



8. Absence of the Student and/or the Administrator: If the student and/or the Administrator do not appear and no satisfactory explanation for the absence is made at the earliest opportunity, or if the student and/or the Administrator leave the hearing before its conclusion, the hearing shall proceed without the absent party, and the Committee shall reach a decision based on the evidence presented.
9. Conclusion: First the student and then the Administrator shall be afforded the opportunity to make or waive a closing argument. The Committee shall retire to deliberate with all of the members of the Committee present and may include the legal advisor when appropriate. The Committee shall reach its decision based only upon the record of the hearing and shall not consider matters outside of that record. Within five (5) days of the hearing, the Chairperson shall deliver to the Vice President of Student Services, or designee, the student, and the Administrator, their written decision arrived at by a simple majority of the Committee. The Appellate Committee's notification of their decision to the student and the Administrator will be made by email through the Advocate system within fifteen (15) days of the hearing date. The Appellate Committee is deemed to have mailed such letter on the date so declared.
10. The student may include a written statement or response concerning the disciplinary action for inclusion in the student's record.
11. Any disciplinary action in connection with any alleged sexual assault or physical abuse, or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within ten (10) days of the results of the disciplinary action and the results of any appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

All materials distributed to the Appellate Committee will be collected and destroyed.

The decision of the Appellate Committee is binding on all parties.

G. Appeal to the Superintendent/President

Either the student or the Administrator may appeal the decision of the Appellate Committee to the Superintendent/President by filing an appeal with the Superintendent/President. Any such appeal shall be made in writing and either mailed, postmarked evidencing the date of such mailing, or hand-delivered, received and receipted by the Superintendent/President within ten (10) working days of the mailing of the decision by the Committee and shall state specifically the grounds for appeal. Appeal shall be based only on the record of the Appellate Hearing. Both the student and the administrator may submit written statements on appeal. No personal appearances will be made before the Superintendent/President. The decision will be based upon the record.

The Superintendent/President shall report his/her decision to all relevant parties including the Board of Trustees within fifteen (15) working days of receiving the appeal request. The Superintendent/President's notification of his/her decision to the student will be by United States Mail, or

other common carrier, which shall include a Certificate of Mailing. The Superintendent/President is deemed to have mailed such letter on the date so declared.

H. Appeal to the Board of Trustees

Either the student or the Administrator may appeal the decision of the Superintendent/President to the Board of Trustees by filing an appeal with the Superintendent/President. Any such appeal shall be made in writing and either mailed, postmarked evidencing the date of such mailing, or hand-delivered, received and receipted by the Superintendent/President within ten (10) working days of the mailing of the decision by the Superintendent/President and shall state specifically the grounds for appeal. Any appeal shall be based only on the record of the Appellate Hearing. Both the student and the Administrator may submit written statements on appeal. No personal appearances will be made before the Board of Trustees. The decision will be based upon the record.

The Board of Trustees shall consider appeals at any regularly scheduled public meeting held within thirty (30) working days of receipt of the appeal by the Superintendent/President.

The Board of Trustees shall consider the matter in closed session. Before calling such an executive session, the Board of Trustees shall, in writing, by registered or certified mail, notify the student and the Administrator of the intent of the Board of Trustees to call and hold such executive session. The final action of the Board of Trustees shall be taken at a public meeting and the result of such action shall be a public record.

The Board of Trustees' review shall be limited to the record of the Appellate Hearing, and the decision of the Superintendent/President. The Board shall not consider any evidence outside the record.

The Board of Trustees' review shall be limited to the record of the Appellate Hearing, and the decision of the Superintendent/President. The Board shall not consider any evidence outside the record.

The Board of Trustees' action shall be final and binding on all parties.

AP 5530 Student Grievance and Due Process Procedures

Please reference the MSJC web site under "Student Conduct" for any updates and revisions to this policy.

Reference:

Title IX, Education Amendments of 1972; Education Code Section 76224(a); ACCJC Accreditation Eligibility Requirement 20; ACCJC Accreditation Standard IV.d

Statement of Philosophy

The Mt San Jacinto Community College District believes that all students shall be afforded fair and equitable treatment in the



application of all district procedures and regulations. Students who claim that there has been a violation or misapplication of the procedures or regulations set forth in the college catalog, board policies, or operating procedures of the college district, or who claim misapplication or denial of student due process may make a complaint and, if necessary, file a grievance.

