

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

Board of Trustees

(name of governing body)

Bellevue Community College

(name of institution)

Resolution No. 147

Administrative Order No. 78

(1) Be it resolved by the board of Trustees of Community College District VIII of the Bellevue Community College

acting at Bellevue Community College, 3000 Landerholm Circle, S.E., Bellevue WA 98007 (institution) (place)

that it does promulgate and adopt the annexed rules relating to:

Amendment of Permanent Rules of Chapter 132H-120 The Student Code for Community College District VIII, Section 060 Student Grievance Appeal Procedures.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 82-07-072 filed with the code reviser on 3-23-82. Such rules shall take effect:
[] pursuant to RCW 28B.19.050(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of WAC 1-13-040 that each order shall set forth an appropriate statement of state statutory authority (fill in statement (a), (b), or (c) as appropriate):

[] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

has authority to implement the provisions of (institution)

(name of act or RCW citation)

[X] (c) This rule is promulgated under the general rule-making authority of the Bellevue Community College

as authorized in RCW 28B.50.140 (institution)

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED FILED

May 4, 1982

By Paul N. Thompson

Secretary, Board of Trustees

Title

MAY 12 1982

CODE REVISER'S OFFICE WSR 82-11-037

NOTE:

¹Pursuant to WAC 1-13-040, each rule-making order adopted by an institution of higher education shall incorporate the most specific, but in no case omit all of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority-----either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW _____."

STATE OF WASHINGTON
COMMUNITY COLLEGE DISTRICT VIII
BOARD OF TRUSTEES

RESOLUTION NO. 147

Administrative Order No. 78

A RESOLUTION relating to the amendment of permanent rules of Chapter 132H-120 The Student Code for Community College District VIII.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT VIII, STATE OF WASHINGTON:

WAC 132H-120-060 Student Grievance Appeal Procedures is hereby amended.

APPROVED AND ADOPTED May 4, 1982

BOARD OF TRUSTEES

signed
Henry Seidel, Chairman

signed
Bruce Woodruff, Vice-Chairman

signed
Mary McKinley, Trustee

signed
Claire Thomas, Trustee

signed
Patricia McGlashan, Trustee

ATTEST:


Paul N. Thompson
Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order No. 39, filed 3/15/72)

WAC 132H-120-060 STUDENT GRIEVANCE APPEAL PROCEDURES. (((A) Protection Against Improper Instruction And/Or Academic Evaluation.-- It is recognized that students are responsible for maintaining standards of academic performance established and made known by their instructors, but that they should have protection, through orderly procedures, against prejudicial or capricious instruction and/or evaluation.-- If a student alleges prejudicial or capricious instruction and/or evaluation, he shall have 1 quarter in which to initiate an appeal to the Instructional Appeals Committee.

The procedures shall be as follows:-- (1) -- The student shall first consult with the instructor in an attempt to resolve the situation.

(2) -- If the situation remains unresolved, the student and/or the instructor shall apply by written request, for a meeting with the appropriate division chairman in an attempt to resolve the situation.

(3) -- In the event that the problem remains unresolved, the student and/or the instructor shall appeal for a hearing before the Instructional Appeals Committee.-- Such appeals shall be made in writing to the office of the Dean of Instruction.-- All hearings shall be closed meetings of the committee, the instructor, and the student and shall be held within 20 days of the written appeal.-- The committee shall, at the request of the instructor or the student call in all requested witnesses.--

(4) -- Based on the hearing(s), the Instructional Appeals Committee shall make a written recommendation to the instructor involved.-- Copies of the recommendation shall be furnished to:-- a) the instructor, b) the student, c) the appropriate division chairman, and d) the Dean of Instruction.

(5) -- In the event that the instructor is not available to receive the recommendation of the committee, the recommendation shall be turned over to the Dean of Instruction for action.

(6) -- If the instructor fails to comply with the recommendation of the committee within 20 days, a complete report of the action shall be sent by the chairperson of the Instructional Appeals Committee to the Dean of Instruction for review.-- Further action shall rest with the Dean of Instruction.

(7) -- Should either the instructor or the student wish to appeal the actions taken by the Dean of Instruction, such appeal shall be made to the President of the college.-- A complete report of all recommendations and actions shall be forwarded to the President by the Dean of Instruction.

