



STUDENT GRIEVANCE PROCEDURES

A grievance may arise out of a decision reached or an action taken by a member of the faculty, staff, or administration of Golden West College. A **grievable action** is an action that is alleged to be in violation of federal or state law, a violation of an applicable district/college policy or procedure, or that constitutes arbitrary, capricious, or unequal application of written policies or procedures. The purpose of the student grievance procedure is to provide an impartial review process and to ensure that the rights of students are properly recognized and protected. **Note: Sexual harassment complaints are handled under a separate grievance process.**

Students wishing to express concerns or explore the college's grievance procedure may seek assistance from one of the following offices:

1. Vice President of Student Services or Vice President of Instruction
2. Student Activities Director
3. Student Advocate
4. College Grievance Officer
5. Director of Disabled Student Services

These resource persons are made available to explain college grievance procedures to students and to make the appropriate forms available.

Definition of Terminology

Student – A person enrolled in any course, lecture series or workshop offered under the auspices of the college, or it may also be a person formerly enrolled who is in the process of pursuing a grievance.

College Employee – Administrator, manager, faculty, classified or student employee of the college, against whom a complaint has been lodged.

Grievance – A grievance means a complaint written on the Student Grievance Form, filed by one or more students, which alleges a grievable action.

Grievable Action – An action that is alleged to be in violation of federal or state law, a violation of an applicable district/college policy or procedure, or that constitutes arbitrary, capricious, or unequal application of written policies or procedures.

Grievant – The student who alleges that he or she has been treated unfairly.

Working Day – A working day is any day during a regular semester in which the college is open for business, excluding weekends and holidays.

Supervisor – That person charged with the responsibility and authority for job assignment and evaluation of the college employee.

Student Advocate – The elected officer of the Associated Students of Golden West College who has the responsibility to advise, if requested, a student who alleges he or she has been treated unfairly.

Division Dean – The instructional administrator responsible for the discipline in which a specific course is offered.

Limitations Period – Grievances will be permitted only through the end of the sixth week of the semester following the semester or summer session in which the alleged incident occurred.

Campus Advisor – A current student or employee of the Coast Community College District who accompanies one of the parties in the grievance process and provides advice to that party at the hearing before the Grievance Hearing Committee.

Stage One – Informal Problem Resolution

When a student has a complaint about an employee, the student should make every effort to meet with the employee to resolve the complaint. If the student is unwilling to meet alone with the employee, the student is encouraged to use the services of the Student Advocate or a campus advisor for this meeting, or at any point during the informal resolution level or the formal grievance stage of the process. If a satisfactory resolution is not achieved with the employee, the student must proceed to the immediate supervisor of the college employee against whom the complaint is being lodged in an effort to resolve the issue. If the complaint is against a faculty member, the immediate supervisor will be the Division Dean. The student should confirm with either the Vice President of Student Services or the Vice President of Instruction or the College Grievance Officer as to the appropriate supervisor; or if the violation relates to a college policy or procedure, how to proceed further. Disability related complaints should be directed to the Office of Disabled Student Services.

The supervisor will discuss the issue with the student and the college employee involved, either individually or collectively, in an effort to resolve the issue.

Note: By law, the instructor is solely responsible for the grades he/she assigns. No instructor may be directed to change a grade except in certain narrow circumstances authorized by Education Code Section 76224(a), “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.”

If the complaint cannot be mutually resolved at the informal problem resolution level, then the student may file a written grievance by completing the Student Grievance Form and filing it with the College Grievance Officer within the limitations period.

Stage Two – Administrative Review of the Complaint

Upon receipt of the written and signed Student Grievance Form, the College Grievance Officer shall promptly forward a copy to the person against whom the complaint has been lodged and the person’s supervisor. Upon the receipt of the complaint, the College Grievance Officer will make an inquiry into the merits of the complaint for the purpose of screening out false and unfounded allegations. Reasonable attempts will be made to contact the parties concerned, either individually or collectively, in order to resolve the issue. In the event the complaint is against the College Grievance Officer, or in the instance where the Grievance Officer has been the supervisor in stage one, the grievance will be handled by either the Vice President of Student Services or the Vice President of Instruction.

Within twenty (20) working days, the College Grievance Officer shall make a good faith effort to return a written decision to the student who filed the grievance, indicating the resolution with any recommended action. Copies of this decision shall be given to the college employee against whom the complaint has been lodged and the supervisor of that employee.

