



AP 5530 Student Rights and Grievances

References:

Education Code Section 76224 subdivision (a);
ACCJC Accreditation Eligibility Requirement 20;
ACCJC Accreditation Standard 2

This procedure's purpose is to provide a prompt and equitable means for resolving student grievances.

1. Definitions

- a. Grievance – A claim by any Student who reasonably believes an unfair or improper college decision or action has adversely affected their status, rights, or privileges as a student. A Grievance includes, but is not limited to, claims regarding:
 - i. Course grades, to the extent permitted by Education Code section 76224 subdivision (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."
 - ii. The exercise of rights of free expression protected by state and federal constitutions and Education Code section 76120.
- b. Grievant – A Student who has filed a Grievance.
- c. Party – The Student or any persons allegedly responsible for the Student's Grievance, together with their representatives. "Party" shall not include the members of the Academic Review Committee, the Grievance Hearing Committee, or the College Grievance Officer.
- d. 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, subdivision (a).
- e. Respondent – Any person who the Grievant alleges to be responsible for the Grievance.

- f. Day - Business operating days, excluding Saturdays, Sundays, or administrative holidays.
- g. Grievance Officer – The Chief Student Services Officer (CSSO), or designee.
- h. Standard of Proof – The “preponderance of evidence” standard shall be applied in formal hearings convened pursuant to this procedure. Evidence of the sort upon which responsible persons reasonably rely in the conduct of serious affairs may be received, and such evidence is not limited to that which would be admissible under the rules of evidence used in a court of law.
- i. Burden of Proof - The Grievant(s) bears the burden of submitting proof of the alleged unfair or improper action upon which the Grievance arises sufficient to satisfy the Standard of Proof.
- j. Mistake – As defined by Administrative Procedure 4231.
- k. Fraud - As defined by Administrative Procedure 4231.
- l. Bad Faith - As defined by Administrative Procedure 4231.
- m. Incompetence - As defined by Administrative Procedure 4231.

2. Exclusions from this Procedure

- a. Challenges directed to prerequisites, co-requisites, advisories and limitations on enrollment. (Information on challenges to prerequisites is available from the Office of Admissions & Records.)
- b. Alleged sexual harassment, sexual assault, or unlawful discrimination based on a protected characteristic or status. (Allegation of this nature should be referred to Human Resources.)
- c. Appeals of residency determinations. (Appeal of this nature should be filed with the Office of Admissions & Records.)
- d. Eligibility, disqualification, or reinstatement of financial aid. (Appeal of this nature should be referred to the Financial Aid Office.)
- e. Student discipline imposed for violations of the Board Policy 5500. (Disputes regarding student discipline are resolved pursuant to applicable student discipline procedures.)
- f. Parking Citations or other infractions. (Citation appeals are handled by the Campus Safety Office.)
- g. Employee Discipline. (Students may file complaints about employee conduct with the appropriate level department chairperson and/or administrator.)
- h. Challenges to adopted District policies, e.g. Board Policies and Administrative Procedures. (Challenges to board policies, administrative procedures, or practices may be referred to the appropriate level department and/or

administrator.)

- i. Financial claims against the District. (Financial claims against the District may be made through the Office of Risk Management.)
 - j. Grades assigned by faculty on individual academic assessments, including grade penalties imposed on academic assessments due to academic dishonesty, as opposed to final letter grades for a course.
3. Procedures for Grievances About Final Grades
- a. General Principles
 - i. A Student may initiate a Grievance about a final grade by submitting a completed “Grade Review Petition” to the Office of Admissions & Records within 180 calendar days after the District makes the disputed grade accessible to the Student. A Grievant who fails to meet this deadline waives any right to request a change to a final grade and, in that case, the final grade shall remain unchanged.
 - ii. Student Services shall make a “Grade Review Petition” available on its webpage and shall publicize instructions for submitting the Grade Review Petition to the campus community.
 - iii. The District may change a final grade reflected on a Student's record, without the consent of the instructor of record who assigned the grade, only if the grade was improperly assigned due to Mistake, Fraud, Bad Faith, or Incompetence, as those terms are defined in this procedure and only if established in the manner required by this procedure. Nothing in this procedure may be understood as expanding the lawful grounds found in Education Code section 76224 upon which a grade may be changed without the assigning faculty member’s consent.
 - iv. The District shall, at all times and for all purposes, presume that a disputed grade was appropriately assigned unless and until the Grievant filing the Grade Review Petition meets the Standard of Proof required to overcome that presumption through evidence of Mistake, Fraud, Bad Faith, or Incompetence. In the absence of such a factual showing, the instructor’s assigned final grade shall remain unchanged.
 - b. Grievant Initiated Informal Dialogue
 - i. Before the District may consider a Grievant’s request for a final grade change, the Grievant must first undertake reasonable efforts to contact the faculty member who assigned the disputed grade for the purpose of engaging in a meaningful dialogue about the basis for the disputed grade.
 - ii. The Chief Instructional Officer (CIO) shall assign a faculty member other than the one who assigned the disputed grade to participate in the dialogue with the Grievant if one of the following occurs:

