

1.0 Terms and Definitions

- 1.1 A grievable matter is any alleged action or decision of the Los Rios District or one of its colleges that adversely affects the status of a student or violates the rights of a student as set forth in District Policy [P-2412](#).
- 1.2 "Party" shall mean the student and any person(s) alleged to have been responsible for the student's alleged grievance.
- 1.3 "Student Grievance Officer" means an employee assigned by the Chief Student Services Officer to administer the grievance process.
- 1.4 As used in these procedures, "Student" includes a person currently enrolled or who was enrolled in one or more credit classes in the immediately preceding semester or who has filed an application for admission to college. A grievance by a student applicant shall be limited to alleged denial of admission.
- 1.5 Unless otherwise provided, as used in these procedures, "days" shall mean calendar days, provided, however, that days during winter break, spring break and breaks before and after summer sessions shall not be counted as "days."
- 1.6 A "formal grievance" is a written allegation by a student, filed in the manner prescribed by Section 3.0, alleging that the student was adversely affected by a grievable action of the District or the college.
- 1.7 "Grievance Form" is a college form which must be filed with the college Student Grievance Officer if a formal grievance procedure is followed. This form is only to be used when attempts at informal resolution have failed.

2.0 Informal Resolution

- 2.1 A student believing to have been adversely affected by an act of an instructor, administrator, or other staff of the college must make a reasonable, good faith attempt to resolve the matter within ten (10) days of the alleged act. This should be done on an informal basis by discussing the matter either with the staff member involved, or with the staff member's immediate supervisor.
 - 2.1.1 Failure of the student to act within the above-specified ten (10) day period shall constitute a waiver of the right to pursue the matter further.
- 2.2 If the meeting with the staff member or with the immediate supervisor is not successful in resolving the problem within ten (10) days, the student may file a formal grievance.

3.0 Formal Process

- 3.1 Within five (5) days of the completion of the informal process, and not later than twenty-five (25) days from the date of the alleged wrongful act, the student may

file a formal grievance by submitting a Grievance Form to the college Student Grievance Officer. The name and location of the college Student Grievance Officer and the Grievance Form can be obtained from the office of the Chief Student Services Officer or the Student Grievance Officer.

- 3.2 The grievance must contain a specific statement of the alleged act of wrongdoing, the name of the person against whom the grievance is filed, the names of any witnesses, and the nature of the relief sought by the grievant.
 - 3.2.1 Relief sought by the grievant shall not include the imposition of disciplinary action on an employee. Formal discipline of an employee is a matter which is exclusively within the prerogative of the District and is confined to the procedures established by law and collective bargaining agreements.
 - 3.2.2 Failure of the student to file the completed grievance form within the above-specified time period shall constitute a waiver of any right to further proceedings.
- 3.3 Within ten (10) days of the receipt of the grievance, the college Student Grievance Officer will determine whether the issue is grievable under the policies and regulations of the District. If the issue is grievable, a hearing will be scheduled.
 - 3.3.1 Determination as to the sufficiency of grounds for a hearing on a grievance shall be based on the following:
 - (a) Has the student attempted to resolve the grievance under the informal grievance process in Section 2.0 above?
 - (b) Have all time lines been met?
 - (c) Does the grievance contain statements which, if true, would constitute a grievance under Board Policy P-2412?
 - (d) Does the grievant have standing to assert the grievance by (i) being a student at the time of filing the grievance or at the time of the alleged act of wrong-doing; or (ii) being an applicant for admission to the college?
- 3.4 If any of the grounds for grievability stated in Section 3.3.1 above have not been satisfied, the college Student Grievance Officer will notify the student in writing that the grievance has been rejected and state the specific reason(s) for the rejection.
- 3.5 If the college Student Grievance Officer determines that all the conditions for grievability have been met, the grievance will be referred to the designated hearing officer. At this time the person(s) against whom the grievance is filed shall be notified of the status of the grievance, and shall be given a copy of the formal grievance.

