PALO VERDE COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE PROCEDURE 5530

Student Rights and Grievances

Reference: Title IX, Education Amendments of 1972; Education Code Section 76224(a)

Purpose:
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.

This student grievance procedure is not to be used where other procedures are required for the resolution of specific categories of student complaints or appeals such as the following:

Harassment or Discrimination Complaints - See BP/AP 3430
Grade Changes - See BP/AP 4231
Student Disciplinary Actions - See BP/AP 5500

Student concerns with existing college policy or practices are excluded from this complaint procedure and should be brought to the attention of the appropriate college committee or administrator.

This procedure also does not apply to 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. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.

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

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(a) that are addressed in BP/AP 4231.

Respondent. Any person claimed by a grievant to be responsible for the alleged grievance.

Day. Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

Informal Resolution:
Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem

with the person with whom the student has the grievance, that person's immediate supervisor, or the local college administration.

The Superintendent/President shall appoint an employee who shall assist students in seeking resolution by informal means. The [Vice President of Student Services] shall be the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a grievance informally. In the event the grievance involves the Vice President of Student Services, the student may seek the

The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.
Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant or grievants shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant or grievants to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

Each party to the grievance may represent himself or herself, and may also have the right to be represented by a person of his or her choice; except that a party shall not be represented by an attorney unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than five (5) 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 hearing committee may also request legal assistance through the Superintendent/President's Office. Any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than five (5) days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.

The hearing shall be recorded by the Grievance Officer either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the Grievance Hearing Committee 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 tape recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any party may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the Grievance Hearing Committee Chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded shall be considered to be unavailable.

Within three (3) days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the Superintendent/President a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that

record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

Superintendent/President's Decision:
Within five (5) days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the Superintendent/President shall send to all parties his or her written decision, together with the Hearing Committee's decision and recommendations. The Superintendent/President may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight; and if the Superintendent/President does not accept the decision or a finding or recommendation of the Hearing Committee, the Superintendent/President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Superintendent/President shall be final, subject only to appeal as provided below.

Appeal:
Any appeal relating to a Grievance Hearing Committee decision that the Student Grievance Form does not present a grievance as defined in these procedures shall be made in writing to the Superintendent/President within five (5) days of that decision. The Superintendent/President shall review the Grievance Form and the request for grievance hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The Superintendent/President's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

Time Limits:
Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

The “Student Grievance Form” is attached.

(Formerly PVC Administrative Regulation 5340)

11/5/08 College Council Approval
11/18/08 Board First Read
12/9/08 Board Second Read and Approval

PALO VERDE COLLEGE
STUDENT GRIEVANCE FORM

[PURSUANT TO BOARD POLICY/ADMINISTRATIVE PROCEDURE 5530]

Prior to completing this form, please review the applicable policy and procedure to ensure this is the appropriate form for your specific grievance. This form should not be used where other policies are applicable for the resolution of specific categories of student complaints or appeals such as complaints relating to harassment or discrimination or inquires regarding course grades.

The section below to be completed and signed by Student,
and submitted to the Grievance Officer (Vice President of Student Services)

Student's Name: _____ Date: _____

Specific nature of grievance: _____

_____

Rationale (support your reasons for this grievance including time and place of event, name of individual involved, and names of witnesses):

_____

_____

_____

_____

Suggested Resolutions (in order of preference):

1. _____

2. _____

3. _____

Date of Informal Resolution Meeting: _____

Student Signature: _____

After submission of this form to the Grievance Officer,
The form will be forwarded to Respondent to complete this section.

Response/Resolution proposed by Respondent:

_____

_____

_____

Date: _____ Respondent's Signature: _____

(If additional space is needed, please attach needed page(s) to this form.)