The Mt. San Jacinto College Student Rights and Grievances procedures are provided as a means for students to resolve complaints and grievances in an expeditious and fair manner, as well as to educate students in constructive approaches to problem and conflict resolution. It is the policy of the Board of Trustees that there shall be no harassment of or retaliation towards students who file a complaint or grievance, toward the subject of the grievance, or toward those who participate in the process. All proceedings held in accordance with these procedures shall relate to a specific complaint or grievance, with an identified remedy or solution. Nothing in the district procedures prevents the grievant or subject of the grievance from appealing to the Board of Trustees.

Section I: Definition of Terms

- **Complaint**—A charge that may refer to an alleged misapplication of classroom procedures, an alleged disagreement in personal interactions, or an informal-level charge which alleges a violation or misapplication of the procedures or regulations set forth in the college catalog, board policies, or operating procedures of the college district or instructional procedures, or specific provisions of applicable federal or state law or applicable college district policy, or claims misapplication or denial of student due process.
- **Complainant** – A student who alleges that they have been personally wronged as a result of an alleged violation or misapplication of the procedures or regulations set forth in the college catalog, board policies, or operating procedures of the college district or instructional procedures, or specific provisions of applicable federal or state law or applicable college district policy, and chooses to pursue resolution via an informal process. (See specialized programs exception.)
- **Day** – Unless otherwise specified in this policy, the term “day” shall refer to “working day,” which shall be defined as any day Monday through Friday on which the college offices are open.
- **Decision** – Any final outcome of the Grievance Committee. This includes tie votes or no decision.
- **Grievance** – A formal written charge filed by a student which alleges a violation of one or more specific provisions of applicable federal or state law or applicable college district policy. A grade assigned by an instructor is not a grievable matter, except as outlined in Education Code section 76224(a) which states that “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 incompetence, shall be final.”
- **Grievant** – A student who alleges that he or she have been personally wronged as a result of an alleged violation of applicable federal or state law, applicable district or college policy, or instructional procedures and the allegation utilizing the formal grievance format chooses to pursue.
- **Grievance Committee** – This committee of five members (two students, two faculty or staff and an administrator) hears

grievances filed by students after they have gone through the informal process.

- **Statute of Limitations** – The filing of grievances shall be permitted only through the end of the sixth week of the semester following the semester in which the alleged incident occurred or two weeks following the posting of the grades from the previous semester, whichever is greater. Grievances occurring during the summer shall be handled on a calendar-day basis, and filing of such grievances shall only be permitted through the end of the first week after the end of the summer term.
- **Subject of Complaint or Grievance** – Any individual who is the alleged offending party. Please note: Student on student complaints or grievances will be pursued utilizing the Standards of Conduct process.
- **Supervisor** – An individual having the first line of jurisdiction over a staff member. It could be a supervisor, program coordinator or director, dean, or college administrator.
- **Title IX Officer** – An individual identified by the college to address matters within the federal regulations outlined under Title IX and provides support to students as an unbiased representative relative to gender-equity issues on campus. To contact the Title IX Officer please call (951) 639-5301.
- **Student Advocate** – An individual selected by the student to assist them through the process. This person cannot speak during hearings, but can give guidance and help explain the process as the student works through it.

Section II: Procedures

Part A: General Provisions

The Mt. San Jacinto College Complaint and Grievance Procedures are provided as a means for individual students to resolve specific concerns in an expeditious and fair manner. Another purpose of the procedures is to help all students learn constructive approaches to problem and conflict resolution. Students who need help in understanding the procedures or determining their grievance may contact the Office of the Vice President of Student Services, the Student Government Association (SGA) office, or the Title IX Officer.

The District directs that there shall be no harassment or retaliation towards the grievant, the subject of the grievance, or others participating in the complaint and grievance process (or as a result of filing a complaint or grievance). This process shall take place within a collegial atmosphere and be aimed at conflict resolution.

The District requires that all reports of discrimination, including harassment on the basis of disability, be addressed by the District’s complaint procedure pursuant to California Code of Regulations, Title 5, section 59300 et seq. The District’s procedures for complaints of discrimination may be found on the district website under the student portal. Full discrimination policy and forms are located at the following:

<http://www.msjc.edu/CollegeInformation/Administration/Documents/Discrimination-Policy.pdf>

The District is responsible and has an affirmative duty to respond to complaints of discrimination in a timely manner. The District has identified the Vice President of Human Resources as its



Responsible District Officer. All complaints of discrimination pursuant to section 59300 et seq, will be processed by the Vice President of Human Resources. The address for the Vice President of Human Resources office is as follows:

Vice President of Human Resources

Mt. San Jacinto Community College District

1499 N. State St.

San Jacinto, CA 92583

(951) 487-3156

Students may grieve unfair acts by an employee against a student where the act has a negative impact on the student.

