

# STUDENTS' RIGHTS AND GRIEVANCES

Students are encouraged to pursue their academic studies and become involved in other College-sponsored activities that promote their intellectual growth and personal development, 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 an unjust action or decision, redress may be sought as prescribed in Administrative Procedure 5530.

**Academic Accommodations** Students with verified disabilities have the right to receive appropriate academic adjustments and auxiliary aids as specified in the Americans with Disabilities Act and Section 504 of the Federal Rehabilitation Act of 1973 (see Administrative Procedure 5140).

**Course Grades** Grades, to the extent permitted by Education Code 876224(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" (See Administrative Procedure 4231).

**Discrimination** See Administrative Procedures 3410 and 3435.

**Harassment** See Administrative Procedures 3430 and 3435.

Students are afforded the following rights:

- The right of free expression protected by state and federal constitutions and Education Code 76120.
- The right to have academic records treated in a confidential and responsible manner with due regard to the personal nature of the information these records contain. Student records will be released only with the written consent of the student or as provided by law and pursuant to Administrative Procedure 5040. (<https://www.sierracollege.edu/about-us/board/policies/chapter5.php>)
- The right to take reasonable exception to the data or views offered in any course of study without disrupting the instructional environment and to reserve judgment about matters of opinion.
- The right to be free from unfair or improper action.
- The right to participate in the formation of policy affecting students in accordance with established procedures for shared governance.
- The right to petition to form an organization around any particular interest, including the freedom to organize and to join student organizations, subject to published campus and District regulations.

Students who allege that an action or decision by the District has violated their rights as listed above may file a grievance as outlined in the Students' Rights and Grievances Policy (Administrative Procedure 5530) (<https://www.sierracollege.edu/about-us/board/policies/chapter5.php>).

Students are encouraged to follow the college grievance process. Issues that are not resolved may be referred to the California Community Colleges Chancellor's Office at <http://californiacommunitycolleges.cccco.edu/complaintsform.aspx>

## Grievances

A grievable matter is an alleged action or decision of the District that adversely affects the status of a student or violates the rights of a student

as set forth in Board Policy 5530. The following allegations or issues shall not be heard under this Administrative Procedure:

- Discipline of students (see Administrative Procedures 5520 and 5521) (<https://www.sierracollege.edu/about-us/board/policies/chapter5.php>)
- Discipline of employees
- Traffic or parking citations (through Campus Security)
- Grade changes (see Administrative Procedure 4231) (<https://www.sierracollege.edu/about-us/board/policies/chapter4.php>)
- Discrimination or sexual harassment complaints other than academic accommodation. (See Board Policies 3410 and 3430 and Administrative Procedures 3410, 3430 and 3435) (<https://www.sierracollege.edu/about-us/board/policies/chapter3.php>)

Procedures for grievances and complaints are provided below and provide exclusive means for resolving any alleged unfair or improper action. The purpose of this procedure is to secure an equitable solution to student complaints at the lowest level possible. Some education programs may have specific processes and procedures for grievances and complaints.

The District Superintendent/President shall appoint an employee who shall serve as the Grievance Officer. The Grievance Officer shall serve to assist all parties to facilitate a full, fair and efficient resolution of the grievance, shall coordinate all scheduling of hearings, and shall avoid an adversarial role.

Failure of the District to meet any of the deadlines specified in this procedure shall not be construed against the District nor result in a finding in favor of the student.

## Informal Grievance Process

A student who believes that his/her rights have been violated must make a reasonable, good faith attempt to resolve the matter through the informal grievance process before the formal process can be requested. At any point during the informal grievance process level, a student may also informally and orally present the complaint to the Grievance Officer.

### First Step

The student should discuss the problem directly with the person involved or see the grievance officer for assistance in problem resolution within sixty instructional days from the date the student became aware of the problem or the alleged act. Failure of the student to act within the above-specified sixty day period shall constitute a waiver of the right to pursue the matter further.

### Second Step

If the problem cannot be resolved at the first step, the student shall discuss the problem with the immediate supervisor of the person against whom the complaint is directed. The immediate supervisor shall make every effort to resolve the problem with the student and the person being grieved.

### Third Step

If the problem cannot be resolved at the second step, the student shall discuss the grievance with the next-level administrator within ten working days from receiving a decision from the immediate supervisor.

