



OFFICE OF THE PRESIDENT

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September 4, 2014

**TO:** President's Council  
Administrative Council  
Planning Fiscal Council

**FROM:** Sandy Sandello

**SUBJECT:** Revision of BPs / APS

Attached are the Board Policies / Administrative Procedures that have been revised:

BP 2350 Speakers at Board Meetings

BP 2716 Political Activity

AP 3560 Alcoholic Beverages

AP 5530 Student Rights and Grievances

This will begin the review process for the above policies and procedures.

/SS

SPEAKERS AT BOARD MEETINGS

BP No. 2350
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Board Adopted: 3/13/02; 11/12/03

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- I. Persons may speak to the Board **of Trustees** either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.
- II. Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.
- III. Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment. **The following protocol shall be used for responding to needs or complaints expressed in Board meetings during public comment on non-agenda items (Board approved Board Protocols at 8/10/13 Board retreat):**
  - A. **The Board President will thank the speaker(s) and acknowledge that the need or complaint has been heard by the Board.**
  - B. **If appropriate, the Board President may make a brief statement about the issue.**
  - C. **The Board President will ask the Superintendent/President if there are any comments from the administration.**
  - D. **The Board President will ask the Superintendent/President to look into the issue and report back to the Board if necessary. The Board President will determine what form the report will take (e-mail, formal written report, etc.).**
  - E. **After receiving the report from the administration, the Board may decide to place the issue on a future Board agenda for discussion or action.**
- IV. Those wishing to speak to the Board are subject to the following:
  - A. The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
  - B. Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.

SPEAKERS AT BOARD MEETINGS

BP No. 2350
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Board Adopted: 3/13/02; 11/12/03

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- C. Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.
  
- V. Persons wishing to speak to an agenda item **or non-agenda item**, shall complete a written request to do so at the beginning of the meeting at which they wish to speak. **“Request to Address the Board of Trustees”** cards are provided for this. The request shall include the person’s name and name of the organization or group represented, if any, and a statement noting the agenda item or topic to be addressed.
  
- VI. No member of the public may speak without being recognized by the President of the Board.
  
- VII. Each speaker will be allowed a maximum of three **(3)** minutes per topic. Thirty **(30)** minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one Board meeting. At the discretion of a majority of the Board, these time limits may be extended.
  
- VIII. Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters.
  
- IX. Source/Reference  
**Board Protocols**  
Policy Government Code Section 54950, et seq., Education Code Section 72121.5, former 1005.

## BP 2350 Speakers

### References:

Education Code Section 72121.5;  
Government Code Sections 54950 et seq.

Persons may speak to the Board either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment.

Those wishing to speak to the Board are subject to the following:

- The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
- Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.

**Note:** It is suggested as good practice the Board adopt as policy the point on the agenda when a person can speak before the vote is called. It could be at the start of the meeting, the beginning of the agenda item before Board discussion, or just prior to the Board vote.

**Note:** It is legally advised that districts have policies that require persons wishing to speak to make their request in writing, and that establish time limits on presentations. The following are suggested clauses.

- They shall complete a written request to address the Board at the beginning of the meeting at which they wish to speak.
- The request shall include the person's name and name of the organization or group represented, if any, and a statement noting the agenda item or topic to be addressed.

- No member of the public may speak without being recognized by the President of the Board.
- Each speaker will be allowed a maximum of [*number, such as five*] minutes per topic. [*Number, such as thirty*] minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one board meeting. At the discretion of a majority of the Board, these time limits may be extended.
- Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters.



POLITICAL ACTIVITY

BP No. 2716
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Board Adopted: 3/15/06; 1/9/13

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- I. Members of the Board **of Trustees** shall not use District funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate, including but not limited to, any candidate for election to the governing Board.
- II. Initiative or referendum measures may be drafted on an area of legitimate interest to the District. The Board may by resolution express the Board's position on ballot measures. Public resources may be used only for informational efforts regarding ***the possible effects of*** District bond **issues or other ballot** measures. **(CCLC)**
- III. Source/Reference  
Education Code Sections 7054; 7054.1; 7056; Government Code 8314.