(8) -- An appeal to the Instructional Appeals Committee and to the President shall be considered an informal proceeding under the Higher Education Administrative Procedure Act and shall not be considered a contested case.

(B) Protection Against Improper Dismissal.-- It is recognized that students are responsible for maintaining standards of performance established and made known by their duly appointed college instructor, publisher, coach or advisor in any college recognized student program or activity. Students shall have protection, through orderly procedures, against prejudicial or capricious dismissal from such recognized college student programs or activities.

If a student alleges prejudicial or capricious dismissal, he/she shall have the right to appeal such action by following these procedures for redress of such grievance:-- (1) -- The student shall first consult with the instructor, publisher, coach or advisor in an attempt to resolve the situation.

(2) -- If the situation remains unresolved, the student and/or the instructor, publisher, coach or advisor shall apply by written request for a meeting with the Dean for Student Services and Development in an attempt to resolve the situation.

(3)--If the problem remains unresolved, the student and/or the instructor, publisher, coach or advisor shall appeal for a hearing before the Student Appeals Committee. Such appeals shall be made in writing to the office of the Dean for Student Services and Development. All hearings shall be closed meetings of the committee, the instructor, publisher, coach or advisor and the student. The committee shall at the request of either party in the alleged action, call in all requested witnesses.

(4)--Based on the hearing(s), the Student Appeals Committee shall make a recommendation to the instructor, publisher, coach or advisor, regarding disposition of the alleged grievance. Copies of the recommendation shall be furnished to: a) the instructor, publisher, coach or advisor; b) the student; c) the appropriate administrative person in the area of student programs or activities; d) the Director of Student Programs and Activities; and e) the Dean for Student Services and Development.

(5)--If the instructor, publisher, coach or advisor fails to comply with a corrective recommendation of the committee, the recommendation shall be turned over to the Dean for Student Services and Development for action.

(6)--Should either the instructor, publisher, coach or advisor or the student wish to appeal the actions taken by the Dean for Student Services and Development, such appeal shall be made to the President of the college. A complete report of all recommendations and actions shall be forwarded to the President by the Dean for Student Services and Development.

(7)--An appeal to the Student Appeals Committee and the President shall be considered an informal proceeding under the Higher Education Administrative Act and shall not be considered a contested case.)) PURPOSE AND SCOPE. The purpose of these procedures is to enable a student to express and resolve misunderstandings, complaints, or grievances with faculty and other college personnel in a fair and equitable manner. Students have the right to receive clear information and fair application of college policies, standards, rules and requirements and are responsible for complying with them in their relationships with faculty and other college personnel. Such information is to be found in the College Policies and Procedures Manual, the BCC Catalogue, the Student Code, official bulletins or announcements, and other written information about programs or courses. Students also have protection through orderly processes against actions by all college personnel which are: I. Arbitrary, capricious, or unprofessional; or II. Prejudicial, discriminatory, or illegal. For purposes of student complaints or grievances, all matters are divided into two categories: (1) Academic matters which include: (1) class instruction (including information about course requirements, grading, and grading standards); (2) educational planning; (3) counseling; and (4) dismissal from classes, academic programs, or extracurricular activities; and (2) Non-academic matters (complaints relative to other action(s) taken by college personnel.) The emphasis of the grievance procedure by definition is on informal resolution of the grievance. Grievances before a Student Academic Grievance Committee should be rare. (1) ACADEMIC MATTERS. (a) STEP 1. One-to-One. The college employee and student shall make a good faith effort to resolve the grievance on a one-to-one basis within twenty (20) instructional days from the alleged complaint with the exclusion of summer quarter in which case the student shall have twenty (20) instructional days from the beginning of fall quarter to attempt to resolve the matter. In the case of absence from the campus of either of the parties, the student shall inform the unit administrator in writing, of the existence of the grievance; and the unit administrator shall arrange for consultation between the parties concerned at the earliest possible opportunity. Should the college employee be on extended leave or have resigned from the college, the unit administrator shall arrange a proxy for the college employee with his/her approval, if he/she can be reached; otherwise, the unit administrator shall act for the college employee within twenty (20) instructional days of receipt of the written grievance. Grievances resolved at this stage do not require a

written record unless the resolution involves a grade change.

