

# Policies & Procedures Relating to Student Rights Responsibilities and Grievance Procedures



Hartnell College  
Office of the Vice President  
of Student Services

*February 2007*

Policies & Procedures

# Relating to Student Behavior

The California Education Code provides that "the board shall have the power to adopt such rules and regulations, not inconsistent with laws, as are necessary for its own government and to enable the board to carry out all powers and responsibilities vested in it by law." (Section 71020). The Board of Trustees has prescribed the following policies and procedures relating to students. These policies and procedures shall apply to both on campus and off campus College sponsored activities. The Vice President of Student Services shall be responsible for assuring that these policies and procedures are observed at Hartnell College.

This booklet has been prepared for distribution to students in accordance with requirements established and approved by the Board of Trustees governing student behavior and the applicable penalties for violation of these policies.

Copies of this publication which includes all student behavior policies established by the Board of Trustees, and copies of all procedures in effect at Hartnell College are available for inspection in the office of the Vice President of Student Services.

Special thanks to all who played a major role in the revision of this brochure.

Celia Barberena, Ph.D.  
Vice President, Student Services

## **Student Policy Review Committee Members:**

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Footnotes: Original Grievance Procedures Booklet Written April 1994-Nicole Guidotti, Ignacio Pando, Wayne Davis, Theresa Carbajal, Cheri Gray, Mary Brown, Fred Anderson, Faculty Senate; Revised March /April 2004; document prepared by M. Dominguez A&R

*Approved Student Policy Review Committee: 12/5/05*

*Approved Student Senate: 2/21/06*

*Approved Classified Senate: 11/30/06*

*Approved Academic Senate: 10/17/06*

*Approved College Council: 2/12/07*

*Hartnell College has made every reasonable effort to determine that everything in this publication is accurate. The College reserves the right to make changes in policies, programs, and services as legislation, code regulations, and policies are revised.*

# Rights & Responsibilities of Hartnell College Students

No student shall be deprived of equal treatment and equal access to educational programs, due process, presumption of innocence prior to proof otherwise, free expression and association, and privacy of thought.

Students bring to the College interests and values previously acquired and they develop new interests as members of an academic community. They shall be free to organize and join groups in the pursuit of those interests, subject only to regulations and procedures intended to preserve the integrity of the District and which are consistent with constitutional guarantees.

In keeping with the ideals of a democracy, students shall be granted the rights and responsibilities of self-government. In the activities of student groups and the conduct of student government, discrimination based on race, ethnic background, national origin, sex, age, sexual orientation, or disability shall be expressly prohibited.

Students and recognized student organizations shall be free to examine and discuss questions of interest to them and to express their opinions publicly and privately without fear of reprisal. They shall be free to support legal causes by orderly means that do not disrupt the operation of the College. College documents are subject to the Family Educational Rights and Privacy Act (Public Law 93-980).

Attendant upon the rights guaranteed to each student are certain responsibilities, which include respect for the rights of others, acceptance of properly constituted authority, and compliance with the policies, regulations and procedures of the District. Each student bears full responsibility for his or her actions.

## Equal Opportunity

It is the policy of the Hartnell Community College District that no person shall be discriminated against on the basis of race, color, religion, national origin, ancestry, gender, sexual orientation, marital or parental status, or within the limits imposed by law, age, or disability in all of its educational and employment programs and activities, its policies, practices, and procedures. This complies with Title IX of the 1972 Educational Amendments, the Equal Employment Opportunity Act of 1972 (Title VI and VII of the Civil Rights Act of 1975, and the Americans with Disabilities Act of 1975, and American with Disabilities Act of 1990.)

It is further the policy of the District to routinely review all of its programs and aspects of employment where persons with a disability or of a particular race/ethnicity or gender are underutilized or under represented to assure that equal opportunity exists.

The Equal Opportunity Officer for the Hartnell College District is the Director of Human Resources. Specific questions and/or concerns may be directed to the Human Resources Office.

