

The purpose of this procedure is to provide an efficient and equitable means of resolving student grievances. This procedure is available to any student who believes a decision or action by an instructor, college official, or by another student has adversely affected his or her status, rights, or privileges as a student.

Grievances related to course grades are addressed in Board Policy 4231, Grade Changes, and Administrative Procedure 4231.

For grievances related to sexual harassment, sexual assault, or illegal discrimination (i.e. age, ancestry, citizenship status, color, disability, ethnic group identification, gender, marital status, medical condition, national origin, parental status, race, religion, sexual orientation, or veteran status), students should contact the Human Resources Department director and/or the MiraCosta College Police Department. Staff members in those areas will assist students with the correct processes for resolution. Complaint and investigation procedures related harassment and discrimination (including sexual assault, sexual violence, dating violence, stalking and domestic violence) can be found in Administrative Procedure 3435.

In addition to MiraCosta Community College District procedures, a student may address a grievance directly to the California Community Colleges Chancellor's office by accessing the following website:

<http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx>.

This procedure does not apply to the following:

- A. Student discipline, which is covered under Board Policy 5500 and Administrative Procedure 5520.
- B. Police traffic tickets. Those complaints must be made to the local courts.
- C. Parking tickets. Those complaints must be made at the College Police Office.

### Definitions

- A. Day during which MiraCosta College is in session: This means a day when MiraCosta College classes are being held. This excludes winter break, spring break, and holidays. When Saturday classes are included in the college

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Effective Date:	5/19/09, 9/20/11, 1/24/12, 8/5/16
References:	Title IX, Education Amendments of 1972 Education Code §76224(a) Accrediting Commission for Community and Junior Colleges Accreditation Standard IV.D Accreditation Eligibility Requirement 20
Reference Update:	4/15
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schedule, those Saturdays are considered to be days during which MiraCosta College is in session.

- B. Calendar day: This means any day of the year.
- C. The college: This means MiraCosta Community College District.

A student who has a concern or complaint must first follow the informal conflict resolution process, which is described below. Any academic administrator can assist a student with this process.

At any point in the informal conflict resolution process, mediation is an option and may be requested by a student or suggested by a faculty member, staff member, or administrator as a means of resolving a disagreement. The college maintains a list of trained mediators, and any academic administrator can assist in arranging mediation.

If informal conflict resolution does not resolve the issue, the student may request formal conflict resolution. If a student wishes to file a formal grievance, he or she must do so in writing, explaining the details of the complaint, at the office of the vice president of student services at the Oceanside Campus, the office of the associate dean of student services at the San Elijo Campus, or the office of the dean of community education, at the Community Learning Center. Once the complaint is received, the appropriate official will meet with the student to provide information on the formal grievance process, which is described below.

### **Informal Conflict Resolution**

To informally resolve any issues with a faculty member, the student must make a reasonable effort to follow the steps listed below:

- A. Contact the instructor in person, by email, or by telephone, unless there is a valid reason (student feels intimidated, instructor unavailable after several attempts, etc.) to omit this step.
- B. If the concern or complaint is not resolved satisfactorily by contacting the faculty member, contact the appropriate department chair in person, by email, or by telephone.
- C. If the concern or complaint is still not resolved, contact the appropriate dean in person, by email, or by telephone.
- D. If the concern or complaint is still not resolved, contact the vice president of student services for assistance with the formal conflict resolution process.

To informally resolve any issue with a staff member or administrator, the student must make a reasonable effort to follow the steps listed below:

- A. Contact the staff member or administrator with whom the student has the grievance in person, by email, or by telephone, unless there is a valid reason (student feels intimidated, staff member or administrator unavailable after several attempts, etc.) to omit this step.

- B. If the concern or complaint is not resolved satisfactorily, contact the appropriate supervisor in person, by email, or by telephone.
- C. If the concern or complaint is still not resolved, contact the appropriate dean or department head in person, by email, or by telephone.
- D. If the concern or complaint is still not resolved, contact the vice president of student services for assistance with the formal conflict resolution process.

To informally resolve a conflict with another student, the student must make a reasonable effort to follow the steps listed below:

- A. If appropriate, discuss the issue with the student with whom the student has the grievance in person, by email, or by telephone unless there is a valid reason (student feels intimidated, student unavailable after several attempts, etc.) to omit this step.
- B. Meet with the vice president of student services or designee in person to request assistance in resolving the conflict.

### **Formal Conflict Resolution**

If informal resolution through discussion or mediation does not resolve the conflict, a formal mediation will take place. A list of trained mediators will be provided to the parties involved in the conflict and they will participate in selecting two (2) mediators. If the mediators are unable to help the student and the staff or faculty member resolve the conflict, and the mediators agree that the issue warrants a formal grievance, the student shall have the right to request a grievance hearing, in writing, to the vice president of student services at the Oceanside Campus, the associate dean of student services at the San Elijo Campus, or the dean of community education at the Community Learning Center. The request for a hearing must be made within ten (10) days (during which MiraCosta College is in session) of the formal mediation meeting. The formal grievance hearing will be scheduled within ten (10) days (during which MiraCosta College is in session) of receipt of the request.

The grievance hearing committee will consist of the following:

- A. One student appointed by the Student Senate president.
- B. One faculty member appointed by the Academic Senate president if the grievance is against a faculty member.
- C. One staff member appointed by the Classified Senate president if the grievance is against a staff member.
- D. The vice president of student services, who will chair the committee if the grievance is nonacademic or the Academic Senate president if the grievance is academic.

The chair will conduct the hearing. Possible protective measures which may be utilized include, but are not limited to, no-contact orders, remote participation during the hearing

(telephone, videoconferencing, use of a privacy screen etc.), separate waiting areas during hearing, safety escorts, and prohibitions against retaliation.

The members of the grievance hearing committee will be provided a copy of the grievance and any written response to the grievance.

Each party to the grievance may call witnesses and introduce oral and written testimony. Witnesses unable to be present may submit written statements.

Although the hearing is formal, rules of evidence do not apply as they would in a court of law.

Each party to the grievance will be permitted to make an opening statement; thereafter, the grievant will present evidence followed by the respondent.

The student may bring an advocate or attorney to the hearing provided the vice president of student services is notified at least five (5) calendar days in advance of the hearing. In the event that the student notifies the vice president student services that he/she will have representation, the faculty member has the right to legal counsel and a right to receive notification that the student will have counsel present. The hearing will be recorded, and the recording shall remain in the custody of the vice president of student services. Any party to the grievance may request a copy of the recording.

Hearings shall be closed and confidential unless all parties request that they be open to the public. Any such request must be made no less than three (3) calendar days prior to the date of the hearing. In a closed hearing, witnesses will testify and be excused.

The grievance hearing committee will recommend a resolution of the grievance after listening to all of the participants. The committee will inform the student and the respondent in writing about its recommendation within ten (10) days (during which MiraCosta College is in session) of the hearing. The recommendation shall include specific factual findings regarding the grievance. The recommendation shall also include relief to be afforded to the student, if any.

The student may appeal the recommendation of the grievance hearing committee by writing to the superintendent/president within ten (10) calendar days of being notified of the grievance hearing committee's recommendation. The superintendent/president will send the student a final decision in writing within ten (10) calendar days of receiving the appeal.