

**Student Services**

1 **AP 5530 STUDENT RIGHTS AND GRIEVANCES**

2 **References:**

- 3 Education Code, Section 76224(a);
- 4 ACCJC Accreditation Eligibility Requirement 20;
- 5 ACCJC Accreditation Standard 2

6 Note: Complaints under Section 504, Section 508, and/or the Americans with Disabilities  
7 Act are to be made to the Section 504/508/ADA Coordinator in the  
8 Diversity/Compliance/Title IX Office within Human Resources. Complaints of sexual  
9 harassment, and other illegal discrimination, are to be made to the  
10 Diversity/Compliance/Title IX Officer in the Human Resources Office or the Vice President  
11 of Human Resources.

12 If a student files a grievance under this procedure that includes an allegation of unlawful  
13 discrimination, including harassment or retaliation, the grievance, or portion of the  
14 grievance, will immediately be referred to (i) the Diversity/Compliance/Title IX Officer or  
15 to the Vice President of Human Resources or designee per AP 3435, "Discrimination and  
16 Harassment Investigations," or to (ii) the Cerritos College Section 504/ADA Coordinator  
17 per Administrative Procedure 3412, for attempted informal resolution or investigation.

18 Students have the right to request reasonable accommodations to participate in this  
19 procedure. This request may be made in writing to Student Accessibility Services (SAS)  
20 at least five (5) instructional days in advance of a meeting or hearing via email to  
21 sasapply@cerritos.edu. Timelines within this procedure may be extended as needed to  
22 ensure reasonable accommodations, as determined by SAS, can be arranged.

23 **STUDENT GRIEVANCE PROCEDURES**

24 **Purposes and Definitions**

25 The purpose of this procedure is to provide a prompt and equitable means of resolving  
26 student grievances.

27 **College Grievance Officer** – The Dean of Student Services or designee.

28 **Grievance:** A claim by any student who reasonably believes a college decision or  
29 action has adversely affected their status, rights, or privileges as a student.

30 **Grievant** – A student who has filed a grievance.

31 **Party** – The student or any persons claimed to have been responsible for the  
32 student's alleged grievance, together with their representatives. "Party" shall not  
33 include the Grievance Hearing Committee or the College Grievance Officer.

34 **Superintendent/President** – The Superintendent/President or a designated  
35 representative of the Superintendent/President.

36 **Student** – A currently enrolled student, a person who has filed an application for  
37 admission to the college, or a former student. A grievance by an applicant shall  
38 be limited to a complaint regarding denial of admission. Former students shall be  
39 limited to grievances relating to course grades to the extent permitted by Education  
40 Code Section 76224 subdivision (a).

41 **Respondent** – Any student or District employee the Grievant claims to be  
42 responsible for the alleged grievance.

43 **Instructional Day** - Any day Monday through Friday that all normal college  
44 business is conducted, both in the classroom and in the administrative offices.  
45 All weekend days and District holidays are excluded.

46 A grievance may only be heard when:

- 47 • The statement contains facts which, if true, would constitute a grievance under  
48 these procedures;
- 49 • The grievant is a student, which includes applicants and former students;
- 50 • The grievant is personally and directly affected by the alleged grievance;
- 51 • The grievance was filed in a timely manner;
- 52 • The grievance is not clearly frivolous, clearly without foundation, or clearly filed for  
53 purposes of harassment.
- 54 • There is a remedy which is within the authority of the District to grant; and
- 55 • There is no other prescribed administrative channel for due process.

56 A grievance may include, but is not limited to, claims regarding:

- 57 • The exercise of rights of free expression protected by state and federal  
58 constitutions and Education Code Section 76120.
- 59 • Any act depriving a student of any of the rights set forth in the statement of "Student  
60 Rights and Responsibility," or any state, federal, or local codes.
- 61 • Course grades, to the extent permitted by Education Code Section 76224  
62 subdivision (a), which provides: "When grades are given for any course of  
63 instruction taught in a community college district, the grade given to each student  
64 shall be the grade determined by the instructor of the course and the determination  
65 of the student's grade by the instructor, in the absence of mistake, fraud, bad faith,  
66 or incompetency, shall be final." "Mistake" may include, but is not limited to, errors  
67 made by an instructor in calculating a student's grade and clerical errors.

- 68 A grievance does not include claims regarding:  
69     • Student disciplinary actions, which are covered under separate board policies  
70     and administrative procedures.  
71     • Police, traffic, or parking citations (i.e. "tickets"); complaints about citations must  
72     go through process prescribed by the applicable agency.  
73     • The evaluation of the professional competence or job performance of an  
74     employee, except as allowed under grade grievance educational code.  
75     • Discipline of employees.  
76     • Matters for which there is another prescribed administrative channel for due  
77     process; and  
78     • Criminal acts or civil damages.

79 Should issues, concerns, and/or policy violations come to light during the grievance  
80 process, the issue will be referred to the appropriate office for review and action, as  
81 appropriate.

82 **GRIEVANCE PROCEDURE (EXCEPT GRADES AND GRADING, SEXUAL**  
83 **HARASSMENT, AND OTHER ILLEGAL DISCRIMINATION):**

84 **STEP I - INFORMAL ACTION**

- 85     A. The student with a grievance shall first attempt to resolve the matter in good faith  
86     by informal discussion with the Respondent(s) involved.
- 87     B. If the problem is not resolved in step I-A, the student shall then attempt to resolve  
88     the matter in good faith by informal discussion with the person at the lowest level  
89     of supervisory authority (Dean or area Manager) for the person with whom there is  
90     a complaint.

91 **STEP II - FORMAL ACTION**

92 **A. GRIEVANCE SUBMISSION**

- 93     1. If the Grievant still believes the issue has not been resolved satisfactorily after Step  
94     I-B, a student Statement of Grievance Form may be obtained from the Office of  
95     Student Conduct and Grievances website. On the Form the Grievant must specify  
96     the time, place, nature of the complaint and remedy or correction requested, as  
97     allowed under the 'Purposes and Definitions' section of this Procedure. This Form  
98     must be submitted within 60 instructional days after the Grievant has become  
99     aware of the act or condition on which the complaint is based. Failure to meet this  
100     timeline may result in dismissal or denial of the grievance as untimely.
- 101     2. The College Grievance Officer will meet with the student to advise them of their  
102     rights and responsibilities under these procedures. The student must schedule a  
103     meeting with the College Grievance Officer within 15 instructional days of  
104     submitting the form.

105 3. The College Grievance Officer will review the Grievance Form. If the grievance  
106 does not meet the requirements under 'Purposes and Definitions', the College  
107 Grievance Officer, in consultation with the ASCC Chief Justice or designee, shall  
108 notify the student in writing of the rejection of the request for a Grievance Hearing,  
109 together with the specific reasons for the rejection and the procedures for appeal.  
110 This notice will be provided within 10 instructional days of the meeting between the  
111 Grievant and the College Grievance Officer.

## 112 **B. HEARING PRELIMINARY STEPS**

113 1. If the grievance meets the requirements under 'Purposes and Definitions', and  
114 Steps I-A, I-B, and II-A were completed in the timeframe provided within, the  
115 College Grievance Officer shall schedule a Grievance Hearing. The College  
116 Grievance Officer is responsible for setting the Grievance Hearing date and  
117 notifying the appropriate bodies in writing of the need to appoint members to the  
118 Grievance Hearing committee. The hearing must commence within 15  
119 instructional days of the meeting between the Grievant and the College  
120 Grievance Officer (Step II-A-2), unless otherwise extended by notice to the  
121 Parties. All Parties to the grievance shall be given no less than five (5)  
122 instructional days' notice of the date, time and place of the hearing.

123 2. The Hearing Committee will be comprised of the following:  
124 • College Grievance Officer, Chair (non-voting)  
125 • ASCC Chief Justice or designee and one Court Justice or designee,  
126 • Dean of Academic Affairs & Strategic Initiatives or designee for instructional  
127 grievances; **or** one Student Services administrator (designated by the Vice  
128 President of Student Services) for all other grievances.  
129 • Faculty, Classified, and/or Confidential Representatives – two individuals total;  
130 ○ For academic (to include counseling, coaching, and library) grievances:  
131 Two faculty appointments made by the Faculty Senate.  
132 ○ For non-academic grievances: Two appointments made by CSEA or  
133 Confidential constituencies based on nature of issue.  
134 ○ For instances that include both academic AND service-related grievances:  
135 one appointment made by Faculty Senate, and one appointment made by  
136 CSEA **or** Confidential,  
137 Names selected by the Faculty Senate, CSEA, and Confidential  
138 Employee Group are to be submitted to the College Grievance officer.  
139 Members of the Committee are to serve for an academic year.

140 A Grievance Hearing Committee shall be constituted in accordance with the  
141 following:  
142 • No person shall serve as a member of a Grievance Hearing Committee if that  
143 person has been personally involved in any matter giving rise to the grievance,  
144 has made any statement on the matters at issue, or could otherwise not act in  
145 a neutral manner. Any Party to the grievance may challenge for cause any  
146 member of the hearing committee prior to the beginning of the hearing by

147 addressing a challenge to the College Grievance Officer who shall determine  
148 whether cause for disqualification has been shown. If the College Grievance  
149 Officer determines that sufficient grounds for removal of a member of the  
150 committee have been presented, the College Grievance Officer may remove  
151 the challenged member or members and request a substitute from the original  
152 appointing constituent group.

- 153 • The College Grievance Officer shall sit with the Grievance Hearing Committee  
154 but shall not serve as a member nor vote. The College Grievance Officer shall  
155 coordinate all scheduling of hearings, shall serve to assist all Parties and the  
156 Hearing Committee to facilitate a resolution of the grievance in a manner  
157 consistent with District policy, and shall avoid an adversarial role.
- 158 • A resource person from the Office of Student Conduct and Grievances will be  
159 present to assist with administrative support.

### 160 **C. FORMAL HEARING PROCEDURE**

161 1. The decision of the Grievance Hearing Committee chair shall be final on all matters  
162 relating to the conduct of the hearing.

163 2. The College Grievance Officer will provide members of the Grievance Hearing  
164 Committee with a copy of the grievance, any written response provided by the  
165 Respondent, a copy of the Statement of Student Rights and Responsibilities, and  
166 copy of the Grievance Procedure before the hearing begins.

167 3. Both parties shall have the right to present personal statements, testimony,  
168 evidence, and witnesses. Formal rules of evidence shall not apply. Any relevant  
169 evidence shall be admitted. Unless the Grievance Hearing Committee determines  
170 to proceed otherwise, each party to the grievance shall be permitted to make an  
171 opening statement. Thereafter, the Grievant(s) shall make the first presentation,  
172 followed by the respondent or respondents. The Grievant(s) may present rebuttal  
173 evidence after the respondent(s)' evidence. The burden shall be on the Grievant(s)  
174 to prove by clear and convincing evidence that the facts alleged are true and that  
175 a grievance has been established as specified above.

176 4. Each Party to the grievance may represent themselves, and may also have the  
177 right to be represented by a person of their choice; except that a Party shall not be  
178 represented by an attorney unless, in the judgment of the Grievance Hearing  
179 Committee, complex legal issues are involved. If a Party wishes to be represented  
180 by an attorney, a request must be presented not less than 10 instructional days  
181 prior to the date of the hearing. If one Party is permitted to be represented by an  
182 attorney, any other Party shall have the right to be represented by an attorney. The  
183 hearing committee may also request legal assistance through the Business  
184 Services Office. Any legal advisor provided to the hearing committee may sit with  
185 it in an advisory capacity to provide legal counsel but shall not be a member of the  
186 panel nor vote with it.

- 187 5. In a closed hearing, witnesses shall not be present at the hearing when not  
188 testifying, unless all parties and the committee agree to the contrary.
- 189 6. Hearings shall be closed and confidential unless all Parties request that it be open  
190 to the public. Any such request must be made no less than 10 instructional days  
191 prior to the date of the hearing.
- 192 7. The hearing shall be recorded by the Office of Student Conduct and Grievances  
193 resource person, either by audio or video recording, and shall be the only recording  
194 made. No witness who refuses to be recorded may be permitted to give testimony.  
195 The audio or video recording shall remain in the custody of the District, at all times,  
196 unless released to a professional transcribing service.
- 197 8. The College Grievance Officer shall, at the beginning of the hearing, ask each  
198 person present to identify themselves by name, and thereafter shall ask witnesses  
199 to identify themselves by name.
- 200 9. The Grievance Hearing Committee shall discuss the stated grievance(s), hear  
201 testimony, examine witnesses, and receive all available evidence to the  
202 allegations.
- 203 10. All witnesses must testify under oath; the College Grievance Officer will administer  
204 the oath. The Grievance Hearing Committee will only admit written statements of  
205 witnesses under penalty of perjury if the witness is unavailable to testify. A witness  
206 who refuses to be recorded shall be considered to be unavailable.
- 207 10. The Hearing Committee shall make decisions in private. The Hearing Committee  
208 should attempt to reach a decision by discussion and consensus on a workable  
209 solution. Voting should be a last course of action. Within 10 instructional days  
210 following the close of the hearing, the Grievance Hearing Committee shall prepare  
211 and send to all Parties a written decision. The decision shall include specific  
212 factual findings regarding the grievance and shall include specific conclusions  
213 regarding whether the hearing established a grievance as defined above. The  
214 decision shall also include a specific recommendation regarding the relief for the  
215 Grievant(s), if any. The Grievance Hearing Committee will base its decision only  
216 on the record of the hearing, and not on matter outside of that record. The record  
217 consists of the original grievance, any written response, and the oral and written  
218 evidence produced at the hearing.
- 219 12. A recording of the proceedings shall be kept in a confidential file in the Office of  
220 Student Conduct and Grievance and shall be available at all times to parties  
221 directly involved. All documents, communications, and records dealing with the  
222 processing of a grievance will be filed separately from the personnel files of the  
223 participants. After a period of four years, the grievance file shall be destroyed.

224 13. Reprisals of any kind will not be taken by the District or any of its agents against  
225 any party of interest or any other participant in the grievance procedure by reason  
226 of such participation.

227 14. Evidence and testimony given in each case presented shall not be the sole cause  
228 of initiating or filing further grievances.

229 15. If the Grievant does not act within the time limits provided herein, the ability to  
230 proceed with the grievance shall be terminated and no further action will be taken.

## 231 **APPEALS PROCESS**

232 To appeal the decision of the Grievance Hearing Committee, either party may submit the  
233 Grievance Hearing Appeal Form on the Office of Student Conduct and Grievance website  
234 within 10 instructional days from the issuance of the Grievance Committee outcome. The  
235 appeal must include a detailed description of the new information and an explanation of  
236 why it was not available during the grievance hearing, or detailed information to support  
237 this procedure was not followed.

238 The appeal form will be reviewed by the Dean of Student Services or designee to  
239 determine if new relevant information is available or if this procedure was not properly  
240 followed.

