an administrator or a member of the classified staff.
- b. The following actions are grounds for student grievance:
 - 1) Prejudiced or capricious decision in the academic evaluation of a student's performance.
 - 2) Prejudiced or capricious decision in orientation, counseling, assessment or any other Matriculation procedure.
 - 3) Act or threat of intimidation or harassment.
 - 4) Act or threat of physical aggression.
 - 5) Arbitrary action or imposition of sanctions without proper regard to due process as specified in college procedures.
 - 6) Violation of student rights which are described in the college rules and regulations. However, grievances of harassment of students, including sexual harassment, shall be processed in compliance with the provisions of Board Policy 5000 and any regulations adopted pursuant to that policy.

PROCESSING THE GRIEVANCE

When a student feels that s/he has been subjected to an unjust action or denied his/her rights by a member of the academic community, s/he may seek redress according to the following procedures.

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a. Informal Procedures

Before filing a formal, written grievance the student shall first attempt to resolve the issue in the following manner. An informal conference shall be conducted with:

- 1) The person against whom the student has the grievance; or
- 2) The appropriate Dean or Area Chair; or
- 3) The Vice President of Academic Services for academic evaluation of a student's performance (grounds for student grievance number 1 above); or the Vice President of Student Services for all other student grievances (grounds for student grievance numbers 2 through 6 above).

b. Formal Procedures

- 1) If the student feels that the grievance has not been successfully resolved by any of the above conferences within five (5) working days following the informal conference, the student may submit a formal grievance by filing a completed grievance form (See Appendix A) with the Vice President of Student Services.

The student grievance form shall be available from the Vice President of Student Services. Upon request, the Vice President of Student Services shall advise the student of the process that will ensue and provide the grievant with a copy of the grievance procedure policy.

The Vice President of Student Services may dismiss the grievance, if, during the informal procedures, the grievance is shown to be capricious or malicious.

- 2) Confidentiality--Every effort shall be made to protect the privacy of parties involved in any grievance. Files pertaining to

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grievances handled under this process are confidential, and therefore, will only be discussed on a "need to know" basis as a means of investigating and resolving the matter.

- 3) If the grievance involves prejudiced or capricious decisions in the academic evaluation of a student's performance, the Vice President of Student Services shall refer it to the Vice President of Academic Services who shall, in turn, refer the grievance to the Academic Fairness Committee. All other grievances shall be referred to the Student Grievance Committee for further investigation.
- 4) The process for submitting a formal grievance to the Vice President of Student Services is as follows:
 - a) Within five (5) working days after receipt of the completed grievance complaint form, the appropriate dean shall refer the grievance to the appropriate committee chair who will convene the Committee. The Committee will conduct formal hearings to establish findings of fact and recommend action for resolution. The Vice President of Student Services shall meet with the Committee to review the Committee's charge and the range of its options.
 - b) Any retaliatory action of any kind by an employee or a student of the District/College against any student as a result of filing a grievance under these procedures, cooperating in an investigation, or other participation in these procedures is strictly prohibited. Any such retaliation or attempted retaliation may be the basis for disciplinary action. Reports of any person subjected to any attempted retaliatory conduct shall be made to the Vice President of Student Services who shall process the alleged retaliation in the same manner as all other student grievances.

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c. Grievances Concerning Fairness in Evaluation of a Student's Performance

- 1) Grievances involving prejudiced or capricious decisions in the academic evaluation of a student's performance shall be referred by the Vice President of Academic Services to the Academic Fairness Committee.
 - a) The Academic Fairness Committee shall be established as follows:
 - (i) The Academic Senate shall appoint two standing members for staggered two-year terms. A third appointment shall be made by the Senate at the time of the grievance to ensure that one faculty member has specific knowledge of the academic discipline involved. Should one of the standing members be a party to the grievance, an alternate will be named.
 - (ii) The Associated Students shall appoint one student to serve as a standing member for a one-year term. Should the standing member be a party to the grievance, an alternate will be named.
 - (iii) The President of the college shall appoint an administrator, other than the Vice President of Academic Services to serve as a member of the committee for the purpose of investigating the particular grievance.
 - (iv) The committee shall select one of its members to act as chair.
 - b) The Academic Fairness Committee shall conduct its proceedings as follows:

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- (i) All pertinent and appropriate information in the possession of the Vice President of Academic Services shall be given to the Committee Chair. The Committee shall make every reasonable effort to conduct its hearing and present its findings of facts and recommended actions within fifteen (15) working days of receiving the grievance.
- (ii) The Committee shall discuss issues, hear testimony, examine witnesses and consider all available evidence pertaining to the charge.
- (iii) Both parties shall have the right to present written or oral statements, testimony, evidence and witnesses. The accused person may be present at the hearing and be represented by a person of his/her choice. Each party shall have the right to be represented by counsel and to question witnesses and hear testimony.
- (iv) The Committee shall judge the relevance and weight of testimony and evidence and make its findings of facts, limiting its investigation to the formal charge. The Committee shall also make recommendations for the disposition of the charge.
- (v) The hearing shall be closed to the public unless both the accusing person and the accused person notify the Vice President of Academic Services at least forty-eight (48) hours in advance that s/he requests the hearing to be public. The Vice President may refuse such a request if confidentiality must be maintained to insure the rights of any party in the dispute.

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- (vi) Within five (5) working days after the conclusion of its hearing and no more than five (5) working days after receipt of the grievance from the Vice President of Academic Services, the Committee shall submit its findings of facts and recommended action to the Vice President of Academic Services with a copy to each party, the Vice President of Student Services and to the President of the College.
 - (vii) The Chair of the Committee will be responsible for creating a summary record of the proceedings. Upon conclusion of the committee's business, these proceedings shall be kept in a confidential file by the Vice President of Academic Services and shall be available upon reasonable notice to both parties.
- d. **All Other Student Grievances Shall be Handled as Follows:**
- 1) Grievances not involving prejudiced or capricious decisions in the academic evaluation of a student's performance shall be referred to the Student Grievance Committee.
 - a) The Student Grievance Committee shall be established as follows:
 - (i) The Academic Senate shall appoint two standing members for staggered two-year terms. Should one of the standing members be a party to the grievance, an alternate will be named.
 - (ii) The Associated Students shall appoint one student as a standing member for a one-year term. Should the standing member be a party to the grievance, an alternate will be named.

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- (iii) The President of the College shall appoint an administrator, other than the Vice President of Student Services to serve as a member of the committee for the purpose of investigating the particular grievance.
 - (iv) The Classified Senate shall appoint one standing member for a one-year term. Should the standing member be a party to the grievance, an alternate will be named.
 - (v) The Committee shall select one of its members to act as chair.
- b) The Student Grievance Committee shall conduct its proceedings as follows:
- (i) The Vice President of Student Services shall meet with the Committee to explain their charge. All pertinent and appropriate information in the possession of the Vice President of Student Services shall be given to the Committee Chair. The Committee shall make every reasonable effort to conduct its hearing and present its findings of facts and recommend action within fifteen (15) working days of receiving the grievance.
 - (ii) The Committee shall discuss issues, hear testimony, examine witnesses and consider all available evidence pertaining to the charge.
 - (iii) Both parties shall have the right to present written or oral statements, testimony, evidence and witnesses. The accused person may be present at the hearing and be represented by a person of his/her choice. Each party shall have

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right to be represented by counsel and to question witnesses and hear testimony.

