

8.2.2P
STUDENT COMPLAINT/GRIEVANCE
BOARD REVIEW: JUNE 9, 1986
REVISED: MAY 14, 1991
REVIEWED: NOVEMBER 14, 1995
REVIEWED: NOVEMBER 14, 2000
REVISED: JUNE 10, 2008

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 Santa Rosa Junior College. Any student who believes he/she has grounds for a complaint shall make an attempt in good faith to resolve the problem with the faculty, staff or administrator who is the source of the complaint. If the student is not comfortable addressing the source of the complaint because of harassment or discrimination concerns, they may proceed to Section II of this policy. After going through the informal complaint process without resolution, the student may then begin the formal grievance process.

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 that is:

- a) in violation of written campus policies, or
- b) constitutes arbitrary, capricious, or unequal application of written campus policies or procedures.

Students in online classes may proceed through the process (Section V & VI) by email or teleconference.

The procedures are not intended to initiate disciplinary action against a 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.

In the case of a grade appeal, students are directed to Section I. of this procedure. Section II should be followed in the case of sexual harassment, or discrimination on the basis of race, sex, creed, color, religion, sexual preference, national origin, age, marital status, pregnancy, Vietnam era veteran's status or disabling condition. The District Compliance Officer is designated as the person responsible for receiving student complaints related to Section II. In case of a Financial Aid issue, students are directed to Section III.

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.

Sonoma County Junior College District shall provide a means by which a student complaint / grievances may be heard. Students who feel their rights as a student have been violated may follow this outlined procedure. The following definitions are listed for clarification of this policy.

Definitions

First Date of Filing: The date the Grievant submits a formal grievance form and makes actual contact with the appropriate Dean/Supervising Administrator via email, phone, or face-to-face.

Formal Grievance: A formal grievance means a student grievance form has been filed by one or more students which allege a violation of rights, policy, treatment or wrongful action that was not successfully resolved using the Informal Process.

Grievant: Refers to a student who alleges that he or she is personally wronged.

Informal Complaint: 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. Before beginning the formal grievance process, the student must first try to resolve the problem using the informal complaint process (Section V.). Step one is to meet with the source of the complaint.

Instructional Days: Those days Monday through Friday when classes are in session.

Ombudsperson:

The Ombudsperson (Director, Student Affairs & New Student Programs) is a college employee who offers confidential, informal, independent, and neutral dispute resolution services to all members of the Santa Rosa Junior College student community. This is accomplished by providing information, advice, intervention and referrals. The role of the Ombudsperson at Santa Rosa Junior College is to mediate a student complaint and to attempt to resolve issues informally before they escalate to a formal Student Grievance. The Ombudsperson is an advocate for a fair process to resolve problems, not an advocate for the student or for the college staff.

Statute of Limitation:

A complaint/grievance will only be permitted within thirty (30) instructional days into the semester following the semester the alleged incident occurred. Summer Session is not included when making this determination, however, if the incident occurs during the Summer Session the student will have thirty (30) instructional days into the semester following the Summer Session.

Student:

Student means a person who has been admitted to enroll at SRJC including continuing status.

Section I. Grades and Academic Evaluations

- A. A complaint involving academic evaluation should go through procedures in Section V and VI, ending at Step 2 of the formal process.
- B. No instructor may be directed to change a grade except in narrow circumstances authorized by Education Code Section 76224: "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." In the absence of mistake, fraud, bad faith, or incompetency, formal grievances beyond Section VI, Step 2 (Vice President, Academic Affairs) will not be accepted on grading issues.

Section II. Complaints involving Harassment or Discrimination:

In the case of sexual harassment, or discrimination on the basis of race, sex, creed, color, religion, sexual preference, national origin, age, marital status, pregnancy, Vietnam era veteran's status or disabling condition, the District Compliance Officer is designated as the person responsible for receiving student complaints.

