

Glendale Community College District

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD

A. Student Grievances

1. Purpose

a. The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances against actions by GCC and GCC employees in areas including, but not limited to, the following:

1. The exercise of rights of free expression protected by the California and United States constitutions, Education Code Section 76120, and GCC Board Policy and Administrative Regulation 5410.
2. Violation of published GCC rules, Board policies, and administrative regulations.

b. This procedure does not apply to the following:

1. Student disciplinary actions, which are governed by the provisions of GCC Board Policy and Administrative Regulation 5420.
2. Police citations
3. Financial aid eligibility, probation, and dismissal which are governed by the Financial Aid Appeals Process.
4. The evaluation of the professional competence or job performance of a GCC employee.

2. Definitions

- a. The term "GCC" is defined as Glendale Community College.
- b. The term "student" is defined as a person currently enrolled in GCC college credit and/or non-credit courses, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD – continued

denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

- c. The term “GCC employee” includes any person employed by GCC performing assigned administrative, professional, academic, or staff responsibilities.
- d. The term “shall” is used in the imperative sense.
- e. The term “may” is used in the permissive sense.
- f. The terms “policy” and “regulations” are defined as the rules of GCC as found in publications including, but not limited to, the college catalog, class schedule, student handbook, GCC Board Policy and Administrative Regulations.
- g. The term “respondent” is defined as any person claimed by a grievant to be responsible for the alleged grievance.
- h. The term “instructional day” is defined as a day during which the college is in session and regular classes are held.

3. Student Grievance Procedures

a. Informal Resolution

- 1. Informal meetings and discussions between persons directly involved in a grievance are essential at the outset of a dispute and are encouraged at all stages.
- 2. Any student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis with the GCC employee with whom he/she has the grievance prior to requesting a grievance hearing.
- 3. If a student cannot resolve a grievance directly with the involved GCC employee, the student may request a meeting with the appropriate administrator/manager or division chairperson.

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD – continued

4. The administrator/manager or division chairperson shall meet with the student in an attempt to resolve the issue, and may meet with the student and GCC employee either jointly or separately.
- b. Administrative Hearing
 1. If no informal resolution is reached with the administrator/manager or division chairperson that is satisfactory to the student, the student may request an administrative hearing with the appropriate senior GCC administrator as follows:
 - a. Instructional Services employees: Vice President, Instructional Services or designee
 - b. Student Services employees: Vice President, Student Services or designee
 - c. Administrative Services employees: Vice President, Administrative Services or designee
 - d. College administrators: Superintendent/President or designee
 2. The student shall initiate the administrative hearing process by filing a written statement of the grievance with the appropriate senior administrator identified above within the next regular semester, as specified in the applicable class schedule, following the events giving rise to the grievance.
 3. The senior administrator holding the administrative hearing shall meet with the student and GCC employee either jointly or separately to hear both sides of the complaint.
 4. The senior administrator shall attempt to settle the grievance through mediation, negotiated agreement, or other mutually acceptable resolution.

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD – continued

5. The senior administrator shall communicate the final outcome or resolution to the involved parties within ten (10) instructional days after the conclusion of the administrative hearing.

B. Student Grade Appeals

1. Introduction

- a. The purpose of this procedure is to provide a prompt and equitable means of resolving a student's dispute of the assigned final grade for a course and academic decisions (temporary removal from a lab or classroom setting) consistent with the rights and responsibilities of the student, faculty member, and District.
- b. Inherent in the traditional concept of academic freedom is the right of a faculty member to be the sole judge of the academic standards employed in his/her classes and to evaluate the quality of student work.
- c. A student has the right initially to an informal review and explanation of his/her grade by the instructor who in turn has the obligation to provide such a review. However, a student may only appeal a grade or academic decision if he/she is prepared to carry his/her burden of proving one or more of the following conditions as specified in California Education Code Section 76224(a), California Code of Regulations Section 55760(a), and GCC Board Policy 5190: a mistake in the assignment of the grade or in the process of its recording, or fraud, or bad faith, or incompetence.
- d. The student shall assume the burden of proof based on a preponderance of the evidence in all grade appeal cases.
- e. The student shall initiate the grade appeal process by filing a grade appeal form with the instructor with copies to the division chair and appropriate dean within the next regular semester, as specified in the applicable class schedule, following the award of the original grade.

2. Grade Appeal Procedure

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD – continued

a. Informal Resolution

1. Informal meetings and discussions between persons directly involved in a grade appeal are essential at the outset of a dispute and are encouraged at all stages.
2. A student who has a grade appeal shall make a reasonable effort to resolve the matter on an informal basis with the instructor.
3. If a student cannot resolve a grievance directly with the instructor, the student may request a meeting with the appropriate division chairperson.
4. The division chairperson shall meet with the student in an attempt to resolve the grade appeal, and may meet with the student and GCC employee either jointly or separately.
5. If the student and instructor agree to an informal resolution, then the instructor is advised to note in his/her grade records that the matter has been resolved.
6. If the involved parties cannot find a mutually acceptable resolution and the student requests to continue his/her pursuit of a grade appeal, then the division chairperson shall refer the student in writing to the appropriate dean or designee for an administrative conference, and shall provide the student and dean a written statement indicating that an informal resolution was not reached.