- A. The instructor who assigned the disputed grade, in the reasonable judgment of the applicable school dean and after reasonable notice of the request has been provided to that instructor, is unavailable or unwilling to confer about the disputed grade with the Grievant.
 - B. The Grievant has filed a complaint with the District alleging unlawful discrimination against the instructor who assigned the disputed grade, in the manner required by applicable District processes, and the discrimination complaint either remains unresolved or the District has already judged it to be meritorious at the time the Grievant submitted the Grade Review Petition.
 - C. The CIO reasonably determines that it is probable that the faculty member who assigned the disputed grade has engaged in gross misconduct in the assignment of that disputed grade.
 - iii. Any replacement instructor assigned by the CIO to engage in a dialogue with the Grievant in place of the instructor who assigned the disputed grade must have taught the course in which the disputed grade was assigned at the District within the three-year period prior to the filing of the Grade Review Petition. If no replacement instructor is qualified or available, the CIO may waive the Grievant's obligation to engage in the dialogue process.
- c. Hearing by a Panel of the Academic Review Committee
 - i. If the Grievance is not resolved through informal dialogue, or if the CIO has waived the requirement that such informal resolution be pursued, the Grade Review Petition shall be adjudicated by a panel of three members of the Academic Review Committee, including two faculty and one student, following an in-person hearing. The Chair of the Academic Review Committee shall appoint the faculty panelists to the panel and designate one as Panel Chair. In appointing faculty panelists, the Chair of the Academic Review Committee shall attempt to appoint members who are likely to be available for the expeditious resolution of the petition, while (1) avoiding the appointment of a person with a known and actual, or reasonably possible, conflict-of-interest and (2) seeking a reasonably proportional distribution of panel appointments throughout an academic year. The CSSO or designee shall appoint the student panelist from the Academic Review Committee members.
 - ii. All Academic Review Committee members appointed to a panel that will consider a Grade Review Petition submitted by a Grievant with whom that appointee has a relationship that could reasonably cause a fair-minded person to doubt their ability to be impartial shall decline the appointment as soon as possible in the process. In addition, a Grievant

may object, no later than the beginning of the formal hearing, to the appointment of a panelist based on an actual conflict-of-interest or upon facts which may cause a reasonable person to question the panelist's ability to objectively consider the matter. The Panel Chair must sustain an objection to a faculty panelist when it has been established that the Grievant had been on a class roster (after the census date) of a class that the faculty panelist to whom the Grievant has objected had taught. When the Panel Chair sustains an objection to a panelist, the panel hearing shall be postponed and a replacement panelist shall be appointed, either by the Academic Review Committee Chair, in the case of a faculty panelist, or the CSSO or designee, in the case of a student panelist, as quickly as possible.

- iii. The Academic Review Committee and the Office of Student Services shall work together to schedule hearings on Grade Review Petitions, with Student Services bearing the administrative responsibility of notifying the Grievant and the faculty member who assigned the disputed grade of the date, time, and location of the hearing on the appeal. A Grievant who fails to attend the hearing shall forfeit the claims in the petition and any further challenge to the final grade at issue.
- iv. A Student Services representative shall attend Academic Review Committee hearings in person as an official representative of the District. Both the Grievant and, if in attendance, the faculty member who assigned the disputed grade, shall have the right to present relevant evidence at the hearing relating to the alleged Mistake, Bad Faith, Fraud, or Incompetence, including, but not limited to, oral testimony of themselves or other percipient witness, documentary evidence, video/audio materials, and any other forms of permitted evidence. Each Party shall have the right to comment upon the evidence.
- v. The District shall not bear the burden of ensuring the attendance of witnesses at the hearing. Instead, each Party shall be responsible for procuring the attendance of witnesses, if any, whose testimony the Party seeks to utilize.
- vi. The Academic Review Committee shall not be required to follow any formal rules of evidence but shall endeavor to employ fair evidentiary standards and to apply those standards similarly to evidence submitted by any Party. When evaluating the credibility of testimony of the faculty member who assigned the disputed grade, the Academic Review Committee may consider and give weight to the faculty member's subject matter expertise, experience as an educator, and status as a District employee tasked with the fair and equitable assessment of student learning.
- vii. The Grievant shall, at all times, bear the burden of satisfying the Burden