(b) STEP 2. Third Party Facilitator. If the issue remains unresolved, the student shall seek assistance through the ASBCC Vice President of Student Affairs or the employee's immediate administrator or supervisor (for instructors this shall be the Division Chairman and/or Program Chairman) to facilitate a solution to the grievance which will include a facilitator agreeable to both parties. If the issue is resolved, the facilitator shall prepare an informal agreement in writing for both parties to sign. No reasons need be given. Such an agreement, once signed by both parties, shall be kept for one (1) year in a student grievance file by the affected organizational unit. The period for Step 2 shall be no longer than ten (10) instructional days following completion of Step 1.

(c) STEP 3. Student Academic Grievance Committee Review. If the issue remains unresolved, the student shall submit a written request to the appropriate Dean within ten (10) instructional days following completion of Step 2 for a review with the appropriate Student Academic Grievance Committee. The written request for a review shall include a description of the complaint and outcomes of Steps 1 and 2 which the student completed prior to the formal written request. Sufficient documentation of the issues shall be included to facilitate a committee decision on whether or not to hear the grievance. The ASBCC Vice President for Student Affairs is available for consultation with the student in further matters regarding the grievance.

The Dean shall notify the faculty chairman of this request within five (5) instructional days following receipt of request. The Dean shall also establish the committee membership and first meeting date of the committee in consultation with the faculty chairman. The Dean shall notify all parties to the grievance of the committee membership and the meeting date for review of the grievance within the same five (5) instructional days. The Dean shall forward a copy of the student request for a committee review to the second party to the grievance who may respond to the faculty chairman in writing. The student has five (5) instructional days from the date of the written review request to present pertinent information to the Student Academic Grievance Committee Chairman. Each party to the grievance shall have one peremptory challenge of the committee membership except the permanent chairman. A peremptory challenge must be given in writing, to the appropriate Dean at least two (2) instructional days prior to the initial committee meeting. A replacement shall be named by the appropriate Dean in consultation with the faculty chairman, if a faculty member, or the ASBCC President, if a student member.

(d) STEP 4. Student Academic Grievance Committee Composition and Procedures. (i) Student Academic Grievance Composition. The Ad Hoc Student Academic Grievance Committee shall be comprised of six members; four faculty and two students. One faculty member shall be elected annually by the faculty at large, under the auspices of the BCCAHE in the conduct of their annual elections during spring quarter. The elected faculty member shall serve as permanent chairman for the academic year commencing the following fall quarter. In the unusual circumstances that the permanent chairman is unable to serve within the established timeframe, the BCCAHE President in consultation with the appropriate Dean, shall appoint a temporary faculty chairman. The remaining three faculty members shall be appointed by the appropriate Dean in consultation with the permanent faculty chairman. Two faculty members shall be selected from the same or closely aligned discipline (normally within the organizational unit of the college employee against whom the grievance is filed). One faculty member shall be selected from the same or other organizational unit who in the judgement of the appropriate Dean, in consultation with the permanent faculty chairman, is sufficiently aware of related discipline issues so as to add professional perspective

to the hearing committee. Two student justices appointed by the ASBCC President from the ASBCC Judicial Board shall serve on each Ad Hoc Student Academic Grievance Committee.

(ii) Student Academic Grievance Committee Procedures. (A) Other interested persons may, upon the request of one of the parties to the grievance, or upon the request of the review committee, submit in writing any observations or relevant information.

(B) The Student Academic Grievance Committee shall consider each case separately within five (5) instructional days of the filing of the grievance with the faculty chairman. The committee may exercise its judgement in examining relevant material which may assist in making a decision on the academic matter. The committee may choose not to hear a grievance. In such cases, the student may proceed to Step 5 for possible administrative action.

(C) If the committee decides to hear the grievance, the Chairman of the Student Academic Grievance Committee shall consult with both parties to the grievance prior to scheduling a meeting time which shall be held within ten (10) instructional days of the committee decision. If the Chairman is unable to contact the college employee after reasonable effort, the Chairman shall notify the appropriate Dean. The Dean shall make reasonable effort to contact both parties involved in the grievance and schedule a meeting of the Student Academic Grievance Committee within the ten (10) day instructional period noted above. If the Dean is unsuccessful in this attempt, the student shall proceed to Step 5.