# Standards of Student Conduct

The District has an obligation to specify those standards of behavior essential to its educational mission and campus life. The following types of misconduct for which students are subject to disciplinary sanctions apply at all times on campus, off-site centers, and at any off-campus functions sponsored or supervised by the College:

1. Cheating, plagiarism, or knowingly furnishing false information in the classroom or to a College staff member (see Policy on Cheating located in the college catalog).
2. Forgery, alteration, or other misuse of College documents records, or identification.
3. Transmission, copying, or use of any material in violation of any United States or state regulation is prohibited. This includes, but is not limited to, copyrighting material, threatening or obscene material, or material protected by trade secrets. Downloading, viewing, storing or printing files or messages that are profane, obscene, or that use language that is offensive or degrading to others is not allowed.
4. Physical or verbal abuse of any person or group, or conduct which intimidates, threatens, or endangers the health or safety of any person or group. Assault, battery, or any threat of force or violence upon the College's staff members, students, or visitors.
5. Interference with the normal operations of the College (e.g., obstruction or disruptions of teaching, research, administration, disciplinary procedures, pedestrian, or vehicular traffic, or other College activities, including its public service functions or other authorized activities on College premises).
6. Disruptive behavior, willful disobedience, profanity or vulgarity or the open defiance or abuse of College personnel.
7. Lewd, indecent, or obscene conduct or expression on any College owned or controlled property or at any College sponsored or supervised function.
8. The College must protect the Constitutional Rights of free expression under the First Amendment. The District is committed to creating an educational environment that does not tolerate harassment or discrimination. The following acts are violation of the Hartnell College Standards of Student Conduct:
  - a. Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assaults, touching, impeding or blocking movement, leering, gestures, display of sexually suggestive objects or pictures or cartoons.
  - b. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)
9. Theft of, or damage to, the property of the College, staff members, students, or visitors. Such actions may result in the imposition of fees for the loss, damage, or defacement of books and equipment; the cancellation of registration; the withholding of grades or transcript; and, in extreme cases, legal action.

## Standards of Student Conduct Continued

10. Unauthorized entry into or use of College facilities.
11. Failure to pay just debts such as fines or loans, and failure to return borrowed property when reasonable attempts have been made to retrieve it.
12. Hazing or any acts of discrimination that injures, degrades, or disgraces another person or group.
13. Gambling in any form.
14. The use of alcohol or unlawful drugs, or the distribution, sale, or possession of such alcohol or other drugs on College property, or at events sponsored by the College. (As defined in the Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226).
15. Unauthorized possession or use of firearms, explosives, dangerous chemicals, or other weapons on College property or at College sponsored or supervised activities.
16. Smoking in classrooms or other unauthorized campus areas. Smoking is not permitted within 20 feet of any main entrance, exits, and operable windows of any building at Hartnell College.
17. Failure to comply with lawful directions of College officials, faculty, staff, or campus safety officers who are acting within the scope of their duties.
18. Violation of District policies or College regulations concerning the registration of student organizations, the use of District facilities, or the time, place, and manner of public expression.
19. Using or consulting sources or materials, including electronic devices, during an examination unless expressly authorized by the instructor or as a permitted accommodation.
20. Violation of other applicable Federal and State statutes and College rules and regulations.

# Student Misconduct Process

Behavior that is not consistent with these standards will be subject to disciplinary sanctions and appropriate external sanctions. To protect the rights of students to due process, students will always be informed of the charges against them, be given an opportunity to refute the charges, and permitted an appeal of any decision. Disciplinary proceedings and their outcomes are confidential.

*To ensure that the Student Misconduct Process is not discriminatory to students with disabilities, the VPSS office will contact the DSPS office to determine if the student is currently enrolled in the DSPS program. The student may elect to be accompanied by a DSPS faculty or staff representative who may function as an advocate for the student throughout the grievance, misconduct, or disciplinary process.*

**Step 1 Complaint.** A formal complaint or allegation of a violation on the part of a student may be lodged with the Vice President of Student Services (VPSS) or designee. It is the VPSS's responsibility to determine whether the complaint qualifies as a disciplinary violation, grievance, or a matter which should be handled by the Hearing Board or other law enforcement body.