2. Unavailability of the Instructor

If the instructor is unavailable to participate in the informal resolution process (i.e. no longer employed by the District, no available forwarding telephone number or contact address, failure to reply to communications from the District), the division chairperson shall initiate the following procedures:

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD – continued

1. The division chairperson shall contact the appropriate dean or designee who shall monitor the informal grade appeal process.
2. The division chairperson shall convene a panel that includes two additional faculty members from the involved instructional division to review the student's grade appeal and attempt to establish an informal resolution for the grievance.
3. If the student and the faculty panel cannot find a mutually acceptable resolution and the student requests to continue his/her pursuit of a grade appeal, then the division chairperson shall refer the student in writing to the appropriate dean or designee for an administrative conference, and shall provide the student and dean a written statement indicating that an informal resolution was not reached.

3. Administrative Conference

If the informal resolution process does not produce a result that is satisfactory to the student, the student may request an administrative conference with the appropriate dean or designee within ten (10) instructional days after the completion of the informal resolution process as specified in Section B(2)(a)(6) and Section B(2)(b)(3). The appropriate dean or designee shall initiate the following procedures:

1. Within ten (10) instructional days following the student's request for an administrative conference, the appropriate dean or designee shall arrange to meet with the involved parties either jointly or separately to hear the student's complaint and the instructor's response.
2. During the administrative conference the appropriate dean or designee shall ensure that each side has ample opportunity to state its case; determine the specific facts in the grievance; attempt to resolve the matter through

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD – continued

compromise, negotiated settlement, or a recommendation that is satisfactory to all involved parties.

3. If the appropriate dean or designee cannot facilitate a mutually acceptable resolution to the involved parties through the administrative conference and the student requests to continue his/her pursuit of a grade appeal, then the appropriate dean or designee shall advise the student of his/her right to request a formal Campus Judicial Board hearing for the grade appeal.

3. Formal Grade Appeal Hearing

If the informal hearing process does not produce a result that is satisfactory to the student and he/she wishes to continue the grade appeal process, then the student shall submit a written request for a Formal Grade Appeal hearing with the appropriate dean or designee within ten (10) instructional days after the completion of the administrative conference. The appropriate dean or designee shall forward the Formal Grade Appeal hearing request to the Campus Judicial Board Chairperson.

- a. The written request for a Formal Grade Appeal hearing shall include the names of the involved parties, state the allegations upon which the grade appeal is based, the specific relief sought, any witnesses and/or counsel requested, and the signature of the student requesting the Formal Grade Appeal hearing.

4. Formal Grade Appeal Procedures

- a. The Campus Judicial Board Chairperson shall send written notification of the Formal Grade Appeal hearing to the student, instructor, division chairperson, appropriate dean or designee, and Vice President, Instructional Services within ten (10) instructional days after the receipt of the Formal Grade Appeal. This notification shall include the date, time, and location of the Campus Judicial Board hearing.
- b. The Campus Judicial Board shall conduct the Formal Grade Appeal hearing no earlier than ten (10) instructional days after the student and instructor have been officially notified of the hearing

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD – continued

5. Campus Judicial Board Hearing Procedures:
 - a. Campus Judicial Board hearings shall be closed and confidential unless all parties and the Campus Judicial Board agree to a public hearing. In a closed hearing, witnesses shall be present in the room only when testifying, unless all parties and the Campus Judicial Board agree to the contrary.
 - b. Each party to the Formal Grade Appeal shall have the right to representation by counsel of their choice at their expense. The student shall notify the Campus Judicial Board Chairperson if they will be represented by legal counsel at least five (5) instructional days prior to the hearing.
 - c. Each party shall have the right to present oral and written statements, witnesses, and other relevant evidence as appropriate.
 - d. Each party shall have the right to examine evidence and supporting documents.
 - e. Formal rules of evidence shall not apply. Any relevant records, exhibits and written statements may be accepted as evidence at the discretion of the Campus Judicial Board Chairperson in consultation with the Campus Judicial Board.
 - f. The hearing shall be recorded by electronic means such as audio or videotape, or by court reporting service. Only recording devices furnished by the Campus Judicial Board shall be permitted into the hearing. Any witness who refuses to be recorded shall not be permitted to testify.
 - g. The tapes or transcript of the proceeding shall remain the property of GCC. The Campus Judicial Board Chairperson shall furnish a copy of the record to either party at their request.
 - h. At the beginning of every Campus Judicial Board hearing, all parties present shall be orally identified by name for the record.
 - i. The Campus Judicial Board Chairperson shall instruct all parties present at the formal hearing to identify themselves when speaking

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD – continued

and instruct all present that only one person is to speak at a time so the recording will be understandable.

