



# ADMINISTRATIVE PROCEDURES

No. 5530.1

MENDOCINO - LAKE COMMUNITY COLLEGE DISTRICT

## STUDENT RIGHTS AND GRIEVANCES

### A. Grievance

1. **Definition:** A grievance is a complaint by a student involving the interpretation, application, or alleged violation of College policies and procedures. A grievance action may be initiated by a student against another student, an instructor, an administrator, or a member of the classified staff.
2. **Terms:**
  - a. **Party** - The student or respondent(s) together with their representatives, which may include the Student Rights Advocate. "Party" shall not include the Grievance Hearing Committee or the 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. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).
  - d. **Grievant** - A student who has filed a grievance.
  - e. **Respondent** - Any person claimed by a grievant to be responsible for the alleged wrongdoing.
  - f. **Day** - Unless otherwise provided, “day” shall mean a day during which the College is in session and regular classes are held, excluding Saturdays, Sundays, and public holidays.
  - g. **Grievance Officer** – Human Resources Director. Serves as an assistant to students in seeking resolution.
  - h. **Student Rights Advocate** – ASMC elected position.
  - i.
3. **Grounds for Grievances.** The following are grounds for grievances:
  - a. Interpretation, application, or violation of College rules, regulations, policies, and procedures.
  - b. Arbitrary administrative action.

- c. Arbitrary or capricious decision in the academic evaluation of a student's performance.

## B. Informal Stage

Before filing a formal written grievance, the student shall attempt to resolve the matter by means of an informal conference individually and in sequence with the following (Note: This is the process for student grievances, NOT student discipline):

- Step 1: Initial Level—Any student with a grievance (the grievant) should discuss the problem directly with the person with whom the student has a grievance (the respondent). This discussion must take place within ten (10) days of the alleged incident or ten (10) days after the student learns of the alleged incident, whichever is later.
- Step 2: If the grievance is not resolved in Step 1, the grievant must complete the Student Grievance Form, Section A and submit to the immediate supervisor of the respondent. The immediate supervisor will meet with the grievant and make every effort to resolve the problem with the grievant and the respondent. This discussion shall take place within 10 days of completion of Step 1. The supervisor has ten (10) days to respond to the grievance.

## C. Formal Stage

If the grievant feels the matter has not been resolved by the informal conferences in Steps 1-2 the grievant may submit a signed Student Grievance Form within three (3) days after Step 2 to the appropriate supervising Vice President.

The Vice President may render a final decision or refer grievances to the Grievance Hearing Committee. If the Vice President refers the grievance to the Grievance Hearing Committee, the student has three (3) days to submit the Grievance Hearing Form to the Grievance Officer. The committee will conduct a formal hearing within ten (10) days (except where the grievant specifically agrees in writing to a longer period). No person who was involved in any prior step should participate in the committee deliberations. The committee will render a final decision and send it to the Vice President who will inform the grievant.

### Grievance Hearing Committee

The Superintendent/President or designee shall appoint a Grievance Hearing Committee as needed which shall be constituted in accordance with the following:

- a. It shall include one student, one faculty member, one member of the classified staff and one College administrator.
- b. 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 Superintendent/President or designee who shall determine whether cause for disqualification has been shown. If the Superintendent/President or designee feels that sufficient ground for removal of a member of the committee has been presented, the Superintendent/President or designee 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 Grievance Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.

References:                    Education Code Section 76224 subdivision (a);  
   Title IX, Education Amendments of 1972;  
   34 Code of Federal Regulations Parts 106.1 et seq.;  
   ACCJC Accreditation Eligibility Requirement 20;  
   ACCJC Accreditation Standard IV.D

# MENDOCINO LAKE COMMUNITY COLLEGE DISTRICT STUDENT GRIEVANCE FORM

**Section A of this form must be submitted to the appropriate administrator prior to informal step 2 and within ten (10) days of Step 1.**

**Section A and B of this form must be submitted to the appropriate Vice President within three (3) days after Step 2 of the informal process.**

## Grievance Form Section A

Name: \_\_\_\_\_ Student ID: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