of Proof by establishing that the disputed final grade was improper due to Mistake, Bad Faith, Fraud, or Incompetence.

- viii. Hearings on a Grade Review Petition shall be closed to the public. However, the Grievant may be accompanied at the hearing by one other person of the Grievant's choosing ("Student Advisor") and the faculty member who assigned the disputed grade may be accompanied by a member of the campus community of the faculty member's choosing ("Faculty Advisor"). Neither the Student Advisor nor the Faculty Advisor may directly participate in or disrupt the proceedings. The Panel Chair shall have discretion to terminate the hearing if either third party attempts to participate in, or otherwise disrupts, the hearing. A Grievant must notify Student Services of their intent to invite a Student Advisor to the hearing no later than two calendar days before the hearing or the Panel Chair may bar the Student Advisor from the hearing.
- ix. Materials related to the hearing, including electronic recordings of the proceedings, may not be released to the Grievant or to any other individual or group. In accordance with FERPA the Grievant may submit a written request to the Office of Student Services to inspect and review the materials. The request must be made no less than one week in advance.

d. Academic Review Committee's Resolution of a Grade Review Petition

- i. Grade Review Petitions may only be resolved by a panel of the Academic Review Committee if all three appointed panelists have participated in the decision-making process.
- ii. Within one week after the hearing concludes, the Panel Chair shall deliver to the Grievant, the faculty member who assigned the disputed grade, and the CSSO, via District-provided email, a written decision either rejecting or affirming the allegations in the Grade Review Petition of Mistake, Bad Faith, Fraud, or Incompetence. The written decision need not be lengthy but shall provide a reasonably detailed explanation of the evidence upon which the decision is based.
- iii. If the Academic Review Committee directs a change in a final grade, the CSSO or designee shall ensure that all necessary records are changed to implement the Academic Review Committee's decision.
- iv. The Academic Review Committee's decision on the Grade Review Petition shall be final.

4. Procedures for Grievances Other Than Those About Final Grades

a. General Principles

- i. A Grievant may initiate a Grievance allowed by this procedure, other than one about final grades, by submitting a "Request for Grievance Hearing"

to the Office of Student Services, upon a form that the Office of Student Services shall make available for that purpose. Through the Request for Grievance Hearing Form, the Grievant shall provide the District with written details regarding the Grievance, including the time, place, nature of the complaint, and the remedy or corrective action requested. If a Grievant contends that a specific District policy, procedure, or rule has been violated, the Grievant should identify the policy, procedure, or rule to the best of their knowledge. The Grievant may also provide any other relevant information and documentation in support of the Grievance.

- ii. The Request for Grievance Hearing Form must be submitted within one hundred twenty (120) days after the occurrence of the incident giving rise to the Grievance; or one hundred twenty (120) days after the Grievant learns, or reasonably should have learned, that the Grievant has a basis for filing a Grievance. A Grievant who fails to submit a Request for Grievance Hearing Form within the time limit forfeits the Grievance. The requirement that a Grievant also pursue an informal resolution of the Grievance, as required by this procedure, does not extend the time limits for submitting the Request for Grievance Hearing Form.
- iii. A Grievant may appeal the forfeiture of a Grievance due to untimeliness only to the Grievance Officer who shall have sole discretion for granting relief from the forfeiture. A Grievant requesting relief from forfeiture of a Grievance must submit to the Grievance Officer sufficient documentation establishing extenuating circumstances justifying the untimely Request for Grievance Hearing Form. Documentation of extenuating circumstances may include, but are not limited to, verifiable medical records, accident reports, court records, military records, and letters from lawyers, doctors, employers, etc.
- iv. The Grievance Officer shall provide a copy of the Request for Grievance Hearing Form to the Respondent or Respondents within ten (10) days of receipt of the Grievance, or as soon thereafter as practicable.

