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STUDENT COMPLAINT/GRIEVANCE  
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## **STUDENT COMPLAINT/GRIEVANCE PROCEDURES**

### **PREAMBLE**

A student complaint may arise out of a decision or action reached or taken in the course of official duty by a member of the faculty, staff, or administration of the Sonoma County Junior College District (SCJCD). "Student" means a person who has been admitted to enroll at SCJCD (including non-credit courses) or is currently enrolled. The complaint may take one of three forms, described below: direct resolution, informal complaint or formal grievance.

These complaint/grievance procedures are not intended to initiate disciplinary action against any member of the faculty, staff, or administration, or to alter college policy. However, documentation collected during the process may be used as evidence in future legal action. Under no circumstances will the filing of an informal complaint or formal grievance result in retaliation by the party being grieved against or his/her department.

A complaint/grievance will only be permitted within thirty (30) instructional days into the semester that immediately follows the semester in which the alleged incident occurred. Summer Session is not included when making this determination, unless all parties agree. However, if the incident occurs during the Summer Session, the student will have thirty (30) instructional days into the semester following the Summer Session to file a complaint/grievance.

All complaints of unlawful discrimination, including sexual harassment, shall be directed to the Title IX Officer (Vice President of Human Resources) pursuant to District Policy 2.7P. The complaint may be filed verbally or in writing and must be filed within one (1) year of the date of the alleged unlawful discrimination or within one (1) year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination. Forms and procedures can be found at (<http://www.santarosa.edu/polman/2govern/2.7P.pdf>).

All necessary forms for these procedures can be found on the college website at [http://www.santarosa.edu/for\\_students/rules-regulations/](http://www.santarosa.edu/for_students/rules-regulations/) and at the Student Affairs Office on either the Santa Rosa or Petaluma Campus.

## **RESPONSIBILITIES**

### **Student/Grievant**

- Understand all complaints of unlawful discrimination, including sexual harassment, shall be directed to the Title IX Officer (Vice President of Human Resources) pursuant to District Policy 2.7P.
- Review the policies and procedures relevant to the subject of the complaint/grievance.
- Understand what types of actions can be grieved.
- Understand the five types of complaints/grievances, and follow the correct process for each type.
- Maintain copies of all relevant materials and dated notes from all discussions.
- Consult with the Ombudsperson in order to receive correct information and support while going through a complaint or grievance process.

### **Instructor**

- Create syllabi that follow the Course Outline of Record.
- Follow the syllabus, applying its rules to all students in the same manner. Avoid all changes that might be considered capricious.
- Become acquainted with District Policy 2.7P, Discrimination, Sexual Harassment and Complaint Procedures in order to avoid any behaviors that might be interpreted as alleged unlawful discrimination.
- Keep dated records concerning any student complaint, including details of all meetings with the student.

### **Department Chair, Program Director, or Supervising Administrator**

- Understand the policies and procedures of the College.
- All supervisory employees will receive training in the prevention of Unlawful Discrimination and Sexual Harassment at least once every two years.
- Ensure that the student/grievant completes all forms required of these procedures, as necessary.
- Keep dated notes of all discussions relevant to the informal complaint or grievance.
- If requested, act as or name a facilitator acceptable for both parties.
- Verify/document that the complaint timeline was followed
- Forward information to the Supervising Administrator or Vice President with the proposed resolution.
- Inform the student of the determined resolution.

- Inform students of their right to appeal any prior decision.

## **TYPES OF COMPLAINTS AND GRIEVANCES**

The process for filing and resolving informal complaints and formal grievances may differ depending on the area of concern.

### **Type I: Grade Appeals**

Students may file an informal complaint or grievance to appeal a grade, recognizing that no instructor may be directed to change a grade except in narrow circumstances authorized by Education Code: "When grades are given for any course of instruction taught in a community college, 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."

### **Type II Sexual Harassment or Unlawful Discrimination**

All complaints of unlawful discrimination, including sexual harassment, shall be directed to the Title IX Officer (Vice President of Human Resources) pursuant to District Policy 2.7P

### **Type III: Financial Aid**

Decisions regarding rules and regulations associated with Financial Aid and Scholarships are directed to the Financial Aid Office in order to initiate the Financial Aid Appeal Process. The appeal form may be picked up in the Financial Aid Office on either the Santa Rosa or Petaluma campus.

### **Type IV: Complaints Against Another Student**

These complaints must go directly to the Vice President, Student Services or designee.

### **Type V: Other Complaints**

This category includes any informal complaint or formal grievance against a faculty, staff or administrator that does not fall within the descriptions of other types of complaints, including a complaint against a college policy or procedure, or against any action violating applicable local, state or federal laws.

