

Administrative Guidelines to accompany board policy S6320, Student Complaints and Grievances

Student Complaint and Grievances Procedures

SECTION I: DEFINITION OF TERMS

COMPLAINT -- This charge may refer to an alleged misapplication of classroom procedures, an alleged disagreement in personal interactions, or an informal-level charge which alleges a violation or misapplication of the procedures or regulations set forth in the college catalog, board policies, or operating procedures of the college district or instructional procedures, or specific provisions of applicable federal or state law or applicable college district policy, who claim misapplication or denial of student due process.

COMPLAINANT – A student who alleges that he or she has been personally wronged as a result of an alleged violation or misapplication of the procedures or regulations set forth in the college catalog, board policies, or operating procedures of the college district or instructional procedures, or specific provisions of applicable federal or state law or applicable college district policy, and chooses to pursue resolution via an informal process. (See specialized programs exception.)

GRIEVANCE -- A formal written charge filed by a student which alleges a violation of one or more specific provisions of applicable federal or state law or applicable college district policy. A grade assigned by an instructor is not a grievable matter, except as outlined in *Education Code* section 76224(a) which states that “when grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student’s grade by the instructor in the absence of mistake, fraud, bad faith, or incompetence, shall be final.” In addition to these provisions in *Education Code*, a student may also file a grievance as a remedy for a confirmed discrimination on the basis of disability pursuant to Section 504 and Title II, including with respect to the denial of an approved accommodation/modification.

GRIEVANT -- A student who alleges that he or she has been personally wronged, as a result of an alleged violation of applicable federal or state law, applicable district or college policy, or instructional procedures and the allegation utilizing the formal grievance format chooses to pursue. See specialized programs exception.

OMBUDSPERSON -- A district employee who can explain district processes and refer the student to appropriate parties to resolve their student concern.

COMMITTEE FOR STUDENT GRIEVANCES -- This committee of five members (two students, two faculty and an administrator) hear grievances filed against student services programs and administrative staff.

SUBJECT OF COMPLAINT OR GRIEVANCE -- Any individual or student who is the alleged offending party. Please note: Student on student complaints or grievances will be pursued utilizing the Student Code of Conduct process.

STATUTE OF LIMITATIONS – The filing of grievances shall be permitted only through the end of the sixth week of the semester following the semester in which the alleged incident occurred or two weeks following the posting of the grades from the previous semester, whichever is greater. Grievances occurring during the summer shall be handled on a calendar-day basis, and filing of such grievances shall only be permitted through the end of the first week after the end of the summer term.

SPECIALIZED PROGRAMS – Complaints or grievances occurring within specialized vocational programs must follow procedures outlined in the student handbooks and are subject to the timelines within those handbooks before a formal grievance under this process can be processed.

SUPERVISING ADMINISTRATOR -- An individual having the first line of jurisdiction over a staff member, program administrator, supervisor, college administrator, or division chair.

TITLE IX OFFICER -- An individual identified by the college to address matters within the federal regulations outlined under Title IX and provide support to students as an unbiased representative relative to gender-equity issues on campus. You may contact the Human Resources for the name and phone number of the Title IX Officer.

SECTION II: PROCEDURES

PART A: General Provisions

The Napa Valley College Complaint and Grievance Guidelines are provided as a means for individual students to resolve specific concerns in an expeditious and fair manner. Another purpose of the procedures is to help all students learn constructive approaches to problem and conflict resolution. Students who need help in understanding the procedures or determining their grievance may contact either the Assistant Superintendent/Vice President of Student Affairs, the ASNVC officer assigned to student complaints, or the Title IX Officer.

The district directs that there shall be no harassment or retaliation towards the grievant, the subject of the grievance, or others participating in the complaint and grievance process (or as a result of filing a complaint or grievance). This process shall take place within a collegial atmosphere and be aimed at resolution of the conflict.