The VPSS office will contact the DSPS office to determine if the student is an active participant in the DSPS program. The student may be accompanied by a DSPS faculty representative who will function as an advocate for the student throughout the discipline process.

**Vice President for Student Services Hearing.** The VPSS or designee may hold a formal hearing within ten (10) working days to review the allegations and to determine the appropriate disciplinary sanction. Written and oral evidence may be presented during the hearing by the student charged or by other persons. The final decision of the VPSS shall be communicated to the complainant in writing within five (5) working days after the hearing.

The complainant will have five (5) working days to file a formal written appeal of the VPSS's decision. The appeal is Step 2 of the discipline process and is with a formal Hearing Board.

The VPSS may, because of the nature of the charges, refer the entire review to the Hearing Board without rendering a decision.

**Step 2 The Hearing Board.** The function of the Hearing Board is to hear student disciplinary and grievance cases either on appeal or on a referral basis. The Board will be composed of four members appointed by the VPSS representing the following groups:

- One Administrator (VPSS or designee)
- One Faculty member
- One Student
- One Classified Staff member

The Board membership should reflect ethnic and gender balance. In cases of a tie, the original decision will remain.

**Hearing Board Review.** The function of the Hearing Board is to be a review board for appeals and to hear student disciplinary cases referred by the VPSS. The Board will meet within ten (10) working days of the receipt of the appeal or referral.

## Student Misconduct Process Continued

All Hearing Board meetings are confidential and shall only include Board members, defendant, VPSS, witnesses, accuser, and necessary security personnel. Legal counsel is not permitted by either party. The Board may call such witnesses and obtain such information, both oral and written, as is necessary to render a decision based on the appropriate disciplinary sanctions. All written statements shall be made available to the accused, as well as all appropriate sections of the Educational Code or other rules and regulations. The Hearing Board shall deliberate in private and communicate their final decision to the complainant(s) in writing within five (5) working days of the end of the hearing.

The accused person has two (2) working days to formally notify the President/Superintendent of the College of the desire to appeal the decision.

Step 3 **Appeal to the President/Superintendent.** The complainant has a right to appeal the decision of the Hearing Board to the President/Superintendent. The President/Superintendent shall hold an appeal hearing within ten (10) working days of the notice to appeal. The President/Superintendent shall review all the evidence previously submitted as well as the additional information provided by the accused. A final decision shall be made in writing by the President/Superintendent within two (2) working days of the hearing date.

# Penalties for Student Misconduct

The sanctions are in place at all times whether the behavior is exhibited on campus, off-campus sites, or at any off-campus function sponsored or supervised by the College. The disciplinary actions listed below are by degree of severity; however, disciplinary action can be started by a faculty member, Academic Dean or appropriate College Administrator at any appropriate step.

1. **Admonition** - An oral statement to student offender that has violated college rules.
2. **Warning** – Notification to the student, either oral or written, by a faculty member or administrator that continuation of the conduct may be cause for further disciplinary action.
3. **Reprimand** – A written statement or warning to the student by a faculty member or administrator followed by a written referral of the student to a college office or community agency for counseling or rehabilitative treatment.
4. **Restriction** – Prohibition of student by the VPSS from participation in designated privileges or college activities for a period of up to one semester or implementation of other stipulated requirements to conform to specified standards of conduct.
5. **Restitution** – Reimbursement by the student to the College as directed by the VPSS, for repair, or replacement of District property that has been misused, misappropriated or damaged by the student, or payment for outstanding debts.
6. **Temporary Suspension** – Suspension of the student from the classroom by the instructor for up to two (2) working days or by the VPSS for up to ten (10) working days from one or more classes and any or all activities.
7. **Suspension** – Exclusion from one or more classes, any or all activities of the College, and from the use of any District facilities. The VPSS may suspend a student for up to one full semester and the President/Superintendent of the College may suspend a student for more than one semester.
8. **Expulsion** – Termination of student status by the Board of Trustees on recommendation of the President/Superintendent.