## **BP 2716 Political Activity**

### **References:**

Education Code Sections 7054, 7054.1, and 7056;  
Government Code Section 8314

Members of the Board shall not use District funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Governing Board.

Initiative or referendum measures may be drafted on an area of legitimate interest to the District. The Board may by resolution express the Board's position on ballot measures. Public resources may be used only for informational efforts regarding the possible effects of District bond issues or other ballot measures.

New 2/03; Revised 2/05, 9/12, 6/13





ALCOHOLIC BEVERAGESAP No.  
3560

Board Reviewed: 8/15/09; 11/9/11; 11/14/12

Page 1 of 1

- I. The possession, sale, or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption, or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of Campus Security. The campus has been designated “drug free,” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Campus Security. Violators are subject to disciplinary action, criminal prosecution, fine, and imprisonment. It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval **permission as defined in one of the following situations listed in paragraph II.** Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District.
- II. Alcoholic beverages on campus are permitted if:
  - The alcoholic beverage is for use during a non-college event at a performing arts facility built on District property and leased to a nonprofit public benefit corporation.
  - The alcoholic beverage is possessed, consumed, or sold pursuant to a license or permit obtained under this division for special events held at the **District** facilities of a public community college during the special event. “Special event” means events that are held with the permission of the governing board **Board of Trustees** of the community college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public College and for which the principal attendees are members of the general public or invited guests and not students of the Community College.
  - The alcoholic beverage is for use during a fundraiser held to benefit a nonprofit corporation that has obtained a license under the Business and Professions Code to do so, provided that no alcoholic beverage can be acquired, possessed, or used at other an athletic contest sponsored by the District.
- III. References:  
Business and Professions Code Sections 24045.4, 24045.6, and 25608  
34 CFR 668.46(b)

## AP 3560 Alcoholic Beverages

### References:

Business and Professions Code Sections 24045.4, 24045.6, and 25608;  
34 Code of Federal Regulations Section 668.46(b)

**NOTE:** *The following procedure is legally required.*

The possession, sale or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the **[District Police Department or Responsible Security Official]**. The campus has been designated "Drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the **[District Police Department or Responsible Security Official]**. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District.

**NOTE:** *The following procedural language is optional and suggested as good practice by districts that permit alcoholic beverages at college events. The District may select those portions of the following procedure that it wishes to use.*

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is beer or wine for use in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell, or consume it by the **[designated person]**.
- The alcoholic beverage is for use during a non-college event at a performing arts facility built on District property and leased to a nonprofit public benefit corporation.
- The alcoholic beverage is wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.
- The alcoholic beverage is wine that is for use during an event sponsored by the District or **[an organization operated for the benefit of the District]** in connection with the District's instructional program in viticulture or the District's instructional program in enology.

- The alcoholic beverage is for use at a professional minor league baseball game played at a college stadium pursuant to a contract between the District and a professional sports organization. *[NOTE: This provision can only apply to a district located in a county with a population of less than 250,000 inhabitants]*
- The alcoholic beverage is possessed, consumed, or sold, pursuant to a license or permit obtained ~~under this division~~ for special events held at the facilities of a public community college during the special event. "Special event" means events that are held with the permission of the governing board of the community college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which the principal attendees are members of the general public or invited guests and not students of the public community college.
- The alcoholic beverage is acquired, possessed, or used during an event sponsored by the District or *[an organization operated for the benefit of the District]* at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility.