Depending on the type of harassment, these matters could be addressed through the student discipline process, referred to Human Resources, or referred to the sexual harassment policy and procedures. Matters of discrimination shall be addressed through the discrimination complaint procedure identified in the district's discrimination policy administered by the Office of Human Resources.

It is the responsibility of any faculty member (instructor, counselor, or librarian), classified staff member, or administrator who receives a complaint or potential grievance from a student concerning any faculty or staff member to refer the student immediately to the subject of the grievance, except in cases of sexual harassment or discrimination, in which case the student shall be referred to the Office of Human Resources. Any person claiming discrimination based on a disability, including allegations of failure to accommodate, shall be referred to the 504-ADA Compliance Officer who is the Dean of Disability Support Programs and Services (DSPS) a.

The complainant or grievant may bring a support person, such as, an officer of the ASNVC or any person appointed by the ASNVC President, any member of the Napa Valley College staff, or the Title IX Officer to any meetings or hearings of the complaint and grievance procedures. The subject of the grievance also has rights of bringing a support person to any meetings or hearings of the grievance. If any party involved in the complaint or grievance believes that the procedures are not being appropriately followed, that individual has the right to file a letter with the Superintendent/President, who within 10 school days of receipt of this letter, shall make a decision regarding the letter's allegations and determine at which level the process shall be resumed.

Nothing in the policy or procedures shall abridge the rights of faculty, staff, administrators, and students to the provisions of due process, just cause, and relevant provisions of the Education Code or the agreement between the Napa Valley Community College District and the Napa Valley College Faculty Association or the Napa Valley Classified Association.

Deadlines may be extended by mutual consent of the parties involved and shall be documented with the appropriate Vice President.

PART B: Instructional Complaint and Grievance Procedures

An instructional complaint or grievance is a complaint or grievance that occurs during the delivery of instruction, counseling, or library services within a scheduled class, library service, or counseling session by a faculty member to the student (grievant). The following procedures are to be used when an instructional complaint or grievance is being considered.

All complaints directed against instructional faculty or librarians will go to the Assistant Superintendent/V.P. Academic Affairs. All complaints directed against the counseling faculty will go to the Assistant Superintendent/V.P. Student Affairs.

The ombudsperson is available at any stage of the process to help a student understand the process and the steps to be taken. If able the ombudsperson may intervene to help resolve the matter informally.

Stage 1 – Informal Complaint (Informal process)

Prior to filing a formal grievance procedure, attempts shall be made to resolve the problem informally as a complaint. Any meetings, which take place during this stage, shall be conducted at a mutually agreed-upon private space, and the pertinent issues clearly defined so they may be discussed as objectively as possible.

- a) Within the statute of limitations,¹ the student is expected to contact the faculty member directly to discuss the complaint during the semester in which the problem occurs. The student may bring a support person, who is not a participant but advisory to the student. Hopefully, the matter can be resolved informally at this level.
- b) If the issue is not resolved at this point, within the next 10 school days, the student should discuss the matter next with the dean and the faculty member together, to attempt to resolve the complaint informally.
- c) If the complaint cannot be resolved at this level, then the student must inform the Dean and faculty member of his or her plans to pursue a grievance. The student may then meet separately with the dean to seek resolution and/or proceed with a formal grievance.

Stage 2 - Grievance (Formal & written process)

The student submits the Student Grievance Form (Appendix B) to the dean, within 10 school days after the informal complaint meeting with the dean and faculty member. The form must contain a specific description of the grievance and reference to any specific federal or state law or any applicable district or college policy which is the basis for the grievance. The names of the parties involved at Stage 1 and a proposed remedy or resolution shall also be included in the formal written grievance. The subject (faculty member) of the grievance is encouraged to submit a written

¹ STATUTE OF LIMITATIONS: The filing of grievances shall be permitted only through the end of the sixth week of the semester following the semester in which the alleged incident occurred. Grievances occurring during the summer shall be handled on a calendar day basis, and filing of such grievances shall only be permitted through the end of the first week after the summer term.

rationale for his or her actions to the dean for consideration before making a decision on the grievance.