241 1. If it is found that the new information is substantial and could potentially alter the  
242 decision of the Grievance Hearing Committee, or that the procedure was not  
243 followed, the Dean of Student Services or designee will refer the appeal to the  
244 Board of Trustees (via the Office of the President/Superintendent) within 10  
245 instructional days of receipt of the appeal. The Board of Trustees will review the  
246 appeal at the next agendaized, regular Board of Trustees meeting, and their  
247 decision will be documented and communicated to all relevant parties in writing  
248 within 10 instructional days. The decision of the Board of Trustees will be final.

249 2. If it is found that the new information is insufficient or was available to the party  
250 appealing the decision during the prior grievance review (whether or not it was  
251 presented), or that there is insufficient evidence to show that the procedure was  
252 not followed, the appeal will be dismissed, and the Grievance Hearing Committee  
253 outcome will be final. The Dean of Student Services or designee decision will be  
254 documented and communicated to all relevant parties in writing within 10  
255 instructional days.

## 256 **Time Limits**

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

259 **STUDENT GRADE GRIEVANCE PROCEDURE**

260 A student of the College may present a grade grievance for a final course grade. The  
261 California Education Code, Section 76224, quoted below, states the conditions upon  
262 which grades or grading can be questioned.

263 “When grades are given for any courses of instruction taught in a community college  
264 district, the grade given to each student shall be determined by the instructor of the course  
265 and the determination of the student’s grade by the instructor, in the absence of mistake,  
266 fraud, bad faith, or incompetence, shall be final.” “Mistake” may include, but is not limited  
267 to, errors made by an instructor in calculating a student’s grade and clerical errors.

268 **Definitions**

269 **Fraud** – Fraud consists of some deceitful practice with intent to deprive another of  
270 their right.

271 **Bad Faith** – Intentional design to mislead or deceive another, or neglect or refusal  
272 to fulfill some duty or contractual obligation.

273 **Incompetence** – That a person is incapable, inefficient, and without the qualities  
274 needed to discharge their obligations and duties.

275 **Mistake** – An unintentional act, omission, or error.

276 **Instructional Day** - Any day Monday through Friday that all normal college  
277 business is conducted, both in the classroom and in the administrative offices. All  
278 weekend days and college holidays are excluded.

279 **STEP I – INDIVIDUAL ACTION**

280 If a student believes they have valid grounds to challenge a final course grade based on  
281 the presence of a mistake, fraud, bad faith, or incompetence, they must first meet with  
282 the faculty member to attempt to resolve his or her concern informally. Once grades are  
283 available, the student is expected to contact their instructor directly to discuss the dispute.  
284 If the instructor is not available or is no longer employed, the student should contact the  
285 Division Dean.

286 When challenging a grade, the burden of proof is on the student to provide substantial  
287 evidence of mistake, fraud, bad faith, or incompetence.

288 **STEP II – MANAGEMENT ACTION**

289 Note: If a student files a grade grievance that includes an allegation of unlawful  
290 discrimination, including harassment or retaliation, the grievance, or portion of the  
291 grievance, will immediately be referred to (i) the Diversity/Compliance/Title IX Officer or

292 to the Vice President of Human Resources or designee per AP 3435, " Discrimination and  
293 Harassment Investigations" or to (ii) the Cerritos College Section 504/ADA Coordinator  
294 per AP 3412, for attempted informal resolution or investigation.

295 1. The student will submit the Grade Grievance Form on the Office of Student  
296 Conduct and Grievance website within 90 instructional days after the completion  
297 of the course about which the grade grievance is filed. Information from the form  
298 will be used to create a Grade Grievance Petition, provided to the student during  
299 the meeting with the Student Conduct Coordinator. Students may obtain an  
300 alternate electronic format of this form by request to the Student Conduct  
301 Coordinator or Dean of Student Services. Stated deadline still applies.

302 2. The Student Conduct Coordinator will meet with the student to review this  
303 procedure and the Grade Grievance Petition. The student must schedule and  
304 meet with the Student Conduct Coordinator within 10 instructional days of  
305 submitting the form. If the student wishes to pursue the grievance, the Student  
306 Conduct Coordinator will sign and date the Petition and provide to the student. In  
307 the absence of the Coordinator, the Dean of Student Services will perform these  
308 duties.