The alcoholic beverage is for use during a fundraiser held to benefit *[a nonprofit corporation]* that has obtained a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed or used at a football game or other athletic contest sponsored by the District.

| New 2/02; Revised 2/05, 2/07, 2/08, 2/11, 7/11, 3/12, 4/14



STUDENT RIGHTS AND GRIEVANCESAP No.  
5530

Board Reviewed: 2/17/10; 6/12/13

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- I. 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:
  - A. Financial Aid
  - B. 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.
  - C. The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.
- II. This procedure does not apply to any matters for which a specified method of complaint resolution is provided by law or by District policy and/or procedure, such as:
  - A. Student disciplinary actions, which are covered under separate Board Policies and Administrative Procedures (BP 5500, AP 5500, and others).
  - B. Police citations (i.e. "tickets"), which must be directed to the County Courthouse in the same way as any traffic violation.
  - C. Complaints of discrimination, harassment, or retaliation, **including grade grievances based on this type of allegation (Office of Civil Rights)**, which are covered under separate Board Policies and Administrative Procedures (BP 3435, AP 3435).
- III. Definitions **related to this administrative procedure include the following**:
  - A. 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.
  - B. Superintendent/President - The Superintendent/President or a designated representative of the Superintendent/President.
  - C. 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.
  - D. Respondent - Any person claimed by a grievant to be responsible for the alleged grievance.
  - E. 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.
- IV. Informal Resolution: Each student who has a grievance shall make a reasonable

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5530

Board Reviewed: 2/17/10; 6/12/13

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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.

- A. The Superintendent/President shall appoint an employee who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Students of Rio Hondo College (**ASRHC**) in attempting to resolve a grievance informally.
- B. Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.
- V. Any student who believes he or she has a grievance shall file a Statement of Grievance with the Grievance Officer within 90 days of the incident on which the grievance is based, or **ninety** (90) days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within five (5) days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.
- VI. The Grievance Officer has **thirty** (30) days to come to an informal resolution of the complaint which is satisfactory to the student; if there is no resolution, the student shall have the right to request a grievance hearing.
- VII. Grievance Hearing Committee: The Grievance Officer shall at the beginning of each semester, including any summer session, establish a standing panel of members of the College community, including students, faculty members, and administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students of Rio Hondo College (**ASRHC**) and the Academic Senate, who shall each submit names to the Grievance Officer for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:
- A. It shall include three students, three instructors, and one College administrator selected from the panel described above.
- B. No person shall serve as a member of a Grievance Hearing Committee if that person

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Board Reviewed: 2/17/10; 6/12/13

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- 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 Grievance Officer who shall determine whether cause for disqualification has been shown. If the Grievance Officer feels that sufficient ground for removal of a member of the committee has been presented, the Grievance Officer 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.
- C. The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member nor vote. The Grievance Officer shall coordinate all scheduling of hearings; shall serve to assist all parties and the Hearing Committee to facilitate a full, fair, and efficient resolution of the grievance; and shall avoid an adversary role.
- VII. Request for Grievance Hearing. Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing form within **forty-five** (45) days after filing the Statement of Grievance as described above.
- VIII. Within **thirty** (30) days following receipt of the request for grievance hearing, the Grievance Officer shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.
- IX. The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:
- A. The statement contains facts which, if true, would constitute a grievance under these procedures;
  - B. The grievant is a student as defined in these procedures, which include applicants and former students;
  - C. The grievant is personally and directly affected by the alleged grievance;
  - D. The grievance was filed in a timely manner;
  - E. The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.
- X. If the grievance does not meet each of the requirements, the Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within **ten** (10) days of the date the decision is made by the Grievance Hearing Committee.
- XI. If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within **thirty** (30) days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than five (5) days notice of the date, time, and place of the hearing.



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## XII. Hearing Procedure

- A. The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.
- B. 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.
- C. Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- D. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
- E. 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.
- F. 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 Vice President of Student Services. 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.
- G. 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 three (3) days prior to the date of the hearing.
- H. 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.
- I. The hearing shall be audio recorded by the Grievance Officer, whose recording 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 recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. Any party may request a copy of the recording.
- J. 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 audio recorded shall be considered to be unavailable.
- K. Within five (5) days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the Superintendent/President a written

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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.