(D) All hearings shall be closed meetings of the Student Academic Grievance Committee to include the student and the college employee except that any party to the grievance may have one representative or adviser in attendance. In exceptional circumstances, where a student cannot be available for the hearing, the student may submit a written request to designate a proxy to the Chairman of the Student Academic Grievance Committee. The committee shall determine whether or not to grant the request and proceed with the hearing. All contents of the hearing shall be considered confidential.

(E) If the student or approved proxy fails to appear for the hearing, the grievance shall be considered terminated.

(F) If the person against whom the complaint is filed or his/her proxy fails to appear for the hearing, the grievance proceeds to Step 5.

(G) The Student Academic Grievance Committee shall, at the request of either or both parties to the grievance, request the presence of witnesses for testimony. Either party may submit written statements of evidence regarding his/her position.

(H) The Student Academic Grievance Committee shall: (1) hear opening statements from both parties (or proxy) to the grievance; (2) hear testimony from witnesses; (3) ask questions of either party and/or witnesses to clarify positions; and (4) hear summary statements from both parties to the grievances. There shall be no cross examination by the parties and/or witnesses in these proceedings.

(I) Based upon the evidence and proceedings, the Student Academic Grievance Committee shall find findings of fact and make a written recommendation of action to resolve the grievance within five (5) instructional days of the hearing to: (1) the college employee; (2) the student; and (3) the appropriate Dean.

(J) Within five (5) instructional days after notice of the Student Academic Grievance Committee recommendation, each party to the grievance shall send a written response with actions taken to the Chairman of the Student Academic Grievance Committee, to the other party involved, and to the appropriate Dean. If the issue is resolved, the Chairman of the Student Academic Grievance Committee shall prepare a written agreement for both parties to sign. Such an agreement, once signed by both parties, shall be

forwarded to the Institutional Records Officer along with a summary statement of committee deliberations. These records are confidential, not accessible under the Public Information Law, and shall be maintained for one (1) year. If parties do not agree to fulfill the recommendations of the Student Academic Grievance, or if they do not respond, or if the committee recommends the appropriate Dean take action, the Chairman of the Student Academic Grievance Committee shall immediately forward the entire record of the hearing deliberations to the appropriate Dean.

(e) STEP 5. Possible Administrative Actions. (i) Regarding the matter of grades, it is standard educational and professional practice that the institution shall formally record grades as assigned by the instructor of record. It is also traditional professional practice for an instructor to heed the considered judgement of colleagues such as an academic grievance committee. It would be a rare circumstance for a Dean to direct a grade change from the instructor's grade of record. In such an instance, the course grade record shall be coded and indicate "grade changed by administrative action". Should a Dean direct a change in grade different from the committee's recommendation, which changes the instructor's grade of record, the transcript shall indicate "Changed by Administrative Action". The Dean shall provide the Associate Dean for Student Services a summary position of the committee's and his/her rationale for the change for inclusion in the grade record file.

(ii) Without Student Academic Grievance Committee Recommendation. The appropriate Dean shall consider student grievances without prior Student Academic Grievance Committee deliberations in the following instances: (1) committee decided not to hear the case; (b) the person against whom the complaint was filed refused to respond to prior steps; or (c) was unreachable. Within five (5) instructional days of receipt of request, the appropriate Dean shall make a reasonable effort to consult appropriate parties to the grievance and initiate action to resolve the grievance. The Dean may consult with any parties to the grievance, the Chairman of the Student Academic Grievance Committee, or persons in the involved program or designated areas. The Dean shall inform the parties involved in the grievance of his/her intended action in writing.

(iii) With Student Grievance Committee Recommendations. Within five (5) instructional days of receipt of the entire record of committee deliberations for any of the reasons in Step 4(ii-1), the appropriate Dean shall decide upon a course of action to resolve the grievance and inform the parties to the grievance of his/her intended action in writing.

(iv) Implementation of Action. The Dean shall implement his/her decision after five (5) instructional days unless either party to the grievance files a written appeal to the President of the College.

