



COMPTON COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE REGULATIONS

AR 5530 Student Rights and Grievances

Issued: April 16, 2019
Revised: April 20, 2021

References:

Board Policy 5500 - Standards of Student Conduct
Education Code Section 76224(a);
Title IX of the higher Education Amendments of 1972

For the purpose of this regulation, a student grievance is defined as a claim by a student that their student status, rights, or privileges have been adversely affected by a college decision or action. This regulation is available for students who desire to pursue grievance procedures against an employee of the District. The student shall be entitled to representation, by a person of their choice, other than legal counsel, at all informal complaint meetings. District employees will be notified of student grievances received by the Grievance Officer or designee and are entitled to representation at all informal complaint meetings.

Note: The District is committed to resolving student grievances in a fair and equitable manner. Students should work through the District's process first before escalating issues to other agencies. Issues that are not resolved at the District level may be presented to the California Community Colleges Chancellor's Office, the U.S. Department of Education, or other federal, state or local applicable entity.

This regulation is not available for use by any student who believes they have been subjected to unlawful discrimination, including sexual and gender-based discrimination as prohibited by Title IX of the Higher Education Amendments of 1972. The basis for alleging unlawful discrimination, including sexual and gender-based discrimination, and the procedures to be used to file such a complaint are set forth in the District's Board Policy and Administrative Regulation 3430 – Prohibition of Harassment and Board Policy and Administrative Regulation 3540 – Sexual and Other Assaults on Campus. The District's Title IX Coordinator will be notified immediately upon the receipt of such grievances by the Grievance Officer or designee.

Students who make a false or malicious charge against an employee of the District are subject to disciplinary action as outlined in Board Policy 5500 and Administrative Regulation 5500 – Standards of Student Conduct.

The regulation shall include, but not be limited to, grievances regarding:

1. Admissions
2. Financial Aid
3. Access to or receipt of aid from student service entities
4. Noncompliance with board policies and administrative regulation
5. The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

This regulation does not apply to the following:

1. Student disciplinary actions, which are covered under Board Policy 5500 and Administrative Regulation 5520 – Student Discipline Regulation.
2. Complaints about police citations (e.g., "tickets"). Complaints about citations must be directed to the District's Campus Police Department.
3. Course grades to the extent permitted by Education Code Section 76224(a). Grade appeals, which are addressed in Board Policy 4231 and Administrative Regulation 4231 – Grade Change. Students may not grieve solely for receiving substandard grades.

Definitions:

1. Party - The student or respondent(s) together with their representatives. "Party" shall not include the Grievance Hearing Committee or the Grievance Officer.
2. President/CEO – The President/Chief Executive Officer or a designated representative of the President.
3. Student – A currently enrolled student, a person who has filed an application for admission to Compton 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 762224(a).
4. Grievant – A student who has filed a grievance.
5. Respondent – Any person claimed by a grievant to be responsible for the alleged wrong doing.
6. Business Day – Unless otherwise provided, business day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays, Sundays and public holidays.
7. Grievance Officer – Appointed by the President/CEO or designated representative to assist students in seeking resolution.

Informal Resolution

A student who believes that they have been treated unfairly by a District employee must make a reasonable, good faith attempt to resolve the problem on an informal basis by first meeting with the employee's immediate supervisor, or the local college administration. If the issue is not resolved in that meeting (or reasonable attempts to arrange the meeting fail), then the employee's supervisor shall meet with both parties, in an earnest and good faith attempt to resolve the matter successfully. If, after this, the matter cannot be resolved informally, the student may file a formal Student Complaint to the Office of Student Development for further review by a third party.

Student Complaint

The formal Student Complaint procedure is designed to resolve problems for students who are having difficulties with other students or employees that cannot be resolved through the informal resolution process. This procedure details the filing process and

timeline of events. Although the process is confidential, a student's identity cannot be withheld from the person(s) identified as the source of the problem. Complaints involving sexual harassment, race discrimination, sex discrimination, and discrimination against those with disabilities, will be forwarded to the Director of Diversity, Compliance, and Title IX. Note, this procedure does not apply to course final grades which fall under Board Policy 4231 Grade Change.