Students may not grieve the following:

Grades except with evidence of:

1. Mistake – unintentional error on the part of the instructor;
2. Fraud – intentional misrepresentation of any or all facts, which lead to a negative outcome;
3. Bad Faith – includes fraud and any other intentional act of the instructor, which negatively impacts the grade of the student;
4. Incompetence – there is evidence that the instructor does not have the knowledge skills and/or abilities to conduct and fairly grade the course. Incompetence is usually pervasive, and not restricted to one student or one incident.

Acts by another student (see Standards of Conduct).

Acts which, though deemed unfair, do not have a specific negative impact on the student. Included among non-grievable issues are situations which are deemed to be petty or to have no significant negative impact upon the student in question.

Acts which affect another student. Only the student affected by an act may file a grievance. A student may not file on behalf of another student.

It is the responsibility of any faculty member (instructor, counselor, or librarian), classified staff member, or administrator who receives a complaint or potential grievance from a student concerning any faculty or staff member to refer the student immediately to the subject of the grievance, except in cases of sexual harassment or discrimination, in which case the student shall be referred to the Office of Human Resources. Any person claiming discrimination based on a disability, including allegations of failure to accommodate, shall be referred to the Disabled Students Programs and Services office.

The complainant or grievant may bring a support person, such as, an officer of the SGA or any person appointed by the SGA President, any member of the Mt. San Jacinto College staff, or the Title IX Officer to any meetings or hearings of the complaint and grievance procedures. The subject of the grievance also has rights of bringing a support person to any meetings or hearings of

the grievance. If any party involved in the complaint or grievance believes that the procedures are not being appropriately followed, that individual has the right to file a letter with the Superintendent/President, who within ten (10) school days upon receipt of this letter, shall make a decision regarding the letter's allegations and determine at which level the process shall be resumed.

Nothing in the policy or procedures shall abridge the rights of faculty, staff, administrators, and students to the provisions of due process, just cause, and relevant provisions of the Education Code or the agreement between the Mt. San Jacinto Community College District and the Mt. San Jacinto College Faculty Association (CTA) or the Mt. San Jacinto Classified Association (CSEA).

Deadlines may be extended by mutual consent of the parties involved and shall be documented with the Vice President of Student Services. Missed deadlines may affect a grievant's ability to proceed.

Part B: Complaint and Grievance Procedures

A complaint or grievance that occurs during the delivery of instruction, counseling, or library services within a scheduled class, library service, or counseling session by a faculty member to the student (grievant) or occurs during the delivery of a service (administrative or support) by a staff member to a student should follow the procedures outlined below.

All complaints directed against instructional faculty or librarians will go to the Vice President of Instruction. All complaints directed against the counseling faculty or staff members will go to the Vice President of Student Services.

Stage 1: Informal Complaint (Informal process)

Prior to filing a formal grievance procedure, attempts shall be made to resolve the problem informally as a complaint. Any meetings, which take place during this stage, shall be conducted at a mutually agreed-upon private space, and the pertinent issues clearly defined so they may be discussed as objectively as possible. Failure to follow the timelines may affect a grievant's ability to proceed.

- (A) Within the statute of limitations, the student is expected to contact the faculty/staff member directly to discuss the complaint during the semester in which the problem occurs. The student may bring a support person, who is not a participant but advisory to the student. Most matters can be resolved informally at this level.
- (B) If the issue is not resolved at this point, within the next ten (10) school days the student should discuss the matter next with the appropriate department chair/supervisor and the faculty/staff member together to attempt to resolve the complaint informally.
- (C) If the issue is not resolved at this point, within the next ten (10) school days the student may meet with the appropriate

1. STATUTE OF LIMITATIONS: The filing of grievances shall be permitted only through the end of the sixth week of the semester following the semester in which the alleged incident occurred. Grievances occurring during the summer shall be handled on a calendar day basis, and filing of such grievances shall only be permitted through the end of the first week after the summer term.



Dean to seek resolution. If the complaint cannot be resolved at this level, the student must inform the Dean and faculty/staff member of their plans to pursue a grievance.