b. Informal Grievance Resolution

- i. Before the Grievance Officer schedules a hearing by the Student Conduct and Grievance Committee to consider a Grievance, a Grievant shall make a reasonable effort, in good faith, to resolve the Grievance on an informal basis with the Respondent, or, if that person is not reasonably available to consider the matter, that person's immediate supervisor.
- ii. Specifically, the Grievant(s) shall, if appropriate, request a meeting about the issue(s) with the Respondent, or as necessary and permitted by this procedure, with the Respondent's immediate supervisor and/or the appropriate college administrator.
- iii. The Grievance Officer shall undertake reasonable efforts to mediate an

informal resolution of the Grievance between the Parties by, among other things, gathering and review pertinent information, records and documentation

- iv. The Grievant shall maintain communication with the Grievance Officer regarding the status of the effort to reach an informal resolution of the Grievance. If the Grievant cannot informally resolve the Grievance in a reasonable time, the Grievant shall notify the Grievance Officer, who shall thereafter inform the Grievant of their rights and responsibilities under this procedure and provide further instructions for submitting the Grievance to the Student Conduct and Grievance Committee.

c. Student Conduct and Grievance Committee:

- i. The Grievance Officer shall identify one of the faculty members of the Student Conduct and Grievance Committee to serve as committee chairperson. Three members of the above committee shall constitute a quorum for the conduct of any Grievance hearing. All members are entitled to one vote on all matters related to a Grievance or committee operating procedures.
- ii. No person shall serve as a member of a Student Conduct and Grievance Committee if that person has been personally involved in any matter giving rise to the Grievance, has made any public statement on the matters at issue, or could otherwise not act in a neutral manner. A Party may request removal of any member of the Student Conduct and Grievance Committee for cause prior to the beginning of the hearing by submitting a written challenge to the Grievance Officer, who shall have sole discretion to determine whether cause for disqualification has been shown. If the Grievance Officer concludes that sufficient grounds for removal of a member of the Student Conduct and Grievance Committee have been presented, the Grievance Officer shall notify the challenged member and ask that a replacement be made according to the process provided in this procedure.
- iii. The Grievance Officer shall attend all hearings held by the Student Conduct and Grievance Committee, but shall not serve as a committee member, vote on any matter presented to the committee, nor assume the role of advocate for any Party. The Grievance Officer shall coordinate all scheduling of hearings and provide other reasonable and necessary assistance to all Parties and the Student Conduct and Grievance Committee for the purpose of conducting a full, fair, and efficient resolution of the Grievance.

d. Scheduling a Grievance Hearing

- i. The Grievant has a right to request that the Grievance Officer schedule a hearing before the Student Conduct and Grievance Committee after

demonstrating that the matter has failed to be informally resolved after informal resolution has been attempted as required by this procedure. The Grievant may request that any relevant information and documentation be made available at a hearing. The information requested shall be provided in such a way that it does not violate the privacy rights of others.

- ii. The Student Conduct and Grievance Committee shall determine, before a hearing is convened to consider the Grievance, whether the Request for Grievance Hearing is actionable, i.e., whether it offers a sufficient basis for conducting a hearing before the Student Conduct and Grievance Committee. A sufficient basis exists if the following are true:
 - A. The statement contains facts which, if true, would constitute a Grievance under these procedures;
 - B. The Grievant is a Student as defined herein;
 - C. The Grievant is personally and directly affected by the alleged Grievance;
 - D. The Grievance was filed in a timely manner;
 - E. The Grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.
- iii. If the Request for Grievance Hearing, along with any other evidence reasonably available to the District relevant to the Grievance, does not demonstrate satisfaction each of the requirements, the Student Conduct and Grievance Committee chair shall notify the Grievance Officer of the rejection of the Request for a Grievance Hearing, in writing and within ten (10) days of the Student Conduct and Grievance Committee's decision. The Grievance Officer shall promptly notify the Grievant of the Student Conduct and Grievance Committee's decision and provide information regarding the Grievant's right to appeal.
- iv. If the Request for Grievance Hearing satisfies each of the requirements, the Grievance Officer shall schedule a Grievance hearing. The hearing shall, whenever practicable, begin within fifteen (15) days following the decision to grant a Grievance hearing. All Parties to the Grievance shall be given not less than ten (10) days' notice of the date, time and place of the hearing.

e. Formal Hearing Procedure

- i. The Grievance Officer shall ensure that all documentation and other evidence relevant in the Grievance Officer's possession and relevant to the Grievance is made available at the hearing to the Parties and the Student Conduct and Grievance Committee, in such a way that it does not violate the privacy rights of others.