(v) If there is no appeal to the President, the Dean shall forward all documentation received from the Chairman of the Student Academic Grievance Committee and a statement of his/her action to the Institutional Records Officer to be retained for a period of one (1) year. These records are considered confidential and not accessible under the Public Information Law.

(F) STEP 6. Student Grievance Appeal Process. A complete report of all recommendations and actions shall be forwarded to the President of the College by the appropriate Dean. An appeal to the President shall be based solely upon procedural or prejudicial grounds and deliberations therein are based solely upon the written record. The President shall have ten (10) instructional days from receipt of the complete report upon which to render a final decision. The President shall inform the parties to the grievance, the appropriate Dean and the Chairman of the Student Academic Grievance Committee in writing of his/her final decision.

The appeal to the President shall be considered an informal proceeding

under the Higher Education Administrative Procedure Act and shall not be considered a contested case. A summary statement of the findings by the President shall be forwarded to the Institutional Records Officer where they shall be maintained for a period of one (1) year. These records are considered confidential and not accessible under the Public Information Law.

(2) NON-ACADEMIC MATTERS. (a) STEP 1. One-to-One. Step 1 is the same as Step 1 - Academic Matters with the following addition: if the student believes he/she is unable to initiate Step 1, he/she may initiate the grievance at Step 2.

(b) STEP 2. Third Party Facilitator. Step 2 is the same as Step 2-Academic Matters with the following addition: if the matter is a possible violation of law, the student shall proceed to Step 4.

(c) STEP 3. Administrative Review. (i) If the non-academic grievance has not been resolved in Steps 1 and 2, the student may bring the formal complaint to the administrative officer designated by the College President for further action within ten (10) instructional days following completion of Step 2.

(ii) The designated administrative officer shall discuss the concerns outlined with the student and the options available for resolution. If the designated administrative officer determines the matter to be an academic matter, the student shall be referred to Step 3-Academic Matters of this policy. Should the student elect to proceed with a formal grievance, the concerns must be outlined in writing, specifying the grievance and identifying dates and persons involved as accurately as possible within five (5) instructional days.

(A) When the written grievance is filed with the designated administrative officer, it shall be forwarded to the appropriate organizational unit administrator and other persons named in the grievance for response, within ten (10) instructional days.

(B) Should the written responses not resolve the grievance, then a conference shall be convened by the designated administrative officer among all parties involved, within ten (10) instructional days, for the purpose of achieving a resolution of the grievance.

(C) The designated administrative officer shall keep all written statements, transcripts, and minutes associated with the grievance as part of the confidential files of the college.

(D) If the conference resolutions do not satisfy the grievant, the designated administrative officer shall notify the appropriate Dean and forward the written grievance, with all submitted documentation, for resolution within five (5) instructional days.

(iii) The appropriate Dean shall review the written documentation, minutes, and transcripts, and discuss the grievance with all parties involved. The Dean shall then issue a recommendation for resolution of the grievance within ten (10) instructional days from receipt of the materials from the designated administrative officer.

(iv) The recommendation of the Dean and all preceding documentation shall be reviewed by the College President. The President, in his/her review, shall discuss the grievance with all parties involved if he/she ascertains that new information pertaining to the grievance merits such review. The President may amend, modify or reverse the recommendations and shall implement the resolution within five (5) instructional days of receipt of the written materials regarding the grievance. All parties to the grievance, the appropriate Dean, the designated administrative officer, and the appropriate organizational unit administrator shall be notified in writing of the final disposition of the matter. A summary statement of the findings by the President shall be forwarded to the Institutional Records Officer where they shall be maintained for a period

of one (1) year. These records are considered confidential and not accessible under the Public Information Law.

(v) The decision of the College President shall be final. Appeals or formal hearings to the Board of Trustees of Community College District VIII shall not be provided.

(3) POSSIBLE VIOLATION OF LOCAL, STATE, OR FEDERAL LAW. Grievances relating to an allegation concerning violation of local, state, or federal laws shall be directed to the appropriate Dean. The appropriate Dean shall investigate the matter and attempt to resolve the grievance. If the issue remains unresolved, the Dean shall be available for consultation with the student regarding possible courses of action to appropriate local, state, or federal authorities.