# Sexual Harassment

Sexual harassment is defined by Title VII of Civil Rights Act, Title IX of Educational Amendment of 1972, Office of Civil Rights and current District Policies, as follows:

It is the policy of the Governing Board of the Hartnell Community College District to provide an educational and business environment free of unwelcome sexual advances, request for sexual favors, and other verbal, visual, or physical conduct or communications constituting sexual harassment, as defined by Education Code Section 212.5 and otherwise prohibited by state and federal statutes.

It is unlawful and a violation of this policy for anyone who is authorized to recommend or make personnel or educational decisions affecting an employee or student or who is otherwise authorized to transact business or perform other acts or services on behalf of the District to engage in sexual harassment.

Allegations of sexual harassment shall be thoroughly investigated in accordance with the District's sexual harassment/discrimination complaint procedures.

It is a violation of this policy to retaliate against a sexual harassment complainant or witness. The initiation of a complaint or participation as a witness in a sexual harassment investigation shall not affect the complainant's or witness's future business dealings with the District, his or her employment, compensation, work assignments, his or her grades, class standing, or other matters pertaining to his or her status as an employee or student in any District program.

A complaint and the results of the investigation shall be confidential to the extent maintenance of confidentiality is consistent with a thorough investigation and appropriate disposition of the matter.

Rules and procedures for reporting charges of sexual harassment and pursuing available remedies may be obtained from the Director of Human Resources and Equal Opportunity or any employee in the Office of Human Resources.

## **A. Definition of Sexual Harassment**

Sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature is:

1. Made either explicitly or implicitly a term or condition of an individual's employment, academic status, or progress;
2. Used as a basis for employment or academic decisions affecting such individual;
3. Has the purpose or effect of having a negative impact upon an individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; or
4. Is used as a basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution. (Ed. Code, 212.5)

## Sexual Harassment Continued

### B. Specific Examples of Sexual Harassment

Sexual Harassment includes but is not limited to:

1. Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assaults, touching, impeding or blocking movement, leering, gestures, display of sexually suggestive objects, pictures, cartoons or posters.
2. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)
3. Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee, such as threats of reprisal; implying or withholding support for an appointment, promotion, transfer, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed.
4. Coercive sexual behavior used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student, including promises or threats regarding grades, course admission, performance evaluations, or recommendations; enhancement or limitation of student benefits or services (e.g. scholarships, financial aid, work study job.)
5. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment.
6. Offering favors or benefits, such as promotion, favorable performance evaluation, favorable grades, assignments, duties or shifts, recommendations or reclassification, in exchange for sexual favors.
7. Any other conduct which, at the time of the conduct, constitutes sexual harassment under any state or federal law or implementing regulation.



**Student-to-Student**

**Resolution Process**

# Steps for Resolution Regarding Student-to-Student Misconduct

A student may file a student grievance when he or she believes another student has violated the standard of student conduct. To protect the rights of students to due process, students will always be informed of the charges against them, be given an opportunity to refute the charges and appeal any decision. Disciplinary proceedings and their outcomes are confidential.

## Informal Level

Step 1 The Step 1 informal level encourages the student to approach the source of the complaint. This meeting needs to occur within five (5) working days from the time of the last occurrence of the problem behavior. The student should specify the incident that caused the complaint and the action that, in the student's opinion, would resolve the matter.

If Step 1 did not resolve the conflict at the Informal level, the student has ten (10) working days to file a formal complaint using the Student Grievance Procedure form to the Vice President of Student Services. These forms are available in the Office of the Vice President for Student Services.

