

CHAPTER 7: Student Services
ADMINISTRATIVE PROCEDURE NO. 7.73.1 (AP 5530)

ADMINISTRATIVE PROCEDURE
San Mateo County Community College District

Subject: AP 7.73.1 Student Grievances and Appeals
Revision Date: 8/13; 5/14
Policy References: Education Code Section 76224(a); Title IX, Education Amendments of 1972; ACCJC Accreditation Eligibility Requirement 20; ACCJC Accreditation Standard IV.D

Students are encouraged to pursue their academic studies and become involved in other college sponsored activities that promote their intellectual growth and personal development. The college is committed to the concept that, in the pursuit of these ends, students should be free of unfair and improper actions on the part of any member of the academic community. If, at any time, a student feels that he or she has been subject to unjust actions or denied his or her rights, redress can be sought through the filing of a grievance, or an appeal of the decision/action taken in response to a grievance, within the framework of policy and procedure set forth below.

Informal Resolution: *Initial College Review*

Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to pursuing a formal grievance which includes 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 student may also seek the assistance of a friend in attempting to resolve a grievance informally.

The chart below summarizes the appropriate college channels to be utilized by any student wishing to seek redress. For further information concerning any aspect of student grievances or rights of appeal, students should contact the Office of the Vice President, Student Services. Students may elect to grieve any decisions or actions taken. All grievances, or appeals of the decision/action taken in response to a grievance, will be dealt with in a timely manner.

Informal Student Grievance Procedure		
Area	First Level of action	Second Level of action
Academic Matters: Grades1, Testing, Class Content, Assignments, Attendance, Prerequisite Challenge	Instructor	Division Dean
Admissions/Late Withdrawal	Dean, Enrollment Services	Vice President, Student Services
Discrimination Matters	Vice Chancellor, Human Resources	Chancellor
Fee Payments or Refunds	Lead Cashier	Director, Business Services (Canada and Skyline) Vice President Student Services (CSM)
Financial Aid	Director of Financial Aid	Dean, Enrollment Services
Academic or Progress Dismissal	Dean, Enrollment Services	Vice President, Student Services

Registration	Registrar	Dean, Enrollment Services
Residency Determination	Registrar	Dean, Enrollment Services
Public Safety and Parking	Supervisor, Public Safety	Director, Public Safety
Sexual Harassment	Vice Chancellor, Human Resources	Chancellor
Student Records	Registrar	Dean, Enrollment Services
Time, Place and Manner	Coordinator of Student Activities	Vice President, Student Services
Waiver of Academic Requirements	DSPS Director	Vice President, Student Services

Note: At Canada College, the Vice President, Student Services serves as the Dean of Enrollment Services.

Section A: Formal Process for Academic and Non-Academic Grievances (excluding grade grievances and parking citation appeals)

Note: For grade grievances, see Section B, Process for Grade Grievances

For parking citation appeals, see Section C, Process for Parking Citation Appeals

Step 1. Filing a Grievance

- a. Any student who believes, after the informal process, that he or she continues to have a grievance shall file a Statement of Grievance available on the college website or from the Office of the Vice President, Student Services or Vice President, Instruction. The form shall be filed with the Grievance Officer (Vice President, Student Services for all matters except academic and grade grievances or Vice President, Instruction for academic and grade grievances) within one year of the incident on which the grievance is based. In presenting a grievance, the student shall submit a written statement to include, where appropriate, the following information:
 1. A statement describing the nature of the problem and the action which the student desires taken.
 2. A statement of the steps initiated by the student to resolve the problem by informal means.
 3. A description of the general and specific grounds on which the grievance is based.
 4. A listing, if relevant, of the names of all persons involved in the matter at issue and the times, places, and events in which each person so named was involved.
- b. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official.

Step 2. Review of Grievance

Within five days following receipt of the Statement of Grievance Form, the Vice President, Student Services (Vice President, Instruction for academic and grade grievances) shall advise the student of his or her rights and responsibilities under these procedures. In general, the requirements for the Statement of Grievance to present 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 which includes 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.
- For a grade grievance, the grade given to a student shall be the grade determined by the instructor. In the absence of mistake, fraud, bad faith or incompetency (according to Education Code 76224) the grade issued by the instructor may not be changed. The appropriate Division Dean and Vice President, Instruction will assist in determining if the student's grievance meets the criteria

established by the Education Code. For the specific steps for filing grade grievances, see Section B, Grade Grievances.

If at the end of 10 days following the student's first formal meeting, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing. The hearing will be scheduled within 14 days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than 4 days notice of the date, time and place of the hearing.