Based on the written material, the dean assumes the responsibility for making a decision regarding the validity of the grievance and appropriate action to be taken. Options for resolving the grievance include the following: (1) accept the grievant's remedy or modification of the remedy, (2) refer the grievance to the faculty evaluation process, or (3) determine the grievance to be without merit.

Within 10 school days after receiving the written grievance, the decision and proposed action of the dean shall be communicated in writing to the student involved, the faculty member involved, and the Assistant Superintendent/Vice President of Academic Affairs or designee).

Stage 3 – Grievance Appeal (Formal & written process)

If either the student or the faculty member involved is not satisfied with the decision made or action taken by the dean, an appeal may be made to the Assistant Superintendent/Vice President, Academic Affairs, or designees, within 10 school days after the receipt of the decision. This written appeal shall outline the nature and basis for the dissatisfaction with the decision or action taken. A copy of the appeal shall be filed with the dean, and student or faculty member, as appropriate.

The Assistant Superintendent/Vice President, Academic Affairs, or designee, shall review the appeal and recommendation from the dean and, within 10 school days after receipt of the appeal, shall schedule a private meeting with the grievant, the subject of the grievance, and the dean. The student will be allowed a support person/advocate. The Assistant Superintendent/Vice President, Academic Affairs, or designees, has authority to uphold, reverse, or modify the action taken by the dean with rationale for his/her action. His/her decision shall be final and shall be delivered in writing to the student lodging the grievance with copies to the dean and faculty member involved within 10 school days after the meeting with all parties involved.

The student is allowed to submit a letter to the appropriate Assistant Superintendent/Vice President for consideration in compliance with Napa Valley College Employment contracts with faculty and classified staff.

PART C: Non-Instructional Complaint and Grievance Procedures

A non-instructional complaint or grievance is a complaint or grievance that occurs during the delivery of a service (administrative or support) by a staff member to a student. The following guidelines are to be used when a non-instructional complaint or grievance is being considered.

The ombudsperson is available at any stage of the process to help a student understand the process and the steps to be taken. If able the ombudsperson may intervene to help resolve the matter informally.

Stage 1 – Informal Complaint (Informal process)

Prior to filing a formal grievance, attempts shall be made to resolve the problem informally as a complaint. Any meetings, which take place during this stage, shall be conducted at a mutually agreed-upon private space, and the pertinent issues clearly defined so they may be discussed as objectively as possible.

- a) Within the statute of limitations, the student is expected to contact the staff member directly to discuss the complaint during the semester in which the problem occurs. Hopefully, the matter can be resolved informally at this level.
- b) If the matter cannot be resolved at Stage 1a, the student shall contact the program administrator, supervisor, or coordinator to attempt to resolve the matter informally. The staff member against whom the complaint is directed must be present at all meetings between the student and the supervisor.
- c) If the complaint cannot be resolved at Stage 1b, the student shall discuss the matter next with the supervising administrator, who shall also attempt to resolve the complaint informally. If the matter cannot be resolved at this level, the student may progress to Stage 2 after informing the staff member and program administrator, supervisor, or coordinator of his/her decision to pursue a grievance.

Stage 2 - Grievance (Formal & written process)

The student submits the Student Grievance Form (Appendix B) to the next level administrator or division chair within 10 school days after the Stage 1c meeting. The form must contain a specific description of the grievance and reference to any specific federal or state law or any applicable district or college policy which is the basis for the grievance. The form shall also include the names of the parties involved at Stage 1 and a proposed remedy or resolution. Within 10 days after the receipt of such communication, the administrator shall schedule a mediation committee meeting consisting of the following people:

- a) the supervising administrator,
- b) the student lodging the grievance (if the student wishes, a support person may accompany him/her), and
- c) the staff member, administrator, supervisor, coordinator, or dean or associate dean involved (if the subject of the grievance wishes, a designated representative may accompany him or her).