- ii. The decision of the Student Conduct and Grievance Committee chair shall be final on all procedural matters relating to the conduct of the hearing unless there is a vote of a majority of the members of the panel to the contrary.
- iii. Each Party to the Grievance may represent themselves and also have the right to be represented by a person of their choice; except that a Party shall not be represented by an attorney unless, in the judgment of the Student Conduct and Grievance Committee, complex legal issues are involved. If a Party wishes to be represented by an attorney, a request must be presented not less than 10 days prior to the date of the hearing. If one Party is permitted to be represented by an attorney, any other Party shall have the right to be represented by an attorney. The Student Conduct and Grievance Committee may also request that the CEO authorize legal assistance to the committee itself. Any legal advisor provided to the Student Conduct and Grievance Committee may attend the hearing in an advisory capacity but shall not be a committee member nor vote.
- iv. Hearings shall be closed and confidential unless all Parties request that it be open to the public. Any such request for a public hearing must be made no less than two (2) days prior to the date of the hearing.
- v. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all Parties and the Student Conduct and Grievance Committee agree otherwise.
- vi. The hearing shall be recorded by the District. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. The hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The recording shall remain in custody of the District at all times, unless released to a professional transcribing service. Upon request, the complainant and/or respondent shall be provided with a copy of the recording.
- vii. All witnesses must testify under oath or affirmation administered to the witness by the chair of Student Conduct and Grievance Committee. The Student Conduct and Grievance Committee shall only admit written statements of those witnesses who, to the satisfaction of the Student Conduct and Grievance Committee chair, are determined to be unavailable to testify live at the hearing for reasonable reasons if those written statements have been signed and dated under penalty of perjury under the laws of the State of California. The Student Conduct and Grievance Committee chair shall deem a witness who refuses to be tape-recorded to be reasonably unavailable to testify live at the hearing.

- viii. When the presentation of evidence is concluded, the Student Conduct and Grievance Committee shall deliberate in a private meeting exclusive of all persons not members of the committee. The deliberations shall not be recorded. Only members of the Student Conduct and Grievance Committee who were present throughout the hearing, other than approved breaks, may deliberate and vote on the Student Conduct and Grievance Committee's findings and decision.
- f. Findings of the Student Conduct and Grievance Committee
 - i. Within twenty (20) days following the close of the hearing, the Student Conduct and Grievance Committee chair shall prepare and send a written decision to the Grievant(s), Respondent, and Grievance Officer.
 - ii. The decision shall include specific factual findings regarding the Grievance and specific conclusions regarding whether a Grievance has been established considering the Standard of Proof.
 - iii. The decision shall also include a specific recommendation regarding the relief to be afforded the Grievant, if any.
 - iv. The decision shall be based only on the record of the hearing, and not on matters outside of that record.
 - v. The record shall consist of the original Request for Grievance Hearing, any written response, and the oral and written evidence produced at the hearing.
 - g. Appeal of Denial of Grievance Hearing
 - i. A Grievant may appeal a determination that the Request for Grievance Hearing is not actionable under this procedure, and therefore no hearing shall be conducted, in writing to the CEO within ten (10) days following the Grievant's receipt of notice of the decision.
 - ii. The CEO shall review the Request for Grievance Hearing, using the standards for an actionable Grievance set forth in this procedure, but shall not consider any other matters. The CEO's decision to grant or deny a grievance hearing shall be final and not subject to further appeal.
 - h. CEO Decision on Appeal
 - i. Within ten (10) days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the CEO shall send to all Parties a written decision on the appeal, together with the Student Conduct and Grievance Committee's decision and recommendations.
 - ii. The CEO may accept or reject the findings, decisions, and recommendations of the Student Conduct and Grievance Committee. The factual findings of the Student Conduct and Grievance Committee shall be accorded great weight; and if the CEO does not accept the

decision or findings or recommendation of the Student Conduct and Grievance Committee, the CEO shall review the record of the hearing and prepare a new written decision which contains specific factual findings and conclusions.

iii. The decision of the CEO shall be final.

i. Time Limits

Any timing requirements specified in these procedures may be altered upon mutual agreement by all Parties.

Reviewed by CPC: 02/23/26