## Formal Level—Grievance Procedures

Step 2 If, after meeting with the source of the complaint, the student is still not satisfied with the resolution of the complaint, a formal Student Grievance Procedure form must be filed with the Vice President of Student Services. The student should specify on the Student Grievance Procedure form the incident that caused the complaint and the action that in the student's opinion would resolve the matter. The VPSS or designee will conduct interviews within ten (10) working days to review the allegations and to determine the appropriate disciplinary sanction. Written and oral evidence may be presented by those interviewed regarding the behavior of the student charged.

Step 3 After interviewing the student(s) involved, the Vice President of Student Services may choose to arrange a meeting between all parties involved. **If a student(s) refuses to meet with the VPSS or the group involved or if a student is unable or unwilling to meet, the student forfeits any further rights under this process unless extenuating circumstances exists. Such extenuating circumstances shall be those acute medical, family, or other personal problems which prohibited normal academic activity. Such circumstances must be verified in writing.** It is the obligation of the student to be reasonably available to schedule such meetings.

Step 4 The final decision of the VPSS shall be communicated to all relevant parties involved within ten (10) working days after the beginning of the investigation. It is the VPSS's responsibility to determine whether the complaint qualifies as a disciplinary violation, grievance, or a matter which should be handled by the Hearing Board or other law enforcement body. The Vice President for Student Services may either render a decision at this point **OR** because of the nature of the charges, refer the entire review to the Hearing Board without rendering a decision.

## Steps for Resolution Regarding Student Misconduct Continued

### Appeal Process

Step 5 Hearing Board Review. If the Vice President of Student Services determines that additional input from disinterested parties is warranted, **OR** if the student requests a review of the Vice President of Student Service's decision, the student must request it in writing within ten (10) working days of notificaton of that decision to the Vice President of Student Services. The Vice President of Student Services shall convene a Hearing Board to further investigate the complaint in order to determine whether the student's rights have been violated. In such an instance, a Hearing Board will be convened within ten (10) working days of receiving the student's request for review.

The Hearing Board will be composed of four members appointed by the VPSS representing the following groups:

One Administrator (who will serve as Chair)	One Classified Member
One Faculty Member	One Student

Hearing Board Review. The function of the Hearing Board is to be a review board for appeal and to hear student disciplinary cases referred by the VPSS. The Hearing Board will meet within ten (10) working days of the receipt of the appeal or referral.

All Hearing Board meetings are confidential and shall only include Hearing Board members, the student who has filed the grievance, VPSS, any witnesses requested by the Board and other parties whose presence is requested by the Hearing Board for the health and safety of the participants. Parties other than the Hearing Board shall be present only at times delineated by the Hearing Board. *Legal counsel is not permitted by either party.* The Hearing Board may call such witnesses and obtain such information, both oral and written, as is necessary to render a decision based on the appropriate disciplinary sanctions. All written statements as well as all appropriate sections of the Educational Code or other rules and regulations shall be made available to the accused.

The Hearing Board shall deliberate in private and communicate their final recommendation in writing to the Vice President for Student Services within five (5) working days of the end of the hearing. After considering the rationale behind the Hearing Board recommendations, the Vice President for Student Services will render a decision and communicate the decision to the student within five (5) working days of receipt of the Hearing Board report.

The student charged has ten (10) working days to formally notify the President/Superintendent of the College of her/his desire to appeal the decision of the Hearing Board.

Step 6 Appeal to the President/Superintendent. The grievant has the right to ask the President/Superintendent to review the decision of the Hearing Board. In such a case, the grievant must submit the request in writing within ten (10) working days of the Hearing Board's decision.

The President/Superintendent may choose to meet with any and all parties and review any or all of the documentation, at his or her discretion, to determine whether an error has been made in rendering a decision concerning the grievance. The President/Superintendent (or a designee other than the Vice President for Student Services if the President/Superintendent is absent from the campus during a significant portion of time) will make a final decision that cannot be appealed.

The President/Superintendent will render a decision and communicate the decision to the student within five (5) working days of receipt of the appeal.

