

have learned of the information by avenues reasonably available to him/her.

- The decision on appeal shall be reached within five (5) days after receipt of the appeal documents. Copies of the Chancellor's appeal decision shall be sent to the student and the Chairperson of the Disciplinary Board.

### Step 7. Appeal to the Board of Trustees

The student may appeal, in writing, to the Board of Trustees within five days after receipt of the decision of the Chancellor. The Board of Trustees shall provide the student with a hearing, if requested, and shall review the appeal. A written notice of the decision of the Board of Trustees shall be mailed to the student and to appropriate staff members, within twenty (20) calendar days following the review. The decision of the Board of Trustees is final.

### Expulsion Disciplinary Process

Students who have been accused of violating the Code of Conduct go through the Steps 1-4 listed above. If, in Step 3, the recommendation is for Expulsion, the following describes the additional process for that sanction.

Expulsion of a student is the indefinite termination of student status and all attending rights and privileges. Expulsion of a student is accomplished by action of the Board of Trustees on recommendation of the College President and the Chancellor. An expelled student shall not be allowed to register in any subsequent semester without the approval of the College President. The process is as follows:

- The College President shall forward to the Chancellor a letter of recommendation for expulsion which includes a brief statement of charges and a confidential statement of background and evidence relating to the charge(s).
- The Chancellor shall review the recommendation for expulsion with the Office of County Counsel
- The Chancellor, as Secretary for the Board of Trustees, shall forward a letter to the student by certified mail to the address last on file with the District, at least three days prior to the meeting, advising him/her of the charges and the intention of the Board of Trustees to hold a closed session to consider his/her expulsion. The letter shall include the date, time and place of the Board's meeting. Unless a student requests a public hearing in writing at least 48 hours prior to the scheduled hearing, the hearing shall be conducted in closed session.
- The student is entitled to be present during presentation of the case and may be accompanied by a representative. If the student chooses to be represented by an attorney, the student must so notify the Chancellor no later than five working days prior to the hearing. The student has the right to examine any materials upon which charges against him/her are based, and shall be given the

opportunity to present his/her evidence refuting the charges to the Board of Trustees. The student or his/her representative may cross-examine any witness. The district bears the burden of proof.

- The report of final action taken by the Board of Trustees in public session shall be made a part of the public record and forwarded to the student. Other documents and materials shall be regarded as confidential and will be made public only if the student requests a public hearing.

### Definitions

**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 Grievance Hearing Committee or the College Grievance Officer.

**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).

**Respondent** – Any person claimed by a grievant to be responsible for the alleged grievance.

**Judicial Officer** – Member of the Student Disciplinary Board responsible for ensuring that the Formal Hearing process is followed according to established procedures.

**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.

## Student Grievances And Appeals Procedures

Skyline College is committed to the ideal that all students should have recourse from unfair and improper action on the part of any member of the College Community. Skyline College complies with Federal regulations designed to provide equitable treatment of all students regardless of race, national origin, sex, age, sexual orientation or disability (see Title IX of the Education Act of 1972, Section 504 of the Rehabilitation Act of 1973 and the American Disabilities Act of 1992).

In all instances, a student who has been subject to an academic or administrative sanction has the right to appeal the decision of the professor or administrator in accordance with the due process procedures established by the college.

Students may file a grievance or appeal if the student believes that:

- She or he has been subject to unjust action
- Denied his or her rights

- Decision or action taken in response to an alleged violation of the Student Code of Conduct or Academic Integrity Policy is harsh or unjust
- Disciplinary procedures where not followed in accordance with College Policies and District Rules and Regulations

Students filing grade grievances must be able to demonstrate the following:

- Mistake
- Fraud
- Bad faith
- Incompetence in the academic evaluation of their performance
- Incompetence in the academic evaluation of their performance in the absence of mistake, fraud, bad faith or incompetence, the grade determined by the instructor shall be final (Ed. Code Section 76224). Grade grievances must be filed within one year of issuance of the grade in dispute.

Filing all grievances and appeals must be done in accordance with the College Policies and District Rules and Regulations

Complaints of sexual harassment, or unlawful discrimination should be directed to the Human Resources Department of the San Mateo County Community College District. For more information about procedures for filing these complaints, please Visit the San Mateo County Community College District web site [www.smccd.edu](http://www.smccd.edu) or stop by the District Office, 3401 CSM Drive, San Mateo CA, 94402

At any time during the progress of the procedure outlined below, informal resolution of the problem may be sought by mutual agreement. For grade grievances, refer to B, Grade Grievances. For parking citations, refer to C, Parking Citation Appeals.

### **A. Academic (Excluding Grade) and Non-Academic Grievances and Appeals Step 1 – College Level**

a. Before initiating formal appeal procedures, the student shall attempt to resolve the dispute informally with the appropriate staff member at the point of initial decision. If the dispute is not resolved, the student may initiate a formal appeal with the Vice President of Student Services and must do so within one (1) year of the incident on which the grievance is based or within one (1) year after the student learned of the basis for the grievance. The Vice President of Student Services shall advise the student, within five (5) days, of his or her rights and responsibilities, assist the student in the final preparation of the grievance and determine whether the grievance will be remanded to a hearing of the Grievance Committee or reviewed with an appointed mediator. Specific information regarding timelines for grievances remanded to the Grievance Committee is outlined in the Student Grievances and

Appeals Procedures, 7.73.1. The Vice President of Student Services will ensure that a student filing a grievance and the Grievance Committee members are provided copies of grievance procedures, including timelines.

#### **b. Appeal to the President**

i. If the College President has been previously involved in the decision or action under appeal, the student may proceed directly to Step 2 (Appeal to the Chancellor). 7.73 Student Grievances and Appeals.

ii. In the event that the dispute has not been resolved during the course of earlier appeal procedures, the student may appeal in writing to the President within five (5) days after receipt of the decision made in response to the initial appeal. The President shall provide the student with a hearing, if requested, and shall review the appeal. A written notice of the President's decision shall be provided to the student within ten (10) days of the hearing by the President.

### **Step 2 – Appeal to the Chancellor**

If a dispute has not been resolved at the College level, the student may appeal, in writing, to the Chancellor within five (5) days after receipt of the decision of the President. The Chancellor, or his/her designee, shall provide the student with a hearing, if requested, and shall review the appeal. A written notice of the decision of the Chancellor shall be provided to the student within ten (10) days of the review of the student's written appeal.

### **Step 3 – Board Level**

a. If the dispute has not been resolved during the course of earlier procedures, the student may appeal in writing to the Board within five (5) days after receipt of the decision of the Chancellor.

b. The Board shall provide the student with a hearing, if requested, and shall review the appeal. A written notice of the decision of the Board shall be mailed to the student and to appropriate staff members within twenty (20) days following the hearing. The decision of the Board is final.

### **B. Grade Grievances**

Grades can only be grieved according to the criteria outlined in Education Code 76224.

Before initiating formal appeal procedures, the student shall attempt to resolve the grade dispute informally with the instructor. If the dispute is not resolved, the student may initiate a grade grievance with the appropriate division dean. If the grievance is not resolved at the division dean level, the student may appeal to the Vice President of Instruction. The decision of the Vice President on grade-related grievances is final. There is a deadline of one (1) year from the date that the grade is posted for a student to initiate a grade change.

### **C. Parking Citation Appeals**

Parking citations may be contested by completing a request online by visiting <http://www.pticket.com/csm/>.