Stage 2: Grievance (Formal and written process)

The student submits the Summary of Informal Complaint Process (Appendix C) and the Student Grievance Form (Appendix D) to the Vice President of Instruction or Vice President of Student Services within ten (10) school days of the informal complaint meeting with the Dean and faculty/staff member. Failure to follow the timelines may affect a grievant's ability to proceed.

The form must contain a specific description of the grievance and reference to any specific federal or state law or any applicable district or college policy which is the basis for the grievance. The names of the parties involved at Stage 1 and a proposed remedy or resolution shall also be included in the formal written grievance. The subject (faculty/staff member) of the grievance is encouraged to submit written rationale for his/her actions to the appropriate Vice President for consideration before making a decision on the grievance.

Based on the written material, the appropriate Vice President assumes the responsibility for making a decision regarding the validity of the grievance and appropriate action to be taken. Options for resolving the grievance include the following: (1) accept the grievant's remedy or modification of the remedy; (2) refer the grievance to the Grievance Committee; or (3) determine the grievance to be without merit.

Within ten (10) school days upon receiving the written grievance, the decision and proposed action of the Vice President shall be communicated in writing to the student involved and the subject of the grievance involved.

Stage 3: Grievance Committee Procedures (Formal and written process)

If either the grievant or subject of the grievance is not satisfied with the decision of the Vice President, within ten (10) school days upon receipt of the Stage 2 decision, an appeal may be submitted in writing to the Vice President of Student Services office requesting a hearing by the Grievance Committee.

The Grievance Committee shall be composed of at least three college staff members and two students. The committee members shall be identified by the Vice President of Student Services from a list provided by the Academic Senate, Student Government Association, Classified Senate, and administration prior to each hearing and based on availability and time of hearing.

It shall be the function of the Grievance Committee to conduct a hearing and make a decision that shall resolve the grievance. A notice of hearing will be mailed to the grievant within ten (10) days of submitting the appeal. The notice will include the day, time and location of the hearing. It will also notify the student that they are required to make their own arrangements for any witnesses they wish to call. If a witness is unable to attend, the hearing will proceed as scheduled. The hearing will take place no sooner than ten (10) days after the notice of hearing is mailed unless mutually agreed by both the grievant and the subject of the

grievance; however, no more than twenty (20) school days after notice is mailed. The decision of the committee shall be made within ten (10) school days of the hearing. The written decision shall be distributed to the grievant; any Student Government Association (SGA) officer, or designee representing the student; the Vice President of Student Services, or Title IX Officer; and the subject of the grievance. The committee and the Vice President shall work within the following guidelines:

- (A) The Grievance Committee shall have no power to add to, subtract from, disregard, alter, or modify any of the terms of college policies, procedures or labor agreements.
- (B) Any decision by the Grievance Committee shall be in compliance with the provisions of the Education Code, all state and federal statutes, and accrediting agency regulations. The decision shall be final, unless appealed, and shall be based only on the pertinent and relevant written documents submitted and the recorded and pertinent oral testimony received in the hearing.
- (C) The appropriate Vice President or the Title IX Officer shall verify the existence of all written documents generated at Stage 2 and submit a list of them with attached copies to the committee.
- (D) After a hearing has taken place and both parties have had an opportunity to submit pertinent arguments and oral testimony, the Grievance Committee shall submit its findings and decision in writing within ten (10) school days.
- (E) All records, deliberations, and procedures of the Grievance Committee shall be filed with the Vice President of Student Services, or the Title IX Officer. The records shall be treated in a confidential manner.

Stage 4: Grievance Appeal (Formal and written process)

If either the student or the faculty/staff member involved is not satisfied with the decision made or action taken by the Grievance Committee, an appeal may be made to the Superintendent/President within ten (10) school days after the receipt of the decision. This written appeal shall outline the nature and basis for the dissatisfaction with the decision or action taken. A copy of the appeal shall be sent to those involved as appropriate. Failure to follow the timeline may affect a grievant's ability to proceed.

The Superintendent/President shall review the appeal and recommendation from the Grievance Committee and, within ten (10) school days upon receipt of the appeal, shall render a written decision. The appeal is considered based solely upon the written record. However, the Superintendent/President may conduct an investigation at his/her discretion. The Superintendent/President has the authority to uphold, reverse, or modify the action taken by the Grievance Committee with rationale for his/her action. His/her decision shall be final, unless appealed, and shall be delivered in writing to the student lodging the grievance with copies to all parties involved in the proceedings.



