



ADMINISTRATIVE PROCEDURE

TITLE: Student Grievances

ADMINISTRATIVE PROCEDURE # 5535

RELATED TO POLICY # 5500 STANDARDS OF STUDENT CONDUCT

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures will be available to any student who reasonably believes a college decision or action has adversely affected their status, rights, or privileges as a student. The procedures will include, but not be limited to, grievances regarding:

1. Course grades
2. The exercise of rights of free expression protected by state and federal constitutions
3. Violations of Board Policy and/or Administrative Procedures

This procedure does not apply to:

1. Student disciplinary actions, which are covered under separate board policies and administrative procedures.
2. Parking citations (i.e. "tickets"); complaints about citations must be directed to the Office of Safety and Security.
3. Disability grievances
4. Title IX grievances

I. Definitions

A. Complaint – An informal method to discuss a matter of concern, brought by a student or employee to an administrative employee of the College, which may have implications that a College Board Policy and/or Administrative Procedure may have been violated, in order to determine if a grievance is warranted. A complaint is also a method for voicing dissatisfaction with services and instruction received at UCC to a supervisor of a department or program at the College.

- B. Day** – Unless otherwise defined, day will mean a day during which the college is in session and regularly scheduled classes as published in the term schedule are held, excluding Saturdays and Sundays.
- C. Grievance** – A formal process initiated by a student or employee when they believe an employee, department, or the College has acted in violation of the College’s Board Policies and/or Administrative Procedures, or local, state, or federal laws.
- D. Party** – The student or any persons claimed to have been responsible for the student’s alleged grievance, together with their representatives. “Party” will not include the Grievance Hearing Panel or the College Grievance Officer.
- E. President** – The President of Umpqua Community College (UCC) or a designated representative of UCC.
- F. 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 will be limited to a complaint regarding denial of admission. Former students will be limited to grievances relating to course grades.
- G. Respondent** – Any person claimed by a complainant to be responsible for the alleged grievance.

II. Procedures for Informal Resolution

- A. Informal Resolution** – Each student who has a grievance will make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and will attempt to solve the problem with the person with whom the student has the grievance, that person’s immediate supervisor or department chair, and the Dean/Director who oversees the UCC department.
 1. The Provost or designee will appoint an employee who will assist students in seeking resolution by informal means. This person will serve as a student’s Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Students of Umpqua Community College (ASUCC) Leadership Board in attempting to resolve a grievance informally.
 2. Any student who believes they have a grievance will file a Statement of Grievance with the Grievance Officer within 15 days of the incident on which the grievance is based, or 15 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; failure to take this first step in the grievance process will render the grievance waived. The Statement of Grievance must include a clear and concise statement of the alleged grievance, including the facts upon which the grievance is based, the issues involved, the policies or rights involved, and the relief sought. Within 5 days following receipt of the Statement of Grievance Form, the Grievance Officer will advise the student of their rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

3. If at the end of 10 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 will have the right to request a grievance hearing.

III. Procedures for a Formal Grievance

A. Grievance Hearing Panel – The President or designee will, at the beginning of each academic year, establish a standing panel of 12 members of the college community, including 3 students, 3 faculty members, 3 classified employees, and 3 administrators, from which one or more grievance hearing panels may be appointed. The panel will be established with the advice and assistance of the Associated Students of Umpqua Community College (ASUCC) Leadership Board, Faculty Association, Classified Association, and Administrator Group, who will each submit 3 or more names to the President or designee for inclusion on the panel annually. A Grievance Hearing Panel will be constituted in accordance with the following:

1. The panel will include a minimum of 1 student, 1 faculty member, 1 classified employee, and 1 administrator selected from the panel described above, as selected by the President or designee. Membership will be based on availability and lack of partiality.
2. No person will serve as a member of a Grievance Hearing Panel 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 panel prior to the beginning of the hearing by addressing a challenge to the President or designee, who will determine whether cause for disqualification has been shown. If the President or designee feels that sufficient ground for removal of a member or members of the panel has been presented, the President or designee will 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.

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

B. Request for Grievance Hearing

1. Any request for a grievance hearing will be filed on a Request for a Grievance Hearing within 20 days after filing the Statement of Grievance as described above.
2. Within 10 days following receipt of the request for a grievance hearing, the President or designee will appoint a Grievance Hearing Panel as described above, and the Grievance Hearing Panel will 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.
3. The determination of whether the Statement of Grievance presents sufficient grounds for a hearing will be based on the following:
 - a. The statement contains information 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.
4. If the grievance does not meet each of the requirements, the Hearing Panel chair will 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 3 days of the date of the decision is made by the Grievance Hearing Panel.
5. If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer will schedule a grievance hearing. The hearing will begin within 10 days following the decision to grant a Grievance Hearing. All

parties to the grievance will be given not less than 5 days' notice of the date, time, and place of the hearing.

C. Hearing Procedure

1. The decision of the Grievance Hearing Panel chair will 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.
2. The members of the Grievance Hearing Panel will 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.
4. Formal rules of evidence will not apply. Any relevant evidence will be admitted.
5. Unless the Grievance Hearing Panel determines to proceed otherwise, each party to the grievance will be permitted to make an opening statement. Thereafter, the grievant or grievants will make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden will be on the grievant(s) to prove by substantial evidence that the allegations 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 will not be represented by an attorney unless, in the judgement of the Grievance Hearing Panel, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than 3 days prior to the date of the hearing. If one party is permitted to be represented by an attorney, any other party will have the right to be represented by an attorney. The hearing panel may also request legal assistance through the President or designee, or Director of Human Resources. Any legal advisor provided to the hearing panel may sit with it in an advisory capacity to provide legal counsel but will not be a member of the panel nor vote with it.
7. Hearings will be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than 3 days prior to the date of the hearing.

8. In a closed hearing, witnesses will not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.
9. Within 10 days following the close of the hearing, the Grievance Hearing Panel will prepare and send to the President or designee a written decision. The decision will include specific factual findings regarding the grievance, and will include specific conclusions regarding whether a grievance has been established as defined above. The decision will also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision will 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.

D. President's Decision

Within 7 days following receipt of the Grievance Hearing Panel's decision and recommendation(s), the President or designee will send to all parties their written decision, together with the Hearing Panel's decision and recommendations. The President or designee may accept or reject the findings, decisions, and recommendations of the Grievance Hearing Panel. The factual findings of the Grievance Hearing Panel will be accorded great weight; if the President or designee does not accept the decision or a finding or recommendation of the Grievance Hearing Panel, the President or designee will review the record of the hearing, and will prepare a new written decision, which contains specific factual findings and conclusions. The decision of the President or designee will be final.

E. Time Limits

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

References:

- 20 U.S. Code Sections 1681 et seq.;
- NWCCU Standard 2.A.15

RESPONSIBILITY:

The Dean of Student Services is responsible for implementing and updating this procedure.

NEXT REVIEW DATE:

DATE OF ADOPTION: 4/7/2020 by CC

DATE(S) OF REVISION:

DATE(S) OF PRIOR REVIEW: