



## Oxnard College Student Grievance Hearing Procedures

<b>Grievant:</b> <b>Respondent:</b> <b>Grievance Officer:</b>	<b>Oscar Cobian or designee</b>	<b>Date:</b>	<b>Committee:</b> , Administrator and Chair , Faculty , Student
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**HEARING PROCEDURES:** ( *from Oxnard College Catalog*) A time limit on the amount of time provided for each party to present its case, or any rebuttal, may be set by the Grievance Hearing Committee. Formal rules of evidence shall not apply. All witnesses shall be bound by the student code of conduct and professional codes of ethics to present truthful evidence. Any witnesses not so bound will testify under oath, subject to the penalty of perjury. Any relevant evidence may be admitted at the discretion of the Grievance Hearing Committee Chair, in consultation with the College Grievance Officer and Grievance Hearing Committee. Hearsay evidence will be admissible, but will be insufficient, alone, to establish the allegations.

The Grievance Hearing Committee Chair, in consultation with the Grievance Hearing Officer and Grievance Hearing Committee, shall be responsible for determining the relevancy of presented evidence and testimony, the number of witnesses permitted to testify, and the time allocated for testimony and questioning. The Grievance Hearing Committee Chair, in consultation with the Grievance Hearing Committee, shall further be responsible for instructing and questioning witnesses on behalf of the Grievance Hearing Committee, and for dismissing any persons who are disruptive or who fail to follow instructions. The Grievance Hearing Committee Chair, in consultation with the College Grievance Officer, shall have the final decision on all procedural questions concerning the hearing.

The Grievance Hearing Committee shall conduct the hearing in accordance with established standards of administrative procedure. Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant shall make the first presentation, followed by the respondent. The grievant may present rebuttal evidence after the respondent completes presentation of his or her evidence. The burden shall be on the grievant to prove by preponderance of the evidence that the facts alleged are true and that a grievance has been established as presented in the written statement of the complaint.

Both parties shall have the right to present statements, testimony, evidence, and witnesses. Each party to the grievance may represent him or herself, and may be represented by a person of his or her choice, except that neither party shall be represented by an attorney. The Grievance Hearing Committee may request legal assistance for the Committee itself through the College President. Any legal advisor provided to the Grievance Hearing Committee may be present during all testimony and deliberations in an advisory capacity to provide legal counsel but shall not be a member of the panel or vote with it.

The grievant shall, in consultation with the College Grievance Officer, have the right to be served by a translator or qualified interpreter to ensure his/her full participation in the proceedings.

Hearings shall be closed and confidential. No other persons except the Grievant and his/her representative and/or translator/interpreter, the Respondent and his/her representative, scheduled single witnesses, the College Grievance Officer, the Grievance Hearing Committee members, and the Committee's legal advisor, if any, shall be present. Witnesses shall not be present at the hearing when not testifying, unless all parties and the Grievance Hearing Committee agree to the contrary. The rule of confidentiality shall prevail at all stages of the hearing. Moreover, the Grievance Hearing Committee members shall ensure that all hearings, deliberation, and records remain confidential in accordance with the Family Educational Rights and Privacy Act (FERPA), California Education Code Section 76200 et seq., and District Board Policies and Administrative Procedures related to the privacy of student and employee records.

The hearing shall be recorded by the District by electronic means such as audiotape, videotape, or by court reporting service and shall be the only recording made. No other recording devices shall be permitted to be used at the hearing. Any witness who refuses to be recorded shall not be permitted to give testimony. A witness who refuses to be recorded shall not be considered to be unavailable within the meaning of the rules of evidence, and therefore an exception to the hearsay rule for unavailability shall not apply to such witness.

At the beginning of the hearing, on the record, the Grievance Hearing Committee Chair shall ask all persons present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The recording shall remain the property of the District and shall remain in the custody of the District at all times, unless released to a professional transcribing service. Any party to the grievance may request a copy of the recording. Any transcript of the hearing requested by a party shall be produced at the requesting party's expense.