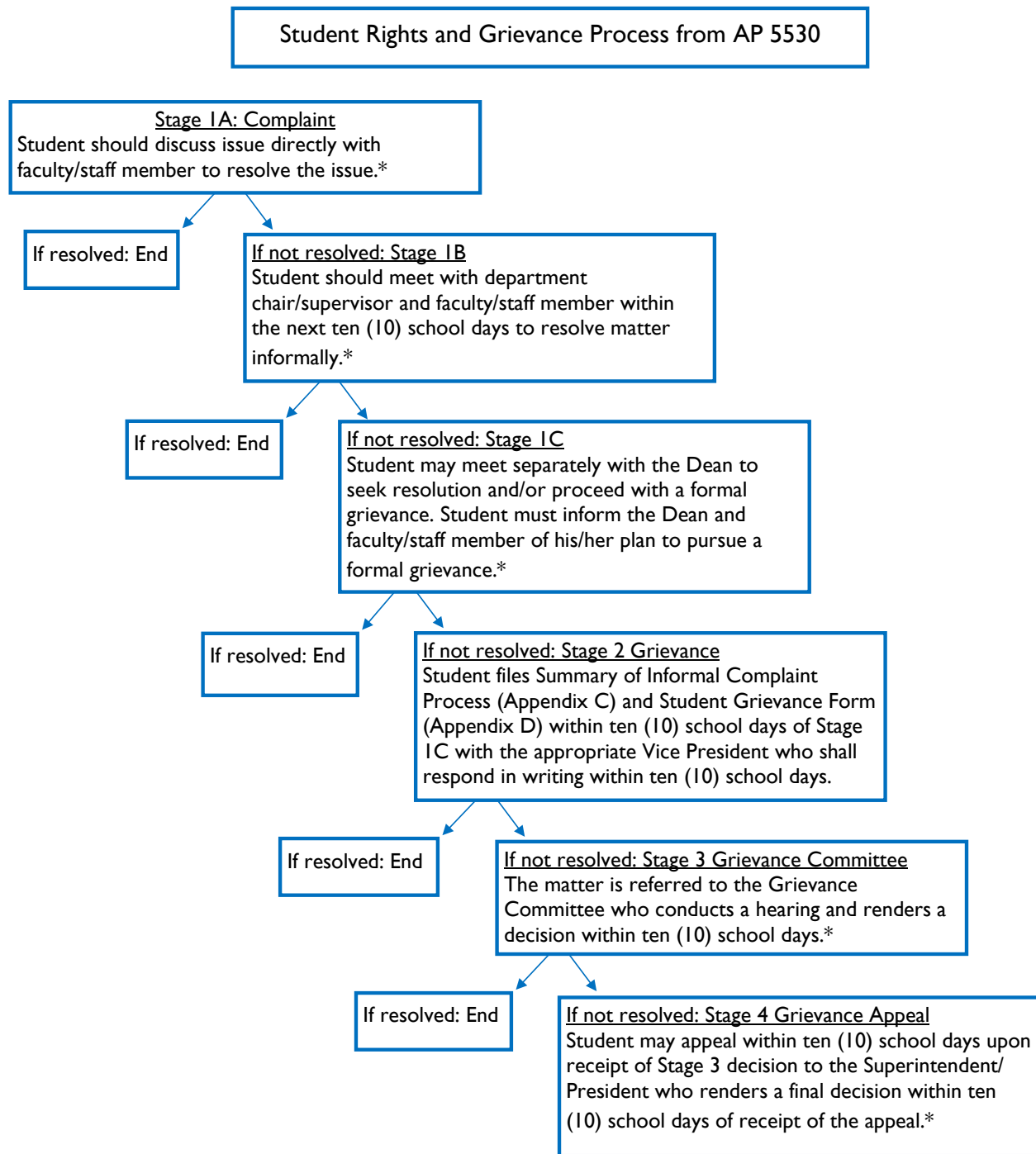
Stage 5 – Appeal to Board of Trustees

Either party may appeal the decision of the Superintendent/President. Appeals must be filed within ten (10) school days upon receipt of the decision. The appeal will be heard at the next available Board of Trustees meeting for which there is sufficient time to include the agenda item in the legal notice of the meeting. Failure to follow the timeline may affect a grievant's ability to proceed.

- (A) Appeals are addressed to the Board of Trustees, c/o the Superintendent/President.
- (B) Appeals must cite one or more specific flaws in the implementation of the process of review. Merely disagreeing with the outcome of the appeal is not sufficient grounds to file a final appeal.
- (C) Appeals are conducted based solely on the written record. However, it shall be the right of the Board to call and question any individuals related to the issues at hand.
- (D) Hearings are held in closed session and the decision is announced in open session.
- (E) The Superintendent/President will respond within ten (10) school days of the Board's action on the appeal.
- (F) Appeal to the Board is the final step in the student's "due process" procedures.