# Student –To-Faculty Resolution Process



# Steps for Resolution Regarding Student-to-Faculty Academic Affairs

A student may file an academic grievance when he or she believes that a faculty member has violated State law, Federal law, or College policies or procedures relative to grading or other academic matters.

All final grades awarded by the instructor of record shall be final. The State Education Code (55760) permits a grievance to be filed with respect to grading only in instances where a grade was assigned due to "mistake, fraud, bad faith, or incompetence."

*Note: Students in the Nursing Program who have a grievance must follow the process as stated in the grievance section of the Nursing handbook. If the grievance remains unresolved after meeting with the Nursing Director, the student may follow the College's process outlined in the Student Rights and Responsibilities and Grievance Procedures Handbook starting at Step 2 (with the Dean) which is stated below.*

## Informal Level

Step 1 The Step 1 informal level encourages the student to approach the faculty member regarding their academic matter. A student who believes that an instructor has violated a State or Federal law or College policies or procedures, relative to grading or other academic matters, should speak with the instructor to see whether the matter can be resolved between them. Resolution could consist of the instructor modifying a grade or it could consist of the student accepting that there was no violation of law, policy, or procedure by the instructor. It is the responsibility of the student to provide the instructor with the specific manner in which the student feels that his or her rights have been violated. This meeting needs to occur within five (5) working days from the time of the occurrence.

Step 2 If the two parties do not resolve the matter, the student may request a meeting with the faculty member's Dean (or Director). This will generally be the Dean of the Area in which the instructor teaches, but some instructors report to a Director. The student should consult with the Office of Instruction located in CAB-101 or call (831) 755-6720 if he or she needs to determine the name of the instructor's supervisor.

The Dean (or Director) will consider the information provided by the student and attempt to resolve the matter. After the initial meeting, the Dean (or Director) may wish to meet with the student and instructor together to arrive at a resolution. **If a student refuses to meet with the instructor in the presence of the Dean (or Director), or if a student is unable or unwilling to meet with the Dean (or Director), the student forfeits any further rights under this process unless extenuating circumstances exists. Such extenuating circumstances shall be those acute medical, family, or other personal problems which prohibited normal academic activity. Such circumstances must be verified in writing.** It is the obligation of the student to be reasonably available to schedule such meetings.

If Steps 1 or 2 do not resolve the conflict at the Informal level, the student has ten (10) working days to file a formal complaint using the Student Grievance Procedure form to the Vice President of Instruction. These forms are available in the Office of Instruction CAB-101.

## Steps for Resolution Regarding Student-to-Faculty Academic Affairs Continued

### Formal Level—Grievance Procedures

Step 3 If, after meeting with the Dean (or Director), the student is still not satisfied with the resolution of the complaint, a formal Student Grievance Procedure form must be filed with the Vice President of Instruction. The student should specify on the Student Grievance Procedure form the incident that caused the complaint and the action that in the student's opinion would resolve the matter. The Vice President of Instruction will meet with the student within ten (10) working days of receipt of the grievance.

After meeting with the student, the Vice President of Instruction may choose to arrange a meeting with the student, the Dean (or Director), and/or the instructor. As in Step 2 process, **if the student refuses or is unwilling to participate in such a meeting, the student forfeits any further rights under this unless extenuating circumstances exists. Such extenuating circumstances shall be those acute medical, family, or other personal problems which prohibited normal academic activity. Such circumstances must be verified in writing.** If the Vice President of Instruction chooses to arrange such a meeting, the meeting will occur within ten (10) working days of the meeting with the student.

Step 4 The final decision of the Vice President of Instruction shall be communicated to all relevant parties involved within ten (10) working days of the meeting with the student, the Dean (or Director) and /or the instructor. The Vice President of Instruction may either render a decision at this point **OR** convene a Hearing Board without rendering a decision.