Following the close of the hearing, the Grievance Hearing Committee shall deliberate in closed session. These deliberations shall not be electronically recorded and the proceedings shall be confidential for all purposes. Within 30 days following the close of the hearing, the Grievance Hearing Committee shall prepare and send a written decision to the College Grievance Officer to be forwarded to College President. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined in these procedures. The decision shall also include a specific recommendation regarding the relief to be afforded the Grievant, if any. The decision shall be based only on

the record of the hearing, and not on any matters outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing, and additional information or documentation related to the hearing that is requested by the Grievance Hearing Committee. The District shall maintain records of all Grievance Hearings in a secure location on District premises for a period of 7 years.

<input type="checkbox"/> Introductions of all participants <input type="checkbox"/> Grievance Officer will remind participants: <ul style="list-style-type: none"> <li>the proceedings will be recorded;</li> <li>each party may be assisted by an advisor who is not an attorney. Even though this is not a legal proceeding everyone, is bound by adherence to either the <i>Student Code of Conduct</i> or <i>Instructor's Statement of Professional Ethics</i> regarding truthful statements and respect for civility and confidentiality. Anyone not so bound will testify under oath. The Grievance Officer will request verbal agreement from all parties;</li> <li>other than direct questions to witnesses, all parties will address the committee and not each other;</li> <li>although hearsay evidence will be admissible, it will be insufficient, alone, to establish the allegations. The committee will make decisions based on the weight and relevancy of facts solely related to this specific grievance;</li> <li>parties will comment only during designated time</li> <li>at any point during the proceedings Grievance Committee members may ask questions or ask for further clarification of statements,</li> <li>at any point during the proceedings the Grievance Officer or Committee Chair may <ul style="list-style-type: none"> <li>inform the speaker their time is up</li> <li>indicate that the speaker is off topic</li> <li>stop the hearing</li> </ul> </li> </ul> <input type="checkbox"/> Grievance Officer will review following hearing procedures:	(5 minutes)
<input type="checkbox"/> The grievant will make an opening statement	(2 minutes)
<input type="checkbox"/> The respondent will make an opening statement	(2 minutes)
<input type="checkbox"/> The grievant will present their statement of grievance, testimony, and evidence	(10 minutes)
<input type="checkbox"/> Witnesses for the grievant (if any) will be heard. The Grievance Officer will allocate the time and : <ul style="list-style-type: none"> <li>remind the witness that they are held to Code of Conduct/Ethics/under oath in regard to truthful statements and request agreement;</li> <li>invite the grievant to ask the witness questions;</li> <li>invite the respondent to ask the witness questions;</li> <li>dismiss the witness.</li> </ul>	(15 minutes) <ul style="list-style-type: none"> <li>1 minute</li> <li>-</li> <li>-</li> <li>-</li> </ul>
<input type="checkbox"/> The grievant will complete the presentation of the grievance.	(2 minutes)
<input type="checkbox"/> The respondent will present their responding statement, testimony, and evidence	(10 minutes)
<input type="checkbox"/> Witnesses for the respondent (if any) will be heard. The Grievance Officer will allocate the time and : <ul style="list-style-type: none"> <li>remind the witness that they are held to Code of Conduct/Ethics/under oath in regard to truthful statements and request agreement;</li> <li>invite the respondent to ask the witness questions;</li> <li>invite the grievant to ask the witness questions;</li> <li>dismiss the witness.</li> </ul>	(15 minutes)
<input type="checkbox"/> The respondent will complete the presentation of the response.	(2 minutes)
<input type="checkbox"/> The grievant may rebut or specifically address what has been presented by the respondent.	(5 minutes)

<input type="checkbox"/> The Grievance Committee may request additional evidence or ask question of either party	(10 minutes)
<input type="checkbox"/> Time allocated for the committee to ask for clarification, as needed, throughout the proceedings	(10 minutes)
<input type="checkbox"/> Grievance Officer will respond to procedural questions and close the hearing with the reminder that issues discussed within this hearing are to remain confidential.	(2 minutes)
The committee will caucus to determine the recommendation to the president. Within 30 days the Committee's recommendation will be forwarded to the Grievance Officer to be forwarded to the President. The President will take action on this recommendation and inform all parties of the decision within 20 days.	Total: 90 minutes