

IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 5530 Student Rights and Grievances

References:

Education Code Section 76224(a);
Title IX, Education Amendments of 1972;
ACCJC Accreditation Eligibility Requirement 20;
ACCJC Accreditation Standard IV.D

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedure shall include, but not be limited to, grievances regarding:

- Access to classes;
- Deviation from course content;
- Refusal of instructor to confer with a student;
- Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972;
- Financial aid [unless the District's financial aid policy contains an appeal procedure];
- Course grades, to the extent permitted by Education Code Section 76224(a), which provides:

For a clarification regarding student conduct issues or discrimination issues, the student may contact the Director of Admissions & Records, Director of Disabled Student Programs and Services or Title IX Officer.

INFORMAL RESOLUTION

Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the local college administration.

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion,

- Administrator

- Appropriate Vice President or President

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Affairs & Enrollment Services, a student may request a hearing within five (5) instructional days of that decision (forms are available in the Student Affairs Office and on the back of the Handbook for Student Lead.

Academic matters will be heard by the Admissions, Petitions and Registration Committee. Non-Academic Matters will be heard by the Student Affairs Committee.

A request for a hearing shall be filed no later than thirty (30) instructional days following the initiation of the grievance (step 2). If a grievance is filed within the last thirty (30) instructional days of the semester the president of the college may delay any further action on the grievance until the next semester.

Any committee member who has a direct involvement with the grievance shall be excluded from reviewing that grievance or participating in any manner in the determination of the ultimate outcome of that grievance.

The appropriate Committee shall meet in private and without the parties present to determine on the basis of the Grievance whether it presents sufficient grounds for a hearing.

The determination of whether the 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.

If the grievance does not meet each of the requirements, the Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within ten (10) days of the date the decision is made by the Hearing Committee.

If the Request for Hearing satisfies each of the requirements, the Committee Chair shall schedule a grievance hearing. The hearing will begin within twenty (20) days

The decision of the 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 members of the Hearing Committee shall be provided 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 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(s) may present rebuttal evidence after the respondent(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, and may also have the right to be represented by a person of his/her choice; except that a party shall not be represented by an attorney unless, in the judgment of the Hearing Committee, complex legal issues are involved. If a party wishes to be represented by an