### Appeal Process

Step 5 Hearing Board Review. If the Vice President of Instruction determines that additional input from disinterested parties is warranted, **OR** if the student requests a review of the Vice President of Instruction's decision, the student must request it in writing within ten (10) working days of notification of that decision to the Vice President of Instruction. The Vice President of Instruction shall convene a Hearing Board to further investigate the complaint in order to determine whether the student's rights have been violated. In such an instance, a Hearing Board will be convened within ten (10) working days of receiving the student's request for review.

The Hearing Board will be composed of four members appointed by the VP of Instruction representing the following groups:

One Instructional Administrator other than the instructor's supervisor (who will serve as Chair)	One Classified Member
One Faculty Member	One Student

All Hearing Board meetings are confidential and shall only include the Hearing Board members, the student who has filed the grievance, the Vice President of Instruction, the instructor against whom the grievance has been filed, the instructor's Dean (or Director), any witnesses requested by the Board (after consultation with the grieving student and the defending instructor), and other parties whose presence is requested by the Hearing Board for the health and safety of the participants. Parties other than the Hearing Board shall be present only at times delineated by the Hearing Board. *Legal counsel is not permitted by either party.* The Hearing Board may call such witnesses and obtain such information, both oral and written, as is necessary to render a decision. All written statements as well as all appropriate sections of the Educational Code or other rules and regulations shall be made available to the accused.

## Steps for Resolution Regarding Student-to-Faculty Academic Affairs Continued

The Hearing Board shall deliberate in private and communicate their final recommendation in writing to the Vice President of Instruction within five (5) working days of the end of the hearing. After considering the rationale behind the Hearing Board recommendations, the Vice President of Instruction will render a decision and communicate the decision to the student within five (5) working days of receipt of the Hearing Board report.

The student charged has ten (10) working days to formally notify the President/Superintendent of the College of her/his desire to appeal the decision of the Hearing Board.

Step 6 Appeal to the President/Superintendent. The grievant has the right to ask the President/Superintendent to review the decision of the Hearing Board. In such a case, the grievant must submit the request in writing within ten (10) working days of the Hearing Board's decision.

The President/Superintendent may choose to meet with any and all parties and review any or all of the documentation, at his or her discretion, to determine whether an error has been made in rendering a decision concerning the grievance. The President/Superintendent (or a designee other than the Vice President of Instruction if the President/Superintendent is absent from the campus during a significant portion of time) will make a final decision that cannot be appealed.

The President/Superintendent will render a decision and communicate the decision to the student within five (5) working days of receipt of the appeal.



# **Student – To- Employee**

## **Resolution Process**

# Steps for Resolution Regarding Student-to-Employee Relations

A student may file a grievance when he or she believes that a Hartnell employee has violated State law, Federal law, or College policies or procedures.

## Informal Level

Step 1 The Step 1 level encourages the student to approach the source of the complaint. This meeting needs to occur within five (5) working days from the time of the last occurrence. The student should specify the incident that caused the complaint and the action that, in the student's opinion, would resolve the matter.

Step 2 If the two parties do not resolve the matter, the student may request a meeting with the employee's immediate supervisor. The student should consult with the Human Resources Office located in HRBLDG or call (831) 755-6706 if he or she needs to determine the name of the employee's supervisor.

The immediate supervisor will consider the information provided by the student and attempt to resolve the matter. After the initial meeting, the immediate supervisor may wish to meet with the student and employee together to arrive at a resolution. **If a student refuses to meet with the employee in the presence of the immediate supervisor, or if a student is unable or unwilling to meet with the immediate supervisor, the student forfeits any further rights under this process unless extenuating circumstances exists. Such extenuating circumstances shall be those acute medical, family, or other personal problems which prohibited normal academic activity. Such circumstances must be verified in writing.** It is the obligation of the student to be reasonably available to schedule such meetings.

If Steps 1 or 2 do not resolve the conflict at the Informal level, the student has ten (10) working days to file a formal complaint using the Student Grievance Procedure form to the Director of Human Resources. These forms are available in the Office of Instruction CAB-101 or the Office of the Vice President for Student Services CAB-153.

