

AP 5500.2 - Student Grievance and Complaints



San Diego Community College District

City College · Mesa College · Miramar College · College of Continuing Education

Administrative Procedures

Chapter 5 - Student Services

AP 5500.2 - Student Grievance and Complaints

1. ~~PURPOSE AND DEFINITION~~

The purpose of this procedure is to provide a prompt and equitable means for resolving student grievances and complaints

2. DEFINITIONS

- a. Complaint: A complaint or grievance is initially an oral claim by a student alleging improper, unfair, arbitrary or discriminatory treatment. The College may ask the student to submit the complaint and its details in writing for purposes of follow-up and required College record keeping.
- b. ~~Grievance: A complaint filed by any student who reasonable believes a college decision, or action, has adversely affected his/her/their status, rights, or privileges 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.).~~

A Grievance is not:

- i. Student disciplinary actions, which are covered under Board Policy 5500, Administrative Procedure 5500
 - ii. Discipline of employees
 - iii. Traffic or parking citations
 - iv. Criminal acts or civil damages
 - v. Grade Changes, which are covered under Board Policy 4231 and Administrative Procedure 4231
 - vi. Challenges to process for pre-requisites, co-requisites, and limitations on enrollment, which are covered under Board Policy 4260 and Administrative Procedure 4260.
 - vii. Complaints under Section 504, Section 508, and/or Title II Americans with Disabilities Act. These complaints are to be made to the Section 504/508/ADA Coordinator in the Disabled Student Programs and Services Office/
 - viii. Complaints of sexual harassment, discrimination, including harassment or retaliation, are to be made to the Diversity/Compliance/Title IX Officer
 - ix. 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.
- c. **Complainant** - A student who has filed a formal complaint
 - d. **Party** - The student or any persons claimed to have been responsible for the student's alleged Grievance, together with their representatives.

- e. Respondent – Any person the Grievant claims to be responsible for the alleged Grievance.
- f. Student – A currently enrolled student or a person who has filed an application for admission to the college. 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, as outlined in [AP 4231 - Grade Changes](#).

3. STEP 1 - INFORMAL ACTION

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 an appropriate complaint form in the [online complaint system](#) within thirty (30) days.

4. STEP 2 - FORMAL ACTION

If the student fails to resolve the grievance informally, the student can submit an official complaint in the District's [online complaint system](#) with the appropriate Dean within thirty (30) days of the incident on which the Grievance is based, or (30) days after the student learns of the basis for the Grievance, whichever is later.

The formal complaint must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the Grievance to become official. Once filed, students will be contacted within ten (10) business days from the appropriate administrator. Efforts will be made to resolve the complaint between the appropriate administrator and the complainant, and the resolution will be documented within the [online complaint system](#).

If the student still is not satisfied with the outcome of the complaint, the student may appeal with the appropriate Vice President within ten (10) business days of being notified of the outcome of the formal action.

5. STUDENT APPEAL

- a. Within ten (10) days following receipt of the outcome of the formal complaint process, the student may submit a written appeal to the appropriate Vice President. The appeal should include all documentation to support the allegations that the college decision, or action, has adversely affected his/her/their status, rights, or privileges 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.)
- b. Within 30 days of the receipt of such an appeal, the Vice President, shall conduct a fact-finding investigation to determine if sufficient documentation exists to demonstrate that the student's status, rights or privileges were violated.
- c. Once the Vice President makes a decision, the complaint process has been completed. There is no appeal. Student will be notified of the outcome in writing via the online complaint system.

6. ~~STEP 3 – STUDENT GRIEVANCE PROCESS~~

a. ~~GRIEVANCE OFFICER~~

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

b. ~~GRIEVANCE COMMITTEE~~

- i. ~~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.~~
- ii. ~~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.~~

c. **RESOLUTION PROCESS**

- i. ~~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.~~
- ii. ~~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.~~
- iii. ~~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.~~
- iv. ~~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.~~

d. **HEARING PROCEDURE**

- i. ~~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.~~
- ii. ~~Each party to the grievance may provide the committee with oral and written information relevant to the issue of the grievance.~~
- iii. ~~The Grievance Officer shall assist all parties in the securing of supporting information.~~
- iv. ~~Formal rules of evidence shall not apply. All relevant information shall be considered.~~
- v. ~~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~~

e. **GRIEVANCE DECISION RECOMMENDATION**

- i. ~~The Grievance Committee's recommendation shall be based only upon the record of the hearing. Relevant sections of state and federal laws shall apply.~~
- ii. ~~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.~~

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

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