

LOS MEDANOS COLLEGE

Student Complaint/Appeal Procedures

I. Discrimination Inquiries/Complaints

Students who have questions about the procedures for filing an unlawful discrimination or unlawful harassment complaint should contact the college Title IX coordinator, the Senior Dean of Student Services. The Senior Dean will provide information about Board Policy 2001 and Human Resource Procedure 1040.07 and the student's right to file a discrimination complaint.

The policy and procedure incorporates the legal principles contained in provisions of the California Code of Regulations, Title 5, sections 59300 et seq. as well as other state and federal substantive and procedural requirements.

Informal Procedure: Student-complainants have the option of following the informal procedure, working with the Senior Dean. The Senior Dean will meet with the student-complainant, the respondent and other appropriate college personnel to attempt an informal resolution within 30 calendar days of receiving the complaint.

Formal Procedure: Students also have the right to file a formal unlawful discrimination complaint. The Senior Dean will provide students with the District complaint form and forward the completed form to the District Vice Chancellor of Human Resources. Upon receipt of a formal complaint, the District will immediately notify the State Chancellor's Office. Within 10 calendar days of receipt, the District will commence an investigation of the complaint and notify the complainant. The District has 90 calendar days in which to investigate the complaint and report the administrative findings to the complainant and the State Chancellor's Office. The complainant may appeal the administrative determination to the District Governing Board within 15 calendar days of notice of such determination. The District Governing Board has 45 calendar days in which to act on the appeal.

II. General Student Complaints

A. *Complaint about an Office or Service*

Informal Level: If the problem in an office or service cannot be solved by the person providing assistance students should ask to speak with a supervisor or the manager with responsibility for the program.

Formal Level: If the matter is still not resolved after speaking with the supervisor or manager, students should contact the dean or senior dean with responsibility for the program.

B. Complaints about Faculty/Counselor

Informal Level: The student will speak with the faculty member/counselor to seek a resolution. If the student and instructor/counselor are unable to resolve the complaint, the student will speak to the department chair. If the department chair is the instructor or counselor in question, the chair will designate another faculty member/counselor to fill this role.

Formal Level: If no mutually agreeable solution is reached, the department chair will direct the student to the Office of Student Life, the Information Center or the Counseling Center to complete a "Student Complaint Form". The form will be sent to the appropriate Dean who will meet with the student, faculty member and department chair to attempt to reach a solution. If no solution is agreed upon, the student may speak to the appropriate Senior Dean. The Senior Dean may call a meeting of those involved and will determine a final solution.

C. Complaints about Classified Staff

Informal Level: The first step is to speak to the classified staff member to attempt to resolve the issue. If a resolution cannot be reached, the student is to speak to the classified staff member's immediate supervisor/manager. The supervisor/manager will then meet with the classified staff member to resolve the complaint.

Formal Level: The student will be referred to one of the following locations to request a "Student Complaint Form": Office of Student Life, the Information Center, or the Counseling Center. The form may be submitted in any of these locations and will be forwarded to the appropriate Dean or Senior Dean who will meet with the student. The Dean/Senior Dean may call a meeting of those involved and will determine a final solution.

D. Complaints about Managers

Informal Level: The student should first acknowledge the complaint with the manager to attempt to resolve the issue. If the student and manager are unable to resolve the issue, the student should speak with the manager's immediate supervisor. The immediate supervisor will then meet with the manager to attempt to reach a solution which is mutually agreeable to the student. If no agreement is reached the student is advised by the supervising manager to file a formal complaint through the Office of Student Life, the Information Center or the Counseling Center. The form may be submitted in any of these locations and will be forwarded to the next level of supervising manager.

Formal Level: A meeting of all involved may be called by the next level supervising manager who will determine a final solution.

III. Matriculation Appeals & Complaints

Student Responsibilities: Students participating in the matriculation process at LMC are expected to fulfill certain responsibilities, including participation in a new student orientation, the development of an educational plan, meeting with a counselor, assessment of English, Reading and Math proficiencies, and fulfillment of course prerequisites.