Step 3. Grievance Hearing Process

Grievance Committee

Membership: The Grievance Committee shall consist of one faculty member, one staff member and one student. Faculty members for the pool will be identified by the Academic Senate, students will be identified by the Associated Students and staff members will be identified by CSEA and the Management Group. No person shall serve as a member of a Grievance Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the Vice President, Student Services.

Grievance Officer: The Vice President, Student Services (Vice President, Instruction for academic and grade grievances) shall appoint a staff member to serve as the Grievance Officer for the Grievance Committee. This individual shall not serve as a member nor vote. The Grievance Officer shall serve to assist all parties and the Grievance Committee to facilitate a full, fair and efficient resolution of the grievance.

Hearing Process

- a. Prior to the scheduled Grievance Hearing, the Grievance Committee shall meet in private and without the parties present to select a chair and review the grounds for a hearing.
- b. The grievant, respondent, and members of the Grievance Committee shall be provided with a copy of the grievance, any written response provided by the respondent, and any other pertinent materials or documents before the hearing begins.
- c. Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- d. Any relevant information shall be admitted. Formal rules of evidence shall not apply.
- e. **Participants:** Each party to the grievance represents himself or herself, and may also be accompanied by a person of his or her choice who is an observer only. Each person present will be asked to identify themselves by name.
- f. Parties are not allowed to be represented by legal counsel. Faculty or staff may request to be accompanied by a union representative.
- g. Hearings shall be closed and confidential.
- h. **Witnesses:** In a closed hearing, witnesses shall be present at the hearing only when testifying.
- i. **Recording:** The hearing may be recorded by the college and shall be the only recording made. If recorded, no witness who refuses to be recorded may be permitted to give testimony.
- j. **Attendance:** If the individual filing the grievance fails to appear at the hearing, only the written information will be used to make a recommendation.
- k. **Committee Recommendation:** Within 5 days* following the close of the hearing, the Grievance Committee shall prepare and send to the Vice President, Student Services (Vice President, Instruction

for academic and grade grievances) a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

- l. Within 10 days following receipt of the Grievance Committee's decision and recommendation(s), the Vice President, Student Services (Vice President, Instruction for academic and grade grievances) shall send to all parties his or her written decision.
- m. The student may choose to appeal if he/she meets the criteria in Step 4.

Step 4 Appeal to the College President

- a. The student may appeal to the College President within five days after receipt of the decision by the Vice President, Student Services/Vice President, Instruction.
- b. The College President shall provide the student with a hearing, if requested, and shall review the appeal. The appeal shall be limited to a review of supporting documents and based only on the following:
 - Due Process: To determine whether the Grievance Committee was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information and that all parties were given a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - New Information: To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Grievance Committee.
- c. A written notice of the College President's decision shall be provided to the student within ten days of the hearing.

Step 5. Appeal to the Chancellor

The student may appeal, in writing, to the Chancellor within five days after receipt of the decision of the College 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 five days of the review of the student's written appeal.

Step 6. Appeal to the Board of Trustees

The student may appeal, in writing, to the Board of Trustees, or its designee, 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 days following the review. The decision of the Board of Trustees is final.

Section B: Process for Grade Grievances

In the absence of mistake, fraud, bad faith or incompetency (according to Education Code 76224) the grade issued by the instructor may not be changed. There is a deadline of year from the date that the grade is posted for a student to initiate a grade grievance.

Informal Resolution

- a. Any student who has a grievance shall make reasonable effort to try to resolve the matter on an informal basis prior to pursuing a formal grievance, which includes a hearing, and shall attempt to solve the problem directly with the instructor. The student may bring a person of his/her choosing who is an observer only to meet with the instructor.
- b. If the grade grievance is not resolved informally with the instructor, the appropriate division dean will review the student's grievance and obtain information from the instructor.
- c. In attempting to resolve the grade grievance at the informal level, the student should be prepared to provide a written statement to the division dean to include the following information:
 1. A statement describing the nature of the problem and the action which the student desires taken.
 2. A statement of the steps initiated by the student to resolve the problem by informal means.
 3. A description of the general and specific grounds on which the grievance is based. The student must be able to demonstrate mistake, fraud, bad faith or incompetency in accordance with Education Code 76224. In the absence of mistake, fraud, bad faith or incompetency, the grade issued by the instructor may not be changed.
- d. A written notice of the division dean's decision shall be provided to the student within 20 days of the student's meeting with the division dean or as soon as the division dean has completed his/her investigation.

Formal Process for Grade Grievances

Step 1. Filing A Grievance

- a. Any student who believes, after the informal process, that he or she continues to have a grievance shall file a Statement of Grievance Form available on the college website or from the division dean. The form shall be filed with the Vice President, Instruction within one year from the date the grade was issued. The student should attach to the Grievance Form any documentation to support the grievance.
- b. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official.

