

AP 5530 STUDENT GRIEVANCE AND DUE PROCESS PROCEDURES

Please reference the MSJC website under "Student Judicial Affairs" for any updates and revisions to this policy.

Statement of Philosophy

Mt San Jacinto Community College District believes that all students shall be afforded fair and equitable treatment in the application of all district procedures and regulations. Students who claim that there has been 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 who claim misapplication or denial of student due process may make a complaint and, if necessary, file a grievance.

The Mt. San Jacinto College Student Rights and Grievances procedures are provided as a means for students to resolve complaints and grievances in an expeditious and fair manner, as well as to educate students in constructive approaches to problem and conflict resolution. It is the policy of the Board of Trustees that there shall be no harassment of or retaliation towards students who file a complaint or grievance, toward the subject of the grievance, or toward those who participate in the process. All proceedings held in accordance with these procedures shall relate to a specific complaint or grievance, with an identified remedy or solution.

Grievances pertaining to grades are subject to the California Education Code Section 76224(a), which states:

"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 faculty member of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final."

This Student Grievance and Due Process Procedure does not apply to the challenge process for pre-requisites, co-requisites, advisories, and limitations on enrollment; an appeal of residence decision determination; or the determination of eligibility, disqualification or reinstatement of Financial Aid. These processes should be directed to the administrator in charge of the specific area of concern. Alleged violations of sexual harassment policies, actions dealing with student discipline, alleged discrimination on the basis of ethnic group identification, religion, age, gender, color, sexual orientation, physical or mental disability should be directed to the Coordinator of Title IX. This procedure does not apply to parking citations (i.e., "tickets"). Complaints regarding citations must be directed to the Campus Safety Office.

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 Mt. San Jacinto Community College District and the Mt. San Jacinto College Faculty Association (CTA) or the Mt. San Jacinto Classified Association (CSEA). If it is reasonable to conclude that, if substantiated, discipline of an employee may follow from a violation, such grievance is not subject to this process. Allegations of this nature will be directed to the appropriate College administrator.

Deadlines may be extended by mutual consent of the parties involved and shall be documented with the Vice President of Student Services. Missed deadlines may affect a grievant's ability to proceed.

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 conflict resolution.

The District requires that all reports of discrimination, including harassment on the basis of disability, be addressed by the District's complaint procedure pursuant to California Code of Regulations, Title 5, section 59300 et seq. The District's procedures for complaints of discrimination may be found on the district website under the student portal. Full discrimination policy and forms are located at the following: Title IX (<https://msjc.edu/titleix/>).

The District is responsible and has an affirmative duty to respond to complaints of discrimination in a timely manner. The District has identified Human Resources as its Responsible District Office. All complaints of discrimination pursuant to section 59300 et seq, will be processed by Human Resources. The address for Human Resources office is as follows:

Vice President Human Resources Officer
Mt. San Jacinto Community College District
41888 Motor Car Parkway
Temecula, CA 92591
(951) 487-3158

Information about grievance procedures and a copy of this document should be available to grievant(s) and/or the student respondent(s) upon request.

Students may grieve unfair acts by an employee against a student where the act has a negative impact on the student.

Students may not grieve the following:

(A) Grades except with evidence of:

1. Mistake – unintentional error on the part of the instructor;
2. Fraud – intentional misrepresentation of any or all facts, which lead to a negative outcome;
3. Bad Faith – includes fraud and any other intentional act of the instructor, which negatively impacts the grade of the student;
4. Incompetence – there is evidence that the instructor does not have the knowledge skills and/or abilities to conduct and fairly grade the course. Incompetence is usually pervasive, and not restricted to one student or one incident.

(B) Acts by another student (see Standards of Conduct).

(C) Acts which, though deemed unfair, do not have a specific negative impact on the student. Included among non-grievable issues are situations which are deemed to be petty or to have no significant negative impact upon the student in question.

(D) Acts which affect another student. Only the student affected by an act may file a grievance. A student may not file on behalf of another student.

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 Disabled Students Programs and Services office.

The appeal procedure for eligibility, disqualification, and reinstatement of Financial Aid may be obtained in the Financial Aid Office. Information about other procedures is listed in the schedule of classes, the College catalog, or may be obtained from the Chief Student Services Officer.

AP 5530 Student Rights and Grievances (<https://go.boarddocs.com/ca/msjc/Board.nsf/goto/?open&id=D6CQYT6B7583>)