



Administrative Procedure 523 Student Grievance

Purpose

The West Hills Community College District has adopted this internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by regulations implementing section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and adopted by the Department of Health, Education, and Welfare in 1977 and its successor, the Department of Education in 1980. Accordingly, no otherwise qualified individual with a disability enrolled at West Hills Community College shall be, solely by reason of his/her handicap, excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity of the District.

Definitions

A. Section 504 Regulations

Section 504 Regulations are the administrative regulations adopted by the Department of Education pursuant to Section 504 of the Rehabilitation Act of 1973, as amended (P.L. 93-112; P.L. 93-516). Copies are available for inspection in the Office of the 504 Coordinator.

B. Grievant

Grievant means a person who has enrolled and been admitted through admission procedures of the college or a person who is considered a continuing student pursuant to campus regulations; or, an employee of the District. Grievant does not include applicants for enrollment or employment. Grievant means a person who alleges that a wrong has resulted from an alleged violation of the Section 504 Regulations.

C. Grievance

Grievance means a complaint filed by one or more grievants which alleges a violation of one or more provisions of the 504 Regulations.

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D. Respondent

Respondent means the faculty or staff person who, according to the grievance, violated 504 Regulations.

E. President

President means the President or his/her designee.

Procedure:

When a grievant has a grievance against the district for an alleged Section 504 violation, the following procedure will be followed:

- Level One – The grievant will first meet with the person or persons immediately involved in an attempt to informally resolve the complaint. If the complaint is not resolved as a result of that meeting, the complainant may file a written grievance on the appropriate form at Level Two.
- Level Two – The grievant will meet with the Director of Human Resources (for an employee grievant) or the Dean of Instruction (for a student-grievant) to discuss the grievance and attempt to informally resolve the complaint. The Director of Human Resources or Dean of Students will respond to the grievance in writing within ten (10) working days, unless extended by consent of the grievant, setting forth the findings and/or any resolution of the grievance agreed to by the grievant.
- Level Three – If the grievance has not been satisfactorily resolved at Level Two, the grievant shall forward the grievance to the District Section 504 Coordinator and the grievant will meet with the District Coordinator. The District Coordinator shall respond to the grievance in writing within ten (10) working days, unless extended by consent of the grievant.

The District Coordinator shall conduct any investigation necessary to resolve the grievance, including discussion with the grievant, person(s) against whom the grievance was filed, appropriate staff members, students and others, and a review of all relevant documents. If the investigation

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necessitates contacting parties other than the grievant and the person against whom the complaint was filed, the District Coordinator may designate up to ten additional working days for investigation of the grievance.

- Level Four – If the grievance cannot be resolved at Level Three, the grievant shall have the right to meet with the President who shall investigate as appropriate following the same procedure as in Level Three. The decision of the President shall be final.

Miscellaneous

- A. During any step in the grievance procedure, the grievant has the right to resolve the issue informally and terminate formal proceedings.
- B. The right of a person to a prompt and equitable resolution of the grievance filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the responsible federal department or agency. Utilization of the West Hills Community College 504 Grievance Procedure is not a prerequisite to the pursuit of other remedies.
- C. Individuals involved in a 504 complaint shall not suffer any disadvantage, discrimination, or reprisal as a result of filing a grievance. If retaliation is alleged, the grievant may file an amended grievance.
- D. These rules shall be construed to protect the substantive rights of persons with disabilities, to meet the appropriate due process standards, and to assure that the West Hills Community College District complies with Section 504 and its implementing regulations.
- E. Failure to exhaust remedies at each level, or follow specified timelines, may be considered an abandonment of the grievance. If the district fails to provide written findings at any step within the time limits prescribed, the grievant shall have the right to proceed immediately to the next level.

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- F. If the complaint is against the individual responsible for following the grievance procedure at any level, the complainant can address the grievance directly to the next level.

- G. If the nature of the complaint is governed by another district policy or procedure, the school site coordinator will assist the complainant to file a complaint under the appropriate procedure.

Board approved: 7/27/93

WEST HILLS COMMUNITY COLLEGE
SECTION 504 GRIEVANCE

1. Grievant's name: _____

2. Address: _____

3. Check one: Employee (position) _____

Student (enrollment date) _____

4. Nature of grievance: _____

5. Date(s) of acts giving rise to grievance: _____

6. Sections of 504 Regulations that you allege have been violated: _____

7. Facts supporting the grievance: _____

(attach another sheet if necessary)

8. Relief requested: _____

9. Have you brought your grievance to those who have taken the action about which you now complain? Yes ___ No ___

a. If no, why not? _____

b. If yes, what was the response of such person(s)? _____

10. Is there any other information you wish to present at this time? _____

11. Are there any documents you wish to be considered? If yes, please attach a copy of such documents to this form.

AFFIDAVIT

I (we) certify that the statements contained in this grievance are true.

This certification is executed under penalty of perjury under the laws of the State of California by the undersigned.

Date

Signature(s)