Step 2. Review of Grievance

- a. Within five days following receipt of the Statement of Grievance Form, the Vice President, Instruction shall advise the student of his or her rights and responsibilities under these procedures.
- b. In general, the requirements for the Statement of Grievance to present sufficient grounds for a hearing shall be based on the following:
 - The grievance shall allege specific facts, which, if true, show that the grade was issued based on mistake, fraud, bad faith, incompetence;
 - The grievant is a student which includes 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.
 - For a grade grievance, the grade given to a student shall be the grade determined by the instructor. In the absence of mistake, fraud, bad faith or incompetency (according to Education Code 76224) the grade issued by the instructor may not be changed. The

appropriate Division Dean and Vice President, Instruction will assist in determining if the student's grievance meets the criteria established by the Education Code.

- c. The Vice President, Instruction will schedule a Hearing with the Grievance Committee within 14 days following receipt of the Statement of Grievance Form. All parties shall be given not less than 4 days notice of the date, time and place of the hearing.

Step 3. Grievance Hearing Process

Grievance Committee

Membership: The Grievance Committee shall consist of three faculty members and two students. Faculty members for the pool will be identified by the Academic Senate and students will be identified by the Associated Students. No person shall serve as a member of a Grievance Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the Vice President, Instruction.

Grievance Officer: The Vice President, Instruction shall appoint a staff member to serve as the Grievance Officer for the Grievance Committee. This individual shall not serve as a member nor vote. The Grievance Officer shall serve to assist all parties and the Grievance Committee to facilitate a full, fair and efficient resolution of the grievance.

Prior to scheduling the Grievance Hearing, the Vice President, Instruction shall collect the following information:

1. The Statement of Grievance Form filed by the student
2. A written response to the grievance by the instructor who issued the grade. The instructor will provide this to the Vice President, Instruction, within 5 days of the request.
3. Any materials relating to the division dean's review and decision.

Copies of these materials will be provided to the student, the instructor and members of the Grievance Committee.

Hearing Process

- a. Prior to the scheduled Grievance Hearing, the Grievance Committee shall meet in private and without the parties present to select a chair and review the grounds for a hearing.
- b. The members of the Grievance Committee shall be provided with a copy of the grievance filed by the student, the written responses provided by the instructor and the division dean's review and decision before the hearing begins.
- c. Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- d. Any relevant information shall be admitted. Formal rules of evidence shall not apply.
- e. **Participants:** Each party to the grievance represents himself or herself, and may also be accompanied by a friend of his or her choice who is an observer only. Each person present will be asked to identify themselves by name.
- f. Parties are not allowed to be represented by legal counsel. The instructor may request to be accompanied by a union representative.
- g. Hearings shall be closed and confidential.
- h. **Witnesses:** In a closed hearing, witnesses shall be present at the hearing only when testifying.

- i. Recording: The hearing may be recorded by the college and shall be the only recording made. If recorded, no witness who refuses to be recorded may be permitted to give testimony.
- j. Attendance: If the individual filing the grievance fails to appear at the hearing, only the written information will be used to make a recommendation.

Step 4. Decision

- a. Committee Recommendation: Within 5 days following the close of the hearing, the Grievance Committee shall prepare and send to the Vice President, Instruction a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing. In the absence of mistake, fraud, bad faith or incompetency (according to Education Code 76224) the grade issued by the instructor may not be changed.
- b. A written notice of the Vice President, Instruction's decision shall be provided to the student within ten days of receipt of the Grievance Committee's recommendation. The decision of the Vice President, Instruction, is final.

Section C: Process for Parking Citation Appeals

Parking citations may be contested by completing a request online by visiting <http://www.pticket.com/csm/>. Anyone may contest a citation within 21 calendar days of the issue date of the citation. Once on the site, select where the citation was issued (Cañada, CSM or Skyline). The appeal will start with a "1st Level Initial Review". There is no fee to contest the citation at this level. Request a "1st Level Initial Review" by following the instructions below:

- a. Enter the citation # and press SEARCH. If the citation qualifies for an appeal, a CONTEST ONLINE link to the contesting form will appear to the right of the citation number.
- b. Indicate the reason(s) why the citation was issued in error
- c. Include any documentation to support the claim
- d. Include the citation or reminder notice
- e. Include full name
- f. Include mailing address
- g. Make copies of all documents for your records (documents will not be returned)
- h. Mail all information to: Office of Parking Violations, SMCCD, College of San Mateo, PO BOX 9003, Redwood City, CA 94065-9003

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.

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.