Section III. Student appeals relating to Financial Aid, decisions, rules, and regulations are directed to the Financial Aid Office in order to initiate the Financial Aid Appeal Process which follows the guidelines established.

Section IV. A Complaint Against Another Student, should go directly to the Vice President, Student Services.

Section V. Student Complaint Process (see Flow Chart below).

When a student feels that he/she has a complaint, the student shall attempt to resolve it by following these steps:

Step A – Informal Process (Complaint)

Make an attempt in good faith to resolve the problem with the faculty, staff or administrator who is the source of the complaint. If the student is not comfortable addressing the source of the complaint because of harassment or discrimination concerns, they may refer to Section II of the policy (see above). The student may consult with the Ombudsperson for advice on whether the complaint involves harassment or discrimination. A student complaint form should be filled out at this point <http://www.santarosa.edu/admin/vice-president-student-services/pdf/Student-Complaint-Form-Informal-Process.pdf>. At the request of either party, the immediate supervisor may, after consulting with both parties, name a facilitator acceptable to both parties to facilitate conflict mediation. The staff person has ten (10) instructional days from first contact to suggest a resolution. If the matter is not resolved during Step A the student may then proceed to Step B.

Step B – Informal Process (Complaint)

Make contact with the immediate supervisor or department chair of the person toward whom the complaint is being brought. The supervisor or department chair 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 contact may happen via email, telephone, or face-to-face. *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 or department chair will send information to the dean or supervising administrator (D/SA) with the proposed resolution, send a copy to the student, and also print and place in student file. If the matter is not resolved at Step B of the Informal Process, the student may then meet with the Ombudsperson (Step C) or proceed to Section VI (below). *(Student must take their complaint to the next step within ten (10) instructional days of receiving the Step B decision in writing.)*

Step C - Ombudsperson (optional)

Meet with the college's Ombudsperson to enlist assistance with the complaint/grievance process. The Ombudsperson may be contacted at any point in the complaint/grievance process for assistance. The Ombudsperson may also facilitate conflict mediation. The Ombudsperson (*Director of Student Affairs & New Student Programs*) is located in the Student Affairs office on the Santa Rosa Campus. Petaluma Campus students may contact the Student Activities Advisor located in the Student Affairs Office on the Petaluma Campus. The Activities Advisor will initiate the assistance process and consult with the Ombudsperson as necessary. Students at all other District locations should call the Student Affairs Office on the Santa Rosa campus. The Ombudsperson must provide the student with a proposed resolution regarding the complaint within ten (10) instructional days of student contact with the Ombudsperson. If the matter is not resolved by meeting with the Ombudsperson, the student may then proceed to the Student Grievance Process, Section VI., Step 1. *(Students must take their complaint to the next step within ten (10) instructional days of receiving the Step C proposed resolution in writing.)*

Section VI. Student Grievance Process (see flow chart below)

At this stage, the complaint becomes a formal grievance and the student becomes a grievant. The grievant must put their complaint in writing using the Student Grievance Form <http://www.santarosa.edu/admin/vice-president-student-services/pdf/Student-Complaint-Form->

[Formal-Process.pdf](#) and bring it with them to Step 1. They may enlist the support of the Ombudsperson in filling out the form.

Step 1 Formal Process (Grievance)

Students should make contact with the Dean/Supervising Administrator appropriate to the individual toward whom the grievance is being brought. -If both parties are located on the Petaluma Campus, the Dean/Supervising Administrator will be one of the Deans at Petaluma. The Dean/Supervising Administrator must address the complaint within ten (10) instructional days of the first date of filing of the grievance form with the Dean/Supervising Administrator. *By mutual agreement, the student and the supervisor may extend the timeline in order to resolve the issue. If the matter is not resolved at Step 1, the student may then proceed to Step 2.* (Students must take their grievance to the next step within ten (10) instructional days of receiving the Step 1 decision in writing.)

