



Policy

5530 Student Rights and Grievances

The Board directs the Chancellor to create a procedure which provides a consistent and fair process for resolving student grievances. The Board also directs the Chancellor to make this policy easily available in student-friendly locations, such as our website pages, catalog, student services portals, etc.

Grievance: A claim by any student who reasonably believes a college decision or action has adversely affected his/her/their status, rights, or privileges as a student. A Grievance includes, but is not limited to, claims regarding:

- Financial aid;
- Course grades, to the extent permitted by Education Code Section 76224 subdivision (a), which provides: “When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student’s grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final.” “Mistake” may include, but is not limited to errors made by an instructor in calculating a student’s grade and clerical errors;
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

A Grievance is not:

- Student disciplinary actions, which are covered under separate Board Policies and Administrative Procedures.
- Police citations (i.e. “tickets”); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.
- Sex discrimination in education programs and activities as prohibited by Title IX of the Higher Education Amendments of 1972 (see BP 3433 Prohibition of Sexual Harassment under Title IX, BP 3434 Responding to Harassment Based on Sex under Title IX).

Students may take their complaint to the appropriate division dean or immediate supervisor. The colleges’ organizational structures provide the appropriate levels of appeal through which complaints can be pursued. The exceptions to this process would be those complaints which deal with:

- State regulations, Title VI and VII of the Civil Rights Act, and Title IX of the Education Amendment of 1972, for employees. Complaints dealing within these areas are handled by the Senior Director of Human Resources.
- Section 504 of the Rehabilitation Act of 1973. Complaints dealing within this area is handled by the ADA Coordinator.

- Complaints by students about the acts of other students are reported to the Office of the Vice President of Student Services who will direct the complaints to the appropriate area administrator.

Cross References (see also):

YCCD Policy 3430 – Prohibition of Harassment

YCCD Policy 3433 – Prohibition of Sexual Harassment under Title IX

YCCD Policy 3435 – Discrimination and Harassment Complaints and Investigations

YCCD Policy 3540 – Sexual and Other Assaults on Campus

YCCD Policy 3-8020 – Due Process

YCCD Policy 5500 – Standards of Student Conduct

YCCD Policy 7700 – Whistleblower Protection

References:

Education Code Section [76224\(a\)](#); [ACCJC Accreditation Eligibility Requirement 20](#); [ACCJC Accreditation Standard IV.D](#)

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Administrative Procedure

5530 Student Rights and Grievances

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances.

Grievance: A claim by any student who reasonably believes a college decision or action has adversely affected his/her/their status, rights or privileges as a student.

A Grievance is not:

- Student disciplinary actions, which are covered under separate Board Policies and Administrative Procedures.
- Police citations (i.e. “tickets”); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.
- Sex discrimination in education programs and activities as prohibited by Title IX of the Higher Education Amendments of 1972 (see BP 3433 Prohibition of Sexual Harassment under Title IX, BP 3434 Responding to Harassment Based on Sex under Title IX).

Grievant – A student who has filed a Grievance.

Party – The student or any persons claimed to have been responsible for the student’s alleged Grievance, together with their representatives. “Party” shall not include the College Grievance Officer.

Chancellor – The Chancellor or a designated representative of the Chancellor.

Student – A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A Grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to Grievances relating to course grades to the extent permitted by Education Code Section [76224\(a\)](#).

Responding Party – Any person the Grievant claims to be responsible for the alleged Grievance.

Day – Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

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.

The Chancellor shall appoint an employee who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a Grievance informally.

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

1 dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly
2 involved in the case use the fact of such informal discussion, the fact that a Grievance has been filed, or
3 the character of the informal discussion for the purpose of strengthening the case for or against persons
4 directly involved in the dispute or for any purpose other than the settlement of the Grievance.

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6 Any student who believes he/she/they has a Grievance shall file a Grievance Form with the Grievance
7 Officer within one year of the incident on which the Grievance is based, or within one year after the
8 student learns of the basis for the Grievance, whichever is later (Title 5 Section [59328](#)). Grievance Form
9 must be filed whether or not the student has already initiated efforts at informal resolution, if the student
10 wishes the Grievance to become official. Within two days following receipt of the Grievance Form, the
11 Grievance Officer shall advise the student of his/her/their rights and responsibilities under these
12 procedures, and assist the student, if necessary, in the final preparation of the Grievance Form.

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14 If at the end of ten (10) days following the student's first meeting with the Grievance Officer, there is no
15 informal resolution of the complaint which is satisfactory to the student, the student shall have the right
16 to enter into the Formal Complaint Procedure as described in the respective colleges' catalog.

17
18 If the complaint is received by the Grievance Officer, the Grievance Officer may close the matter without
19 further action after a thorough preliminary investigation.

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21 If the Grievance Officer determines that further investigation beyond the preliminary stage is warranted,
22 the Grievance Officer shall inform the individual against whom allegations have been made (referred to
23 as the Responding Party or "RP"), in writing, of the nature and scope of all charges brought against RP, at
24 least ten (10) business days before an initial meeting with an administrator or investigator. At minimum,
25 unless legally prohibited, a copy of Board Policy 3-8020 and a written detailed summary of the allegations
26 will be provided, including reference to time(s), date(s) and location(s), individuals involved, specific
27 conduct alleged, and policies alleged to have been violated. The written complaint shall be provided
28 unless otherwise prohibited by law or is such disclosure would compromise the integrity of the
29 investigation, or the safety of a complainant or witness.

