Glendale Community College District

5530
Administrative Regulation

STUDENT GRIEVANCES

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances against decision or actions by GCC and GCC employees that the student reasonably believes has adversely affected his/her status, rights, or privileges as a student in areas including, but not limited to, the following:

- 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 3900.

- Violation of published GCC rules, Board policies, and administrative regulations.

- Sex discrimination in education programs and activities as prohibited by Title IX and the Higher Education Amendments of 1972, and GCC Board Policy and Administrative Regulation 3540.

- Academic decisions (temporary removal from lab or classroom setting) consistent with the rights and responsibilities of the student, faculty member, and District.

- Correction of academic records (other than course grades).

- Course grades (appeal procedures for course grades are outlined in Section D: Student Grade Appeals).

This procedure does not apply to the following:

- Student disciplinary actions, which are governed by the provisions of GCC Board Policy and Administrative Regulation 5500.

- Police citations

- Financial aid eligibility, probation, and dismissal which are governed by the Financial Aid Appeals Process.

- The evaluation of the professional competence or job performance of a GCC employee.

A. Definitions

1. The term “GCC” is defined as Glendale Community College.

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

3. The term “GCC employee” includes any person employed by GCC performing assigned administrative, professional, academic, or staff responsibilities.

4. The term “shall” is used in the imperative sense.

5. The term “may” is used in the permissive sense.

6. 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.

7. The term “respondent” is defined as any person claimed by a grievant to be responsible for the alleged grievance.

8. The term “instructional day” is defined as a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

B. Student Grievance Procedures

1. Informal Resolution

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.

a. 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.

b. 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 chair.

c. The administrator/manager or division chair 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.

2. Administrative Hearing

If no informal resolution is reached with the administrator/manager or division chair that is satisfactory to the student, the student may request an administrative hearing with the appropriate senior GCC administrator as follows:

- Instructional Services employees: Vice President, Instructional Services or designee
- Student Services employees: Vice President, Student Services or designee
- Administrative Services employees: Vice President, Administrative Services or designee
- College administrators: Superintendent/President or designee

a. 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.

b. 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.

c. The senior administrator shall attempt to settle the grievance through mediation, negotiated agreement, or other mutually acceptable resolution.

d. 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.

C. Correction of Education Records

1. Introduction

Any student has the right to request that the College correct or remove information contained in the student's education record alleges to be (a) inaccurate' (b) misleading; (c) an unsubstantiated personal conclusion or inference; (d) a conclusion or inference outside of the observer's area of competence; 9e) not based on the personal observation of a named person with the time and place of the observation noted; or (f) in violation of the privacy rights. This procedure does not apply to grade appeals, which is outlined in Section D. The following procedures apply to the correction of education records other than grade appeals.

2. Correction of Education Records Procedure

a. The request to correct a record must be submitted in writing to the Vice President, Student Services. The request must identify the part of the record the student wants corrected or removed and must specify the reason why the student believes the information or record should be amended.

b. Within thirty (30) days of receipt of the request, the Vice President, Student Services or his/her designee will meet with the student and the employee who recorded the information in question. The College may decide to grant or deny the request. If granted, the appropriate records will be amended. If the request is denied, the College will notify the student of the decision and advise him/her of his/her right to a hearing to challenge the information in question.

c. If the College denies the student's allegations and refuses to order the correction or removal of the information in question, the student, within 30 days of the refusal, may appeal the decision in writing to the College Judicial Board. The Vice President, Student Services or designee shall forward the written request for an appeal to the College Judicial Board Chair.

d. The College Judicial Board shall hold a hearing within thirty (30) days of receipt of the student's written request for appeal. Written notice of the date, place and time of the hearing shall be mailed to the student at least ten (10) days prior to the date of the appeal hearing.

e. College Judicial Board hearings shall be closed and confidential unless all parties and the College Judicial Board agree to a public hearing. Any such request must be made no less than five (5) days prior to the date of the hearing. In a closed hearing, witnesses shall be present in the room only when testifying, unless all parties and the College Judicial Board agree to the contrary. In a public hearing, the College Judicial Board will hold any discussions that might be in conflict with the right to privacy of any student other than the student requesting the public hearing in closed session.