Telephone: \_\_\_\_\_ Mendocino College e-mail: \_\_\_\_\_  
Home Work Cell

### Documentation of Grievance

\_\_\_\_\_  
Date of grievance Respondent(s) name and title

I wish to file a grievance or complaint as a result of the following college action or decision. Describe in detail your grievance or complaint. This information will be used in the formal resolution of your grievance. (attach additional pages if needed) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are there witnesses or anyone who could provide additional information regarding this grievance/complain, please list name(s), phone numbers(s), and nature of additional information (attach additional pages if needed)

Witness #1

\_\_\_\_\_  
Name Telephone Summary of additional information provided

Witness #2

\_\_\_\_\_  
Name Telephone Summary of additional information provided

How would you like to see this grievance/complaint resolved? (attach additional pages if needed) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge.

Adopted: May 6, 1992  
Revised: March 5, 2003  
October 25, 2019

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\_\_\_\_\_  
Signature of Grievant

\_\_\_\_\_  
Date

**Record of Informal Stage** (Please record and report information discussed in the informal step prior to moving onto the next step in the informal process)

Step 1 of the informal process was completed \_\_\_\_\_  
Date Respondent(s) name and title

Provide a summary of discussion with respondent(s) (attach additional pages if needed): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Step 2 of the informal process was completed \_\_\_\_\_  
Date Responsible supervisor

Provide/attach immediate supervisor's response to alleged grievance

**Grievance Form Section B**

**Request to Pursue Formal Grievance Process**

I am satisfied with the outcome of the informal process and do not wish to pursue a formal grievance. There is no need to complete section B.

I am not satisfied with the outcome of the informal process and do wish to pursue a formal grievance. Please complete section B

**Record of Informal Stage** (A formal grievance will not be evaluated if all steps of an informal resolution have not been sought. Documentation of the informal process should be recorded during the informal process.)

Steps 1 and 2 should be documented in Grievance Form Section A

Step 3: \_\_\_\_\_  
Date Respondent(s) name and title Responsible administrator

Provide/attach next-level administrator's response to alleged grievance

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Grievant

\_\_\_\_\_  
Date

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**- FOR ADMINISTRATIVE USE ONLY -**

1. Informal resolution was attempted on \_\_\_\_\_ and the grievance was  resolve/ unresolved.  
Date

2. If unresolved, this form was submitted within three (3) days of step 3 of the informal stage.  
 yes  no

This is to certify that this grievance was resolved at the informal step.

\_\_\_\_\_  
Signature of Grievant/Date

\_\_\_\_\_  
Signature of Administrator/Date

# MENDOCINO LAKE COMMUNITY COLLEGE DISTRICT GRIEVANCE HEARING FORM

**This form must be submitted to the Grievance Officer within three (3) days after Step 2 of the informal process.**

Name: \_\_\_\_\_ Student ID: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Street City State Zip

Telephone: \_\_\_\_\_ Mendocino College e-mail: \_\_\_\_\_  
Home Work Cell

A copy of the Grievance Form must be attached to this form at the time of submission

Informal Process Completed on: \_\_\_\_\_  
Date

As outline in AP 534.1, the determination of whether the statement of grievance presents sufficient grounds for a hearing shall be based on the following:

- a. Interpretation, application, or violation of College rules, regulations, policies, and procedures.
- b. Arbitrary administrative action.
- c. Arbitrary or capricious decision in the academic evaluation of a student's performance.

I am not satisfied with the resolution rendered at the informal level and would like to pursue a grievance hearing

\_\_\_\_\_  
Signature of Grievant/Date

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**- FOR ADMINISTRATIVE USE ONLY -**

Grievance Hearing Panel Members:

\_\_\_\_\_  
Grievance Officer Administrator Faculty Student

Date grievance went to hearing panel for review: \_\_\_\_\_

Date grievance hearing was held: \_\_\_\_\_

Date hearing panel's recommendation was sent to Superintendent/President: \_\_\_\_\_

Date Superintendent/President's notification of decision set to student and all parties: \_\_\_\_\_

Resolution of grievance hearing (attach additional pages if needed): \_\_\_\_\_