- j. In consultation with the Campus Judicial Board, the student shall have the right to be served by a translator or qualified interpreter to ensure his/her full participation in the proceedings.
 - k. The Campus Judicial Board Chairperson in consultation with the Judicial Board shall be responsible for determining the relevancy of presented evidence and testimony, number of witnesses permitted to testify, and the time allocated for testimony and questioning.
 - l. The Campus Judicial Board Chairperson in consultation with the Judicial Board shall be responsible for instructing and questioning witnesses.
 - m. The Campus Judicial Board Chairperson in consultation with the Judicial Board shall be responsible for dismissing any witnesses who are disruptive or fail to follow instructions.
 - n. The Campus Judicial Board Chairperson in consultation with the Campus Judicial Board shall have the final decision on all procedural questions.
 - o. Campus Judicial Board members and District employees who participate in Formal Grade Appeal hearings shall abide by all applicable State and Federal laws governing the privacy and confidentiality of student educational records.
6. Campus Judicial Board Deliberations and Reporting Procedures
- a. The Campus Judicial Board shall deliberate in closed session. These deliberations shall not be electronically recorded and the proceedings shall be confidential.
 - b. Based on the examination of supporting documents and the verbatim record of the hearing, the Campus Judicial Board may take the following actions:
 - 1. Accept the Formal Grade Appeal and recommend an administrative grade change.

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD – continued

- b. Within ten (10) instructional days following the receipt of the Campus Judicial Board's decision and recommendations, the Superintendent/President shall send a written decision to the involved parties that includes his/her specific factual findings, conclusions, and directives.
- c. The Superintendent/President's decision shall be final and binding in all Formal Grade Appeal hearings.

C. Campus Judicial Board

1. Campus Judicial Board Chairperson

- a. The Superintendent/President shall nominate a tenured faculty member to serve as Chairperson of the Campus Judicial Board by October 1 of each academic year.
- b. The nomination shall be confirmed by a majority of the Academic Senators.
- c. The Chairperson shall serve a one-year term. There shall be no limits on the number of times a faculty member can be nominated for or serve as Chairperson.
- d. If the Chairperson's seat becomes vacant, or a nominee is not confirmed by the Academic Senate, the Superintendent/President shall make another nomination prior to the next regularly scheduled meeting of the Academic Senate.

2. Campus Judicial Board Composition

- a. The Superintendent/President shall establish a pool of a minimum of twenty-seven (27) members of the college community, including a minimum of ten (10) students, a minimum of seven (7) tenured faculty members, a minimum of five (5) classified staff, and a minimum of five (5) administrators from which one or more Campus Judicial Board hearing panels may be appointed.

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD – continued

- b. Student appointments shall be made by the Associated Students of Glendale Community College (ASGCC) Legislature in consultation with the Dean of Student Affairs.
 - c. Faculty appointments shall be made by the Academic Senate.
 - d. Classified staff appointments shall be made by the California School Employees Association (CSEA).
 - e. Administrator appointments shall be made by the Superintendent/President.
 - f. Appointments to the Campus Judicial Board pool shall be made October 1 of each academic year. Members shall serve a one-year term with no limits on the number of times they can be nominated for or serve on the Board.
3. The Campus Judicial Board Chairperson shall select the membership of the Campus Judicial Board for formal hearings in accordance with the following:
 - a. Campus Judicial Board hearing panels for student discipline cases shall be comprised of two (2) students, two (2) faculty members (one of whom shall be the Campus Judicial Board Chairperson), two (2) classified staff members, and one (1) administrator.
 - b. Campus Judicial Board hearing panels for student grade appeals shall be comprised of two (2) students, three (3) faculty members (one of whom shall be the Campus Judicial Board Chairperson), and two (2) administrators.
4. Duties of Campus Judicial Board Members
 - a. No person shall serve as a member of the Campus Judicial Board hearing panel when that person has been personally involved in any matter giving rise to a grievance or disciplinary charge, has made any public statement on the matters at issue, or could not otherwise act in a neutral manner.

5101

Administrative Regulation

STUDENT GRIEVANCES, STUDENT GRADE APPEALS, CAMPUS JUDICIAL BOARD – continued

- b. Campus Judicial Board members shall ensure that all Board hearings, deliberations, rulings, and records remain confidential as required by The Family Educational Rights and Privacy Act of 1974 (FERPA), California Education Code Section 76200 et seq., and GCC Board Policies and Administrative Regulations related to of student and employee records where applicable.
- c. The Campus Judicial Board Chairperson shall ensure that all Board members are provided copies of all applicable student due process policies and administrative regulations. The Chairperson shall conduct formal Board hearings according to established legal standards of due process.
- d. The Chairperson shall maintain records of all Campus Judicial Board hearings in a secure location on college premises for a period of seven (7) years.

References:

- Education Code Sections 76200 et. seq., 76120, 76224(a);
- California Code of Regulations Section 55760(a);
- The Family Educational Rights and Privacy Act of 1974;
- GCC Board Policy 5530

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