## **DIRECT RESOLUTION, INFORMAL COMPLAINT & FORMAL GRIEVANCE PROCEDURES**

### **Direct Resolution**

- If the student is not comfortable addressing the source of the complaint because of sexual harassment or unlawful discrimination concerns (Type II), he/she shall direct the complaint to the Title IX Officer (Vice President, Human Resources) pursuant to District Policy 2.7P.
- Any student who believes he/she has grounds for a complaint should make an attempt in good faith to resolve the problem with the faculty, staff or administrator who is the source of the complaint.
- Students in online classes may proceed through these procedures by email or teleconference.
- If the student is uncomfortable addressing the source of the complaint, he/she may consult with the Ombudsperson for advice. The Ombudsperson is a college employee who offers confidential, informal, independent, and neutral dispute resolution services to all Santa Rosa Junior College students by providing information, advice, intervention and referrals in an effort to resolve issues informally before they escalate to a Formal Grievance. On the Santa Rosa campus, the Dean, Student Affairs and Engagement Programs, serves as Ombudsperson. On the Petaluma Campus, the Dean, Student Services, serves as Ombudsperson.

- If both parties agree, the Ombudsperson may be asked to mediate the discussion.
- The faculty member, staff person, or administrator who is the source of the complaint has ten (10) instructional days from first contact to suggest a resolution.
- In cases where the complaint cannot be resolved through open and honest dialogue between the persons involved, students can proceed to the informal complaint process.

### **Informal Complaint**

- If a Direct Resolution cannot be agreed upon, the student may make contact with the immediate supervisor of the person toward whom the complaint is being brought. In the case of a faculty member, the immediate supervisor is the Department Chair, Program Director or Supervising Administrator. In the case of a staff person or administrator, the Ombudsperson may be consulted if help is needed in identifying the immediate supervisor to be contacted.
- To initiate an Informal Complaint, the student must fill out the Student Complaint form found at <http://www.santarosa.edu/admin/vice-president-student-services/pdf/Student-Complaint-Form-Informal-Process.pdf> and at the Student Affairs Office on either the Santa Rosa or Petaluma Campus.
- The supervisor must provide the student with a proposed resolution and/or decision regarding the complaint within ten (10) instructional days of student contact with the supervisor. This initial contact may happen via email, telephone, or face-to-face. The faculty/staff decision must be included on the complaint form with signatures; additional pages may be attached if necessary.
- By mutual agreement, the student and the supervisor may extend the timeline in order to resolve the issue. To verify/document that the complaint timeline was followed, the supervisor will send information to the supervising administrator with the proposed resolution, send a copy to the student, and also print and keep a confidential copy.
- If the Informal Complaint cannot be resolved, the student can file a Formal Grievance. This must be filed within ten (10) instructional days after receiving the proposed resolution of the Informal Complaint.

### **Formal Grievance**

- If the student is not willing to accept the decision or proposed resolution from the informal complaint process, and the student wishes to appeal, the complaint becomes a formal grievance and the student becomes a grievant.
- The purpose of the Formal Grievance process is to provide for an impartial review and to ensure that the rights of students are properly recognized and protected. A grievable action is defined as any action:
  - violating written campus policies,
  - constituting arbitrary, capricious, or unequal application of written campus policies or procedures, or
  - violating applicable local, state or federal laws.
- The grievant must put his/her grievance in writing using the Student Grievance Form found at <http://www.santarosa.edu/admin/vice-president-student-services/pdf/Student-Complaint-Form-Formal-Process.pdf> and at the Student Affairs Office on either the Santa Rosa or Petaluma Campus. The student must bring the filled-out form with him/her to the Supervising Administrator.

- Throughout the Formal Grievance process, all new evidence or allegations must be germane to the original grievance as filed and stated in the grievance form. The grievant may enlist the support of the Ombudsperson in filling out the form. During each step of the Formal Process, every attempt should be made to meet with the grievant in person.

#### **Step A – Contact Supervising Administrator**

- Students should make contact with the Supervising Administrator appropriate to the individual against whom the grievance is being brought. If both parties are located on the Petaluma Campus, the Supervising Administrator will be one of the Deans on the Petaluma Campus. The Supervising Administrator must respond to the grievant with a written decision within ten (10) instructional days of the first date of filing of the grievance form.
- By mutual agreement, the grievant and the Supervising Administrator may extend the timeline in order to resolve the issue.
- If necessary, the student may appeal the decision to the appropriate Vice President (Step B) within ten (10) instructional days of receiving the decision in writing.

#### **Step B – Contact Vice President**

- If the grievant wishes to appeal the decision of the Supervising Administrator, the grievant must make contact with the appropriate Vice President. In the case of a faculty member, this will be the Vice President, Academic Affairs. In cases involving a classified employee, faculty who work outside the classroom (e.g. counselors), an administrator, or a Type V (non-grade) grievance, the student grievant should consult the Ombudsperson to determine the appropriate Vice President to contact.
- The Vice President (or designee) must respond to the grievant with a written decision within ten (10) instructional days of the first date of filing of the grievance form. By mutual agreement, the student and the Vice President may extend the timeline in order to resolve the issue.
- Within ten (10) instructional days of receiving the decision in writing, the grievant may appeal the Vice President's decision to the College Grievance Board of Review.