## Formal Grievance Process

Within five instructional days of the completion of the informal grievance process, the student may file a formal grievance by submitting a Grievance Form to the Grievance Officer. The Grievance Form may be obtained from

the Grievance Officer. The Grievance Officer will determine whether the allegations are grievable under administrative procedure as follows:

- The grievant was an enrolled student at the time the alleged incident occurred;
- The student has completed the informal process;
- The timelines have been met;
- The complaint, if true, would constitute a violation of Board Policy 5530 (<https://www.sierracollege.edu/about-us/board/policies/chapter5.php>);
- There is a remedy which is within the authority of the District to grant;
- There is not another prescribed administrative channel for due process.

If the grounds for grievance have been satisfied, a formal hearing before the Grievance Committee will be scheduled within ten instructional days of the request. The student must contact the office of the Vice President, Student Services for the hearing date.

## Grievance Hearings

The Grievance Committee shall consist of three members: one administrator appointed by the Management Senate; one faculty member appointed by the Academic Senate; and one student appointed by the Student Senate. The Grievance Officer shall serve as the chair. Committee members shall not in any way be connected to the event out of which the action arose.

### Hearing Process

1. The hearing shall be convened within ten instructional days of the request. The hearing shall be limited to one meeting unless required otherwise by due process.
2. The student shall be given not less than 48 hours advance written notice of the time, date and place of the hearing.
3. If the student is accompanied by an attorney, the name and address of that attorney must be submitted to the Office of the Vice President, Student Services at the time of filing the request for a formal grievance. Failure to do so shall constitute good cause for a continuance of the hearing and good cause to exclude the attorney. If the student is represented by an attorney, the District will also be represented by an attorney. The role of the advisor or attorney shall be passive in this procedure. The advisor or attorney may be present at the appeal hearing and may counsel the student responding to questions relating to the incident. The advisor or attorney may not address the Grievance Committee and shall not be permitted to participate in any way during the hearing except to offer counsel to the student.
4. The decision of the Grievance Officer shall be final on all matters relating to the conduct of the hearing unless there is a two-thirds majority vote of the members of the Grievance Committee to the contrary.
5. The hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding. Unduly repetitious evidence may be excluded.
6. The burden of proof by a preponderance of the evidence shall be carried by the grievant.
7. The Grievance Officer shall assist all parties in the securing of supporting information.
8. Each party of the grievance may provide the Grievance Committee with police reports, written and/or oral statements. Written statements of individuals not present at the hearing must be made under penalty of perjury and must be submitted to the Grievance Office prior to the start of the hearing. If the written statement is disputed by either side, the Grievance Officer may continue the hearing to allow the objecting party to secure the attendance of the witness, obtain contradictory evidence, or such other remedy determined by the Grievance Officer.
9. All proceedings of the Grievance Committee shall be closed to everyone other than the Committee members, the Grievance Officer, the student grievant, a witness while presenting evidence, the advisor or attorney for the student, and the advisor or attorney for the District, the person being grieved, and the advisor or attorney for the person being grieved. All participants shall maintain the strictest confidentiality.
10. Final deliberations will be conducted with only the Grievance Committee members present.
11. The Grievance Committee will consider all relevant evidence pertaining to the appeal and issue a written report to the District Superintendent/President.
12. All Grievance Committee hearing proceedings shall be recorded. The recordings shall be maintained by the Grievance Officer for two calendar years, along with copies of all decisions made. Access to the recordings and copies of decisions made shall be limited to the parties involved, unless otherwise required by law.
13. The Grievance Committee will provide its findings to the District Superintendent/President within three instructional days after the conclusion of the hearing.

### Decision by the District Superintendent/President

- The grievant shall not have a right to a hearing by the District Superintendent/President.
- The District Superintendent/President shall review the report of the Grievance Committee.
- The District Superintendent/President may consult with the Grievance Officer.
- The District Superintendent/President shall submit a written decision to all parties concerned.
- The District Superintendent/President may accept or reject the findings and recommendations of the Grievance Committee.
- Once the District Superintendent/President makes a decision, the grievance process has been completed.
- There is no right of appeal to the Board of Trustees.

Reference: Sierra College Board Policy 5530 ([http://www.sierracollege.edu/\\_files/resources/about-us/board/policies/chapter5/Board-Policy-5530.pdf](http://www.sierracollege.edu/_files/resources/about-us/board/policies/chapter5/Board-Policy-5530.pdf)) and Administrative Procedure 5530 ([http://www.sierracollege.edu/\\_files/resources/about-us/board/policies/chapter5/Administrative-Procedure-5530.pdf](http://www.sierracollege.edu/_files/resources/about-us/board/policies/chapter5/Administrative-Procedure-5530.pdf)).