

**AP 5530 STUDENT GRIEVANCES****References:**

Title 5 Sections 59300 et seq.

The purpose of this Administrative Procedure is to provide a prompt and equitable means of resolving student grievances when no other administrative procedure, Marin Community College District departmental procedure, collective bargaining agreement, or statutory procedure applies. See Section III, below, for a list of other procedures applicable to concerns related to harassment, discrimination, unsafe assignments, grade changes, academic probation, dismissal and readmission, student discipline, student records, residency, and police department citations.

Any students or applicants who have questions about which procedure applies to their particular concerns are encouraged to go to the Office of the Vice President of Student Services for assistance.

**I. Definitions**

**Applicant** - A person whose application for admission to the District has been denied.

**Day** – Unless otherwise provided, day shall mean any day on which the District's Administrative Office is open for business.

**District** – Marin Community College District

**Grievance** – A charge, complaint, or appeal by a currently-enrolled student or applicant based on an action by a District employee or agent that allegedly (1) violates a specific law or written Board Policy or Administrative Procedure, or (2) constitutes an arbitrary, capricious, or unequal application of a specific law or written Board Policy or Administrative Procedure and for which no other administrative procedure or department process for review, investigation, or resolution of the matter exists. A grievance by an applicant to the college shall be limited to the denial of admission.

**Grievance Facilitator** – District administrator appointed by the Superintendent/President to facilitate resolution of grievances by mutual agreement of the parties.

**Grievance Officer** – A District administrator or administrators appointed by the Superintendent/President to review a specific Grievance and render a final decision.

**Grievance Statement** – A written statement which clearly and concisely states (1) the law or Board Policy or Administrative Procedure that allegedly has been violated or arbitrarily, capriciously, or unequally applied; (2) the facts and circumstances giving rise to the

grievance and name(s) of all District employees and/or agents whose acts or omissions are at issue; (3) the desired remedy; (4) a brief description of informal resolution efforts and whether informal resolution efforts are still in progress; and (5) the student's or applicant's mailing address and/or email address and telephone number for notices and other communications in relation to the grievance.

**Grievant** – A student or applicant who submits a sufficient Grievance Statement.

**Party** – The grievant or any District employee or agent who is allegedly responsible for the violation or arbitrary, capricious or unequal application of a law or Board Policy or Administrative Procedure.

**Respondent** – Any District employee or agent alleged by a student or applicant to be responsible for the alleged violation or arbitrary, capricious, or unequal application of a law or Board Policy or Administrative Procedure.

**Student** – A student currently enrolled in the District

**Superintendent/President** – The District's Superintendent/President or a designated representative of the Superintendent/President.

**Unsafe Assignments** - A student may file a grievance if he or she believes a faculty member has given the student an assignment that is unreasonable or unsafe, i.e., an assignment that subjects a student to unreasonable demands or requirements, or to unsafe conditions as determined by state or federal law.

## II. Grievance Resolution Procedures

### A. Informal Resolution

Students and applicants shall make a reasonable effort to communicate with the respondent(s) and, if unsuccessful, with the respondent's(s') immediate supervisor(s) to try to resolve the matter.

### B. Facilitated Voluntary Resolution

If an Informal Resolution has not been reached and the student or applicant desires to continue to pursue resolution, he/she shall submit a written Grievance Statement to the Grievance Facilitator's Office within 30 days after the act or omission giving rise to the grievance.

The Grievance Facilitator shall determine whether, as submitted, the Grievance Statement is sufficient. A Grievance Statement shall be deemed sufficient if:

1. The Grievance Statement specifies facts which, if true, would constitute a grievance under this procedure;
2. The person submitting the Grievance Statement is a "student" or "applicant," as defined in this procedure, and has made a reasonable effort to meet with the respondent(s) and respondent's(s') immediate supervisor(s) to try to resolve the matter;

3. The student or applicant is personally and directly affected by the act(s) or omission(s) alleged in the Grievance Statement;
4. The Grievance Statement was filed in a timely manner; and
5. The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If a Grievance Statement is not sufficient, the Grievance Facilitator shall notify the student or applicant in writing within ten (10) days whenever practicable. The Notice of Insufficiency shall identify the reason(s) for insufficiency.