#### **Step C – Board of Review**

- To initiate an appeal to the College Grievance Board of Review, the student must contact the Vice President, Student Services and request a review of prior decisions by a Board of Review.
- The Vice President, Student Services will determine the appropriate Vice President to convene the Board of Review.
- The grievant must bring the completed, signed Grievance Form and all documentation from each prior step of the process (Grievance Packet).
- Within ten (10) instructional days after receiving this Grievance Packet, the Vice President, Student Services (or designee) will deliver a copy of the Grievance Packet to the person whom the grievance is against and call for formation of a Board of Review. A hearing must be scheduled within fifteen (15) instructional days of filing of the student grievance form with the Vice President, Student Services. The Board of Review will convene and recommend action.

## **COLLEGE GRIEVANCE BOARD OF REVIEW**

### **Composition**

- A Board of Review shall be convened upon the written request of the Vice President, Student Services.
- A Board of Review is composed of two faculty members appointed by the Academic Senate, one administrator chosen by the Vice President Student Services, and two students appointed by the Student Senate. Alternates will be chosen for each position to serve in cases of conflict of interest. If the formal grievance is against a classified staff member, the committee would be augmented by two members of the classified staff selected by their bargaining unit.
- One of the members of the Board of Review will be appointed as chairperson by the Vice President, Student Services.
- All members of the Board of Review must be present for it to take any action. Those members voting will have been present during all testimony and deliberation.
- If the Board of Review is unable to arrive at a recommendation within ten (10) instructional days of the opening of the hearing, then the Board will be dissolved and a new Board of Review appointed.

### **College Grievance Board of Review - Process**

- The information in the possession of the Vice President, Student Services, shall be provided to the Board of Review by the Vice President.
- The Board of Review may postpone the hearing if they feel one or both parties need more time to prepare their cases. The Board of Review shall discuss issues, hear testimony, examine witnesses and consider all available evidence pertaining to the charge.
- Arguments about legal validity or constitutionality of College policies or procedures will not be entertained by the Board of Review and the hearing will not be interrupted for their presentation.
- Attendance at the hearing shall be limited to Board of Review Members and the active parties of the grievance. Both parties have the right to representation and to question witnesses present to testify. Witnesses will be present only while testifying.
- The hearing 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 reasonable persons are accustomed to relying on in the conduct of serious affairs.
- The Board of Review shall judge the relevance and weight of testimony and evidence and make its findings of facts, limiting its investigation to the formal charge. A vote of the Board of Review will be taken by open written ballot and the votes recorded by name. A majority vote is required for a decision. The decision of the Board of Review must be presented within five (5) instructional days of the close of the testimony.
- The Board of Review may make recommendations as appropriate with the individual's standing in the College community and the severity of the offense.
- A recording made of the proceedings shall be submitted by the Board of Review and kept in a confidential file by the Vice President, Student Services and shall be available at all times to both

parties of the grievance. A written transcript will also be filed at the request of either party at that person's expense.

### **Final Action**

- The Board of Review shall submit its findings of facts and recommendations to the Vice President, Student Services, with copies to each party to the grievance and to the Superintendent/President. This shall serve as a final decision unless changed through the appeal process listed below.

### **Appeals**

- Either party may write an appeal to the Superintendent/President within two (2) instructional days of receipt of certified mail notification. The Superintendent/President, (or designee) upon receiving an appeal and the findings of facts and recommendations of the Board of Review, shall review the proceedings of the Board and conduct such investigation as seems appropriate. The Superintendent/President (or designee) will render a decision and transmit it in writing to both concerned parties and the Board of Review.

## **ISSUES NOT RESOLVED AT THE CAMPUS LEVEL**

### **U.S. Department of Education State Authorization Regulations**

In order for institutions of higher education to participate in the Federal student aid programs authorized by Title IV of the Higher Education Act of 1965, an institution must be legally authorized to provide post-secondary educational programs within the state in which it is located. By rule promulgated by the U.S. Department of Education, part of this "state authorization" requirement is that the state must have "a process to review and appropriately act on complaints concerning the institution including enforcing applicable State laws." For its part, the institution must "provide students or prospective students with contact information for filing complaints with its accreditor and with its State approval or licensing entity and any other relevant State official or agency that would appropriately handle the student's complaint."

### **Options Beyond the Campus Level**

Most complaints, grievances or disciplinary matters should be resolved at the campus level. This is the quickest and most successful way to resolving issues involving a California Community College (CCC). You are obligated to work through the college complaint process first before escalating issues to any of the following resources. Issues that are not resolved at the campus level may be presented:

To the Accrediting Commission for Community and Junior Colleges (ACCJC) at <http://www.accjc.org/complaint-process> if your complaint is associated with the institution's compliance with academic programs quality and accrediting standards. ACCJC is the agency that accredits the academic programs of the California Community Colleges.

To the CCC Chancellor's Office by completing the Web form at <http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx> if your complaint does not concern CCC's compliance with academic program quality and accrediting standards.

To the CCC Chancellor's Office Web site at <http://www.cccco.edu/ChancellorsOffice/Division/Legal/Discrimination/tabid/294/Default.aspx> if your complaint involves unlawful discrimination.

The student also has the right to file a complaint with the Office of Civil Rights of the U.S. Department of Education at the following link <http://www.ed.gov/about/office/list/ocr>.

Nothing in this disclosure should be construed to limit any right that the student may have to take civil or criminal legal action to resolve your complaints.