North Orange County Community College District

PROCEDURES

Procedures for Filing Title IX Grievances

Grievance Filing

Grievances shall be filed in writing with the Title IX Coordinator and shall provide the following information: name and address of grievant(s); nature and date of alleged violation; names of persons responsible for the alleged violation (where known); requested relief or corrective action (specification of desired relief shall be at the option of the grievant); and any background information the grievant believes to be relevant (e.g., names of other persons affected by the violation, etc., on form IX GR-1, sample enclosed).

Faculty members may initiate Title IX Grievance Procedures at either campus, and may request assistance and/or receive information from Campus Title IX resource personnel in sex discrimination grievance matters.

Time Limit for Grievance Filing

A grievance must be filed within 60 calendar days of the occurrence of the alleged Title IX violation.

Notification

Within five working days of the filing of a grievance, the Title IX Coordinator shall notify those employees of the District which the Coordinator determines had immediate jurisdiction with regard to the particular grievance and of her/his/their responsibility for submission of a written grievance answer within five working days after receipt of the grievance notification.

Grievance Answer

Those persons receiving such notification shall, within five working days, submit a written grievance answer to the grievant and the Title IX Coordinator. Such answer shall (1) confirm or deny each fact alleged in the grievance; (2) indicate the extent to which the grievance has merit; and (3) indicate acceptance or rejection of any desired redress specified by the grievant, or outline an alternative proposal for redress.

Written Grievance Analysis

Upon receipt of the grievance answer, the Title IX Coordinator, within five working days, shall submit a written grievance analysis to the grievant, the persons filing the answer and the President of the College or the Provost of which the grievant is a student, or has applied to be a student, or is an employee. The analysis shall: (1) confirm or deny each fact alleged in the grievance and in the answer (2) indicate the extent to which the grievance has merit; and (3) indicate acceptance or rejection of any redress specified by the grievant or those District employee or employees who have submitted a grievance answer.
Response to Written Grievance Analysis -- Request for Hearing

If the analysis is not accepted by either the grievant or those persons filing an answer, such persons shall so notify the Title IX Coordinator and the Vice Chancellor of Human Resources in writing within five working days of the grievance analysis and state her/his/their request for a Hearing. If, within five working days of the issuance of the written grievance analysis, no written request for a Hearing has been received from either the grievant or those persons filing an answer by the Title IX Coordinator, any corrective action specified in the analysis shall be taken, and the grievance shall be considered closed.

Nature of a Hearing

A hearing shall be conducted in two circumstances:

The Title IX Coordinator determines that the information provided in the written grievance and grievance answer is insufficient to permit the rendering of a grievance analysis; or

Either the grievant or those persons filing an answer is dissatisfied with the written grievance analysis of the Title IX Coordinator.

The purpose of the grievance hearing shall be to encourage free discussion of the grievance issues between/among the grievant, those persons filing an answer and the Title IX Grievance Committee.

Scheduling of Hearing

A Hearing shall be scheduled by the Vice Chancellor of Human Resources, within five working days of the receipt of a request for such Hearing. The Vice Chancellor, Educational Services, shall schedule the Hearing at a time and place acceptable to all parties, not to exceed ten working days after the receipt of a request for such a Hearing.

Persons Present at the Hearing

Persons present at the Hearing shall include the grievant, the persons filing an answer whom the Title IX Coordinator determines should be present at said Hearing, any individual requested by such persons to provide assistance relevant to consideration of the grievance and the Grievance Committee. The Title IX Coordinator shall be present to act as moderator.

Hearing Recommendation

Within ten working days after the Hearing, written findings of the grievance committee shall be
issued which include a statement regarding action to be taken. These findings and recommendations shall specify the reasons on which decisions were based. Copies of the recommendation shall be sent to grievant, the College President or Provost, and the Vice Chancellor of Human Resources.

Acceptance or Rejection of Hearing Recommendation by the Grievant

If the grievant rejects the Hearing recommendation, he/she shall, within the working days of the receipt of the Hearing decision, notify the Title IX Coordinator and the Vice Chancellor of Human Resources, of his/her intent to appeal the grievance to the District level. This notification shall be in writing. If no such notification is received by the Title IX Coordinator and the Vice Chancellor within this time period, any corrective action specified in the Hearing decision shall be taken, and the grievance will be recorded as closed by the Title IX Coordinator and the Vice Chancellor of Human Resources.

Appeal to District Level

In the event the grievant appeals the grievance to the District level, all materials, papers and findings of the grievance committee shall be transmitted to the Board of Trustees. The Board of Trustees may, at their discretion, allow arguments in this regard. However, in no instance shall any new facts be presented to the Board of Trustees which were not presented to the Grievance Committee. The decision on the grievance by the Board of Trustees shall be based upon the written record. The Board of Trustees' decision shall be final.

Definitions

Title IX Grievance Committee

The Title IX Grievance Committee will consist of five people--two selected by the grievant and two selected by the individual against whom the grievance is filed. The fifth person shall be selected from a list of prospects with each party to the grievance striking names alternately until one name is left.

Grievance

A claim by a student or proposed student that on the basis of sex, he or she has been excluded from participation in, been denied the benefits of, or has been subjected to discrimination under the educational program of the District.

A claim by an employee of the District that on the basis of sex, he or she has been discriminated against in matters of employment.
Grievant

A Grievant may be:

(1) A student of the District; (2) a person who has applied to be a student and has been refused; (3) an employee of the District.