Student Complaint Procedure:

Step 1: The student submits a formal Student Complaint via the Incident Report & Referral Form.

Step 2: The Office of Student Development receives the formal Student Complaint. The Director of Student Development and Athletics or designee shall be assigned the complaint. The Director of Student Development and Athletics, or designee, shall notify the accused, and the immediate supervisor, of the complaint within five (5) business days of receiving the complaint.

Step 3: The Director of Student Development and Athletics or designee conducts an investigation.

Step 4: The Director of Student Development and Athletics or designee notifies the student and the accused of their findings. Notification of findings in an outcome letter will be sent within 20 business days of the complaint being filed. The student and the accused will receive an outcome letter of the investigation via email. In addition, if the accused is an employee, their respective supervisor will receive a copy of the outcome letter. The outcome letter will include, but not be limited to, allegations, findings, evidence, and applicable policies. The student can review the outcome letter and decide if they are satisfied with the results. If they are not satisfied with the results, they may proceed to Step 5.

Step 5: The student may appeal the ruling by filing a Student Grievance via the Incident Report & Referral Form within ten (10) business days of receiving the outcome letter of their Student Complaint.

Step 6: All parties included in the Student Grievance shall be given notice no less than ten (10) business days from the filing of the Student Grievance.

Student Grievance Hearing Committee

The President/CEO or designee shall at the beginning of each academic year, establish a standing panel of members of the College community, including students, classified professionals faculty members, and administrators, from which one or more Student Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Student Government, Compton Community College Federation of Employees Classified Unit, and the Academic Senate, who shall each submit names to the President/CEO or designee for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

1. The President/CEO or designee shall appoint an employee who shall assist students in seeking resolution. This person shall be called the Grievance Officer. Within ten (10) business days following receipt of the Student Grievance, the Grievance Officer shall advise the student of their rights and responsibilities under these procedures, assist the student, and give notice to all parties involved that a grievance has been filed.
2. It shall include one student, two faculty members, one classified employee, and one administrator selected by the President/CEO or designee.
3. 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 President/CEO or designee who shall determine whether cause for disqualification has been shown. If the President/CEO or designee feels that sufficient ground for removal of a member of the committee has been presented, the President/CEO or designee shall remove the challenged member or members from the panel described above. This determination is subject to appeal as defined below.
4. 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 Grievance Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.

Request for Student Grievance Hearing

1. Within fifteen (15) business days following receipt of the Student Grievance the Student Grievance Hearing Committee shall meet in private, without the parties present, to select a chair and to determine the basis of the Student Grievance.
2. The determination of whether the Student Grievance presents sufficient grounds for a hearing shall be made by the Grievance Hearing Committee 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; and
 - e. The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purpose of harassment.

3. If the grievance does not meet each of the requirements, the Grievance Officer shall notify the student in writing of the rejection of the Student Grievance Hearing Committee, together with the specific reason(s) for the rejection and the procedures for appeal. This notice will be provided within ten (10) business days of the date the decision is made by the Grievance Hearing Committee.
4. Any appeal relating to a Grievance Hearing Committee decision that the Student Grievance does not present a grievance as defined in these procedures shall be made in writing to the President/CEO or designee within five (5) business days of that decision. The President/CEO or designee shall review the Student Grievance and Student Grievance Hearing Committee findings in accordance with the requirements for a grievance provided in these procedures but shall not consider any other matters.
5. If the Request for a Grievance Hearing satisfies each of the requirements, the Grievance Officer shall schedule a grievance hearing. The hearing will begin within fifteen (15) business days following the decision to grant a Student Grievance Hearing. All parties to the grievance shall be given not less than seven (7) business days' notice of the date, time and place of the hearing, a copy of the grievance, any supporting documentation, and the opportunity to provide a written response.