309 3. The student will present a copy of the Grade Grievance Petition and all supporting  
310 evidence to the applicable Division Dean within 10 instructional days of obtaining  
311 the signature of the Student Conduct Coordinator. The Division Dean may  
312 schedule a meeting with the student and the faculty if appropriate. The Division  
313 Dean shall render a decision, and communicate the decision in writing to all parties  
314 within 15 instructional days of the meeting. The outcome notice must include a  
315 summary of the grievance allegations, findings from review of the grievance and  
316 supporting evidence, a statement of analysis and determination, and instructions  
317 for appeal.

### 318 STEP III – ADMINISTRATIVE ACTION

319 If either party is dissatisfied with the decision of the Division Dean, an appeal may be  
320 submitted to the Vice President of Academic Affairs or designee within 10 instructional  
321 days of the Division Dean's recommendation. The Vice President of Academic Affairs or  
322 designee shall call a meeting with the student, the ASCC Chief Justice, the Division Dean,  
323 and if needed, the faculty member. The Vice President of Academic Affairs or designee  
324 shall transmit their decision to the parties within 10 instructional days of the meeting. The  
325 outcome notice must include a summary of the grievance allegations and prior findings,  
326 findings from review of the grievance appeal and supporting evidence, a statement of  
327 analysis and determination, and instructions for appeal.

### 328 STEP IV – BOARD OF TRUSTEES APPEAL

329 If either party is dissatisfied with the decision of the Vice President of Academic Affairs or  
330 designee, an appeal may be submitted to the Board of Trustees. This appeal will only

331 review new information or whether the procedures described above were not followed.  
332 The new information must be substantial and have a direct impact on the original decision.

333 To appeal the decision of the Vice President of Academic Affairs or designee, either party  
334 may submit the Grade Grievance Step III Appeal Form on the Office of Student Conduct  
335 and Grievance website within 10 instructional days from the issuance of the Step III  
336 outcome notice. The appeal must include a detailed description of the new information  
337 and an explanation of why it was not available during the prior reviews of the grade  
338 grievance at hand, or detailed information to support this procedure was not followed.

339 The appeal form will be reviewed by the Dean of Student Services or designee to  
340 determine the relevance and impact of the new information, and that it was not available  
341 during the prior grade grievance review (Step II or Step III), or that this procedure was not  
342 followed.

- 343 1. If it is found that the new information is substantial and could potentially alter the  
344 decision of the Vice President of Academic Affairs or designee, or that there is  
345 evidence this procedure has not been followed, the Dean of Student Services or  
346 designee will refer the appeal to the Board of Trustees (via the Office of the  
347 President/Superintendent) within 10 instructional days of receipt of the appeal.  
348 The Board of Trustees will review the appeal at the next agendaized, regular Board  
349 of Trustees meeting, and their decision will be documented and communicated to  
350 all relevant parties in writing within 10 instructional days. The decision of the Board  
351 of Trustees will be final.
- 352 2. If it is found that the new information is insufficient or was available to the party  
353 appealing the decision during the prior grievance review (whether or not it was  
354 presented), or that there is insufficient evidence to show that the procedure was  
355 not followed, the appeal will be dismissed, and the Step III outcome will be final.  
356 The Dean of Student Services or designee decision will be documented and  
357 communicated to all relevant parties in writing within 10 instructional days.

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

360 Office of Primary Responsibility: Vice President, Student Services  
361 Vice President, Academic Affairs

362 See also AP 4231 titled Grade Changes

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**Date Adopted:** 10/15/07

**Dates Revised:** 2/25/08; 5/3/10; 4/25/16; 10/8/18; 5/6/19; 10/7/24; 1/27/25

**Date Reviewed:** 2/20/19