Concerning requested remedy: Issues of remedy sometimes include requests for disciplinary action against one or more employees. It is not within the power of the grievance process to assign or implement any disciplinary action against college employees. Students are discouraged from listing disciplinary action as their sole remedy. Employee discipline is strictly governed by state and local laws and regulations as well as by employment contracts. Provided all other requirements are met, the results of a grievance may be included in an employee's evaluation only to the degree permissible by contract and by law.





* Parties involved in a grievance may bring a support person to any meetings or hearings of the grievance.

Referral: Any faculty member, classified staff, or administrator who receives a grievance or complaint concerning any faculty member or staff member from a student, shall refer the student immediately to the subject of the grievance, except in the cases of sexual harassment or discrimination, where the student shall be referred to the Office of Human Resources.

INFORMAL COMPLAINT RESOLUTION CHART

Subject Area	First Level	Second Level	Third Level
Academic Matters	Instructor	Department Chair	Dean of Instruction/ Division Dean
Accessibility Matters	Director of Disabled Students Programs & Services	Dean of Student Services	Vice President of Student Services
Admissions and Registration	Director of Enrollment Services (SJC) or Dean of Student Services (MVC)	Dean of Student Services	Vice President of Student Services
Discipline	Instructor/staff member	Department Chair/Supervisor	Dean of Instruction or Dean of Student Services
Discrimination or Harassment	Executive Dean of Human Resources or Title IX Coordinator for Students		
Financial Aid	Director of Financial Aid	Dean of Student Services	Vice President of Student Services
Grade Dispute Matters	Instructor	Department Chair	Dean of Instruction/ Division Dean
Matriculation	Dean of Student Services	Vice President of Student Services	
Residency Determination	Director of Enrollment Services (SJC) or Dean of Student Services (MVC)	Vice President of Student Services	
Security and Parking	Campus Safety Department	Director of Campus Safety	Vice President of Student Services

Summary of Informal Complaint Process

(Stages IA – IC must be completed before a formal grievance can be filed.)

Stage I–A (informal) of the process is for you to talk directly to the faculty/staff member.

Have you spoken to the faculty/staff member to try to resolve your complaint?

Yes _____ No _____ Date _____

If not, why?

What is your desired outcome?

Stage I–B (informal) of the process is to discuss the matter with the department chair or supervisor. If you need help finding out who that person is, call (951) 639-5201.

Have you spoken with the department chair or supervisor?

Yes _____ No _____ Date _____

What was the result of the meeting?

Why is this result not satisfactory to you?

Stage I–C (informal) of the process is to meet with the appropriate Dean to resolve the matter or to meet separately with the area Vice President to seek resolution and/or proceed with a formal grievance.

Have you spoken with the Dean or Vice President?

Yes _____ No _____ Date _____

What was the result of the meeting?

Why is this not satisfactory to you?

Stages 2 and 3: If not resolved, the issue now becomes a grievance and follows the process outlined in Administrative Procedures 5530.

**MT. SAN JACINTO COLLEGE
Student Grievance Form**

If you wish to file a grievance under Stage 2 of the Student Rights and Grievance process, complete all of the following questions and return this form to the Office of the Vice President of Student Services (room 131 on the Menifee Valley Campus) or to the Office of the Vice President of Instruction (room 1110 on the San Jacinto Campus). This form will be accepted only if the Summary of Informal Complaint Process (Appendix C) is completed and attached. If you have any questions or need assistance, contact the Office of the Vice President, Student Services at (951) 639-5201 or visit room 131 on the Menifee Valley Campus or the Student Government Association office on either campus.

Your Name: _____ Student ID #: _____ Date: _____

Phone Number: _____ E-mail Address: _____

Mailing Address: _____

Grievance Information:

Name of Faculty/Staff Member: _____

Class, Division, or Department: _____

Describe the specific grievance. If possible, identify the policy or procedure violated. This form must contain a specific description of the grievance and refer to any law or policy which is the basis for the grievance.

What is your proposed remedy or solution? This must be included. _____

<i>For Office Use Only</i>	
Date Received: _____	By: _____
Copy to faculty/staff member on: _____	Copy to division dean/supervisor on: _____
Action/Resolution: _____ _____	