## Formal Level – Grievance Procedures

Step 3 If, after meeting with the immediate supervisor, the student is still not satisfied with the resolution of the complaint, a formal Student Grievance Procedure form must be filed with the Director of Human Resources. The student should specify on the Student Grievance Procedure form the incident that caused the complaint and the action that in the student's opinion would resolve the matter. The Director of Human Resources is responsible to determine whether the complaint qualifies as a matter which should be handled by another Vice President or Director level supervisor. The Director of Human Resources will meet with the student within ten (10) working days of receipt of the grievance.

After meeting with the student, the Director of Human Resources may choose to arrange a meeting with the student, the employee, and the immediate supervisor. As in Step 2 process, **if the student refuses or is unwilling to participate in such a meeting, the student forfeits any further rights under this unless extenuating circumstances exists. Such extenuating circumstances shall be those acute medical, family, or other personal problems which prohibited normal academic activity. Such circumstances must be verified in writing.** If the Director of Human Resources chooses to arrange such a meeting, the meeting will occur within ten (10) working days of the meeting with the student.

## Steps for Resolution Regarding Student-to-Employee Relations Continued

Step 4 The final decision of the Director of Human Resources shall be communicated to all relevant parties involved within ten (10) working days of the meeting with the student, the employee, and their immediate supervisor. The Director of Human Resources may either render a decision at this point **OR** convene a Hearing Board without rendering a decision.

### Appeal Process

Step 5 Hearing Board Review. If the Director of Human Resources determines that additional input from disinterested parties is warranted, **OR** if the student requests a review of the Director of Human Resources' decision, the student must request in writing within ten (10) working days of notification of that decision to the Director of Human Resources. The Director of Human Resources shall convene a Hearing Board to further investigate the complaint in order to determine whether the student's rights have been violated. In such an instance, a Hearing Board will be convened within ten (10) working days.

The Hearing Board will be composed of four members appointed by the Director of Human Resources representing the following groups:

One Administrator, other than the employee's immediate supervisor (who will serve as Chair)	One Classified Member
One Faculty Member	One Student

All Hearing Board meetings are confidential and shall only include the Hearing Board members, the student who has filed the grievance, the Director of Human Resources, the employee against whom the grievance has been filed, the employee's immediate supervisor, any witnesses requested by the Board (after consultation with the grieving student and the defending employee), and other parties whose presence is requested by the Hearing Board for the health and safety of the participants. Parties other than the Hearing Board shall be present only at times delineated by the Hearing Board. *Legal counsel is not permitted by either party.* The Hearing Board may call such witnesses and obtain such information, both oral and written, as is necessary to render a decision. All written statements shall be made available as well as all appropriate sections of the Educational Code or other rules and regulations to the accused.

The Hearing Board shall deliberate in private and communicate their final recommendation in writing to the Director of Human Resources within five (5) working days of the end of the hearing. After considering the rationale behind the Hearing Board recommendations, the Director of Human Resources will render a decision and communicate the decision to the student within five (5) working days of receipt of the Hearing Board report. The student charged has ten (10) working days to formally notify the President/Superintendent of the College of her/his desire to appeal the decision of the Hearing Board.

Step 6 Appeal to the President/Superintendent. The grievant has the right to ask the President/Superintendent to review the decision of the Hearing Board. In such a case, the grievant must submit the request in writing within ten (10) working days of the Hearing Board's decision.

The President/Superintendent may choose to meet with any and all parties and review any or all of the documentation, at his or her discretion, to determine whether an error has been made in rendering a decision concerning the grievance. The President/Superintendent (or a designee

other than the Director of Human Resources if the President/Superintendent is absent from the campus during a significant portion of time) will make a final decision that cannot be appealed.

### **Steps for Resolution Regarding Student-to-Employee Relations Continued**

The President/Superintendent will render a decision and communicate the decision to the student within five (5) working days of receipt of the appeal.

*Except as noted in Sexual Harrassment narrative, there will be no further administrative remedy available to the student.*