A student may file a complaint if he/she believes the college has failed to make a good faith effort to assist the student in the development of an educational plan or provide specified services once the student has declared an educational goal. Students may also request waivers or file an appeal related to the matriculation process, including orientation, educational planning, assessment and fulfillment of course prerequisites.

Appeals & Complaint Procedures: The student should contact the Dean of Student Development for an appeal or request for waiver form or to file a complaint regarding matriculation rights. After receiving the completed form the Dean will contact the student to discuss the problem and/or inform the student of the decision. If the appeal or request for waiver is not approved, the student will be advised of his/her right to further appeal or request for waiver to the Senior Dean. The Senior Dean will review the appeal/request and inform the student of the final decision. There are no further appeals allowed beyond this step.

IV. Procedure for Grade Appeals

A. Purpose

Los Medanos College is committed to ensuring that students have a fair opportunity to request changes to course grades. No grade may be challenged or changed more than one year after the end of the session in which the grade was assigned. A change of grade is any change involving the letters A, B, C, D or F and P/NP or CR/NC. The steps that are included are in accordance with Board Policy and Education Code. The grade given each student shall be the grade determined by the Instructor. Under state law, the instructor's determination is final unless the grade given was the result of (1) mistake, (2) fraud, (3) bad faith, or (4) incompetence. Except as set forth herein, no non-faculty member, including managers, may change a student's grade without the instructor's consent. This document establishes the procedures for a student who believes that he/she is entitled to a change of grade for one of the above four reasons.

B. Step 1 (Informal Level)

The first step in seeking a change of grade is for the student to speak to the instructor who gave the grade and to request an explanation. If the Instructor agrees that the grade should be changed, then appropriate steps will be taken to expunge the grade from the Student's records, and to replace it with the new grade agreed to by the Instructor.

C. Step 2 (Informal Level)

The second step for the student who is unable to resolve with the Instructor his or her concerns regarding a given grade is to speak with the Department Chair. The College has Department Chairs who will assist students in resolving problems or complaints against Instructors. If the Department Chair is the Instructor in question, the Office of Instruction will designate another faculty member to fill this role. The Department Chair or the designee will listen to the student's concerns and will meet with the Instructor to attempt to reach a mutually agreeable solution to the student's request. If no mutually agreeable solution is reached, the student is to be advised by the Department Chair or the designee of their rights to file a formal appeal, and the student is to be directed to the Office of Student Life, Office of Instruction or Information Center for a copy of the Student Grade Appeal Procedure and the Student Grade Appeal Form.

In the rare case where the instructor of record is not available (i.e. deceased, no longer a District employee and/or attempts to contact the Instructor are unsuccessful), the Department Chair will fulfill the role of the Instructor, obtaining any possible grade records of the Instructor.

D. Step 3 (Formal Level)

After completing the informal process and still unable to resolve the dispute regarding a given grade, a student may initiate the formal level by filing a Student Grade Appeal Form with the Office of Instruction within one year immediately following the term in which the grade was given.

The appeal should state the ground(s) upon which the Student contests the grade (i.e. mistake, fraud, bad faith or incompetence), and the specific facts relevant to each allegation, a statement of the results of each step at the Informal level, and the Student's perception of a fair resolution.

E. Step 4

The fourth step in the process is that within thirty (30) instructional days of receipt of the appeal, the Student Grade Appeal Committee shall meet with the Student and the Instructor who recorded the grade, in a closed session meeting. If the appeal is filed in summer the 30 days will apply subject to the availability of the parties involved.

The Student Grade Appeal Committee shall be composed of five (5) members: Two (2) Faculty, appointed by the LMC Academic Senate; Two (2) Students,

appointed by the Student Senate; One (1) Dean, assigned by the Office of Instruction.

If a Student or Faculty member on the Student Grade Appeal Committee is part of the appeal under review, a substitute will be appointed by the Student Senate (for the student members) or the LMC Academic Senate (for the faculty members) for this particular case.