- XIII. 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.
- XIV. Appeal: Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the Grievance Officer within five (5) days of that decision. The Grievance Officer shall schedule a meeting of the Grievance Hearing Committee, within ten (10) days of receiving the written appeal, to allow the student to present his/her request to the Committee in person. The Grievance Hearing Committee will hear the student's request and will decide whether or not to grant a grievance hearing. The Grievance Hearing Committee's decision shall be final and not subject to further appeal.
- XV. Time Limits: Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties, or if scheduling conflicts are present.
- XVI. **Source / Reference:**  
**Office of Civil Rights**  
**Education Code Section 76224(a)**  
**Title IX, Education Amendments of 1972**

## AP 5530 Student Rights and Grievances

### References:

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

**Note:** *This procedure is **legally required**. Local practice may be inserted. The following is an illustrative example that meets legal requirements, especially for Title IX requirements.*

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:

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

- Student disciplinary actions, which are covered under separate Board policies and Administrative Procedures.
- 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.

**[ CEO ]** – The **[ CEO ]** or a designated representative of the **[ CEO ]**.

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).

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 [CEO] shall appoint an employee who shall assist students in seeking resolution by informal means. This person shall be called 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.

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Any student who believes he/she has a grievance shall file a Statement of Grievance with the Grievance Officer within [number] days of the incident on which the grievance is based, or [number] days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within two days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

If at the end of [number] days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing.

**Note:** *The following is optional.*

**Grievance Hearing Committee:** The [CEO] shall at the beginning of each semester, including any summer session, establish a standing panel of [number] members of the college community, including [number] students, [number] faculty members and [number] administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization and the Academic Senate, who shall each submit [number] names to the [CEO] for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include [number] students, [number] instructors, and [number] college administrator selected from the panel described above.
- No person shall serve as a member of a Grievance Hearing Committee 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 [CEO] who shall determine whether cause for disqualification has been shown. If the [CEO] feels that sufficient ground for removal of a member of the committee has been presented, the [CEO] 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.

The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member nor vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.

Request for Grievance Hearing – Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing within [number] days after filing the Statement of Grievance as described above.

Within [number] days following receipt of the request for grievance hearing, the [CEO] shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:

- The statement contains facts which, if true, would constitute a grievance under these procedures;
- The grievant is a student as defined in these procedures, which include applicants and former students;

- The grievant is personally and directly affected by the alleged grievance;
- The grievance was filed in a timely manner;
- The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the grievance does not meet each of the requirements, the Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within [number] days of the date the decision is made by the Grievance Hearing Committee.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within [number] days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than [number] days notice of the date, time and place of the hearing.

**Note:** A hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following procedure is **legally advised**.

### Hearing Procedure

The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.

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/herself, and may also have the right to be represented by a person of his/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 **[number]** 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 **[CEO's]** 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 **[number]** 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 **[number]** days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the **[CEO]** 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.

**[ CEO ]'s Decision:** Within **[number]** days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the **[CEO]** shall send to all parties his/her written decision, together with the Hearing Committee's decision and recommendations. The **[CEO]** 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 **[CEO]** does not accept the

decision or a finding or recommendation of the Hearing Committee, the [CEO] 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 [CEO] shall be final, subject only to appeal as provided below.

**Appeal:** Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the [CEO] within [number] days of that decision. The [CEO] shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The [CEO]'s decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

**Note:** *The following section applies only to multi-college Districts.*

Any party to the grievance may appeal the decision of the [CEO] after a hearing before a Grievance Hearing Committee by filing an appeal with the Chancellor. The Chancellor may designate a District administrator to review the appeal and make a recommendation.

Any such appeal shall be submitted in writing within five days following receipt of the [CEO]'s decision and shall state specifically the grounds for appeal.

The written appeal shall be sent to all concerned parties. All parties may submit written statements on the appeal.

The [CEO or designee] shall review the record of the hearing and the documents submitted in connection with the appeal, but shall not consider any matters outside of the record. Following the review of the record and appeal statements, the [CEO's designee], if any, shall make a written recommendation to the [CEO] regarding the outcome of the appeal.

The [CEO] may decide to sustain, reverse or modify the decision of the [CEO's designee]. The [CEO]'s decision shall be in writing and shall include a statement of reasons for the decision. The Chancellor's decision shall be final.

The decision on appeal shall be reached within five days after receipt of the appeal documents. Copies of the [CEO]'s appeal decision shall be sent to all parties.

**Time Limits:**

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