This meeting shall take place no later than 10 school days after the notification of the meeting date. The committee shall attempt to resolve the matter at this level. Meetings of the committee shall be chaired by the supervising administrator and shall be closed to all observers.

If the matter cannot be resolved to the satisfaction of all involved, the supervising administrator assumes the responsibility for making a decision regarding the validity of the grievance and appropriate action to be taken.

Within 10 school days after the mediation meeting, the decision and proposed action of the supervising administrator shall be communicated in writing to the student involved, the subject of the grievance, and the program administrator, supervisor, coordinator, or dean or division chair.

Stage 3 – Grievance Appeal (Formal & written process)

If either the grievant or subject of the grievance is not satisfied with the decision of the supervising administrator, an appeal may be submitted to the Committee for Student Grievances within 10 school days upon receipt of the Stage 2 decision.

The Committee for Student Grievance shall be composed of at least three college staff and two students. The committee members shall be identified by the Assistant Superintendent/Vice President of Student Affairs from a list provided by the Academic Senate, ASNVC, Classified Senate and Administrative Senate prior to each hearing and based on availability of time of hearing.

It shall be the function of the Committee for Student Grievances to hold a hearing and make a decision that shall resolve the grievance. The decision of the committee shall be made within 10 school days of the receipt of the grievance. The written decision shall be distributed to the grievant; any ASNVC officer, or designee representing the student; the Assistant Superintendent/Vice President, Student Affairs, or Title IX Officer; and the subject of the grievance. The committee and the vice president shall work within the following procedures:

- a) The Committee for Student Grievances shall have no power to add to, subtract from, disregard, alter, or modify any of the terms of college procedures or policies.
- b) Any decision by the Committee for Student Grievances shall be in compliance with the provisions of the *Education Code*, all state and federal statutes, and accrediting agency regulations. The decision shall be final and shall be based only on the pertinent and relevant written documents submitted and the recorded and pertinent oral testimony received in the hearing.
- c) The Assistant Superintendent/Vice President, Student Affairs, or the Title IX Officer shall verify the existence of all written documents generated at Stage 2 and submit a list of them with attached copies to the committee.
- d) After a hearing has taken place and both parties have had an opportunity to submit pertinent arguments and oral testimony, the Committee for Student Grievances shall submit its findings and decision in writing within 10 school days.
- e) All records, deliberations, and procedures of the Committee for Student Grievances shall be filed with the Assistant Superintendent/Vice President, Student Affairs, or the Title IX Officer. The records shall be treated in a confidential manner.

