



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • COLLEGE OF CONTINUING EDUCATION

Administrative Procedure

Chapter 5 – Student Services

AP 5530 – STUDENT GRIEVANCE

1. PURPOSE AND DEFINITION

The purpose of this procedure is to provide a prompt and equitable means for resolving student grievances. The procedures enumerated herein shall be available to any student who believes a District decision or action has adversely affected his/her/their rights as a student as enumerated in Board of Trustees Policy, *BP 5500, Student Rights, Responsibilities, Campus Safety and Administrative Due Process, Section 1., Student Rights (a. – j.)*.

However, complaints alleging discrimination based on a protected class (national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military or veteran status, or because they are perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics) or sexual harassment will be handled under Administrative Procedure, *AP 3435, Discrimination and Harassment Investigations*.

2. GRIEVANCE OFFICER

a. Each academic year, the President shall appoint a Grievance Officer who shall facilitate the grievance process.

3. GRIEVANCE COMMITTEE

Each academic year, the Academic Senate shall nominate five (5) faculty members and the Associated Students organization shall nominate five (5) students to serve for a one-year term to form a pool from which a Grievance Committee may be convened.

a. The Grievance Committee shall be constituted, as needed, in accordance with the following criteria:

- 1) The Grievance Committee shall include at least one but no more than three (3) students selected from the pool submitted by the Associated Students organization;
- 2) The Grievance Committee shall include at least one but no more than three (3) instructors selected from the pool submitted by the Academic Senate;
- 3) There shall be an equal number of students and faculty represented.

4. RESOLUTION PROCESS

All parties shall make a reasonable effort to resolve the matter on an informal basis prior to

requesting a grievance hearing. Informal meetings and discussion between persons directly involved in a grievance is essential at the onset of the dispute.

If the student fails to resolve the grievance informally, no further action will be taken unless the student files a formal grievance by completing a [Statement of Student Grievance](#) form within thirty (30) calendar days of the incident.

a. Grievances will only be heard where:

- 1) The grievant alleges a violation of a student right as specified in Board of Trustees Policy, *BP 5500, Student Rights, Responsibilities, Campus Safety and Administrative Due Process, Section 1., Student Rights (a,b,c,e,f,g,h,i)*;
- 2) The grievant was a student of San Diego City, Mesa, or Miramar College, or San Diego College of Continuing Education at the time the alleged incident occurred;
- 3) The grievant is personally and directly damaged by the alleged incident;
- 4) Academic accommodations from 504 appeals in accordance with Administrative Procedure, *AP 5140, Academic Accommodations and Disability Discrimination for Students with Disabilities*, will be referred to Administrative Procedure, *AP 3435, Discrimination and Harassment Investigations*, if the student is not satisfied with the decision;
- 5) There is a remedy which is within the authority of the District to grant; and
- 6) There is no another prescribed administrative channel for due process.

b. The following allegations or issues will not be heard under this procedure:

- 1) Discipline of students – See Administrative Procedure, *AP 5520, Student Disciplinary Procedures*;
 - a) Students may not grieve a matter that is undergoing disciplinary proceedings, until these proceedings have concluded.
- 2) Discipline of employees;
- 3) Traffic or parking citation;
- 4) Correction to records, including grade changes – See Administrative Procedure, *AP 5040, Student Records, Release, Correction and Challenge*;
- 5) Matters for which there is another prescribed administrative channel for due process; and
- 6) Criminal acts or civil damages.

c. The grievance officer will notify the student of the disposition of the grievance within 10 instructional days. If a grievance is deemed to be valid (in accordance with 4.b. 1– 6 above), the grievance officer shall advise the student to complete a Student Grievance Hearing Request form within thirty (30) days of the end of the semester in which the

incident occurred.

Upon receipt of the Student Grievance Hearing Request form, the Grievance Officer shall:

- 1) Meet with the student within five (5) instructional days of receipt of the hearing request form;
- 2) Determine that the informal resolution process has been followed in accordance with this procedure;
- 3) Within ten (10) instructional days following receipt of the hearing request form, the Grievance Officer shall convene the Grievance Committee.

5. HEARING PROCEDURE

- a. The full Grievance Committee must be present for the hearing to proceed. The Grievance Officer will be the facilitator and shall inform the participants of the procedures to be followed in the hearing. The decision of the Grievance Officer shall be final on all matters relating to the conduct of the hearing, unless there is a two-thirds majority vote of the members of the Grievance Committee to the contrary. The burden of proof shall be on the grievant.
- b. Each party to the grievance may provide the committee with oral and written information relevant to the issue of the grievance.
- c. The Grievance Officer shall assist all parties in the securing of supporting information.
- d. Formal rules of evidence shall not apply. All relevant information shall be considered.
- e. Witnesses shall only be present when testifying. A taped recording shall be maintained by the Grievance Officer and shall be the only taped recording maintained. Destruction of all records of the hearing shall be in accordance with Administrative Procedure, AP 6550.2, *Storage and Disposition of Records*.

6. GRIEVANCE DECISION RECOMMENDATION

- a. The Grievance Committee's recommendation shall be based only upon the record of the hearing. Relevant sections of state and federal laws shall apply.
- b. The Grievance Committee shall submit its findings in writing to the President within five (5) instructional days following the conclusion of the hearing. The written report shall include specific findings on each issue of the grievance together with recommendations.

7. PRESIDENT'S DECISION

- a. Within five (5) instructional days following receipt of the Grievance Committee's recommendation, the President shall render a decision. The President may accept or reject the findings and recommendations of the Grievance Committee. If the President does not accept a finding or recommendation of the Grievance Committee, the reason(s) shall be stated in the written decision to the committee. The final decision shall be sent in writing to the grievant and Grievance Officer.

The decision of the President shall be final.

References: Education Code Section 76224 subdivision (a)
ACCJC Accreditation Eligibility Requirement 20
ACCJC Accreditation Standard 2

Approved: 5/10/79 (AP 3100.1)

Revised: 04/26/84; 10/14/98; 06/1/11; 06/26/14; 12/12/14; 02/23/16; 10/17/16;
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Supersedes current AP 5530, etc.

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