- (iv) The Committee shall judge the relevance and weight of testimony and evidence and make its findings of facts, limiting its investigation to the formal charge. The Committee shall also make recommendations for the disposition of the charge.
- (v) The hearing shall be closed to the public unless both the accusing person and accused person notify the Vice President of Student Services at least two (2) working days in advance that s/he requests the hearing to be public. The Vice President may refuse such a request if confidentiality must be maintained to insure the rights of any party in the dispute.
- (vi) Within five (5) working days after conclusion of its hearing and no more than fifteen (15) working days after receipt of the grievance from the Vice President of Student Services, the Committee shall submit its findings of facts and recommended action to the Vice President of Student Services with a copy to each party, and the President of the college.
- (vii) The Chair of the Committee shall be responsible for creating a summary record of the proceedings. Upon conclusion of the Committee's business, the record of these proceedings shall be kept in a confidential file by the Vice President of Student Services and shall be available upon reasonable notice to both parties.

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e. Final Action for all Grievances

- 1) The Vice President of Academic Services, (for grievances pertaining to academic evaluation of a student's performance), or the Vice President of Student Services, (for all other student grievances), upon receiving the findings of facts and recommendations of the appropriate Committee will review the proceedings, conduct such investigations as are appropriate, and take one of the following actions:
 - a) concur with the Committee's recommendations;
 - b) reduce the recommended sanctions;
 - c) dismiss the charge.
- 2) The Vice President of Academic Services/Student Services may reconvene the appropriate Committee for further discussion and consultation as needed. If necessary, the Vice President may request the appropriate Committee to submit supplemental findings of facts and recommend action within seven (7) working days to the Vice President with copies to each party and to the President of the College.
- 3) Within fourteen (14) working days of receipt from the appropriate Committee, the decision by the Vice President of Academic Services/Student Services shall be rendered and transmitted in writing to the accused person, the appropriate Committee, the President of the College and the student filing the grievance.

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f. Appeal of the Vice President's Decision

- 1) Either the accused or the aggrieved person may appeal the decision of the Vice President of Academic Services or Vice President of Student Services by submission of written request for appeal to the President of the College within seven (7) working days of receipt. Upon receipt of the written request for appeal, the President will review the proceedings of the Committee, the decision of the Vice President of Academic Services/Student Services, conduct such investigations as are appropriate and take one of the following actions:
 - a) concur with the Vice President's decision;
 - b) reduce the recommended sanctions;
 - c) dismiss the charge.
- 2) The decision by the President shall be rendered within twenty-one (21) working days and transmitted in writing to the accused and aggrieved person, the appropriate committee, and the appropriate dean.

g. Appeal of the President's Decision

- 1) If the accused or aggrieved person is dissatisfied with the President's decision, s/he may write an appeal by submission of a written request for appeal to the Chancellor within seven (7) working days of receipt. Upon receipt of the written request for appeal, the Chancellor will review the decision of the President and the Vice President of Academic Services/Student Services, the proceedings of the committee, conduct such investigations as are appropriate and take one of the following actions:
 - a) concur with the President's recommendations;
 - b) reduce the recommended sanctions;

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- c) dismiss the charge.
 - 2) Within twenty-one (21) working days of receipt of the written request for appeal, the decision by the Chancellor shall be rendered and transmitted in writing to the accused and aggrieved person, the appropriate Committee, the President and the appropriate Vice President.
- h. Appeal of the Chancellor's Decision**
- 1) If the accused or aggrieved person is dissatisfied with the Chancellor's decision, s/he may appeal by submission of a written request for appeal to the Board of Trustees within seven (7) working days of receipt. Upon receipt of the appeal, the Board of Trustees will review the decision of the Chancellor, the proceedings of the Committee, conduct such investigations as are appropriate and take one of the following actions:
 - a) concur with the Chancellor's recommendations;
 - b) reduce the recommended sanctions;
 - c) dismiss the charge.
 - 2) The decision by the Board of Trustees shall be rendered within twenty-one (21) working days and transmitted in writing to the accused or aggrieved person, the Chancellor, the appropriate Committee, the President of the College, and the appropriate Vice President.
 - 3) The decision of the Board of Trustees shall be considered the final step that may be taken under the District's grievance process.