f. Each party shall have the right to be represented by a person of his/her choice; except that a party shall not be represented by an attorney unless, in the judgement of the College Judicial Board hearing panel, complex legal issues are involved. If a party wished to be represented by an attorney, a request must be presented at least five (5) instructional days prior to the hearing. If one party is permitted to be represented by an attorney, any other party may also request legal assistance. The College Judicial Board hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

g. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the education records.

h. Pertinent records, exhibits and written statements may be accepted as evidence. Formal rules of evidence shall not apply. Any relevant records, exhibits and written statements may be accepted as evidence at the discretion of the College Judicial Board Chair.

i. The hearing shall be recorded by the District either by electronic means such as audio or video recording, or court reporting service. Only recording devices furnished by the College Judicial Board shall be permitted into the hearing. The recording or transcript of the proceeding shall remain the property of GCC. The College Judicial Board Chair shall furnish a copy of the record to either party at their request.

j. All testimony shall be taken under oath; the oath shall be administered by the College Judicial Board Chair. Written statements

of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be audio/video recorded is not unavailable.

k. College Judicial Board members and District employees who participate in College Judicial Board hearings shall abide by all applicable state and federal laws governing the privacy and confidentiality of student educational records.

l. The College Judicial Board will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.

m. If the College Judicial Board sustains any or all of the student's allegations, it shall order the College to immediately correct or remove and destroy the information. The College will notify the student, in writing, that the record has been amended.

n. If the College Judicial Board denies the student's allegations, it will notify the student that he/she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement shall become a part of the student's education records as long as the challenged information is maintained. If the College discloses the challenged information in the record, it must also disclose the statement.

o. The decision of the College Judicial Board shall be final.

D. 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 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 55025: 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 Student's Change of Grade Request 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

a. Informal Resolution

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.

1. A student who has a grade appeal shall make a reasonable effort to resolve the matter on an informal basis with the instructor.

2. If a student cannot resolve a grievance directly with the instructor, the student may request a meeting with the appropriate division chair.

3. The division chair 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.

4. 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.

5. 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 chair 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.

b. 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 chair shall initiate the following procedures:

1. The division chair shall contact the appropriate dean or designee who shall monitor the informal grade appeal process.

2. The division chair 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 chair 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.

c. 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 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 College Judicial Board hearing for the grade appeal.

d. 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 the Formal Grade Appeal Hearing Request form with the appropriate dean or designee within ten (10) instructional days after the completion of the administrative conference.

1. 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.

2. The appropriate dean or designee shall forward the Formal

Grade Appeal Hearing Request form to the College Judicial Board Chair.

3. College Judicial Board Formal Procedures for Grade Appeal Hearings

   a. The College Judicial Board Chair shall send written notification of the Formal Grade Appeal hearing to the student, instructor, division chair, 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 College Judicial Board hearing.

   b. The College 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.

   c. College Judicial Board hearings shall be closed and confidential unless all parties and the College Judicial Board agree to a public hearing. Any such request must be made no less than five (5) days prior to the date of the hearing. In a closed hearing, witnesses shall be present in the room only when testifying, unless all parties and the College Judicial Board agree to the contrary. In a public hearing, the College Judicial Board will hold any discussions that might be in conflict with the right to privacy of any student other than the student requesting the public hearing in closed session.

   d. Each party to the Formal Grade Appeal shall have the right to be represented by a person of his/her choice; except that a party shall not be represented by an attorney unless, in the judgement of the College Judicial Board hearing panel, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented at least five (5) instructional days prior to the hearing. If one party is permitted to be represented by an attorney, any other party may also request legal assistance. The College Judicial Board hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel not vote with it.

   e. The student and the instructor shall each be permitted to make an opening statement. Thereafter, the student shall make the first presentation, followed by the instructor. The student may present

rebuttal evidence after the instructor complete his/her evidence.

f. Each party shall have the right to directly participate in the hearing, to introduce evidence (oral and written), to examine evidence and supporting documents, to call and examine witnesses, and to confront and cross-examine witnesses. All witnesses are also subject to examination by the College Judicial Board.

g. Pertinent records, exhibits and written statements may be accepted as evidence. Formal rules of evidence shall not apply. Any relevant records, exhibits and written statements may be accepted as evidence at the discretion of the College Judicial Board Chair.