At this closed session meeting, the student and the instructor may present any oral testimony, documentary evidence, written statements or witnesses to support their respective positions. This meeting shall be informal and the technical rules of evidence shall not apply. No legal representation will be allowed to be present, but the student may be accompanied by a person of their choice for support and assistance.

A record of the meeting should be maintained by electronic recording or other means, so long as a reasonably complete and accurate transcript of the meeting can be made.

F. Step 5

The fifth step in the process is that within ten (10) instructional days (instructional days are days classes are in session excluding summers and weekends) after the closed session meeting, the Student Grade Appeal Committee shall submit a written recommendation to the college president (a consensus is preferable, but a 3-2 vote is sufficient for a recommendation). If the committee does find that a mistake, fraud, bad faith or incompetence led to a grading error, the rationale for the decision must be stated in the recommendations to the president and the committee must recommend a replacement grade.

G. Step 6 – President's Level

The president will review the committee's recommendations; make a decision, then notify the student, the faculty member and the members of the Grade Appeal Committee of the decision within ten (10) instructional days of its receipt.

If the Student's appeal is denied, the student will be notified of his/her right to appeal the decision to the Governing Board of the Contra Costa Community College District within thirty (30) instructional days of written notification of the president's decision.

If the appeal is upheld, the faculty member will be notified of the right to appeal the president's decision to the Contra Costa Community College District governing board within 30 instructional days of notification of the decision. If an instructor fails to appeal a decision within 30 instructional days, the president shall order the grade in question to be expunged from the student's records and enter in its place the grade deemed appropriate by the Grade Appeal Committee.

H. Step 7 – District Level Appeal

1. Within thirty (30) instructional days of the receipt of such an appeal, the Governing Board shall conduct an informal appeal hearing in closed session with the student and instructor who recorded the contested grade. The student and instructor shall be notified in writing of the date and time of the hearing and shall be provided with a brief description of the scope of the hearing and how the hearing will be conducted.
2. The hearing shall be conducted in accordance with the following procedures:
 - a. The hearing shall be electronically recorded.
 - b. Before commencement of the hearing, the Governing Board shall review the decision, findings, transcripts of, and documentary evidence presented at the college-level proceeding(s).
 - c. The student and the instructor shall be allowed to make brief statements on their own behalf.
 - d. Upon completion of the student's and the instructor's presentations, the Governing Board will have an opportunity to ask questions of both the student and the instructor.
 - e. The Governing Board will conclude the hearing, dismiss the parties, and deliberate as to a decision.
3. The Governing Board shall issue a statement of decision including findings of fact as to each ground upon which the student or instructor based his or her appeal. If the Governing Board sustains the student's allegations, it shall order the contested grade to be expunged from the student's records. To determine the appropriate grade to be entered in its place, the Governing Board shall direct the Chancellor to form a five-member panel, composed of three faculty members including at least one faculty member from the discipline appointed by the FSCC; one academic manager at the dean level or higher appointed by the Chancellor, and one student appointed by the Student Trustee. The panel will determine the grade after a review of the student's course work and the instructor's grading procedures as stated in the course syllabus. The panel will recommend to the Governing Board the grade deemed appropriate.
4. The records of these proceedings shall be confidential and shall be destroyed one year after the decision of the Governing Board, unless legal proceedings relative to the contested grade are initiated.
5. If the Governing Board's decision is unfavorable to the student, or if the student accepts the decision at the college level, the student shall have the right to submit a written statement of his/her objections to the grade in question. This statement shall become a part of the student's records.
6. The decision of the Governing Board is final.

Legal Authority:

Education Code Sections 76224, 76232;
Eureka Teachers Association v. Board of Education of
Eureka City Schools (1988) 199 Ca. App. 3d 353, 244;
Cal. Rptr. 240;
California Code of Regulations, Title 5, Sections 59300 et seq.;
Title 5 Matriculation Regulations, Section 5530(d);

Related Board Policies:

Board Policy 2001

Related Procedures:

Human Resource Procedure 1040.07
Curriculum and Instruction Procedure 4005