30
31 **Grievance Hearing:**

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33 The determination of whether there is sufficient grounds for a hearing shall be based on the following:

- 34 • The statement contains facts which, if true, would constitute a Grievance under these procedures;
- 35 • The Grievant is a student as defined in these procedures, which include applicants and former
36 students;
- 37 • The Grievant is personally and directly affected by the alleged Grievance;
- 38 • The Grievance was filed in a timely manner;
- 39 • The Grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of
40 harassment.

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42 If each of the requirements are satisfied, the College Grievance Officer shall schedule a Grievance hearing.
43 All Parties to the Grievance shall be given not less than ten (10) days' notice of the date, time and place
44 of the hearing.

45
46 **Hearing Procedure:**

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48 The Hearing Officer shall not be the same person who investigated the matter. The RP is entitled to an
49 impartial, unbiased trier of fact. Any Hearing Officer must render an impartial review and decision of the

1 issue in dispute. The RP has the right to challenge a fact-finder(s) for bias if the RP contends that the fact-
2 finder cannot be a fair or impartial decision-maker. Any challenge submitted by the RP to the fact-finder
3 shall be submitted, as applicable to the Hearing Officer. The Hearing Officer's determination shall be final.
4

5 Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
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7 Unless the Hearing Officer determines to proceed otherwise, each Party to the Grievance shall be
8 permitted to make an opening statement. Thereafter, the Grievant or grievants shall make the first
9 presentation, followed by the Responding Party. The RP will have the right to present RP's side of the
10 issues, refute the evidence, and produce any oral or written documentary evidence, in real time. The RP's
11 representative also has the right to question witnesses, including the accuser, and respond to another
12 party's version of events. The burden shall be on the Grievant or Grievants to prove by clear and
13 convincing standard of evidence that the facts alleged are true and that a Grievance has been established
14 as specified above.
15

16 Each Party to the Grievance may represent himself/herself/themself, and may also have the right to be
17 represented by a person of his/her/their choice; except that a Party shall not be represented by an
18 attorney unless, in the judgment of the Hearing Officer, complex legal issues are involved. If a Party wishes
19 to be represented by an attorney, a request must be presented not less than five (5) days prior to the date
20 of the hearing. If one Party is permitted to be represented by an attorney any other Party shall have the
21 right to be represented by an attorney. The Hearing Officer may also request legal assistance.
22

23 Witnesses shall not be present at the hearing when not testifying.
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25 The Hearing Officer will record the hearing by tape recording or stenographic recording, and this will be
26 the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In
27 the event the recording is by tape recording, the Hearing Officer shall, at the beginning of the hearing, ask
28 each person present to identify themselves by name, and thereafter shall ask witnesses to identify
29 themselves by name. The tape recording shall remain in the custody of the District, either at the college
30 or the District office, at all times, unless released to a professional transcribing service. Any Party may
31 request a copy of the tape recording.
32

33 Within ten (10) days following the close of the hearing, the Hearing Officer shall prepare a written
34 decision. The decision shall include specific factual findings regarding the Grievance, and shall include
35 specific conclusions regarding whether the hearing established a Grievance as defined above. The
36 decision shall also include a specific recommendation regarding the relief for the Grievant, if any. The
37 Hearing Officer will base its decision only on the record of the hearing, and not on matter outside of that
38 record. The record consists of the original Grievance, any written response, and the oral and written
39 evidence produced at the hearing.
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41 Appeal:
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43 Any decisions made by the Hearing Officer may be appealed by the Complainant or Responding Party
44 within five (5) days of notification of the decision. Such appeals shall be in writing and shall be delivered
45 to the Vice President of Student Services or designee.
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47 Within five (5) days following receipt of the Hearing Officer's decision and recommendation(s), the Vice
48 President of Student Services or designee shall send to all parties his/her/their written decision, together
49 with the Hearing Officer's decision. The factual findings of the Hearing Officer shall be accorded great

1 weight; and if the Vice President of Student Services or designee does not accept the decision or a finding
2 or recommendation of the Hearing Officer, the Vice President of Student Services or designee shall review
3 the record of the hearing, and shall prepare a new written decision which contains specific factual findings
4 and conclusions. The decision of the Vice President of Student Services or designee shall be final.

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6 **Time Limits:**

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8 Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence
9 by all Parties.

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11 **Cross References (see also):**

12 YCCD Policy 3430 – Prohibition of Harassment

13 YCCD Policy 3433 – Prohibition of Sexual Harassment under Title IX

14 YCCD Policy 3435 – Discrimination and Harassment Complaints and Investigations

15 YCCD Policy 3540 – Sexual and Other Assaults on Campus

16 YCCD Policy 3-8020 – Due Process

17 YCCD Policy 5500 – Standards of Student Conduct

18 YCCD Policy 7700 – Whistleblower Protection

19
20 **References:**

21 Education Code Section [76224\(a\)](#); [ACCJC Accreditation Eligibility Requirement 20](#); [ACCJC Accreditation](#)
22 [Standard IV.D](#)

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24 **Procedure Last Revised:** November 10, 2021

25 **Last Reviewed:** November 10, 2021