h. The hearing shall be recorded by the District either by electronic means such as audio or video recording, or court reporting service. Only recording devices furnished by the College Judicial Board shall be permitted into the hearing. Any witness who refuses to be recorded shall not be permitted to testify. The recording or transcript of the proceeding shall remain the property of GCC. The College Judicial Board Chair shall furnish a copy of the record to either party at their request.

i. All testimony shall be taken under oath; the oath shall be administered by the College Judicial Board Chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be audio/video recorded is not unavailable.

j. At the beginning of every College Judicial Board hearing, all parties present shall be orally identified by name for the record.

k. The College Judicial Board Chair shall instruct all parties present at the formal hearing to identify themselves when speaking and instruct all present that only one person is to speak at a time so the recording will be understandable.

l. In consultation with the College 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.

m. The College Judicial Board Chair 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.

n. The College Judicial Board Chair in consultation with the Judicial Board shall be responsible for instructing and questioning witnesses.

o. The College Judicial Board Chair in consultation with the Judicial Board shall be responsible for dismissing any witnesses who are disruptive or fail to follow instructions.

p. The College Judicial Board have Chair shall the final decision on all procedural questions.

q. College Judicial Board members and District employees who participate in College Judicial Board hearings shall abide by all applicable state and federal laws governing the privacy and confidentiality of student educational records.

4. College Judicial Board Deliberations and Reporting Procedures

a. The College 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 College Judicial Board may take the following actions:

1. Accept the Formal Grade Appeal and recommend an administrative grade change.

2. Reject the Formal Grade Appeal.

3. Make related recommendations as appropriate.

c. The College Judicial Board shall issue a written decision that includes a summary of the Formal Grade Appeal, specific factual findings and conclusions regarding whether a rationale for a grade change has been established according to applicable laws, and recommendations for the relief, if any, that should be afforded to the

student.

d. The College Judicial Board shall issue a written report of their findings including recommended actions to the Superintendent/President for a final review and decision within fifteen (15) instructional days after the Formal Grade Appeal hearing.

5. Final Review by the Superintendent/President

a. After receiving the report of findings and recommended actions from the College Judicial Board, the Superintendent/President may at his/her discretion take the following actions:

1. Accept the College Judicial Board findings and implement the recommended actions.

2. Accept the College Judicial Board findings and implement lesser actions than those that were recommended. The College Superintendent/ President may reduce but not increase the recommended actions of the College Judicial Board.

3. Remand the case back to the College Judicial Board for reopening of the hearing to allow for reconsideration of the original findings or recommended actions.

4. Reject the College Judicial Board findings and recommended actions.

b. Within ten (10) instructional days following the receipt of the College 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.

D. College Judicial Board

1. College Judicial Board Chair

a. The Superintendent/President shall nominate a tenured faculty member to serve as Chair of the College Judicial Board by October 1 of each academic year.

b. The nomination shall be confirmed by a majority of the Academic Senators.

c. The Chair 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 Chair.

d. If the Chair'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. College 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 College Judicial Board hearing panels may be appointed.

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 College Judicial Board pool shall be made by 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 College Judicial Board Chair shall select the membership of the College Judicial Board for formal hearings in accordance with the following:

    a. College Judicial Board hearing panels for student discipline cases and appeals for correction of education records shall be comprised of two (2) students, two (2) faculty members (one of whom shall be the College Judicial Board Chair), two (2) classified staff members, and one (1) administrator.

    b. College 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 College Judicial Board Chair), and two (2) administrators.

4. Duties of College Judicial Board Members

    a. No person shall serve as a member of the College 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.

    b. College 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 College Judicial Board Chair shall ensure that all Board members are provided copies of all applicable student due process policies and administrative regulations. The Chair shall conduct formal Board hearings according to established legal standards of due process.

    d. The Chair shall maintain records of all College 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 55025;
- The Family Educational Rights and Privacy Act of 1974;
- Title IX, Education Amendments of 1972
- ACCJC Accreditation Eligibility Requirement 20
- ACCJC Accreditation Standard 2

See Board Policy 5530

Adopted: 3/31/83
Revised: 5/11/04; 1/12/21

Renumbered from Administrative Regulation 5101: 10/15/14