Hearing Procedure

1. The decision of the Grievance Officer shall be final on all matters relating to the conduct of the hearing.
2. The members of the Student Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.
3. 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 as determined by the Grievance Officer.
4. District employees will be notified of grievance hearings in advance by the Grievance Officer or designee at least seven (7) business days in advance and are entitled to representation at grievance hearings. District employees will be provided with a copy of all documentation collected related to a grievance at least two (2) business days prior to grievance hearings. Student grievant will also have the right to request all documentation collected related to a grievance at least two (2) business days prior to grievance hearings.
5. 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) and respondent(s) may present rebuttal evidence after the respondents(s) evidence is presented. The burden shall be on the grievant or grievant(s) to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

6. Each party to the grievance may represent themselves and may also have the right to be represented by a person of their choice; except that a party shall not be represented by an attorney unless, in the judgement of the Grievance Officer, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented no less than (5) business days prior to the date of the hearing. If one party is permitted to be represented to by an attorney, the other party shall have the right to be represented by an attorney. The Grievance Hearing Committee may also request legal assistance through the President/CEO or designee. 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.
7. The hearing shall be closed and confidential unless all parties request that it be open to the public. Any such request that it be open to the public must be made no less than five (5) business days prior to the date of the hearing.
8. 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.
9. The hearing shall be recorded by the Grievance Officer and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. The Grievance Officer 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 audio recording shall always remain in the custody of the District, unless released to a professional transcribing service. Any party may request a copy of the audio recording.
10. All testimony shall be taken under oath. The Grievance Officer shall administer the oath. Written statements of witnesses under penalty of perjury are admissible. A witness who refuses to be audio recorded shall be considered unavailable.
11. Within five (5) business days following the close of the hearing, the Grievance Officer shall prepare and send to the President/CEO, or designee, a written decision. The decision shall include specific factual findings regarding the grievance and 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 hearing, and not on matters outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

The President/CEO or Designee Decision

Within five (5) business days following receipt of the Student Grievance Hearing Committee's decision and recommendation(s), the President/CEO or designee shall send to all parties their written decision, together with the Student Grievance Hearing Committee's decision and recommendations. The President/CEO or designee may accept or reject the findings, decisions and recommendations. The President/CEO or designee may accept or reject the findings, decisions and recommendations of the Student Grievance Hearing Committee. The factual findings of the Student Grievance Hearing Committee shall be accorded great weight; and if the President/CEO or

designee does not accept the decision or a finding or recommendation of the Student Grievance Hearing Committee, the President/CEO or designee 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 President/CEO or designee shall be final, subject only to appeal as provided below.

Appeal

Any party to the grievance may appeal the decision of the Student Grievance Hearing Committee by writing to the President/CEO within seven (7) business days of the date on the written notification by the Student Grievance Hearing Committee.

1. The President/CEO shall examine all documents received and shall grant review of the matter only if he or she determines from these documents that the decision of the Student Grievance Hearing Committee was in error.
2. If the President/CEO determines that review is not appropriate, they shall, within ten (10) business days after receipt of the request for review, send written notice denying review and affirming the decision of the Student Grievance Hearing Committee.
3. If the President/CEO determines that review is appropriate, they shall, within ten (10) business days after receipt of the request schedule a meeting with the grievant or respondent and the Student Grievance Hearing Committee chair, giving the grievant or respondent at least five (5) business days written notice. The grievant or respondent will be allowed to present their objections to the President/CEO decision, and the Student Grievance Hearing Committee chair will be allowed to respond thereto.
4. After such meeting, the President/CEO may reverse, revise or modify the decision or the President/CEO may let the decision stand.
5. The President/CEO's decision shall be in writing and shall include a statement of reasons for the decision. President/CEO's decision shall be final. The decision will be sent in writing to the grievant and respondent no more than five (5) business days following the appeal.

Time Limits

Any times specified in this administrative regulation may be shortened or lengthened if there is mutual concurrence by all parties.