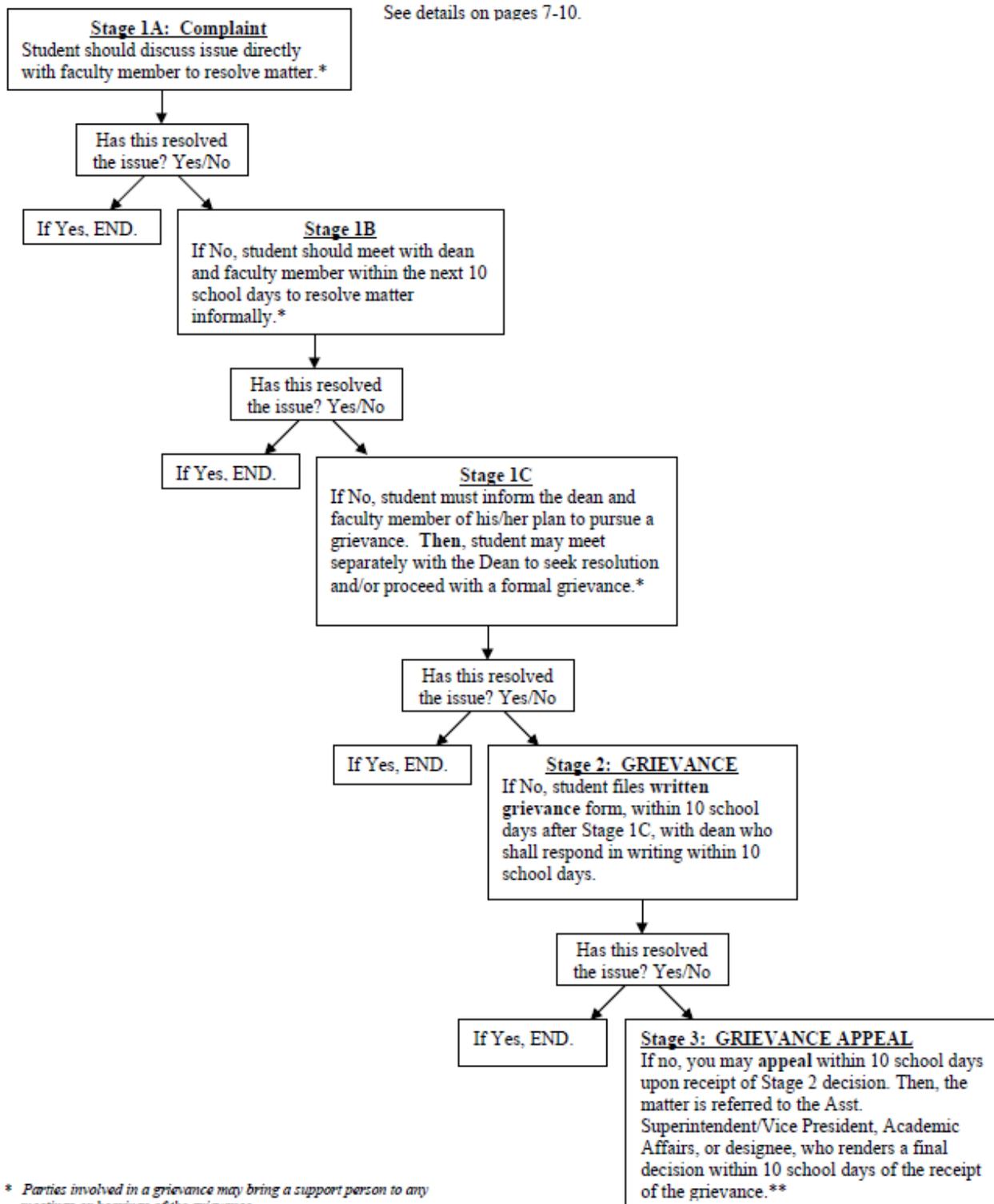
The student is allowed to submit a letter to the appropriate Assistant Superintendent/Vice President for consideration in compliance with Napa Valley College Employment contracts with faculty and classified staff.

Adopted 10/17/96 (ratification of mutual agreement)