Step 2 Formal Process (Grievance)

Students should make contact with the appropriate Vice President, or designee, to the individual toward whom the grievance is being brought: in the case of a faculty member, the Vice President, Academic Affairs, in the case of a classified employee, the Vice President of the appropriate component on the appropriate campus, in the case of an administrator, his/her immediate supervisor. Faculty members working outside of the classroom, i.e., counselors, shall go to the appropriate component administrator. The Vice President must address the complaint within ten (10) instructional days of filing of the Grievance Form with the Vice President. *By mutual agreement, the student and the Vice President may extend the timeline in order to resolve the issue.* If the matter is not resolved at Step 2, the student may then proceed to Step 3. *(Students must take their grievance to the next step within ten (10) instructional days of the Step 2 decision.)*

Step 3 Formal Process (Grievance)

Students should take the signed grievance form and any other documentation to the Vice President of Student Services. The Vice President, Student Services may suggest a resolution within ten (10) instructional days of receiving the signed Student Grievance Form. Should the student reject the Vice President's suggested resolution, then the student may proceed to Step 4. *(Students must take their grievance to the next step within ten (10) instructional days of the Step 3 decision.)*

Step 4 Formal Process (Grievance)

Within ten (10) instructional days after receiving a completed, signed grievance form, the Vice President, Student Services will deliver a copy to the person whom the grievance is against and call for formation of a Board of Review. A hearing must be scheduled within twenty (20) instructional days of filing of the student grievance form with the Vice President, Student Services. The Board of Review will convene and recommend action.

Section VII. College Grievance Board of Review – Composition:

- A. A Board of Review is composed of two faculty members appointed by the Academic Senate, one administrator chosen by the Vice President Student Services, 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.
- B. A Board of Review shall be convened upon the written request of the Vice President Student Services.
- C. One of the members of the Board of Review will be appointed as chair person by the Vice President, Student Services.

- D. 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.
- E. 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.

Section VIII. College Grievance Board of Review - Process

- A. The information in the possession of the Vice President, Student Services, shall be provided to the Board of Review by the Vice President.
- B. 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.
- C. 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.
- D. 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.
- E. 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 responsible persons are accustomed to relying on in the conduct of serious affairs.
- F. 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.
- G. The Board of Review may make recommendations as appropriate with the individual's standing in the College community and the severity of the offense.
- H. 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.

Section IX. Final Action

- A. 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 in section X below.

Section X. 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.

Student Complaint / Grievance Flow Chart

Step A.

Informal resolution with staff or faculty involved

Process must begin within thirty (30) instructional days into the semester following the semester the alleged incident occurred.

Academic Academic Affairs - Instructor	Optional Step Enlist assistance from ombudsperson (anytime during process) To be addressed within 10 instructional days of student contact.	Staff / Administrator Business Services Administrative Services Student Services
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Step B.

Informal resolution with department chairs and/or supervisors

Department Chair or Supervisor	To be addressed within 10 instructional days of student contact.	Supervisor
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Formal Grievance Process – Step 1

Formal resolution with next level of administrator

Dean / Supervising Administrator	To be addressed within 10 instructional days of student contact.	Dean / Supervising Administrator
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Formal Grievance Process – Step 2

Formal resolution with next level of administrator

Vice President, Academic Affairs	To be addressed within 10 instructional days of student contact.	Appropriate Vice President
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Formal Grievance Process – Step 3

Formal resolution - file student grievance form

Vice President, Student Services	To be addressed within 10 instructional days of student contact.	
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Formal Grievance Process – Step 4

Formal resolution – Convene College Board of Review

<p>Vice President, Student Services</p> <p>Board of Review-to be scheduled within twenty (20) instructional days from filing of grievance. Decision of Board of Review within five (5) instructional days of closing of hearing. The decision of the-Board of Review my be appealed by either party to the Superintendent/President of the college within two (2) instructional days from the hearing board decision.</p>
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