A student or applicant shall be given an opportunity to submit a revised Grievance Statement which must be received in the Grievance Facilitator's office within ten days after the Grievance Facilitator either mailed or emailed the Notice of Insufficiency, whichever is later. If a revised Grievance Statement is not timely received or is also determined to be insufficient by the Grievance Facilitator, the student or applicant shall be notified, and no further action under this procedure shall ensue.

The Grievance Facilitator shall try to facilitate a resolution through conference(s) with the parties, individually or together, and any other voluntary means designed to facilitate a mutually agreeable, voluntary resolution. If the Grievance Facilitator concludes that the parties are unable to reach a mutually agreeable, voluntary resolution, the Grievance Facilitator shall issue a Notice of Non-Resolution to the Grievant with a copy to the respondent(s).

### **C. Administrative Resolution**

If the Grievant desires to seek an Administrative Review of the Grievance, within ten days after the Grievance Facilitator mailed or emailed the Notice of Non-Resolution, whichever is later, the Grievant shall submit a written Request for Administrative Review to the Grievance Facilitator, who shall forward it to the Superintendent/President, or designee, with a copy of the Grievance Statement, for assignment to a Grievance Officer. If the Grievance concerns a District employee, the Grievance Facilitator shall also forward a copy of the Request for Administrative Review to the employee within five days after receipt and notify the employee of the District's intention to investigate in accordance with these procedures.

Unless other procedures are required by applicable laws or regulations, the Grievance Officer shall set an Administrative Review Conference ("ARC") as soon as practicable. At the ARC, the Grievance Officer shall give the parties an opportunity to present information in support of, or to rebut, the Grievance and to state any proposed resolution(s). The Grievance Officer may ask the parties and non-parties questions and request that they provide relevant documents. Presentation of information and/or appearances by non-parties shall be permitted only with the Grievance Officer's express authorization or as permitted under an applicable collective bargaining agreement.

The Grievance Officer shall issue a Notice of Decision to the parties within ten days after conclusion of the ARC whenever practicable and send a copy to the Grievance Facilitator. The Grievance Officer's decision shall be final.

### **III. Other Available Procedures.**

The District has specific procedures in place to address various concerns. The list below is intended to assist in identifying the appropriate procedure for the specific complaints. Any questions about which procedure applies should be directed to the Office of the Vice President of Student Services.

Prohibition of Harassment (BP/AP 3430): Contact the Chief Human Services Officer

Nondiscrimination (BP/AP 3410) and Discrimination and Harassment Investigations (AP 3435): Contact the Chief Human Services Officer

Grade Changes (BP/AP 4231): Contact the Admissions and Records Office.

Academic Probation, Dismissal, and Readmission (BP 4250 ) Probation (AP 4250), and Academic Dismissal (AP 4255 ): Contact the Admissions and Records Office.

Standards of Conduct (BP 5500) and Student Discipline and Due Process (AP 5520): Contact the Office of the Vice President of Student Services.

Residence Determination (BP/AP 5015): Contact the Admissions and Records Office.

Student Records and Directory Information (BP/AP 5040): Contact the Admissions and Records Office.

Student Records – Student Content and Access Log (AP 5045 ): Contact the Admissions and Records Office.

Withholding of Student Records (BP/AP 5035): Contact the Admissions and Records Office.

Police Citations (i.e., tickets, etc.): Contact the Marin County Courts in San Rafael, CA.

Complaints against Faculty re: unsafe assignments, harassment or unlawful discrimination. (See MCCD/UPM collective bargaining agreement, Article 24.14, Student Complaints, for supplementary procedures.) Contact the Office of the Vice President of Student Services.

Policy 5530 contains items which impact the United Professors of Marin (UPM) and its unit members' rights as provided for under the MCCD/UPM collective bargaining agreement. To the extent the Procedure impacts such rights, the MCCD/UPM collective bargaining agreement controls as provided in Article 13.2.

Neither the UPM nor its unit members waive any rights they may have in disciplinary, professional standards (including Article 24.14), evaluations, and other contexts under the MCCD/UPM collective bargaining agreement, the Educational Employment Relations Act (EERA), the Education Code and/or other sources of federal and state law.

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**Date Approved:** March 19, 2013

*(Replaces College of Marin Policies 4.0023 and 7.0003 and Procedure 4.0023 DP.1)*