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Updated 8/29/17, 5/22/19

Student Complaint and Grievance Process Instructional

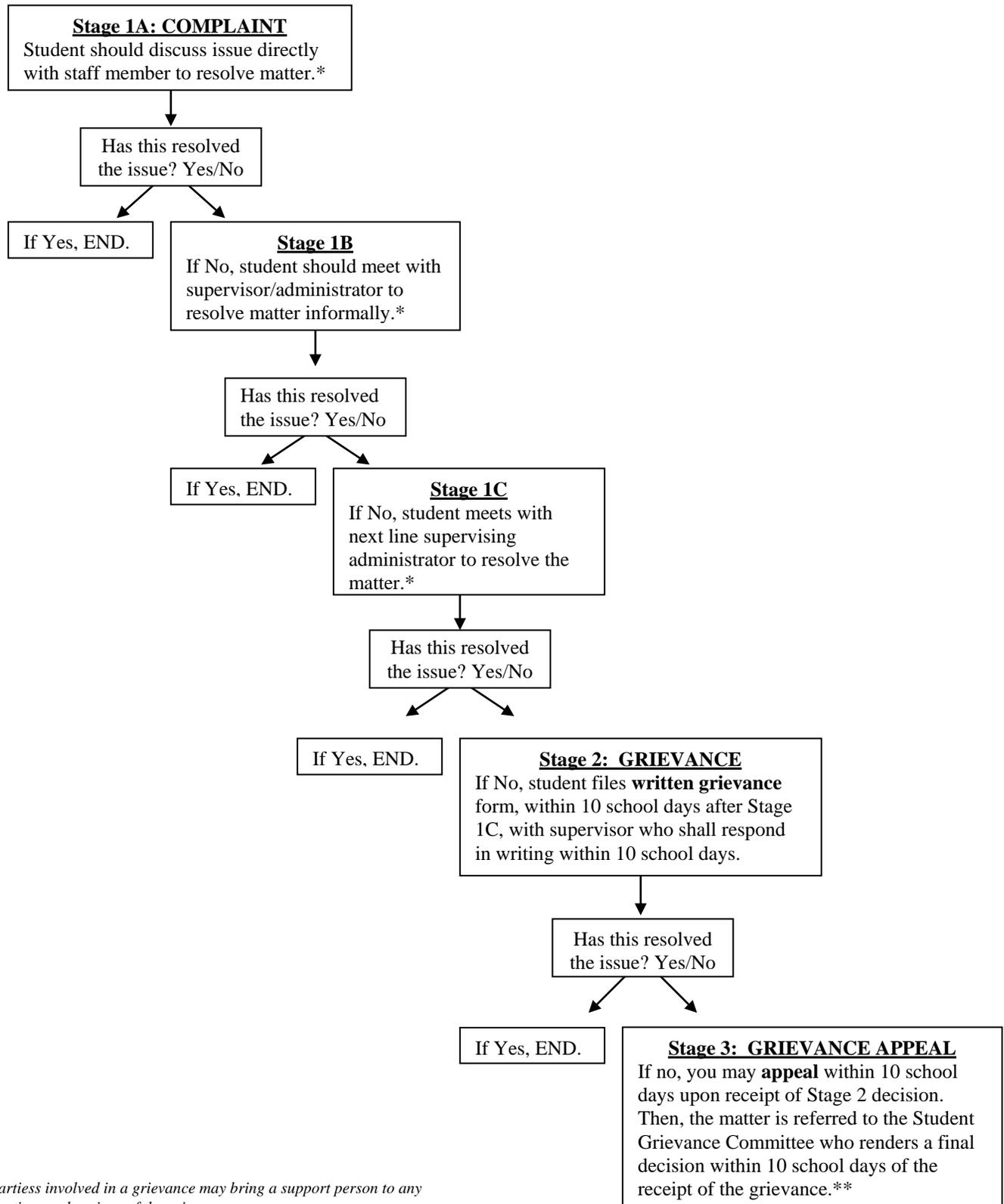


Referral: Any faculty member, classified staff, or administrator who receives a grievance or complaint concerning any faculty member or staff member from a student, shall refer the student immediately to the subject of the grievance, except in the cases of sexual harassment or discrimination, where the student shall be referred to the Office of Human Resources or in cases of discrimination based on a disability, to the Office of Special Services. The student may meet with the Vice President, Academic Affairs or designee, for assistance and guidance in using the process.

Student Complaint and Grievance Process

Non-Instructional

See details on pages 11-14.



* Parties involved in a grievance may bring a support person to any meetings or hearings of the grievance
 ** Parties involved in a grievance have the legal right to further appeal.

Referral: Any faculty member, classified staff, or administrator who receives a grievance or complaint concerning any faculty member or staff member from a student, shall refer the student immediately to the subject of the grievance, except in the cases of sexual harassment or discrimination, where the student shall be referred to the Office of Human Resources or in cases of discrimination based on a disability, to the Office of Special Services. The student may meet with the Assistant Superintendent/Vice President, Student Affairs, for assistance and guidance in using the process.