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- 3.5.1 The Hearing Officer shall be appointed by the College President. The hearing Officer shall be an administrator who is not from the area from which the grievance arose, nor from student services.
- 3.6 Within ten (10) days from appointment, the Hearing Officer will schedule a hearing on the grievance. All parties shall be notified by the Hearing Officer of the time and day of the hearing. If the designated time and day are not convenient for the parties, a mutually agreeable time may be set.
- 3.7 The hearing will be conducted in accordance with the guidelines set forth below:
- 3.7.1 All decisions concerning the conduct and procedure of the hearing shall be made by the Hearing Officer and shall be final.
- 3.7.2 Each party to the grievance may call witnesses and introduce oral testimony and documentary evidence relevant to the issue of the grievance and both parties shall be permitted to question all witnesses of the other side.
- 3.7.3 Formal rules of evidence shall not apply. All relevant evidence may be admitted.
- 3.7.4 The burden shall be upon the grievant to prove by a preponderance of the evidence that the facts alleged are true and that a grievance has been established as specified in Section 1.1 above.
- 3.7.5 Each party shall be presumed not to be at fault.
- 3.7.6 At the hearing, the grievant and any other party involved in the grievance may be represented or accompanied by another person. The name and status of such a person must be submitted to the Hearing Officer at least two (2) days before the beginning of the hearing. No party may be represented by legal counsel.
- 3.7.7 Hearings shall be closed and confidential, unless it is the request of all parties that hearings be open to the public.
- 3.7.8 In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties agree to the contrary.
- 3.7.9 One tape recording of the grievance hearing shall be made by the Hearing Officer, and shall be the only tape recording.
- 3.7.10 The Hearing Officer shall maintain an orderly meeting and permit no person to be subjected to abusive treatment. In this regard, the Hearing Officer may eject or exclude any person who refuses to be orderly.
- 3.8 The Hearing Officer shall deliver a written decision within ten (10) days of the conclusion of the hearing to all parties to the grievance, with copies to the Chief

Student Services Officer, the College President and the Assistant Chancellor, Educational Services.

- 3.8.1 The Hearing Officer's decision shall contain a statement of the alleged grievance; a discussion of the evidence introduced by each party together with the Hearing Officer's determination whether the grievant met his or her burden of proof by a preponderance of the evidence; and a recommendation as to which, if any, of the requests for relief sought by the grievant should be granted.
- 3.8.2 The Hearing Officer shall not recommend any relief that violates any employee rights as guaranteed by law or collective bargaining agreement.
- 3.9 Either party to the grievance may appeal the Hearing Officer's decision to the Chief Student Services Officer within five (5) days. Such appeal shall be submitted in writing and shall state specifically the grounds for appeal.
 - 3.9.1 Grounds for appeal will be limited to:
 - 3.9.1.1 Decision not supported by the evidence.
 - 3.9.1.2 Denial of admission of relevant evidence.
 - 3.9.1.3 Incorrect application/non-application, or interpretation of laws, policies, procedures, etc.
 - 3.9.1.4 Excessive or disproportionate sanctions applied.
 - 3.9.2 The Chief Student Services Officer shall review the proceedings and take one or more of the following actions:
 - (a) Affirm the Hearing Officer's decision in whole or in part;
 - (b) Reverse the Hearing Officer's decision in whole or in part;
 - (c) Affirm or deny in whole or in part the relief recommended by the Hearing Officer; or
 - (d) Send the grievance back to the Student Grievance Officer for further consideration.
 - 3.9.3 Within ten (10) days after receipt of the appeal documents, the Chief Student Services Officer shall inform all parties to the grievance and the appropriate personnel in the District Office, in writing, of the decision. The decision of the Chief Student Services Officer shall be final.
- 3.10 A student grievance involving a District Office staff member must be submitted in writing to the Assistant Chancellor, Administration and Operations within ten (10) days of the event leading to the grievance. The Assistant Chancellor,

Administration and Operations will attempt to resolve the problem by informal means following the pattern set forth in Section 2.0 above.

3.10.1 Upon failure of the informal process to resolve the matter, the Assistant Chancellor will determine within five (5) days if the issue is grievable, and if so, shall designate a District Hearing Officer who will conduct a hearing in accordance with Section 3.7 above.

