

POLICY 5035

STUDENT GRIEVANCE PROCEDURES – ACADEMIC EVALUATION

Students shall have recourse against arbitrary and capricious actions or decisions relating to academic evaluations by their instructors through an orderly procedure.

Approved by:
Board of Trustees06/11/76
Revision Approved by:
Board of Trustees06/16/00

PROCEDURAL GUIDELINES

1. Purpose

The purpose of this procedure is two-fold:

- a. to provide means of resolving disagreements or misunderstandings with regards to the assignment of grades while encouraging this resolution at the lowest possible administrative level; and
- b. to provide an impartial decision and a remedy in those cases which cannot be resolved by mutual agreement.

2. Definitions

a. Arbitrary and Capricious

An academic evaluation decision is arbitrary and capricious if:

- (1) Unacceptable and unknown factors were relied upon;
- (2) The evaluation entirely failed to consider an important aspect of the student’s relevant academic performance;
- (3) An explanation for the academic evaluation is offered that runs contrary to the evidence; or
- (4) The evaluation result is so implausible that it could not possibly be ascribed to a difference in judgment.

b. Academic Evaluation

The term "academic evaluation" is herein understood to include, but is not limited to, the following: assignment of final course grades;

assignment of grades to academic work completed in response to course requirements; administration of examinations and quizzes; evaluation of laboratory or clinical performance; and, the general character of the student-faculty interrelationship as regards assignment of grades.

3. Burden of Proof

The application of this standard in the context of Policy 5035 provides the following conclusions:

- a. The burden of proof shall be on the student seeking a change of grade under this policy to present clear, cogent and convincing evidence that the instructor's actions were arbitrary and capricious.
- b. If it is determined that there was a rational basis for the grade awarded, the grade shall be sustained.

4. Procedures

- a. When a student believes that he/she has a grievance regarding an academic evaluation, he/she should seek out the involved faculty member(s), state the nature of the grievance, and make a serious attempt to mutually resolve the issue. This step shall be initiated no later than the last day of the next regular academic quarter, excluding summer quarter.
- b. If step 4a does not produce a satisfactory result for the student, he/she may request a meeting with the division chair (or the immediate supervisor) of the involved faculty member(s) to discuss the grievance within ten (10) instructional days of the conclusion of the discussion conducted under step 4a. The student shall present a written, signed statement of the nature of the grievance to the division chair, who shall then attempt to achieve a mutually satisfactory resolution of the grievance. If the student chooses, he/she may be accompanied by a representative of the student body association or personal counsel.
- c. If step 4b does not produce a result satisfactory to all parties to the grievance, the involved division chair within ten (10) instructional days of the termination of the discussions conducted under step 4b shall call a meeting to include the student and the involved faculty member(s). If the student chooses, he/she may be accompanied by a representative of the student body association or personal counsel. If a faculty member chooses, he/she may be accompanied by a representative of the faculty bargaining agent. The division chair shall conduct the meeting, the intent of which shall be to achieve a mutually satisfactory resolution of the

grievance. It should be noted that step 4c is a requirement before step 4d may be initiated.

- d. If the meeting of step 4c does not produce a mutually satisfactory solution, the student may request a hearing with the Committee for Resolution of Academic Grievances (CRAG). To do this, the student must file a written grievance with the Vice President for Academic Affairs within ten (10) instructional days of the meeting described in step 4c, stating the nature of the grievance, the faculty member(s) involved, and a proposed remedy.

Within five (5) instructional days of the receipt of such a request, the Vice President for Academic Affairs shall furnish a copy of the complaint to the faculty member(s) named in the grievance.

The Vice President for Academic Affairs shall schedule a session of the CRAG to occur no sooner than ten (10) instructional days and no later than twenty (20) instructional days from the time of official filing of the grievance by the aggrieved student. This shall be a closed session unless both contending parties agree to an open session.

- e. The Vice President for Academic Affairs shall be the (non-voting) presiding officer of the CRAG hearing and the CRAG shall hear testimony regarding the grievance, deliberate and decide the issue. The CRAG shall have the power to provide a remedy in those cases where it judges the grievance to have been sustained. This remedy may include, but not be limited to, changing scores or grades of the faculty member(s). It shall be the responsibility of the Vice President for Academic Affairs to see that a written account of the hearing is maintained for five (5) years, including the findings of the CRAG.
- f. The aggrieved student may choose to be accompanied at the hearing by a representative of the student body association or personal counsel, and the involved faculty member(s) may choose to be accompanied by a representative of the faculty bargaining unit.
- g. The aggrieved student and the faculty member(s) involved shall have the right to present witnesses at the hearing, providing a list of such witnesses is provided to each of the persons involved in the hearing at least three (3) instructional days before the hearing.
- h. Composition of the CRAG as an annual standing committee
 - (1) The CRAG shall consist of four (4) faculty members, two (2) students, and one (1) administrator in addition to the Vice President

for Academic Affairs, or his/her designee, who serves as the non-voting presiding officer.

- (2) The seven voting members will be selected in the following manner not later than October 31 of each academic year:
 - (a) The names of ten (10) tenured faculty members who are actively teaching, thus not on leave, will be chosen by the President of the Federation by a random selection process and submitted to an all-faculty vote whereby the four (4) voting members are determined. The other six (6) faculty members will be considered alternates and may be called to serve in the order of the descending number of votes each received. Alternates may be asked to serve for a variety of reasons including a conflict of interest affecting a standing member, as determined by that member. The Faculty President shall not serve on a CRAG given his/her role in its selection process. Each tenured faculty member shall serve for the entire academic year.
 - (b) The two (2) students will be appointed by the President of the Student Body Association.
 - (c) The administrative representative will be appointed by the College President.
- i. In the event that any party to the hearing is not satisfied that procedures were properly followed in the hearing or events leading up to it, he/she may appeal to a board of review composed of the College President, the Faculty President, and the President of the Student Body Association, setting forth the grounds for appeal and requesting a new hearing. This appeal must be filed with the Vice President for Academic Affairs within five (5) instructional days of the CRAG decision on the case. This board shall consider such appeal and render a judgement within fifteen (15) instructional days of the CRAG decision. This judgement shall be limited to the question of whether or not the hearing procedures were correctly followed. If, in the judgement of this board, the procedures were correctly followed, the decision of the CRAG shall stand. If it is determined that the procedures were violated, and if such violations appear to have prejudiced or to have affected in any substantive way the final judgement of the CRAG, a new CRAG hearing shall be scheduled no sooner than five (5) instructional days and no later than ten (10) instructional days from the time of such determination. All regular procedures for such a hearing shall be followed. The members of the CRAG for this new hearing shall exclude all members of the original CRAG involved in the previous hearing, and a new temporary CRAG shall be constituted pursuant to Par. 4h above.

No additional hearings or other action are possible under Policy 5035.

- j. In the event that the CRAG orders a change of grade on a student's transcript, the change shall be made such that the old grade is replaced, as in the correction of an error.

Approved by:

College Cabinet 06/08/76

Board of Trustees. 06/11/76

Revision Approved by:

President's Staff. 06/05/00