The College Grievance Officer may determine any one of the following actions:

1. That no future action is necessary nor will the complaint prejudice in any way the individual’s employment status as a member of the college staff.
2. A recommendation that there be some type of action or remediation. In such a case, the written recommendation will be forwarded to the person deemed appropriate for the consideration and/or implementation of the recommendation.

Stage Three – Request for Review by the Grievance Hearing Committee

If the grievant is dissatisfied with the decision of the College Grievance Officer, he/she may, within five (5) working days of the receipt of the decision, file a written request to either the Vice President of Student Services or the Vice President of Instruction to review.

- 1) The Vice President may uphold the ruling of the grievance officer and deny hearing on the basis that the grievance is without merit.
- 2) The Vice President may recommend that a hearing committee be convened.

Grievance Hearing Committee Composition

The Hearing Committee shall be composed of one (1) faculty member, one (1) classified employee, one (1) student, and one (1) manager who will serve as the chairperson. If the grievance is against an instructor, the Hearing Committee will be augmented by one (1) additional faculty member. If the grievance is against a classified employee, one (1) additional classified member will be added. The selection process for the Grievance Hearing Committee is as follows.

1. The manager will be chosen from those employees employed as managers in the College at the time of the hearing.
2. The faculty member(s) will be chosen from a list of at least ten (10) faculty selected each year by the Academic Senate.
3. The classified staff member(s) will be chosen from a list of at least 10 (10) classified employees recommended each year by the Classified Connection to the United Federation of Classified Employees (U.F.C.E.)
4. The student will be chosen from a list of no fewer than (20) student names submitted each semester by the President of the Associated Students of Golden West College.
5. The panel shall be selected by either the Vice President of Student Services or the Vice President of Instruction. Either the Vice President of Student Services or the Vice President of Instruction shall provide the names of the Grievance Hearing Committee members to the student and to the employee against whom the grievance is lodged five (5) working days prior to the scheduled hearing date.
6. The panel shall not include any person who was a participant in any events leading to the grievance, nor shall it include any person who has had a past association with the grievant, or any other party to the hearing which could impede the individual's ability to act in a fair and impartial manner.
7. The student or the employee against whom the grievance is lodged shall have the opportunity to challenge any member of the committee on the basis that the member was a participant in the events from which the grievance arose; or, the member has had a past association with the grievant or any other party to the hearing which could impede that member's ability to act in a fair and impartial manner. The challenge must be submitted in writing to the Vice President who

elected the panel at least three (3) days prior to the scheduled hearing date. The written challenge must include the specific reasons for the challenge. If the Vice President upholds the challenge, he/she will replace the challenged member(s) with any available person(s) of the same category (manager, faculty, classified staff, student).

Grievance Hearing Committee Process

The Grievance Hearing will be scheduled within fifteen (15) working days of the request for review. The process for the hearing shall be as follows:

1. All members of the Hearing Committee must be present to hear testimony and to consider recommendations. (Should one or more committee members not appear at the scheduled time, the committee will wait 15 minutes and then proceed without the members, assuming that a quorum of the committee is present.)
2. Should the student be more than 15 minutes late, the committee shall deny the grievance.
3. All members of the Hearing Committee will sign a Statement of Confidentiality to ensure that the information heard, the evidence reviewed, and the recommendations made will remain confidential. The statement will include a declaration that the member will act in a fair and impartial manner.
4. All information in the possession of the College Grievance Officer that concerns the formal grievance shall be provided to the Hearing Committee by the Grievance Officer.
5. The Hearing Committee shall discuss issues, hear testimony, examine witnesses and consider all relevant evidence pertaining to the grievance.
6. Arguments about legal validity or constitutionality of the college policies or procedures will not be entertained by the Hearing Committee.
7. Attendance at the hearing shall be limited to the Hearing Committee, the College Grievance Officer, and the active parties in the grievance. The grievant and the employee involved have the right to question witnesses. Both parties have the right to have a campus advisor present during the hearing. The campus advisor may not address the Hearing Committee, examine witnesses, or in any other way participate in the hearing. Witnesses will be present only while testifying. (Should a witness be more than 15 minutes late, the committee shall proceed, without the witness.)
8. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence, as judged by the Hearing Committee, shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