3.10.1.1 The decision of the District Hearing Officer shall be consistent with the requirement set forth in Section 3.8 above and shall be delivered in writing within ten (10) days of the conclusion of the hearing to all parties to the grievance with a copy to the Assistant Chancellor.

3.11 Either party may appeal the decision of the District Appeal Officer or the District Hearing Officer to the Chancellor, within ten (10) days of the decision on the grounds and in the manner set forth in Section 3.9 above. Failure to file this appeal within the ten (10) day period shall constitute a waiver of this appeal and acceptance of the District decision.

3.11.1 The decision of the Chancellor is final.

4.0 Special Provisions

- 4.1 Any time specified in these procedures may be shortened or lengthened by mutual agreement of all parties.
- 4.2 If, at any step of the formal proceedings, the grievant fails to appear, except in the case of emergency, the grievance will be considered to be in default and a request by the opposing party to dismiss the grievance shall be granted.
- 4.3 An informal grievance must be initiated on or before the tenth day of instruction of a new semester when the grievance involves final grades or circumstances surrounding final grades for the preceding semester or summer session.
- 4.4 All decisions must be consistent with the law and the employees' contracts with the District.
- 4.5 No reprisal of any kind shall be taken against any person who participates in the grievance procedure.
- 4.6 In situations when the student's presence in class is a factor which could affect the student's grade or graduation, the instructor must allow the student to continue to attend or provide the student the opportunity to continue the work of the class, unless the student's presence in class adversely affects health and safety.

5.0 Review of Procedures

- 5.1 A student grievance committee consisting of the three (3) faculty senate presidents,

or designees; the District Academic Senate President or designee; three (3) student association presidents, or designees; the College Chief Student Services Officer, the Assistant Chancellor, Educational Services and the District General Counsel will convene, as needed, to review this policy. Each member of the Committee shall have one (1) equal vote.

- 5.2 It will be the responsibility of the District Academic Senate President to call the meeting of the review committee.

6.0 Summary of Time Lines for Student Grievance

- 6.1 For purposes of quick review, the following summary of time lines is provided.

INFORMAL GRIEVANCE RESOLUTION

(Mandatory)

Level 1

<u>Time Line</u>	<u>With Whom</u>	<u>Purpose</u>
Within ten (10) days of alleged act.	Student shall meet with staff member involved -- <i>or</i> -- With staff member's immediate supervisor.	To attempt informal resolution -- <i>and</i> -- If no resolution reached within ten (10) days, student may proceed to formal grievance process.

FORMAL GRIEVANCE PROCESS

(Grievability)

Level 2

<u>Time Line</u>	<u>With Whom</u>	<u>Purpose</u>
Within five (5) days of completion of informal process -- <i>and</i> -- not later than twenty-five (25) days from date of alleged wrongful act.	Formal grievance form (completed) to be filed with Student Grievance Officer.	To determine if problem is grievable. -- <i>and</i> -- If grievable, hearing will be scheduled.

FORMAL GRIEVANCE PROCESS

(Hearing)

Level 3

<u>Time Line</u>	<u>With Whom</u>	<u>Purpose</u>	<u>Decision</u>
Within ten (10) days of appointment, hearing will be scheduled.	All parties and Hearing Officer.	To determine the merit of the grievance.	Within ten (10) days of completion of hearing.

FORMAL GRIEVANCE PROCESS

(Appeal)

Level 4

<u>Time Line</u>	<u>With Whom</u>	<u>Process</u>	<u>Decision</u>
Within five (5) days of Hearing Officer's decision.	Chief Student Services Officer.	Written appeal, stating specific grounds for appeal (see Section 3.9.1). Review of record only.	Within ten (10) days of receipt of appeal documents. Decision is final.

LRCCD

Adm. Regulation Adopted: 3/12/80
 Adm. Regulation Revised: 11/19/80; 2/10/82; 6/5/85; 6/2/92; 3/6/96
 Adm. Regulation Reviewed:
 Board Policy: [P-2412](#)