

HARTNELL COMMUNITY COLLEGE DISTRICT

AP 5530 Student Rights and Grievances

References Education Code Section 76224(b) Title IX, Education Amendments of 1972

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedures shall include, but not be limited to, grievances regarding:

- x Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972
- x Sexual harassment
- x Financial aid
- x Illegal discrimination

Course grades, to the extent permitted by Education Code Section 76224(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." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors.

The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

This procedure does not apply to:

- x Student disciplinary actions, which are covered under separate Board policies and Administrative Procedures.
- x Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

Definitions:

Party— The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. It shall not include the Hearing Panel or the Director of Student Affairs

President/Superintendent— The Superintendent/President or a designated representative of the Superintendent/President

Student— A currently enrolled student, a person who filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint

- x It shall include one (1) student, one (1) instructor, and one (1) college administrator selected from the panel described above.
- x No person shall serve as a member of a Hearing Panel if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the Superintendent/President who shall determine whether cause for disqualification has been shown. If the Superintendent/President feels that sufficient ground for removal of a member of the committee has been presented, the Superintendent/President shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.

If the Request for a Hearing Panel satisfies each of the requirements, the Director of Student Affairs shall schedule a grievance hearing. The hearing will begin within ten (10) days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than five (5) days' notice

the Hearing Panel