9. The Hearing Committee shall judge the relevance and weight of evidence and make its findings of fact. No evidence other than that received at the hearing shall be considered by the Hearing Committee.
10. Following presentation of evidence, the Hearing Committee shall privately consider the evidence and prepare a written report of its recommendation and deliver the same to either the Vice President of Student Services or the Vice President of Instruction. The report, which shall be submitted to the Vice President within five (5) working days of the date of the hearing, shall include the following:
 - a. A summary of the facts as found by the Grievance Hearing Committee.
 - b. A recommendation that the decision of the College Grievance Officer should be upheld, or
 - c. A recommendation that the decision of the College Grievance Officer should be amended and the amendments specified, or
 - d. No further action is necessary. The issue has been resolved or found to be unsubstantiated.
11. A tape recording made of the proceedings shall be submitted by the Hearing Committee and kept in a confidential file by either the Vice President of Student Services or the Vice President of Instruction and shall be maintained for at least one year after which time it will be erased. Upon request, either party to the grievance may listen to all or portions of the tape.

Final Action

The Vice President shall review the report of the Hearing Committee and may clarify it with one or more members of the Committee. The Vice President may uphold, reverse, or modify the recommendations of the Hearing Committee. The decision of the Vice President and a copy of the Hearing Committee report will be delivered to the grievant, the employee against whom the grievance was filed, and the College Grievance Officer. This ends the student grievance process.

Technical Departures From This Policy

Technical departures from this procedure and errors in their applications shall not be grounds to void the college's right to make and uphold its determination unless, in the opinion of the chancellor, or designee, the technical departure or error prevented a fair determination of the issue.

FOR OFFICE USE ONLY

Received by: _____ Date: _____
college representative

Received by grievance officer Date: _____

Closed and filed Date: _____

**GOLDEN WEST COLLEGE
STUDENT GRIEVANCE FORM**

A grievable action is an action that is alleged to be in violation of federal or state law, a violation of an applicable district/college policy or procedure, or that constitutes arbitrary, capricious, or unequal application of written policies or procedures.

To be completed by Student:

1. Name of Student: _____

Address: _____
(City) (Zip)

Student I.D.: _____ Telephone: _____ Work: _____

If more than one student is filing a grievance, list all student names and student I.D. numbers. Each student must submit individual grievance forms.

2. Date/Semester in which complaint arose: _____

3. Type of Grievance: Circle appropriate letter(s) and check category(s)

(On the next page you will be requested to complete a detailed description of the facts related to this complaint and the remedy you are seeking – If more than one type of grievance occurred a separate form must be completed for each alleged type of grievance claimed.)

A. Discrimination:

____ Age ____ Disability ____ Gender ____ Race ____ Religious Orientation

B. Violation of Civil Rights

C. Challenge of Educational Records

D. Violation of Student Right to Record Privacy

E. Grade: ____ mistake ____ fraud ____ bad faith ____ incompetency

4. Concise statement of complaint:

5. Informal conference held with college employee against whom the complaint is being lodged:

Yes ____ No ____ Date Conference Occurred _____

Outcome of the informal conference, or, if there was no conference, the reason why: _____

6. Informal conference held with supervisor of employee against whom the complaint is being lodged:

Yes ____ No ____ Date Conference Occurred _____

Outcome of the informal conference: _____

I believe that I have pursued all the necessary steps in order to resolve my complaint on an informal basis and consider the issue of sufficient concern to file a written grievance with college officials.

Signature of Student

Description of Grievance and Requested Remedy - Name _____

Date _____

Type of Grievance: _____ *see note

*Note: If you checked more than one type of grievance on the previous page, a separate form must be completed for each type of grievance alleged. You may make additional copies of this page and attach them to this form.

1. Describe the circumstances and all relevant facts giving rise to the complaint:
(What occurred, who was involved, when did this happen, where did this happen, who else witnessed this event)

2. Statute, regulation or college policy/procedure which allegedly has been violated:

3. Specific Relief/Remedy Desired: _____

4. List all documents which should be reviewed:
(Attach legible copies or state where originals may be obtained)

5. List any individuals that should be contacted regarding this matter: (include contact information)

OFFICE USE ONLY

Disposition of
Grievance: _____

Date of Response: _____